OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 19 December 2007

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

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

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

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

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE SIN CHUNG-KAI, S.B.S., J.P.

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

THE HONOURABLE WONG YUNG-KAN, S.B.S., 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, 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, S.B.S., J.P.

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

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

THE HONOURABLE KWONG CHI-KIN

THE HONOURABLE TAM HEUNG-MAN

THE HONOURABLE MRS ANSON CHAN, G.B.M., J.P.

MEMBERS ABSENT:

THE HONOURABLE MARGARET NG

THE HONOURABLE LAU CHIN-SHEK, J.P.

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE HENRY TANG YING-YEN, G.B.S., J.P. THE CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE WONG YAN-LUNG, S.C., J.P. THE SECRETARY FOR JUSTICE

THE HONOURABLE MICHAEL SUEN MING-YEUNG, G.B.S., J.P. SECRETARY FOR EDUCATION

THE HONOURABLE FREDERICK MA SI-HANG, J.P. SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

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

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

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

THE HONOURABLE TSANG TAK-SING, J.P. SECRETARY FOR HOME AFFAIRS

PROF THE HONOURABLE CEAJER CHAN KA-KEUNG, S.B.S., J.P. SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE EDWARD YAU TANG-WAH, J.P. SECRETARY FOR THE ENVIRONMENT

THE HONOURABLE EVA CHENG, J.P. SECRETARY FOR TRANSPORT AND HOUSING

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): Will the Clerk please ring the bell to summon Members to the Chamber.

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

PRESIDENT (in Cantonese): A quorum is present. The meeting may start.

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	L.N. No.

Import and Export (General) Regulations (Amendment

of Seventh Schedule) (Republic of the Congo)	
Notice 2007	232/2007

Other Papers

No. 43 — Queen Elizabeth Foundation for the Mentally Handicapped Report and Accounts 2006-2007

- No. 44 Annual Report of The Prince Philip Dental Hospital by its Board of Governors, and Audited Statement of Accounts and Auditor's Report for the Hospital, for the period from 1 April 2006 to 31 March 2007
- No. 45 The Accounts of the Lotteries Fund 2006-2007
- No. 46 Hong Kong Tourism Board 2006-2007 Annual Report
- No. 47 Office of the Privacy Commissioner for Personal Data, Hong Kong Annual Report 2006-2007
- No. 48 Secretary for Home Affairs Incorporated
 Audited Financial Statements together with the Director of
 Audit's Report for the year ended 31 March 2007
- No. 49 Sir Edward Youde Memorial Fund
 Audited Financial Statements together with the Director of
 Audit's Report and the Report of the Board of Trustees for
 the period from 1 April 2006 to 31 March 2007
- No. 50 The Brewin Trust Fund
 Audited Financial Statements together with the Director of
 Audit's Report and Report by the Brewin Trust Fund
 Committee on the Administration of the Fund for the year
 ended 30 June 2007
- No. 51 The Sir Murray MacLehose Trust Fund
 Audited Financial Statements together with the Director of
 Audit's Report and Trustee's Report for the year 1 April
 2006 to 31 March 2007
- No. 52 Grantham Scholarships Fund
 Audited Financial Statements together with the Director of
 Audit's Report and Report by the Grantham Scholarships
 Fund Committee on the Administration of the Fund for the
 year ended 31 August 2007

- No. 53 Report by the Chinese Temples Committee on the Chinese Temples Fund together with Audited Statements and Director of Audit's Report for the year ended 31 March 2007
- No. 54 Report by the Chinese Temples Committee on the General Chinese Charities Fund together with Audited Statements and Director of Audit's Report for the year ended 31 March 2007
- No. 55 Hong Kong Housing Authority Annual Report 2006-2007
- No. 56 Hong Kong Housing Authority
 Audited Financial Statements together with the Director of
 Audit's Report for the year ended 31 March 2007

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Installation of Reversing Video Devices in Vehicles

- 1. MR CHEUNG HOK-MING (in Cantonese): President, it has been reported that in view of a number of fatal traffic accidents in recent years involving reversing heavy vehicles, the Government has been encouraging the installation of reversing video devices (RVDs) in vehicles, but the RVDs in many vehicles are actually illegal installations because they can also play Digital Versatile Discs (DVDs). It has also been reported that the Transport Department (TD) has recommended the public to make an application to the Department before installing such devices. The relevant trades have criticized the Government for being too harsh in not permitting such television monitors to display visual images that are for entertainment purpose, and the trades are at a loss as the Government has not given clear guidelines on the installation of such devices. In this connection, will the Government inform this Council whether:
 - (a) it knows the current numbers of various types of vehicles in Hong Kong with RVDs installed; if it does not have such data, of the reasons for that;

- (b) the authorities have widely made known to the vehicle trade and vehicle owners details of the TD's "A Guide for the Installation of Devices to Assist Reversing of Goods Vehicles" (the Guide), the above restriction on such devices, and the recommendation that an application should be made to the authorities before installing such devices; and whether the Government had launched any large-scale publicity and promotional activities on such matters last year; and
- (c) the authorities will consider relaxing the above restriction; if not, how the authorities interpret the problem that currently the RVDs in many vehicles are illegal installations?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, motorists should remain vigilant at all times. They should focus on driving and should avoid being distracted by unnecessary items or information. Equipment installed around the driver's seat should aim to provide assistance to drivers while driving. I believe we all agree that safety is of paramount In accordance with this principle, the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) (the Regulations) regulate the visual display unit installed on a motor vehicle. If a visual display unit is designed solely for the purpose of providing information about the current state of the vehicle or its equipment, the view of the vehicle or its surrounding area (including its rear), or information facilitating navigation, such a unit may be installed at a point forward of the driver's seat or other points visible to the The installation of such visual display units (including RVDs which facilitate reversing) does not require application to the TD for prior approval.

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

- (a) Application to the TD for prior approval is not required for installation of RVDs. Therefore, we are unable to provide the figures of various types of vehicles currently installed with RVDs.
- (b) The TD has been discussing with the trade on measures to ensure the safety of reversing vehicles. The TD issued the Guide in August this year, and copies were distributed to relevant persons at the licensing offices and vehicle examination centres. The Guide

has also been uploaded to the TD's webpage for public reference. Apart from that, the TD has also targeted its promotion efforts on the goods vehicle trades by introducing the Guide at its regular meetings with the transport trades and goods vehicle driver associations. In addition, the TD has distributed and publicized the Guide to other relevant bodies, including the car dealers' associations, vehicle body manufacturers, suppliers of RVD, logistics trade, as well as trades providing concrete mixer, security transport, tanker and pantechnicon services.

The TD has also been liaising closely with trade representatives of car dealers and parallel importers on information concerning the restrictions on installation of the visual display unit to ensure that visual display units installed on imported vehicles would comply with the Regulations. Relevant information has also been disseminated on the TD's webpage.

It has always been our objective to ensure that drivers pay attention (c) to the road situation at all times to enhance road safety and avoid traffic accidents. If the visual display unit with infotainment broadcasting function is installed at a position visible to the driver, his attention will inevitably be drawn to the infotainment broadcast and he may fail to respond properly to the prevailing road situation. This poses serious threats to the safety of both the driver and other road users. Therefore, the existing Regulations stipulate that the visual display unit with infotainment broadcasting function can only be installed at a position beyond the driver's view. As road safety is our prime concern, we consider it undesirable to relax the restriction.

Upon receiving complaints from the public or referral from the police about illegal installation of visual display units in vehicles, the TD will issue examination orders to the vehicle owners concerned, requiring them to send their vehicles to designated vehicle examination centres for examination. In addition, the police will continue with their enforcement and prosecution actions against such illegal acts.

MR CHEUNG HOK-MING (in Cantonese): President, I asked the Secretary in part (a) of the main question whether the Government had the current numbers of various types of vehicles in Hong Kong with RVDs installed, but she replied that in view of prior application was not required for installing RVDs, she did not have such figures. The Guide is issued by the TD, but the Government does not make an effort to assess the number of vehicles with such devices installed. Then, may I ask the Secretary, in this connection, how the Government assesses the actual status in the course of law enforcement or under other specific situations?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I think there are several levels. First, I have already explained just now that the regulations in this respect are very clear. If such visual display units are installed, they can only display information on navigation, the vehicle itself or its rear so as to facilitate driving. As for the Guide, it is specifically designed for goods vehicles. Given that these vehicles have a few blind spots, it is thus considered necessary to formulate guidelines for the installation of such devices at their rear.

For the importers, the regulations are in fact very clear, that is, certain types of vehicles are approved. The importers, be they car dealers or parallel importers, will know which models can be used if the vehicles have obtained type approval. The regulation is indeed very clear. If the visual display units can broadcast infotainment, they will have to be installed at a position out of the view of the driver. This assures not only the safety of the driver, but also that of other motorists.

MR WONG TING-KWONG (in Cantonese): In last year and this year, how many vehicles have been prosecuted for having illegally installed non-compliant RVDs? On conviction, what are the maximum and minimum penalties?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, as the police do not have a breakdown of the prosecutions, I am afraid I cannot provide the number of prosecutions for illegal installation of visual display units. However, I can provide other figures for Members' reference. In 2006, upon receipt of reports of illegal installation of visual display units in

vehicles, the TD issued 28 examination orders to the vehicle owners concerned. From January to October 2007, the TD issued 81 examination orders. From the figures we can see that such incidents do exist, but the Government can address the problem through issuance of examination orders.

MR WONG TING-KWONG (in Cantonese): *President, can the Secretary supply the relevant prosecution figures after the meeting?*

PRESIDENT (in Cantonese): Has the Secretary not replied your supplementary question? Which part of the question has not been replied?

MR WONG TING-KWONG (in Cantonese): May I know the status of prosecution of illegal installations by the relevant department of the authorities?

PRESIDENT (in Cantonese): Mr WONG Ting-kwong, may I know what status you are asking about? She already answered the question just now.

MR WONG TING-KWONG (in Cantonese): *If a vehicle has illegal installed a RVD with infotainment broadcasting function, will the authorities take prosecution action?*

PRESIDENT (in Cantonese): You mean she has only stated the number of prosecutions in her reply and you wish to know whether the authorities will take prosecution action?

MR WONG TING-KWONG (in Cantonese): Yes. Thank you.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I have explained just now that we cannot provide a breakdown of the prosecutions because the police do not have such figures. However, I can reflect this view to the police and see if they can maintain such a breakdown from

now on so that we can provide the figures in future. I can reflect this point to the police.

MR LAU KONG-WAH (in Cantonese): President, I agree that restrictions should be imposed on drivers viewing at the driver's seat infotainment broadcasts from the display units. This is a safety issue. On the other hand, however, the Government says it encourages the installation of RVDs in vehicles, but it only encourages people to do so. May I ask the Secretary whether she will consider requiring new imported vehicles to install such devices, especially large goods vehicles, so as to ensure the safety of drivers and road users?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, if legislation is introduced on mandatory enforcement, requiring goods vehicles to install RVDs as mentioned by Mr LAU just now, we must define more clearly the requirements of the functions of the device because we are talking about legislation here and we have to ensure that the requirements concerned are practicable and feasible. The TD has started consultation with the trades including vehicle importers, vehicle owners and representatives of motorists in relation to the requirements of the functions of the RVDs installed in goods vehicles, and has explored with the trades the possible directions of mandatory installation of RVDs in goods vehicles through legislation.

The trades have preliminarily provided many constructive views on the feasibility of installing RVDs compliant with the requirements in different types of goods vehicles, particularly on issues of maintenance and liability. We will continue to proactively discuss relevant issues with the trades. As far as the direction is concerned, I believe we are very willing to work on this; once legislation is introduced, however, it has to be practicable and feasible. We are now working in this direction.

MR WONG KWOK-HING (in Cantonese): President, since accidents involving reversing vehicles have time and again led to casualties, the public is very concerned about this. In reply to Mr LAU Kong-wah just now the Secretary said that proactive discussions will be held with the trades, thus highlighting that this is the direction of the Government. May I ask the

Secretary through the President whether there is a timetable? How long will the discussions take? When will the result of the discussions be ready so as to legislate on mandatory installation of RVDs in new and old vehicles (particularly goods vehicles) to protect public safety? My question is on the timetable.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I am also aware of the seriousness of the issue. In fact, neither do we want to see accidents involving reversing vehicles happen, especially accidents involving heavy casualties. One such accident is already too many. However, if we want to introduce regulation through legislation, as I have explained just now, the requirements have to be practicable. At the present stage, we do not have a timetable, but we will actively discuss the issue with the trades. With the Guide I mentioned just now, many vehicles have installed RVDs and the installation cost is also dropping. In this regard, we will make proactive efforts and hopefully it can be done soon.

However, I wish to point out that if we introduce legislation to provide for mandatory installation, Hong Kong will become the first place in the world to have such a provision. We thus need to proceed with care. For instance, is mandatory installation really practicable after the enactment of legislation? We also need to discuss with the trades such technical aspects as the installation and the angle of view.

MR WONG KWOK-HING (in Cantonese): President, the Secretary still has not answered how long the discussions will take. The Secretary has not answered this part of the question.

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

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, we will work on this proactively and expeditiously.

MS MIRIAM LAU (in Cantonese): President, according to the main reply, if the existing visual display units are designed for facilitating the driver in reversing the vehicle, or providing other information to assist the driver in driving, such as providing navigation information, prior application to the TD for the installation is not required. May I ask the Secretary, given that current imported vehicles are often installed with RVDs which may also play DVDs, whether the Government has liaised with car dealers and vehicle manufacturers about this, and if the imported vehicles have such RVDs, whether they are legal or illegal? It is because while RVDs provide information to help drivers driving, DVD players provide infotainment.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I believe Ms LAU is also well aware that different regions often have different regulations on imported vehicles. RVDs installed on imported vehicles can provide information about the vehicle itself and its rear as well as broadcasting infotainment. If this is the case, such devices can meet the requirement as long as the infotainment broadcasting function is deleted. fact, we have been maintaining contact with vehicle importers and they are aware that they have to delete this function from the RVDs. Nevertheless, I wish to emphasize that this is only applicable to devices installed at a position within the view of the driver. We may now find many vehicles installed with facilities at the back seats which have this function. This is entirely acceptable. been liaising with vehicle importers and the latter are aware that if the RVD installed in a vehicle carries an infotainment broadcasting function, this function will have to be deleted so that drivers can concentrate on driving, rather than watching the infotainment broadcasts while driving.

MR JAMES TO (in Cantonese): May I ask whether the law prohibits drivers from reading other information while driving, or the provision is on a fixed device? For example, there is a small device which is very popular at the moment. It can function as a digital album and play karaoke songs loaded into it. The driver can sing along with the songs while driving. This small device or a battery-powered VCD player can be attached to the panel above the dashboard with plasticine. But they are not fixed devices. Will the driver breach the law in so doing? Or does the law only prohibit drivers from reading other information while driving? Does the law prohibit the installation, or prohibit the act of reading other information while driving, which may distract the driver's attention?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, we are now discussing devices inside the vehicles, that is, the regulations on display units. Certainly, the Member has mentioned just now acts which may take place while driving. For example, we also regulate the use of mobile phones while driving, but this relates to another regulation. However, generally speaking, drivers are duty-bound to drive safely. Although we will not lay down detailed provisions on every matter, this main question is on Cap. 174A of the Laws of Hong Kong concerning the construction and maintenance of vehicles. Hence, the issue under discussion is fixed devices.

MR JAMES TO (in Cantonese): The Secretary has not answered the question. Can she provide a clearer answer? Is it a violation of the law if someone attaches a portable VCD player with plasticine inside the vehicle? Does this act break the regulations?

PRESIDENT (in Cantonese): Mr James TO, what do you mean?

MR JAMES TO (in Cantonese): I am asking whether this has breached the regulations.

PRESIDENT (in Cantonese): That does not breach the regulations because the Secretary has made it clear that the regulations provide for fixed devices while a VCD player attached to a position with plasticine is not regarded as a fixed device because it can be removed at any time.

MR JAMES TO (in Cantonese): As it has used the word "devices" here, I thus wish to ask to what extent it has to be fixed before it can be regarded as a "device".

PRESIDENT (in Cantonese): Secretary, can you explain a little further?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, I believe the devices mentioned in the regulations refer to one that is

part of the construction of the vehicle. Certainly, if drivers put many things in the front part of the vehicle, do we have to regulate each and every one of them? The regulations are in fact very clear, which refer to part of the construction of the vehicle. For other acts, we certainly have other ordinances providing for safe driving.

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

MR LAU KONG-WAH (in Cantonese): Regarding the installation of RVDs, the Secretary said just now that proactive discussions would be carried out, but on the other hand, accidents have happened time and again. Mr WONG Kwok-hing asked just now whether there is a timetable. That was a very valid question. As the Legislative Council of this term has been following closely the progress of this matter, will the Secretary consider reporting to the Legislative Council the actual progress during this term? Will the Secretary consider doing this?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Madam President, we are, in fact, as concerned about this matter as Members are. I also mentioned just now that we do not wish to see serious accidents caused by reversing vehicles. One such accident is already too many. On the other hand, however, it would also be unacceptable if the trades only discover after the introduction of legislation that it is not feasible to do so because of numerous technical problems. Thus, we will actively explore this issue and proceed in a realistic manner. I will go back and seek to discuss this issue with my colleagues. It is, however, really difficult to report progress within this Session because there is only half a year left. However, through co-operation with the trades we wish to find a clear direction. At the present stage, we cannot undertake to achieve this within this Session.

PRESIDENT (in Cantonese): Second question.

Boosting Investments in Scientific Research, Development and Encouraging Creativity

- 2. MR ANDREW LEUNG (in Cantonese): President, it has been reported when the Chief Executive met with the Premier of the State Council while he was in Beijing earlier to report on his work, the Premier made suggestions on four aspects, namely, innovation, knowledge, talents and the environment, regarding the development of Hong Kong, and pointed out that Hong Kong's neighbouring countries had been actively developing and reforming their industries in recent years, and had introduced the new elements of technology and innovation. In this connection, will the Government inform this Council:
 - (a) of the amount of investments in scientific research, development and encouraging creativity relating to commerce and industry made respectively by the Government and the commercial and industrial sectors in the past five years, and the proportion of such investments in the Gross Domestic Product;
 - (b) whether the Government has plans to introduce new policies and measures to induce and encourage enterprises to inject more resources in the three areas mentioned in (a) on their own initiative; if it has, of the details of such plans; if not, the reasons for that; and
 - (c) given the Government's strong financial position at present, whether the authorities will, in addition to those funding plans already announced, inject more resources to develop innovative technologies and creative industries, so as to encourage more local and overseas enterprises to engage in creative industries in Hong Kong, and assist Hong Kong in establishing a regional cluster of creative industries; if they will, of the relevant details; if not, the reasons for that?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Madam President, since the commencement of reform and opening of the Mainland in the late 1970s, the manufacturing industry of Hong Kong has gradually moved northwards to the Mainland for development and has been adopting Original Equipment Manufacturing (OEM) as its main mode of

operation. Hence, the enterprises have devoted relatively fewer resources to conduct research and development (R&D). Nevertheless, after pursuing firmly the basic national policy of opening to the outside world for nearly 30 years, the economic development and social progression of the Mainland has already reached a new stage and is developing in the direction of upgrading the industrial structure as well as actively attracting R&D and innovative technology. The Hong Kong Special Administrative Region (SAR) cannot afford to stick to the *status quo*. Therefore, the SAR Government has been encouraging and promoting industries to undertake R&D and innovation to upgrade and enhance their competitiveness. With the concerted efforts of the Government, industries and academia, the R&D foundation of Hong Kong has been strengthened gradually and the commercial and industrial sectors have attached increasing importance to R&D and innovation in recent years. We will continue with the promotion work to push ahead the upward momentum.

Replies to the question raised by Mr Andrew LEUNG are as follows:

(a) According to the statistics compiled by the Census and Statistics Department, the expenditure on R&D and innovative activities performed by Hong Kong's commercial and industrial sectors increased from \$2.1 billion in 2001 to \$6.3 billion in 2006, while its ratio to Gross Domestic Product (GDP) also rose from 0.16% to 0.43% during the period.

The total expenditure on R&D and innovative activities in the Government, public technology support organizations and higher education sector recorded an increase from \$5 billion in 2001 to \$5.3 billion in 2005. Its ratio to the GDP maintained at around 0.39% during the period. The R&D expenditure relating to commerce and industry has been included in these figures. The compilation of the statistical figures of 2006 is still underway.

We currently do not have specific statistics on the amount of investments in encouraging creativity made by the Government and the commercial sector. But the Government has deployed substantial resources on directly promoting various creative industries and encouraging the development of creativity in recent years. I will elaborate in parts (2) and (3) of the reply.

- (b) To induce and encourage enterprises to undertake more R&D and innovation, we need favourable conditions. In this aspect, Hong Kong has a sound infrastructure as well as robust judiciary system and intellectual property protection regime, our society is free, open and pluralistic, and is an international metropolis. The Government will also continue adopting specific policies and measures to induce and encourage enterprises to inject more resources on creativity and R&D on their own initiative. Here are some examples:
 - (i) the Government set up the \$5 billion Innovation and Technology Fund (ITF) in 1999 and implemented the new strategy of innovation and technology development in 2006;
 - (ii) the SAR Government has strengthened technological collaboration with the Mainland, including the launching of the Guangdong/Hong Kong Technology Co-operation Funding Scheme and the setting up of the Shenzhen/Hong Kong Innovation Circle;
 - (iii) the \$250 million DesignSmart Initiative was launched in 2004. In addition, \$100 million was provided in 2007 to support the operation of Hong Kong Design Centre over the next five years to help our trades and industries to improve designs and build brands;
 - (iv) the Government has established the Digital Entertainment Incubation cum Training Centre and the Digital Media Centre to expand the digital content application;
 - (v) the Government has injected an additional \$300 million to the Film Development Fund recently to subsidize and support small and medium films; and
 - (vi) the Government will launch the West Kowloon Cultural District (WKCD) development project to gather momentum for the development of cultural and creative industries in Hong Kong.

As announced by the Chief Executive in this year's policy address, (c) the Government is determined to accelerate the development of the creative industries so as to promote Hong Kong as the creative capital in the region. The Chief Executive has appointed the Bureau under my purview to oversee the development of the local creative industries. Relevant work included the setting up of a steering committee work with cross-sector to non-governmental organizations and professional bodies to plan and formulate overall strategic plans for future development, complementary facilities and manpower training.

The Government will continue implementing the above initiatives to encourage enterprises to engage in creative and R&D activities in Hong Kong and review the effectiveness of these initiatives from time to time. We will also consider other suitable investments to boost the development of technology and creative culture in Hong Kong when necessary.

The promotion of R&D and innovation development in an economy requires not only efforts from the Government but also the active participation of the industry. The Government will be happy to listen to the views of the community, and is eager to join hands with the industry to further promote and expand the scope of R&D and innovation.

MR ANDREW LEUNG (in Cantonese): In part (a) of the main reply, the Secretary said that the Government had deployed substantial resources and done a lot of work, but the ratio of the expenditure to GDP was only 0.43%, much lower than the 2.26% average of the Organization for Economic Co-operation and Development (OECD) and the national ratio of 1.34%. I asked the Government about the new initiatives being put in place, but no single measure that can achieve such purpose was mentioned. On the contrary, the \$21.6 billion for the WKCD, which was totally irrelevant, was cited to cause confusion. We know that the Foreign Enterprise Income Tax Law will be implemented by the State on 1 January next year. Under the law, enterprises will enjoy 150% tax concession, and a series of complementary measures will be introduced to reduce the amount of income tax payable by enterprises. Given its strong financial position, may I ask whether the SAR Government will draw reference from the

practice of the State and introduce some measures, which the trade has been fighting for all along, in the short term to encourage more industries to develop scientific research and creativity?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I did mention the WKCD in the main reply earlier, but it was not totally irrelevant. As the question asked by the Member was totally irrelevant, my reply had to be totally irrelevant. (Laughter) In part (c) of the main reply, the Member asked, "whether the authorities will inject more resources to develop innovative technologies and creative industries, so as to encourage creative industries?" That is why I mentioned the WKCD in that part. Had Mr LEUNG not mentioned these, I would not have replied this way. Thank you, Mr LEUNG. (Laughter)

Second, concerning the tax regime, all along, tax concession has been offered to encourage enterprises to carry out more R&D activities. For instance, under the existing tax regime, tax relief is offered for R&D expenses. Mr LEUNG and other Members from the industrial sector know the relevant tax concession full well. I surely understand that many enterprises hope the Government can provide more concession in this respect. In this connection, I believe the Financial Secretary will be more than willing to listen to Members' views. If Honourable Members have any views, he will certainly listen. However, compared with other places, say Singapore, the definition of R&D adopted in Hong Kong is broader.

In 2004, the scope of the relief was extended from scientific research to R&D. Under the broad definition of R&D, taxpayers may apply for tax relief for expenses on R&D on all kinds of business. And in this respect, I have to reiterate here that we rely on the support of the trade heavily. I very much agree with Mr LEUNG that the ratio of investment on R&D is relatively low in Hong Kong, which is lower than that in Asian countries and even other countries, and this is attributable to the industrial background of Hong Kong.

PRESIDENT (in Cantonese): There are altogether eight Members waiting for their turns to ask supplementary questions. Will Members who have the opportunity to ask questions be as concise as possible so that more Members can ask supplementary questions.

MR MARTIN LEE (in Cantonese): Madam President, my supplementary question is very short. During the Chief Executive's visit to Beijing to report on his work, the Premier of the State told him that Hong Kong should learn from Singapore in four aspects, namely, innovation, knowledge, talents and the environment. May I ask the Government, in terms of innovation and knowledge, which one is better, Singapore or Hong Kong?

PRESIDENT (in Cantonese): The scope of this supplementary question seems to be very broad. I wonder if the Secretary has the information to answer it now. Will the Secretary try to tackle it.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Madam President, I will try to answer Mr LEE's supplementary question. Mr LEE's question does not simply require information in figures. His supplementary question is relatively vague and I can hardly draw a comparison of the two.

Mr LEE asked about two aspects: innovation and knowledge. Actually, no indicator is available for assessing these two aspects. However, I can say that, in the past few decades, in terms of innovation, Hong Kong has been one of the best performers in the Asian region. In respect of innovation — I am referring to innovation but not technology, as Mr LEE asked about the innovation aspect first, I will talk about this first. In respect of innovation, Hong Kong is more advanced than many places in various aspects, including the introduction of the Octopus card, which is world renowned. This is a kind of innovation. Moreover, in respect of the film industry and creative industries, our performance is also remarkable.

Having said that, regarding the investment in technology, about which Mr LEUNG has posed a good question earlier, the figure of Hong Kong is very low in comparison with the OECD. As I have explained earlier, compared with many regions in Asia, the ratio in Hong Kong is indeed the lowest. In this connection, I must admit that the Singaporean Government has deployed more resources than Hong Kong. Take the ratio of R&D expenses, that is, the expenses on R&D as a percentage of GDP, as an example. The figure of Hong Kong is 0.79%, while that of Singapore is 2.36%. As Singapore has deployed more resources in this respect, so its technology in certain areas is said to be

more advanced than that of Hong Kong. Since this can be reflected in figures, a comparison can be made. However, regarding the point asked by Mr LEE earlier, it is quite difficult to make a comparison.

MR MARTIN LEE (in Cantonese): My question is related to the second line of the first paragraph of the main question. All the words are written there, only that I asked about the aspect of knowledge at the same time, but the Secretary failed to give an answer. The question is: Which one is better? That the issue is general would not have prevented the brilliant Secretary from

PRESIDENT (in Cantonese): You do not have to do any explaining. Let the Secretary reply.

MR MARTIN LEE (in Cantonese): *The Secretary, being so brilliant, should be able to answer this question.*

PRESIDENT (in Cantonese): Please be seated first. Secretary, please reply.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Mr LEE also admitted that it was vague. Despite our competence, we should not blow our own trumpet.

MISS CHAN YUEN-HAN (in Cantonese): Regarding the recommendations made by the State leader on the four aspects of development in Hong Kong, the reply given by the Secretary to Mr LEUNG's question earlier gives me the impression that all along, the Government has not faced the problem squarely. In the main reply, the Secretary first mentioned that the ratio of the existing expenditure of the Government to GDP in this respect had risen from 0.16% to 0.43%. This is stated in part (a) of the main reply. The thrust of Mr LEUNG's question is whether the Government will deploy more resources to facilitate the expansion of R&D and creativity development. But the Secretary just gave some empty remarks. May I ask the Government — I do not want to exchange empty remarks with the Secretary — whether it has the vigour to set a

target to the effect that the ratio of the relevant expenditure to GDP will be increased from the existing 0.43% to 1%? I refer to the figure as a percentage of GDP. Actually, I am saying that we should not follow the economic model in Singapore, but should draw reference from Western countries like the United Kingdom, for they also set the target first

PRESIDENT (in Cantonese): Miss CHAN Yuen-han, you have asked your supplementary question. Let the Secretary reply, shall we?

MISS CHAN YUEN-HAN (in Cantonese): President, I asked whether an indicator would be set, so that we can assess the degree of importance the Government attaches to the issue.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): As I mentioned in the main reply, the Government attaches great importance to this aspect. The establishment of the \$5 billion ITF and the introduction of other plans are evident that scientific researches are regarded highly by the Government. As for creative industries, a steering committee has been set up to work towards the target of turning Hong Kong into a creative capital. We all know that development in technology cannot rely solely on the investment of the Government, which will definitely end in failure. The Government must co-operate with the industry. Owing to certain inherent inadequacies, our investment in this respect is affected, but I hope the industry will deploy more resources.

Recently, it is the State policy that Hong Kong should undergo restructuring and upgrading. In this respect, we encourage enterprises, particularly enterprises engaging in production on the Mainland, to undergo restructuring and upgrading, so as to enhance their quality of production. I may not be able to cite a specific figure to Miss CHAN, but one thing is for sure, that is, the Government will definitely give generous support to the industries and deploy an appropriate amount of resources.

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

MISS CHAN YUEN-HAN (in Cantonese): No, the Secretary has not answered my supplementary question. I think the Government should respond to it squarely. As the Government said that it attached importance to

PRESIDENT (in Cantonese): Miss CHAN, you need only repeat the part of your question not answered.

MISS CHAN YUEN-HAN (in Cantonese): I asked about the percentage of the relevant expenses to GDP. The Government should set a target. My question is: Will the existing ratio of 0.43% be increased to 1%?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): No such target has been set for the time being.

MR CHAN KAM-LAM (in Cantonese): President, despite the substantial resources deployed by the Government and the industries on scientific researches, we can observe that their efforts have come to naught because of the high land premium, high salaries and high production costs in reality. For these reasons, the creative industries now under discussion have indeed been moving northwards to the Mainland. In view of the gradual decrease in output value, salaries and production capacity of the creative industries, may I ask the Government whether it has any measures to facilitate the creative industries in laying a good foundation for development in Hong Kong?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Madam President, creative industries are indeed high value-added industries. In comparison with manufacturing industries, there is a lesser chance that creative industries will move northwards to the Mainland. Therefore, over the years, creative industries have still maintained a good position in Hong Kong. Creative industries include film production, comics and animation, design and architecture, and so on. Remarkable achievements have been made by Hong Kong in various aspects. Last week, Hong Kong hosted a Design Week, gathering masters of the trade from places all over the world. Hong Kong is indeed faring well in this respect.

The Government is supporting the film industry proactively at present, for the development of the film industry has paled in comparison with the past. We wish to revitalize the film industry. Actually, the present development of the Hong Kong film industry is not bad. A lot of great films have been produced, and even Hollywood has adopted some of the scripts of Hong Kong films. We have to continue to work hard in this respect, with a view to scaling new heights. I thus do not see that the cost or land premium has posed any problem. If Members are interested, they may visit the Cyberport, for they will then know that many facilities are available for the film industry and the comics and animation industry. It is evident that the Government gives proactive support in this respect.

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

Disposal of Old Television Sets upon Rollout of Digital Broadcasting

- 3. MISS CHOY SO-YUK (in Cantonese): President, the two free-to-air domestic television broadcasters will launch digital terrestrial television (DTT) on 31st of this month, and are constructing six transmission stations expeditiously in order that viewers in 75% of the districts in the territory can enjoy digital broadcasting before the Beijing Olympics in August next year. There have been comments expressing concerns that the launch of DTT will trigger off a trend of old analogue television (TV) sets being replaced, resulting in a large number of TV sets being discarded at landfills and creating an environmental disaster. In this connection, will the Government inform this Council:
 - (a) of the anticipated number of analogue TV sets which will be disposed of from now to the time of the Beijing Olympics, the amount of electronic waste generated as a result and, among such electronic waste, the quantity which will eventually be discarded at landfills;
 - (b) of the existing recovery channels for old TV sets, the daily capacity of such channels for handling TV sets, the existing channels through which old TV sets may be shipped to other places as second-hand TV

sets, as well as the specific measures to increase recovery of old TV sets and to promote the proper disposal of TV sets; and

(c) whether it will expedite the legislative process for the Producer Responsibility Schemes to compel manufacturers to recover and dispose of electronic products properly; if it will, of the details; if not, the reasons for that?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Madam President, I have to thank Miss CHOY So-yuk for her question.

Television broadcasting will enter a new era with the implementation of DTT broadcasting at the end of this year. Whether this will lead to a massive disposal of television sets as waste is indeed a timely question. I hereby thank Miss CHOY for raising the question.

(a) Firstly, DTT will not lead to the immediate termination of the existing analogue broadcasting. In fact, according to plans of the Government, analogue broadcasting will only be terminated in 2012, and the actual timing will depend on public response, as well as market and technological development. In other words, despite the 2012 target set for a full-switch to DTT broadcasting, whether the change should actually take place on the very day depends on public response and the development of the market.

According to the statistics of the Environmental Protection Department (EPD), over 80% of the waste electrical and electronic equipment (including television sets) would be recovered and about 20% would be disposed of at the landfills. Likewise, local and overseas experiences show that electrical and electronic equipment would usually be replaced gradually. For example, the launch of a new Windows software earlier this year and the introduction of liquid crystal display and plasma television sets a few years ago have not led to a massive replacement of computer equipment and television sets within a short period, nor have there been any noticeable increase in the landfill disposal of waste electrical and electronic equipment. In fact, upon the implementation of DTT broadcasting, the public does not need to replace their television sets

immediately for receiving DTT signals provided that they have purchased a digital decoder (commonly known as set-top box) to support their existing analogue television sets. Taking into account the above experiences and factors, we expect that the public will replace their old television sets gradually as necessary in the future, and the massive disposal of TV sets on the same day will be unlikely.

- (b) The EPD has been actively promoting the recovery and recycling of waste electrical and electronic equipment. We have engaged a social service organization to organize a Trial Recovery Programme for Electrical Appliances starting from January 2003. We have also been organizing an annual territory-wide waste electrical and electronic equipment Recycling Day since the end of 2005 to recover waste electrical and electronic equipment for donation to the needy or recycling. Over 83 000 used electrical appliances have been processed through these activities. Moreover, a considerable amount of used television sets and other electrical appliances are taken up by recyclers and re-sold either locally or in overseas markets as second-hand products. In view of the positive and enthusiastic public response to the previous waste electrical and electronic equipment Recycling Days, we will organize the event again on 19 and 20 January 2008. We will enhance our publicity effort and encourage the public to actively participate in the event, in order to promote reuse and recycling and to enhance public awareness on environmental protection. I understand that, in addition to the organizations engaged by the Government, many voluntary organizations have also launched similar recycling facilities.
- (c) The Government will introduce the Product Eco-responsibility Bill into the Legislative Council shortly to provide the legal basis for introducing producer responsibility schemes for various products, including waste electrical and electronic equipment.

The introduction of producer responsibility schemes for certain products to reduce waste and promote recovery and recycling is an integral part of our strategy for the management of municipal solid waste. We are actively preparing the Bill with a view to introducing it earlier for legislation. Surely, as we have mentioned on other occasions in the past, regarding the producer responsibility schemes, the environmental levy on plastic shopping bags will be the first item to be introduced under the producer responsibility scheme. In addition, the Bill will allow us to include other products, including electrical and electronic equipment. During the drafting of the Bill, the EPD has discussed with the suppliers concerned on ways to recover the relevant products for reuse and recycling purposes.

I may perhaps share with Honourable Members that we have recently reached a consensus with the computer trade to organize a territory-wide, trade-funded computer recycling programme in January 2008. We will, in light of the experience gained, continue to promote the introduction of voluntary producer responsibility schemes by the relevant trades while introducing the Bill in parallel. To enhance recovery and recycling, we will amend the future Product Eco-responsibility Ordinance if necessary to provide for statutory producer responsibility schemes applicable to individual products progressively.

MISS CHOY SO-YUK (in Cantonese): President, in the main reply, the Secretary mentioned that these types of electronic equipment and TV sets were recovered through a number of channels. Despite that, 20% of electronic products were discarded at landfills. Worse still, these products may release toxic chemical substances. Therefore, the Government should adopt a zero-tolerance attitude.

President, in part (c) of the Secretary's reply to my question, it is said that a trade-funded computer recycling programme would be launched next year. In fact, TV sets are bulky electrical appliances that must be delivered to customers' homes. As such, may I ask whether the Government will adopt the following practice, say in future, when new TV sets are delivered to customers who have old TV sets, customers can request the TV sets seller concerned to recover their old TV sets and send them to locations specified by the Government for recycling and reuse?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Madam President, I have to thank Miss CHOY So-yuk for her supplementary question. I agree with Miss CHOY that even though the recent recovery rate of electrical appliances is increasing year on year, reaching 80% in 2006, which is a rather satisfactory figure, other electrical appliances may still be disposed of. Therefore, I would like to take this opportunity to urge the public not to make replacement in haste upon the launch of high definition televisions or DTT broadcasting. Moreover, if the TV sets are still useful, we may give them to recyclers or donate them to social organizations for recycling and reuse. I thus think we share a common goal in this respect, for we both wish to reduce the waste generated from this source being discarded at landfills. This explains why we have engaged social service organizations to organize recycle programme for electrical appliances, including TV sets, in the past.

Regarding the second question on recovery put forth by Miss CHOY earlier, at present, the Government provides subsidies to certain voluntary organizations to carry out recovery work. Apart from that, we rely primarily on recyclers to carry out recovery, which is business-based, for many of these electronic products, particularly TV sets, have value and the recovery rate is relatively high. We will continue to step up our efforts via voluntary organizations, and, as I mentioned earlier, by organizing the Recycling Day once a year. With regard to the negotiation with the trade, we will follow up the work in this respect. If we find that the situation is not desirable or unsatisfactory, we can surely take the issue into consideration on the introduction of the new legislation. Thank you, Madam President.

MISS CHOY SO-YUK (in Cantonese): President, the Secretary has not answered whether he would draw reference from the practice adopted in the sale of computers by requiring sellers to recover the old TV sets upon delivery of new ones.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Madam President, we can discuss this with the trade. If there is room for doing so, we may give it a try. Thanks.

PRESIDENT (in Cantonese): Fourth question.

Injection of Funds into Hong Kong Disneyland

- 4. **MR FRED LI** (in Cantonese): President, it is learnt that the Government is now negotiating with The Walt Disney Company (TWDC) about the expansion of Hong Kong Disneyland (HKD). In this connection, will the Government inform this Council:
 - (a) of the estimated amount of funds that the Government is required to inject for the HKD expansion project, the factors to be taken into consideration in deciding whether or not to inject funds, as well as the impact on the funds injection decision if another Disneyland is confirmed to be built in Shanghai;
 - (b) of the new provisions for co-operation proposed by the Government as a condition of its agreement to inject funds; how it will ensure that the injection of funds will enable this Council to monitor whether the public funds are properly used; and
 - (c) whether it has constantly reviewed the position of the HKD in terms of financial arrangements, profitability, expected attendances, its attractiveness to visitors and public expectation, and so on, and whether the HKD's current position in these areas differs significantly from the projections originally made when it decided to invest in the construction of HKD?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, my reply to Mr LI's question is as follows:

(a) To cater for the long-term operational and development needs of the HKD, the Government and TWDC have commenced discussion on the Park's expansion and financial arrangements. The Government will carefully consider the merits and demerits of various financing options, including the possibility of government injection, and carry out preliminary feasibility assessments. The discussion is still at an initial stage and no agreement has yet been reached. As regards long-term financial arrangements, the Government will take into account a number of factors, including economic benefits to Hong Kong, appeal of the new attractions to local residents and visitors,

operational efficiency and financial prospect of the Park, and the development of other large-scale tourist attractions in the region, and so on.

- (b) Since the discussion between the Government and TWDC on the long-term financial arrangements of the Park is still at a preliminary stage, the Government will examine adding new provisions in the Project Agreement. Meanwhile, the Government will continue to monitor the Park's operation through the Government-appointed Directors of the relevant company to ensure proper use of public resources. The Government will also update the Legislative Council Panel on Economic Development on the operation of the Park, and continue to urge the Park to enhance its transparency, having regard to the principle of commercial confidentiality.
- (c) The performance of the Park in its first two years of operation is unsatisfactory. As a majority shareholder of the Park, the Government considers that the Park should improve its performance. It is essential that the Park management should critically review the operation of the Park with a view to enhancing its operational efficiency and revamping its marketing and promotion strategies. The Government has expressed its concern and impressed upon the management to pay serious attention to the key issues and strengthen its co-operation with the local travel trade to improve the performance of the Park.

MR FRED LI (in Cantonese): President, many editorials and academics have commented that the contract signed between the Hong Kong Government and TWDC is an unequal agreement, under which the Government has given up its rights, and it is a great insult to Hong Kong. It is like a deal in which TWDC provides the "soya sauce" while we have to provide the "chickens". But obviously, it is stipulated in the agreement that the Hong Kong Government, including the Secretary, cannot intervene in the operation of the Park, apart from attending the board meetings.

In part (a) of the main reply, the Government said that in considering the long-term financial arrangements, the Government would take into account a number of factors, including appeal of the new attractions to local residents and

visitors. However, if we cannot intervene in the management and operation of the Park, what influence can the Government exert on its appeal or facilities? If the situation continues to be unsatisfactory, what can we do? Is the Government subject to so many constraints in this aspect that it can only pay money and cannot exert any influence on the management of the Park?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, two weeks ago, Ms Emily LAU told us in this Chamber not to teach other people to do business. I fully agree with her because as far as the Park is concerned in particular, government officials can hardly understand the business it runs. So, our role should be the tender of advice, including the advice of injecting local elements, catering to the interest of mainland visitors or making more efforts in promoting, for instance, the popularity of Mickey Mouse. We can tender advice in these respects. But frankly speaking, in respect of operation, it is very difficult for the government officials, in their capacity of board members, to make any constructive suggestions. Having said that, we, as the majority shareholder, have to respect the spirit of contract because we have signed it. But we also hope that the Park can provide more information so that the Legislative Council and the public can have a better understanding of its operation. We will bear this in mind.

PRESIDENT (in Cantonese): A total of 12 Members are waiting for their turns to ask supplementary questions. Will Members who have the chance to raise supplementaries please be as concise as possible so that more Members can ask supplementaries.

MS EMILY LAU (in Cantonese): President, today quite a number of Members are going to ask questions as was the case two weeks ago. The Legislative Council has asked two oral questions about the Park in three weeks, indicating that Members are very concerned about the issue. Thus, the authorities should handle it very carefully. President, I have to declare that I oppose the Park and consider my opposition against it justified

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

MS EMILY LAU (in Cantonese): The Secretary said that discussion is ongoing and no agreement has been reached. But just now the Secretary also mentioned that some provisions in the contract must be complied with. May I ask the Secretary whether the non-event of funds injection by the authorities within the ambit of the contract — meaning that we do not put good money into bad money anymore — is also a possibility? Does the Secretary think that this is also worth consideration?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, all options are possible. Just now Ms Emily LAU asked whether the non-event of funds injection was a possibility. This is certainly a possibility, but injection of funds is also a possibility. We have not said that we must inject funds. We only said that we do not rule out this possibility.

When studying whether it is necessary to inject funds or to strike a balance to ensure the development of operation, we will consider all options, including the option of not injecting funds as mentioned by Ms Emily LAU. Of course, if a business — I am not talking about the Park only — let me cite a very simple example. If there is a need for operational development of a business and a shareholder does not wish to inject capital while another shareholder wishes to, there will be an alteration of equity ratio between them.

PROF PATRICK LAU (in Cantonese): In parts (a) and (c) of the main reply, it is said that the performance of the Park is unsatisfactory and the management may need to review the operation of the Park. In fact, does the ultimate reason lie in the design? As the size of the Park is smaller than that of other Disneylands — and I have visited other Disneylands and found that there are many more facilities in them than ours, is the performance of the Park unsatisfactory due to this reason or other reasons?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I believe there are many factors leading to unsatisfactory attendances and operational performance of the Park. And the problem boils down not only to the size of the Park.

Frankly speaking, if Members have visited the Park — I do not know whether Prof LAU has visited the Park — I think you cannot take a complete tour of the Park and play all the games in one day. But it depends on the games you play. If you just take a stroll around one or two attractions, it may not take you too much time. But if you really want to take a complete tour of the Park and watch its parade, you will have a rich variety of programmes in one day. Here I would like to do some publicity for the Park. From this, we can see that the Park is not really that small.

But compared with the United States — just now Prof LAU mentioned the Disneyland in the United States — of course ours is smaller than the Disneyland in the United States because the latter has been developed for decades while ours has just been opened. Frankly, from the perspective of doing business, it is understandable that the size of the Park was relatively small at its opening. The Park should not be very big at the opening because the source of visitors is still not sure.

Furthermore, some of the Members who vetted and approved the 1999 contract can also see that we only forecast that there would be 10 million-odd tourists and the expected attendances of the Park would exceed 5 million, which would already be on the high side. Members should consider this: At that time, no one could foresee that the annual number of tourists in Hong Kong today would exceed 25 million. So, it was impossible to make forecasts on so many things at that time. I therefore believe the unsatisfactory performance of the Park is due to a series of factors instead of its size alone.

PRESIDENT (in Cantonese): Prof LAU, has your supplementary question not been answered?

PROF PATRICK LAU (in Cantonese): I have visited several Disneylands and compared to those in foreign countries, ours is a mini

PRESIDENT (in Cantonese): Prof LAU, you only have to state which part of your supplementary question has not been answered by the Secretary.

PROF PATRICK LAU (in Cantonese): The Secretary has not clearly answered my question about the size of the Park. He has not answered it clearly, OK? Because it is not a matter of quantity, it is a matter of size, OK?

PRESIDENT (in Cantonese): I think the Secretary has answered your question. But I may call upon the Secretary to supplement it.

PROF PATRICK LAU (in Cantonese): Yes, thank you.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, according to the information provided by the Park, visitors stay in the Park for an average of seven hours. If visitors can stay there for seven hours, the size of the Park cannot be too small. Am I right? Otherwise, it will be very difficult for the visitors to stay for seven hours. This is an average figure.

When I visited the Park, I interviewed the visitors who had played for one whole day and were found to be very happy. However, if the visitors are only interested in one or two amusement rides, they may consider the Park too small. It totally depends on what visitors think.

MR JEFFREY LAM (in Cantonese): President, we heard that the number of visitors to the Park in this year is less than that in last year. Some people think that if no funds injection is made for the addition of new attractions, the attendances may not increase. If the Government has decided to inject funds and enhance the local elements so as to improve the efficiency, will its attendances be increased as well? If the attendances will not increase and the situation does not improve, the public funds will be thrown down the drain. May I ask the Secretary how the Government will strike a balance among these factors so that a reasonable return can be earned from the investment if a further investment is made?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, the main reply just now has answered Mr LAM's

supplementary question. First, we are now at a very preliminary stage and no agreement has been reached; second, when we consider any options including financial and operational options, we will engage in very careful consideration because what we spend is public money and we have to be particularly prudent. Besides, we will disclose information which can be disclosed to the Legislative Council on a regular basis, on the principle that the contract with TWDC is complied with.

DR RAYMOND HO (in Cantonese): The fact that the performance of the Park in the past two years is unsatisfactory has been pointed out by the Secretary in the main reply. In fact, TWDC has no idea about the culture, customs or needs of many local people and the measures are also far from adequate. When the Secretary considers making another investment for the expansion, if the majority shareholder considers the performance still unsatisfactory — even ordinary companies will consider making improvement first before deciding whether another investment should be made — how will the Government explain this to the public and the Legislative Council? As approval by the Legislative Council is not required for the injection of funds by the Government, how can the transparency be enhanced?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, Members may have noted that local elements have been injected into the Park in the past two years. For instance, a halloween activity was held in the Park this year in order to compete with another theme park because it also knows that local people are fond of such activities. So, we will give such business advice to TWDC. But I have to reiterate that we do not know how to run the Park.

Just now, Dr HO asked a question about the injection of capital in the future. I have to reiterate that this is a very preliminary stage and we will consider their options as a whole, the economic efficiency and the impact on return. I fully understand Members' concern because the Government itself is also very concerned about the use of public funds.

MS LI FUNG-YING (in Cantonese): President, may I ask the Secretary, as the Government is a majority shareholder of the Park, whether it is sufficient for the

Government to just express concern and urge TWDC to make improvement in view of the unsatisfactory performance of the Park in the past two years? Has the Secretary formulated any specific target requirements? If it is really impossible to make improvement, will penalties be imposed?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, it is the common wish of businessmen to earn a reasonable return. TWDC is also a shareholder although it is a minority shareholder holding only 43% of the equity. Regarding the unsatisfactory performance of the Park, we all earnestly hope that improvements can be made so that there will be progress.

As we all know, the target has not been reached because the target laid down in 1999 is an attendance of more than 5 million people. But now it is only 4 million-odd, which certainly falls short of the target. Under the circumstances, both of us, as shareholders in our capacity, have been penalized and suffered a loss. Besides, Ms LI just now asked what penalty would be imposed. In the contract, there is no mention of penalty for not meeting the target. But as a shareholder, albeit a minority shareholder, it has in fact been penalized, and that is, unsatisfactory performance of the company. Besides, TWDC announced in this year that it has agreed to waive the management fee while other franchise fees will also be suspended. This is because the Government, when discussing with them the problem of not meeting the target, had asked them what would be done and in response, they offered such an arrangement.

MR CHIM PUI-CHUNG (in Cantonese): President, the investment failure is already a fact. This is certainly not the responsibility of the Secretary because he was not the officer-in-charge at that time.

My supplementary question is: As a majority shareholder, has the Government considered winding up the company (laughter) before undergoing a reorganization? This is most reasonable and the Government has to face this.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I thank Mr CHIM for his advice.

DR KWOK KA-KI (in Cantonese): President, I have visited the Park with my children and bought an annual pass. The visitors are not very happy because they have to wait for seven hours even though they have not played many games. Moreover, the Park is really too small and the waiting time is very long.

My supplementary question is: As we now act in accordance with our unequal agreement between TWDC under which we have to provide the "chickens" while TWDC has to provide the "soya sauce", our concern is that even though capital will be injected in the future, will the effective period of such an unequal contract be extended? If capital is to be injected and the equity ratio altered, what measures will be taken by the Secretary to protect the interest of Hong Kong people in the largest measure?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I would like to reiterate that the financial option for the expansion of the Park is still at a very preliminary stage, I cannot answer Dr KWOK's supplementary question.

However, we, as the majority shareholder and government officials, will do our best to fight for the interest of Hong Kong people in negotiating with TWDC. So, from the recent arrangements on the management fee and franchise fees, Members can see that the Government, as the majority shareholder, has not evaded handling the matter. The Government has spoken to TWDC, advising it to consider postponing the payment of management fee and franchise fees. Thus, we can see that the Government has made efforts. But it is not sure whether this is considered satisfactory by Dr KWOK. I can tell Members in an affirmative manner that when we negotiate with TWDC in the capacity of a partner, we have pointed out to it that the Park is jointly owned by Hong Kong people, so it should do its best to enhance the transparency and run the Park together with us on the principle of fairness.

DR KWOK KA-KI (in Cantonese): The Secretary has answered my question with reference to the management fee and franchise fees. But my supplementary question is about the unequal contract. How can he or what has he done to protect the interest of Hong Kong people? What will the Secretary do if such an unequal contract continues to be effective? My question is about this part of the issue.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): The contract we signed in 1999 is about the relationship between the shareholders and the operating company. Under the spirit of the rule of law, I believe Dr KWOK will also agree that we cannot unilaterally change the contract in an arbitrary manner because the contract involves both parties. Frankly speaking, to make any amendment unilaterally now is very difficult and the consent of the counterpart is also required. As I said just now, if TWDC purely acts in accordance with the contract, no concession should be made. Despite that, it has made concessions because it also appreciates the need of allowing Hong Kong people to see its sincerity in improving the performance of the Park.

PRESIDENT (in Cantonese): This Council has spent more than 20 minutes on this question. We will now proceed to the fifth question.

Apportioning of Income from Private Consultations to Teaching Staff of Medical Faculties

- 5. **DR KWOK KA-KI** (in Cantonese): President, in reply to my question on 9 May this year, the former Secretary for Education and Manpower said that the income generated from the provision of private consultation services at the Li Ka Shing Faculty of Medicine (the Faculty) of the University of Hong Kong (HKU) could only be used for academic research, attendance of overseas academic seminars and other professional development purposes. However, some doctors told me that since April this year, the Faculty had apportioned as high as 50% of the income from private consultations to individual teaching staff as income. In this connection, will the Government inform this Council whether it knows:
 - (a) the reasons for the Faculty apportioning part of the income from private consultations to its teaching staff and the details concerned, the measures to prevent the abuse of such practice, and how the Faculty ensures that the resources for academic research will not be reduced;
 - (b) the number of teaching staff to whom the Faculty has apportioned the income from such consultations so far and the total amount involved, and the respective amounts of money received by the five

teaching staff who have been apportioned the highest amounts of such income; and

(c) whether the Faculty has considered, by making reference to the practice of other universities, deducting a certain amount from the original remuneration of the teaching staff because additional income is derived during office hours?

SECRETARY FOR EDUCATION (in Cantonese): President, all University Grants Committee (UGC)-funded institutions are autonomous statutory bodies governed by their own ordinances. They enjoy institutional autonomy in the management of their internal affairs and finance, including the use of income generated from the provision of private consultation services. The Administration does not possess information on the apportionment arrangement between the Faculty of Medicine of the HKU and its staff regarding income generated from private consultation services. On the specific issues raised, the UGC Secretariat has helped to obtain information from the HKU which is set out as follows:

(a) According to the HKU, its Faculty of Medicine decided in May 2007 to start apportioning income from private clinical practice to staff, with retrospective effect from 1 April 2006, to recognize the additional work performed by the staff, reward their service to the community, and retain talents. This practice is also in line with that of The Chinese University of Hong Kong (CUHK) and many overseas universities.

Under the apportionment arrangement, not more than half of the income generated from private practice can be shared with staff. The HKU staff can only engage in private practice after they have discharged their responsibilities with regard to teaching, research, and clinical service in the teaching hospitals. The amount of private consultations cannot exceed two half-day sessions (about eight hours) every week. Clinical service for private patients provided by each subspecialty is under the supervision of the relevant division chief and departmental chief of service respectively.

- (b) The HKU has so far paid about \$11.6 million to 65 staff for their private consultation services. The money received by the five teaching staff who have been apportioned the highest amounts of such income totals about \$3.6 million.
- (c) The HKU does not consider it appropriate to reduce the salary of those staff members who have received income from private clinical practice, as the workload and the duties of the staff members concerned have essentially remained the same regardless of whether they are engaged in private clinical practice in accordance with the rules stipulated by the University. We understand that CUHK also does not reduce the salary of those staff members who have received income from private clinical practice.

DR KWOK KA-KI (in Cantonese): President, I believe we should have learnt about the scandals of the Faculty of the HKU exposed this year regarding income of its staff. According to the information previously obtained, the average monthly salary of assistant professors or above is \$104,800. According to the Government's arrangement at that time, they were also entitled to a cash allowance of 60%, based on the fact that they spend most of their time serving ordinary patients.

We note that the waiting period for patients of the Faculty is quite long. According to the Government's record, the waiting period for the specialist out-patient service provided by the Department of Orthopaedics is nine to 16 weeks, which is longer than that of most of other hospitals. The past practice was to discourage or deter abuse of the relevant arrangement. According to the current practice of the Faculty, however, some unreasonable phenomena have been rationalized or institutionalized. May I ask the Secretary, given his remark in the main reply that the staff are supervised by a good system, what supervisory system is in place to ensure no abuse of the arrangement? This is because actually many patients are waiting, and yet the attention of the staff might be focused on the provision of private consultations.

SECRETARY FOR EDUCATION (in Cantonese): President, I have actually made it very clear just now that these issues involve the internal operation of universities. In this regard, universities enjoy absolute autonomy in deciding

what to do. The supervision mentioned by me just now refers to their internal supervision, not my supervision. Furthermore, the information I have obtained is supplied by them. Therefore, I will refer the question raised by Dr KWOK just now to the HKU for a written reply on the operation of the supervisory system, or the measures taken for effective supervision. (Appendix I)

DR KWOK KA-KI (in Cantonese): President, does the Secretary imply that, even in the event of abuse or socially disapproved conduct, there is nothing the Government can do in supervising the universities, and no other measures can be taken except issuing a letter to them?

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, this is not part of your earlier supplementary question. You may wait for another turn if you wish to pursue this point.

MR LI KWOK-YING (in Cantonese): The Secretary pointed out in part (a) of the main reply that the arrangement of providing private consultations is intended to recognize the additional work performed by the staff. May I ask the Secretary what he means by "additional work"? Meanwhile, will the Government consider that such arrangements will give a greater incentive for the provision of more private consultations, thereby affecting teaching or research work?

SECRETARY FOR EDUCATION (in Cantonese): President, I would like to repeat once again that all these arrangements are made by universities internally, not by the Government. Hence, in order to answer the questions raised by Members, I will refer their views to the universities for consideration.

I would like to take this opportunity to reiterate that, as we do not have relevant information to respond to this question raised by the Honourable Member, we have obtained the information from the University. The reply I gave is purely informative and contains no judgment or criticism of mine or my value judgment in this matter. If Members consider the matter inappropriate or problematic, we can only refer the views of Members at this stage, as Members can still not ascertain the appropriateness of the matter. I hope Members can accept this.

MR LI KWOK-YING (in Cantonese): *President, the Secretary has not answered me what is meant by "additional work"*.

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

SECRETARY FOR EDUCATION (in Cantonese): President, according to the information provided to me by the University, the so-called additional work, as pointed out in part (a) of the main reply, refers to such work as clinical services performed by the staff after they have completed, or on top of, the tasks they are required to perform. From their angle, it refers to the additional work on top of the work they are required to do.

MR LEUNG KWOK-HUNG (in Cantonese): President, during a soccer match between the Hong Kong Medical Association and this Council on Sunday, some doctors complained to me that they had to work very hard because they could not take leave due to manpower shortage. Now I would like to take this opportunity to put this question to the Faculty of the HKU.

According to the Secretary's main reply, the Faculty of the HKU "decided in May 2007 to start apportioning income from private clinical practice to staff, with retrospective effect from 1 April 2006, to recognize the additional work performed by the staff, reward their service to the community, and retain talents". Actually, the remarks do not reflect entirely the truth. Not everyone can enjoy the services of these professionals of excellent medical skill because money is involved. How can one without money access such services?

Therefore, I would like to ask the Secretary through the President whether it is reasonable for the Government to finance universities with public money through university funding. This is because some doctors are very busy, but some have nothing much to do so that they have to engage in some sideline business. Some critically ill patients cannot obtain the services provided by medical experts because of their lack of money. May I ask the Secretary whether this is fair?

SECRETARY FOR EDUCATION (in Cantonese): President, it must be understood that these services are provided by government funding through the Other additional services are handled by universities themselves. According to our present arrangement, however, private consultation services are regarded under the UGC's funding mechanism as self-financed activities of various institutions, which are entirely unrelated to government funding. certainly have to supervise those services financed by the Government. However, the self-financed services are supervised by the institutions on their own and handled according to their own capacity. As the services under discussion are considered to be related to the latter, they will not be factored into the recurrent grant provided to the institutions. The operation of these services While certain services provided by them through our is a matter of their own. funding must meet our standard, they must act according to their own abilities in providing other self-financed services. Insofar as the arrangement is concerned, we have been told by the University that the staff have performed some additional work while having properly completed their own tasks. additional work, considered as self-financed activities, does not involve government funding, the two issues should not be mixed together.

MR LEUNG KWOK-HUNG (in Cantonese): President, the Secretary has not answered my question. Is it fair? He has merely explained why the Government is not allowed to, and cannot, intervene in the matter. I hope he will answer this question because they will listen to him as his words carry weight.

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

SECRETARY FOR EDUCATION (in Cantonese): President, I have nothing to add. However, I think that it is not a question fairness, but the arrangement.

MISS TAM HEUNG-MAN (in Cantonese): President, the Secretary pointed out just now that they are allowed to do so on a self-financing basis. However, has he considered that many people have to wait for a very long period? I wonder if such services are additional work, but if they are permitted to do so, it means that they are allowed to put half of the Government's resources into their own

pockets. Insofar as the people who have to wait for a long period are concerned, has the Secretary considered the current self-financing arrangement, so to speak, a major policy problem?

SECRETARY FOR EDUCATION (in Cantonese): President, the two issues should not be mixed together. As pointed out by me just now, the self-financed services are provided as additional services after they have finished the work they are duty-bound to perform. Therefore, this should not be used a yardstick to measure how much service should be provided to the public. The amount of services enjoyed by the public should fall within the scope of government subsidy. If the Honourable Member thinks that the waiting period for consultations is too long, we will have to consider whether more resources should be provided in this regard to shorten the waiting period. The two issues simply should not be mixed together.

MR LEE CHEUK-YAN (in Cantonese): President, I feel that the Secretary has all along failed to answer the question concerning whether the staff will merely focus their attention on private consultations without performing what they are duty-bound to do under the arrangement. *Under the existing arrangement,* while the teaching staff receive income from the private consultations, they can also continue to receive their remuneration without any deduction in salary. For instance, even if a staff engages in private consultations for 20 hours out of his weekly working hours of 44, the authorities will not do another calculation and deduct the 20 hours used for private consultations from the remuneration paid to him out of public money. He will continue to receive the same amount of remuneration. In that case, how can the Secretary prove that he has done what he is supposed to do? While he is duty-bound to work 44 hours, he has actually worked 20 hours only. And yet, he will still receive the same amount of This arrangement is unreasonable because public money is used remuneration. to finance their private consultations

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

MR LEE CHEUK-YAN (in Cantonese): President, I want the Secretary to confirm that he has actually failed in supervision to ensure what the teaching

staff are duty-bound to do, for they are supposed to work 44 hours. However, even if they work less than 44 hours, the Secretary will not deal with it. May I ask whether the Secretary agrees that he has failed in properly performing his supervisory duty?

SECRETARY FOR EDUCATION (in Cantonese): President, the Honourable Member assumed that the teaching staff have not performed what they are supposed to do, but this is only his assumption. His entire supplementary question is based on the assumption that the teaching staff should work 40 hours, and yet they have failed to do so by working 20 hours only, and the remaining 20 hours are used for private consultations. However, this is only his assumption. He has not explained why he has come up with such an assumption. Neither have I had any evidence proving that it was what actually happened. When we made enquiries with the HKU about this, I was told that the staff would perform the extra work after they had completely finished their own work. Therefore, based on the information I have obtained, the assumption made by the Honourable Member just now is not tenable. I am afraid I cannot answer this question as it is based entirely on his false assumption.

MR LEE CHEUK-YAN (in Cantonese): President, this is not a false assumption on my part. If the Secretary insists that this is my assumption, may I ask how he can tell the teaching staff have done what they are duty-bound to do? If they are employed to work more than 40 hours per week, and if they have actually failed to do so, how can the Secretary tell they have done what they are duty-bound to do? President, what supervisory measures have been taken? This is the thrust of my question.

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

SECRETARY FOR EDUCATION (in Cantonese): President, I have actually given a reply already. However, for the understanding of other Members, I will repeat it again. President, these issues, which should be dealt with by the institutions internally, are not supervised by me. In this regard, I have made enquiries with the institutions, and I have to accept the reply they have given me. I was told that a system had been put in place to carry out supervision. I can

simply not treat others with suspicion whey they tell me something, and ask them whether they have really done what they said in every case. These are all very simple I think it is also evident to Members that, if they go to hospitals for a look, they will find that the doctors are extremely busy. Very often, we have to wait for a long time for consultations. In regard to this issue, we cannot speak irresponsibly. Neither can we say that they have not performed their work based on our suspicion.

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

DR KWOK KA-KI (in Cantonese): President, I am working in a hospital. Many of our colleagues indeed work 60 to 70 hours per week. The time required to perform, for instance, surgeries and out-patient consultations, in hospitals are constant. A surgery can only begin when an adequate number of operating theatre assistants and anaesthetists are available. Everything has to proceed according to rules. Given that they have only a fixed amount of time, if they spend some of their time on private consultations, poor patients will definitely suffer. President, as you should also know, the time allocated to every operation theatre is fixed. It can operate only eight hours a day. Therefore, I certainly find the practice problematic.

I am very disappointed with the Secretary's reply. With respect to part (c) of the main reply, many patients have to wait for a long period. According to the practice of some institutions in the past, part of the income of the teaching staff generated in this way was required to be used for the development of the institutions. My supplementary question is: Can the Secretary encourage them to surrender part of their income to enable their hospitals to employ part-time employees to perform consultations or surgeries to prevent patients not having the means from waiting miserably for such a long period?

SECRETARY FOR EDUCATION (in Cantonese): President, I will definitely refer Dr KWOK Ka-ki's proposal to the authorities concerned for detailed consideration.

PRESIDENT (in Cantonese): Last oral question.

Types of Work and Trades Covered by Correctional Services Industries

- 6. **MR MARTIN LEE** (in Cantonese): Madam President, it has been learnt that every day in Hong Kong, about 7 500 prisoners and inmates are engaged in various types of industrial work (including the production of traffic signs, office furniture, concrete products, shoes, uniforms and linen, litter containers, metal barriers and envelopes, as well as the provision of services such as laundry, printing, and book-lamination, and so on) in workshops operated by the Industries Section of the Correctional Services Department (CSD). One of the objectives to engage prisoners and inmates in such work is to help them understand quality concepts and acquire some technical skills in different trades which will be beneficial for their rehabilitation. In this connection, will the Government inform this Council:
 - (a) apart from providing goods and services for government departments, how the above work can enhance the trade and vocational skills of prisoners and inmates; and
 - (b) whether it has considered extending the trades currently covered by the Correctional Services Industries (CSI) to those trades and work that require higher skills (for example, computer operation and typing, basic webpage design and telephone operator services, and so on), so as to further develop the vocational skills of prisoners and inmates, and whether it had conducted any studies in the past five years on widening the scope of CSI; if it had, of the results?

SECRETARY FOR SECURITY (in Cantonese): Madam President,

(a) The CSD arranges for adult prisoners to engage in useful work in accordance with Rule 38 of the Prison Rules (Cap. 234A), which lays down the requirement of work for prisoners. The purpose of engaging prisoners in work is to help them establish a living pattern with an organized schedule for work and rest, and lead a disciplined and orderly institutional life.

The CSI currently operate 142 workshops covering various trades, which include garment making, knitting, leather products, sign-making, metalwork, pre-cast concrete products, laundry

services, carpentry, fibreglass products, bookbinding, printing and envelope making. Most of the products and services provided by these workshops are supplied to government departments and subvented organizations.

Due to the unique nature of prison workshops, the CSD has to consider and balance various factors before introducing a new type of workshop into the penal system. These factors include security arrangements, the categories and background of prisons to be employed in the new workshops, and the implications to prison operation. For certain types of jobs which require higher skills, for example, computer-aided procedures in printing and garment making currently used in CSI workshops, the prisoners must undergo a longer period of training to master the relevant skills. Therefore, such jobs would not be suitable for prisoners with a short prison term or those with low academic qualifications.

That said, the CSI will from time to time explore and introduce new types of jobs to upgrade the trade and vocational skills of prisoners, so as to enhance their self-confidence in finding jobs and their chance to become self-reliant when they return to society. However, it is still necessary for the CSI to retain certain low-skilled jobs, such as laundry and simple manual work, to meet the actual needs of different types of prisoners in the penal institutions.

- (b) In order to keep pace with the social development in Hong Kong and to meet the needs of prisoners, the CSD has been conducting annual reviews on the types of trades it provides. In response to the results of these reviews, the CSI have introduced several types of trades and jobs that require higher skills over the past few years. For example:
 - multimedia digital design workshops for computer-aided piece cutting and computer-aided graphic and three-dimensional design were established for the long-term prisoners in Shek Pik Prison and Stanley Prison in 2000;

- new jobs on computer numerically-controlled and laser cutting were created for medium-term prisoners in Pak Sha Wan Correctional Institution in 2002;
- the patented technique for manufacturing Gore-tex waterproof and vapour permeable shoes was introduced in Stanley Prison in 2002;
- ultrasonic sewing techniques for manufacturing filter masks were introduced in Chi Sun Correctional Institution in 2003, broadening the types of jobs available to short-term prisoners; and
- upgraded sewing techniques were introduced in the garment workshop in Stanley Prison recently in 2007, so as to facilitate the production of more technically demanding windproof and vapour permeable uniforms.

Apart from the opportunity to improve their vocational skills through daily work in the workshops, eligible prisoners may also apply to attend pre-release vocational training courses run by the CSD for local prisoners. These include courses offered by Lai Sun Correctional Institution Vocational Training Centre and short training courses provided at other adult institutions. These courses are targeted at local adult prisoners who are due to be released in three to 24 months, with the aim of providing them with pre-release vocational training so as to help them find jobs and reintegrate back into society as soon as possible after their release from prison.

MR MARTIN LEE (in Cantonese): Madam President, I believe many prisoners think that they are treated as unpaid labourers by the Government. Would the Government inform this Council whether or not reference will be made to practices in other countries such as the United States to widen the scope of work undertaken by prisoners serving a medium-to-long prison term to business work so that they can undertake such work as data entry, classification, filing and scanning of documents, and so on?

SECRETARY FOR SECURITY (in Cantonese): Madam President, we undertake annual reviews of jobs assigned to prisoners and we will determine the types of work that dovetail with the latest developments in society. The products and services provided by the Industries Section of the CSD are supplied to various government departments and subvented organizations. However, we do not rule out the possibilities of collaboration with commercial organizations in CSI.

In the past, the CSD has arranged for inmates to engage in jobs provided by commercial organizations to enable them to undertake training and production in the institutions. This facilitates the future reintegration of inmates into society and enables them to make contributions.

Of course, we will draw reference from overseas experience. Annual reviews will be conducted and senior staff of the CSD will draw reference from overseas experience in this respect when they make visits abroad or engage in exchanges with their overseas counterparts.

MR MARTIN LEE (in Cantonese): Madam President, there is one point which the Secretary has not made it very clear and that is, he has said that reference will be drawn but not for now. Is this what he means?

SECRETARY FOR SECURITY (in Cantonese): Madam President, although we have drawn reference, we have to consider the actual situation in Hong Kong. With respect to the institutions, we have to consider a number of factors such as security or the academic qualifications and levels of the prisoners.

If we are to introduce computer or some advanced technology, matching action must be taken. If prisoners receiving training or assigned such work do not have the required academic attainment, then such kinds of training cannot be introduced.

MR SIN CHUNG-KAI (in Cantonese): President, recently I attended a meeting of a so-called call centre, that is, a paging centre and one of the award-winning projects is from the correctional department of the Philippines. It has a call centre service in one of its correctional institutions in actual operation and it is used to train prisoners so that they can find a job after release from prison.

May I ask the Secretary if any consideration has been made to keep up with the developments to let prisoners undertake types of work that will help them find a job after their release from prison, such as to set up a call centre like that found in the Philippines?

SECRETARY FOR SECURITY (in Cantonese): Madam President, as I have said in the main reply, the main targets of the services supplied by workshops in the correctional institutions are government departments or subvented organizations. If it is a purely commercial operation such as a call centre, then collaboration will have to be forged with telecommunications operators. We have not yet developed to such a stage. However, I am very grateful to Mr SIN Chung-kai for giving us this advice and we will discuss it with the relevant parties.

MR ALBERT CHAN (in Cantonese): President, I am very glad to learn that the Government has a direction of development which is modern and can keep up with developments in society with respect to training and the types of work in the correctional institutions.

However, I am very concerned about its effectiveness. Are such arrangements only window-dressing or are they genuine vocational training and development for inmates serving sentences in the prisons? Can the Secretary provide any information or explanation on that? In the last part of his main reply, the Secretary mentions that "with the aim of providing them with pre-release vocational training so as to help them find jobs and reintegrate back into society as soon as possible after their release from prison". Over these many years past, how effective have these types of work in the institutions served such a purpose? After prisoners are released, how many of them can find such kinds of work? What are the percentages? Can the Secretary give any information and an assessment on that?

SECRETARY FOR SECURITY (in Cantonese): Madam President, the CSD is very concerned about how cost-effective methods can be used to offer market-oriented vocational training courses to adult prisoners.

From the relevant figures we can see that from October 2006 to October 2007, a total of 235 rehabilitated persons have completed pre-release vocational training courses before leaving the correctional institutions. Of these, 173 accepted follow-up employment service provided by the Society of Rehabilitation and Crime Prevention. If released inmates choose not to receive any follow-up service, we will not be able to know their employment situation after release. As for the employment rate of these 173 people, the percentage of their finding a job within three months after release is 83%. The CSD thinks that the preliminary result of this service is not bad.

MR ALBERT CHAN (in Cantonese): President, can the Secretary make a clarification? About the figure of 83% cited by him, does it mean the types of work they have been trained in the prison or is it just a general figure of the number of people who have found jobs?

PRESIDENT (in Cantonese): This is a good question, but it is not part of the supplementary question which you have asked earlier. You should raise a follow-up question. If you wish to ask this question, please wait for another turn. I think the Secretary for Security is also very pleased to discuss with you after the meeting.

MR ALBERT CHAN (in Cantonese): All right.

MR HOWARD YOUNG (in Cantonese): President, the Secretary has listed in paragraph two of part (a) in the main reply several types of work, such as production of leather goods. As far as I know, some of these types of work are found in the private sector market too. When I visited the prisons previously, I found that there were certain types of work not found in the private sector market such as the production of road signs. I was worried because I did not know what kind of jobs prisoners who had learnt to do such work could find after release. May I ask if the Secretary has made any assessment of each type of work undertaken by the prisoners with respect to the question of whether or not they can find work in similar trades after release?

SECRETARY FOR SECURITY (in Cantonese): Madam President, in the main reply I have said that the aim of arranging for adult prisoners to engage in work is to help them establish a living pattern with an organized schedule for work and rest, and lead a disciplined and orderly institutional life.

In such a process, if we can achieve another aim, that is, the work they engage in the institutions can help them find a job later, it would be most desirable. However, this is not our only aim. The meaning of correction is both to punish and to teach, that is to say, when someone is sent to prison for breaking the law, we hope that that person can be reformed in the process so that he or she can lead a disciplined and orderly life. This would help them integrate into society more easily later. We will arrange for them to engage in some useful work to make them think that they have made some contribution while being detained. The types of work we arrange for them now include those that require higher skills as well as those that require lower skills. Prisoners are assigned work that suits their ability and physical strength.

As the Member has said, work such as producing road signs is quite simple and this is only work done for certain government departments. If these prisoners are to use the working experience they have gained in the correctional institutions to find similar jobs in the market after release, it is certainly not so easy.

However, besides these workshops in the correctional institutions for inmates to engage in work, as I have pointed out in the main reply, from three to 24 months before prisoners are due to be released, we will provide them with pre-release vocational training courses. The purpose is solely to prepare them to meet market needs at the time.

As I said in answering the supplementary question raised by Mr Albert CHAN, we have actually assisted some released prisoners to find some jobs through these pre-release vocational training courses, and the success rate is 83%.

MR CHIM PUI-CHUNG (in Cantonese): President, we know that the CSD provides some training opportunities to the prisoners and different wages are given. The supplementary question from Mr Martin LEE referred to unpaid work. I would like to ask the Secretary to make a clarification that no work is

unpaid and what the minimum wage they get is and how much they can earn each day or each month. This will make everyone know that prisoners in Hong Kong are not asked to provide unpaid work for the Government. This is a very important point.

PRESIDENT (in Cantonese): Secretary, please reply.

SECRETARY FOR SECURITY (in Cantonese): Madam President, wages paid to prisoners are divided mainly into six grades and in each grade there are two classes, one for apprentices and the other for skilled workers. In general, prisoners are assigned to a job and after two to four weeks, if they can meet the job requirements, they can be promoted from apprentices to skilled workers. Wages for the apprentices are roughly two thirds of the wages for the skilled workers.

Now these grades are divided into A, B, C, D, E and F. The weekly wage for apprentices in grade A is \$24.6 and the weekly wage for apprentices in grade F which is the highest is \$59.7. This is about \$60. For the skilled workers in grade F, their weekly wage is \$106.

PRESIDENT (in Cantonese): We have spent more than 18 minutes on this question. The last supplementary now.

MR JAMES TO (in Cantonese): President, we understand that it would not be appropriate to provide training to prisoners if their length of sentence is too short. For those serving a long sentence, their employment problem may be put aside because they will only be released after a very long time. What the CSD should focus its attention on are those prisoners serving a term of medium length. Because they are younger and they can be released in a few years, that is, one or two years or two to three years or so.

The Secretary mentions in part (b) of the main reply many trades that require computer assistance, such as computer-aided piece cutting or sewing work. Mr Martin LEE mentions in the main question an important suggestion about webpage design or using computer to design games, that is, online games.

Young people are often very creative in this. Of course, they may use their creativity in doing bad things. But if they can be guided to engage in work that is more creative and can focus their attention Can the Government undertake that consideration will be made in this direction and to do more in this aspect?

SECRETARY FOR SECURITY (in Cantonese): As a matter of fact, we do make arrangements in accordance with the needs of individual prisoners and their academic qualifications. With respect to information technology, it is true that young prisoners may learn more easily. In our correctional institutions, we compel prisoners less than 21 years of age to study and learn some academic subjects, one of which is computing.

As for adult prisoners, we have also got some computer courses. But they have to pursue such learning of their own accord. Some of them may not even know how to gain access to the Internet or their Chinese or English competency is low, if they are forced to enrol in computer courses, it would not be so effective. Actually, we certainly do such work.

PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Timeframe for Surrender of Public Housing Flats

- 7. **MR JAMES TIEN** (in Chinese): President, at present, tenants of public rental housing (PRH) flats who have purchased a flat under the Home Ownership Scheme are required to surrender the PRH flats they originally occupy within 60 days from taking possession of the purchased flats. They may apply for deferral of surrendering their PRH flats for a maximum of 30 days, in respect of which they are required to pay an occupation fee equivalent to triple the net rent plus rates. In this connection, will the Government inform this Council:
 - (a) of the justifications for setting the timeframe for the surrender of PRH flats at 60 days;

- (b) of the justifications for setting the above occupation fee at an amount equivalent to triple the net rent plus rates; and
- (c) whether it will review the existing requirements, including the consideration of relaxing the above 60-day timeframe?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my reply to the three-part question is as follows:

Public housing resources are precious. There is a strong need to ensure their effective utilization to meet the needs of the existing PRH tenants and more than 110 000 PRH Waiting List applicants. As a matter of principle, the Hong Kong Housing Authority (HA) will not provide double housing benefits to tenants. Tenants who have purchased flats under any subsidized home ownership schemes (including the various home purchase schemes or loan schemes provided by the HA and the Hong Kong Housing Society) are required to vacate and surrender their PRH flats to the Housing Department (HD) for reallocation to other PRH applicants. If a tenant, for whatever reason, asks for keeping the PRH flat for a limited period of time after purchasing a flat, he or she should, in principle, be required to pay a higher fee for occupation of the flat.

In March, 2000, taking into consideration the time generally required for moving into a new flat, the HA decided that the tenants should be allowed to continue to occupy their PRH flats at the original rents up to 60 days after taking possession of the flats purchased, but they should be required to tender notices-to-quit to terminate their tenancies before the expiry of the specified period. Tenants with special needs who cannot surrender their flats within 60 days may apply for an extension of up to 30 days, during which they are required to pay an occupation fee equivalent to three times the normal rent plus rates. For tenants who pay market rents before the termination of their tenancies, the occupation fee will be equivalent to the market rent or three times the normal rent plus rates, whichever is the higher. After the 30-day extension, the HD may exercise discretion to consider requests for further extension of the deadline for surrender on strong compassionate grounds, but the

- said occupation fee would still be applicable during the extended period.
- (b) Having considered the ratio of public housing rents to market rents and the need to avoid providing double housing benefits to tenants for an extended period of time, the HA has formulated the current formula for calculating the occupation fees for deferred surrender of PRH flats.
- (c) In 2000, the HA reviewed the time restriction for surrender of public housing flats by PRH tenants after purchase of subsidized flats. Having considered the time generally needed for moving into a new flat, it decided to extend the time limit from the original 30 days to 60 days and allow the tenants to apply for a further extension where necessary (subject to the payment of the occupation fee). The current measures adopted by the HA have struck a reasonable balance between the rationale use of public housing resources and the practical need of the tenants moving into new flats. The HA has no plan at present to further extend the 60-day time limit.

Student Finance Assistance Schemes

- 8. MR CHEUNG MAN-KWONG (in Chinese): President, it has been learnt that the existing Financial Assistance Scheme for Post-secondary Students (FASP) stipulates that students enrolled in accredited self-financing sub-degree programmes may apply for financial assistance under the FASP only when they are attending such courses. If they have graduated and moved on to top-up degree programmes which are not publicly funded, they no longer meet the eligibility criteria for the FASP and may only apply for non-means-tested loans. In this connection, will the Government inform this Council:
 - (a) of the reasons for imposing the above restriction on applications;
 - (b) among the students who had applied for non-means-tested loans from the 2004-2005 school year to the present, of the respective numbers of students enrolled in publicly-funded local degree programmes, self-financing local degree programmes, top-up

degree programmes jointly offered by local and overseas institutes and non-local degree programmes; among them, the number of students who had received financial assistance under the FASP and obtained a sub-degree; and

(c) given the shortage of publicly-funded top-up degree places and the above restriction on applications, how the Government, apart from providing non-means-tested loans to those sub-degree graduates in need, ensures that they are not denied access to degree programmes due to their lack of means?

SECRETARY FOR EDUCATION (in Chinese): President,

(a) At present, local students aged 25 or below pursuing self-financing, accredited full-time post-secondary education programmes and who have not obtained any subdegree or above qualification can apply to the Student Financial Assistance Agency (SFAA) for the FASP. The FASP provides grants to all eligible students who pass both the income test and the asset test to assist them to pursue post-secondary education.

Owing to resource constraints, the FASP currently focuses on assisting as far as possible senior secondary school graduates who have not obtained any subdegree or above qualification. Students who have obtained a subdegree or above qualification are therefore not covered by the FASP. However, they may apply to the SFAA for other student financial assistance schemes if they meet the eligibility criteria of these schemes.

(b) From the 2004-2005 academic year to 31 October 2007, the number of applications for non-means-tested loans in respect of full-time publicly-funded local degree programmes and self-financing local degree programmes are 24 921 and 7 432 respectively.

As regards students pursuing full-time non-local degree programmes (that is, degree programmes registered and those exempted from registration under the Non-local Higher and Professional Education (Regulation) Ordinance (Cap. 493)), a total of 1 683 applications for

non-means-tested loans were received from the 2006-2007 academic year to 31 October 2007. Relevant statistics prior to the 2006-2007 academic year are not available at the SFAA. Also, since students applying for loans under the Non-means-tested Loan Scheme are not required to state in the application form whether the undergraduate courses they are attending are top-up degree programmes jointly offered by local and overseas institutions or non-local degree programmes run solely by overseas institutions, the SFAA classifies these two types of programmes as non-local degree programmes for statistical purpose. A breakdown of the number of students enrolled in these programmes is therefore not available.

The total number of the above three types of applications are 34 036, involving a total of 23 243 students. Among them, 803 students have previously received financial assistance under the FASP and obtained an Associate Degree.

(c) Subdegree graduates attending non-publicly-funded top-up degree programmes can apply for the non-means-tested loan, which is capped at the total tuition fees of the relevant programme. As such, no student would be denied access to education due to lack of means.

Financial Arrangements Regarding Hong Kong Disneyland

- 9. MR WONG TING-KWONG (in Chinese): President, it has been reported that the Government is negotiating with The Walt Disney Company (Walt Disney) of the United States on the injection of funds into their joint venture, the Hong Kong Disneyland (the park), for its expansion, and the Government is conducting a financial consultancy study in this respect. It has also been reported that Walt Disney has decided that the repayment period for the bank loan of about \$2.3 billion, which was obtained when the park was developed, should be shortened from 15 years to one year, so as to reduce the interest expenses. In this connection, will the Government inform this Council:
 - (a) of the latest progress of the above negotiation on the injection of funds;

- (b) of the scope of the above financial consultancy study, and when the recommendations of the study can be submitted to the relevant authorities;
- (c) of the party responsible for the early repayment of the above loan, and whether the arrangement for the early repayment of the loan will affect the shareholding ratio between the Government and Walt Disney; and
- (d) when the Government has to apply to this Council for funds for injection into the park and the early repayment of the above loan, what justifications the Government will put forth to seek this Council's approval of such funding proposals?

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

- (a) In order to meet the future operational and development needs of the park, the Government and Walt Disney have begun to examine relevant financial options. The Government will carefully consider various financial proposals and conduct feasibility studies. At present, the two parties are still in the initial stages of negotiation and have yet to reach any agreement.
- (b) The financial adviser appointed by the Government will assess different financial proposals and make recommendations. It will advise and assist the Government in the process of negotiation so as to protect government interests. The financial adviser will submit reports to the Government in accordance with the progress of negotiations and the terms of the consultancy contract.

(c) and (d)

The Hongkong International Theme Parks Limited, which is jointly owned by the Government and Walt Disney, will be responsible for the repayment of the commercial bank loan relating to the park. As the Government and Walt Disney are still in discussion regarding financial arrangements, it is premature to comment on whether the

shareholding ratio between the two parties in the Hongkong International Theme Parks Limited may be affected. In studying the long-term financial arrangement, the Government will consider various factors, such as the economic benefit for Hong Kong, the appeal of new attractions in the park to local residents and inbound visitors, and the ways to improve the management, transparency and viability of the park. We will report to the Legislative Council at the appropriate time the details of the negotiations.

Autistic Children Being Bullied at School

- 10. MR ABRAHAM SHEK (in Chinese): President, it has been reported that autistic children studying in ordinary schools are often bullied by their schoolmates. They are prone to feel isolated and helpless, and some even have developed a tendency to commit suicide. Although the schools concerned have taken positive steps to solve the problem, such children are still exposed to different degrees of verbal and physical abuses from time to time. In this connection, will the Government inform this Council:
 - (a) of the current number of autistic children in Hong Kong, and how many of them are studying in ordinary schools;
 - (b) how the authorities will strengthen the support to those autistic children who are bullied and discriminated against in schools and their parents, in order that such children can be accepted by their schoolmates and will grow up healthily; and
 - (c) given that some students and their parents do not understand and accept autistic children, whether the authorities will consider organizing large-scale publicity and promotion campaigns to enhance public understanding of autistic children and foster the development of an inclusive culture in the community?

SECRETARY FOR EDUCATION (in Chinese): President,

(a) According to the records of the Education Bureau (the Bureau), there are 2 597 autistic students in Hong Kong, of whom 963 are studying in ordinary schools and the rest in special schools.

To assist schools in fostering an inclusive culture, apart from (b) providing them with additional resources, professional support and teacher training, the Bureau has also been promoting parent and public education in this regard. The Bureau has taken a number of measures to enhance teachers' knowledge and skills in managing bullying in schools and rendering support for autistic students. Assistance has been given to schools in formulating policies and preventive measures against bullying. While schools will provide immediate counselling and assistance to autistic students who encounter problems of social adjustment, they may also seek help from the Bureau where necessary. Educational psychologists will work in collaboration with teachers, school social workers and parents to develop an individualized support plan for the students concerned. For example, group counselling may be arranged to improve the problem-solving ability and social skills of autistic students, a "circle of friends" may be formed to support them, and guidance would be given to the "bullies". Besides, encouraging autistic students to give full play to their own strengths and to boost their self-confidence will also help enhance peer acceptance.

A number of measures are being implemented to further enhance support for autistic students. For primary schools, the Bureau has commissioned the University of Hong Kong to develop Behaviour tool. namely "The Checklist assessment on Social-Communicative Skills for Pupils with Autism" to assist teachers and student guidance personnel in providing individual support for autistic students. Relevant teacher workshops have been organized and the checklist was uploaded to the Bureau's website this October. Furthermore, a package on teaching children with autism to mind-read will be developed by The Hong Kong Institute of Education on the Bureau's commission and is expected to be available for distribution to primary schools in late 2008 for use by teachers and parents. At secondary level, the Bureau is collaborating with The Chinese University of Hong Kong and the Caritas Rehabilitation Services to jointly organize the "ILAUGH" training programme to develop the social and communication skills of junior secondary students with autism. The outcomes of the programme will be shared among teachers and social workers of all

secondary schools during the next school year, in the hope that the programme will be implemented in more secondary schools in Starting from this school year, a Teacher coming years. Professional Development Framework on Integrated Education has been launched to offer basic, advanced and thematic courses for teachers, among which include thematic training courses on autism. The Bureau will distribute an "Integrated Education Guide for Schools" in this school year to all secondary and primary schools in Hong Kong to introduce the concept of integrated education and share good practices identified in schools. To familiarize teachers with autism, the Bureau will also organize training activities for For example, two seminars have been teachers on a regular basis. planned for mainstream secondary school teachers in 2008, and primary school teachers and parents will each be provided with two seminars on teaching children with autism to mind-read.

The Bureau has been enhancing public understanding of autism (c) In terms of large-scale publicity and through various means. promotion campaigns, the Bureau has joined hands with the Castle Peak Hospital, non-governmental organizations and parents associations to organize the "Hong Kong Autism Awareness Week". This has become an annual event since 2004 to promote understanding and acceptance of autistic children. The "Open the Windows of Mind" workshops, one of the activities organized under the Hong Kong Autism Awareness Week this year, aims to promote a positive attitude amongst students towards their autistic peers in mainstream schools. It is expected that 60 workshops will be held for about 3 300 primary students during this school year. school level, the Bureau encourages collaboration between schools and community organizations keen on promoting inclusiveness to organize activities to enable ordinary students and those with special educational needs to jointly develop the skills of maintaining a harmonious relationship. For parents, an information leaflet on "Helping Your Child with Autism" has recently been produced by the Bureau, and the "Integrated Education Guide for Parents" will also be published in this school year. The Bureau will keep up its effort to promote integrated education, including the awareness of autism, with a view to fostering an inclusive culture in society.

Applications for Conversion to Non-profit-making Kindergartens

11. MR JASPER TSANG (in Chinese): President, it has been reported that currently, about 100 private independent kindergartens (PI KGs) have applied for conversion to non-profit-making (NPM) kindergartens but only 31 of them have converted successfully. According to the report, the authorities had indicated that the vetting and approving of applications from kindergartens for the grant of exemption from tax under section 88 of the Inland Revenue Ordinance (Cap. 112) would take eight weeks only. However, a kindergarten criticized that having submitted its application for 10 months, it had not yet converted successfully, which had seriously affected its enrolment exercise which commenced in November this year. In this connection, will the Government inform this Council whether it has plans to help kindergartens applying for conversion to NPM kindergartens understand the relevant application procedures more clearly and to vet and approve such applications expeditiously; if it has, of its plans; if not, the reasons for that?

SECRETARY FOR EDUCATION (in Chinese): President, around 100 PI KGs had indicated earlier that they would convert into NPM operation. As of mid-December, 82 of them have been recognized by the Education Bureau (the Bureau) as NPM kindergartens.

To facilitate PI KGs to acquire NPM status as early as possible, the Bureau in collaboration with the Inland Revenue Department (IRD) had organized briefing for their operators on the application details in late January 2007 and uploaded the relevant information onto the Bureau's webpage in early February 2007.

Kindergartens wishing to become NPM should first seek exemption from taxes from the IRD. In general, the IRD will grant tax exemption within eight weeks from the date of receipt of the application if all the necessary documents submitted are in order. Otherwise, the time taken to process an application will depend on whether all the necessary documents for the particular case have been submitted and how long the applicants will take to rectify deficiencies and supply further information as requested. The Bureau and IRD stand ready to offer assistance.

PI KGs wishing to join the Pre-primary Education Voucher Scheme with NPM status from the 2008-2009 school year onward can complete the conversion process before the 2008 summer recess.

Section Fares for Franchised Bus Routes

- 12. MR ALBERT CHAN (in Chinese): President, recently, some members of the public have reflected to me that, on certain long-haul franchised bus routes, while they only need to pay section fares when boarding the bus at the end part of the bus journey, they have to pay full fares on the return journey even though they just ride for a short distance. As such, some passengers would rather spend time waiting for short-route buses which charge lower fares. In this connection, will the Government inform this Council:
 - (a) of the respective numbers of existing long-haul franchised bus routes with and without section fares charged according to the distance travelled by the passengers (distance-based section fares);
 - (b) of the reasons for not providing distance-based section fares on some long-haul franchised bus routes; and
 - (c) whether it will consider reviewing the existing policy and require distance-based section fares to be provided on all long-haul franchised bus routes, so that short-haul passengers need not pay full fares when travelling on such routes; if so, of the details; if not, the reasons for that?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the Government has been encouraging bus companies to offer concessionary fares including section fares to reduce the travel expenses of the public, taking into account the overall economic condition and their operational situation.

(a) About 400 long-haul bus routes of 5 km or above in Hong Kong have implemented section fare arrangement whereas 100 long-haul bus routes of 5 km or above have not implemented such arrangement.

- (b) The bus companies have not introduced section fares on some long-haul bus routes because they consider that these routes are not suitable for implementation of section fare arrangement as some of them are only slightly longer than 5 km and some are recreation routes.
- As to whether and how section fare arrangement should be (c) implemented on all long-haul routes, we consider that this is a commercial decision for the bus companies. The bus companies have indicated that this involves difficulties in deploying bus On the one hand, the adoption of section fares resources. across-the-board in the initial part of all long-haul bus routes may induce more short-haul passengers to take buses on long-haul This would lengthen the journey time of long-haul passengers and the bus companies may need to deploy more buses to operate long-haul routes to cater for these short-haul passengers. On the other hand, they consider that some of the long-haul routes are only slightly longer than 5 km or are recreation routes, and thus are not suitable for implementation of section fare arrangement.

Taking into account the above considerations, the bus companies consider it difficult to implement section fare arrangement on all long-haul bus routes. We consider that it is more appropriate for the bus companies to continue to determine whether and how section fare should be adopted on individual long-haul routes having regard to the operating condition of individual routes, the companies' financial situation and the distribution of passengers with a view to using bus service resources effectively.

Impact of Rising Food Prices on Grassroots

13. MS EMILY LAU (in Chinese): President, according to the statistics released by the Census and Statistics Department (C&SD) on 22 November, the year-on-year increases in the prices of pork and beef in the Composite Consumer Price Index for October were 28.3% and 31.3% respectively. Moreover, Ng Fung Hong Limited raised the wholesale price of live pigs by 8% in late November, and there is pressure for beef prices to rise because of the unstable supply of live cattle to Hong Kong. I have learnt that rising fresh food prices

have imposed a heavy burden on the grassroots. In this connection, will the executive authorities inform this Council:

- (a) of the measures in place to tackle the surge in fresh food prices;
- (b) whether they have assessed the impact of the sharp rise in fresh food prices on the grassroots; if so, of the assessment results; and
- (c) of the measures in place to ease the economic pressure arising from the rise in fresh food prices on the grassroots?

FINANCIAL SECRETARY (in Chinese): President, after consolidating the responses from the Secretary for Food and Health and the Secretary for Labour and Welfare, I set out my reply as follows:

- Hong Kong produces only a small portion of the food consumed (a) locally and we have to import nearly all of our food, including fresh food, from the Mainland or many other places. Food prices are determined by the market and will inevitably fluctuate with factors such as movements in the exchange rates as well as changes in market demand and supply in other parts of the world. Kong does not impose tariffs or other taxes on imported food, food prices will not be inflated due to this factor. Food products from around the world can be imported into Hong Kong for distribution according to market demand as long as they are suitable for This brings in a wide variety of food products at consumption. varying prices to meet the demand of local consumers with different spending power. As live and fresh food is mainly sourced from the Mainland, the Administration has maintained close contact with the relevant mainland authorities in order to ensure a stable supply.
- (b) The impact of rising food prices on the grassroots can be estimated based on the household expenditure patterns obtained in the "2004/05 Household Expenditure Survey" conducted by the C&SD. Households in the first and second deciles (that is, the lowest and second lowest 10% expenditure groups) spent, on average, 35.7% and 33.8% respectively of their expenditure on food, including their

expenditures on basic foodstuffs and meals bought away from home. In October, food prices rose by 7.4% over a year earlier, of which basic foodstuffs by 13.1% and meals bought away from home by 3.2%. As a result, households in the first and second deciles would have to increase their total household expenditure by 2.6% and 2.5% respectively if they are to maintain the same level of food consumption. For reference, households covered by the Consumer Price Index (A) (CPI(A)), which relates to households with relatively low expenditure and accounts for about 50% of all households in Hong Kong, spent about 32.1% on food and would incur an increase of 2.4% in expenditure compared to a year earlier due to food inflation.

Specifically, the impact of the recent large increases in pork and beef prices on household budget can also be assessed. Households in the first and second deciles spent 2.5% and 2.2% respectively of their budget on fresh pork, and both groups spent 0.3% of their budget on fresh beef. In October, pork and beef prices rose by about 28% and 31% respectively over a year earlier. Assuming that these households would not substitute fresh pork and beef with food items of lower price increases, they had to increase their total household expenditure by 0.8% and 0.7% respectively, compared to 0.5% for CPI(A) households, due to these price increases.

The Government will continue to keep track of the food price trend and its impacts on households especially those at grass-roots level.

(c) The Government is very concerned about the well-being of the grassroots (including low-income workers, needy elders and the other disadvantaged groups), and fully understands that recent price rises, particularly increase in fresh food prices, have brought pressure to their livelihood. The Government has put forward a number of measures since early this year. These measures have helped relieve the burden brought about by inflationary pressures on the public. They include the public housing rental waiver in February; rates concession in the second and third quarters; rent reduction for public housing rental since August; as well as the implementation of the Pre-Primary Education Voucher Scheme in

September. These measures would altogether lower the increase in the Composite Consumer Price Index (CCPI) for 2007 by 0.9 of a percentage point. On top of this, the rates concession in the last quarter of the financial year 2007-2008 as announced in the policy address would render a further relief to the burden of households and will directly suppress the CCPI in 2008 by 0.3 of a percentage In addition, the Labour and Welfare Bureau has sought funding approval from the Finance Committee last week to increase the standard payment rates of Comprehensive Social Security Assistance (CSSA) by 2.8%, in accordance with the established mechanism to maintain the purchasing power of the payment. movement of the Social Security Assistance Index of Prices and other economic indicators pointed to persistent high inflation, the Administration might consider seeking approval for additional inflationary adjustments to the standard rates of CSSA, ahead of the annual adjustment cycle.

We will continue to monitor the price trend, and review in a timely manner the adequacy of the support provided to the underprivileged. The Government is conducting a comprehensive consultation on the 2008-2009 Budget and will consider if there is a need to roll out relevant measures to ease the economic burden of the needy.

At the same time, the Government would continue to alleviate poverty. With regard to the one-year pilot Transport Support Scheme for remote districts launched in June this year, the Government previously planned to conduct a comprehensive review after one year of implementation (that is, in mid-2008). However, in response to public feedback, the Labour Department has advanced the review to gauge the progress of implementation and explore the possibility of relaxing the eligibility criteria. Meanwhile, we have also stepped up publicity to promote the Scheme.

In the long run, the most effective and fundamental way to improve the conditions of the grassroots is to foster overall economic development to create new employment opportunities, which will in turn raise the income of the grassroots and keep down inflation

Thanks to the economic recovery and sustained pressures. economic growth over the past few years, there has been a continuous decline in the number of low-income employees. shows that promoting economic growth and creating employment is a move in the right direction. Pushing ahead with the 10 infrastructure will bring large-scale projects about many employment opportunities. We will also strengthen and integrate employment and training/retraining services to enhance the ability of the disadvantaged to achieve self-reliance and adapt to economic restructuring. Moreover, the Administration will try new modes, including promotion of tripartite partnership among the business, the community and the Government to develop social enterprises, so as to help low-skilled workers with employment difficulties to re-enter the labour market.

Employment of Mainland Arrivals Under One-way Permit Scheme

- 14. **DR DAVID LI**: President, regarding mainland arrivals holding One-way Permits (OWPs) under the daily quota of 150 persons, will the Government inform this Council:
 - (a) of the total number of arrivals who entered Hong Kong for settlement under the OWP Scheme between 1 January 2003 and the present;
 - (b) whether it tracks the employment of arrivals under the OWP Scheme as a distinct group and, if so, how their unemployment rates for the past four quarters compare with the overall unemployment rates for the corresponding periods;
 - (c) of the total number of arrivals under the OWP Scheme who enrolled in government-funded training and retraining programmes in the past five years; and
 - (d) whether it has assessed the effectiveness of the various training and retraining programmes in assisting arrivals under the OWP Scheme in securing employment; and, if so, of the results?

SECRETARY FOR LABOUR AND WELFARE: President,

- (a) According to the Census and Statistics Department, about 229 200 OWP holders entered Hong Kong during the period between 1 January 2003 and 31 October 2007.
- (b) The Administration does not keep track of the employment situation of OWP holders.
- (c) During the five-year period from 2002-2003 to 2006-2007, about 74 100 training places provided under the Employees Retraining Scheme of the Employees Retraining Board were taken up by new arrivals from the Mainland who had resided in Hong Kong for less than seven years.

Other government-funded training programmes, including those organized by the Labour Department for different groups (for example, the middle-aged and young people aged 15 to 24), courses run by the Vocational Training Council and those organized under the Skills Upgrading Scheme, do not make any distinction as to whether a trainee is a new arrival from the Mainland. Therefore, we have no separate statistics on the enrolment of new arrivals from the Mainland for these training programmes.

(d) Review results and experience have shown that these programmes have been generally effective in meeting their respective objectives, which include enhancing the vocational skills of the trainees and helping them secure employment or pursue further study. However, no separate assessment has been made on the basis of the duration of residence of the trainees.

Computerization of Various Bureaux and Departments

- 15. MR SIN CHUNG-KAI (in Chinese): President, will the Government inform this Council whether:
 - (a) any measures are in place to enhance and evaluate the information and technology (IT) capability of the staff of various bureaux and departments; if so, of the details; if not, the reasons for that; and

(b) any mechanisms are in place to evaluate the progress in computerization, such as IT application and electronic delivery of services, of various bureaux and departments each year, and whether bureaux and departments will be required to submit reports on computerization on a regular basis; if so, of the details; if not, the reasons for that?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, regarding the question raised by Mr SIN Chung-kai, my reply is as follows:

- (a) Over the years, the Government has been enhancing the capabilities of staff in bureaux/departments (B/Ds) in using information technology (IT) through various initiatives:
 - (i) The Government Office Automation Programme and the Accessibility Programme have established an e-enabled working environment by providing the necessary hardware, software and connectivity so as to enhance the efficiency of daily operations.
 - (ii) Apart from providing the necessary physical facilities, training programmes, seminars, experience sharing sessions and conferences have been provided by the Civil Service Training and Development Institute of the Civil Service Bureau and the Office of Government Chief Information Officer (OGCIO) to equip staff with knowledge and skill on the use of IT, as well as to broaden their awareness on pertinent issues such as IT security and new technology trends and applications.
 - (iii) A total of 67 B/Ds are supported by Information Technology Management Units (ITMU)¹ either on a shared or dedicated basis. ITMUs stand ready to advise B/Ds on IT usage and the planning and implementation of IT initiatives.

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There are 55 ITMUs staffed with IT professional staff serving 67 B/Ds.

- (iv) Depending on the operational needs of B/Ds and job requirements of staff, knowledge and capability on IT will be assessed as a core competence of different grades of staff during the annual performance appraisal exercise. These include, for example, the Administrative Officer grade, the Analyst/Programmer grade, the Executive Officer grade, the Clerical Officer grade, the Personal Secretary grade, the Confidential Assistant grade and management rank of the Supplies Officer grade.
- (b) A range of measures are in place to enhance monitoring and report of IT projects being planned and implemented in B/Ds:
 - (i) We encourage B/Ds to plan their IT requirements in a systematic and strategic manner. B/Ds have been advised to prepare and review periodically their departmental IT plans (DITP) and Information System Strategy plans (ISSP) ² according to their business and e-government needs. Besides, B/Ds are also required to maintain a Departmental IT Projects Portfolio (DITPP) and provide annual update to the OGCIO. The DITPP provides a more detailed portfolio of B/D's IT initiatives that are in operation, being implemented and being planned in current and subsequent years.
 - (ii) For all IT projects funded under the Capital Works Reserve Fund (CWRF) Head 710 Computerization, B/Ds are required to report progress on a quarterly basis to the OGCIO and provide justifications for any delay. Through this regular reporting mechanism, the health status of all projects can be monitored so that the OGCIO can provide timely advice where necessary. For major projects costing \$10 million or more funded under Head 710, annual progress reports are provided to the Finance Committee of the Legislative Council.

A DITP is a medium-term IT Plan for B/Ds with relatively low IT requirements. It normally covers a period of one to three years. An ISSP is a long-term, strategic IT plan for B/Ds with a relatively wide variety of services or high service volumes. It normally covers a period of five years or more.

(iii) In addition, an enhanced Project Governance system has been introduced since April 2006 under which the risk profile of a project is assessed at the funding approval stage and health check is conducted on a regular basis at the implementation stage. Depending on the risk assessment result, senior levels of the OGCIO will participate where necessary in the concerned project steering committee to tender advice to facilitate timely and successful implementation of the project.

Services Provided by Maternal and Child Health Centres

- 16. MR FREDERICK FUNG (in Chinese): President, in reply to my question at the Council meeting on 2 November 2005, the authorities said that they had implemented improvement measures in respect of the service workflow of and staff communication skills in the maternal and child health centres (MCHCs) of the Department of Health (DH), and would strengthen the exchange of information with the Hospital Authority (HA). However, recently, I still received complaints from women who had just given birth that some MCHC staff were very rude and their work efficiency was low (for example, some counter staff only responded to clients with scripted answers and spoke in a very impolite tone), and the service workflow was complicated and slow. Moreover, the women were required to fill in their particulars repeatedly and asked many times about related information on their giving birth in hospitals, which had subjected them to unnecessary pressure. In this connection, will the Government inform this Council:
 - (a) of the number and main contents of cases of complaints against the MCHCs received by the authorities in the past two years;
 - (b) of the improvement measures implemented by the authorities in the past two years in respect of the operation and attitude of staff of the MCHCs and their exchange of information with the HA, and so on; and whether an assessment has been made to see if the above complaints reflect that such improvement measures are ineffective; if such an assessment has been made, of the results; and
 - (c) whether the authorities will comprehensively review the overall management structure, operation and service workflow of the

MCHCs, and strengthen staff training and the exchange of information with the HA, and even consider putting the MCHCs under the management of the HA, so as to deliver a truly woman and baby-oriented service?

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

(a) In 2005 and 2006, the MCHCs of the DH handled 209 201 and 216 818 new cases and received 61 and 100 complaints respectively. The complaints were, among others, about the performance or attitude of staff (76%), the operation of the MCHCs (13%), services failing to meet demand (8%) and the environment of the MCHCs (0.6%). The DH attaches great importance to any complaint, and the complaints are handled jointly by the DH's Client Relations Unit and the Service Head of the MCHCs.

(b) and (c)

The DH has been making continuous efforts to monitor and review various aspects of the service performance of the MCHCs to ensure service quality.

As for training, the DH encourages its staff to participate in various kinds of training courses, including those on customer service, communication skills, computer application, and so on. 2000, the DH has implemented a service improvement programme The aim is to provide quality client-oriented in the MCHCs. services to better meet the needs of their clients through mutual support and collaboration within the team. Under the programme, the DH has devised a number of measures to make improvements in various areas such as the service workflow and environment of the For example, to reduce waiting time and expedite MCHCs. service workflow, a prior appointment system has been put in place; clients are reminded to fill in their Child Health Service First Registration Form in advance; and public address systems have been Since November 2006, the operating installed in the MCHCs. hours of the telephone booking service for child health service of the MCHCs have been extended. Enquiries on bookings received

outside the specified hours have also been handled with flexibility. To ease the workload of front-line staff in individual MCHCs in answering telephone enquiries, the DH has introduced a "24-hour Information Hotline on Family Health Service" manned by designated staff since January 2007. The DH will continue its efforts in further enhancing the service quality of the MCHCs through the promotion of a service improvement culture.

As for the processing of data, parents of newborn babies seeking services at the MCHCs for the first time are required to fill out a First Registration Form. The Form contains particulars of the parents and their baby, including the name of the hospital in which the baby was born and weight at birth. The DH has since March 2007 implemented a computer system for child health services in the MCHCs by phases to facilitate the storage and retrieval of attendance and immunization records of the babies. In addition. the DH is now joining hands with the HA to study the technical details regarding the exchange of data. It is hoped that the exchange of data between the DH and the HA can be strengthened while at the same time safeguarding the privacy of personal data so that a more convenient service can be delivered to the public.

Staphylococcus Aureus Infections

- 17. **MR LAU KONG-WAH** (in Chinese): *President, will the Government inform this Council:*
 - (a) of the number of cases of local infections of Staphylococcus aureus (SA) in the past two years and, among such cases, the percentage of those caused by drug-resistant SA, as well as the respective numbers of cases resulting in death and amputation for treatment reason;
 - (b) whether the authorities have looked into the channels of infection for the aforesaid cases; among these cases, of the number and percentage of those cases in which infection was suspected to have taken place at beauty parlours or massage establishments; and
 - (c) of the details of the hygiene guidelines on the prevention of SA infections issued to beauty parlours or massage establishments?

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

(a) SA is a bacterium commonly found on human skin and mucosa, but it occasionally gets into the body and causes SA infections. SA infections are very common, and the Administration does not record the exact number of such infections.

Community-associated methicillin-resistant Staphylococcus aureus (CA-MRSA) infection has become a statutory notifiable infectious disease since 5 January 2007. Between 1 January 2006 and 31 October 2007, the Department of Health (DH) received a total of 175 notifications of CA-MRSA infections (including voluntary notifications and, since 5 January 2007, statutory notifications) with two cases resulting in death. However, none of the patients needed to undergo amputation for treatment reason.

- Of the 175 CA-MRSA cases mentioned above, most (163 cases) (b) were isolated cases and epidemiological investigation did not reveal sufficient evidence to identify the sources of the infections. the remaining 12 cases, they were household clusters of CA-MRSA infections, involving six families believed to have been infected through close contact. Among all the 175 cases, about 10% of those infected with CA-MRSA had patronized massage establishments within a year prior to the onset of symptoms. However, there is insufficient scientific evidence to show any association between patronizing the massage establishments and the notified cases.
- (c) To protect the operators and clients of beauty parlours, the DH revised the "Recommended Guidelines on Infection Control for Skin Penetration Practice" in September 2005. The Guidelines cover, *inter alia*, requirements of personal hygiene, disinfection of client's skin, environmental hygiene of work area, handling of instruments and equipment, as well as management of contaminated items and environment. The Guidelines have been uploaded to the homepage of the DH's Central Health Education Unit for the trade's reference. Moreover, the DH organized a seminar on "Infection Control for Skin Penetration Practice" in the same month to brief the trade on the concept of infectious diseases, as well as principles of infection

control and effective infection control measures for skin penetration practice. The DH also published pamphlets and leaflets in early 2006 to enhance the trade's awareness of precautions against infection.

Use of Mobile Phones by Drivers While Driving

- 18. MR ABRAHAM SHEK (in Chinese): President, it has been reported that recently there were a number of fatal traffic accidents involving the use of mobile telephones by professional drivers at the time of accident. Furthermore, many taxi drivers offering fare discounts were found using several mobile telephones concurrently while driving to communicate with passengers who called to book a taxi, and when taking down the booking information, they did not hold the steering wheel with both hands, thus posing a threat to road safety. In this connection, will the Government inform this Council:
 - (a) of the number of traffic accidents since January 2007 which involved professional drivers using mobile telephones when the accidents took place, together with a breakdown by the class of vehicles involved;
 - (b) given that under the existing legislation, a driver must not use a mobile telephone while holding it in his hand or between his head and shoulder if a motor vehicle being driven by him is in motion, whether it will step up enforcement efforts to prosecute offending drivers; and
 - (c) whether it will consider legislating for a total ban on the use of mobile telephone by professional drivers while driving; if so, of the details; if not, the reasons for that?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President,

(a) According to the records of the Transport Department and the police, there was no traffic accident involving drivers using mobile phones while driving between January and November 2007.

- (b) The police have been taking active enforcement action against the offence of persons using mobile phones or telecommunications equipment by holding it in his hand or between his head and shoulder while driving. Starting from 2006, the police can institute prosecutions by way of fixed penalty tickets. As a result, the number of prosecutions against this offence rose from 7 813 in 2005 to 27 968 in 2006, representing an increase of over 250%. police have further stepped up their enforcement action this year, and the number of prosecutions in the first 10 months of the year was 28 269, representing an increase of 23% when compared with 22 967 during the same period last year. If a driver is found using a mobile phone while driving and affecting other road users, the police may consider charging him with careless driving as appropriate. Enforcement action in this respect will continue.
- (c) On 1 July 2000, we introduced legislation to prohibit a driver from using a mobile phone while holding it in his hand or between his head and shoulder while the vehicle is in motion. On 1 July 2001, the legislation was extended to cover the use of other hand-held telecommunications equipment including radio phones. To streamline the prosecution procedures against offenders, this offence was included in the Schedule to the Fixed Penalty (Criminal Proceedings) Ordinance on 1 January 2006, so that the police can institute prosecutions by way of fixed penalty tickets.

We consider that the existing legislation has already provided appropriate regulation for drivers using mobile phones while the vehicle is in motion. A total ban on the use of mobile phones with hand-free devices by professional drivers while driving will make it difficult for them to communicate with outside parties during their working hours even if they have operational or personal needs, and cause inconvenience to them. Moreover, the traffic accident figures do not provide sufficient justifications to further tighten the legislation. We therefore have no intention to amend the We will closely monitor the traffic accident and legislation. prosecution trends, and will review the relevant legislation as and when necessary.

Regulating Sources of Animals for Sale in Pet Shops

- 19. **MR JASPER TSANG** (in Chinese): President, it has been reported that a survey conducted by a concern group on animal rights and interests revealed that one out of every three respondents had bought pet dogs suffering from diseases such as Canine Distemper or skin diseases, and so on, and they had to spend tens of thousands of dollars to cure such dogs. The concern group criticized the Government for not making sufficient efforts to monitor the sources of animals in pet shops. In this connection, will the Government inform this Council whether:
 - (a) currently there is legislation regulating the sources of animals (especially private animal breeding farms) for sale in pet shops; if there is, of the relevant legislation; if not, how it will step up the relevant monitoring work; and
 - (b) it has plans to step up its efforts to combat activities to smuggle cats and dogs into Hong Kong; if it has, of the details of such plans; if not, the reasons for that?

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

- (a) According to the Public Health (Animals and Birds) (Animal Traders) Regulations under the Public Health (Animals and Birds) Ordinance (Cap. 139), any person who is engaged in commercial trading of animals (including the operation of pet shops or breeding grounds) must hold an animal trader licence issued by the Agriculture, Fisheries and Conservation Department (AFCD) and comply with the "Additional Conditions Attached to the Animal Trader Licence" stipulated under the Regulations. The additional conditions may vary depending on the types of animals concerned, but are generally based on the principles of protection of animal welfare and public health. The additional conditions attached to the licence mainly include:
 - The licensee must take all possible measures to ensure that the animals for sale are healthy;
 - If the animals concerned are dogs, all dogs for sale in the licensed premises must be implanted with a microchip by a

registered veterinary surgeon. Details of every transaction must also be recorded in the format specified by the AFCD; and

- All dogs and cats must be vaccinated against infectious diseases by a veterinary surgeon. Vaccinations must be supported by vaccination certificates issued by registered veterinary surgeons.

The AFCD conducts inspections on licensed animal traders on its own initiative from time to time or in response to public reports, with a view to ensuring animal traders' compliance with the licensing conditions that aim to safeguard the health of the animals for sale. Animal traders who are found to be in breach of the licensing conditions could be liable to a fine and suspension of licence. The AFCD will also review from time to time the need to revise the additional licensing conditions, including for the purpose of regulating the sources of animals for sale by traders.

(b) Hong Kong has put in place quarantine restrictions on imported animals (including cats and dogs). A valid permit issued by the AFCD must be obtained for importing animals into Hong Kong.

For land boundary crossings, the AFCD and the Customs and Excise Department (C&ED) carry out frequent joint operations at various land boundary crossings to inspect inbound passengers and Customs officers will stop and check suspicious vehicles. passengers and goods, and use X-ray inspection system to scan for any illegally imported animals. When illegally imported animals are seized, they will be handed to the AFCD for follow-up action. As for sea transport, the AFCD will conduct inspections at various cargo handling areas and smuggling black spots. Publicity and education campaigns targeted at the trade are conducted with a view to gathering intelligence and preventing smuggling. Moreover, we encourage the trade and the public to report smuggling cases. Over the past 11 months, the AFCD intercepted a total of 48 cases of animal smuggling involving more than 3 000 animals and birds.

To combat animal smuggling more effectively, the AFCD will set up a quarantine dog team early next year. Relevant staff and quarantine dogs are under training and will be tasked to work at different control points, as part of our efforts to enhance interception of illegal import of animals and birds.

Government's Assistance to Low-income People

- 20. **MR FREDERICK FUNG** (in Chinese): President, regarding the assistance provided by the Government to low-income people, will the Government inform this Council whether:
 - (a) it has conducted a study to understand the impact of high inflation rate on low-income families; if it has, of the results of the study; and whether it will consider bringing in more food suppliers and assisting them in competing fairly with existing suppliers in the market, so as to help to curb inflation;
 - (b) it has assessed the impact on low-income families when the Social Security Assistance Index of Prices (SSAIP) fails to reflect the actual high inflation rate, and whether it will consider resuming the adoption of the method whereby the rates of Comprehensive Social Security Assistance (CSSA) payments are determined on the basis of the inflation forecast for the following year, and shortening the cycle for adjusting such rates from one year to six months;
 - (c) it will waive public housing rents immediately, and waive the rates for the whole of the next financial year, and extend the rates concession to Government rent to waive the Government rent of the same quarter simultaneously, subject to a ceiling of \$5,000 for both waivers for each tenement per quarter; and
 - (d) it will consider immediately increasing the rate of disability allowance, as well as increasing the rate of transport allowance for low-income families, and providing these families with food grants?

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, the Government is concerned about the recent noticeable upswing in the inflation

rate and its impact on low-income families. We have provided these families with targeted assistance through different policy areas.

(a) The inflation faced by households in the relatively low, medium and relatively high expenditure groups can be measured respectively by the Consumer Price Index (CPI)(A), CPI(B), and CPI(C) compiled by the Census and Statistics Department (C&SD). 2007, the year-on-year inflation rates for these three groups of households were 2.9%, 3.2% and 3.5% respectively. In other words, the costs of living for households covered by the CPI(A) (that is, the households with relatively lower average expenditure) would have increased by 2.9% on average over a year earlier if they have maintained the same consumption basket without substituting the slower-price-increase items for faster-price-increase items. The lower inflation rate faced by CPI(A) households was mainly due to their slower increase in housing costs largely attributable to the rent reduction for public rental housing from August. However, the lower income households spend a larger proportion of their income on food and hence are more affected by the recent surge in The Government will continue to keep track of the food prices. inflation trend and its impact on households, especially those at the grass-roots level.

On food supplies, Hong Kong produces only a small portion of the food consumed locally. Instead, we have to import nearly all of our food, including fresh food, from other places in particular the Mainland which is our main source of supply. This being the case, food prices are determined by the market and will inevitably fluctuate subject to factors such as movements in the exchange rates, prices in the country of origin and market demand in other parts of the world. As Hong Kong does not impose tariffs on imported food, food prices will not be inflated due to this factor. products from around the world can be imported into Hong Kong for distribution according to market demand as long as they are suitable for consumption. This brings in a wide variety of food products at varying prices to meet the demand of local customers with different spending power. As live and fresh food is mainly sourced from the Mainland, the Administration has maintained close

contact with the relevant mainland authorities in order to ensure a stable supply.

(b) The standard payment rates of CSSA are adjusted according to the movement of the SSAIP. The Index, which reflects the expenditure pattern of CSSA households, is specially compiled by the C&SD on a monthly basis to measure inflation/deflation experienced by CSSA households. It consists of the same items as the CPI, except that items which are covered by special grants under the CSSA Scheme (for example, rent) or provided free by the Government (for example, medical treatment at public hospitals or clinics in Hong Kong) are excluded. The movement of the Index is used as a reference for making adjustments to CSSA standard payment rates to take account of price changes in order to maintain their purchasing power.

The Government has been closely monitoring the movement of SSAIP. The annual adjustment cycle takes into account the movement of the SSAIP for the past 12 months ending in October each year. The new rates will be effected in February of the following year upon the approval by the Finance Committee (FC) of the Legislative Council in December. Last Friday (14 December), we sought funding approval from the FC to increase the standard payment rates of CSSA by 2.8% in accordance with the established mechanism to maintain the purchasing power of the payment.

We cannot resume our previous practice of making adjustment to the CSSA standard payment rates on the basis of the forecast inflation. No matter how thorough and sophisticated the forecast is being conducted, the discrepancies between the forecast and the actual inflation are inevitable and hence will have significant impact on government expenditure. For example, the additional government expenditure incurred due to the cumulative over-provision of CSSA and Social Security Allowance (SSA) payment was \$8.3 billion for the six years from 1999-2000 to 2004-2005. Where there is any over-estimation of the SSAIP, the Government would need to adjust the payment downwards so as to offset the over-estimated increase.

The recipients may find it difficult to adapt to the downward adjustment.

If movement of the SSAIP and other economic indicators pointed to persistent high inflation, the Administration would consider seeking approval for additional inflationary adjustments to the standard payment rates ahead of the annual adjustment cycle.

Regarding public rental housing (PRH) rent, the Hong Kong (c) Housing Authority (HA) has all along been giving full regard to the affordability of tenants when determining PRH rent. income-based rent adjustment mechanism to better reflect PRH tenants' affordability has now been put in place with the passage of the Housing (Amendment) Bill 2007 by the Legislative Council in June 2007. To enable the new rent adjustment mechanism to operate effectively, the HA reduced PRH rent by 11.6% starting from August 2007. In addition, as the Government has waived the rates for the first two quarters of 2007-2008, the HA subsequently reduced the PRH rent at an amount equivalent to the rates concession so as to benefit PRH tenants. Following the Government's decision to further waive the rates for the last quarter of 2007-2008, the HA will deduct an equivalent amount from the rent payable by PRH tenants for January to March 2008. tenants facing temporary financial hardship may apply for rent reduction under the Rent Assistance Scheme (RAS). HA's relaxation of the eligibility criteria for the RAS starting from August 2007, a greater number of needy tenants could benefit from the Scheme.

The Financial Secretary is conducting the 2008-2009 Budget consultation. We note that there are requests from the public for rates exemption in the coming financial year. The Financial Secretary will seriously consider the relevant suggestion in preparing his Budget.

As regards the issue of Government rent, it is the rent that the relevant owners are required to pay to the Government during the

term of their land leases. Its nature is different from that of rates, which are a kind of tax. Therefore, it is not appropriate to compare the two.

(d) The Disability Allowance (DA) under the SSA Scheme is designed to provide a monthly cash allowance to Hong Kong residents who are severely disabled to meet their special needs arising from severe disability. The rates of the DA are adjusted according to the movement of the SSAIP. We sought funding approval from the FC last Friday (14 December) to increase the rates of the DA by 2.8% with effect from 1 February 2008, in accordance with the established mechanism. The new rates of monthly payment will be \$1,170 (Normal Rate) and \$2,340 (Higher Rate). As at end November 2007, the number of DA recipients was 120 800. The total government expenditure on the DA in 2006-2007 was about \$1.72 billion.

The Government launched the pilot Transport Support Scheme for remote districts in June this year. We originally planned to conduct a comprehensive review of the Scheme at the end of the one-year implementation (that is, in mid-2008). However, in response to the community concern, the Labour Department has advanced the timing and commenced the review to gauge the progress of implementation and explore the possibility of relaxing the eligibility criteria. We have also stepped up publicity to promote the Scheme to encourage the needy unemployed and low-income employees to apply for the Scheme.

There are non-governmental and local organizations providing temporary in-kind food assistance to assist individuals and families in need. For example, the People's Canteen and People's Food Bank operated by St. James' Settlement provide hot meals and dry ration to those in need (including people who are unemployed, of low income, street sleepers, and so on) through a network of local charities and service units.

BILLS

First Reading of Bills

PRESIDENT (in Cantonese): Bills: First Reading.

LEGISLATIVE COUNCIL (AMENDMENT) BILL 2007

PREVENTION AND CONTROL OF DISEASE BILL

CLERK (in Cantonese): Legislative Council (Amendment) Bill 2007 Prevention and Control of Disease Bill.

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

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading.

LEGISLATIVE COUNCIL (AMENDMENT) BILL 2007

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, I move that the Legislative Council (Amendment) Bill 2007 (the Bill) be read the Second time.

The purpose of the Bill is to amend the Legislative Council Ordinance to update the electorate of functional constituencies (FCs) for the 2008 Legislative Council Election, and make consequential amendments to the Chief Executive Election Ordinance (CEEO). We consulted the Legislative Council Panel on Constitutional Affairs on 19 November 2007 on the relevant proposal.

I would like to commence by introducing the background of the Bill.

On 21 December 2005, the Government put to the Legislative Council two motions to amend Annexes I and II of the Basic Law respectively to implement the package of proposals for the methods of selecting the Chief Executive in 2007 and forming the Legislative Council in 2008.

As the motions did not receive the required two-thirds majority support of Legislative Council Members, the proposals could not be processed further.

In accordance with the Interpretation made by the Standing Committee of the National People's Congress on 6 April 2004, if no amendment is made to the methods for selecting the Chief Executive and for forming the Legislative Council as stipulated in Annexes I and II of the Basic Law, the provisions relating to the two methods in Annexes I and II of the Basic Law will continue to apply.

In the circumstances, the 2008 Legislative Council Election will be held on the basis of the existing arrangements. Based on this approach, the number and composition of existing FCs should remain unchanged for the 2008 Legislative Council Election, and only minor technical updates will be made.

The Bill was drafted on the basis of the above basic principle. I would now like to highlight the major provisions in the Bill.

Firstly, the Bill will amend the Legislative Council Ordinance to reflect changes in the names of corporate electors or organizations in the existing electorate of six FCs, that is, the Education, Import and Export, Information Technology, Transport, Sports, Performing Arts, Culture and Publication; as well as the Wholesale and Retail FCs.

Secondly, the Bill will remove the Kowloon-Canton Railway Corporation from the Transport FC to reflect the corporation's cessation of transport operation under the Rail Merger Ordinance.

Thirdly, the Bill will replace two electors or organizations which have ceased to exist by another relevant elector or organization. Such amendments involve the inclusion of the Hong Kong Sports Institute Limited in the Sports, Performing Arts, Culture and Publication FC. This body has taken over the elite training function of the former Hong Kong Sports Development Board, which was a registered voter under this FC before its dissolution.

The other amendment involves the inclusion of the Tobacco Association of Hong Kong Limited in the Wholesale and Retail FC. After the removal of the Tobacco Institute of Hong Kong Limited from this FC upon its winding up, there is no organization in this FC that represents the tobacco industry. Accordingly, there is a case for the Tobacco Association of Hong Kong Limited to be included in this FC as the representative body of the tobacco industry.

Fourthly, the Bill also reflects the restructuring of membership of two organizations in the Information Technology FC.

In addition, the Bill contains consequential amendments to the Schedule to the CEEO to make corresponding changes to the composition of the relevant Election Committee subsectors.

Madam President, we hope that this Amendment Ordinance can come into operation on 1 April 2008, so that the Voter Registration Campaign, scheduled to commence in April 2008, can take account of relevant changes. With these remarks, I hope Members will support the Bill and pass it as soon as possible, to enable the preparation for the 2008 Legislative Council Election to commence as scheduled.

Thank you, Madam President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Legislative Council (Amendment) Bill 2007 be read the Second time.

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

PREVENTION AND CONTROL OF DISEASE BILL

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Madam President, I move that the Prevention and Control of Disease Bill (the Bill) be read a Second time.

The Bill is to bring our domestic legislation on the prevention and control of disease into line with the International Health Regulations (IHR) (2005) newly promulgated by the World Health Organization (WHO) and further strengthen our ability in preventing and controlling infectious diseases, so as to ensure proper handling of diseases of public health concern, both in peacetime and during a public health emergency. The existing Cap. 141 of the Laws of Hong Kong, the Quarantine and Prevention of Disease Ordinance (the Ordinance), was introduced more than 70 years ago. Although amendments have been made subsequently to tie in with the operational experience and developments of

epidemiology, they failed to fully comply with the provisions of the IHR (2005). We suggested that the existing Ordinance be updated and replaced with the above new Bill. The IHR (2005) is legally binding on all State Parties, including China, and has been extended by the Central People's Government to Hong Kong pursuant to Article 153 of the Basic Law.

In order to protect global health, the WHO endorsed the replacement of the old IHR (1969) with the IHR (2005) at the 58th World Health Assembly held in 2005. The IHR (2005) seeks to prevent, protect against, control and provide a public health response to the international spread of diseases, and has come into force since 15 June 2007. All States Parties to the IHR (2005) have up to five years to develop their core capacities to discharge their international obligation for surveillance of and prompt and effective response to public health risks and public health emergencies of international concern.

The scope of the IHR (2005) has been broadened considerably from basically covering originally three quarantinable diseases, namely cholera, plague and yellow fever, to any disease of public health importance which can spread internationally. The main provisions of the IHR (2005) include:

- (a) routine public health measures (including inspection and control activities) on travellers, conveyances and goods at international airports and ports to prevent international spread of diseases or diseases caused by contamination;
- (b) a requirement for States Parties to notify the WHO of all events that may constitute a public health emergency of international concern;
- (c) requirements on the core capacity for surveillance, report and response to public health events; and
- (d) procedures for the WHO to make recommendations on areas affected by public health threats, to prevent international spread of diseases or diseases caused by contamination.

There are deficiencies in the existing Ordinance, particularly in the monitoring and control of cross-boundary conveyances, points of entry, travellers, goods and other things, and there is a need to strengthen the monitoring of diseases with a view to satisfying the IHR (2005) prescription on core capacity.

Apart from meeting the requirements of the WHO, we must also further improve the disease control structure in the light of our local experience. The SARS Expert Committee established by the Government recommended in its report, among other things, a review of the existing Ordinance should be reviewed, a proper expansion the list of notifiable diseases, establishment of the primacy of the Department of Health (DH) in the control of infectious disease outbreaks, and delineation of the statutory powers of enforcement officers. Having regard to these recommendations, we have conducted a comprehensive review of the existing framework for the prevention and control of infectious diseases. It is our objective to ensure that the legislation is up-to-date and capable of dealing with diseases both in peacetime and during a public health emergency.

For this reason, today I am introducing this Bill to the Legislative Council to replace the existing Ordinance. The Bill contains both fundamental and enabling provisions, and the main provisions are as follows:

- (a) empowers the Secretary for Food and Health to make regulation for the purpose of the prevention of any disease and the spread of any disease and contamination;
- (b) empowers the Director of Health to prescribe by an order published in the Gazette any measure to be applied in the light of any temporary recommendation made by the WHO;
- (c) provides that a Health Officer (HO) may, with the written approval of the Director of Health, seize any article that the HO has reason to believe is an infectious agent or contains an infectious agent;
- (d) provides that the Director of Health may order just and equitable compensation to be paid for any article that is damaged, destroyed, seized, surrendered or is submitted to any person pursuant to statutory authority;
- (e) provides that a HO may forfeit any article that is taken into Hong Kong in contravention of the Bill;
- (f) provides for the power to arrest a person who escapes from detention;

- (g) increases the kinds of infectious disease that are controlled by the existing Ordinance from presently 32 to 45, and that of diseases from presently 34 to 50, and adds a list of 31 infectious agents to be controlled by the Bill; and
- (h) empowers the Director of Health to amend the lists of infectious disease and infectious agents to be controlled by the Bill.

Furthermore, the Bill empowers the Chief Executive in Council to make a Prevention and Control of Disease (Public Health Emergency) Regulation (Public Health Emergency Regulation) when an occasion of public health emergency exists, for the purpose of combating and controlling the emergency situation, as well as protecting public health. Should there be an occasion of public health emergency, the control of epidemics will become extremely urgent. To enhance our preparedness for any major disease outbreaks in Hong Kong and develop our capacity in responding effectively and efficiently to public health emergencies, we have made considerable investments in the health care system in the past few years, including the establishment of the Centre for Health Protection under the DH, and, among other things, the provision of an infectious disease centre and isolation facilities, testing facilities and antiviral stockpiles in various Hospital Authority hospitals.

However, we consider it necessary to obtain further power to enable the Government to make regulations to contain any major disease outbreak in situations of public health emergencies in Hong Kong within the shortest possible timeframe. According to the Bill, the Public Health Emergency Regulation to be made by the Chief Executive in Council in case of emergencies may provide for the following matters, including:

- (a) empowering the Government to access and disclose information to the public relating to the state of public health emergency for the purpose of protecting public health;
- (b) providing for the requisition of private property (for example vaccines, medicine, personal protective gear, and so on) by the Government during a state of public health emergency, and that the compensation to be provided should be just and equitable in the circumstances; and

(c) enabling the temporary appointment of qualified but unregistered health care personnel to perform the necessary tasks and duties under the direction of the Director of Health during an emergency.

Since we cannot foretell how emergencies are going to take place, so a Public Health Emergency Regulation is made in advance may not be fully applicable to any particular emergency situation that arises.

When it is considered that the state of public health emergency has eased, we will request the Chief Executive in Council to repeal the Public Health Emergency Regulation made for that particular occasion.

The above proposals are essential to ensure that public health measures can be effectively carried out at times of emergency. We must however emphasize that the Public Health Emergency Regulation will only be made and powers be exercised in very exceptional circumstances.

Provisions that are operational in nature, such as the notification of cases of infectious disease, disease prevention and control, isolation and quarantine, the control of laboratories' disposal of infectious agents, and so on, will be incorporated into the new subsidiary legislation. I will make the relevant subsidiary legislation after the passage of the Bill. The new subsidiary legislation will provide a holistic scheme of measures for the prevention, surveillance and control of infectious diseases and cross-boundary spread of disease in respect of Hong Kong residents, travellers, goods and cross-boundary conveyances. The new ordinance and the relevant subsidiary legislation will come into operation on the same day.

We have consulted the health and medical sectors, and operators of the aviation, shipping, logistics, entry ports and other cross-boundary conveyances regarding the legislative proposal, and positive responses were received. We appreciate the concern expressed by the trade regarding the proposal to step up surveillance and control of cross-boundary conveyances and points of entry for the possible impact on their business operations. In this connection, I would like to emphasize that the Government has attached great importance to maintaining smooth international passenger and cargo traffic for Hong Kong. In fact, principles have been set out in the IHR (2005) providing that the

disruption to traffic and trade when implementing measures to protect public health should be minimal. For this reason, we will exert our best effort to minimize the impact of the proposed prevention and control measures on the trade. Furthermore, we will provide guidelines to the trade for the implementation of health measures, and maintain close communication and co-operation with the trade members to ensure smooth implementation of the proposed measures.

Madam President, with these remarks, I hope that Honourable Members will support and pass the Bill early. Thank you, Madam President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Prevention and Control of Disease 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.

MOTIONS

PRESIDENT (in Cantonese): Motions. Proposed resolution under the Pharmacy and Poisons Ordinance to approve the Pharmacy and Poisons (Amendment) (No. 5) Regulation 2007 and the Poisons List (Amendment) (No. 5) Regulation 2007.

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

PROPOSED RESOLUTION UNDER THE PHARMACY AND POISONS ORDINANCE

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

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

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

Arising from four applications for registration of pharmaceutical products, the Pharmacy and Poisons Board proposes to add four substances to Part I of the Poisons List and the First and Third Schedules to the Pharmacy and Poisons Regulations. Pharmaceutical products containing any of these substances must then be sold in pharmacies under the supervision of registered pharmacists and in their presence, with the support of prescriptions.

We propose that these amendment regulations take immediate effect upon gazettal on 21 December 2007 to allow early control and sale of the relevant medicines.

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

With these remarks, Madam President, I move the motion.

Poisons List (Amendment) (No. 5) Regulation 2007 Pharmacy and Poisons (Amendment) (No. 5) Regulation 2007

Supplementary Information to the Legislative Council

Drug Name	Proposed Classification	Reason
Diacerein; its salts; its esters	Part I, First and Third Schedules poison	This drug is used to alleviate the pain of patients with osteoarthritis and improve their conditions. The use of the drug should be decided by a doctor based on the patient's condition.
Exenatide	Part I, First and Third Schedules poison	This drug is used, in combination with metformin and/or sulphonylurea drugs, for the treatment of type 2 diabetes mellitus in patients who have not achieved adequate blood sugar control despite being treated with the highest tolerated doses of the latter two drugs. Its use should be decided by a doctor.
Lapatinib; its salts	Part I, First and Third Schedules poison	This drug is used, in combination with capecitabine, for the treatment of patients with advanced or metastatic breast cancer whose tumors overexpress HER2 and who have received prior therapy including an anthracycline, a taxane, and trastuzumab. Its use should be decided by a doctor.
Paliperidone; its salts	Part I, First and Third Schedules poison	The drug is used for the treatment of schizophrenia. Its use should be decided by a doctor.

The Secretary for Food and Health moved the following motion:

"RESOLVED that the following Regulations, made by the Pharmacy and Poisons Board on 22 November 2007, be approved –

- (a) the Pharmacy and Poisons (Amendment) (No. 5) Regulation 2007; and
- (b) the Poisons List (Amendment) (No. 5) Regulation 2007."

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

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, 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): Proposed resolution under the Interpretation and General Clauses Ordinance to amend the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) (No. 2) Rules 2007.

I now call upon the Secretary for Financial Services and the Treasury to speak and move his motion.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, I move that the resolution, as printed on the Agenda, be passed.

The purpose of the resolution is to amend the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) (No. 2) Rules 2007 (the Amendment Rules) tabled before the Legislative Council by the Securities and Futures Commission (SFC) on 31 October 2007.

I would like to take this opportunity to explain why the SFC made the Amendment Rules. That was because the SFC understood that some exchange participants were unable to meet their business needs within the existing position limits, and therefore some of them have shifted part of their positions to the over-the-counter and overseas markets. This is not conducive to the development of Hong Kong's derivatives market. In view of the situation, the SFC made the Amendment Rules in May this year after public consultation to introduce a degree of flexibility to the existing position limits regime to cope with market development.

The Amendment Rules aim at amending the Securities and Futures (Contracts Limits and Reportable Positions) Rules to allow exchange participants to apply to the SFC for authorization to exceed the position limits of "specified contracts", for which the excess authorized can only be up to a maximum "specified percentage". The SFC believes that the proposed amendments will better meet market needs and promote the growth of Hong Kong's futures and options markets. They will also enhance transparency and thereby enable the SFC to better assess potential implications for the market.

Having considered the comments from the Legal Service Division and the Subcommittee formed under the House Committee of the Legislative Council, I propose to amend the Amendment Rules by stating the "specified contracts" and "specified percentage" in the Rules instead of by notice in the Gazette as originally proposed. This will mean any future changes to the "specified contracts" and "specified percentage" will be subject to negative vetting by the Legislative Council. Separately, having considered the Legal Service Division's comments on differences between the bilingual texts of the new

section 4(7)(a) and (8) of the Amendment Rules, I also propose to amend the English text of the relevant provisions to ensure drafting consistency.

The Amendment Rules and the amendments I proposed have gained the support of the Subcommittee on the Amendment Rules of the Legislative Council. I move that the resolution be passed. Thank you, Madam President.

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

- "RESOLVED that the Securities and Futures (Contracts Limits and Reportable Positions) (Amendment) (No. 2) Rules 2007, published in the Gazette as Legal Notice No. 198 of 2007 and laid on the table of the Legislative Council on 31 October 2007, be amended, in section 2
 - (a) in the new section 4(7)(a) and (8), in the English text, by adding "holding or controlling" before "the excess";
 - (b) in the new section 4(10)
 - (i) by repealing the definition of "specified contract" and substituting
 - " "specified contract" (指明合約) means any of the following futures contracts or stock options contracts
 - (a) Hang Seng Index futures and options contracts;
 - (b) Hang Seng China Enterprises Index futures contracts and options contracts;";
 - (ii) by repealing the definition of "specified percentage" and substituting
 - " "specified percentage" (指明百分率) means 50%.";
 - (c) by repealing the new section 4(11)."

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.

MR SIN CHUNG-KAI (in Cantonese): Madam President, I will first give a brief report to this Council in my capacity as Chairman of the Subcommittee. The Subcommittee has no objection in principle to the making of the Amendment Rules by the SFC to meet market needs, which will empower the SFC to authorize certain persons to hold or control H-share contracts and HIS contracts exceeding 50% of the existing prescribed limits on the ground of business need. The main concern of members is indeed the legislative approach adopted by the authorities to give effect to this arrangement.

Members note that the SFC, in response to the views expressed by the trade during the consultation period, has amended the original proposal of specifying the type of "specified contracts" and "specified percentage" by notice in the Gazette to specifying in the principal rules instead. It is also specified in the Amendment Rules that notice published in the Gazette is not subsidiary legislation. Members consider that even if those requirements are specified in the principal rules, thereby subjecting them to negative vetting by the legislature, the flexibility of the SFC as a regulator will not be undermined and its timely response to the market will not be hampered. Actually, in the past, the SFC did make amendment to the principal rules in response to market needs, which had been submitted to the Legislative Council for negative vetting, and the amendment concerned had been implemented according to the original plan.

The Subcommittee has exchanged views with the Government and the SFC proactively on policy and law-drafting matters in respect of the Amendment Rules. Having considered members' concerns, the authorities will move an amendment, which has just been moved, to include the definitions of "specified contracts" and "specified percentage" in the principal rules. Therefore, in future, if any amendment is required, the legislative proposal will be submitted to the Legislative Council for scrutiny under the negative vetting procedure instead of merely by notice in the Gazette which is not subsidiary legislation.

In the course of scrutinizing the Amendment Rules, members have come to the view that the SFC should consider the feasibility of introducing a more fundamental change to the existing regime. In other words, the number of contracts exceeding the existing limits that can be held or controlled will first be specified in the principal rules, while the SFC will be empowered to impose a lower limit under specified circumstances. The SFC understands the opinions of members, but it considers that the authorities have to strike a balance between market development and market stability. However, the SFC has undertaken that it will review the need for change in the light of the experience gained after the Amendment Rules have come into operation and will seek approval from the Legislative Council if adjustments to the prescribed limits are considered necessary.

Members find that the bilingual texts of certain new sections of the Amendment Rules are not consistent. The SFC, despite its view that there is no discrepancy in the legal meaning of the bilingual texts, has agreed to amend the texts for consistency.

The Subcommittee agrees with the amendments proposed by the authorities to the Amendment Rules and will not propose any amendment under the name of the Subcommittee.

Madam President, the Democratic Party supports this amendment. I have no other comments to add.

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

MR CHIM PUI-CHUNG (in Cantonese): I speak in support of this amendment. This time, we have been given an opportunity to understand that the passage of any piece of legislation and rule in Hong Kong depends on the following factors. First, it must be fair and reasonable. Second, members of the trade must be Third, the provisions must be unequivocal. informed of the way of compliance. Fourth, rewards and punishments must be defined clearly. Certainly, I am of the view that the SFC should not hold the power in its hands, and that the relevant figures should be disclosed to facilitate the trade in gaining an understanding. As the SFC considers it necessary, I have no objection in However, in respect of "application", it is stated that an application must be submitted to the SFC when the amount exceeds a specified figure, but how long will the approval of an application take? A fair and reasonable period has to be fixed, and guidelines must be laid down, to avoid giving the trade and stakeholders an impression of unfairness or uncertainties as mentioned earlier.

I support in principle this request, demand and resolution proposed by the SFC and the Government.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, Secretary for Financial Services and the Treasury, do you wish to reply?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Madam President, I have to thank Members for their opinions. I would like to reiterate, the SFC makes the Amendment Rules to promote the market development in Hong Kong, while the amendment proposed by me is made in response to the opinions of the Legal Service Division and the Subcommittee formed under the House Committee of the Legislative Council.

I hope Members will support the amendment proposed by me. Thank you, Madam President.

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.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Motion on adjournment. Dr YEUNG Sum has sought my permission for him to move a motion for adjournment at today's Council meeting under Rules 16(1) and 16(2) of the Rules of Procedure, to enable Members to debate the Report by the Chief Executive of the Hong Kong Special Administrative Region (SAR) to the Standing Committee of the National People's Congress (NPCSC) on the Public Consultation on Constitutional Development and on whether there is a need to amend the methods for selecting the Chief Executive and for forming the Legislative Council in 2012.

Under Rule 16(2) of the Rules of Procedure, such a motion might be moved by a Member with the permission of the President of the Legislative Council if the President is satisfied that the adjournment is for the purpose of discussing a specific issue of urgent public importance.

I consider that the issue raised by Dr YEUNG Sum is of public importance. As regards its urgency, as the NPCSC will meet from 23 to 29 December this year to consider the above report and might take a decision on it, but the next Council meeting is scheduled on 9 January the next year, so I consider that the issue raised by Dr YEUNG Sum is urgent too. I have therefore given my permission for Dr YEUNG Sum to move the motion.

The mover of the motion and other Members will each have up to 15 minutes to speak.

I now call upon Dr YEUNG Sum to speak and move his motion.

MOTION FOR THE ADJOURNMENT OF THE COUNCIL

DR YEUNG SUM (in Cantonese): Madam President, I move that this Council do now adjourn for discussion.

Madam President, I am sincerely grateful to you for expediently giving permission yesterday for me to move this motion for adjournment concerning the political system. I am very grateful to you as this issue is, just as the President has judged, of urgency and importance. I also welcome the presence of Secretary for Justice WONG Yan-lung and Secretary Stephen LAM to give

responses on behalf of the Government. I am aware that some colleagues are having meals upstairs, but I hope that they may attend and join the debate afterwards so that all political parties and groupings can express their views on this important issue, which will have very far-reaching implications for the public.

Madam President, last week, the Chief Executive submitted to the NPCSC the Report on the Public Consultation on the Constitutional Development and on whether there is a need to amend the methods for selecting the Chief Executive and for forming the Legislative Council of the SAR in 2012. Unfortunately, at this critical moment of constitutional development when the Chief Executive has submitted a report to the NPCSC on whether there is a need to amend the methods for selecting the Chief Executive and for forming the Legislative Council in 2012, he himself has not come forth to give an account in person on the events leading to this report. Neither has he briefed the legislature on the reason nor answered questions from Members. Rather, he has chosen to give a video-recorded account to the public in a unidirectional manner so as to evade questions from the media and the public. I express my regrets about this.

It is evident that the Chief Executive has not regarded the public as his genuine "boss" despite his claim during his election campaign that he hoped to "get the job done". Surely, as Mr TSANG has not actually gone through the baptism of universal suffrage, he is naturally not accountable to the public on the submission of this report and matters relating to this.

During the election campaign, the Chief Executive asserted that the issue of universal suffrage would be addressed during his term of office. He also mentioned that if any mainstream proposal is supported by 60% of the public, he would pursue with the Central Authorities with justifications. However, such lofty sentiments have vanished without a trace after the election. Furthermore, he also said that an ultimate proposal that is up to the international standard would be put forward, but such a lofty remark was again nowhere to be found following the submission of the report.

I have carefully studied the report submitted by the Chief Executive and the Chief Secretary for Administration to the Central Authorities and this Council, but my opinion is in stark contrast to that of the Government. The Government has not faithfully reflected in the report Hong Kong people's views to the Central Authorities, and the summarized views are not the mainstream

view of Hong Kong people either. Therefore, I am gravely disappointed with the report.

The Chief Executive set out in paragraph 13 of the report the collected views on the methods for selecting the Chief Executive and forming the Legislative Council by universal suffrage, as well as the roadmap and timetable for universal suffrage, and made the following summary (I quote): "The people of Hong Kong have keen expectation for attaining the aim of universal suffrage in accordance with the Basic Law. Members of the public, political parties, Legislative Council Members, District Councils and different sectors of the community support that the plan for implementing universal suffrage, particularly the universal suffrage timetable, should be determined at an early date. This can help minimize internal debates on constitutional development and will be conducive to the long-term stability and development of Hong Kong." (End of quote) Subsequently, he mentioned that (I quote): "more than half of the respondents support implementation of universal suffrage for the Chief Executive and the Legislative Council in 2012." (End of quote)

Given the importance of a timetable for implementing universal suffrage and that more than half of the public support the implementation of dual universal suffrage in 2012, the Central Authorities should be urged to accept this proposal and implement it in Hong Kong as early as possible. However, in the second paragraph of the "Conclusion and Recommendations", the Chief Executive made a change of tone and mentioned no more universal suffrage for the Legislative Council, but merely stated the method for selecting the Chief Executive first in 2012. It can therefore be seen that the Chief Executive has actually replaced the dual universal suffrage in 2012 with the selection of the Chief Executive by universal suffrage in 2012. As a result, the timetable for implementing universal suffrage for the Legislative Council has come to a naught all of a sudden.

Under the "Summary of Views", the Chief Executive again pointed out that more than half of the respondents accepted the proposal of "universal suffrage for the Chief Executive can precede that for the Legislative Council", and hence drew the conclusion that a consensus has been forged in the community. In fact, this conclusion has simply forced his own — I mean the Chief Executive — words into the mouth of the public. Such order of priority is never a consensus of the community. While the Government's observation that more than half of the public support universal suffrage for the Legislative Council in 2012 was still ringing in our ears, why did it immediately point out

that universal suffrage for the Legislative Council should come after that for the Chief Executive? Such a conclusion is self-contradictory, and the Chief Executive's views are both ridiculous and saddening. In order to delay the election of the Legislative Council by universal suffrage, he has so brazenly made such a self-contradictory conclusion.

Regarding the Chief Executive's report, it has all along been interpreted by the community as the implementation of universal suffrage for the Chief Executive in 2017, which has fostered an atmosphere in which the pan-democratic camp should be asked to give up the fight for dual universal suffrage in 2012 in exchange for the implementation of universal suffrage for the Chief Executive in 2017. However, throughout the conclusion and recommendations of the report, the Central Government was actually not requested to make a decision on the selection of the Chief Executive by universal suffrage first in 2017. This was confirmed by the Secretary for Constitutional and Mainland Affairs at the meeting of the Panel on Constitutional Affairs held the other day, who said that procedurally, the SAR Government could only submit a report to seek amendments to the methods for the two elections to be held in 2012.

Madam President, the current situation is that there is public expectation of the implementation of universal suffrage in 2017, and they thought that there would be universal suffrage for the Chief Executive in 2017 even if dual universal suffrage could not be achieved in 2012. Universal suffrage for the Chief Executive would be implemented first. However, the fact is that it is downright unnecessary for the NPCSC to make any decision on the implementation of universal suffrage in 2017. Should we give up our fight for dual universal suffrage so easily, the common aspiration of the majority public will eventually be betrayed. I would like to remind the community that even if the implementation of universal suffrage in 2012 is voted down, it does not mean that the NPCSC would give the green light to the selection of the Chief Executive by universal suffrage in 2017.

Madam President, for fairness sake, I wish to raise another point in response to the further elucidation made by the Secretary of Department and Bureau Director at today's meeting, who pointed out that the report submitted by the Chief Executive was divided into two parts. Apart from being a reminder of whether there is a need to amend the methods for the two elections in 2012, it also reported on the consultation on the overall constitutional development for the consideration of the NPCSC. I welcome this further elucidation. Here, I

eagerly hope that the NPCSC would respond to the issue of the selection of the Chief Executive by universal suffrage and make an undertaking.

The report has mentioned time and again the statistics obtained from different public opinion polls, including those conducted by the University of Hong Kong (the HKU), The Chinese University of Hong Kong (CUHK) and the Centre for Hong Kong Studies. It was on the basis of CUHK's opinion poll that the Government concluded that about 60% of the public accepted the implementation of universal suffrage in 2017 if universal suffrage for the Chief Executive cannot be attained in 2012; whereas more than half of the public accepted the implementation of universal suffrage for the Legislative Council in 2016 or after if it cannot be attained in 2012, and the conclusion thus drawn is that implementing universal suffrage in 2017 will stand a better chance of being accepted by the community. I think that if all the opinion polls predetermine that universal suffrage cannot be implemented in 2012, the questions that follow will be leading questions that make the respondents choose the desired answers of the questionnaire designer. Should there be no universal suffrage in 2012, shall we have it in 2017? In fact, the question can be put in this way: Should there be no universal suffrage in 2007 and 2008, shall we have it in 2012? Shame on the academics and the academia that they have designed the questionnaires in this way. The academics concerned actually have no intellectual conscience at all. In order to secure a government job, they had designed questionnaires with leading questions and predetermined conditions. This is so saddening, really very saddening. And yet, this is the reality and the Government has made use of these leading questions to draw the relevant Judging from the teaching of statistics, this is actually a very bad conclusions. Most unfortunately, the Government has adopted these opinion precedent. The findings of the opinion polls have, however, been distorted and the Government has taken them out of context.

If the HKU's method of asking questions and the simplest and most practical approach as quoted by Dr Robert CHUNG was adopted, whereby members of the public are only required to express views on the timetable for universal suffrage after considering "the actual situation and the principle of gradual and orderly progress" as mentioned in the Basic Law, there will not be any leading questions or predetermined conditions, and the result is, after several rounds of survey — Madam President, I must say clearly — while an average of 56% of the public prefer the implementation of universal suffrage for the Chief Executive in 2012, as high as 63% of the public prefer the implementation of

universal suffrage for the Legislative Council in 2012. So, provided that the surveys are impartial, the claim to "resolve the simple issues before the difficult ones" or "select the Chief Executive by universal suffrage first" is nothing but an illusion.

Madam President, I received a letter in my office yesterday which a kaifong had asked my colleague to pass to me. Since the sender is an anonym, I believe it is good to read it out for the information of all members of the public. The letter reads:

"Dr the Honourable YEUNG Sum,

Yesterday afternoon, I heard a senior official say on the television that more than 100 000 signatures were received from the public, supporting the implementation of universal suffrage in 2012, and 150 000 members of the public came forth and signed to indicate their support for the implementation of dual elections by universal suffrage with gradual and orderly progress in a pragmatic and rational manner. We signed when we were attending a mid-autumn tea gathering organized by the district office of a DAB Member (each person had paid \$30 and the balance was subsidized by the office). While many people had signed thinking that it was a record of attendance, some were asked by the Member's Assistants to sign one after another when they were measuring blood pressure. The way how they collected the views are rather substandard and dishonourable.

We feel extremely uncomfortable and regretful, and would like to apologize through this letter to you and members of the public who share a common aspiration — 'Sorry!'

Wish you good health and Merry Christmas!

Anonym

13 December 2007"

Madam President, not only has the Chief Executive not honoured his fundamental pledges and faithfully reflected the views of Hong Kong people by including too many substandard views, hence failing to come up with the so-called mainstream consensus, he has even ignored the pledges made during the election campaign and failed to put forward any ultimate proposal for dual universal suffrage that is up to the international standard. Here, I sincerely hope and urge that the Central Government would meet with the democratic camp as early as possible to listen to our views and the mainstream view of the general public, giving us a chance to tell them the truth that it is the wish of the majority public to attain universal suffrage in 2012.

Madam President, finally, I would like to talk about the result of the HKU's public opinion poll. Public opinion polls had been conducted by the HKU one day before the report was released and in the following three days so as to truly indicate if the public consider the report can faithfully reflect the collected views. As we can see, while public confidence in the SAR Government and the Central Government has dropped significantly by 10%, public confidence in the Central Authorities has plunged more seriously to a recent record low of slightly more than 40%.

For this reason, I hope that through this speech, the authorities concerned, Beijing in particular, will listen carefully that the mainstream public view is not fabricated by the democratic camp. We do not have such abilities. Basically, they wish to have dual universal suffrage in 2012; even if there is not, a timetable for the implementation of universal suffrage for the Chief Executive and the Legislative Council in 2017 is definitely their hope.

With these remarks, I beg to move.

Dr YEUNG Sum moved the following motion: (Translation)

"That this Council do now adjourn for the purpose of discussing the Report by the Chief Executive of the Hong Kong Special Administrative Region to the Standing Committee of the National People's Congress on the Public Consultation on Constitutional Development and on whether there is a need to amend the methods for selecting the Chief Executive of the Hong Kong Special Administrative Region and for forming the Legislative Council of the Hong Kong Special Administrative Region in 2012."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That this Council do now adjourn. Secretary for Justice.

SECRETARY FOR JUSTICE (in Cantonese): Madam President, I do not intend to speak at this stage.

PRESIDENT (in Cantonese): Secretary for Constitutional and Mainland Affairs.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, I will first listen to Members' views before I speak.

MR CHIM PUI-CHUNG (in Cantonese): President, I strongly believe that in this Council, I am the one who likes best to speak on the constitutional issue as many other Members will speak on issues relating to the people's livelihood.

I think that the previous consultation exercises conducted by the SAR Government on the so-called constitutional reform package for the 2012 and 2017 elections were indeed scams. Why were they scams? Because insofar as the design is concerned, the Central Government has not advised the SAR Government to do so. The SAR Government derives its authority mainly from the Basic Law. In fact, the issue of the 2007 and 2008 dual universal suffrage that arose in 2005 had already damaged the Basic Law. We should not find out who should be held responsible as the Basic Law stipulates that it must be implemented in accordance with the principle of gradual and orderly progress, but it turns out that our development remains stagnant in 2007 and 2008. Members of this Council and government officials who had participated in the matter at that time should be held responsible for this. Of course, the Central Government should not be held responsible as the proposal has yet to be submitted to it. We are, however, jointly responsible for it.

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

As regards the result of this consultation, I strongly believe that what the SAR Government set out in the report are all facts. Nonetheless, we must not forget that the Government should also be held responsible for failing to get things done. After all, Hong Kong as a whole is led by the Government. As the leader, all achievements are attributable to the Government and the power rests with it too. If the Government fails to get things done, why can it evade its responsibility? This is the most important point which the SAR Government should review in the first place.

After going through the whole report, I found the major conclusion therein is that the Chief Executive shall report to the NPCSC for amending the methods of the 2012 election. Excuse me if I am being offensive. According to the design, the election of Legislative Council Members should follow that of the Chief Executive. The Chief Executive certainly does not have the power to make this happen, but he does have this wish. In other words, even if the method for selecting the Chief Executive in 2012 can be changed to universal suffrage, Members of this Council will still not be returned by universal suffrage, not until 2017 at the earliest. It can be seen from the report and the facts that the result is actually indisputable. Even Legislative Council Members fail to get a clear picture of what is going on, let alone the general public, who is even more muddle-headed, not knowing what is intended to be achieved.

I think that Hong Kong people are very smart, so the SAR Government should let them know clearly that no more time should be wasted on arguing with each other, especially because the Chief Executive of the SAR Government has highlighted the importance of harmony to avoid depleting our strength. In case the Government fails to make things clear, the public will never know that the major objective and target is to achieve such a result. Therefore, we must know clearly that the electoral method for the Legislative Council election in 2012 will definitely remain unchanged.

This boils down to the question of what amendment can be made by the SAR Government in case the electoral method can be amended and there is a chance to select the Chief Executive by universal suffrage in 2012. Let me tell Members that the only major amendment will be to expand the Election Committee from 800 to 1 200 or even 1 600 members, the two largest possible numbers. But no matter what the number is, eventually the SAR Government would tell the NPCSC that the number of members of the so-called electoral

college could be changed. And yet, what is the use of changing all these? This is downright useless. Nonetheless, unexpected events may happen at any time before things are finalized. This is something that both the SAR Government and the Legislative Council cannot change, unless someone from the Central Authorities orders the Legislative Council to listen to the advice of the Government or pro-China Members and work in the other way round. But can this possibly happen? Although no one can assert what is going to happen before things are finalized, but in my opinion — this is downright impossible. Saying that the Hong Kong Government can ask for the NPCSC's permission to make amendment is completely misleading to all Hong Kong people, and is actually pressurizing the NPCSC.

Let me tell Members that the NPCSC will definitely reply in this way: We are acting in accordance with Articles 45 and 68 of the Basic Law. Why would the NPCSC shoulder the responsibility for the SAR Government? It is only wishful thinking of the Government. However, being the Government, in fact Surely, this is not the sole responsibility of the SAR Government, and we as Legislative Council Members are also responsible. I will give a detailed elaboration later on.

In that case, having said previously that there would not be universal suffrage in 2007 and 2008, then how about implementing the so-called dual universal suffrage in 2012? I can tell Members that unless some powerful people from the Central Authorities make such an order, none of them can be attained. Neither will there be any change in the method for selecting the Chief How about selecting the Chief Executive by universal suffrage in Executive. 2017 then? Certainly, no result can possibly be achieved in 2017 either. Why? Because parameters would have been set for the Chief Executive election by that time, and the pan-democratic Members may consider such a design unfavourable and unacceptable to them. After all, there is no design, no timetable and no roadmap for the election of Legislative Council Members to They will therefore unite together to overthrow whatever there is. result, nothing will be achieved in 2017. In other words, there will be stagnant development in 2012, which is in contravention of the Basic Law. not be universal suffrage in 2017 either. It is a natural wish of the SAR Government that members of the public and the Legislative Council Members concerned should waste no time on further arguments and conflicts, but think of some good methods instead.

For this reason, the SAR Government should display its greatest sincerity To display its greatest sincerity, design Deputy President, sorry (pause). I do not believe that the Central Government would say this is against the interests of Hong Kong people and China. In fact, what we have said and done have failed to give the Central Government much confidence. Anyway, the Basic Law stipulates that we should follow the principle of gradual and orderly progress so as to ultimately achieve dual universal suffrage. All parties must work hand-in-hand under this general principle, which is clear to all. Annexes I and II to the Basic Law specify clearly that the first driving force is the Members of this Council, the Chief Executive being the second, and the third is the NPCSC of the Central Authorities, which approves and vets the relevant Under this circumstance, what is lying in front of us is not how to shirk responsibility or ascertain who is responsible, but to do something meaningful for the well-being of Hong Kong people. We are of the firm belief that too many arguments or too much emphasis on democracy is absolutely not beneficial to Hong Kong.

Therefore, the SAR Government should assume the leading role and not to design things like this, which only makes people who do not understand scratch their heads while those who understand simply laugh it off as a joke. In the end, it is like playing table-tennis where the ball just jumps from side to side, but neither side can score 21 points. This is totally fruitless and both sides will see their strength depleted in the end. Strong resistance from Members of this Council will do us no good. The Government should therefore set a concrete target, specifying when universal suffrage can be achieved. Once a consensus is forged, I believe the Central Government will not strongly oppose or even oppose it at all because we must all admit one fact, and that is, the Basic Law has highlighted the reality.

Furthermore, I opine that not only the Government should display its sincerity, Members of this Council, the pan-democratic camp in particular, must also open up their eyes to see clearly what result they are striving for. The final result that can be achieved is our noblest and ultimate target. Engaging in too many arguments in the course will only make people think that this is merely done for canvassing votes, which is unacceptable.

Surely, another problem is that if Members from the pan-democratic camp fail to secure more than 20 seats in the Legislative Council Election in 2008, they may not be able to enforce their opposition by then as all proposals require the

endorsement of a two-third majority of all Members of this Council. The SAR Government has given a fine excuse that these are the views of the public at large, and simply passed the ball to the Central Government for careful consideration. The absence of a result in the end is indeed the most fundamental problem.

If members of the public understand that the SAR Government is not an independent entity The Government in the colonial era certainly took orders from the British Government, and listened to the advice of London only. It was After 1997, in theory, being the Special merely an enforcement agent. Administrative Region of the People's Republic of China, the SAR Government should have much greater authority than that of the colonial era, which took orders from London direct. However, what if it fails to cater for the interests of different parties We must understand clearly that the SAR Government is not independent at all, but sometimes it has to enforce the orders and policies of Despite our emphasis on "one country, two systems", the Central Government. this principle only guarantees that our living conditions can be maintained under capital socialism. It does not mean that we can oppose the Central Government, especially when the interest of the Chinese Government is involved, which all of us should know very clearly. So, if it is said that the Chief Executive is another kind of representative and agent, no criticisms should be made by knowledgeable Neither should we say that the principle of "one and reasonable people. country, two systems" enables us to do whatever we desire. This is another point that we should understand.

For this reason, we need to create something new and make some breakthroughs so that everyone sitting here, be they representatives of public opinions returned by direct elections and directly representing public views, or those returned by functional constituencies, but with the exception of the President and the Deputy President, who are more superior, the remaining 58 or 59 Members must be on an equal footing in terms of our representativeness in this Council, and have "one person, one vote". Therefore, the most important thing is that all Members should unite together and express views on government proposals with a view to creating the best solution.

Surely, I personally appreciate, sympathize with and support the Secretary for what he has done for he has no choice at all. Above the Secretary are superiors including the Secretaries of Departments and the Chief Executive, as well as the Central Government, the situation is therefore beyond his control.

All Directors of Bureaux (including the former ones) are actually in the same situation, and they are not qualified — with particular reference to the authority conferred by the Basic Law — to make decisions on any government policies on his own. They are merely agents who must be loyal to their masters, or the Government or superior in their hearts. The most important point is that they are merely the enforcements agents rather than persons-in-charge of the policy. Should members of the public realize this point, they will render their support to the relevant system as well. Regarding the Government's proposal on the elections in 2012 and 2017, it is originally my intention to minimize the conflicts and arguments among the public on constitutional issues, but if the situation continues, I think that this will definitely arouse public concern and debates in the future.

I wish to remind the smart public again that even Legislative Council Members cannot resolve this constitutional problem at once. I do not find it necessary for members of the public or friends to engage in heated debates on this issue which might result in hard feelings. Rather, we should wait for the Central Authorities to give the SAR Government some hints so as to create a miracle for the people with the co-operation of the Legislative Council.

Deputy President, I so submit.

MRS ANSON CHAN (in Cantonese): Deputy President, on 12 December, the Chief Executive submitted to the Standing Committee of the National People's Congress (NPCSC) a Report on whether there is a need to amend the methods for selecting the Chief Executive and for forming the Legislative Council in 2012.

Insofar as the further development of Hong Kong's political system is concerned, to attain the goal of full universal suffrage in accordance with the provisions of the Basic Law at an early date is the public's aspiration. However, I personally am extremely disappointed with the Report presented by the Chief Executive last week. After years of discussion since the reunification a decade ago, the Report submitted by the Chief Executive to the Central Authorities is still evasive about the aspiration expressed by the public over the years for dual universal suffrage. The Chief Executive is simply reluctant to play a leading role in reflecting to the Central Authorities the actual situation in

Hong Kong. Not only does the Report contain no commitment, it also lacks a plan, a timetable, and a roadmap too. It is very disappointing indeed.

Subparagraph (1) of paragraph 13 of the Report reads, "The people of Hong Kong have keen expectation for attaining the aim of universal suffrage in accordance with the Basic Law. Members of the public, political parties, LegCo Members, District Councils and different sectors of the community support that the plan for implementing universal suffrage, particularly the universal suffrage timetable, should be determined at an early date. This can help minimize internal debates on constitutional development and will be conducive to the long-term stability and development of Hong Kong."

The content of this subparagraph is most agreeable to me, because determining the universal suffrage timetable at an early date is conducive to the stability and development of Hong Kong. Regrettably, the Chief Executive has failed to make any specific proposals in the Report on attaining in a concrete manner the goal of universal suffrage. While the keynote of the entire Report is "rejecting the implementation of dual universal suffrage in 2012", the Report also contains a weak statement that "implementing universal suffrage for the CE first in 2012 is the expectation of more than half of the public" and the remark that "implementing universal suffrage for the CE first by no later than 2017 will stand a better chance of being accepted by the majority in our community." The Chief Executive has not only failed to make any attempts to defend the expectation of more than half of the public for the implementation of universal suffrage in 2012, he has even failed to show a clear commitment to postponing universal suffrage to 2017 by talking vaguely about "resolving the simple issues before the difficult ones".

In my opinion, the basic wish of the people reflected during the consultation period that they demand dual universal suffrage be implemented in 2012 is absolutely clear. Actually, this is already confirmed by the Chief Executive's Report. Nevertheless, the Chief Executive has deliberately downplayed the data of the opinion polls or obscured the expectation of the public at large for the implementation of dual universal suffrage in 2012 with other data.

The data provided in subparagraph (10) of the Chief Executive's Report have revealed that 69% of the submissions support dual universal suffrage for the Chief Executive and the Legislative Council in 2012. However, the Chief

Executive's Report has merely proposed "implementing universal suffrage for the Chief Executive in 2012", completely ignoring the public's demand for the implementation of full universal suffrage for the Legislative Council in 2012 as well.

Subparagraph (11) of the Report reads, and I quote, "At the same time, about 60% of the respondents accept the implementation of universal suffrage for the CE in 2017, if this cannot be attained in 2012."

It is the explicit demand of the people that a timetable for the implementation of universal suffrage in 2012 be set and the commitment made under the Basic Law be met at an early date so that all efforts can be focused on the territory's prosperity and stability. Even if it is impossible to finalize a timetable for dual universal suffrage in 2012 immediately, the people are prepared to accept a timetable for implementing dual universal suffrage in 2017. The Administration should stop dragging its feet and employing the tactic of giving the people of Hong Kong hope and then letting them down again and again.

However, we cannot see in the Chief Executive's Report what guarantee has been given with respect to "resolving the simple issues before the difficult ones". The people of Hong Kong definitely are rational and pragmatic. For the purpose of "resolving the simple issues before the difficult ones", they would like to have an explicit timetable for the implementation of universal suffrage for the Chief Executive and the Legislative Council before resolving other issues relating to the roadmap, and so on.

The agenda of the meeting to be held by the NPCSC between 23 and 29 this month includes deliberation on this Report, a focus of Hong Kong people's attention, submitted by the Chief Executive. The aspiration of the public for dual universal suffrage in 2012 is very clear indeed. The fact that public confidence in the SAR Government has plummeted 12% according to the latest opinion poll released today does illustrate that members of the public do not think the Chief Executive's Report has reflected their wishes. Even the government officials appearing before this Council this morning to answer questions on behalf of the Chief Executive were reluctant to give us an account on what further steps the Government will take should the implementation of dual universal suffrage in 2012 be rejected. Will the Administration fight for dual universal suffrage in 2017 for the people?

I hope to remind the Government that it must not pass the ball to the NPCSC after manipulating public opinions. The SAR Government should have commitments for the people by asking itself whether it has exerted its best to fight on behalf of Hong Kong people for the implementation of universal suffrage in 2012, as requested by them.

Should the implementation of universal suffrage in 2012 be rejected by the NPC after the end of this month, I would like to call upon the Chief Executive to tell the public frankly what measures will be taken by the Government to rectify what has happened due to its failure to exert its utmost. Will the Chief Executive and the Government give members of the public a clear undertaking by stating that all-out efforts will be made to strive for universal suffrage in 2017 as the next step so as to give members of the public a "pragmatic timetable" and a "pragmatic expectation"? I do not wish to see the Government make various excuses to shirk its responsibility again to stop us from moving forward towards dual universal suffrage.

The ultimate goal of achieving dual universal suffrage for the Chief Executive and the Legislative Council is a holy pledge clearly made by the Basic Law to Hong Kong people. I believe and expect that the Central Government and the NPCSC will consider the earnest expectation of Hong Kong people for a clear timetable to be set at an early date.

Deputy President, the setting of a timetable for universal suffrage at an early date can remove division in society. The Chief Executive is duty-bound to fight for Hong Kong people a democratic and civilized system which is not only beneficial to the people but also in line with their expectations.

Deputy President, I so submit.

MS AUDREY EU (in Cantonese): Deputy President, the findings of the study report of opinion polls conducted by the University of Hong Kong were published in newspapers yesterday. While the constitutional development report was submitted by Chief Executive Donald TSANG on 12 December, the opinion poll was conducted between 11 and 14 December, that is, one day before and three days after the publication of the report. According to the opinion poll, only 51% of the respondents trusted the SAR Government, representing a sharp fall of 12% compared with October, while the number of respondents not

trusting the Central Government rose sharply by six percentage points from the original 9% to the latest 15%. On the other hand, the number of respondents expressing confidence in the Central Government has also plummeted 10 percentage points from 59% to 49%, whereas the number of respondents not having confidence in the Chief Executive has increased six percentage points to 19%. Regarding the public's attitude towards this report submitted by the Government on 12 December, this survey is greatly inspiring because of its indicative nature.

Deputy President, I still remember this without looking up the newspapers. However, I have looked up the news reports published in various major newspapers on 22 March this year of a tea gathering hosted by the Chief Executive for the media on 11 March when he campaigned for re-election. All the news reports were exactly the same. Donald TSANG pledged with lofty sentiments and aspirations at that time that should he be elected for another term as the third-term Chief Executive, he would definitely "do his utmost and literally die for Hong Kong".

Everyone remembers what he said, particularly in regard to constitutional He was quoted by Ming Pao as saying, "I am certainly consistent in my words and deeds", and by *Hong Kong Economic Journal*, "..... will go with the Hong Kong people as far as we possibly can". The Oriental Daily also reported something similar by pointing out that he "promised to implement constitutional reform and 'do something big' with the people". Actually, he made it very clear that should he be re-elected, he would issue a Green Paper on constitutional reform in the middle of the year and sum up the numerous universal suffrage proposals raised by the community into three. precisely what he said at that time. He also added that, after consulting the public and communicating with the Central Authorities and the Legislative Council, he would put forth an ultimate proposal which is not only recognized by the international community and compatible with international covenants, but also equipped with a roadmap, timetable and design for universal suffrage. Hong Kong people were deeply impressed by this promise of his at that time.

What happened next? He was re-elected and, after his re-election, he swiftly, as remarked by every government official today, issued a Green Paper just 11 days after the establishment of the third-term Government. To start with, instead of three proposals, hundreds of combinations of many, many issues were raised in the Green Paper. After reading the multiple-choice menus of the

constitutional reform, one would definitely not find it strange to see the report published on 12 December saying that there were diverse views in the community. It was perfectly reasonable. There were bound to be diverse views when interviewees were confronted with hundreds of questions raised by This is a far cry from the three proposals mentioned by the the Government. Chief Executive previously. However, this is not the most crucial point, as he could insist that it is not yet time for proposals to be made. The most crucial point lies in — depending on whether the long or short report is referred to — it is mentioned in paragraph 15 of the short report and summarized in paragraph 6 of the long one. The most important point is summarized in paragraph 6.03, which reads "Implementing universal suffrage for the CE first in 2012 is the expectation of more than half of the public, as reflected in the opinion polls; this expectation should be taken seriously and given consideration. At the same time, implementing universal suffrage for the CE first by no later than 2017 will stand a better chance of being accepted by the majority in our community." hearing this, many people think that it does not matter even if universal suffrage is not implemented in 2012, as universal suffrage will be implemented in 2017. This is what many people believe. It is revealed during an interview of the public by journalists on the streets about whether they would accept the implementation of universal suffrage in 2017 that all the interviewees believe universal suffrage will be implemented in 2017.

Actually, the reports are slightly hallucinatory or paralysing. Actually, if we carefully scrutinize the reports, we can observe from the conclusions that the Chief Executive merely seeks to request the NPCSC to confirm that the methods for selecting the Chief Executive and forming the Legislative Council in 2012 can be amended. Both reports are alike in the sense that they merely seek to request the NPCSC to approve amendments with respect to 2012.

We therefore requested the Legislative Council to hold a meeting. Our request was initially rejected. It was only after our repeated requests that the meeting was finally held. During the meeting, Members questioned why only 2012 was discussed. The Government explained that according to the decision, which was made on 6 April by the NPCSC according to the constitution, the report submitted this time was allowed to mention 2012 only.

If this is really the case, unless the authorities tell me that Donald TSANG was seeking to cheat us when he told us he would "go as far as he possibly can and do something big" or "literally die for Hong Kong", he must have been "kept

in the dark", for he has no idea that he can merely discuss matters relating to the next term, that is, 2012, during his term of office. However, contrary to this, when he appeared in a three-minute television broadcast during his absence from the Legislative Council, he still insisted that a timetable had to be formulated at an early date. Furthermore, he also mentioned in the reports the need to formulate a timetable for universal suffrage and put forth a proposal for Hong Kong's political structure at an early date. This is extremely important. If his report merely mentions the point that permission may be given to amending the electoral methods in 2012, when will the timetable be discussed?

During the meeting this morning in this Council, I asked Chief Secretary for Administration Henry TANG whether Donald TSANG had cheated us and why he had told us this problem would be thoroughly resolved or whether he had been "kept in the dark", unaware of this constitutional constraint? During a recent three-minute broadcast, he still expressed his hope for the formulation of a timetable at an early date. Such being the case, may I ask Mr WONG Yan-lung, Secretary for Justice, to explain to us how the timetable can be confirmed? If only the next term is mentioned when every request is made, how can a timetable and roadmap be confirmed? Given that universal suffrage will not be implemented in 2012, when will a timetable be discussed? Who will decide on the implementation of universal suffrage in 2017?

After going around in circles, there was still no answer after meeting for one and a half hour today. No one was able to tell me how I could convince Hong Kong people, constitution-, law- or procedure-wise, it did not matter for us to give up universal suffrage in 2012, because universal suffrage would or definitely would be implemented in 2017. Or there would definitely be a chance for Hong Kong people to see universal suffrage, or for me to see universal suffrage during my lifetime. Universal suffrage, even if not implemented in 2012, will definitely be implemented in 2017. Nevertheless, no answer is forthcoming.

I am not requesting government officials to speculate on what the NPCSC will do. I have merely requested them to tell me, in terms of the constitution, law or procedure, how Hong Kong people can know for sure in their hearts that universal suffrage will definitely be implemented next time even if they give it up this time. We were told in 1997 that universal suffrage would be implemented in 2007, and again told in 2007 that universal suffrage would be implemented in 2017. What can we do if we are told by then that universal suffrage will be

implemented in 2027 instead? How can we explain to our next generation and Members of this Council of the next term? The Government must tell us the exact procedure. We were told by government officials that the Chief Executive was very sincere. The point is we also need to be very sincere and tolerant before this problem can be resolved. It is not the case that we lack sincerity. Every one of us is sincere in discussing this problem with the Government. Our question is: How can the date of implementing universal suffrage be confirmed procedurally? This is an extremely rational and honest question. I am merely asking how this can be confirmed. And yet, no answer is forthcoming from the Government.

Hence, it is unreasonable of the Government to frequently blame the opposition for acting in an irrational and intolerant manner and staging endless struggles. Mr WONG, a legal professional, should understand that it is already the second step if I am asked to accept something. To start with, a material object must be put on the table before I am asked whether I accept it. on the table? The answer is absolutely nothing. The Government has not told us when universal suffrage will be implemented. Neither has it specified what proposals will be made. What are we asked to accept? We cannot possibly accept the air. Twenty or so Members from the democratic camp have long The point is whether since put forth our proposal in writing a long time ago. the Government finds it acceptable. If the Government does not find it acceptable, it may present a counter-proposal, right? I can discuss this issue rationally and sincerely. However, a concrete proposal must be presented for discussion. If such a proposal is not forthcoming, and yet we are asked whether it is acceptable, then the "ball" is not in our court. Instead, it is in the Government's court. The Government can simply not shirk this responsibility by saying that two thirds of Members must give approval. The Government is obliged to lobby Members one by one, no matter what bill is to be presented to this Council. Moreover, whether the bill can be passed is uncertain. However, the Government has clearly grasped the public opinion from its opinion poll that half of the public hope that universal suffrage can be implemented in 2012. There is one more point concerning not only 60% of the public, and it is extremely important and agreed by all. Let us read paragraph 6.03: "..... the community generally hopes that the universal suffrage timetable can be determined early, so as to set the course for Hong Kong's constitutional Implementing universal suffrage for the CE first in 2012" development. before discussing the implementation of universal suffrage for the Legislative Council. At least we do not need to talk about "resolving the simple issues before the difficult ones" or "implementing universal suffrage for the Legislative Council or the Chief Executive first". It is the general aspiration of the community that a timetable for universal suffrage can be determined early, as stated by the Government. I believe there is no dispute about this. However, what does "early" mean? The Government can definitely not say that the term of office of the Chief Executive still has five years to go, therefore, there is still plenty of time and so we can drag our feet. Because the Chief Executive made pledges with lofty sentiments when seeking a re-election, and his words would be remembered by everyone in Hong Kong. He said he would "do his utmost and literally die for Hong Kong" and "go as far as he possibly can and do something big". Yet, he chose to chicken out, or even "disappear", as he dared not even Instead, he chose to appear on the television for a appear before this Council. three-minute speech only. Today, we cannot do so, even if we want to vote to request another meeting. How can we give an account to Hong Kong people? Obviously, the onus is on the Government.

Today, Ms Margaret NG cannot deliver her speech personally as she is out However, I do know she intends to say that Hong Kong community cannot bear such an internal depletion resulting from the lack of solutions because the Government keeps dragging its feet and taking one step at a time. is right for both the Central Government and the SAR Government to hope for a harmonious society. It is also right to say that Hong Kong society is highly However, the ball is presently not in the court of Hong pragmatic and rational. Kong society or the Legislative Council. Instead, it is on the Government's side The Government must explain to us why universal suffrage cannot of the court. be implemented in 2012, though this is the aspiration of Hong Kong people. there is no universal suffrage in 2012, when will universal suffrage be implemented? This question cannot be more reasonable. Furthermore, what procedure should be adopted before determining when universal suffrage will be implemented? The Government cannot just keep on saying that we can wait for another occasion, so long as we are sincere and tolerant. On the contrary, the Government must tell us if there are some authoritative legal documents which can confirm when universal suffrage will be implemented. I especially hope that the Secretary for Justice, Mr WONG Yan-lung, can tell us in his response later in the meeting if he is constitutionally and legally required to wait until the meeting held between 23 and 29 December is over before he can tell us whether universal suffrage will be implemented in 2012. When will universal suffrage be implemented, if not in 2012? Will we be informed of the outcome by the end of December? If not, what will happen? What is the Government's next move? I think Secretary Stephen LAM should also give us an account on all of these questions.

Furthermore, there is one point considered by me to be equally important and queried by many, and yet the Government is reluctant to answer — Will the proposal raised in 2005 be "revived"? This is vitally important because the 2005 proposal was not a proposal seeking to achieve universal suffrage. only was there a lack of a timetable and roadmap for universal suffrage, the proposal was also undemocratic, as the Government sought to introduce an appointment system and increase the number of functional constituencies (FCs). On the one hand, we called for the abolition of FCs but, on the other, the Government wanted to increase the number of FCs and described the proposal as moving towards the abolition of FCs ultimately. I guess even children and primary students can tell the fallacies of the Government's logic in making such If the objective of abolishing FCs is to move towards universal remarks. suffrage, how can the proposal of including more FCs in the process be described as gradual and orderly? Actually, this is a retrogressive proposal. I hope Secretary Stephen LAM will clearly state, in his response later on, that the Government will definitely not "revive" a proposal leading to a regression in democracy but not implementing universal suffrage.

Deputy President, with the approach of Christmas, it is ridiculous that we are presented with this big gift during this festive season. I wonder if Henry TANG is being sarcastic. When he was asked by journalists whether he was seeking to adopt the "cutting the Gordian knot" approach, he denied such intention but said that he had deliberately submitted this report as a Christmas gift for fear that there was no news during this festive season. What sort of a Christmas gift is this? Will there be a filling inside after the packaging is unwrapped? What is the filling inside? The Secretary must give us an answer to this question: Will a proposal supported by public opinion be put forth in 2012? If not, how can he explain and secure a proposal supported by public opinion for implementation at the earliest date in order to build a harmonious society? Thank you, Deputy President.

MR CHEUNG MAN-KWONG (in Cantonese): Deputy President, the people of Hong Kong have never ceased their struggle and pursuit for democracy and universal suffrage in more than two decades from the colonial era to the reunification. Neither have democracy and universal suffrage been realized.

Hong Kong's politics has thus suffered the most serious internal depletion and injury, affecting the internal harmony of the territory and the mutual trust between Hong Kong people and the Central Government. This is definitely inconducive to the development of the "one country, two systems" a decade after the reunification. This problem requires a clear solution today.

During the colonial era, Hong Kong people pursued democracy, though without high expectations. Nevertheless, with the realization of "Hong Kong people ruling Hong Kong" after the reunification, Hong Kong people have every reason to expect to see democracy and universal suffrage, which they have been pursuing for more than two decades in futile, being implemented one day. However, the reality has filled Hong Kong people with regrets and anger. After the reunification, the implementation of dual universal suffrage in 2007 and 2008 was rejected by the Central Government. Now, despite the affirmation in the Chief Executive's political reform report that the implementation of dual universal suffrage in 2012 is the mainstream public opinion, the report has in effect requested the NPC to reject the proposal of implementing dual universal suffrage in 2012 by citing the reason that implementing dual universal suffrage in 2017 will stand a better chance of being supported by the Legislative Council.

Even the implementation of dual universal suffrage in 2017 is not within the scope of the Chief Executive's request. There used to be advocacy that Hong Kong people should give up demanding universal suffrage in 2007 and 2008 and instead make joint efforts in fighting for dual universal suffrage in Now, there is a new advocacy calling on Hong Kong people to give up 2012. demanding dual universal suffrage in 2012 and instead make joint efforts in fighting for achieving the goal in 2017. Today, not only is it impossible for dual universal suffrage to be implemented in 2007 and 2008 or 2012, even the implementation of dual universal suffrage in 2017 may fall through at any time. Today, we are already sick of continual procrastination and deceit; we are already sick of endless waiting and back-pedalling. I wish to say this loudly, "Why is the right to universal suffrage of 'one person, one vote' be treated as mercy and giving of elms, which can be delayed again and again? Why are the promises written in the Basic Law so intangible, as if they were written on water or in the sky? Is a government, or a country, defying public opinion or going back on its words if it can go so far as to obstruct and exploit the human rights of Hong Kong people to election without feeling shameful at all?"

Today, the fate of democracy in Hong Kong has once again come to an Several days after, a resolution will be made by important juncture in history. the NPC with respect to the Chief Executive's report on the future of the implementation of universal suffrage in Hong Kong. Based on the five major conclusions drawn by the Chief Executive, Hong Kong people are entirely justified in asking these questions: Will the proposal of implementing dual universal suffrage in 2012 be vetoed by the NPC? Will the constitutional reform proposal rejected by this Council in 2005 be returned to this Council intact in order to demonstrate the sacrosanct authority of the Central Authorities Will the NPC seize the opportunity to evade the issue of a and the NPC? timetable for implementing universal suffrage for the election of the Chief Executive and other related timetables because the Chief Executive's report has only requested the NPC to consider that the constitutional proposals for 2012 may be amended? Is the NPC seeking to indefinitely put off the strong aspiration for forming the Legislative Council by universal suffrage with the proposal of "universal suffrage for the CE can precede that for LegCo", as outlined in the report? In brief, will the NPC actively and positively respond to the aspiration of Hong Kong people for dual universal suffrage by presenting an ultimate timetable on universal suffrage in compliance with the international standard as its first step to consult Hong Kong people, initiate dialogue and develop democracy?

I fully understand that the political structure forms the core and foundation of politics and distribution of powers. Full mutual trust has yet been established due to history and the separation of people's hearts as well as differences in notions and values. The Central Authorities might worry that universal suffrage underpinned by full democracy will impact on the stability of the Central Authorities and the SAR, and undermine the executive-led governance by the SAR and the Chief Executive, and it is even feared that Hong Kong might be used by external forces as a springboard. However, it has been proved by the facts over the past decade since the reunification that Hong Kong people have merely sought to pursue "a high degree of autonomy" under the Basic Law. What is more, they are willing to, on the premise of "one country, two systems", implement democracy and universal suffrage as a SAR of China. introduction or implementation of universal suffrage, the Legislative Council will still have to exercise its powers, and monitor and exercise checks on the Government within the parameters of the Basic Law. Is it because there is still a lack of trust in Hong Kong people by the Central Authorities that democracy and universal suffrage have to be frozen?

Today, Hong Kong is no longer regarded as a good example for the reunification of Taiwan. Instead, it is considered an international financial hub of financing for mainland China to, from another perspective, contribute to the emergence of a rich and strong China. It is inadvisable and impossible for Hong Kong to march towards the next decade with the disputes caused by universal suffrage, for this will only prevent society from extricating itself from incessant internal depletion. Hong Kong people are already geared for universal suffrage. Nevertheless, let the one who tie the bell on the tiger take it off. Can the resolution due to be made by the NPC during Christmas give Hong Kong people a belated response so that democracy and universal suffrage will cease to be just a dream, and will an ultimate proposal with a concrete timetable and of international standard be brought forth instead?

Of course, government reform also involves conflicts between China and Hong Kong, and the internal differences of Hong Kong. Therefore, even if the NPC comes up with a directional proposal, there should still be a process of dialogue between the Central Authorities and the SAR, as in the case of enacting the Basic Law back in the 1980s, and a process of co-ordinating different political powers within Hong Kong before the constitutional reform proposal can win two-thirds support in the Legislative Council in the future. hope that the Central Government can engage in direct dialogue with democrats to resolve the conflicts and differences in respect of democracy which have existed for two decades, with a view to laying the most important cornerstone for Hong Kong's long-term stability and social harmony. We sincerely hope that the Shenzhen River and Home Visit Permits will cease to act as a barrier separating people's hearts, a divide between people not having had any contact for two decades. If we review history, we could still exchange smiles even if we went through a lot of trouble and hardship, not to mention what is to be dealt with, pursued by democrats and Hong Kong people are the solemn promises the Basic Law is obliged to honour?

Although democrats are not satisfied with the constitutional reform report presented by Donald TSANG, we still have high hopes of the Central Authorities. No one would like to see a repeat of the rejection of the constitutional reform in 2005; no one would like to see constitutional reform development stay put. Therefore, we hope the Central Government and the NPC can really listen to the voices of Hong Kong people at this eleventh hour before the resolution, not to come up with a resolution rejecting dual universal suffrage in 2012 and lacking a timetable for universal suffrage. To do so will

create tension and confrontation in the relationship between Hong Kong and the Central Authorities. To do so will undermine the growing confidence built up gradually by Hong Kong people in the Central Authorities. To do so will unnecessarily place the Central Authorities in the position of opposing democracy and universal suffrage. This is definitely not a wise decision to be made by the Central Government which has always appealed for social harmony and even emphasized the importance of establishing democracy recently.

Donald TSANG's conservative constitutional reform report should be one of the major causes of the recent sharp fall in the trust of Hong Kong people in the SAR and the Central Government. Should the Central Authorities and the NPC handle the resolution improperly against people's wishes, the status and confidence built by the Central Authorities in the hearts of Hong Kong people over the years will, even if not destroyed instantly, suffer serious internal injuries. Therefore, the resolution of the NPC is vitally important to Hong Kong and Hong Kong people, the future of democracy and universal suffrage, the relationship between the Central Authorities and the SAR, and the fulfilment of the promises made in the Basic Law. I sincerely implore the NPC not to make a brutal decision, not to make a decision against democracy and people's hearts, and not to allow a repeat of the mistake made in 2005 when the final word was given. I hope the Central Authorities and the NPC can think twice!

The fight for universal suffrage by democrats has lasted more than two decades. Today, at this crucial moment, we all the more have to fight calmly. Democracy and universal suffrage are our goal. However, the process of pursuing democracy is tortuous and long. It calls for peaceful struggle as well as fights for dialogue. However, the pursuit and implementation of an ultimate package for democracy will not come by instantly. Democrats must make all-out efforts with perseverance and patience, and without hesitation, for the maximum interest of public opinion and democracy. Not only should we fight for every inch of land and struggle on all fronts, including engaging in organized campaigns in a show of public opinion, we should also strive for opportunities of going northward for dialogue to speak for Hong Kong people and, at this most critical moment, demonstrate the strongest perseverance and most enduring struggle for democracy. Thank you, Deputy President.

DR KWOK KA-KI (in Cantonese): Deputy President, I wonder if it some sort of a joke that Hong Kong people are always made to face something

embarrassing and sad on Christmas Eve. This Christmas is no exception. On 12 December, the Chief Executive made a report to the NPC on universal suffrage and dual universal suffrage. It is pointed out very clearly in the report that implementing universal suffrage is the expectation of more than half of the public. However, it is also mentioned that implementing universal suffrage for the Chief Executive first by no later than 2017 will be accepted by the majority of Hong Kong people.

The Government is inconsistent in its words and deeds. At several meetings when the Secretaries of Department and Directors of Bureau were asked whether there was a clear timetable and a roadmap and whether there would be universal suffrage in 2017, they repeatedly evaded our questions by talking about other issues without giving us a direct reply. They had always been putting on smiling faces, as if they were simply joking. It was really meaningless.

During a meeting between the incumbent Chief Executive, Donald TSANG, and the mass media on 22 March this year, he stated very clearly that this election or this term would be his last, and an ultimate proposal would be implemented during his tenure. What does it mean by an ultimate proposal? When will a timetable be made available? When will universal suffrage be implemented? Not a word has been spoken in response to such a humble promise regarding 2007. The Chief Executive is obviously cheating the people of Hong Kong, but still he wishes to find excuses.

Within several days later, the NPC will deliberate on the Chief Executive's report and probably give a written instruction to decide whether the mechanism of implementing universal suffrage in 2012 can be amended. The democracy for Hong Kong people will be decided by the NPCSC in a meeting to be held at the end of this month. Will we have any chance to express our views direct? Certainly not.

Twenty-six Members from the democratic camp have recently written a letter requesting the Chief Executive to arrange for a meeting and direct dialogue with the Chief Executive so that he can arrange for an exchange of views between us and the leaders of the Central Authorities. However, no positive response has been received so far. Why could a truly committed government and a committed Chief Executive who made so many promises three months ago have vanished without a trace?

In a number of meetings held by this Council, we requested the Chief Executive to attend our meetings personally and expressed our wish that he could listen to the views of various political parties and groupings and the voices of people during the deliberation of his report by the NPCSC. However, what we got was a three-minute, one-way television broadcast in which no discussion was allowed. What would the people of Hong Kong feel when they saw the Government was inconsistent in its words and deeds and preach one thing but practise another. The results are now known! Deputy President, the latest opinion poll published by the University of Hong Kong yesterday reveals two shocking findings. First, the degree of trust in the SAR Government has dropped to 51%. What is even more shocking is that the degree of trust in the Central Government has fallen to 49%. It means less than half of the people in Hong Kong will trust the Central Government. This is unprecedented.

I consider this a timely wake-up call because the Chief Executive set out three conditions when commenting on 22 March on the need, reasons and conditions for Hong Kong to implement universal suffrage. One of the conditions he mentioned was economic prosperity, including the lowering of the unemployment rate to below 4%. If we look back at Hong Kong's economic conditions this year, we will find that this condition has been met. Another condition was that it was most imperative not to injure the relationship between the Central Authorities and the SAR.

However, I find that the one who is injuring the relationship between the Central Authorities and the SAR today is probably the SAR Government itself, This is because the SAR has not striven to fulfil its not someone else. commitment to pursue the wishes of the majority public. Instead, it has chosen to pass this responsibility to the Central Authorities. In doing so, the responsibility and grievances will fall not on the SAR Government, but on the Central Authorities, as in the present case. If the SAR Government is responsible, why has it not seized the opportunity to put the wishes of Hong Kong people clearly in its report under appropriate or feasible circumstances? Why has it not made the request for implementing dual universal suffrage in 2012? Why has it not made an unequivocal proposal setting out a timetable and a roadmap to the NPCSC, but instead acted in an evasive manner, as it is behaving at the moment?

Actually, we have no idea what the Chief Executive was talking about. On the one hand, he said that the majority public supported the implementation of dual universal suffrage in 2012 and, on the other, he said there was a need to consider implementing dual universal suffrage in 2017, without giving any reasons. Actually, even 2017 is empty talk. Basically, 2017 is not stated in the report. It is not stated clearly in the report, at least on a number of occasions when questions were asked by me to this effect. Why could he do that? When can Hong Kong people walk on a path to universal suffrage? When will an ultimate proposal be found? The so-called universal suffrage package proposed in 2005 is greatly embarrassing indeed. When I met some overseas doctors recently, I spent a lot of time explaining to them how I was elected and why FC elections were conducted in Hong Kong, but still they could not possibly understand after a long time. What is more, they were greatly surprised and could not figure out why these unfair elections could still be retained under a so-called democratic system.

Furthermore, they were told that our Government had not only failed to put forth a formal and practical proposal on democracy in 2005, but sought to expand the FCs. Actually, the District Councils, as a FC, have existed for a long time. It is nothing new that some of our colleagues in this Council were returned by FCs. However, the Government has resorted to substituting concepts by merely treating these as proposals of democratization. This is a serious insult not only to Hong Kong people, but also to the officials making the proposals. We have spent so much money, or public money, to employ government officials in the hope that they can help Hong Kong identify a feasible proposal which can truly answer the aspirations of Hong Kong people, and yet we are offered something like this. How can they account to the taxpayers?

The initiative to pursue constitutional development was handed to the Central Authorities as a result of the NPCSC's interpretation in 2004. I believe the Central Authorities are obliged to formulate the constitutional development proposals for 2012, 2017 and thereafter. Where there are rights there are always obligations. After the Central Authorities had acquired such rights through the NPCSC's interpretation, the people in Hong Kong clearly understood that the Central Authorities were accountable for the so-called ultimate constitutional development proposal.

I earnestly hope to take this opportunity to implore the NPC to appreciate that, even if the SAR Government has failed to make the Central Authorities appreciate the wishes of Hong Kong people, Members of this Council can still

make it clear that the majority public hope to see a clear, feasible timetable and roadmap for the implementation of dual universal suffrage. They do not wish to see such behaviour as evasion or lack of commitment or promises, as the Government is behaving at the moment.

It is not the case that we have given government officials no chances to make clarification; we have given them ample time to do so. However, it is ridiculous that the answers given by them, despite repeated questioning, are no different from audio recordings. Such anti-intellectual behaviour and acts have actually saddened Hong Kong people. It is not at all hard to understand that a government, or a Chief Executive, determined to implement dual universal suffrage will certainly make more efforts than what has been made to date. Why can it not even demonstrate the courage to face the public and Members of the Legislative Council, and discuss with them in order to explore a constitutional development proposal supported by the public?

During his meeting with the media on 22 March, the incumbent Chief Executive already made it very clear that he would come up with a proposal supported by 60% of the people. Now, the people have made it very clear that they accept the implementation of universal suffrage in 2012. They have made this absolutely clear. However, it is not the people who prevent universal suffrage from being implemented. Both the people and the Legislative Council are powerless. Yet, those government officials who have the power and the opportunities to participate in discussions and expression of opinions have not chosen to do so. Not only have they treated Hong Kong people unfairly, they have also failed to do justice to the people who have placed their trust in them.

The reason for our fight for an adjournment debate to be conducted before 23 this month is very clear. We hope to make a last-ditch effort to let Beijing officials know that Hong Kong people have great expectations for universal suffrage, as well as the NPCSC. Moreover, we hope to have a clear objective so that Hong Kong people and the Legislative Council can move in a clear direction.

The present approach — this obscure approach can do nothing to help the situation. Instead, it will only undermine the credibility of the SAR Government, and inevitably sacrifice the credibility of the Central Government. Actually, the SAR Government might probably be putting the Central Government into a difficult position, as the Chief Executive and his team have

not done their utmost to fight for Hong Kong people and come up with a proposal acceptable to them. Instead, they have shirked their responsibility and passed it on to Beijing. All these acts are not at all honourable.

This Christmas is very cold indeed. I am referring to the political temperature, not the weather, because Hong Kong people do not have autonomy and authority, like criminals who are due to be sentenced or executed. There is no way our Government, our Chief Executive can get our voices heard by Beijing. What is more, it is shameful and regrettable that there is no constitutional development proposal which is accepted and fought for by Hong Kong people for Beijing to pay heed to and implement.

We are talking about 2012. By then, it will be 15 years after the reunification, or more than two decades since Hong Kong declared its intention to try, implement universal suffrage. There are many places or governments in the world which compare less favourably than Hong Kong in terms of their conditions and standard of education of their people. However, during the past two decades or so, they have succeeded in implementing universal suffrage. Are Chinese people, Hong Kong people less capable than people in these places or are our conditions less favourable than theirs such that we are not qualified or able to cope with and accept universal suffrage? Who have degraded Hong Kong people in saying that we lack the competence, means and determination to fight for universal suffrage? Hong Kong people will clearly see what the SAR They will also understand how we are being hurt. Government has done so far. I hope the Beijing Government, However, I believe we can still come round. the Central Government can hear our calls (The buzzer sounded)

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

DR KWOK KA-KI (in Cantonese): I so submit. Thank you, Deputy President.

MR JAMES TIEN (in Cantonese): Deputy President, among the debates held in this Council, this debate on constitutional development is certainly more complicated. Therefore, each Member is given a 15-minute speaking time to express their views in depth.

Deputy President, besides expressing views on behalf of the Liberal Party in the Commission on Strategic Development (the Commission) on numerous occasions, I have also expressed a lot of opinions on behalf of the Liberal Party in the Panel on Constitutional Affairs of this Council. I have noted that other colleagues have also expressed a lot of opinions in the Commission because many people there are not Members of the Legislative Council. I have also taken note of the views expressed by colleagues in this Council. hearing so many opinions, Mrs Selina CHOW and I have also heard the views of the general public over the years, especially when we stood for direct elections in New Territories East and West. In addition, given my business background and that of Mrs CHOW as well as other Members of the Liberal Party, I have also heard a lot of opinions from the business sector. Of course, there is frequent communication between the SAR Government and Honourable Members. the same time, there are opportunities for members of the Liberal Party and the Central Government to exchange ideas regularly.

(THE PRESIDENT resumed the Chair)

Madam President, after making these comments, I still have to point out that the Liberal Party and I are doing our utmost in the hope that the greatest consensus can be reached on our constitutional development because only in doing so can the public's expectation be answered. According to the starting point of the Liberal Party, the greatest consensus is to ensure that all proposals are practicable. Therefore, Members will see that we will not insist on our own proposals when indicating our stance. Many colleagues in this Council can see that we follow or heed the views of other Members on issues relating to people's livelihood, such as the "fruit grant", other benefits, and so on. In our opinion, it is imperative to adopt a more pragmatic mode embodying gradual and orderly progress and balanced participation for the Central Authorities and the business sector in Hong Kong with a view to living up to the people's aspirations. This is why the Liberal Party has expressed a lot of opinions in the Commission.

The first thing I have to mention about the report is paragraph 3.15(ii) in page 20. It reads, "First of all, Liberal Party considers that when electing the CE by universal suffrage for the first time, the nomination threshold should not be set too low; rather it should be slightly increased. However, after the CE has been elected by universal suffrage for the first time, the threshold for universal

suffrage can be lowered step by step in the light of Hong Kong's actual situation."

Madam President, this was what we said in our proposal. However, a footnote number appearing at the end of paragraph 3.15(ii) reads as follows, "Please refer to Appendix I (LC30-31) for details". LC31 is the reference number of a 14-paragraph document submitted to the Government by the Liberal Paragraph 3.15(ii), read out by me just now, appears as paragraph 7 in our document. It is reproduced in the report without leaving out a word. would also like to take this opportunity to read out paragraph 2, several paragraphs before the aforementioned paragraph 7, in the document: "The Liberal Party has all along considered that, if the right conditions are ripe, we hope that the Chief Executive can be elected by universal suffrage first in 2012. By ripe conditions we mean that the Chief Executive elected by universal suffrage must be nominated by a nomination committee with extensive representativeness and that the relationship between the executive and the legislature has been rationalized." Hence, we were actually referring to 2012 or our view on a high threshold when talking about electing the Chief Executive for the first time.

In paragraph 12 of the document referred to as LC31, the Legislative Council elections are mentioned again: "If the election of the Chief Executive by universal suffrage can be implemented in 2012, the functional constituency (FC) seats in the Legislative Council may move towards the ultimate goal of universal suffrage in the following term in 2016 at the soonest." The view of the Liberal Party, presented clearly in paragraphs 1 to 14, is that we hope universal suffrage can be implemented in 2012 for the first time, and this should be regarded as a This point of view has been repeatedly mentioned by me in the high threshold. Not only were Members of this Council, including Mr LEE Commission. Wing-tat and Mr LEE Cheuk-yan, present at the meetings, Prof KUAN Hsin-Chi, Chairman of the Civic Party, was also on the Commission. opinion of the Liberal Party, it is more pragmatic for the threshold for the election in 2012 to be raised. Should this prove to be feasible, a substantive step can be taken in the progress towards universal suffrage.

I still remember I was asked in the Commission why we preferred a high threshold — a high threshold was considered unfair and undemocratic because it was a screening system. While I do not deny this, I think that a high threshold is more feasible in terms of actual operation. For instance, imagine there are

three candidates considered to have met such a high threshold that it is not agreed by pan-democrats at the moment. In spite of their high threshold, I think they can still stand in the election of the Chief Executive by universal suffrage. The one who is elected will not only have to face millions of people who have the right to vote, but also state his position on all issues. For instance, this was the point I made to Mr LEE Cheuk-yan in the Commission. Regarding the minimum wage Mr LEE was talking about, the first candidate might come up with a median or average figure, ranging from \$5,000 to \$6,700, for such occupations as cleansing and security services. As for the second candidate who is qualified to stand in the election after passing the high threshold, he will probably increase the job types from two to four or five, and raise the salaries from between \$5,000 and \$6,700 to between \$5,200 and \$6,700. If the third candidate also wishes to win the election, he will probably behave in an even more aggressive manner.

Actually, this is a mode of electing the Chief Executive through a high threshold. Although the pan-democrats consider this screening unfair, it will definitely, in the course of the election, cause the candidate who is ultimately elected as Chief Executive to make promises or fulfil certain promises made by him during the election campaign after he is elected. I believe adopting this mode of electing the Chief Executive by universal suffrage as the first step is pragmatic as well as feasible.

Conversely, if the threshold for the election of the Chief Executive by universal suffrage for the first time is even lower than the proposed 100 out of 800, or 50, as proposed by the pan-democrats, such an approach of attaining universal suffrage in one go will certainly affect social stability. This might also show that the support gained by the candidates is not great. Of course, if Members of the pan-democratic camp support a high-threshold election of the Chief Executive by universal suffrage — instead of implementing dual universal suffrage in 2012 — such that the Legislative Council should be formed by universal suffrage later, in accordance with the approach proposed by the Liberal Party a long time ago of "resolving the simple issues before the difficult ones", as outlined in paragraph 12 read out by me just now, and if the pan-democrats support the setting of a high threshold in 2012 by then (there is indeed a bit of a screening, and it might not be entirely fair from their perspective), the degree of support in this Council may then be as great as half. Of course, the pan-democrats will probably ask the Government this question: Given that the threshold proposed by the Liberal Party is relatively high, whereas the election

of the Chief Executive by universal suffrage in 2012, as proposed by the pan-democrats, is not subject to a threshold, will the Government consider a high threshold not a mode of implementing universal suffrage in 2012? I think I will understand this position held by the Government.

Should our point of view be supported by the pan-democrats at that time, we would not have to discuss again today how high the high threshold proposed by the Liberal Party should be set. We have not discussed this issue Anyhow, it will definitely be higher than 100 out of 800. specifically. According to one of our proposal, the number of members in the four sectors will be increased from 800 to 1 200 or 1 600 in an even manner. Nevertheless. it is a great pity that we missed the opportunity several months ago when we had a chance to discuss these matters in a more concrete manner. Government has published the consultation paper to reflect faithfully the views collected by the Commission, particularly the views expressed by various political parties and groupings. The conclusion thus drawn gives people an impression that the election of the Chief Executive by universal suffrage in 2012 (not dual universal suffrage) is not supported by half of the Members of this With the passage of several months, what remedial measures can be The Liberal Party will strive to consult other political parties and groupings, the Government, the Chief Executive and the business sector regarding this.

Madam President, at the very beginning, the Liberal Party did not understand what "democratic procedures" actually meant. Now we think that "democratic procedures" should mean balanced participation by four different sectors. It must be pointed out again that the "democratic procedures" should not be treated as a screening process.

Another point I wish to make concerns the Legislative Council election. Given the postponement of the election to 2016 — if a high-threshold election of the Chief Executive by universal suffrage can be implemented in 2012, we will propose that 10 FC seats be abolished every four years, though I am aware that this is a contentious proposal. Because direct elections should be implemented in FCs where it is easier to implement direct elections, while FCs where it is more difficult to implement direct elections, such as FCs representing the business sector, the financial sector, and so on, can be abolished at a later stage. Nevertheless, I do not think Members of the pan-democratic camp will consider this acceptable.

Today's discussion seems to be focused on the issue of electing the Chief Executive by universal suffrage. It has come to our attention that members of the public have a similar aspiration for the forming of the Legislative Council entirely by universal suffrage. However, we have also noted that their aspiration is based on the fact that 30 Members of the Legislative Council are already returned by direct elections. Furthermore, their views are often taken seriously by FC Members, who will give support after listening to their views, particularly those on bread-and-butter issues. For instance, the recent issue of increasing the "fruit grant" was supported unanimously by the eight FC Members from the Liberal Party. Hence, regarding the issue of whether it is the public's wish to abolish all FC seats in one go in order to achieve the goal of implementing dual universal suffrage in 2012, we agree with the report that their aspiration for this is not too strong. They will accept implementing universal suffrage for the Chief Executive first, to be followed by that for the Legislative Council.

Madam President, I hope to put the issues repeatedly discussed by the Liberal Party on record again, before the meeting of the NPCSC, with a view to expressing our views. Of course, other Members from the Liberal Party will continue to express their views on this issue.

Thank you, Madam President.

DR DAVID LI: Madam President, the Report by the Chief Executive to the Standing Committee of the National People's Congress on the Public Consultation on Constitutional Development (the Report) summarizes the views of different sectors within our community on the way forward for political development in Hong Kong. It sets out in the strongest possible terms the desire of the public at large for the early introduction of universal suffrage. But it recognizes that there are no shortcuts to achieve that goal. The Report respects that progress towards universal suffrage must be achieved within the existing constitutional framework.

We in Hong Kong enjoy wide freedoms. Public opinion carries a great deal of weight. But there is one brutal fact that we must all face. Public opinion does not have a direct constitutional role in implementing universal suffrage. Universal suffrage can only be achieved by following the procedures

laid out in the Basic Law. And the power to implement these procedures is vested in three institutions: this Council, the Chief Executive and the Standing Committee of the National People's Congress.

The most revealing part of the Report is that dealing with the views of the Members of this Honourable Council on political development. The Report sets out in stark detail the splintered views within this Council. The conclusion is there for all to see: It is the lack of consensus within this Council that is the real stumbling block to achieving universal suffrage.

Given the great divisions within this Council, the most that the Chief Executive could state in the Report was precisely what he did state — that there is a better chance of implementing direct election of the Chief Executive in the year 2017 than in the year 2012. In so doing, the Report points the way forward to a solution. It is up to the parties and individual Members of this Council to narrow their differences in order that progress may be made. If no progress is made, there will be an opportunity in September for the public to have its say. Our experience over the past 10 years has shown us all how very important it is to respect public opinion.

Thank you, Madam President.

MR FREDERICK FUNG (in Cantonese): President, the election platform adopted by Chief Executive Donald TSANG during the election campaign at the beginning of this year included the promotion of the development of democracy in Hong Kong as one of the five main themes. He claimed that he could solve the problem of dual elections by universal suffrage within his term of office and he would issue the Green Paper on Constitutional Development (Green Paper) in the middle of this year and that discussions conducted in the Commission on Strategic Development on the roadmap and timetable for universal suffrage would be used as a basis to draw up three proposals for universal suffrage. Then public consultation would be conducted territory-wide for a period of three months and the mainstream view reached during the consultation period would be reflected truly in a report made to the Central Authorities.

Despite the fact that the SAR Government began the consultation on the Green Paper in July as scheduled, there was nothing done to put forward three

proposals for universal suffrage as previously claimed. On the contrary, the issue of universal suffrage was split into many options and contentious issues were simply evaded. No consultation is conducted on these issues.

Of course, after the consultation exercise was over, the authorities failed to come up with any mainstream proposal on universal suffrage for submission to the Central Authorities. The Chief Executive thus clearly broke the promise he had made during the election campaign.

The Hong Kong Association for Democracy and People's Livelihood (ADPL) thinks that irrespective of the form and contents of the consultation, the Green Paper has quite a number of inadequacies. It clearly shows that the Government has only adopted a half-baked approach and it has not done what it is supposed to do and played the constitutional role of promoting universal First of all, the Green Paper splits up the elections by universal suffrage of the Chief Executive and the Legislative Council into a number of options and these options are scattered, fragmented and lacking in any Put simply, this kind of cut-and-paste patchwork has made the coherence. proposals for the dual elections by universal suffrage incoherent. Consequently, the public can hardly make any meaningful analysis and arrive at a correct choice.

In addition, although the authorities have conducted consultation on the composition and size of the nominating committee, in the nominating procedures of the Chief Executive, only questions are selectively asked on the number of candidates and no attempt is made to go into the nub of the problem, that is, the nomination methods. As to whether or not some undemocratic or unfair screening mechanism would be introduced to bar those holding divergent views from the election, as no question is asked on that in the Green Paper, the result is that the room to manipulate the nomination procedure is expanded indefinitely. This causes uneasiness and apprehensions in us.

In addition, the Green Paper makes an outrageous proposal to make the retention of functional constituencies (FCs) as one of the options to form the Legislative Council by universal suffrage. This move is unthinkable and it is clearly a breach of the principles of universal suffrage such as "universal and equal" and "one person, one vote of equal value". Article 68 of the Basic Law clearly stipulates: "The ultimate aim is the election of all the members of the Legislative Council by universal suffrage." Annex II to the Basic Law on the method to form the Legislative Council can be cited for this purpose. Insofar as

the distribution of seats from the first-term Legislative Council to the third-term Legislative Council is concerned, it is stipulated that seats returned from direct elections in the geographical constituencies will replace those seats returned from small-circle elections. This trend and arrangement are in line with the meaning of Article 68 of the Basic Law and the ultimate aim is for the return of all Members of the Legislative Council by universal suffrage. This shows that the proposal raised again in the consultation paper to include functional groups with some form of so-called universal suffrage element is clearly a contravention of the Basic Law.

President, this mode of consultation with such a great extent of manipulation is inherently biased and, evident in the conclusion of the report submitted by the Chief Executive to the National People's Congress (NPC), what the Chief Executive has done is to list views of his own or those he approves of, or those which he thinks would be accepted by the leaders in Beijing. compromise has been made indiscriminately to the issue. In the case of the Chief Executive election by universal suffrage, the nominating committee proposed in the report may be modelled on the composition of the Election The size of the committee may be more than 800 members and the Committee. number of candidates can be two to four. However, it is silent on the nominating procedures which are the most crucial part. Although the report claims that the majority of public opinion is in favour of electing the Chief Executive by universal suffrage in 2012, it adds a redundant remark that "implementing universal suffrage for the CE first by no later than 2017 will stand a better chance of being accepted by the majority in our community." However, it must be noted that no consultation has been conducted on this point in the consultation paper. This shows that the so-called conclusion is actually a preconceived stand inserted arbitrarily in addition to the consultation. view which the Chief Executive has got in his mind or a view from other people, not a result of the consultation. This move makes people suspect that the Government ignores public opinion and it just shows that procrastinations can be made one term after the other on the question of implementing universal suffrage for the Chief Executive or that Chief Executive elections are to be held within a preconceived framework.

As for the forming of the Legislative Council by universal suffrage, the contents of the report are simply outrageous. The Basic Law clearly provides that FCs are to be abolished in line with the principle and aim of universal suffrage. But the Green Paper has made it one of the options, hence causing unnecessary disputes. The purpose is just to make way for the following

conclusion in the report: "As for the models, roadmap and timetable for implementing universal suffrage for Legislative Council, Legislative Council, various sectors of the community and the public hold diverse views, and no mainstream view can be formed at this stage." The majority view which favours universal suffrage in 2012 is to be given the cold shoulder and brushed aside again and the issue of using universal suffrage to form the Legislative Council is to be shelved. Is the Chief Executive in so doing not breaking his electoral promise again? How is he going to arrive at a total solution to the universal suffrage issue?

It can be seen that constitutional development is like staging a play with the person holding the reins of power playing the parts of a scriptwriter, director and actor all by himself. From the consultations for dual universal suffrage, to the submission of a report to the NPC, up to the impending approval to be given by the NPC, the hopes of dual universal suffrage are dashed. Scene after scene in the plot unfolds before the very eyes of the public according to the prepared script. The public thinks that there is still room for action in the play to develop. But they have no idea that there is already a plan from behind the scene and all the preparations have been made and the conclusion is long foregone.

In the report given by the Chief Executive to the NPC, no attempt is made to act according to the majority view that dual universal suffrage in 2012 is to be put forward as a conclusion to be submitted to the NPC for endorsement. In view of this, we are both disappointed and enraged.

It is beyond doubt that the methods of returning the Chief Executive and forming the Legislative Council in 2012 should be amended. The question remains whether or not the authorities have paid any respect to the preference indicated by the majority public to implement dual universal suffrage by 2012. The people of Hong Kong have struggled hard on the tortuous road to democracy for more than two decades — from the colonial times to the reunification. They have weathered the ups and downs as well as the vicissitudes of politics. Though they have suffered many a setback, their fiery passion for democracy has not cooled down. Now more than half of the people have this demand and conditions in Hong Kong are ripe for implementing universal suffrage. After all, is implementing universal suffrage in Hong Kong such a big deal? We have a solid and well-tested economic foundation, an excellent system in the rule of law, plus the fact that our people are mature enough and they have the quality of being highly rational. The ADPL believes that if political and human

conditions are to be set right and if harmony and tolerance are to be achieved in society, the necessary step to take is democratic development. We all desire reform and reform in the political scene can serve to induce a great stride forward in our backward political system, hence righting the imbalance that has upset our political and economic systems.

President, since the Government has not relayed the view of implementing dual universal suffrage in 2012 to the Central Authorities, I am afraid we will have to bear the political consequences of this backwardness in politics and all the political and economic events that may come about because of what has gone wrong in politics.

I so submit.

MR SIN CHUNG-KAI (in Cantonese): President, first of all, I wish to thank you for the approval to hold an adjournment debate today.

Hong Kong has been entangled in this question of universal suffrage for more than 20 years. At first when this issue was discussed, as I recall, it was when we strove for direct elections by 1988. In a blink of an eye, now we are talking about dual universal suffrage by 2012. It has been 24 years from 1988 to the present.

However, when we talk about dual universal suffrage by 2012 now, as we have already known from all those reports, every political analyst is of the view that it is certainly not possible to have universal suffrage by 2012. Apart from this impression of an impossibility of implementing universal suffrage by 2012, what the public can sense from the newspapers or the ideas floated by the officials in meeting the media is that there may be universal suffrage to return the Chief Executive by 2017.

The problem is that two Secretaries of Departments, that is, the Secretary for Justice and the Chief Secretary for Administration, made it clear in a meeting of the Panel on Constitutional Affairs held on Monday that according to the constitutional system, the result of this report would only initiate action on the question of whether the methods for these two elections, that is, those for the Chief Executive and the Legislative Council, could be amended in 2012. It is still a big question as to what will happen in 2017. Today is 19 December and I

am sure an announcement will be made on 29 December. The Standing Committee of the National People's Congress (NPCSC) will meet from 23 December to 29 December and I reckon there may be an announcement on 29 or 30 December. Even if an announcement is made, what would be said may be further discussions are required and that the report of the Chief Executive for the coming term would have to be considered, or even some conditions are imposed and the Central Authorities would only revisit the issue when these conditions are ripe.

When the Chief Executive comes back from the NPCSC discussions, he may make amendments with respect to the Chief Executive election subject to approval by the NPCSC. Irrespective of whether it is universal suffrage to return the Chief Executive or form the Legislative Council in 2012, at most what can be done is some patchwork. Most likely it would be to increase the size of the small circle from 800 to 1 600 members, and the maximum is 3 000 members. But it is still a small-circle election in essence. As for the Legislative Council, would it be like my question posed in the Panel meeting, that the proposal made in 2005 would be reconsidered, that is, to increase the number of seats by 10, with five seats from direct elections and five seats from the District Councils? We may have to vote on that again.

On the resolution introduced by the Chief Executive to this Council, nothing about 2017 is included. Just what is the decision of the NPCSC and how Hong Kong is to activate universal suffrage process by 2017? Of course, what we are doing is fighting for universal suffrage by 2012 and even if the NPCSC vetoes universal suffrage by 2012, it may not imply that the Chief Executive can activate during his current term of office universal suffrage to return the Chief Executive by 2017. Would universal suffrage to return the Chief Executive then become a distant and forlorn hope? This is exactly our worry.

The Chief Executive has made most passionate and eloquent remarks. In the election for a second tenure, he vowed to the people of Hong Kong that he would do something big, for he wanted to draw up an ultimate proposal, one that would meet relevant international standards. Now the Chief Executive can do something about the election for 2012, but can his proposal meet these standards? I think that will certainly not be the ultimate proposal, for without universal suffrage, it can never be an ultimate proposal. Also, would this be a proposal on universal suffrage that will meet international standards? Though it is said

that the 800 membership would be increased to 1 600, and that represents a two-fold increase on the road to democracy and this is a 100% increase, it is after all still nothing but an election in a very small circle. It does not meet any international standards for universal suffrage. I think what the people may think about this claim to do something big is that they may have the impression that they have been fooled by the Chief Executive.

The people have great expectations for the pledge made by the Chief Executive in the election. The approval ratings for Donald TSANG have all along stood at 60% to 70%. I think one of the reasons is that the people have trust in Donald TSANG. I respect this trust placed by the public in Donald TSANG. However, opinion polls for the past couple of days clearly show that when the Chief Executive fails to honour his election promise, the consequence can be seen in the opinion polls. If the NPCSC is to respond to the Chief Executive's report on 29 December and if it is a rejection of dual universal suffrage by 2012 or universal suffrage in 2012, I am sure the approval ratings for Donald TSANG will nosedive further.

We know that one of the reasons why Donald TSANG can assume the post of Chief Executive is his popularity. Of course, it is easier to be the Chief Executive these days, for at least the Chief Executive needs not worry about any The Government may resort to using fiscal means in the budget, fiscal deficits. such as a cut in taxes or rates, to reward the public, and so on, to maintain its Should that fail, it may beg the Central Authorities to start the "through train" for Hong Kong stocks going and thereby boost the local market. Findings of a number of opinion polls indicate that the people do not want to see the Government resort to using financial means excessively to distort the present situation, for excessive financial means are useless in meeting the popular demand for democracy. After the marches that took place in 2003 and 2004, despite government analyses finding that the marches were triggered off by economic conditions, SARS and the attempt to legislate on Article 23 of the Basic Law, the findings of polls conducted by the University of Hong Kong as commissioned by the pro-democracy camp show that popular demand for democracy has not backed off or weakened even though the economy has fared better.

President, I do not want to see the Government distort the interpretations of the District Council (DC) elections and think that it is the fading of democratic aspirations that accounted for the landslide victory of the pro-establishment

camp. I know certainly that there are many reasons leading to this landslide victory of the pro-establishment camp and one of them is, as we are informed by numerous sources, they have a very strong backup. The Central Government has great support for the pro-establishment camp.

Actually, the opponents whom the pro-democracy camp is facing are in no way merely the DAB, but the entire state. This is a fight between the state and the pro-democracy camp. That is why in the DC elections, there was no way in which we could run our election campaign, for our resources were no match with theirs. The Central Authorities have on many occasions said that the hearts of Hong Kong people were to be won over. On this question of winning people's hearts, the people of Hong Kong do have great expectations for universal suffrage.

When rumours spread that there would be no universal suffrage in 2012 and even universal suffrage in 2017 remains an uncertainty, the support for the Central Authorities among Hong Kong people drastically dropped. If this is made clear on 29 December, I am worried that these pathetic sentiments would swell enormously. Even if nothing concrete is said about election in 2017, I would think that the degree of Hong Kong people's trust in the Central Authorities will further drop.

President, actually, I am a bit tired. Why? We have been fighting for universal suffrage for more than 20 years. It has been more than 20 years. Even if it is said that there may be universal suffrage in 2017, as we heard the speech by James TIEN, even an issue like high threshold or low threshold has to be taken care of in two terms. It is said on this occasion that there is no universal suffrage in 2012 but there may be universal suffrage in 2017. That if that Chief Executive election is achieved by some screening through democratic procedures, and even if the pro-democracy camp cannot take part in it, that would be quite satisfactory. I reckon that there will not be universal suffrage even in 2017. What is given is just a tiny bit of hope for it, and no specific and certain pledge is made which says that there will be universal suffrage in 2017. What is said is just that a decision would be made in 2017 provided that certain This is most likely to happen. conditions are ripe. I am not being over-pessimistic, for it fits very well with what the Chinese Communist Party has been doing, that it is acting according to the maxim of DENG Xiaoping — to cross a river by groping the stones along the way.

President, it would be 30 years from fighting for direct elections in 1988 to the year 2017. It would be the 20th anniversary of the reunification by the year 2017. It means that two fifths of the transitional period of 50 years would have been passed. In 2022, half of the 50-year transitional period after the reunification would have been passed. I hope the Central Government would consider two factors. First, the Central Government should give an account to the international community on the question of democratization of Hong Kong, and in putting the Sino-British Joint Declaration into practice, Hong Kong has to return its Chief Executive by election. Second, there will be elections in Taiwan in March and the time is not very far from now. The decision made today may serve as an inspiration to the people of Taiwan and I hope the Central Government can take the Taiwan factor into consideration as well.

If the NPCSC makes a very rigid decision this time around, it will produce an impact on the Taiwan elections. Both Hong Kong and Taiwan will come under the backlash. The inspiration given and decision made on this occasion are not only the concern of 7 million Hong Kong people, but I believe they will also affect the 22 million compatriots in Taiwan. Overseas Chinese have always been supportive of the implementation of universal suffrage in Hong Kong. On every visit to an overseas place together with Martin LEE, we find that the overseas Chinese are very concerned. This especially applies to those Hong Kong people who have emigrated overseas. They care very much about the progress of democracy in Hong Kong and they also care very much about when universal suffrage will take place here. Some even tell us that should universal suffrage take place in Hong Kong someday, they will come back to Hong Kong to vote and take part in the progress towards democracy.

President, I am very worried that the announcement to be made by the NPCSC on 29 December is a nightmare which will disappoint the people once again. The decision made by the NPCSC will not only affect the election in 2012 but also the election in 2017. The reinterpretation of the Basic Law in 2004 is a wise decision made by the Central Authorities in politics. This is because with respect to the timetable for universal suffrage, that is, the election in 2012 which we discuss today, a decision was in fact made in 2007. And that decision affects the election in 2012. When in 2011 or 2012, the international community poses the question of when the Chief Executive is to be elected, we would say that it is in 2012. But why is there no universal suffrage in 2012? Because it was rejected in 2007. Each time when people talk about the year for

implementing universal suffrage, the answer is that it was already rejected a few years ago.

President, if we are to reject universal suffrage on this occasion, it is very likely that we would have to wait for four more years — I would think that it is not four years from now but very likely to be five years — that a decision is to be made by the next Chief Executive. There are rumours of late that the Chief Secretary for Administration — he is not here now — has a chance to be the next Chief Executive and his performance on this occasion would affect his chances of becoming the next Chief Executive.

President, the Central Government is not to make itself accountable to the Chief Executive this time and more so it is not to make itself accountable to the pro-democracy camp either. Honestly, many of the pro-democratic Members of this Council, such as Mr Fred LI, Dr YEUNG Sum and Mr Martin LEE, are all grey-haired. And by the year 2017, many of them are reaching the age of retirement. Though they may not need a walking stick, chances are extremely slim for them to take part in the election by universal suffrage to return the Chief Executive. However, what we fervently hope for is not the chance to take part in the Chief Executive election as a candidate, but to take part as an ordinary citizen and cast our votes for the candidate we favour. I so submit.

MR RONNY TONG (in Cantonese): President, I would like to thank Dr YEUNG Sum first for arranging for this adjournment debate in such a short time. However, let me just count, one, two, three, four, five, six and including me, there are only seven persons in this Chamber now. The Government says that there are more than 40 Members in this Chamber who are against dual universal suffrage in 2012, but where have they all gone? I can only see Mr Jasper TSANG here in the Chamber.

President, there are times when I would doubt whether or not debates like these are meaningful at all. This is a good question to ask. But a more important question is why the arrangement this time around has been so rushed and hurried. Christmas is just around the corner, why should it be held at a time when the people of Hong Kong are the happiest? I cannot help but think about the interpretation of the Basic Law by the National People's Congress

(NPC) in 2004 which rejected universal suffrage in 2007 and 2008. At that time, the entire arrangement was very orderly executed and everything was done in the blink of an eye. After the interpretation, Hong Kong people were instantly robbed of the chance to discuss the issue of universal suffrage.

The arrangement on this occasion has enabled us to see that the Standing Committee of the NPC (NPCSC) really gives such a big favour to Hong Kong, for it is even less than one week after the submission of the report by the Chief Executive that the NPCSC convenes a meeting for deliberations. Why all the haste? Is the NPCSC trying to tell Hong Kong people in the shortest possible time that we will have dual universal suffrage in 2012 so that this news can be presented to us as a gift for a happy Christmas? Or is it because according to political calculations, a swift decision should be made on that issue in order to reap certain political benefits that may come with it?

President, though I am a very optimist person, I am convinced that the result will be the second one. I also believe in what the media and the newspapers say, which are not unfounded speculations. These reports say that the NPCSC will veto dual universal suffrage during the holidays, then the Chief Executive will bring up in March 2008 the constitutional reform package rejected by us in 2005 and table it before the Legislative Council again. According to his calculations, the pro-democracy camp will reject the constitutional reform package again and then it can be demonstrated that the pro-democracy camp will resort to a bundled approach in voting again, playing the role of an opposition party to the Central Authorities and the SAR Government. He hopes that the pro-democracy camp will suffer a total defeat in the 2008 elections. This could But I can tell the SAR Government in advance that well be sound calculations. if the authorities reintroduce the constitutional reform package of 2005 in March again, I will not hesitate to oppose it. I do not care if the pan-democratic camp will resort to the bundled approach or not. I will speak up in advance if I do not feel any twinges in my conscience. I will definitely oppose it. I am not afraid if I cannot be elected as a Member of this Council in 2008. I would not be persuaded to stay even if there is a pay rise.

Maybe we have to let Hong Kong people see what will happen to this parliamentary assembly if there is no pro-democracy camp. Suppose we cannot secure dual universal suffrage in 2008 despite the fight put up by us, or suppose

we suffer a total defeat like the one we had in the District Council elections, what will become of this parliamentary assembly? President, first of all, I think the meeting on every Wednesday can be adjourned at 3 pm, because very few people would speak in the motion debates and there will not be any motion topic that may spark off heated debates. What will be discussed in the meetings may just be things like the benefits brought about by the DIY tours, how the hot money from the Mainland is fuelling the speculations in the stock market, and so on. The minimum wage issue will definitely not be discussed again each year and there will be no more arguments on that until 11 pm like what happened in every year past. Motions on minimum wage, poverty alleviation or fair competition law, and so on, which are discussed every year will not be proposed for debate in There is an extra bonus and that is, now we have more than 10 Bills Committees and by that time the number will be slashed to just two or three. Because there will be no more Members who are interested in deliberating on the Bills to attend the meetings. However, the efficiency at that time will be much greater than it is now, for all the bills will get a swift passage, that includes the legislation to implement Article 23 of the Basic Law. Therefore, the efficiency will certainly be far greater than the situation now, with more than 10 Bills Committees.

There will be also a great impact on society as well. At least those seafood dinners and lychee tours will disappear. For people do not have to scramble for votes or buy votes. By that time, the DAB will dominate and become the largest political party of all in Hong Kong. It will take up almost all the seats in the Council. Besides, those who cherish any hope for democracy may emigrate one after the other. But, never mind, the population of Hong Kong will not decrease, for in their place will come a vast number of people who think they can make quick bucks in Hong Kong. What will become of our society then? The question is very simple. What will become of a society sans democracy? I do not think Hong Kong will sink and go bust. It will continue to thrive and prosper. By that time there may be no more political news, just showbiz news. Officials do not have to work as hard as they do now. They will not be afraid of coming to the Legislative Council as they are now. Now they will refuse to come no matter how hard we beg them to. There is no more need for the Government to secure enough votes, for all bills will be passed A society with no democracy and a society with just one voice will be a monolithic society. And if this SAR Government thinks it is a good thing to have a monolithic society, then it may as well go ahead and do this.

I have always been a straight talker. This morning the Chief Secretary said that I was frivolous and not serious enough. He said it could not be a game, and it should be a serious issue. When I first joined the Legislative Council, I really thought that it was a very serious issue. However, at this moment in time, I cannot help but become a cynic. I do not know how to put that in Chinese. It may mean someone who is excessively pessimistic or satirical. This morning the SAR Government stated clearly why universal suffrage for 2012 was out of the question, not because the Central Government did not approve of it, but because political parties in Hong Kong did not agree to it. Which political parties in Hong Kong do not agree to that? Even if I do not name them, people will know that they are the DAB, the Liberal Party and the Pan-Alliance.

I think it is most unfair to these political parties. I think in these political parties, there are many people who genuinely hope that dual universal suffrage can be implemented in 2012. Dr Raymond HO said so himself today. But they have to listen to the Government and support it. If the Government is to implement dual universal suffrage in 2012, I do not think the DAB and the Liberal Party will oppose this position of the Government. No matter what, I will not believe in that. I may even stake my home on that.

But if the Government says that it will heed public opinion, that it has the obligation to strive for dual universal suffrage in 2012, that it will strive to negotiate with the Central Government to achieve that goal and that it will do its very best even as the outcome may not be a success, then things will be totally different. So I raised a very simple question this morning and I gave officials of the SAR Government two chances to reply, but no one was bold enough to give me an answer. The answer is very simple, and that is "No". The authorities can just say "no", why bother to make such a big detour? Why should a detour be made around Garden Road? There was no attempt by the authorities to persuade the DAB or the Liberal Party.

My colleagues request a meeting with the Chief Executive. But I think it is a pointless meeting him. Actually, the Chief Executive should meet with the DAB and the Liberal Party and he should ask them why they have to be enemies of the people when more than half of the people of Hong Kong want dual universal suffrage by 2012. The Chief Executive should meet with the DAB, not we people from the pro-democracy camp. Therefore, even if the Chief

Executive is willing to meet the pro-democracy camp, I would have to think twice, for he had better spend his time on the DAB and the Liberal Party. But the Chief Executive does not like to do so. Since he does not want to do it, then he should not playact and pass the buck to the DAB and the Liberal Party. This was what I meant when I told him not to playact this morning. Given such a political reality, how do you think I can ever maintain a sober attitude?

I think facing up to such a political reality is what everyone of us should do. For me, I am absolutely prepared to face this political reality. If everyone in Hong Kong says to me, "Ronny TONG, go and fight for that yourself. I do not want to fight for it. I do not want to have dual universal suffrage in 2012." Then, fine, I will take that. I am not afraid to see that happen. If later on I decide to run in the Legislative Council elections in 2008 and the people of Hong Kong say they no longer want me, for they do not want to fight for dual universal suffrage, having decided to give that up, I will not be afraid of losing, for a defeat in the election is fine with me.

Is such a defeat fine with Hong Kong? It is right that the people of Hong Kong may want to see their future in this light, thinking that they can live happily like that thereafter. The people of Hong Kong may think that a society without democracy is acceptable. They may even think that a parliamentary assembly without the pro-democracy camp is also acceptable. I am not afraid to see such a day should it ever come, but I would say this, "Sorry, if this is the case, then I think I do not belong to this society anymore."

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

MR LEUNG YIU-CHUNG (in Cantonese): President, just now I heard Mr Ronny TONG say that if in future universal suffrage cannot be implemented in Hong Kong, the result is that many phenomena will happen. These include: meetings will be over earlier; meetings will not have to drag on for so long; government policies can be implemented smoothly for there will not be so many Members putting forward so many different views and blocking their implementation or suggesting some other approaches which they think are better, hence the Government does not have to make any modifications and the problems can be solved very quickly. I agree very much with this view, for in

reality, if a parliamentary assembly formed by democratic elections is lacking, there can be no effective monitoring and no policy which is more in tune with public opinion and people-oriented can be proposed to the Government. Then the Government can do whatever it likes and have whatever it wants.

President, I wish to talk about what are the advantages if there is democracy. I wish to speak from another angle. Although there have never been any democratic elections in Hong Kong in the true sense of the word, that is, there have never been any elections that are popular and democratic, I recall that we had elections before 1997 in which more people could vote in the form of "one person, one vote" and more people could vote and form an assembly that represented their views. That was the former Legislative Council in 1997.

I recall at that time many popularly-returned Members proposed many Member's Bills to urge for amendments to the existing laws. I also proposed a Member's Bill to impose a ceiling on the rentals of public rental housing and to make adjustments to such rentals. LEE Cheuk-yan also proposed many Member's Bills on the protection of labour rights such as the right to collective bargaining, and so on. These Member's Bills were actually passed at that time. I dare not say that Members all applauded the passage of such bills, but I am sure that the response then was very good. Because those Member's Bills can actually assure certain livelihood issues of the grassroots. This is also the reason why we are always stressing the close tie between democracy and people's livelihood.

When these representatives of public opinion are returned by "one person, one vote", and in an open and fair manner, they will be responsible to their voters and accountable for them. So the motions they propose and the views and stands they have are all based on the preferences of the voters. This is where the importance of democratic elections lies. However, if we do not have any democratic election, then, like Mr Ronny TONG said earlier, not only can we not monitor the Government effectively but a great obstacle will also be posed to developments in people's livelihood, society, economy, politics and culture. Hence, we insist that there should be dual universal suffrage.

What results can we see in the so many years past, from the first-term SAR Government where the Chief Executive was returned by a small-circle election? We made the vehement criticism that there was collusion between the

Government and business and there were bias and favouritism in many areas such as in political matters, in interests and in administrative frameworks. The result was a time of suffering and hardship. That was the result witnessed by us, in the absence of democratic elections. Now we can see that the SAR Government wants the Central Government to affirm that the methods of returning the Chief Executive and forming the Legislative Council in 2012 can be revised. However, President, this makes us very worried. Why? Because even if at the end of the day the Central Government agrees to make the change, but what is to be changed? We have no idea at all.

Also, the Chief Executive stresses something, what in fact does he stress? That dual universal suffrage is almost out of the question. Now most people in society have accepted the case that the simple issues be dealt with first, to be followed by the harder ones. That is, returning the Chief Executive by universal suffrage first, then forming the Legislative Council by universal suffrage later. But as for how late should it be, no mention is made of it in the report. No reference is made whatsoever to the timetable for forming the Legislative Council by universal suffrage, not to mention a roadmap. We all Why should it be like that? President, if you are aware of it, think it is weird. some very interesting things are mentioned in the report and that is, more than half of the respondents said that they agreed that dual universal suffrage should take place in 2012. The result is obvious enough. But the Chief Executive in his report only asks the Central Authorities to take note of and consider this phenomenon. With signatures given by 130 000 people urging for universal suffrage in 2017 to return the Chief Executive, he says that this is a proposal acceptable to the majority public. President, do you not think that it is strange? The figure cited by me shows that one out of every two persons interviewed agrees to dual universal suffrage. There are 130 000 so-called signatures here that agree to returning the Chief Executive by universal suffrage in 2017. Which side has more people in terms of proportion? Which proposal is accepted by more people in society? With all common sense, unless there is a concrete figure, the number of people interviewed in that survey is definitely more than 130 000.

To our surprise, the Chief Executive says that the number of interviewees can only serve as a basis for careful consideration, but the 130 000 signatures are taken as acceptance of the proposal. This completely runs counter to what the Secretary and the Chief Executive said. President, in what way does it run

counter to what they said? He stressed time and again and it is a reflection of the truth. But how can this move be called a reflection of the truth? It is more valid to say that it is a distortion of the truth. We know that more than half of the respondents actually say that they agree that dual universal suffrage be implemented in 2012. So how come he can arrive at this conclusion and say that universal suffrage to return the Chief Executive in 2017 is accepted by the majority of people in society? What can this be if it is not a distortion? What can this be if it is not misleading? He evens reiterates that this is a true reflection. I feel that he is lying with his eyes closed. This is most pathetic.

Besides, President, I feel very strange because so many people stress that universal suffrage to return the Chief Executive should take place first in 2017 and other matters should be left pending. I have thought long and hard about this? Why should it be 2017 in particular? Talking about democracy actually, I think we have had elections for some 20 to 30 years and in terms of maturity, I think we are mature enough to have dual universal suffrage at any time. Why do we have to put it off until 2017 before we can have a chance to return the Chief Executive by universal suffrage first? I thought about it for a while and did some calculations. I found out that 2012 is the last year in the Chief Executive's term of office. If there is an election by universal suffrage at that time and if it is a popular and equal election, then honestly I have no idea whether or not he is confident that a candidate favoured by the Central That is why the Chief Executive election by Government can be elected. universal suffrage in 2012 has to be put off until 2017 in order to allow the next Chief Executive to finish the first term — he can be re-elected for another term — then other matters can be considered in due course. I think this approach is really unfair to the people of Hong Kong. We have said that our society must march on the road to democracy. This is stated in the Basic Law. But why hurdles and obstacles are imposed time and again? This is really deceiving the people. For us, we have taken part in elections for so many years and the people have cast votes so many years. We have all got used to this mode of operation and we all know it clearly enough. We know how to elect our own representatives. But why are we not given this right?

The attempt on this occasion to request the Central Government to affirm this election method has been put in a very nice manner by all appearances. In other words, it is said there might stand a chance if amendments could be made to these two methods of election in 2012. But this is really hoaxing the people.

Nothing else. As I have said, he has not told us at all what would happen next. So at the end of the day, it is strength that counts. If he has the strength, it means that he can do according to his will. This is what the situation boils down to.

The reason for us holding this adjournment debate today is our hope that the community can understand and know the truth. We also hope to tell the Central Government through this avenue that Hong Kong is mature enough and we are ready to have dual universal suffrage at any time. We do not want to see any more delays because these will only hamper the development of Hong Kong in all areas. This is the most important point I am trying to put across.

President, I so submit.

MR LEE WING-TAT (in Cantonese): President, with respect to the constitutional system, countless debates have been held in this Chamber already and Members who have served for a considerable time in this Council have also spoken on the topic on countless occasions.

I think young people who watch us debate on the TV would feel very bored, for since the topic has been discussed for so long, and if things should be done, they should have been done long since, and if they should not be done, they should have been put aside. Why should there be discussions for so many times and with each debate lasting for several hours? Of course, this is not because Honourable colleagues in this Council want to repeat the same topic deliberately and endlessly, but because the problem is not solved. Since it remains unsolved, we have to make demands as public opinion dictates it so.

Today I read an article by Mr LO Chi-kin in the *Ming Pao*. It is very well written. I also read an editorial in the *Ming Pao* yesterday and the main thrust of the article is quite straightforward and I also agree very much to it. First, the people of Hong Kong do not want to stir up a revolution and they do not want to fight for independence. Hong Kong people in general only have a very humble demand and, that is, to have their own family and work. They can go to work and get off from work and when Christmas comes, they can pick presents and spend a happy time with the family. And they want to spend the New Year just like any other ordinary people living in a modern society.

They are of course humans. Anyone who has been educated will know that life does not simply make up of going to office and returning home after work, or eating a meal or having some entertainment. People have their dignity as humans and they want to play a part in managing this society. As Chinese, they think that they are in no way inferior to people in other countries. They are entitled to running this society. Such is the humble demand of the people of Hong Kong and that is all. But we can see that the Central Government and the SAR Government seem to be constantly testing the bottomline of these demands. As a matter of fact, the Chief Secretary for Administration and the Secretary have also tested this bottomline too. This was the case when an attempt was made previously to legislate for the implementation of Article 23 of the Basic Law. Even the humblest people in Hong Kong and those who want the least to take any radical actions will certainly fight back if they are hard pressed.

I therefore hope that the Chief Secretary, the Secretary, and the Central Government will know after listening to this debate today that they should cease constantly testing the bottomline of Hong Kong people when what they have put forward are merely very sensible and humble demands. When the Government tests the bottomline of the people with some decisions, the kind of reactions the latter may give can be very strong indeed.

On the attempt to legislate for Article 23 in 2003, some people raised the question of how the democratic camp could have mobilized 500 000 to 600 000 people. This is right. The Democratic Party has only got 600 members. The membership of the Civic Party seems to be growing in number, but they have only got some 400 to 500 members. The numbers of members in these parties only add up to not more than 1 000. Or is it really that small in number, just 300? Then when they add up, it would not be more than 1 000 anyway. When political figures from abroad talk to us, they are surprised to find that our party members are so small in number. The people came out because they reacted to decisions and policies that would undermine their basic demands. I do not know if this would be the same on this occasion, for the NPCSC will meet from 23 to 29 this month.

What I can say is just that if the Central Government tries to test or challenge the bottomline of Hong Kong people again this time, I think a very strong reaction is bound to happen. All through these 10 years after the reunification, although support from Hong Kong people for policies of the Central Government has been growing steadily — I think the Secretary is aware of this survey as well — and support for the state leaders is also growing

steadily, this event will overturn this popularity rating in no time. Things will go back to square one.

The University of Hong Kong released the findings of a poll today and it was pointed out that support for the SAR Government had gone down by nine points — I am not sure whether it is nine or 10 points actually. Support for the Central Government also fell by 10 points. Obviously, this is due to the release of this report on constitutional reform. Of course, the Secretary may think, since the people of Hong Kong do not know what kind of decision will be made on the 29th, so why should they be so afraid? Right, the people are expressing their worries through this survey. They are worried that there will be no universal suffrage in 2012 and even hopes for a timetable and the question of whether or not there will be universal suffrage in 2017 seem to be likewise distant and forlorn. What is farther from sight is that the authorities do not even agree to discuss the issue of a timetable for forming the Legislative Council by universal suffrage.

When Mr Donald TSANG ran in the Chief Executive election in 2007, he made some very bold and impressive remarks. Seen from a certain perspective, although the election held in this year was not universal suffrage, it is very important. An election with some competition is very important, even for those who are not qualified to cast a vote, they would like to hear from him something that is responsible. In any modern society, public opinion, the media, credibility or other core values will drive any political figure or public officer to hold himself or herself accountable to the public. Although the Chief Secretary or the Secretary sitting opposite to me are not returned by any popular election, I trust that they will not shut their ears to public opinion. They know well enough that they will have to do something when strong public opinion is evoked by their policies.

However, what makes me most unhappy is that despite those bold and impressive remarks made by Mr TSANG during his election campaign, has he ever honoured his promise? He said that he hoped to see universal suffrage during his lifetime. He said that he hoped to do something big on this question of constitutional reform. He also said that he hoped that the controversies centred around constitutional reform could be resolved completely. Replies made by the Chief Secretary and the Secretary this morning or on Monday also said that the Chief Executive had honoured his pledge. He released a Green Paper on the consultation exercise shortly after he had assumed office and in less

than half a year, this report has been completed. He has certainly done something when seen from this perspective. But speaking from the reactions shown in public opinion, I do not think he has honoured his pledge at all.

I remember asking a question during a Question and Answer Session hosted by the Chief Executive in the previous term. Actually, I knew at that time that support in this Council for implementing dual universal suffrage in 2012 did not have a two-thirds majority. This is no new information. The number of people who position has not changed from 2006 to the present. support the implementation of dual universal suffrage in 2012 does not reach a At that time, I asked the Chief Executive a question and two-thirds majority. that is, as a political figure, he is not an opinion poll office, for if he really wanted to do that, the Government would not have to delve its hands into that matter. Academics like Robert CHUNG Ting-yiu, Timothy WONG Ka-ying and LI Pang-kwong can be called in to do the job, then a report with information on the number of people supporting and for which year, and so on, can be submitted to the Central Government. For every person in politics, especially as the head of a region, he should play the leading role in politics. He has to offer a visionary and practical approach to solve the most pressing and challenging problems in society. The Chief Executive also seems to have said that he would find a radical solution to the problem.

Unfortunately, from what is seen in public opinion, the majority still supports implementing dual universal suffrage in 2012. Therefore, I asked a question on Monday and this morning. Since in this Council there are 26 Members from the pan-democratic camp who support dual universal suffrage in 2012 and 10 Members from the Liberal Party who support universal suffrage in 2012 to return the Chief Executive, there are a total of 36 Members in support of universal suffrage to return the Chief Executive. Dr Raymond HO also said that he would lend his support. He said that he would accept the proposal to hold this in 2017, but he would also accept it as a sign of support. In other words, there are already 37 votes. Why does the Government not do something to lobby for the support of three more votes against this backdrop of such strong support so that there can be a two-thirds majority in this Council?

Moreover, the Chief Secretary and the Secretary should know that, according to my calculations, these 37 Honourable colleagues represent support from 70% of the people. The pan-democratic camp has got 60% of the votes, when added to the votes for Mr James TIEN and Mrs Selina CHOW, the support

is as much as some 60% to 70%. There is hence a large percentage of popular support, for they are returned as Members of this Council by direct elections. May I ask the two gentlemen, what kind of moral grounds you think you have that will enable you to reject a demand that is in tune with public opinion from a majority of Members, that is, 37 in all, who are returned by votes cast by the people? And they have not done any lobbying work at all. Chief Secretary Henry TANG still gave the reply this morning that he only respected letters written by the political parties. He thought that letters from the political parties and Members of this Council were all written after careful consideration. logic holds water, there would be no need to carry out any lobbying for all the laws introduced by the Government. And there would be no need for meetings after the First and Second Readings, because he will only attend meetings when Then the Third Reading will take place two weeks there are enough votes. afterwards. But this is not the way politics is supposed to work.

Any major issue that leads to social conflicts should be left in the hands of the political leaders who will see to it that the policies are launched and that groups yet to be convinced are convinced. Some people in this Council do not agree to implementing dual universal suffrage in 2012. I am most disappointed that the Administration, from the Chief Executive, to the three Secretaries of Departments and Directors of Bureaux, has not done anything to try to lobby for three more votes. Yet they tell us that they have tried their best. If they can tell us that after they have tried their best, they fail to win three more votes, the people may forgive them. I am very disappointed with this.

Another thing which I would like to talk about is this timetable for universal suffrage, which we have discussed for years. Are things like what the Chief Executive said, that we will return the Chief Executive first and this will promote or provide better conditions for discussing a timetable to implement universal suffrage to form the Legislative Council? I can only say that in general, returning the Chief Executive by universal suffrage is simpler. I would not debate with the two gentlemen on this point. However, as I have said many times, and I have also said this in the Commission on Strategic Development (the Commission), that if the Government does not take the first step in the issue of forming the Legislative Council by universal suffrage, Members of this Council who have been returned from functional constituency elections all through these 10 to 20 years will not give up these so-called vested interests at their own initiative.

I said when I had a debate with the Secretary that even the Liberal Party which is the most conservative only proposes to abolish functional constituencies in three terms. It has got a timetable for that actually. I believe Howard YOUNG is also aware that his party chairman has mentioned that many times in the Commission. These are also discussions about the bottomline. The Chief Secretary and the Secretary, this can be discussed. How can this be justified if even this is not mentioned? Abraham SHEK often says in the Commission that he wants the functional constituencies to be preserved for ages to come and he does not want to abolish them. Given that, then would Mr Abraham SHEK try to convince the people that the functional constituencies should be preserved for ages to come? Or would the Chief Secretary please ask him if that is a breach of the provisions of the Basic Law?

Among the major conservative political forces, even the most conservative of all has proposed that the functional constituencies be abolished in three terms. I just cannot see any reason why the Chief Secretary and the Secretary do not work on this basis and try to iron out the differences, shorten the time to two terms or even abolish functional constituency elections as soon as possible. think it is totally irresponsible on your part to propose that the Chief Executive should be returned by universal suffrage as the first step, to be followed by forming the Legislative Council by universal suffrage. I do not think this is Just think, even the most conservative political justified on moral grounds. party of all, that is, the Liberal Party which has the most functional constituency seats, can accept this and that their party chairman has indicated many times that functional constituencies can be abolished in three terms, then why does the Government not hold discussions on this basis but only procrastinate for yet a longer time? Are you even more conservative than these parties? you to hold yourselves accountable to the Hong Kong people?

For this reason, Honourable colleagues frequently said during these couple of days that the Government is cheating the people and it is like doping them with LSD and marihuana. The Chief Secretary was right when he said that these remarks sounded very unpleasant to the ear. I used to make very emotionally charged speeches. Some people say that I have not had that fire in me in these few years anymore. I do not snap at people today. I think the Chief Secretary should think that over. Had he joined the democratic movement at the age of 29 like me, now I am 51, and if he cannot even see a finalized timetable to implement universal suffrage, when things are so distant and out of sight, would he not agree that people should be angry? Can a person allow himself to be

constantly suppressed and cheated in this demand for such universal values to be realized in Hong Kong?

Although I have had few opportunities to talk with the Chief Secretary, I know that he is a very gentle person. I ask him to step into our shoes and think. On Monday he asked us not to use acrimonious remarks to attack officials. Actually, I seldom do that. I hope that in the small hours of the night, when all the world is engulfed in silence, he could give a few thoughts to the group of people who began to fight for democracy in the twenties and thirties, now they are in their fifties. There are some who began to strive for democracy in their thirties, now they are 60-year-olds or 70-year-olds. When these people can still stand up and speak on this topic, just imagine how they can suppress the fiery rage that burns in their hearts? So, Chief Secretary, one sometimes has to think both ways. Thank you, President.

MR ALAN LEONG (in Cantonese): President, when Mr Donald TSANG was running in the Chief Executive election, he clearly indicated that the Green Paper would contain three packages, that all of them would lead to universal suffrage and would comply with the requirements stipulated in international human rights covenants. However, when the Green Paper was finally released, Hong Kong people found that those undertakings had not been materialized. That was the first disappointment.

This time, when the Chief Executive submitted a report to the National People's Congress (NPC) last week, we once again expected to see the delivery of the so-called ultimate package — an undertaking boldly and proudly made in the past. However, what we can see is once again an empty and disappointing report. Naturally, if we examine the Green Paper and this report against the undertakings Mr TSANG had made in the election campaign, it is evident to all that there are some substantial discrepancies between the two. It requires no further explanation.

I have tried to look at the issue from a more positive and constructive perspective, because it is not an easy task to work as the Chief Executive after all. Behind this large piece of black cloud, I have found two silver linings. First, this is the first time ever the SAR Government has acknowledged, in official documents, that over half of the population of Hong Kong is in favour of

implementing universal suffrage in the elections of the Chief Executive and the Legislative Council. The second silver lining is that the SAR Government has, in this report, clearly stated there can be a timetable for providing a thorough solution which could practically and thoroughly resolve the issue of universal suffrage, which has been a subject of rows and arguments during the past 20 years or so. This could spare us the internal debates, and that is also conducive to the long-term development of Hong Kong.

I had once thought that, with these two silver linings, we could make use of these two points as the starting line and platform to strive for the chance to hold a dialogue between officials of the Central Authorities responsible for Hong Kong affairs and members of the pro-democracy camp, who are representative of Hong Kong's mainstream public opinion aspiring for holding dual elections by universal suffrage in 2012. I had hoped that, through such a dialogue, both parties could clearly explain their respective positions and concerns.

Unfortunately, just two days ago, while a meeting of the Panel on Constitutional Affairs was in progress, some journalists informed us that there was a press release saying that the Standing Committee of the National People's Congress (NPCSC) would convene a meeting from 23 to 29 of December to deal with the report submitted by Chief Executive Donald TSANG. That gave me an impression that the SAR Government and the Central Authorities had once again teamed up in producing a script, a script designed, once again with moves that are swift and fast as thunder and lightning, to say an emphatic "no" to the implementation of dual elections by universal suffrage in 2012. Having dealt with government officials for a couple of times recently, now I have absolutely no expectation that the NPCSC would, subsequent to the interpretation of the Basic Law on 6 April 2004 and the decision made on 26 April, respond by making any undertaking regarding the time that universal suffrage would be implemented after 2012.

President, Hong Kong people have been described as rational and pragmatic, but their rationality and pragmatism are based on good intentions, which must not be subject to constant distortion and demeaning criticisms, and that the wisdom of Hong Kong people must not be insulted. In fact, Hong Kong people's insistence on democracy is beyond doubt. The Hong Kong society is all prepared for some proper and formal exchanges with those in power. However, it appears that this expectation will once again be dashed. Because it

is less than one week away from 23 December; in such a short period of time, there is certainly no time for communication.

President, in the remarks they made today, a number of colleagues have mentioned an opinion poll conducted by the University of Hong Kong. According to its findings, the rating of the SAR Government has slipped by 12%, and the level of trust of Hong Kong people in the Central Authorities has plummeted by 10%. In fact, this has rung an alarm. President, this clearly shows that Hong Kong people are completely fed up with the stagnation of the constitutional affairs and the partiality in public governance, and they are holding the SAR Government and the Central Authorities responsible for making them feel this way. When leaders of the Central Authorities discussed Hong Kong issues, they repeatedly said that deep-rooted contradictions existed in Hong Kong, and that the desirable state of smooth governance and harmonious relationship is still not yet present in the territory.

On the 10th anniversary of Hong Kong's reunification with China, Mr LU Ping agreed to grant an interview to the Cable TV. The exclusive interview was the first time ever for an ex-government official from the Central Authorities to have honestly told Hong Kong people on the television that at the time of the reunification, the Central Authorities seemed to have made a rather inaccurate projection with regard to how a smooth reunification could be achieved. According to Mr LU, at the time when the reunification took place, the Central Authorities believed that everything would be fine as long as the business sector could remain stable, but they had overlooked the middle class, the professionals and the grassroots. I certainly admire the honesty Mr LU had displayed. In fact, his honesty can be verified by our political system and electoral system, as concrete proof of what he said can be found in our systems. 800-member election committee or the method of electing Members of the Legislative Council, they bear testimony to the current political system of Hong Kong being dominated by the commercial sector. This is consistent with what Mr LU had described as a tilted practice.

President, therefore, in fighting for "one person, one vote" and fair and popular election, Hong Kong people want to rectify these mistakes as soon as possible, rectify certain unbalanced policies in Hong Kong, and enable our Chief Executive to govern for the well-being of the majority of the 7 million Hong Kong people, so that when he deals with large consortia, he will not feel

vulnerable and helpless, and that his team can work with full political mandate from Hong Kong people. I believe this will enable him to govern Hong Kong more effectively and freely, and this is exactly the reason for Hong Kong people's fight for universal suffrage. I firmly believe that with so many eyes and ears in Hong Kong, it is impossible that the Central Authorities do not understand this. The Central Authorities may know Hong Kong a whole lot However, interestingly enough, since the better than Alan LEONG does. march on 1 July 2003, we are pleased to see that more and more professionals and middle-class people are willing to come forward, and more and more community bodies, including the grass-roots ones, are willing to get organized to make self-help initiatives. As an active civil society, Hong Kong should be in a good position to work towards a democratic political system; but ironically enough, and maybe this is the reason why, President, the greater the force in favour of universal suffrage, the greater the pressure that will be exerted onto those in power with vested interest, and therefore there are increasingly evident signs that there are attempts seeking to suppress the force in support of democracy.

President, someone told me that if I were to fight for universal suffrage and democracy from within the establishment and seek to share the power with those in power with vested interest, it would be as impossible as asking the tiger for its hide. Besides, we must not have any expectation of the Chief Executive, who is a member of the group of people with vested interest within the establishment. President, I am unwilling to subscribe to such an allegation for the time being, and I hope it would not be necessary for me to subscribe to and believe in such an allegation.

President, a few days later, on the 23 of December, the NPCSC will convene a meeting and then make a response to the report submitted by the Chief Executive. Naturally, I cannot foretell the contents of their responses, but by reading between the lines of the report, I think it is very obvious that 2012 is out of the question. However, if Hong Kong people are to be made to believe that their trust in the Central Authorities has not been misplaced, and if the Central Authorities has to convince Hong Kong people that they are doing something good for Hong Kong and they know how to build up a harmonious society with good governance in Hong Kong, I hope when they respond to the matter on 29 December, even if they do turn down the 2012 option, they would at least tell us when we can implement universal suffrage. Only by doing so will Hong

Kong people get a feeling of being respected. Please stop disappointing Hong Kong people again by resorting to such excuses as Hong Kong people are not yet mature enough, or universal suffrage would nurture a Hitler or lead to the independence of Hong Kong, and so on.

President, Hong Kong people deserve a clear-cut decision. They should not be let down again and again. Thank you, President.

MS EMILY LAU (in Cantonese): President, I would like to thank Dr YEUNG Sum for moving this motion debate at this urgent and critical moment to enable us to discuss this issue which has a bearing on the future of Hong Kong.

In fact, if the Government of the Hong Kong Special Administrative Region (SAR) is really a responsible government, it should take the initiative of proposing this motion. In addition, the Chief Executive should have come to this Council on 12 December to make the announcement here and then answer questions raised by Members, instead of asking the Information Services Department to make a video recording of his announcement for broadcasting, thus denying the people and Members the opportunity of asking him questions. President, after 12 December, we, a group of Legislative Council Members, acted quickly by asking for a meeting with the Chief Executive, as well as asking the authorities to make arrangements for us to meet with mainland officials in charge of Hong Kong affairs.

However, President, it is already 19 December today. No arrangement has yet been made. Just now, Mr Norman CHAN, Director of the Chief Executive's Office, returned a call to me. Why did he return a call to me? Because I had rung him up this morning. When he called me yesterday, he said that we should wait after this morning's meeting. In our very first contact, he said we must wait and see how the circumstances developed in Monday's Panel meeting. I asked him why on earth we still had to wait. He said all you wanted to do was to have some discussion, so maybe you could discuss with the Secretary. I said we did love to hold discussion with the Secretary, but we also wanted to discuss the issue with the Chief Executive. He still insisted that we should wait until the Monday meeting was over. But after the Monday meeting, another meeting was scheduled on Wednesday. He then said let us wait until after the Wednesday morning meeting. Now that meeting is over. This

morning, the meeting ended in discord. Our cause was defeated after the casting of votes. No more meetings would be held.

Therefore, I contacted Norman CHAN. Just now he rang me to tell me that the Chief Executive was very busy. President, I asked him then when the Chief Executive would be available. The answer was Christmas Eve — 10.00 am 24 December. Such a slot was identified with so much difficulty. I am not sure whether the Government House can hold all of us, because we are a large group of people. As such, I immediately consulted my colleagues on this arrangement. They said it was unacceptable. In our opinion, we have discussed the issue for such a long time and the NPCSC will hold its meeting on 23 December, why can he not meet with us until 24 December? Therefore, I have just told Mr Norman CHAN that colleagues cannot accept such an arrangement. I have told him that we are available for the whole day tomorrow, so we hope to meet with the Chief Executive tomorrow.

Yet, President, even for such trivial matters, something like this can happen. As a common saying goes, "From a minor detail, we can tell the overall situation." I wish to make one remark to the Chief Executive — frankly speaking, President, both you and I are no small kids, and we know all too well that we will not get any special benefits from our meeting with the Chief Executive — we just want to talk to him, to tell him in his face that his report is no good; that he has distorted the views of the people. But we cannot even find the opportunity to do just that, not to mention our request on the Government making arrangements for us to hold discussion with mainland officials.

President, you may also know that the majority of us have never had any communication with him. We are representatives of the people with the responsibility of reflecting their views. He often tells us to do better. TUNG Chee-hwa had also said so in the past: That if we can put up a better performance, then there would be discussion. However, if our performances are bad, how can we be re-elected for so many times? Therefore, this has really made us very angry.

However, frustrations aside, we still have to handle this issue. Because NPC's meeting will commence this Saturday and will end on the next. What is the impression we have now? President, it is: universal suffrage will not be implemented 2012, nor will it in 2017. Then shall we be waiting until 2027?

Of course not. When will it be implemented? In an indefinite future. Are the Chief Executive, the Secretaries of Departments and Directors of Bureaux going to give this answer to Hong Kong people?

What is said in this report for submission to WU Bangguo, Chairman of the NPCSC? It says, "I have come to the view that the community generally hopes that the universal suffrage timetable can be determined early, so as to set the course for Hong Kong's constitutional development." I have never heard of such a naked lie in all my life. Therefore, I told the Secretary this morning that, some said that this was a game, but I would say that this was not a game, but a fraud. When did Hong Kong people tell him that it is necessary to set the course for Hong Kong in this regard? Hong Kong people say that they want to have universal suffrage in 2007 and 2008. President, as 700 000 or 800 000 people had taken to the streets, it shocked the Central Authorities. At that time, TUNG Chee-hwa said that he was going to conduct a public consultation with Hong Kong people on implementing universal suffrage in 2007 and 2008. After saying this, he was harshly scolded by HU Jintao when he visited Beijing. Several months after his return to Hong Kong, there came the decision of promulgating an interpretation of the Basic Law.

As such, we can see that, at that time, the people were already fighting for the implementation of universal suffrage in 2007 and 2008. At that time, the people already had such a request, and they certainly would not be discussing such a humble request now as asking that a course be set for Hong Kong. May I ask what distortion is if this is not? Therefore, why is it necessary for us to talk directly to the Central Authorities? If the Central Authorities say that they do not permit this or that, they already deserve condemnation by Hong Kong people. But if the Government provides inaccurate information to the Central Authorities by saying that all that Hong Kong people want is just asking the Central Authorities to set a course for Hong Kong, and that there would be no problems even if universal suffrage would only be implemented in the generation of our grandchildren or even that of our great-grandchildren, I would ask: Is there anything wrong with you?

President, sometimes I may not agree with comments made by the media. However, sometimes their remarks are most enlightening. They say that, such a tactic would be extremely unfavourable to the future interaction between the Central Authorities and Hong Kong people, and it would deal a great blow to

They also say that Donald TSANG would be seen as having such interaction. the intention of misleading Hong Kong people, and while using the adoption of universal suffrage in the 2017 Chief Executive election as the bait, he would be seen as aiming at cancelling Hong Kong people's determination of fighting for the implementation of universal suffrage in the election of the Chief Executive in After Hong Kong people have displayed a rational and pragmatic 2012. attitude, the NPCSC would rule out adopting universal suffrage in 2012, but in the meantime, it would remain silent on whether there would be universal suffrage for electing Chief Executive in 2017 (I mentioned earlier such a proposal could even be ruled out if it is put forward). They say that, should this happen, the Chief Executive would be accused of cheating the conscience of Hong Kong people and betraying the rational and pragmatic nature of Hong His credibility would bankrupt in the minds of Hong Kong Kong people. people. And it would become doubtful whether he can continue to govern Hong Kong effectively. Some newspapers even say that Hong Kong people would certainly think that it is the Central Authorities that stifle Hong Kong's democratization and they would have negative feelings towards the Central They would question the Central Authorities' sincerity in Authorities. honouring their promise of allowing Hong Kong to implement universal suffrage. After the reunification, the Central Authorities have gradually gained the goodwill and acceptance of Hong Kong people, but such good feelings could be shattered into pieces overnight. With regard to the interaction between the Central Authorities and Hong Kong people, the originally feeble foundation of mutual trust, under the circumstances, would vanish completely. While internally it is not possible to build a harmonious society in Hong Kong, our relationship with the Central Authorities is also beyond repair. Such circumstances are extremely unfavourable to the stable and long-term development of Hong Kong.

President, can the SAR Government hear all this? Does it know all of these? Therefore, I had raised a question with the Secretary in this morning's Panel meeting. But he did not answer me, and I also did not have the leisure to pursue further in the meeting. I pointed out that, if the expectation and hope of Hong Kong people (It seemed that the Xinhua News Agency in the past liked to say "the nice and kind-hearted Hong Kong people") have completely fallen through, what will happen in Hong Kong? Now, everyone is all ready to enjoy the Christmas and there is a generally merry festive atmosphere throughout the city. But is it likely that something is looming, President?

Therefore, the Secretary must give us an answer. The people have been very patient in staging demonstrations and rallies time and again. They petitioned him and took a lot of actions. In return, all they can get is only a report intended to cheat Hong Kong people, an indefinite procrastination.

Besides, President, there are also some press reports discussing why there is still no consensus in Hong Kong on the issue of universal suffrage. reports point out that, in fact such consensus had actually emerged for a very long time. In the year when the Basic Law was endorsed, that is, 1990, there was a consensus among the Central Government, Director of the Hong Kong and Macao Affairs Office, the spokesman of the Foreign Affairs Ministry and even the pro-Beijing DAB in Hong Kong, that after the SAR had been established for 10 years, constitutional development would be the internal affairs of the SAR and would no longer be constrained by the Annexes to the Basic Law. On the other hand, both the DAB and the Liberal Party had incorporated the objective of implementing dual elections by universal suffrage in 2007 and 2008 into their respective political platforms. Therefore, the consensus has already existed for the implementation of duals elections by universal suffrage in 2007 and 2008. Political organizations in Hong Kong generally supported this. Later on, it was all because Beijing and some plutocrats had voiced objection that these organizations started to make a volte-face. All the facts have been put before Certain persons are said to be not supportive of the idea at that time because of considerations of certain interests, and so on. We can say that these were not what they had said. At that time, everyone supported the idea, and everyone thought that it would be feasible.

Given such a state of affairs now, how can they explain the situation? All they can say is that they had previously thought that 10 years should be sufficiently safe, but who knows, as the situation develops, it would actually require 40 years or 60 years. At that time, when it was considered acceptable to implement universal suffrage in 2007 and 2008, there was no mention that this might not comply with the principle of gradual and orderly progress. At that time, as this could be written into the platforms of their respective parties, then they must have considered it to be complaint with the principle of gradual and orderly progress. But now they say it does not, and point out that since their "rubbish package" was voted down in 2005, so gradual and orderly progress was not forthcoming. President, they can speak on the same thing in hundreds of

versions. They can say whatever they want. But if a person can speak in many different versions, he is hardly faithful or honest.

Therefore, President, now, we shall soon be seeing the NPC smashing Hong Kong's aspiration into pieces. What the "nice and kind-hearted" Hong Kong people have been fighting for during all these years is not the independence of Hong Kong, nor making Hong Kong the base of subversive activities to overthrow the Chinese Communist Party; instead, all that Hong Kong people are striving for is, under "one country, two systems", "a high degree of autonomy" and "Hong Kong people ruling Hong Kong" and in compliance with the principles prescribed by DENG Xiaoping, to have a SAR Government elected by universal suffrage. However, in return, all that Hong Kong people can get are just bits and pieces of something put together by the officials to become a package designed to cheat us. Therefore, just as the Xinhua News Agency told me previously: please do not deceive the nice and kind-hearted Hong Kong people. The SAR Government is deceiving Hong Kong people, and we cannot even meet with the Chief Executive — "Come on the 24 of the month"!

For this reason, President, I believe it is very difficult for us to conceal our anger. But I am not particularly disappointed because I have never had any expectations of the SAR Government. With a government not elected by us, how can I expect it to have sufficient courage to stand up and speak the mind of the people? In fact, he knows it. He knows all too well that, even it is not this year, but several years earlier, as if we were in 2003 or 2004 or even earlier, most Hong Kong people had already indicated their aspiration for implementing universal suffrage as soon as possible. But he still managed to find a lot of excuses to tell the people and the Central Government that this will not work and this is impossible. As reported in some newspapers, he had once comforted the people by asking them to wait for 2007. These were all deceitful words. After the true picture is exposed, all of a sudden, we would find that there is nothing under the illusory surface. What kind of reaction the people will have?

We support fighting for our causes in peaceful, rational and non-violent ways. However, sometimes if the SAR Government goes too far in bullying the people, I think it should absolutely be subject to harsh condemnation and it does owe the public an explanation. I often point out that the best course of action is to leave the issue to a referendum. If there is the feeling that many hurdles exist in society, then let us leave it to the decision of the people. But the Government

does not have the courage to do it this way. There are so many things that the Government is unwilling to do. After taking many devious routes, it simply comes back to tell us that universal suffrage will not be implemented.

The Secretary has been right in saying this: Why should we hold any meeting? All the same information had been repeated again and again. matter how the questions are asked, they will simply provide the same information as the answers. However, the people think that the authorities are the executive authorities which enjoy a high status and possess great power, so they have the responsibilities to fight for this cause on behalf of Hong Kong. Today, while the people's view has become very explicit, he releases such a report to tell the people that in fact there are not really so many people who are making this request. Although more than half of the population indicate that they want to have it, but this proposal is not good and that proposal is not good. Therefore, maybe later, then the chance of implementing it will be greater. What kind of answer is this? After waiting for so many years, the people are given something seemingly plausible, but in fact, they still have to wait for several decades more or even longer before they can really see a ray of hope of implementing universal suffrage. This is not what the people want to see, President.

Therefore, I hope, and I also hope that the pan-democrats and the public can have this aspiration (I hope I am wrong — in that universal suffrage will be implemented). If universal suffrage can be implemented, then everything will be fine. If it is announced on 29th of this month that universal suffrage will not be introduced at all even in 2017 and 2027, then I believe we in the pan-democracy camp will have the responsibility of starting a major protest and keep staging protests. We must express our feelings.

Yesterday, I said that the SAR Government could only understand one kind of language, that is, the language the people use in staging protests. That explains why TUNG Chee-hwa was dismissed, and why Antony LEUNG, Regina IP and YEOH Eng-kiong had to step down. President, if I present my request to the authorities in a polite manner, some of them will think that I am insane. Sometimes, if the authorities go too far in bullying the people, the latter might fight back. Therefore, President, we very much hope that the Chief Executive can meet with us as soon as possible, and we also hope that the

authorities can make arrangements for us to meet with mainland officials. Yet, the people's view cannot be suppressed. I hope the authorities can act cautiously. The people may have some reactions.

MR LEUNG KWOK-HUNG (in Cantonese): President, I have heard the Secretary for Justice calling on Members not to be so "cynical and mean" to the In fact, a person has been much more "cynical and mean" than we are — he is LU Xun. He has written an essay in one of his books *Hua Gai* (《 華蓋 集》) entitled "Sudden thought — the Fifth". I had quoted this when I was conducting my election campaign. He said, "If there are people who really intend to go on living, first of all, they must dare to speak up, dare to laugh, dare to weep, dare to feel angry, dare to swear, dare to fight, and defeat this cursable era in this cursable place." I do not know whether he is considered as being mean in saying this, but he does offer an explanation. In the preceding paragraph, he says something like this, "John Stuart MILL says, 'Dictatorship makes the people cynical. But we remain calm as if nothing has happened. We do not even express any cynicism. I think dictators' system makes the people cynical, but an obscurantist dictatorship makes the people submissive. People are dying gradually, and they still think that they are successful in defending the right values. In this way, they are gradually becoming more and more like normal living persons.'"

The Secretary for Justice must have been involved in the production of magazines in his younger days. I do not know whether he has ever read such works. Since the Secretary for Justice has pursued legal studies, I believe he must know John Stuart MILL. Secretary for Justice, why do you say that we are being cynical? Do you not feel that the present system is cynicism to the 6.9 million people in Hong Kong, sarcasm to the 1.3 billion people in China and intimidation to over 20 million people in Taiwan? While we are making speeches here, someone would say, "I am sorry, Martin LEE and YEUNG Sum, what are you talking about? Because you will not get enough votes. There must be a two-thirds majority before it can be passed."

However, we have really got enough votes in this Council. I have heard that many political parties, the Liberal Party and the DAB included, would claim in every election that there would be no hurdles in implementing dual elections by universal suffrage in the next election: In campaigning for the 2000 election,

they said dual elections by universal suffrage could be implemented in 2007 and 2008, and in the 2004 election, they said they could be implemented in 2012 — that is, it could be implemented after the lapse of one more term.

Today, I am speaking here in the hope that they can show their sincerity. If they can send one representative to come forward — not many speakers are required because I know all too well that not too many of them would speak up. We in fact also want to see that universal suffrage can be implemented in 2012. We hope the Central Government will understand us and allow us to implement it Or if the SAR Government proposes similar motions, we would definitely support them without reservations. In that case, why should there be any need for discussion? We are now called the opposition camp, the critical point (in fact the SAR Government was the creator of this term) lied in the interpretation of the Basic Law on 26 April 2004. Secretary for Justice, you can see the existing Annex II, which this Council had not yet made any amendments, as Annex II had already been "interpreted" (sic). Annex II still remains intact, whereas Annex II had already been "interpreted" to the effect that there would not be dual elections by universal suffrage in 2007 and 2008. addition, the Legislative Council's right of moving any relevant proposal, as described in paragraph 3 of Annex II of the Basic Law (p.43 of our copy), was taken away and placed in the hands of the Chief Executive. This has enabled the Chief Executive to fabricate public opinions now and submit them to Beijing. Otherwise, it should be this Council that moves the proposal which has to be passed by a two-thirds majority of all the Members. The Chief Executive would not be able to amend our proposal, nor can he say something like he understands this or that, or he understands what "Long Hair" has said. short, all he can do is to submit to Beijing the motion that has been voted on. the very early stage, it had been said that the Central Government would generally accept such motions. Later, it was said that it still possessed the ultimate power — it had the residual power. All that is said in Article 12, and also Article 158, but now they have all become "rubbish". Secretary for Justice, as a lawyer yourself, how do you feel about all this?

Regarding all such so-called cynicism or sarcasm, in fact I am just telling the truth. Buddy, it is exactly because of these situations that we have to discuss this report. Otherwise, why do we need to discuss this report? Surprisingly, this interpretation of the Basic Law, conducted through explaining paragraph 3 of Annex II, is welcome by the SAR Government. That explains why we have such a situation before us. What is the situation before us now?

I shall stop my cynicism or sarcasm now and be gentle! LU Xun again. He said in "Call to Arms" (《 吶喊》), "Imagine an iron house without windows, absolutely indestructible, with many people fast asleep inside who will soon die of suffocation. But you know since they will die in their sleep, they will not feel the pain of death. Now if you cry aloud to wake a few of the lighter sleepers, making those unfortunate few suffer the agony of irrevocable death, do you think you are doing them a good turn³?" These are some riddles LU Xun told a lady. How does he answer it? "But if a few awake, you can't say there is no hope of destroying the iron house." President, we are not just a few persons. Instead, there are 500 000 of us. It has just occurred in the last few years that, starting from 2003, they still think that they are sound asleep inside the iron house from which there is no escape.

Today, in discussing these issues here, we are just trying to do our part. Counting the votes, definitely we shall not be able to win. Members who can cast a vote are unwilling to be held responsible for what they said previously. In order to guess the preferences of the "highest authorities", these people claim that they (including Hong Kong people as well) do not like universal suffrage. This can be reflected in the two following points. The first point is, to our amazement, there is a need to go through a screening process.

Members, Donald TSANG recently refused to grant interviews to But MAO Zedong was quite willing to meet with reporters. 13 June 1944, the *Liberation Daily* featured a report on a meeting between MAO and reporters from both China and overseas countries. Do Members know what he had said? He said, "China does have a shortcoming, and it is a major This shortcoming, in short, is the lack of democracy. The Chinese one. people badly need democracy because they can only have the strength to fight against foreign invaders if they have democracy. And only with democracy can they tread on the right path, win the war against foreign invaders and build up a good country. And only with democracy can all Chinese people continue to unite together after the war. It is common knowledge to all of you who are present today that there is no democracy in China. Only with the addition of democracy can China take a step forward."

³ Selected Stories of Lu Hsun, Published by Foreign Languages Press, Peking, 1960, 1972

Members, it was MAO Zedong. He was the person who was going to govern 700 million people. Even MAO was willing to meet with reporters. It was the war time then. He could still proclaim during war time that things would not work without democracy. I would like to ask Members: Are there anyone among us who would say that our present situation is even worse than that of the war time? I would also like to invite those who are qualified to attend the Standing Committee of the National People's Congress (NPCSC) to listen to my words and reflect upon what their forefather had said. According to him, China would practise new democracy — he even preferred a more update and better type. Are you suggesting that, after the lapse of 63 years, and it was already 10 years after our Motherland has recovered the sovereignty of a place that had been occupied by colonialists, our situation is even worse than that in China on 13 June 1944, as described by MAO Zedong? I believe no one can answer this question.

On the last occasion, I also quoted certain paragraphs from this book — it is entitled A Historical Revelation. It was exactly two years since then. me count the days. Last time, it was 13 October. That "Rubbish Package" is the so-called Birdcage Package. I broke the birdcage. Two years down the line, they have come up with something again. This time, it is not a birdcage, but a fake report — either for cheating the Central Authorities or trying to please It must be either one of these two. Now, what does our official say? He says, "Sorry. We also want to have democracy. But we will not lobby our allies to support democracy. We want to exert pressure on the pro-democracy camp to make them support an undemocratic package." Frankly speaking, if I were not in this Chamber now, I would definitely call up the police to ask them This is a very serious case of schizophrenia or speech to arrest this person. disorder. However, as you are so fond of democracy, why do you not exert pressure on the Liberal Party and DAB; instead, in view of their support, you appoint more members from these parties as District Council members? regard to advisory bodies, not only do you choose not to comply with the "six-six principle", you also create posts such as deputy secretaries and political See what you have done to lure others to support a package you hope assistants. to get passed!

Members, what we are talking about today? Here you are. President, I am going to send this to him — a couplet. I believe, with your good eyesight, you should be able to see this clearly. However, I still worry that you might not see it clearly, so I have made it bigger by using some larger fonts. "The willow

rattles violently in the direction of the winds" — a famous poetic line of DU Fu. The following one is added by me, "Shameless is the Government distorting people's views". And the final line is, "Light and thin peach petals flow with the currents", the poet DU Fu used the line to describe those who often change their stances very easily. And I add this, "Disgusting are pro-royalists cheating themselves and others". Today before me are the group of people led by the Liberal Party and the Democratic Party, just like the peach petals and the willows — I am sorry, not the Democratic Party, but the DAB. I must correct this, it should be the DAB. I am very generous, and I would still give them the chance to reform themselves. I absolutely do not wish to scold them. Once they have reformed themselves, the world will be peaceful and lovely.

Today, we are here. As men are doing their work, God must be watching everything from above. Do we have to act like Saint Peter in telling Jesus, "Do not be afraid, my lord, I shall affirm my love for you later." However, he had denied Jesus three times. We have done this twice already — in 2004 and 2005. This is the third time. Denying Jesus three times! Do you hear me? Do you want to be Pilate? In the eyes of many people, Pilate was even worse than the thief crucified next to Jesus because he was a hypocrite. And the hypocrisy of Pilate was attributable to the special benefits he would be able to gain. Members, do you want to be Saint Peter or Pilate? You may choose freely. I would suggest that, even if you cannot become Jesus, you should become the thief because he was forthright and frank. If you are frank, all you have to do is to say whatever you want to say from your conscience.

President, you often criticize me for speaking too loudly. However, a loud voice by no means implies impoliteness. I have already done my share of cynicism, which is the result of autocratic oppression. Members, I hope you can read the book *A Historical Revelation*, and see how the communists promised us that there would be democracy. I hope their disciples, or followers of their disciples, or even the servants of the followers of their disciples can realize this. Recently, I met the judge in the Court regarding our case of the people's radio. He addressed me as "Mr LEUNG", and asked me whether there was anything I wished to say. At that time, I said something to him in English. Today, this is the first time for me to try reading out something in this Chamber, "I shall pass this way at once. Therefore, any good I can do, or any kindness I can show to any living being, let me do it now. Let me not defer or negate it, for I shall not pass this way again."

Chances had it that you can do something good for Hong Kong people, do something good for the Chinese people and do something good for the Taiwanese people. You will be remembered in history. The chance would only knock at your door once, so do reform yourselves quick and make a "U-turn" quick to fight for the implementation of universal suffrage.

DR FERNANDO CHEUNG (in Cantonese): I must thank Dr YEUNG Sum for moving this adjournment debate at this critical moment.

President, in retrospect, I was just a "greenhorn" in the political arena in Honestly, I had never thought of taking part in politics at all. 2004. from the social welfare sector, and social justice was my primary concern. was my hope to see a fairer society in which everybody could lead a better life. The training I received emphasizes inter-personal relationship. We need to fight for what we believe to be right in ways that are rational, lawful, and reasonable and with regard to the feelings of others. Naturally, being social workers, we have our ideals and our sets of value judgment, which are people-based and people-oriented. We believe that "all men are born equal", and we go after a society in which people would respect each other, live in harmony and take care of each other. We want to have a harmonious society in which people find their lives meaningful. During the period in which I worked part-time while pursuing my studies and later my teaching in universities, I had come to realize that the world is by no means perfect. Hence, we must keep on making efforts to cope with it. This is because the good and the evil co-exist in this world — while there are many positive forces, there also exist many negative forces, which are always engaged in a tug of war with each other.

Why did I want to take part in politics? Part of the reason was that I had seen so many incidents of injustice in the sector to which I belong and so many bad consequences caused by the systems. There were far too many negative forces to which improvements were needed. However, when we attempted to improve the systems, we found that those systems could not be changed. Why were they unchangeable? Because we could not exercise checks and balances on the powers of the policymakers. Furthermore, I have also witnessed many incidents of injustice in society, such as the over-concentration of wealth and authority leading to an imbalance in society. A society that has lost its balance will not be able to maintain sustainable development in the long term. Worse still, it would bring about rather negative impacts on the livelihood of many

people in society. At that time, I had gone through some struggles. If I wanted to change the existing system, taking part in politics and running for elections would be an option. However, should I make my way to the social welfare constituency through the small-circle election, or should I take part in direct elections? In fact, the small-circle election is not a system that we support. However, first, I had thought that I might be able to bring about some positive changes to the social welfare sector through this channel or through the seat thus acquired; and second, frankly speaking, I did want to fight for democracy through this seat, hoping that I could bring about some changes to the small-circle arrangement by making use of the small-circle channel.

In 2004, we made our way here, hoisting our banners in support of implementing universal suffrage in 2007 and 2008. At that time, many Members were also candidates running in the election, and many political parties, including a number of major political parties, had included the implementation of dual elections by universal suffrage in 2007 and 2008 in their Shortly after that, in 2005, the SAR Government proposed political platforms. a political reform package. Since Members from the pan-democratic camp had hoped to promote democracy through the early implementation of universal suffrage, so, with a great struggle, we did consider the issue carefully to see whether the proposed political reform package was acceptable and whether it could be seen as a step forward, or whether it was a transit stop that would gradually enable us to achieve our ideal of implementing universal suffrage. Yet, honestly, after repeated examinations, we could not see where this transit stop would take us to, and we could not see the ultimate destination, a roadmap Looking at the package, if that was indeed a transit stop, we or a timetable. really hoped that it could take us a step further. But it could not. elements which appeared to be taking us forward. For example, the Election Committee electing the Chief Executive was expanded by including District Council (DC) members, who were then directly elected, into it. However, the package also included proposals for appointment of DC members. 500-odd DC members, as many as 102 would be appointed ones. be appointing them? The Chief Executive. The Chief Executive would appoint DC members and then bring them into the Election Committee which is responsible for electing the Chief Executive in return. This was almost like vote planting, so how could we accept it?

As far as the Legislative Council election is concerned, the package proposed to include five additional directly-elected seats, but at the same time, it

also proposed to include five additional functional constituency seats. It was our precise wish not to see any increase in the number of functional constituency seats; instead, we wish to see the reduction of such seats. But the authorities sought to increase the number of such seats. So, how could we accept this so-called transitional package?

In the absence of a final package, a roadmap for implementing universal suffrage and a timetable, and when a transitional package failed to demonstrate that it was a step forward, we were left with no alternative at all, and we simply could not accept it. We were acting to reflect the aspirations of the people, and since we proposed to fight for the implementation of universal suffrage in 2007 and 2008, we must then adopt universal suffrage as our goal, so how could we accept a package like that? It was out of the question, and we really could not In this whole course of events, there might be certain targets that are not easy to achieve, which we would need to discuss with the Central Authorities, or there might be matters that must be resolved gradually instead of These we understand. We are people who can be reasoned instantaneously. with, so let us have some discussions. However, it was not the case. authorities had never discussed anything with us, nor had there been any The proposal popped up all of a sudden, and it was a proposal communication. that we could either take it or leave it.

President, although I was just a "greenhorn" in the political arena, I think, under normal circumstances, if the authorities had any respect for Hong Kong people and Members of this Council, who represent Hong Kong people, it should conduct with us some basic and courteous communication and discussion founded on mutual respect. But nothing like this had ever happened. In future, we will certainly keep on wrestling with them.

Last Wednesday, the Chief Secretary for Administration submitted a report to this Council on behalf of the Government, saying that the Government would submit the report to the National People's Congress (NPC) and that the report was the result of the consultation on the Green Paper conducted by the Government since July. President, to the general public, it must be most incomprehensible. Why should it take so long for us to implement dual elections by universal suffrage? Why do we have to wait until the end of the year before we can just submit our request to the NPC for changing the electoral mechanism, that is, Annex I and Annex II? That is really unbelievable. Why are we still asking "can we"? Of course "we can", and it must be "we can".

Otherwise, we would be maintaining the *status quo* again, would we not? We must not do that. The Basic Law stipulates that we should at least move towards universal suffrage in a gradual and orderly manner. How can we keep standing still? That is impossible. We must move forward. We do expect the Chief Executive, who is the representative of Hong Kong people, to express the aspirations of Hong Kong people in greater clarity. Unfortunately, the report has remained fairly ambiguous in this respect.

As we can see from the report, the Government acknowledges the fact that over half of the population are in favour of implementing universal suffrage in 2012, and given that there is no chance of implementing universal suffrage in 2007 and 2008, the closest alternative is to implement dual elections by universal The Government even says that it would respect these suffrage in 2012. aspirations. Yet, on the other hand, the Government argues that it appears to be more practical, that more people would render support if universal suffrage is implemented in the election of the Chief Executive in 2017. With regard to the Legislative Council, though we all know that the people hope that universal suffrage can be implemented in the election of the Legislative Council as soon as possible, the report says that, due to the discrepancies of viewpoints, no concrete proposals have been put forward. Later, when the authorities gave further explanation in the Panel on Constitutional Affairs, they even said that they might not discuss such a remote issue, and that it would only discuss matters for 2012.

Members of this Council present today have been fighting for democracy in this Council for many years now. The practice of the authorities inevitably made us query whether they were simply playing tricks, that they did not have any sincerity and was outright deceiving the people. If we exchange our position with theirs, they will certainly feel the same. President, I believe government officials present today are smart persons. They should know clearly that all we have ever wanted is balanced development in Hong Kong, that there will be a system of checks and balances which can continuously safeguard the overall interests of Hong Kong as a whole. We are not a bunch of people trying to pit against anyone, nor do we have the ability to be at loggerheads with the Central Authorities. What we are doing is simply insisting on some ideals, some principles, and we know those are the directions we must keep on insisting to pursue. Frankly speaking, even if universal suffrage were implemented, even if all the 60 seats were returned through direct elections, would we be able to win all these seats? We will not. We will still have to run in the election, and we will run for it in a fair manner. The pro-democracy camp did lose in the

District Council elections, did it not? That was not a problem. This is the way a civilized society nowadays operates, in which there is peaceful alternation of political power; different parties can discuss and communicate and take part in governance in a civilized manner; and everybody can participate and respect each other. When you have the right to vote, you have the right of participation. This is a basic human right, a basic principle, and it is impossible that this cannot be achieved in Hong Kong. This is the point that we have been insisting on. Why should we be guided on the devious routes, going round and round in circles? Why do the authorities not show any respect to the many citizens of Hong Kong who have this aspiration?

President, I do not know what kind of outcome the NPCSC will arrive at in its forthcoming discussion. We are certainly very worried now. By the time of 23 to 29 December, when the NPCSC makes the final decision, apart from indicating that we may introduce changes for 2012, will there be other additional restrictions as well? I certainly find it difficult to predict, but we are President, I am all the more worried about our future. not optimistic. Certainly, I am aware that the opportunity for implementing universal suffrage in 2012 is close to zero. By then, the SAR Government may as well propose a "replicate" package — a "replica" of the 2005 package. That will put the pan-democratic camp into a dilemma. Frankly speaking, if we vote against it — in fact, insofar as my position is concerned, I must vote against it. had already found the package unacceptable in 2005 according to my own value judgment and my principles, how can I accept the same package reintroduced in 2012? If we succeeded in voting against the package, with one third of the Members voting against the package, then it would not be passed because it could not secure the support of two thirds of the Members, then our group will No improvement had been made to the become sinners in history. arrangements in 2007 and 2008, and if 2012 cannot see any improvement as well, then 2017 would be the earliest time for introducing any improvement. that case, we will have caused the delay of democratization by 10 years. event, are we not going to become sinners in history? This trick is really venomous.

If we failed, then the Government's "replicate" package will be passed. In that case, what is the meaning of all the efforts we have made? We have been fighting hard for it, but our ideal still falls through. Given the failure, will we still find it meaningful to carry on with our work? This will be a big blow to the entire agenda of democratization of Hong Kong. Is it true that Hong Kong

people are not good enough for that yet, or are we incapable of handling it? Is it true that the only thing the SAR Government can do is to act as a public opinion machine? Furthermore, this public opinion machine has done a lot of work behind the scene in an effort to change public opinions with the assistance of the strengthen of the entire State. Frankly speaking, when I was running in the election in 2004, the opinion polls at that time indicated that the majority public was in favour of implementing universal suffrage in 2007 and 2008, so why should we be back-pedalling now? If "Grandpa" had not spoken so much, we would not be back-pedalling.

Thank you President.

MR MARTIN LEE (in Cantonese): Madam President, I dare not ask you to count the number of Members present in this Chamber now because I had checked at the Ante-Chamber, even after I have entered the Chamber, we still do not have enough Members around. A pro-royalist friend of mine told me that they had already expected that I would ask the President to do a head count, but after that, the absence of a quorum will essentially lead to the adjournment of the meeting. Under the circumstances, therefore, I dare not ask the President for a head count.

However, these people will have to hold themselves accountable to history because their actions of blocking the development of democracy have happened not only today. Some of them had already done everything possible to block the forward progress of democracy when they were working with me and SZETO Wah in the Basic Law Drafting Committee. However, at least the Basic Law has stipulated that its ultimate goal is to implement universal suffrage in electing both the Chief Executive and all the Members of the Legislative Council.

I can still recall that, in the night of the reunification, I felt very uneasy: Why did we still have to wait for 10 more years before universal suffrage could be implemented? Was it because Hong Kong society was still not yet ready for it? Was it because the people still did not have the right conditions? Of course not. But why did we still have to wait for 10 years? At that time, our slogan was "amend the Basic Law". But we all know now that amending the Basic Law is not something that Hong Kong can do. So all we can do is to wait. While we were waiting, we realized that all the people in Hong Kong were

actually waiting for the arrival of 2007 and 2008. Since the Basic Law allows us to implement dual elections by universal suffrage in 2007 and 2008, we therefore make this as our target.

Earlier on, certain Members have mentioned that both the DAB and the Liberal Party had incorporated the implementation of dual elections by universal suffrage in 2007 and 2008 into their party platforms. In fact, at that time, the Basic Law did stipulate 2007. So all we had to do was wait for 10 years, and by 2007, it would be the time for electing the third-term Chief Executive as well as the fourth term of the Legislative Council. But due to the emergence of the Provisional Legislative Council, so our target became 2007 and 2008. At that time, a consensus had already existed.

Since the NPCSC unilaterally overturned the decision of implementing dual elections by universal suffrage in 2007 and 2008 on 26 April 2004, we had no alternative but to postpone the realization of our aspiration by five years, that is, 2012. There is an element of coincidence in this, as both elections will fall on that year. Therefore, we strive for this target.

However, certain people in this Council say that this cannot be done, and the target can only be achieved in 2017. I had asked a question in a panel meeting of this Council. I said leftist Members then had agreed to implement dual elections by universal suffrage in 2007 and 2008, so everyone considered that Hong Kong people were ready for it, and no one in society had said that it would be too early to implement it. Since they had considered 2007 and 2008 as the suitable time, why was 2012 not the suitable time? No one answered my question. I am going to give them the opportunity to answer it now: Why was 2007 and 2008 the suitable time for implementing dual elections by universal suffrage, but not 2012? How much longer do we have to wait?

The Chief Executive had already presented the report to NPCSC. But the Chief Executive had only made a video recording and had it broadcasted on the television on 12 December. Then he was unwilling to meet with the journalists as well as Members of this Council; and he was unwilling to give a detailed explanation to the people. He simply played the game of disappearing.

I have looked up the records. What happened in 2004? On 6 April 2004, the NPCSC suddenly promulgated an interpretation of the Basic Law

without consulting Hong Kong people beforehand. We all remember that, after the NPCSC's interpretation of the Basic Law, Secretary Stephen LAM went to Beijing on 15 April to present the Second Report of the Constitutional Development Task Force. When he presented the report in Beijing, the Chief Executive then, TUNG Chee-hwa, did meet with the mass media and answer their questions. Donald TSANG, Chief Secretary for Administration then, also met with the mass media, and Secretary Stephen LAM also met with members of the Hong Kong press in Beijing. But why does this Chief Executive, who tells others that he is a people-based Chief Executive, lack the courage to meet with the people?

This morning, I raised the same question. The Chief Secretary for Administration was very brave in doing his best to defend the Chief Executive. He said it was a demonstration of *esprit de corps* — "in a football team, not all the players play the same position; do we expect a forward to play the goalkeeper as well?" In fact, a forward in a football team also has to do some defence work. He does not play the goalkeeper simply because he is not allowed to use his hands. This is the only difference. Similarly, when his side loses a corner kick, he also needs to return to the defence to try deflecting the ball by a header. Why can the Chief Executive not face the public? Why can he not face Members?

As a matter of fact, I know why. Because he has broken the promise he made in his election campaign. When he conducted his election campaign, he explicitly said that, if he was elected — everyone knew that he would be elected — he would release a Green Paper, which would contain three complete proposals, including a democratic one. We all remember that the Green paper contains nothing, not a single package. Now, this report also contains no proposal, but he still says that it meets the world standards. How can it meet the world standards if there is no proposal in it at all? Since he has broken so many promises, naturally he dares not face the people. How can he answer questions from reporters?

Regarding this report, there is one point that really makes me very angry, that is, it has not mentioned when universal suffrage will be implemented for the election of the Legislative Council. Just now, I said that 2007 is originally the same year for holding both the Legislative Council election and the Chief Executive election. Therefore, there is some connection as well as

justifications. If all the Legislative Council Members are elected by the people by way of "one person, one vote", but the Chief Executive is not elected in this manner, then the Chief Executive will not have the mandate of the people. On the contrary, if the Chief Executive has the mandate of the people, but only half of the Legislative Council Members have the public mandate, it is still inappropriate. Therefore, 2012 is the right year, which is already the result of repeated delays. Now this report talks of tackling the simple issues before the difficult ones; I am really baffled by such a concept.

If we check the Basic Law, we would find that "tackling the simple issues before the difficult ones" refers to exactly the contrary — it is easier to elect Members of the Legislative Council, but it is more difficult to elect the Chief Executive. This is because if the Chief Executive is elected by universal suffrage, the final hurdle will be requiring the reporting of such to the NPCSC for approval, whereas amendments related to the Legislative Council only require the reporting of the same to the NPCSC for the record.

As we all know, reporting for the record is very simple. This is similar to Article 17 of the Basic Law — if it is necessary to pass a law, it only requires reporting to the NPCSC for the record, and that there is no need for obtaining any approval. But now we can see that the NPCSC had "played foul". see that it had played foul for it had promulgated an interpretation of the Basic Law on 26 April 2004, saying that there was no difference between reporting for the record and reporting for approval. This is something all mainland lawyers would not agree. But as the NPCSC had "played foul", there was nothing we Because even the referee could not exercise any control over could do about it. the NPCSC; it is the highest authority which has now arbitrarily made "the simple" into "equally simple" or "equally difficult". Originally, the Basic Law had stipulated that it is easy to implement universal suffrage in the election of all the Members of the Legislative Council. Anyway, "tackling the simple issues before the difficult ones" is not the equivalent of the Basic Law or "gradual and orderly progress", as interpreted by the NPCSC. "Gradual and orderly progress" implies that there must be some forward progress. The government officials frequently blame the pro-democracy camp wrongly by accusing us of not supporting the package put forward by the Chief Executive in 2005. it is not true that they did not know or had forgotten our debate. We had already explained clearly that we did not support it because there was no progress; there was absolutely no progress in the election of the Legislative Council.

In fact, a Senior Counsel, Mr Alan HOO, with whom pro-communist people are very familiar, had made some remarks on a public occasion. asked: What is meant by "gradual and orderly progress"? In the case of the Legislative Council election, there is in fact no need for any arguments as a detailed study of Annex II will reveal everything. The first Legislative Council should start in 1995. As Members wished to have the "through train arrangement", so there were 20 directly elected seats. By 1999, which was delayed to 2000 due to the establishment of the Provisional Legislative Council, the 20 directly elected seats were increased to 24, an increase of 20%. term was 2004, that is, the current term, when the 24 directly elected seated were increased to 30, an increase of 25%, that is six seats. In other words, the first increase was 20%, the following term saw an increase of 25%, and the next term should see an increase by one third. Therefore, by 2008, our present 30 seats should be increased by one third to 40 seats. And by the next term, that is 2012, there should be an increase of 50%, that is, from 40 seats to 60 seats. so, everything will be fine.

This is most logical, and mathematically it is also very accurate. Of course, there is a mathematics expert in this Council, namely, Jasper TSANG. I believe he will not say that this theory is incompatible with principles of mathematics. In 2005, there should be some progress, but in fact there was none. The decision made by the NPCSC on 26 April 2004 stated that the proportion of directly elected seats to functional constituency seats could not be changed. This had in fact violated the principle of gradual and orderly progress. It was the NPCSC that violated the provisions of the Basic Law.

Madam President, regarding this issue, we cannot overlook how Legislative Council Members are elected. Of course, the Chief Executive may find certain difficulties in this regard. This is because, among the 30 Members from functional constituencies, with the exception of several Members from the pro-democracy camp who are willing to see the abolition of their own functional constituency seats (but they are just the minority), the overwhelming majority of functional constituency Members are unwilling to give up their seats. Even if they are willing to give up their seats, the Liaison Office of the Central People's Government in Hong Kong (Liaison Office) will not allow them to give up. The Liaison Office would like to continue to control The reason is very simple. the Legislative Council. Therefore, even if all the 60 Members agree to abolish the functional constituencies, the Liaison Office may not be willing to see such However, Legislative Council Members do not swear an occurrence.

allegiance to the Liaison Office. After we are elected, regardless of whether we are from functional constituencies or we are directly elected, we had sworn allegiance to the Hong Kong Special Administrative Region, instead of the Liaison Office. We are elected by the people, so we must be accountable to the people. Therefore, I hope Members from the DAB and the Liberal Party can think twice on this issue. Since you had adopted the same stance as that of Hong Kong people before 2007 and 2008 in supporting the implementation of dual elections by universal suffrage in 2007 and 2008, I hope they can convey the same message to the NPCSC, that they also support the implementation of dual elections by universal suffrage in 2012.

Finally, I wish to discuss the phrase "the actual situation". This time, all the eight candidates running in the by-election on Hong Kong Island supported the implementation of dual elections by universal suffrage in 2012. All the eight candidates adopted the same stance. And the winner of the by-election, Mrs Anson CHAN, has clearly made others feel that she really wants to fight for dual elections by universal suffrage in 2012. She was elected to the Legislative Council by 170 000 people. The Secretaries of Departments and Directors of Bureaux sitting opposite to me now, though most of them live on Hong Kong Island, none of them are elected to the Legislative Council. Is this beyond our guesses? No. At present, the title of Secretary Stephen LAM is Secretary for Constitutional and Mainland Affairs. If we make some alteration, then it could read as "Constitutional Affairs are Mainland Affairs", then you will understand what it is all about — constitutional affairs are mainland affairs.

MR ALBERT CHAN (in Cantonese): President, with regard to dual elections by universal suffrage and the fight for direct elections, I have been talking about them for 22 years during my participation in political activities in Hong Kong. When I contested the District Board election in 1985, my election platform included fighting for the early implementation of full direct elections. President, since 1985 I have taken part in 14 elections, including the District Council (formerly known as District Board), Regional Council and Legislative Council elections, and in all my election platforms I would include fighting for the early implementation of dual elections by universal suffrage, occasionally specifying in my election platform the time for dual elections by universal suffrage. For instance, I stated on this last election that it should be no later than 2012. In fact, 2012 is still a bit late, as I think full universal suffrage should be implemented for the Legislative Council in 2008. Had those people

in power been committed to improving governance and had they wished to take forward democratization, it was still possible to implement universal suffrage for the Legislative Council in 2008.

However, our Government knows only to bully people by flaunting their It knows best how to pretend to be representative. They have only pretended to be so. When I see government officials, especially when those officials who know only to call a stag a horse are talking, I always think of those bogus foreign devils in LU Xun's novels. I started to read these books when I was in secondary school and I very much despised and hated those bogus foreign Obviously they are members of the dignified Chinese nation but they do devils. not dare to admit that they are Chinese. Worse still, they made use of the authority or powers of the foreign devils to suppress the law-abiding Chinese civilians. When I was a teenager, I had a very strong sense of hatred towards these people, and this hatred has recently been shifted to this Chamber. President, when I see these people who act like foxes in a tiger's hide, or to put it in harsher terms, they are the "ninth-grade officials" or "tenth-grade officials" or who know which grade of officials they are, their faces and attitude are infuriating, detestable and despicable. These people do not have any authority; nor have they any power. They take advantage of the systems as provided for in the Basic Law, and what they rely on is their appointment by the person with the most supreme authority returned by the pseudo-democratic Chief Executive election without the people's mandate, whereby they are appointed as "ninth-grade officials" without or with very little mandate from the people and then they put on the tiger's hide and "pretend" to be representative. They enjoy handsome remunerations; they travel in prestigious cars; they live in luxurious apartments; they make use of their powers to deprive our 7 million people of their rights; and they compile these untruthful reports with their despotic powers to deceive the voters, and they talk like conning kids in radio programmes.

These faces and attitudes are exhibited to the fullest extent in LU Xun's novels. Unfortunately, few literature writers and authors in Hong Kong write about people with these faces and attitudes. The most outstanding is Zun Zi; MA Long may sometimes draw these ugly faces in his caricatures to leave a mark on history. I wish to openly make an appeal here: I very much wish that creative writers in Hong Kong can write about these ugly faces in their novels, and I hope that these novels can win the Nobel prize in literature, because it is only at a time like this that conflicts in society can be exposed, and it is only at a

time like this that these ugly faces be exhibited. The function of literature is to record this ugly side and reflect it with vivid descriptions.

President, disregarding how many times we have repeated in this Council how we should fight for direct elections and disregarding how many legal justifications or convincing arguments we have put forward, I absolutely do not think that these can change the minds of these real villains who act like foxes in tiger's hide, because what they rely on is powers and what they are going after is fame and wealth, not conscience.

In fact, I had a lot of fantasies during the Sino-British negotiations, but the fantasies gradually vanished year after year during the decade after 1997. During the Sino-British negotiations, the democratic camp was the first to come forth to support the return of sovereignty. I was one of the "voices" in support of the return of sovereignty, one of the supporters of the return of sovereignty. At that time, whether from the propaganda or the relevant documents, our understanding was that the reunification would be underpinned by democracy, and that after the reunification, Hong Kong would be a place with "a high degree of autonomy" where a democratic system could be developed, a place full of aspirations and hopes. But a decade has passed in a blink of an eye and now, we only feel that the so-called "high degree of autonomy" and democratic system publicized during the Sino-British negotiations are not just empty words. This tradition of telling lies, and this approach of telling lies may even be lies. are passed down from that time; they are passed down to these "ninth-grade officials" or "tenth-grade officials" who are doing exactly the same thing now. Nothing has changed at all. So, if we think we can still make the people's voices heard or change the attitude of these real villains or officials who act like foxes in tiger's hide through these debates in this Council, that is absolutely impossible, and we must give up these fantasies.

President, when we look back on history, the most recent example is the May Fourth Movement, in which we can see that in many cases, the propaganda on democratization and voices awakening the souls of the people and voices awakening the people's national awareness did not stem from debates in parliamentary assemblies. What has impressed me most is some of the books that I have read. Some are about Chinese students studying in Japan who jumped to their death into the sea to awaken the people's determination to fight for reform. I remember having read a few of these books, including 《 猛 回 頭 》

and 《警世鐘》, one written by ZOU Rong and one by CHEN Tianhua. They have impressed me most profoundly. However, if we ask people fighting for democratic reform for Hong Kong to make sacrifices — I am not asking them to kill themselves, and I only wish to point out that if we go on delivering speeches like what I am doing now in this Council, it will only be empty talk, and even though we may go on making speeches here for another decade or two, what we have said would be no more than tales told by an idiot.

Therefore, President, the democratic camp or the pan-democratic camp should review the situation thoroughly, right? After all the empty talk over the past decade or two, the approach to fight for democracy by way of so-called rational debates and convincing others with reason is proven a complete failure All in the democratic camp should make a bow to offer an apology in history. to the people. What the democratic camp has done over the last two decades or so in fighting for democracy through rational, democratic debates has turned out to be a total failure. They should bow and make an apology. Let me first bow here to offer an apology to all the people of Hong Kong. The approach that we have adopted over the past two decades in fighting for democracy by democratic, rational means is a complete failure. The complete failure aside, we must reflect on ourselves, review our approach, and set new strategies and directions. We can no longer follow the same practice of engaging in debates with these officials, these real villains. I have said this thrice in this Chamber, and this is the fourth time I am saying this. When we look back on the human rights movement of the black people in the United States, while Martin Luther KING, Jr, was one of the many voices, the most successful campaign of the black people in the United States was actually the violent movements by the Black Panther The Black Panther Party fought against the Federal Bureau of Investigation (FBI) and through the use of force, burning down warehouses and assassinations, they aroused fears among the Americans who subsequently gave civil rights to the black people. If we look at Southeast Asia, South America, South Africa or Africa, the democratic movements carried out on the initiative of the people in many countries were not bred by empty words, but the blood and lives of the people. So, if the democratic camp still indulges itself in debates in this Chamber, democracy will remain beyond our reach forever.

So, President, my heart actually aches. I have been engaged in the democratic movement for 22 years and although I have seen some progress made and it seems that we have won some elections and public opinions seem to have

been reflected, all these are just superficial glory and transient joy. The reality remains cruel and a cause for deep grief. The people are still deprived of democratic rights. Those "ninth-grade" or "tenth-grade" officials who act like foxes in tiger's hide will continue to be real villains who bully people by flaunting powerful connections. Therefore, let us not fantasize that the democratic camp would stand a chance of ruling Hong Kong. In the absence of a democratic system, the democratic camp cannot possibly come to power. must set new strategies and directions; we must have clear convictions; and we must be 100% in the opposition because we are against unjust and undemocratic To live up to our role as the opposition, we must strongly condemn the depravity of the Government. It is very difficult to mobilize the people of Hong Kong. I have a dream too and in fact, I have a dream since I started to engage in politics in 1985. We must really mobilize the people of Hong Kong to fight against this depraved centre of power, to deal a hard blow to this nexus of power, groups with vested interest, and the depravity of collusion between business and the Government and mutual transfer of benefits. mobilize the people to force the Government to carry out social and constitutional reforms.

But unfortunately, given the objective conditions and fears for the communist rule or perhaps after a century of successful colonial education, in nowhere else in the world can we find people remaining so silent and submissive under such an unjust and undemocratic system. Perhaps the People's Liberation Army is too powerful and so, the people dare not vent their spleens or put up resistance. If members of the public continue to take this attitude and remain silent as such, the democratic movement will gradually shrivel in silence without any chance of rebirth.

Therefore, in order to take forward the democratic movement, we must make the democratic movement part of the people's movement. We must create the torrents of democratic movement and when the opportunity is ripe, we must make these torrents swell and erupt to uncontrollable proportions, in order to force the Government to make concessions on all fronts. There have been such examples in Europe before. The fall of the Berlin Wall in 1989 was precisely the result of the people's movement. All I can say is that I hope I will live to see this day. When I took part in the election in 1985, I absolutely did not expect that today, which is 22 years later, I would still be making the same remarks. When I took part in the election then, I thought that democratic

elections could be attained when my daughter turns 21. My daughter is now 22 years old and a democratic system remains unattainable in the foreseeable future in Hong Kong.

So, I think it is pointless to make an appeal to the pro-government camp. I hope that friends in the democratic camp really have to learn a lesson from the bitter experience and review afresh the starting point of the democratic movement in Hong Kong. They should change their attitude of resting on their laurels, and I hope they can create a starting point for the democratic movement which can stand a chance of success and open up new horizons. Thank you, President.

MR LEE CHEUK-YAN (in Cantonese): The Standing Committee of the National People's Congress (NPCSC) will meet from the 23rd to 29th. The entire Hong Kong now seems to be feeling the calm before the storm. We seem to feel that a rainstorm is imminent, and this rainstorm is about the constitutional development of dual elections by universal suffrage in 2012. In fact, I would like to tell the Secretary that God is watching what you people are doing. You know only too well what you have done. In fact, I think on this issue, you must bear the greater share of responsibility. If dual elections by universal suffrage cannot be implemented in 2012 — it now seems unlikely to be achieved as everybody is saying so — you must bear most of the blame.

I think if Zun Zi is to pen a caricature, he should draw the Central Authorities as an American cowboy poised to fire shots. In fact, we really do not wish to see this. Why is it that the Central Authorities will eventually have to "draw the gun" whenever it comes to the affairs of Hong Kong? I think the person who must bear the most part of responsibility is the Chief Executive, Donald TSANG.

I remember that Donald TSANG had said before the election that he would "do something big" for Hong Kong people on the issue of universal suffrage. At that time, I thought that if a caricature would be drawn, there should be a person prepared to draw his gun, while Donald TSANG, who has a sandwich board hung over him which says, "dual elections by universal suffrage in 2012; do something big", comes forth in an air of loftiness. But after the election had ended, we saw that he immediately gave the sandwich board to Martin and then drew his gun and, with a "pang", Martin, father of democracy, was shot down.

With a shot like that and a "pang", Martin, our father of democracy was shot and fell down and in his hand he was still holding that sandwich board on which "dual elections by universal suffrage in 2012" is written and eventually, he bled to death. I think Zun Zi's caricature should be like this. Then, Donald TSANG will have another sandwich board hung over him because the one with "dual elections by universal suffrage in 2012" has been given to Martin. He, therefore, made a new one for himself and on it, it is written "trimming the sail to the wind; licking the boots of those on the top and suppressing those at the bottom" and he then walked away. I would like to call on Zun Zi to really draw this one for Hong Kong people's amusement.

What can we see in this caricature? The first thing, which I very much do not wish to see, is why is it always the case that the Central Authorities would "draw the gun"? Why can the Central Authorities not allow Hong Kong people to make a decision on their own? HU Jintao has already made his name in history — everybody likes to talk about making a name history — what will be written in respect of Hong Kong? That he vetoed dual elections by universal suffrage in 2007 and 2008 and then — I do not know what will happen between the 23rd and 29th; I do not wish to see this but everybody is saying this — he further "drew the gun" to veto dual elections by universal suffrage in 2012. HU Jintao has made a name for himself in history twice, for vetoing Hong Kong people's aspiration for dual elections by universal suffrage.

But why can the Central Authorities not allow Hong Kong people to make their own decisions? Why is it always the Central Authorities "drawing the gun"? First, certainly some people may say, "Ah Yan, the Central Authorities have the power to do so." I am not discussing whether the Central Authorities have this power or not. The sovereignty is in the hands of the Central Authorities, and they can do whatever they like. They can even say that they do not recognize the Basic Law anymore and that discussion should start all over The previous cases of the interpretation of the Basic Law have already again. trampled on the Basic Law, and they can do anything. The question lies not in whether the sovereignty is in the hands of the Central Authorities or not, but whether the Central Authorities, when they have this power, should exercise this power in such a way. I hope that the Central Authorities will think about this. It is not the case that Hong Kong people do not recognize the fact that they have this power. Yes, they do have this power, because sovereignty rests with the Central Authorities and the State. Although we said that sovereignty rests with the people, in fact, we all know that Hong Kong is the Hong Kong Special

Administrative Region of the People's Republic of China. The question now is whether or not the Central Authorities should exercise this power. Why can the Central Authorities not forebear from exercising it? Can they refrain from exercising their power and trust Hong Kong people by allowing them to make their own decision? Why can we not do this in Hong Kong? So, let me make an appeal first. I hope that the Central Authorities will not act as the "bad guy" anymore and not to be taken advantage of by Donald TSANG. He wanted to be a deserter of democracy and so, he gave the sandwich board to Martin and then told the Central Authorities to "draw the gun".

Certainly, the Secretary may say that Donald TSANG did not say anything about passing the buck to the Central Authorities. But let us read carefully what is written in the last few paragraphs of the report. First of all, I think one of the points there is very wrong. In drawing conclusions in such a way, Donald TSANG is not just a deserter of democracy, but a downright sinner of democracy. What did he write? While he admitted that more than half of the people of Hong Kong wish to see dual elections by universal suffrage in 2012, he nevertheless said that 2017 would stand a better chance of being generally accepted by Hong Kong people.

Firstly, whenever we mention the election of the Legislative Council by universal suffrage, the Secretary would always challenge us, asking us if this is supported by two thirds of Members. May I ask the Secretary, if universal suffrage will be implemented in 2012 only for the Chief Executive — I mean universal suffrage only for the Chief Executive — why he still cannot obtain support from two thirds of Members? At least all Members of the democratic camp will support universal suffrage for the Chief Executive election in 2012, and the Liberal Party has also come forth to explicitly express their support for dual elections by universal suffrage in 2012 - No, not dual elections by universal suffrage in 2012, but universal suffrage for the Chief Executive in 2012, but of course, with strings attached. If it is OK for the Liberal Party and it is OK for the democratic camp, and in fact, some Members have also said that it is OK for them, then what about the DAB? You can, of course, talk to the Since they are your political ally, you can, by all means, DAB over this. discuss this with them and even lobby for their support. The DAB originally called for dual elections by universal suffrage in 2007 and 2008, but I do not know why they have not yet spoken in this debate. I think the DAB may have to change its name because whenever it comes to the political system, the DAB would always say that we must proceed in a gradual and orderly manner.

their name should not be the Democratic Alliance for the Betterment and Progress of Hong Kong, but the Democratic Alliance for the Gradual Betterment and Progress of Hong Kong or the DGB in short.

Even though they call for gradual progress, if the Liberal Party said that it is OK and the Government said that it is OK, then there will be support from half The Government can then ask them why they do not support it of the Members. since half of the Members have already indicated their support. As long as their support is secured, there will be support from two thirds of Members. does the Government not tell the Central Authorities that two thirds of Members support universal suffrage for the Chief Executive and then make a request to the Central Authorities for amendment. Nevertheless, the Government has not done so. First, they said that they would require support from over half of the people of Hong Kong. Then they left a loose end by saying that the proposal of implementing universal suffrage in 2017 generally commands greater support. They went on to ask for the opinion of the Central Authorities on implementing universal suffrage in 2012. In fact, the Government was not asking for the opinion of the Central Authorities. Rather, it was asking the Central Authorities to reject the proposal. In the former part of the report it is already stated clearly that it would be achieved only in 2017. This is stated in express terms by the Government in the former part of the report. If this is already written in the former part of the report but the Government still submitted to the Central Authorities the proposal of implementing universal suffrage in 2012, what exactly does the Government want the Central Authorities to do? Does it think that the Central Authorities are more democratic than Donald TSANG and so, it submitted the proposal of dual elections by universal suffrage in 2012 because this is supported by over half of the people? Why did Donald TSANG write down 2017 for no reason at all?

Why should the Central Authorities act as the bad guy? Instead of making the Central Authorities act as the bad guy, it is better to let those people who prevented the Government from obtaining a two-third majority support play the role of the bad guy. But in reality, these people do not have to act as the bad guy. Rather, the Central Authorities are made to play the role of the bad guy. Moreover, is it true that support cannot be obtained from two thirds of Members? If the Government really puts forward the proposal of implementing universal suffrage for the Chief Executive in 2012, it will be able to secure enough votes, as I said just now. If the DAB, or the DGB, can be convinced to

give their support, there will be enough votes. How come it is said to be impossible?

So, is Donald TSANG not a sinner of democracy? Indeed, this is really achievable, just that he deliberately did not do it. Why? So, I think firstly, it is very irresponsible to draw these conclusions, and he has betrayed the election of the Chief Executive by universal suffrage in 2012 because even if dual universal suffrage is not mentioned, he can shift the blame to the Liberal Party or even the DGB for not implementing universal suffrage for the Legislative Council.

I think the name of the Liberal Party is not correct either, because "liberal" is generally taken to mean defending freedom or defending democracy, and this is what "liberal" means in Western politics. However, the Liberal Party in Hong Kong is not in the least "liberal". They are only "fake liberal", because they do not even support universal suffrage for the Legislative Council and what is more, they want to maintain the functional constituencies (FCs). FCs are basically a privileged class, a "special interests group". So, the Liberal Party is basically not the Liberal Party, but the "Special Interests Party", and this name suits it best. But, forget it, let us not talk about universal suffrage for the Legislative Council for the time being. At the very least, it is still OK to implement universal suffrage for the Chief Executive election in 2012, but the Government has not pursued this. How can it live up to the expectation of Hong Kong people?

So, President, for one thing, I think the entire report has reflected that the SAR Government has no sincerity at all. And for another, I think there is a serious problem with the procedure. I think procedurally, the Government is double crossing the people of Hong Kong. How? I remember very well that whenever I saw the Secretary I would ask him this question: Was he going to kick start the mechanism in submitting the report? I wonder if he can remember it, but I did ask him this question whenever I saw him. He said at that time that he had not yet made a decision. I am not saying that he had lied to me. He said that he had not yet made a decision. He had not made a decision in November, and he had not made a decision in December, but a report was suddenly submitted and then it was suddenly included in the agenda of the meeting of the NPCSC. Then, I think we do not have to ask about what will happen, for the outcome, which should not strike us as unexpected, will certainly be that the proposal would be axed.

But insofar as the procedure is concerned, why did the Government have to suddenly submit a report to kick start the mechanism? Why did it not call a halt when over half of the people of Hong Kong expect dual elections by universal suffrage to be achieved in 2012, so as to allow us to discuss how dual elections by universal suffrage can be implemented, whether the options are feasible, and whether enough votes can already be obtained for implementing universal suffrage for the Chief Executive and so, it can be implemented for the Chief Executive first. Why did the Government not call a halt at that point? Instead, it left a loose end and subsequently submitted the report and then immediately swept away the entire proposal with an approach of "cutting the Gordian Knot", using high-handed methods and prompting the Central Authorities to "draw the gun" to shoot down the rivals.

Is there justice in the procedure itself? Is the procedure double crossing Hong Kong people? In doing this, can the Government live up to the expectation of over half of the people who support dual elections by universal suffrage in 2012? During his election campaign Donald TSANG said that he would fight for dual elections by universal suffrage in 2012 for Hong Kong people. Hopes have now been dashed, and we have come to this sorry state. This is all attributed to Donald TSANG. Has he cheated Hong Kong people? How can the Government justify all this to Hong Kong people? There is so much injustice procedurally on the part of the Government in making these moves abruptly.

Finally, I must say that judging from the present circumstances, I do not know what will happen next. Perhaps somebody would draw his gun and Martin LEE would then fall down. This might happen, but touch wood, let this not happen. The question is, President, what will happen to Hong Kong people? Hong Kong people are now like frogs being cooked in warm water. We are like being cooked in warm water and yet we think that we are enjoying a spa treatment and massage service in the jacuzzi and we feel so comfortable sitting there. But after sitting in it for a long time, we all know that staying in the jacuzzi for too long may cause heart attacks which could be fatal. I very much hope that Hong Kong people must be careful in order not to become frogs being cooked in warm water. It is now time we poured ice water all over us and saw clearly the picture now. I hope that we can all come forth to fight for it.

As long as Hong Kong people can stand united, we believe we will have the strength to fight for it. Most importantly, Hong Kong people must be more united and only in this way will the Central Authorities hear the voices of Hong Kong people and what is more, the one voice of Hong Kong people, which is most important. But in the end, I still very much hope that the Central Authorities will not "draw the gun" to shoot down Martin LEE. Rather, they should really listen to the views of Hong Kong people and give Hong Kong people some room to discuss their own future. Otherwise, President, it is most saddening for Hong Kong people really. Thank you, President.

MR TAM YIU-CHUNG (in Cantonese): President, Mr LEE Cheuk-yan's remarks just now remind me of the saying that one trying to defend a weak case always runs short of arguments. Apparently running short of arguments, he resorted to homophones as a means of defamation. I do not think that there is any point to do so.

Besides, his speech was also marked by verbal violence. He talked about the drawing of a gun, about how Martin LEE collapsed. Quite a number of Legislative Council Members (including me) Even the President once received a letter containing a blade or cutter. Someone also threatened to splash petrol onto me, and others also talked about drawing a gun. I do not think any verbal violence of this kind should be allowed in the Legislative Council. Nor do I think that any Legislative Council Member should say something like this. I think that such verbal violence will have an adverse impact on society. I hope that when Members speak, they can focus on the cases under discussion only. I think it is more appropriate for them to advance sensible arguments.

He also mentioned gradual and orderly progress. I think gradual and orderly progress is required not only in the case of constitutional development, but also other issues as well. This is an objective rule. One must not be prompted by one's subjective wishes to violate this rule because this will do no good to all. We often mention the saying that haste makes waste. Sometimes, there is indeed a lot of wisdom in ancient sayings of this kind.

Let me now come back to the adjournment debate today. This year marks the 15th anniversary of the DAB's establishment. Since our establishment, one of our aims has been the promotion of democracy. And, under the Basic Law, the implementation of universal suffrage is the ultimate aim of Hong Kong's constitutional development. Under the relevant Basic Law provision, the earliest dates for the implementation of universal suffrage can be

2007 and 2008. For this reason, years ago, we once expressed the hope that the ultimate aim of implementing universal suffrage could be achieved in 2007 and 2008. But despite all the efforts over the past decade or so, society as a whole has yet to reach a consensus on constitutional development, and conditions in 2007 and 2008 are not yet ripe for the introduction of universal suffrage. As a result, Hong Kong is still unable to achieve this very aim. However, the DAB has always hoped that our constitutional system can continue to progress, which explains why it supported the constitutional reform package proposed by the SAR Government in 2005. Unfortunately, the Legislative Council failed to reach any agreement at that time, and the package could not command the endorsement of a two-thirds majority of Legislative Council Members. Hence, our constitutional system has had to mark time.

But the DAB did not lose heart. In July this year, when the Government conducted a consultation exercise on Hong Kong's future constitutional development, the DAB still made every effort to collect public views and conducted many internal discussions. Moreover, it also proposed a constitutional development package in the light of the actual situation in Hong Kong and in accordance with the principle of gradual and orderly progress as required under the Basic Law. The DAB maintains that in the course of constitutional development, we should "tackle the simple issues first before the difficult ones". What is meant by this? It means that universal suffrage can first be implemented in 2017 to select the Chief Executive, and a timetable for the Legislative Council can be formulated at a later time. But in the meantime, the issue of functional constituency elections must first be handled properly, because such elections have existed for more than two decades, dating back to How can this issue be handled properly? How can the the time before 1997. Legislative Council reach a consensus?

Regarding the report on the public consultation exercise on the HKSAR's constitutional development and on whether the methods for selecting the Chief Executive and for forming the Legislative Council in 2012 should be amended, some Members have passed very negative comments, dismissing it as having not even one single redeeming feature. I do not think that such comments are justified in the light of facts. The report is comprehensive and able to faithfully reflect the community's views on constitutional development.

Many Members' speeches today are marked by overtones of rebuke and intimidation, evident in the examples cited by me just now. I do not think that

this will do any good at all, because such an attitude cannot really help us solve the problems. It is of course a different story if their intention is just to get the limelight. The DAB therefore thinks that forging a consensus is most important to constitutional development. By a consensus, it is meant a package that is feasible and acceptable to all. For this reason, we have proposed the implementation of universal suffrage for selecting the Chief Executive in 2017, and we strongly hope that this can command the endorsement of a two-thirds majority in this legislature. The DAB maintains that it is practicable to implement universal suffrage for selecting the Chief Executive in 2017, and that this is also the earliest possible date.

Some Members are skeptical, wondering how the NPCSC will make its decision on the basis of the report. But I am full of confidence, and I believe that the NPCSC will fully consider the contents of the report. Its decision will enable Hong Kong's constitutional system to further develop, reactivate the mechanism for constitutional reform and launch the constitutional development on a new journey, thereby achieving the early implementation of universal suffrage.

Thank you, President.

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

MR ALBERT HO (in Cantonese): President, I was in Macao this morning to attend a court hearing. I then hastened back early this afternoon to take part in this debate. I have been back for four hours, and I have been waiting all this time, in the hope that I can hear the remarks of Members supporting the Government, in which case there will be more dialogues and debates, or engagement, that is. Mr Jasper TSANG said that he did not like this kind of engagement. But things should be like this in the legislature.

I have been waiting for four whole hours, and just now, it finally came to the DAB Chairman's turn to speak. At the very beginning of his speech, he remarked, "One trying to defend a weak case always runs short of arguments." He was referring to Mr LEE Cheuk-yan. But it was not until I had heard him out that I started to understand his remark. And, I also came to realize why he did not speak until the last moment. Because he did not wish to see any

engagement. Because he did not have any cogent argument that could enable him to engage in a meaningful debate with us. Actually, his support and opposition do not matter so much. The most important thing is that he must advance sensible arguments, arguments that are both sincere and convincing, so that exchanges can be conducted. This is the most important point. But after talking on and on, what has he really said so far?

President, he talked about the objective rule of democratic development. But I frankly cannot understand his point. He then talked about "haste makes waste" when referring to the present approach of the democratic camp. He further mentioned that when the DAB was founded 15 years ago, one of its aims was the establishment of a democratic political system. But he did not mention that in its party platform for the Legislative Council Election in 2000, the DAB did request the implementation of universal suffrage in 2007 and 2008. All can remember very well that at that time, not only the DAB but also the Liberal Party included such a request in their political platforms. In other words, all the three major political parties in Hong Kong at that time, of which the Democratic Party was one, had a very clear consensus on this matter.

What happened subsequently, Members should recall it very clearly. All this is a historical fact, as can be shown by the archives. In 2004, there emerged in Hong Kong a public opinion offensive centered on the so-called "patriotism". Following waves of strong attacks against the democratic camp, the DAB and the Liberal Party, one after the other, abandoned the goal of achieving universal suffrage for the two major elections in 2007 and 2008. Then, they started to argue that conditions were not yet ripe. Even today, they are still telling us that Hong Kong people are not well-equipped. I cannot understand why they should have noticed any decreasing readiness of Hong Kong people while they themselves have been fighting for Hong Kong's democratization. Has it ever occurred to them that their claim is actually an insult to Hong Kong people? Their claim is an insult to the wisdom and fine quality of all Hong Kong people.

The civic quality of Hong Kong people is held in very high esteem in many places. Even when I was in Taiwan for exchanges, the locals told me that they respected Hong Kong people very much because even in a march of tens of thousands of people, order and rationality were still maintained, and without breaking a single pane of glass or overturning any vehicle, everybody only wanted to voice their aspirations in good faith. We can observe such admiration

among the social activists in many Asian places. The high levels of education in Hong Kong, its advanced dissemination of information and its overall social maturity are all beyond any disputes by now. The realization of democracy should just be a natural outcome of all this. How can we believe that someone is genuine when he still claims that conditions in Hong Kong are not yet ripe?

I simply cannot believe that, given their many years of political experience and their firm grasp of the social pulse of Hong Kong, Members belonging to the DAB should still have come to such a judgment. Therefore, President, there is no erroneous judgment. They are just speaking against their consciences. Their words are just the reflection of a secret law governing the democratic development they have in mind. What is this secret law? The law is about the fact that some political parties must wait for a directive from "Grandpa". When "Grandpa" blows the whistle, they must fall in. When "Grandpa" punches the table, they must fall out. President, this is most deplorable.

Actually, as long as the various political parties can uphold the consensus they all truly believe in and then reason with the Central Authorities rationally, peacefully and continuously, it is absolutely possible to realize democracy in 2007, 2008 or 2012 at the latest. But it is such a pity that Hong Kong people have now chosen to wait for a directive from "Grandpa" and to destroy their own recourse, that is, their own consensus. How can it be possible to achieve democracy in this way? If we are to forge such a consensus, President, there will never be any democracy in Hong Kong, because all must depend on the endorsement of a two-thirds majority of all Legislative Council Members. If the DAB and some Members (and possibly the Liberal Party as well) show their disagreement, there will never be democracy, not even in 2047.

In a civilized and open society that upholds human rights, such a consensus should always be there and it should not have been necessary to struggle for it, because it is actually the true manifestation of human rights. When applied as a rule of governance, this consensus should mean the implementation of genuine representative government as stipulated in the International Covenant on Civil and Political Rights (ICCPR). The United Nations Human Rights Committee has pointed out many times that as soon as we introduced direct elections, we were already required to adopt the ICCPR in its entirety, including the provisions on the people's rights to participate in the election of their government. We can no longer make any reservations, nor can we refuse to apply the ICCPR on any

excuses. But the Government has time and again brazenly told the United Nations Human Rights Committee that it must retain reservations to the implementation of the ICCPR, especially those pertaining to democratic participation and the election of our government. This has brought disgrace to Hong Kong in the international community.

President, actually, the only true comment in this report on constitutional development is that more than half of the people support the implementation of universal suffrage in 2012. All the other points mentioned in the report are mere sophistry. Why do I say so? According to the Government, some people can accept the implementation of universal suffrage in 2017. Honestly speaking, we may well force Hong Kong people to answer whether they can accept 2022 if universal suffrage still cannot be implemented in 2017, and we may even tell them that if they do not agree, then even in 2022, there will be no universal suffrage. If we really do so, some may well answer, "What can we do anyway? Even if universal suffrage cannot be implemented in 2012 and even in 2017, there is nothing we can possibly do. Can we instigate a riot? Can we engage the People's Liberation Army in a guerrilla war?" I do not think that Hong Kong people will say anything like this. But, as Mr LEE Cheuk-yan remarked just now, one must not thus think that Hong Kong people can be bullied in this way.

The weather of Hong Kong today, as Members can notice, is a bit foggy. To be precise, it is not just a bit foggy. Rather, the whole place is actually enveloped in a very thick smog. On my way back to Hong Kong from Macao, I saw that the sea was all smoggy. I am now back and the whole place is still so very smoggy, as if painting a gloomy backdrop for the motion debate today and foreshadowing that our prospects will be just the same. As rightly pointed out by LEE Cheuk-yan, a thunderstorm may be imminent. The march of 500 000 people against the enactment of legislation to implement Article 23 of the Basic Law erupted totally unexpectedly. The Government and even all of us could not have foreseen its eruption. I went on a hunger strike of 100 hours before the march. Two days before the march, I could not foresee that there would be 500 000 participants. WONG Yuk-man once told me, "Believe me. will at least be 200 000 participants. I won't be wrong." But he was wrong, because his estimation was much too conservative. There were 500 000 participants. Hong Kong people are like this. Do not drive them to the end of their patience.

The Chief Executive should really be ashamed of this report, especially because of all the grand and lofty promises he made during his election campaign. His sonorous words are still resounding and the way in which he spoke is still fresh in our memories. But nothing has come true. He said that on the basis of mainstream public opinions, he would devise a democratic system that is up to international standards. He said that he would "do something big" during his term of office, solving all the problems, so as to end all disputes. said that he would fight till his death. He was indeed very heroic. We almost burst into tears at hearing all this. But now, he has once again employed a stalling tactic. The report can show that he lacks the determination of a leader and any commitment to democracy. How can he face the people of Hong How can he still have the face to serve as the Chief Executive? most deplorable thing is that all the pro-establishment political parties, including the DAB, have been hiding behind the Government, and they did not speak until the last moment. Had I not been patient enough to wait, they would have been the last Members to speak; they would have said the "last word". They hide behind the Government, and the Government hides behind the Central Why must they do so? And, after making its final decision, the Government. Central Government acted swiftly and forced the decision upon us. But the people of Hong Kong are literally kept a thousand miles away, unable to have any dialogues with the Central Government. We wanted to petition the Central Government, but we could not even do so because we had no Home Visit Permits. We are literally kept a thousand miles away. This is what we find most infuriating.

I only wish to sum up my speech with three points. It is obvious that the NPCSC wants to rule out the implementation of universal suffrage in 2012. It is hard for me to believe that given this decision, there can be any undertaking regarding the implementation of universal suffrage in 2017, because even the Government does not dare to request the activation of the mechanism for amending the electoral methods beyond 2012. But I must remind them once again that they will lose their credibility before the people of Hong Kong and the international community. Since the very beginning, when the concept of "one country, two systems" and the Sino-British Joint Declaration were first formulated, the promise of giving democracy to Hong Kong has been something considered perfectly natural. Such a promise was given by the Premier of China to our students, given via the mass media. Later, in 1985, when it was agreed that progress should be made under the principle of gradual and orderly

progress, our constitutional system started to develop. But now, 10 years after the reunification, we are not even able to have a timetable for achieving the ultimate goal of democracy. This flies in the face of many people's trust in the State and the Government, for people may think that it is after all still a great power that honours its obligations under international covenants. We Hong Kong people are, needless to say, very disappointed.

Second, if democracy is still denied even to a place like Hong Kong, which is so advanced and full of quality people, how can there be any prospects for the democratic development of our country? As a Hong Kong resident, I naturally have many expectations about my country. But as a person living in Hong Kong on the fringe of the country, I alone cannot possibly make any concrete contribution to its future development. The only thing I can do is just to foster the sound development of democracy in this very place where I was brought up and am living in, hoping that some sound experience can be accumulated for the democratic governance of the country. But it now seems that even such an opportunity has been denied. If there is no hope for implementing democracy in Hong Kong, how can there be any such hope for the country?

Third, the State has made the greatest mistake, the mistake of doing possible damage to the reunification of Taiwan with the Mainland. The reason is that the suppression of democracy under this kind of "one country, two systems" will set a very bad example that turns the people of Taiwan against their democratic reunion with the Mainland.

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

MR LAU KONG-WAH (in Cantonese): President, regarding the Government's consultation exercise on constitutional reform and its subsequent report, I personally hope that the report can enable us to further the cause of democratization in accordance with the views of the National People's Congress during Donald TSANG's term of office. I further hope that a consensus in society can be forged. All this is my personal wish. It is now 10 years into Hong Kong's reunification with the Mainland. The public are already very tired of all the disputes on constitutional reform, and they very much hope that the various political parties or Members of the Legislative Council can worker

harder together to take a step forward on the basis of sensible discussions and mutual understanding and accommodation.

I think that before Mr LEE Cheuk-yan and Mr Albert HO spoke, Members' discussions had been all very sensible, and they had been able to focus on the topic at issue. However, Mr LEE Cheuk-yan and Democratic Party Chairman Albert HO in particular changed all that, for they once again dwelt on the disputes among political parties over the past 10 years. Honestly, I must say that it is entirely pointless for them to do so. The people of Hong Kong all understand that the different beliefs and advocacies upheld by political parties actually reflect the voices of different social classes and sectors. They understand that this is something only natural.

I wonder if Mr Albert HO can sit down and hear me out. There is nothing I can do he left right after finishing his speech. I suppose he does not want to listen to others' views. But I can go on because Dr YEUNG Sum is still present. I think all Members should have a part to play in making an atmosphere of mutual respect possible. I do not think that it makes any sense for political parties to continue to attack one another.

Mr TAM Yiu-chung was right about his point on verbal violence among Members. I must once again exhort Mr LEE Cheuk-yan not to use all those expressions anymore. The use of such expressions will do no good at all to our children.

Mr Albert HO recapped many old scores just now, giving an account of the DAB's past advocacies. I can remember that even Mr Albert HO himself also talked about the implementation of universal suffrage in 2007 and 2008. In fact, all of us once advocated the implementation of universal suffrage in these two years. But why is he also talking about 2012 today? All of us actually face one realistic problem — conditions are not ripe, so it is not realistic to implement universal suffrage in 2007 and 2008. But even so, we still hope that we can continue to make progress. This is the wish of all.

In this regard, Mr Albert HO advocated the implementation of universal suffrage in 2012 at that time. We respect this advocacy very much. As a matter of fact, the report has already reflected the people's aspiration faithfully.

However, we also hear that many people in society think that this is probably too much of a rush, that steadier progress is advisable, and that the implementation of universal suffrage should even be deferred until after 2017. The DAB is soon aware of the following situation: while some in society want to implement universal suffrage almost instantly, others want to delay the whole thing, or they even oppose the idea. The DAB's position is to take the middle course and follow the principle of gradual and orderly progress. As far as I can remember, Mr TAM Yiu-chung did say that he would do his utmost to fight for the implementation of universal suffrage for selecting the Chief Executive in 2017.

This point is also mentioned in the report actually. I strongly believe that this proposal will not only command majority support in society but will also have a chance of receiving the endorsement of two thirds of Legislative Council Members. This possible consensus is very important. But then, Mr Albert HO said just now that there was no need for such a consensus. This will deliver a very negative message to society as a whole. And, I cannot help wondering whether they want to see a repeat of the experience in 2005, when the constitutional reform package was vetoed. Such a feeling has started to well up in me again. Honestly speaking, I do not wish to see the recurrence of such a situation.

The constitutional reform package put forward by the Government in 2005 was supported by 60% of the public and also by the DAB. The Chief Executive, the Central Government, the public and the DAB were also on the same side and we hoped that the package could be passed. Who opposed the package at that time? Why did Albert HO oppose it? Their opposition was of course impassioned, and there were also lots of cheers, of course — I can remember that they did literally cheer. But what has happened after all the euphoria? President, the stagnancy of our constitutional system is the answer.

I can see that today, Members belonging to the opposition camp have all the time been punching the benches, cursing and assailing others. They have been cursing the Central Government, the Chief Executive and the DAB. They are really very impassioned, and they have even cheered again. But what will they get in return? The failure to forge a social consensus in Hong Kong. My only hope is that instead of assailing one another, Members can speak peacefully and show respect for others' views. But the remarks of Mr Albert HO and Mr LEE Cheuk-yan, I think, have corrupted the whole atmosphere.

President, over the past 10 years, the opposition camp have been avowing that they want to promote the cause of democracy. After the incident in 2005, many supporters of democracy and even academics belonging to the school of moderate democrats personally told me that they no longer had any more illusions about the Democratic Party. It was what they told me personally. Why did they say so? Why did our democracy campaign come to a halt in 2005 after 10 years of development? Everybody must think about this question carefully. If the democratic camp or the opposition camp continues to adopt such an approach and attitude, and if we continue to count on it as a champion of democracy in Hong Kong, our chances of success will be very slim. I therefore think that the baton may have to be taken by other political parties and groupings, and that the cause of democracy should be promoted moderately, pragmatically and rationally under the principle of gradual and orderly progress. advocate the early implementation of universal suffrage, but we also hope that progress can be made in a sure-footed manner. This is our advocacy, and there is nothing so bad about it.

Therefore, President, I very much hope that after the SAR Government has submitted this report to the National People's Congress (NPC), our NPC Deputies — I hear that Dr Philip WONG will also be going to Beijing — can truthfully reflect the different voices aired in Hong Kong. I have read this report over and over again, and I can say that it is able to reflect different voices comprehensively and accurately. As for the NPC, I think it will certainly consider the matter from the holistic angle. I do not agree with Mr Albert HO that there is no need to consider the views of the Central Authorities. I think the continued adoption of such an attitude will do us no good at all.

Certainly, the voices in Hong Kong are very important to our constitutional development. Only that at the end of the day, the right of the Central Authorities to involvement just cannot be ruled out. They talk about "cheating", but are they not also cheating the people of Hong Kong? Do they really think that the mechanism concerned can be unilaterally activated by Hong Kong? This is not the case in reality. Therefore, I think all these expressions must never be used again. We strongly hope that after the NPC's examination, the report can be discussed peacefully in the Legislative Council and a conciliatory approach can be adopted to take our constitutional development forward.

Thank you, President.

MR ALBERT HO (in Cantonese): I wish to make an elucidation because Mr LAU Kong-wah has distorted my points. He quoted me as saying that it is not necessary to heed the views of the Central Authorities, and that what Hong Kong does should be accorded the greatest importance. I have never said anything like that. I pointed out very clearly just now that it is most important for Hong Kong itself to forge a consensus and then reason with the Central Authorities rationally. Of course, in the process, there must be dialogues with the Central Authorities. But a consensus in Hong Kong should be of the utmost importance.

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

DR RAYMOND HO (in Cantonese): President, I only wish to say a few words. Having listened to the eloquent speeches of Members today, I can say that all of them have been able to voice their views despite their divergent positions.

I was on the Basic Law Consultative Committee from 1985 to 1990, and I started to discuss our constitutional system around that time. In 1986, I wrote an essay containing various recommendations on the methods for electing the Chief Executive and the Legislative Council for the reference of the Basic Law Drafting Committee (BLDC). At the first BLDC meeting held in Xiamen, the essay was tabled for discussions, and later in 1986, it was published in the press. At that time, not many professionals took part in the discussions on the constitutional system. Some even thought that it was too early for me to raise the issue. Actually, in 1985, functional constituency elections were introduced for the first time to the Legislative Council, and geographical constituency elections were introduced in 1991. Since then, there has been continuous development.

We can see that in the 10 years following the reunification, the types of functional constituency elections were reduced from three to two. What I mean is that the number of Members returned by the Election Committee was first reduced from 10 to six. Later on, such seats were even abolished. This is already a form of progress. When it comes to the functional sectors represented in the Legislative Council, many people immediately talk about coterie elections. Why do I mention the Legislative Council Election before the Chief Executive Election? Because not many people have cared to make any objective comments on the role of functional sectors. I am returned by a functional

sector, and totally 13 professions are represented on the Legislative Council. Of course, I am not saying that there are 13 functional sector representatives. Some functional sectors are combined for the purpose of electing their representatives. For instance, Prof Patrick LAU is the representative of four The representatives of these 13 functional sectors are all functional sectors. returned by "one person, one vote". This is also a form of universal suffrage. And, there are also many registered electors in functional constituencies. example, in the functional sectors of teachers and accounts, there are many registered electors. In the engineering sector, there are also some 10 000 qualified electors, and its electorate may be increased by several times at any time. In 2005, I intended to move an amendment to the Legislative Council Election Ordinance (sic). Unfortunately, I did not have any chance to do so because the constitutional reform package was not passed and it was impossible to amend the Government's electoral laws. Had this not been the case, had I been able to increase our electorate to several dozen thousand electors, the electoral method would be much improved.

What are the purposes of functional constituencies? There are in fact many. For instance, during the five years when the Basic Law was being drafted, people from the commercial and industrial sector, the professions, centrists and the democratic camp all gave their input, and there were very good discussions. During these five years, we held numerous meetings and make plenty of valuable suggestions on the drafting of the Basic Law. The atmosphere was very cordial. Everybody keenly participated in the discussions, and attendance rates were very high. Everybody was in fact very busy, but I think it was a very successful process.

When it comes to the work of the Legislative Council, in many cases, the issues relating to bills, the various panels and government proposals often involve many different functional sectors. When a functional constituency Member discusses issues relating to his functional sector, he can of course offer better insights and clearer views. And, even when he discusses other issues not related to his occupation, he can still give input from his own perspective or on the basis of his past experience. Engineering issues are an example. I observe that in regard to engineering projects, many Members are able to raise some very good points for discussion. As I once remarked, one admirable quality of Legislative Council Members is that even when they do not quite understand an issue, or are not well-versed in it, or the issue is not related to their functional sectors, they can still raise very good questions and conduct sensible discussions. Since the work of different functional sectors is often involved during the

legislative process, I think it is better to have input from different professions or the industrial and commercial sector, for this can make the work of drafting more thoroughgoing. Therefore, we cannot completely rule out the function of these Members.

Admittedly, functional sectors cannot possibly exist forever. During the discussions on the Basic Law, I also agreed that universal suffrage must ultimately be implemented and functional sectors abolished. However, there must first be a process, meaning that we simply cannot abolish all of them abruptly. And, can we actually do so? It is stated very clearly in the Basic Law that everything must be done in the light of the actual situation and in accordance with the principle of gradual and orderly progress. These expressions are very carefully worded. "Gradual and orderly progress" is a concise and clear expression which appears in many places in the Basic Law. We cannot show any disrespect for the Basic Law, because it is our mini-constitution and above all local laws.

What should we do if we are to abide by the Basic Law? We should at least take one more step. As I pointed out just now, we must expand the electorates of functional constituencies. The electorate of every functional constituency must be expanded, and the sooner, the better. In this way, it will be possible to abolish all functional constituencies all at the same time. I do not agree to any gradual abolition or merger. Which functional constituencies are to be merged anyway? Some may support merging others' functional Or, they may support the abolition of others' constituencies but not their own. functional constituencies but not their own. Therefore, there are bound to be many disputes. It is best to abolish all functional constituencies all at the same But when should this be done? As soon as possible. meantime, one more step must be taken. I always think that we must start with expanding their electorates.

How about the Chief Executive election? At two meetings of the Panel on Constitutional Affairs and also in my election platform three years ago, I already pointed out clearly that it might be possible to select the Chief Executive by universal suffrage in 2012. But then, no discussions were held at that time, and nothing was said about thresholds or nomination. All issues will require discussions. As a start, the threshold must be high, and we may then examine the situation and ascertain when the threshold can be lowered. Such a process must be followed. Even in school, we must move from the elementary level to

the advanced level, from kindergarten to university. We must proceed step by step and cannot start straight from university. I think this is right, but all must depend on whether it is really feasible in the light of the actual situation. Regarding the incumbent Chief Executive, I can observe that since he assumed office, he has been trying to honour his pledge. I have been observing how he delivers his election platform and the undertakings. In July, he published the Green Paper to consult the public. After three months of consultation, all the views have been collated, and he has submitted a report to the Standing Committee of the National People's Congress (NPCSC). It is hoped that a decision can then be made. I think that he has been very quick in submitting the report to the NPCSC. I do not think that he wants to delay the matter or refrain from honouring his undertaking. I will naturally be very happy if the report can state clearly that there will be universal suffrage in 2012, because under the present circumstances, this is the soonest possible date. But if it is said that it will not be later than 2017 under any circumstances, I will still express my Why? As I explained this morning, in any discussions, acceptance. negotiations or studies, there is bound to be a bottomline. Even in the case of shopping, bargaining is also based on a bottomline. One will not accept an offer if one's bottomline is exceeded. In my case, if 2012 is really deemed impracticable under actual circumstances or if everybody does not think that this is the best time, I can accept 2017 as the bottomline. This is my personal stand. Some Members may not agree with me, but I will stick to my position. that universal suffrage can be implemented in 2012. But if this is really impossible, I would think that it must be implemented in 2017 at the latest. This is my personal position.

Since the NPCSC holds a meeting once every two months, its upcoming meeting will be held at the end of this month, from the 23rd to the 29th. The Government has hastened to submit the report to the NPCSC in good time, thus saving two months. Had the Government been any slower, it would not have been possible to submit the report until next year. The Government has actually taken several steps together at the soonest possible time. We simply cannot accuse the Government of deceiving the public or failing to honour its undertaking. I cannot say anything like this because I do not think that this is the case. These are the words I want to say. And, I suppose they are fair and objective too. Thank you, President.

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

MRS SELINA CHOW (in Cantonese): President, I can remember that when you first assumed office as President, one of your ambitions was to change the culture in this legislature, in the hope that the Chamber could be transformed into a place where all Members could speak freely on the basis of mutual respect. You wished to better the culture in this legislature.

President, I believe you could never have imagined what has been happening these days: some Members attending Council meetings in T-shirts and cursing practically the entire world in his speeches. But they have not violated Rule 41 because they are very clever, very "smart", very careful with their choice of words. As a result, they can offend others without violating this particular rule. You may well marvel at the wits of some Members. But I do not think that all this is good to the legislature. President, I also believe that you may not be so happy, because your ambition has not been realized so far.

However, President, you are very forgiving, most tolerant. President, we do think that you are very tolerant. You are very, very indulgent in many cases. You have become more and more lenient, more and more lenient. I suppose that in no time, we will be allowed to attend Council meetings in shorts and slippers. I do not know whether this is the meaning of being liberal. But I am certain that being "liberal" in that sense of the word is not supported by anyone of us in the Liberal Party.

We heard a Member curse other political parties and groupings for That Member is of course Mr LEE Cheuk-yan. It is a disagreeing with him. pity that he is not in the Chamber now. Just now, he pointed at Members belonging to the Liberal Party and cursed them. But his accusations were totally unfounded. But he just couldn't care less. No one would ask him to prove the appropriateness of all those adjectives he used anyway. He accused others for being conservative and so and so. All of us here are free to use such But as I often point out, it is not quite right to say that a lie told a expressions. thousand times will become a truth. Repeating it just three, five or seven times will suffice. Sadly, as he often says so, some may well believe him. has not been telling the truth. In my case, his words have instead led me to do some thinking, so I am in a way very grateful to him.

Should the pan-democratic camp, the democratic camp, really do some self-examination by now? Should they do some soul-searching and consider why we are still marking time, unable to embark on our desired course? Do

they think that they should also be held responsible? Should they also be held responsible for the consequences of their attitude? In this legislature, they Very eloquently, Mr Albert HO talked about "engage". He talked about "engage" today. But where is the "engagement" when we in the Liberal Party talk about setting a high threshold in 2012, about tackling the simple issues first before the difficult ones, so that Hong Kong people can elect the Chief Executive by universal suffrage first. Has he tried to engage us? Has he tried to seek a consensus with us? He has not. He insists that universal suffrage must be implemented for the two major elections in 2012. He knows only too well that we do not agree with him, and that there are reasons for our disagreement. I respect him very much, and I do not intend to show any disrespect for his reasons. But he simply cannot say that he wants to engage us today, because he has never done so.

In retrospect, not only us He might think that we He might think that he could not reach any agreement with us. But he likewise did not "engage" even when Mrs Anson CHAN put forward her package. He did not agree to Mrs Anson CHAN's package at that time. She was not yet a Legislative Council Member at that time. She was just an ordinary member of the public. He did not even agree to her package. The Democratic Party said that it did not accept the package. In that case, how could there be any consensus?

Mr Albert HO said that a consensus should already be in existence. I have recorded in writing the words of "should already be in existence". I now realize that he has been talking about the consensus he has in mind. What he means is that if people can agree with him, there should be a consensus. But if people do not agree with him, there will be no consensus. What can we possibly do if this is really what he means.

This reminds me of something else — the need for exchanges, negotiations and compromises in the transaction of business in the legislature. But when I think about what has been happening, I cannot help asking, "Has the Democratic Party, the democratic camp, ever made any compromise?" Mr LAU Kong-wah said just now that the democratic camp did not agree to the constitutional reform package put forward in 2005. No, he was not quite right. It should be the pan-democratic camp. First, when the package was put forward, all Members in the pan-democratic camp expressed their disapproval. They were not prepared to have any negotiations. It was impossible to have any consultation.

How could there be any discussions? Since the package was not in line with the consensus they had in mind, it was impossible to forge any consensus. All was so simple. But when people talk about a consensus, should they also reflect on what themselves have been doing? Should people also make an overture, in order to forge a consensus?

The position of the Liberal Party is very clear. We have already pointed out that while we think that it is most desirable to implement universal suffrage for the selection of the Chief Executive in 2012, we do also realize that, unlike what some Members think, this aim cannot be achieved simply by chanting, "Right, just go ahead with the implementation of dual universal suffrage in 2012." Members' goals are different, but there should still be a consultation process to work out a solution. The important thing is whether Members agree to do so.

We do not really need to say how many sides must be convinced before a consensus can be forged. To begin with, the 7 million people in Hong Kong must reach an agreement. The Government must be convinced first. Then, there must be negotiations with the Central Authorities. All this means a very complex and difficult process. But this is also something we must all do. It will not do simply by shouting, "We want a consensus on implementing universal suffrage for the two major elections in 2012. We think this is the only correct thing to do. Just side with us." I think this is just a tactic of pressure groups, not something that a political party or legislature should ever do.

A pressure group always behaves like this. It always says, "This is what we want. Are you going to comply?" If the other side refuses and hopes that it can ask for less, it will reply, "No. Nothing less." Then, it will go on to ask, "Are you going to give it all to us?" When the other side replies that it cannot offer so much, and that although they ask for 10, they will only be given five, the pressure group will certainly still ask for 10. Well, they may later be offered seven or eight, but they will still ask for 10. They think that standing on the moral high ground and as representatives, they can get the job done simply by insisting on asking for 10. They think they can then tell others that they are good people because they have kept asking for 10, only that the other side does not comply and is just prepared to offer five, seven or eight.

I hope that other Members, especially those in the pan-democratic camp, can do some serious soul-searching to find out whether their approach over the

years has really helped promote democratization, and whether it is already enough to do nothing but chanting slogans. Do they think that all will be fine as long as they set a high asking price and can rally the public to their side? Do they think that whether the goal can be achieved is really none of their business? Do they think that they are always on the moral high ground and all others are villains who are not prepared to give the public what they ask for?

President, I do not think that they can help Hong Kong that way. I very much agree with Mr LAU Kong-wah and Mr TAM Yiu-chung, that we should all wish to take forward steps. The Liberal Party's greatest wish is to move forward. This explains why we want to set a high threshold. I agree that not everybody prefers a high threshold. And, even the definition of a high threshold is open to discussions. But we think that if we start by doing so, we will at least be able to fulfil the principle of gradual and orderly progress and to take the first step. President, we must proceed step by step. We cannot possibly achieve our ideal with a single stride.

I really hope that all of us can at least forge this consensus. What I mean is that if we are to achieve gradual and orderly progress in the light of the actual situation as required by the Basic Law, we must use this as a basis of forging a consensus. We must now move forward.

MS EMILY LAU (in Cantonese): May we ask Mrs Selina CHOW to make a clarification? When the Liberal Party included the implementation of universal suffrage in 2007 and 2008 in its party platform years ago, it did not mention anything about gradual and orderly progress, but now it argues that there must be a high threshold. Why does it now think that the implementation of universal suffrage is something so difficult to achieve? Why did it think years ago that there was no problem with including the implementation of universal suffrage in its party platform, and that the goal could be achieved with one single stride?

PRESIDENT (in Cantonese): Ms Emily LAU

MR JASPER TSANG (in Cantonese): We are now having a debate and we are not supposed to seek any clarification.

PRESIDENT (in Cantonese): Yes.

MRS SELINA CHOW (in Cantonese): President, I am not going to give way because

PRESIDENT (in Cantonese): Please wait until I have made my ruling, will you? She is not asking for an elucidation of your remarks but

MS EMILY LAU (in Cantonese): I am asking her to make a clarification.

PRESIDENT (in Cantonese): No, you are not. I agree with Jasper TSANG that you are indeed trying to debate with her because you do not agree to her viewpoints. In this Chamber, Members often disagree with one another. But I must still give them chances to speak because it is my duty to protect Members' freedom of speech. Mrs Selina CHOW, you may continue.

MRS SELINA CHOW (in Cantonese): Thank you, President.

Some Members seemed to suggest that those Members who support gradual and orderly progress do not think that Hong Kong people are politically mature. We in the Liberal Party have never held such a view. All along, we have been maintaining that Hong Kong people are politically conscious and have the wisdom to make choices. But these are not all about the political conditions in Hong Kong. Members need only to look at our political parties and groupings to know why. Even now, when we tackle this issue, we are still unable to conduct any in-depth discussions on the process, method and other details. Even now, we are still always chanting, "Dual universal suffrage in 2012."

I am not saying that I do not respect this ideal or aim of Members. But I just do not think that such an approach can really help Hong Kong. I even do not think that this can help Hong Kong in its discussions with the Central Authorities and explore the issue in the light of its very nature. I very much

agree to a point made by Mr Albert CHAN just now. I am not talking about his point on how changes should be made. Rather, I agree to his point that the pan-democratic camp must conduct a self-examination. But I of course do not agree to what he said subsequently on what points they must consider in their self-examination.

But I really think that they must do some soul-searching. Is it really true that they should not be held responsible for the situation today? Is it really true that they themselves are not to blame, and only outsiders should bear the responsibility? Or, should they also bear some responsibility? If yes, to what extent? Why is it impossible for us to join hands to forge a consensus? Is it because they are not prepared to make any compromise and start any negotiations? Is it because they have nothing in mind except their ideal and aim? But the Basic Law already provides that the ultimate ideal and aim should be universal suffrage. Is it true that they want all people to follow them immediately and turn their ideal and aim into the first step to be taken? President, I think that their in-depth discussions on all these points will be enormously helpful to the forging of a consensus on Hong Kong's way forward.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon the Secretary for Justice to speak on the motion.

SECRETARY FOR JUSTICE (in Cantonese): Madam President, first of all, I wish to clarify a point. I do not understand why Mr LEUNG Kwok-hung said in his speech earlier that I had accused Members for being skeptical, sarcastic. I wish to clarify here that I have never made such an accusation, and there may be some misunderstanding. In fact, I have been listening very carefully to the speeches made by Members, and I very much respect the views they expressed on this issue and the questions they asked. I will try to answer some of the questions, especially those raised by some Members in relation to the legal procedures.

Madam President, I think all Members know very well that the Basic Law is the basis of our work in promoting universal suffrage for the elections of the Chief Executive and the Legislative Council. Members must all be well-versed in Articles 45 and 68 of the Basic Law. This basis is also explained in detail in paragraphs 2.18 to 2.28 of the Green Paper, and I do not wish to repeat it here. Certainly, the amendment to Annexes I and II is also covered. We also know that the Standing Committee of the National People's Congress (NPCSC) made an interpretation of the procedures in 2004, and these are the legal procedures that we must follow. As regards whether there is a need to amend the methods for selecting the Chief Executive and for forming the Legislative Council, it is obvious that the decision rests with the Central Authorities in that the NPCSC will make a determination in the light of the actual situation and in accordance with the principle of gradual and orderly progress. In this process, the Chief Executive obviously cannot make a decision as to whether there is a need to The duty of the Chief Executive is to report the actual make amendment. situation in Hong Kong to the Central Authorities, so as to assist the Central Authorities to make a determination in the light of the actual situation and in accordance with the principle of gradual and orderly progress. It is for the purpose of this duty that the Government of the Hong Kong Special Administrative Region (SAR) conducted consultations to extensively understand the relevant views on this issue.

According to these procedures, if we put forward to the Central Authorities a whole package of proposals for amending the Basic law before the NPCSC made a determination on whether or not any amendment can be made, procedurally that would actually be tantamount to putting the cart before the horse. But more importantly, after conducting the consultation, we have seen that there is, in fact, a diversity of opinions on, say, the options for amending the method for forming the Legislative Council, the timetable and the roadmap, and it is impossible to identify a mainstream view. The relevant statistics are also set out in the report. We have yet seen a mainstream view on the entire proposal on the method for selecting the Chief Executive and for implementing universal suffrage for the election of the Chief Executive. That said, opinions have certainly been put forward on some important issues, and they have also been set out in the report. Under the circumstance, the Chief Executive has done his utmost. He has not only reflected to the NPCSC the results of consultation, but also given his personal judgment and recommendations. conclusions and judgment, as Mr Alan LEONG said earlier, have been very

clearly, solemnly and openly expressed in an official document. I wish to emphasize this point, that is, these are all expressly stated in the document. I wish to draw Members' attention particularly to a number of points made therein.

In the report the Chief Executive pointed out that "the people of Hong Kong have keen expectation for attaining the aim of universal suffrage", and I think all Members will agree to this, because we all have keen expectation for attaining this aim in accordance with the Basic Law, and this point is stated in express terms. Second, paragraph 15 of the report — as mentioned by a number of Members earlier, on the question of implementing universal suffrage for the election of the Chief Executive in 2012 or 2017, the Chief Executive pointed out in paragraph 15 that "implementing universal suffrage for the Chief Executive first in 2012 is the expectation of more than half of the public, as reflected in the opinion polls; this expectation should be taken seriously and given consideration. At the same time, implementing universal suffrage for the Chief Executive first by no later than 2017 will stand a better chance of being accepted by the majority in our community". With regard to the basis of this judgment, the Chief Secretary for Administration has explained it earlier, and it is also mentioned in the report and so, I am not going to repeat it here.

However, I think there are two points worthy of mentioning. First, as a matter of fact, constitutionally there is actually a requirement to fulfil when considering whether or not the methods for the two elections need to be and can be amended, and that is, there must be a very high degree of consensus in society. In this connection, the requirement of a two-third majority support from Members of the Legislative Council, rather than a simple majority support, reflects the underlying principle that a very high degree of social consensus is required.

Second, in the course of consultation we have seen a fact and that is, although the public has great expectation for attaining "dual universal suffrage" as soon as possible, their attitude has been very pragmatic. Not all the people in support of the election of the Chief Executive by universal suffrage in 2012 are opposed to the election of the Chief Executive by universal suffrage in 2017. On the contrary, according to results of opinion polls, 60% of the people in support of universal suffrage for the Chief Executive in 2012 said that they would accept the election of the Chief Executive by universal suffrage in 2017, and this is also reflected in the results of the consultation. These findings are all

based on clear facts, and the conclusions in the report were drawn having regard to the views of the Legislative Council, the District Councils as well as opinion polls, which we consider as major means reflecting public opinions. This is the second point that I wish to emphasize in relation to this report of the Chief Executive.

Third, in the report the Chief Executive strongly emphasized that the plan for implementing universal suffrage, particularly the timetable, should be determined at an early date, in order to help minimize internal debates. This is mentioned in paragraph 13(1) of the report and also written in black and white in the report by the Chief Executive.

Fourth, while views remain diverse on the model of the election of the Legislative Council and how functional constituency (FC) seats should be handled, this is a fact and a conclusion drawn from the results of consultation. In spite of this, the Chief Executive pointed out in the report that setting the timetable for implementing universal suffrage for the Chief Executive and the Legislative Council can help promote the ultimate resolution of the issues involved. This is a view explicitly stated in the report by the Chief Executive.

This report does not just sum up the relevant views and results of the consultation. In the report, we played not only the role of a polling organization by presenting all the statistics to the NPCSC for it to make a decision. Rather, the Chief Executive has also given his personal judgment after drawing conclusions from the results of the consultation. If he is irresponsible, he could have simply skipped this part. I think the Chief Executive has, in a responsible manner, put forward his views, rather than just submitting all the statistics to the Central Authorities for determination.

A Member asked earlier whether the Chief Executive actually does not understand clearly the constitutional requirements or whether deception is involved. On this question, I would like to offer an explanation. Firstly, I wish to emphasize that the constitutional reform is the business of the entire SAR Government, not the personal business of the Chief Executive alone. I believe the Chief Executive and us all understand the constitutional requirements very well. But we also understand very well that the path to achieving universal suffrage will be very difficult and we will have to go resolve a lot of issues in the process. I think we can see from history or the experience in 2005 that there will indeed be many problems to overcome.

In respect of the procedures, as I said earlier, there are established legal stipulations for initiating the amendment process for the methods of the two elections, and I am not going to repeat the details here. But I wish to emphasize this: What is the position of the Chief Executive under these stipulations? stated clearly in the report that there is a need to amend the methods of the two elections in 2012 and he asked the NPCSC to confirm his view that there is a need for amendment. On what basis did the Chief Executive put forth this aspiration or view that there is a need for amendment? The basis is the results of the consultation and the judgment made by himself as I mentioned earlier, and this very basis also includes the four points mentioned by me earlier: First, the people of Hong Kong have keen expectation for attaining the aim of universal suffrage as soon as possible; second, his assessment on the election of the Chief Executive by universal suffrage in 2012 and 2017; third, the wish that the model, especially the timetable, for implementing universal suffrage be determined at an early date; and fourth, setting a timetable can help promote the ultimate resolution of the issues involved. These constitute the basis on which he concluded that there is a need for amendment.

After receiving this report the NPCSC will have to determine whether it agrees with the need to amend the methods for the two elections in 2012, and it must make a decision in the light of the actual situation and in accordance with the principle of gradual and orderly progress. So, I strongly believe that the NPCSC will definitely consider in detail the basis on which the Chief Executive concluded that amendments can be made and that is, the several points which I stressed just now, including the Chief Executive's judgment on the timetable or his assessment on the election of the Chief Executive by universal suffrage in 2012 and 2017. These will all be taken into consideration.

Certainly, let me stress again that we will not speculate on the details of the final decision to be made by the NPCSC. We will not speculate on how it will make a judgment on the principle of gradual and orderly progress and in the light of the actual situation and what judgment it will make. But in respect of the timetable, including the question of whether the Chief Executive will be elected by universal suffrage in 2012 or 2017, the conclusions have been very clearly expressed in writing, and I think they will certainly be taken into consideration by the NPCSC in making a decision and serve as a basis for it to confirm whether there is a need to amend the methods for the two elections in 2012. Insofar as the constitutional procedures are concerned, including the

timetable for implementing universal suffrage, I think the Chief Executive has, as far as he can, pursued the matter in a most unequivocal manner and on a basis with most public support, and all the relevant statistics have already been set out in the report.

Madam President, to promote the amendment of the methods of the two elections, we must comply with the constitutional requirements and respect public opinions. But it is also necessary to carefully examine the political reality and look into how the differences can be narrowed in order to meet the constitutional requirement of forging a two-third majority consensus in society. This is a prescribed process for taking forward universal suffrage. Insofar as this direction is concerned, as I stressed earlier on, in respect of the election of the Legislative Council by universal suffrage, we can see from the results of the consultation that views are diverse and a consensus has not been forged at this point in time. This is why the Chief Executive said that setting a timetable for implementing universal suffrage first can help promote the ultimate resolution of the issues involved. I think this view or suggestion, which is sensible and reasonable, is supported by many members of the public, and I believe the NPCSC will also give due regard to it.

Madam President, I so submit.

PRESIDENT (in Cantonese): Secretary for Constitutional and Mainland Affairs.

(Mr LEUNG Kwok-hung stood up)

MR LEUNG KWOK-HUNG (in Cantonese): President, I would like to

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, what is it?

MR LEUNG KWOK-HUNG (in Cantonese): President, I would like to make a clarification. He said earlier that I might have misunderstood him, and I had indeed misunderstood him. I only

PRESIDENT (in Cantonese): If you have misunderstood him, then you may sit down. Clarification means that other people have misunderstood what you said and you would, therefore, need to make a clarification.

MR LEUNG KWOK-HUNG (in Cantonese): I would like to tell him that I was actually referring to Financial Secretary Henry TANG and Secretary Stephen LAM.

PRESIDENT (in Cantonese): You may sit down. Please make your speech as clearly as possible in future, so as not to cause misunderstandings.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, I very much thank Members for speaking very enthusiastically over the past couple of hours, so that we can once again listen to the important opinions of 20-odd Members on the issue of universal suffrage. At the outset of the debate Dr YEUNG Sum particularly mentioned the statistics obtained in opinion polls and so, I would like to start with opinion polls.

The report that we submitted to the Standing Committee of the National People's Congress (NPCSC) has summed up the results of opinion polls conducted by several universities and think-tanks, including the University of Hong Kong (the HKU), The Chinese University of Hong Kong (CUHK), Lingnan University, and other think-tanks, as well as those conducted by some members of the media sector. We have particularly chosen these opinions polls because their coverage is more consistent with the key points highlighted for public attention in the Green Paper and hence more capable of providing some indicators for these issues that need to be looked into and sorted out. However, each and every conclusion that we made in the report is based on the results of a For example, one of our conclusions made in the number of opinion polls. report is that over 60% of the respondents accept the implementation of universal suffrage for the Chief Executive in 2017, if this cannot be attained in 2012. This is a result obtained in an opinion poll conducted by CUHK in late September.

Dr YEUNG Sum questioned whether we had reflected the results of opinion polls selectively in compiling this report. This is absolutely not the

All the opinion polls conducted by these agencies and universities are included in Appendix II. We understand that there may be some developments or adjustments in the course of the opinion poll that even the agency or university itself may not necessarily consider as sound and perfect. For example, I notice that according to the opinion poll conducted by the HKU in end-July, only 37% of the respondents supported the formation of a nominating committee to achieve universal suffrage in 2012; only 32% of the respondents supported the provision of a transitional period first and the implementation of universal suffrage in 2017, while 20% of the respondents supported the provision of a transitional period first and implementation of universal suffrage after 2017. In respect of universal suffrage for the Legislative Council, the results of this questionnaire survey are that 42% of the respondents supported that universal suffrage be implemented in 2012; 31% supported that universal suffrage be implemented in phases in 2016; and 19% supported that universal suffrage be achieved in phases after 2016. If we consider the results obtained from respondents' answers to these two questions, the support rate for dual universal suffrage in 2012 is actually lower, compared with that for implementing universal suffrage in and after 2017 or in and after 2016. I think the 20-odd Members in the opposition Dr Robert CHUNG had also reviewed this may have discussed this. questionnaire and so, the way that questions were asked in subsequent questionnaire surveys had been revised. But we have been impartial. have read over 10 reports of opinion polls and incorporated all the results into our report, based on which we have drawn the conclusion that over half of the people support dual universal suffrage in 2012. We absolutely will not make interpretation out of context. So, Dr YEUNG Sum, please do not say that we are selective in reflecting the results.

Then, many Members asked: Since over half of the people supported dual universal suffrage in 2012, why would we come to the conclusion that "implementing universal suffrage for the Chief Executive first by no later than 2017 will stand a better chance of being accepted by the majority in our community"? I already explained this in the panel but I think I need to put it on record here. This involves facts at four levels: First, half of the Members of the Legislative Council support the implementation of universal suffrage for the Chief Executive by no later than 2017, in 2017 or after 2017; second, motions have been passed in more than two thirds of all District Councils, supporting that universal suffrage for the Chief Executive should be implemented by no later than 2017 or in 2017; third, opinion polls — as I pointed out earlier — showed that about 60% of the respondents accept the implementation of universal

suffrage for the Chief Executive in 2017, if this cannot be attained in 2012; fourth, 150 000 signatures received from the public have indicated support for implementing universal suffrage for the Chief Executive by no later than 2017, in 2017 or after 2017, and among these signatures, 130 000 support tackling the easier part first and dealing with the more difficult part later and implementing universal suffrage for the Chief Executive first. So, the conclusions that we made are well substantiated.

In today's debate there has been some "crossing of swords" between political parties and groupings, and in this pluralistic society and in this free Council, this is the order of the day and is set to happen. But I think we must learn one thing from it, and as particularly mentioned by Mrs Selina CHOW and Mr LAU Kong-wah, we must learn that different political parties and groupings have different political and policy positions, and that the position of a particular political party or a particular camp does not represent the whole truth. If we wish to achieve universal suffrage and if it is necessary to obtain support from two thirds of Members for a particular direction, Members should really adjust their own positions and seize the opportunity. December 2005 was an opportunity, but the opposition missed it. Today is an opportunity, and I do not wish to see Members letting it slip by once again.

Dr YEUNG Sum and other Members in the opposition queried the position taken by the Liberal Party. Mr James TIEN and Mrs Selina CHOW already explained why they consider it necessary to set a high threshold if universal suffrage will be implemented for the Chief Executive in 2012. In our report we have summed up the position of the Liberal Party

(Dr YEUNG Sum raised his hand)

PRESIDENT (in Cantonese): Dr YEUNG Sum, is it a point of order?

DR YEUNG SUM (in Cantonese): President, the words "Liberal Party" were not mentioned at all in my speech.

PRESIDENT (in Cantonese): Dr YEUNG Sum, please sit down. Members, I do not know for how many times I have said this, and I think I have told you for

no less than a hundred times. Dr YEUNG Sum, you should know very well

(Dr YEUNG Sum stood up)

PRESIDENT (in Cantonese): Sit down first and let me finish what I am going to say.

DR YEUNG SUM (in Cantonese): Fine, as long as you will let me do some explaining.

PRESIDENT (in Cantonese): First of all, in your speech you said

DR YEUNG SUM (in Cantonese): I did not mention the words "Liberal Party" at all.

PRESIDENT (in Cantonese): No, this is not the point. You have been a Member of this Council for a long time and you should understand the Rules of Procedure. According to the Rules of Procedure, if you wish to interrupt his speech, you must first consider the circumstances. If your speech had been misunderstood, you should seek leave for making clarification only after he has finished his speech. If you would like him to elucidate his speech, you can rise immediately to make your request. But it seems that Members can never remember this rule. As Mrs Selina CHOW has said, I have always tried to be as tolerant as possible. You do not have to argue with me, for you will have an opportunity of clarification later on. Now, please tell me whether you wish to clarify your own speech or you wish to ask the Secretary to clarify his.

DR YEUNG SUM (in Cantonese): President, I think the Secretary has completely distorted my meaning.

PRESIDENT (in Cantonese): It means that you wish to clarify your own speech. Please sit down. I will let you clarify it later.

DR YEUNG SUM (in Cantonese): Fine, as long as you would let me clarify it.

PRESIDENT (in Cantonese): Secretary, you may continue.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Madam President, Dr YEUNG Sum is very much welcomed to explain his position once again later. But as a matter of fact, during the past week, Dr YEUNG Sum or other Members of the Democratic Party did question us in the relevant panel how we had collated the position of the Liberal Party. I was going to explain this point just now and that was all. I entirely have no intention whatsoever to distort any remark made by Dr YEUNG Sum. I very much respect his views.

In the report, when collating the position of the Liberal Party or that of other political parties and groupings, we would rely on the position that they expressed on public occasions and in their written submissions to the Government. In expressing their views on the 2007-2008 policy address to the Chief Executive in August this year, the Liberal Party said that they supported steady constitutional development in Hong Kong according to the principles of gradual and orderly progress and resolving the simple issues before the difficult ones and that when the conditions are ripe, universal suffrage can be implemented for selecting the Chief Executive by no later than 2017. So, we collated their views based on this position expressed by them.

Next, I would like to talk about two important issues raised by many Firstly, why is the model of universal suffrage not mentioned Members today. in this report? Secondly, can universal suffrage be implemented for the Chief Executive in 2017 if it cannot be implemented in 2012? In fact, the Secretary for Justice already gave an explanation in his speech earlier but given the significance of these issues, I would not mind taking all the troubles to explain To deal with these two issues, we can explain them by "five steps" them again. and "three conclusions". To enable the methods of the two elections to be amended in 2012, the first step is for the Chief Executive to submit a report to the NPCSC; the second step is for the NPCSC to make a decision on the request made in the report; and if the NPCSC confirms that amendment may be made, the third step is for the SAR Government to propose a motion in the Legislative Council and seek support from a two-thirds majority of Members of the

Legislative Council in order for the motion to be passed; if the motion is passed, the fourth step is for the Chief Executive to decide whether to give his consent to the endorsed proposal; then the fifth step is to again report to the NPCSC for its approval of the relevant amendments or for record. So, the queries of Ms Audrey EU and other Members about whether the Chief Executive lacked commitment and failed to honour his undertakings made during his election campaign are unfair. It is because in the first six months we must first take this step. We have just made a start and there are four more steps to take. We hope that the NPCSC will make a decision after examining the report at its meeting, so that we can proceed to the second step. So, we will act expeditiously and work hard in the remaining four and a half years, in order to take the three remaining steps.

As for the "three conclusions", the Secretary for Justice already explained them: First, the expectation for implementing universal suffrage for the Chief Executive in 2012 should be taken seriously and given consideration; second, implementing universal suffrage for the Chief Executive first by no later than 2017 will stand a better chance of being accepted by the majority in our community; the third important conclusion is setting the timetable for implementing universal suffrage for the Chief Executive and the Legislative Council can help promote the ultimate resolution of the issues involved. Based on these three conclusions, the Chief Executive pointed out in paragraph 17 of the report that "On the basis of the above conclusion, I consider that, in order to realize the aim of universal suffrage as provided for in the Basic Law — in order to realize the aim of universal suffrage as provided for in the Basic Law, there is a need to amend the methods for selecting the Chief Executive and for forming the Legislative Council in 2012." So, obviously, in submitting this report to the NPCSC the Chief Executive hopes on the one hand that the NPCSC will approve our request for amending the methods for the two elections in 2012 and on the other, we also hope that the NPCSC will provide a direction for achieving universal suffrage in Hong Kong. Certainly, we are not in a position to speculate on what decision the NPCSC will make when examining this report. But our expectations are clear. So, in response to Mrs Anson CHAN's question about whether we have been stalling, the answer is absolutely no. Had it been our intention to stall, we would not have published the Green Paper as early as in mid-July and submitted the report to the Central Authorities in mid-December, and we would not have made conclusions on such key issues as the timetable for implementing universal suffrage. To the Chief Executive, it is actually a challenge to make these conclusions, and this is no easy task, because in order to

make these conclusions, he has to sum up all the issues revolving around universal suffrage as well as those considerations about how universal suffrage can be achieved in accordance with the Basic Law. No previous government in Hong Kong has ever come this far as we have been doing now. Never has there been a government in the SAR reaching such explicit conclusions on the timetable for implementing universal suffrage. I think Mrs Anson CHAN knows this only too well from her own experience.

Before I conclude, I would like to discuss a number of particular issues on which Members have asked questions today. Ms Audrey EU asked us if the NPCSC approved that amendments can be made to the methods for the elections in 2012, will the package of proposals put forward back in 2005 be reintroduced again? Before the NPCSC makes a decision, we cannot go into too much detail but I can certainly say that be it 2012 or 2017 or no matter in which year universal suffrage will be implemented, there is definitely room for further democratization in the methods for selecting the Chief Executive and for forming the Legislative Council in 2012 because the existing methods for the two elections have not yet achieved the ultimate aim of universal suffrage and work must be carried out towards this end. This is why the Chief Executive submitted this report to the NPCSC at this point in time.

The second question to which I wish to respond is that a Member asked whether the Government cares about the timetable for implementing universal suffrage for the Legislative Council. We certainly do. If not, why would we suggest implementing universal suffrage for the Chief Executive first, to be followed by that for the Legislative Council? If we do not care about it, why would we say that setting a timetable for implementing universal suffrage for the Chief Executive and the Legislative Council will help resolve the remaining issues? We care about the timetable for implementing universal suffrage for the Chief Executive, and we also care about the progress to achieve universal suffrage for the Legislative Council.

Some Members asked why we have not yet reached a consensus on, say, the election of the Legislative Council by universal suffrage. Is it that the problem is like a "menu" offering too many choices and thus making the problem too complicated, as Ms Audrey EU has said? I do not think so. If Members look at things this way, they would only be simplifying the problem and making it too superficial. They should listen carefully to the speeches made by their colleagues from different political parties and groupings who are sitting beside

These political parties and groupings as well as Members of this Council are returned by elections, some by direct elections and some by FC elections, and they are representing districts or sectors. Why is there such an unbridgeable difference among us on the model of universal suffrage for the Legislative Council? Because some 20 Members support the abolition of all the 30 FC seats in one go in 2012, while the Liberal Party, which has 10 votes, supports that these seats be abolished in three phases by abolishing 10 seats in each phase starting from 2016 the earliest. They consider this a pragmatic and progressive approach to achieve universal suffrage in phases. But so far, the Liberal Party is the only supporter of this phased approach to achieve universal suffrage for the Legislative Council. So, since a great divergence of opinions has remained, how can a consensus be reached? We must know clearly the problem and address it squarely before it can stand a chance of being resolved Comparing the situation to a "menu" is just putting the problem aside. one day.

Today, many Members have expressed their views. Mr Ronny TONG has put forward many opinions which may not have caught the attention of many Members, but I have paid much attention to them, because what Mr Ronny TONG is doing today is "scenario painting". He was speculating on what this Council would become of if all the Members in the opposition in this Council are gone one day. He cited some examples which I think are rather biased. For example, he said that no one else apart from their party and friends would raise the issue of setting a minimum wage. This, I beg to differ. Are Miss CHAN and WONG Kwok-hing not Members of this Council? Would they not continue to throw weight behind the campaign for a minimum wage? I cannot see how this will happen in any case.

After all, I do not see how the opposition would disappear in the Legislative Council one day. The electoral system in Hong Kong will continue to move forward in a fair, open and just manner. Members can fight for it freely.

I would like to say a few words in conclusion. Today, Members have provided a lot of input. In fact, many daring, passionate remarks were made mainly by Members in the opposition, but I think these remarks are ungrounded. Such remarks as "destroying democracy", "causing delays indefinitely" and "deception" are going too far, reflecting undue concern and suspicion. Mr LEE Wing-tat is not in the Chamber now. He said that he started to fight for

democracy in his 20s and this, I very much respect. Indeed, I enjoy talking with him very much. To Members' misgivings and concerns, let me give them a very simple answer. I can tell Mr LEE Wing-tat that he and I as well as other Members in this Chamber will live to see the implementation of universal suffrage. I said so because over the past six months, we have made rapid progress, and over the past six months, we have progressed in a most steady manner, and in the coming days, we will achieve the aim. We have made rapid progress because we have already completed consultation on the Green Paper and submitted a report to the Central Authorities in six months, and we have also drawn important conclusions on the timetable for implementing universal suffrage. We have progressed in a steady manner because the opinions of all the political parties and groupings as well as the opinions of various sectors of the community have all been

MR LEUNG KWOK-HUNG (in Cantonese): President, I would like to seek an elucidation from the Secretary again.

PRESIDENT (in Cantonese): Alright.

MR LEUNG KWOK-HUNG (in Cantonese): What does he mean by "live to see"? How many years from now did he mean?

PRESIDENT (in Cantonese): Please sit down. Secretary, you may continue with your speech or explain the point on which your elucidation was sought by Mr LEUNG Kwok-hung.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): We will live to see it means that we will live to see it. We have progressed in a most steady manner because we have fully reflected the opinions of all the political parties and groupings, organizations and individuals, and we have submitted reports to the Central Authorities in the light of Hong Kong's actual situation in three aspects. We will achieve the aim because we have the determination to implement universal suffrage in Hong Kong.

Mr CHEUNG Man-kwong asked if we would remain stagnant. It is absolutely not the wish of the Government to remain stagnant. The vote cast by the opposition in 2005 has caused Hong Kong to remain stagnant for a few years, and we do not wish to see this continue. It is precisely because of this reason that we have worked very hard over the past few years to promote discussion in the community of Hong Kong on the model, roadmap and timetable for implementing universal suffrage.

Dr YEUNG Sum, one day, you and your colleagues will face a situation and that is, the SAR Government will put forward a proposal containing the timetable, roadmap and model for implementing universal suffrage, and on that day, you have to ask yourselves this: Are we going to support it or are we not? Please do not tell us only on that very day that the proposal is not perfect and that it is not good enough and so, you do not know whether to support it or not. In fact, Dr Fernando CHEUNG already revealed the dilemma that you have felt in your hearts.

One who is engaged in politics must be willing to seek common ground and accommodate differences. To take forward democracy, we must gradually forge a consensus. Let us join hands and work hard together.

Madam President, I so submit.

PRESIDENT (in Cantonese): Dr YEUNG Sum, please elucidate the part of your speech which had been misunderstood.

DR YEUNG SUM (in Cantonese): I was not challenging you earlier. I was only saying that he had distorted my remarks. I was actually going to wait until you would grant leave for me to speak. Thank you for allowing me to speak.

Madam President, this speech of mine consisting of four to five pages completely made no mention of the Liberal Party and the DAB. Rather, I was nevertheless named in their speeches. Yet, we can see that the Secretary is strongly biased against us. These biases will pull the wool over his own eyes and prevent him from understanding this problem.

Thank you, Madam President. That is all I wish to say.

PRESIDENT (in Cantonese): Dr YEUNG Sum, you had sought leave for you to elucidate your earlier speech, but you seemed to have stated other views.

(Mr James TIEN stood up)

PRESIDENT (in Cantonese): Mr James TIEN, is it also a point of order?

MR JAMES TIEN (in Cantonese): President, I wish to elucidate the position of the Liberal Party as mentioned in Secretary Stephen LAM's speech earlier. Do you still have something to say to Dr YEUNG Sum? If you do, I will wait.

PRESIDENT (in Cantonese): I was only saying that what Dr YEUNG Sum said just now was not an elucidation of his earlier speech, for what he said is not in his original speech. Do you wish to elucidate the part of your speech which has been misunderstood?

MR JAMES TIEN (in Cantonese): President, when I spoke earlier there were not many Members in the Chamber but Secretary Stephen LAM was here. I would like to clarify the view of the Liberal Party about implementing universal suffrage for the Chief Executive by no later than 2017 and the need to set a high threshold in 2012. The Secretary mentioned earlier the proposals made by the Liberal Party as set out in paragraph 3.15(ii) in page 20 of the report. President, I wish to clarify that in the last part of paragraph 3.15(ii) there is a "Note 25" which included two documents, namely LC30 an LC31. What Secretary Stephen LAM said is only our position in LC30, but he did not talk about our position in LC31. In LC31 we clearly stated our position that we hope to see the implementation of universal suffrage for the Chief Executive in 2012 first and then in paragraph 7, we explained that the "first term" refers to 2012.

Thank you, President.

PRESIDENT (in Cantonese): While the Secretary for Constitutional and Mainland Affairs was speaking, at 7.00 pm, I received a written request from Mr

Andrew CHENG to speak, because he was not in the Chamber when other Members debated the motion. Our debate has lasted for five and a half hours from 1.30 pm to 7.00 pm, but Mr Andrew CHENG has not been in the Chamber the whole time. According to the Rules of Procedure, I cannot disallow his I will not comment on why Mr Andrew CHENG was not in request to speak. This should be explained by Mr Andrew CHENG himself. I the Chamber. believe he should have his own reasons. However, I really do not wish that after all other Members have spoken in the debate on a motion, a Member who is late due to other commitments makes a request to speak, as he or she may comment on the remarks made by other Members earlier. If that Member only states his or her own views in the speech, I do not see any problems for the Member to speak. Nevertheless, according to the Rules of Procedure, I cannot disallow that Member to speak. Mr Andrew CHENG, you may now speak.

MR ANDREW CHENG (in Cantonese): Madam President, first of all, I must say that I am very sorry. I have no intention of altering the Rules of Procedure. But President, you are fair. As can be observed from your remarks just now, you are fair. I have the impression that in the past, you did in some cases allow Members to speak after government officials had spoken. As far as I can remember, on one occasion, you allowed Miss CHAN Yuen-han to speak after the government official concerned had spoken. But you were not upset at that time, and you did not question why she was not present throughout the whole course.

Madam President, as I catch sight of Dr Philip WONG now, I recall that the meeting of the Public Accounts Committee this morning actually ran on until 11.30 am. Of course, even so, I must add that this motion debate had not yet started at that time. But I hope the President can appreciate that Members also have other commitments. We do not have any intention of showing any disrespect for the procedures of this Council, which is why I made a written request to you, begging you, requesting you to allow me to speak.

Madam President, since I was attending another meeting I had been listening to Members' speeches on television, and although I tried to rush back, I still failed to make it. I wish to speak on Members' speeches today Although I could not listen to all the remarks of all Members in this Chamber Well, I am already very clear about the main points made by Members

belonging to the pan-democratic camp. In regard to the remarks of Members belonging to the DAB and the Liberal Party, I, however, wish to say some words in response. The reason is that since the time around 2003 and 2005, we have been hearing the repetition of certain arguments in every discussion on universal suffrage. Some have been arguing that our constitutional system is not yet mature enough, and that there is still a shortage of political talents. In other words, they think that we must still wait for the right time when all conditions are ripe.

However, recently, they have come up with one more reason. I have heard a very strong reason. They argue that everybody must show tolerance of one another, and that the democratic camp must also be held responsible because we vetoed the Government's constitutional package in 2005. I agree to what Mrs CHOW said just now. She took pains to point out that Members belonging to the democratic camp should also be held responsible and consider adjusting their position, instead of merely chanting slogans and refusing to make any compromise whatsoever.

I must first refute the saying that we know nothing but chanting slogans. Madam President, I hope Mrs CHOW can understand one point, the point that on the issue of constitutional development, all political parties in this legislature have actually conducted very detailed analyses and put forward their own proposals. I therefore hope that other political parties and groupings or those Members who do not favour so much the implementation of universal suffrage in 2012 can refrain from accusing Members belonging to the pan-democratic camp of knowing nothing but chanting slogans. Honestly, this is a show of disrespect for us. And, such an accusation can also show that they have not studied our proposals carefully. If they think that our advocacies are mere slogans, then what do they think about the Government's proposals, such as "The Chief Executive election first, to be followed by the Legislative Council election"? Is this not also a kind of slogan?

I therefore hope that Members can all stand on the platform of mutual respect. If they disagree, just say so. But they must not put any labels on the pan-democratic camp. In the past, they once accused us of "opposing China and stirring up trouble in Hong Kong". Then, they criticized us for "opposing for the sake of opposing". Now, they accuse us of only chanting slogans without doing anything concrete. Mrs CHOW was right. Like a lie, a label will become credible after being repeated several times.

Madam President, I agree that the pan-democratic camp needs to carry out a review. Our position on this issue represents the people's strong aspiration to universal suffrage, but how are we going to make a compromise with the Government and the Central Government? However, there is one big fallacy or irony which no one dares to mention. Despite all the grand and loft promises made by the Chief Executive in the election, despite his pledge that he would "do something big" and seek to solve all problems during his term of office, everybody simply turn extremely cautious and do not dare to upset the Central Authorities when they sense that the Central Government is very firm and does not intend to introduce universal suffrage in 2012. I actually find it very sad that I have to use the word "upset". We are all Chinese, and who doesn't love his or her country? Are there any Hong Kong people who are unlike how the Chief Executive described himself having Chinese blood and drinking Hong Kong water? No, all have Chinese blood in their bodies and drink Hong Kong water.

However, I hope that people will not only look towards the north and start to worry that their immediate interests may be adversely affected if they say anything that displeases the Central Authorities. Government officials may worry about the loss of their positions, and those doing business with the Mainland may worry about adverse effects on their business in the Mainland. In this way, everybody feels insecure and grows anxious. In this way, everybody always looks towards the north and "Grandpa", guessing the Central Government's position and formulating his political platform on that basis. This is the deplorable thing about the constitutional development of Hong Kong. This explains why many political parties which used to support the implementation of universal suffrage in 2004, 2008 and 2012 have gradually deferred the dates concerned. Why? Because even the Central Authorities do not think that this is right time, so everybody wants to wait and see.

I believe that this is what makes the pan-democratic camp so different from the ruling coalition and the Government. And, the difference lies with the latter's emphasis on seeking common grounds and compromises. Secretary Stephen LAM, I know what you said. Politics naturally involves compromises. But the kind of compromise you have in mind is different. For how many years must we still make compromise? At the time of the reunification, we hoped that universal suffrage could be implemented in 2008 at the latest. Ten years have now passed. It is now certain that there will not be any universal suffrage in 2008. In that case, how about 2012? People now even say that it will not be

possible to do so in 2012. Then, how about 2017? Madam President, I am not a member of the Panel on Constitutional Affairs. You know, there is also division of labour among Members belonging to the pan-democratic camp. For this reason, I can express my views on constitutional development only on an occasion like this.

In this report, reference to the year 2017 is made only in the last few sentences of paragraph 15, "At the same time, implementing universal suffrage for the Chief Executive first by no later than 2017 will stand a better chance of being accepted by the majority in our community." There is no concrete recommendation, and it is even worse than chanting a slogan. There is no mention of any basic position or thoughts on implementing universal suffrage for electing the Chief Executive in 2017. This is our greatest worry.

Therefore, Madam President, I hope the Secretary can realize that we are not actually against compromises. Frankly, we have been making compromises for many years. But just for how many more years must we continue to do so? He has talked about the rest of his lifetime. He sounded very resolute. LEUNG Kwok-hung immediately asked him how long the rest of his lifetime would be. I am also very interested in knowing the answer. But then, he simply replied that the rest of his lifetime meant the rest of his lifetime. words, the rest of one's lifetime means the number of years that one can continue There are 7 million people in Hong Kong. This means that in the case of a baby born just yesterday I naturally hope that he can see the implementation of universal suffrage in the rest of his lifetime. But the average age of Legislative Council Members is getting higher all the time. the average age is already close to 50, or even higher, so the rest of our lifetime means If I can remember correctly, the average lifespan of women is 78 years It should be 83 years, and it is 78 years for men. Mr Martin LEE is very concerned about such statistics. For he is fast approaching the age, he can remember these statistics. In my case, there are still 20 to 30 years to go. "rest of the lifetime" therefore varies in length from person to person.

Sometime ago, a certain elderly gentleman — Mr HO or maybe Mr WONG, I cannot remember it clearly — wrote, "In the rest of my lifetime,", or "Can I witness the implementation of universal suffrage in the rest of my lifetime?" How about this elderly gentleman, Secretary Stephen LAM? I hope he can realize how we feel about this expression The debate today is very serious, so he cannot respond so thoughtlessly by talking about "the rest of

his lifetime". Years ago, Mrs Regina IP said, "Just believe me. I will not lie to you." His remark is no different from hers, right? In regard to "the rest of the lifetime" — I do not know anything about his health conditions anyway — it may mean vastly different lengths for him, for me and for the elderly gentleman mentioned just now.

I of course hope that all in this Chamber can remain healthy. When I submitted my note to the President just now, I also asked her to remain calm, advising her not to be upset for the sake of her health. I have also been telling myself that there is a need for high EQ in the debates on constitutional development. Over the past few years, I have tried to learn from Mr LAU Kong-wah in particular, and I have benefited a great deal from him. The reason is that I do not want to be labelled by others anymore. I do not want others to criticize us for doing nothing but cursing others and losing our temper. I have tried not to lose my temper as frequently as before. I hope that we can have calm and rational discussions. I hope that the government official who replies to our speeches later, the Secretary or the Chief Secretary for Administration, can tell us for how much longer we must continue to make compromises. Or, they may also do so in the future. For how much longer must we continue to do so in the rest of our lifetime?

Why do we want to have a timeframe? It is because in that case, we can abide by the rules of politics and discuss how we can make any compromise with the Central Government and our SAR Government within the specified timeframe. But such a timeframe is now nowhere in sight. This is very dangerous because all of us will be driven into extremes. This will do no good to Hong Kong people.

Madam President, I hope people will not think that we will do nothing but talking about lofty ideals. We really do not want them to think that way. Also, I must say that unlike how we are described by those who disagree with us, we Members belonging to the pan-democratic camp certainly do not think that we bear any halos, nor do we think that we are the spokesman for justice. The first word in the name "Democratic Alliance for the Betterment and Progress of Hong Kong" is "democratic". So, there is some aspiration here. Years ago, when two members of the Liberal Party ran in direct elections, we also commended them for having the courage to seek the mandate of the people by moving from functional constituencies to direct elections. Therefore, we have

never said that we are always right. No. I hope that Members from different political parties and groupings can really refrain from labelling us.

No one is perfect, nor is any political party. However, I hope that we can all uphold our respective convictions. As a political party of Hong Kong and its people, we must tell the people of Hong Kong that we want to uphold certain principles and convictions, and that in doing so, we certainly see the need for learning how to get along with the Central Government We want to tell them that we are capable of upholding our convictions, representing Hong Kong people and exploring various channels of making compromise with the Central Government. But Madam President, it is impossible to do the third thing here because we even do not have any Home Visit Permits. So, we can only depend on the senior officials of the SAR Government. This explains why we are so concerned about making our views on this issue known to them in the Legislative Council.

Lastly, Madam President, I wish to say a few words on the Chief Secretary for Administration's speech in this Council last week. In the fifth paragraph of this speech, he said, "As for the models for forming the Legislative Council by universal suffrage and how the functional constituencies should be dealt with, views are still very diverse. However, setting the timetable for implementing universal suffrage for the Chief Executive and the Legislative Council can help promote the ultimate resolution of the issues involved." When I heard this Actually, I already wanted to ask a question last week, but my turn to ask a question did not come. It has turned out that a timetable is precisely what we need in order to deal with all the functional constituencies that have aroused so many diverse views. This actually implies that if the Central Government can set a timetable, people will be willing to abolish functional constituencies. In that case, a timetable is really very important, isn't it?

Therefore, if we do not have any timetable concerning 2017, if we do not know whose lifetime is being referred to I hope that the Government can uphold its principle, realize the importance of a timetable and solve the problem of functional constituencies, so that this legislature can make further efforts to bring forth universal suffrage. Thank you, Madam President.

PRESIDENT (in Cantonese): Are there still any other Members who were not present during the meeting but who now wish to speak in this adjournment debate

upon their return to the Chamber? Or, do any other Members wish to speak? Those who wish to speak please raise their hands.

MR LEUNG KWOK-HUNG (in Cantonese): President, may I speak again?

PRESIDENT (in Cantonese): According to the Rules of Procedure, a Member may only speak once on a motion.

MR LEUNG KWOK-HUNG (in Cantonese): But you did ask whether any other Members wished to speak.

PRESIDENT (in Cantonese): Please rise when you speak to the President.

MR LEUNG KWOK-HUNG (in Cantonese): President, I must have got you wrong because you did ask whether any other Members wished to speak. I have got you wrong. I am sorry.

PRESIDENT (in Cantonese): In that case, please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): But I really wish to speak.

PRESIDENT (in Cantonese): Do any government officials wish to reply again?

(The two government officials both shook their heads to indicate that they did not wish to speak again)

PRESIDENT (in Cantonese): I must remind Members that if this motion on adjournment is agreed to, I must declare the meeting adjourned in accordance with Rule 16(3) of the Rules of Procedure. In that case, the meeting shall not proceed and Members shall not continue to deal with the remaining business on the Agenda.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the meeting do now adjourn. Will those in favour please raise their hands?

(No hands raised)

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

(Members raised their hands)

PRESIDENT (in Cantonese): I think the question is not 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 negatived.

PRESIDENT (in Cantonese): Two motions with no legislative effect. First motion: Applying for the inscription of "Hong Kong style cafes culture" as "intangible cultural heritage of humanity".

I now call upon Miss CHOY So-yuk to speak and move her motion.

APPLYING FOR THE INSCRIPTION OF "HONG KONG STYLE CAFES CULTURE" AS "INTANGIBLE CULTURAL HERITAGE OF HUMANITY"

MISS CHOY SO-YUK (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

Known as Asia's World City, Hong Kong leads a life of fast pace. The alternation of the new and the old as well as their decline are so sudden and rapid that they all vanish into thin air long before they can leave a mark on history. No wonder that Hong Kong has always been regarded as a city without root. However, this sense of loss is not a sentiment exclusive to Hong Kong. You may find other big cities in Europe and America look vaguely familiar in a sea of similar malls and streets, packed with either popular brand names or major chain stores in almost every building and loft. It is in times like these that you truly

realize Hong Kong is indeed a world city as all of them share exactly the same intrinsic monotony and boredom devoid of either disappointments or pleasant surprises.

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

However, the spotting of a Hong Kong style cafe at a street corner amid these uniform surroundings naturally make you feel like running into an old friend in a distant land. Apart from rushing straight to "pick up" a cup of "silk-stocking milk tea", has the idea of promoting this culinary culture 100% originated from Hong Kong ever crossed your mind?

Deputy President, I propose the motion today on behalf of the DAB to urge the SAR Government to pursue the inclusion of Hong Kong style cafes culture in the State's list of intangible cultural heritage, and then apply for its inscription on the United Nations representative list of the "intangible cultural heritage of humanity". This proposal is not out of imagination, nor is it an impulse. Actually, after our initial verification, it has been found that this vehicle of unique culinary culture originated from Hong Kong has fulfilled the basic requirements of the 10 criteria, whether in terms of folk custom, uniqueness, vitality, transmission and evolution, for "intangible cultural heritage of humanity".

Honourable colleagues, the cafe in the photo I am now holding is probably the most long-life cafe still operating in Hong Kong. It is at Gage Street in Central, boasting a history of over 50 years. I believe many people working in Central must have been "patrons" of this cafe. The owner is a Mr LAM. He is now in his 80s but still in good health. The cafe has been passed on to his son. It is the second generation called "Yip Tsai" in the photo. The popular "silk-stocking milk tea" was the creation of old Mr LAM years ago. Old Mr LAM used a bag made from material similar to silk stocking to brew tea. Every one of you may have a look.

Hong Kong style cafes are the very local eateries at the very grassroot level. The features of such cafes are not a matter of concern to Hong Kong people. However, when it comes to an organized external promotion, efforts in sorting out and summing up are necessary. To put it briefly, the features of

Hong Kong style cafes include, first, the blending of the culinary cultures of the East and the West. The set menu at lunch time can be either Russian borscht plus braised belly pork with preserved mustard on rice or Chinese double-stewed soup plus spaghetti bolognaise. Everyone can make his own pick. Second, the low price. It just takes several to ten dollars to make a deal that can be afforded by the general public; third, the wide variety of food. Even the menu of a small cafe can offer over 100 choices ranging from congee, rice noodle, egg noodle and rice. For dishes not on the menu, you name them, they can be prepared by mix and match in a very flexible manner; fourth, the interesting jargons that only focus on communication without bothering about formalities. For example, "OT" stands for lemon tea, "handsome boy" and "pretty girl" means "plain rice" and "plain congee" respectively. And terms such as "tea run", "colour add", "fly sand run milk", and so on, always attract a knowing smile.

In fact, along with the mobility of population and spread of culture, it is possible for Hong Kong style cafes to put their roots in the Mainland and even any Chinatown overseas. It is apparent that such cafes have become an original brand created by Hong Kong people. It may even be said that in the eyes of the foreigners, such cafes have been more popular than the flying dragon as they can give a better vivid image of the liberal and flexible attitude of Hong Kong people.

As regards applying for the inscription of the culture of such cafes as "intangible cultural heritage of humanity", the voices of support in the community have been loud and clear. The survey conducted by the DAB this month found that as many as 70% of the respondents gave support to this proposal, and 80% of them will recommend the patronage of such cafes to friends coming from overseas. These responses have shown that the role of such cafes has transcended practical commonplace eateries. Instead, they have turned into eating places best represent the characters of Hong Kong people.

Deputy President, once the proposed application is successful, a positive image of Hong Kong of preserving its local culture will definitely be established in the international community. And it will be conducive to boosting the development of Hong Kong's tourism industry, enhancing the culture of such cafes and catering business, and promoting Hong Kong people's sense of belonging.

It must be stressed that the ultimate objective of such an application is the better protection and transmission of this culinary culture of the people. Other commercial elements such as economic or tourism returns are just by-products of secondary importance. Therefore, it is hoped that the Government will not put the cart before the horse. And the scenario of "focusing on application instead of protection" should be avoided, such as repeating the farces of repackaging traditional culture into ordinary carnivals or flea markets.

Some may think that at present, the business of such cafes has mushroomed. To worry about its decline to the extent of according it protection is no different from carrying coals to Newcastle. However, we only have to look back on the former glory of the "tai pai dong", and compare with its present withering state of only 20-odd stalls left, we would then realize that all worries are not unnecessary under the power of bureaucracy.

In fact, the layout and facade of many of these old cafes have been in some This is not a nostalgic atmosphere painstakingly created state of dilapidation. by the bosses, but the specification of regulations that any renovations and alterations of these old premises must be in compliance with the most updated and stringent health and fire services legislation, which is simply beyond their This example has precisely exposed the blind spot of the SAR affordability. As long as businesses are environmental hygiene-related, they have always been dealt with severely without exception. Any non-compliance has only resulted in a ban. And the department responsible for heritage protection has never given much thought to the issue from the angle of collective memory and cultural transmission. I hope the recently appointed Secretary will reverse the situation and leave such practices in the past. Consideration has never been given to rendering these small business operators proper assistance to enable such culture to pass on. As a result of one department ruling by an iron fist while the other maintaining an indifferent attitude, "tai pai dongs" are fading What is the fate of Hong Kong style cafes?

The SAR Government's lack of enthusiasm for Hong Kong style cafes culture has also been one of the causes for our concern. Even though it is everybody's wish to apply for the inscription as intangible cultural heritage, its success has to depend on a large amount of basic research and studies. However, it seems that the Government has shown not much interest in this living collective memory, even failing to have some very basic information in hand. For instance, relevant data and history, such as the number of such cafes

in different decades, the contribution of such cafes to our economy and the evolution of different types and cooking styles of food with the times, have remained an absolute void which is left to be filled by word of mouth and even hearsay.

Deputy President, of the 518 entries in the first national intangible cultural heritage list released by the Central Authorities last year, Hong Kong has been represented by only two of them, namely "herbal tea" and "Cantonese opera" which were merely a joint submission made with Guangdong Province and Macao.

The DAB is of the view that since the SAR Government has agreed to commission The Hong Kong University of Science and Technology to examine the extent of transmission of the 78 items in Hong Kong with reference to the provincial intangible cultural heritage list released by Guangdong Province, why can the Government not be more positive and go one step further to actively explore some really unique culture "found only in Hong Kong and nowhere else", so as to leave more traces of our local culture with special characteristics?

Deputy President, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has specified that only states parties to the Convention are qualified to apply for the inscription of world heritage with the World Heritage Committee. Therefore, if Hong Kong wishes to do so, permission from the Central Government must first be sought and a relevant inventory will then be submitted to the World Heritage Committee through our country. support our country's comprehensive survey on intangible cultural heritage, it is necessary for Hong Kong to submit an updated representative list to these two bodies each year. Therefore, the DAB urges the Government to expedite the compilation of a local representative list of "tangible and intangible cultural heritage" as well as a database including the "Hong Kong style cafes culture" regarding tangible heritage, Mr CHEUNG Hok-ming will propose a motion at a We hope a designated department will be assigned to follow up this issue and prepare submissions to the State's unit, so as to lead the non-governmental organizations of Hong Kong in carrying out conservation of valuable local culture, landscape and heritage.

Exactly what is in common among the cloisonné enamel of Beijing, Mazu sacrificial ceremony of Fujian, Hakka folk songs of Guangdong and

"silk-stocking milk tea" of Hong Kong? They share no particular connection to date. However, if the Home Affairs Bureau gives its support to this motion, "silk-stocking milk tea" and everything about Hong Kong style cafes that is familiar to us will not only remain the collective memory of Hong Kong people, but also become the typical culture best represents Hong Kong like other traditional handicrafts, folk customs and music representing different provinces and cities.

Deputy President, I so submit.

Miss CHOY So-yuk moved the following motion: (Translation)

"That, as Hong Kong style cafes are commonplace eateries which originated from Hong Kong, and with the mobility of population and spread of culture, Hong Kong style cafes are prevalent among the Chinese communities around the world, this Council urges the Government to recognize the unique local culture of such cafes, assign a designated department to compile an inventory as well as a database of "intangible cultural heritage", including Hong Kong style cafes, and actively pursue with the State's Ministry of Culture the application for the inscription of Hong Kong style cafes as "intangible cultural heritage of humanity" with the United Nations Educational, Scientific and Cultural Organization; this will not only help promote and develop local culture, establish in the international community Hong Kong's positive image of preserving its local culture and boost the development of Hong Kong's tourism industry, but will also be conducive to enhancing the culture of such cafes and the catering business."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Miss CHOY So-yuk be passed.

DEPUTY PRESIDENT (in Cantonese): Mr Tommy CHEUNG 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 Tommy CHEUNG to speak and move his amendment.

MR TOMMY CHEUNG (in Cantonese): Deputy President, I move that Miss CHOY So-yuk's motion be amended.

Deputy President, I would like to thank Miss CHOY So-yuk for proposing the original motion today, as well as treating us to the specialties of Hong Kong style cafes earlier. But I am a bit greedy. I think the treat is short of perfection without my best favourites, "Yuanyang" (half coffee and half milk tea) and pineapple bun with butter.

Deputy President, as the representative of the catering industry, I have no reason not to support the original motion today to urge the Administration to apply for the inscription of "Hong Kong style cafes culture" as "intangible cultural heritage of humanity". One of the operators of such cafes has told me that such cafes are the canteens of Hong Kong people. The patronage of such cafes is a must for experiencing the life of the common people of Hong Kong.

In fact, the development of such cafes into commonplace eateries in Hong Kong is closely related to its history of evolution. Metaphorically speaking, such cafes have evolved from two tributaries, namely "tai pai dongs" and "sorbet cafes". Both of them were the products of the post-war economic boom. Subsequently, they converged and turned into a river flowing to the sea, developing into the flourishing Hong Kong style cafes today.

As we all know, when the post-war economy had yet to fully recover, "tai pai dongs" attracted customers by offering them food of "the best value for money". Therefore, trivial formalities were cast aside. And a wide variety of dishes, Chinese or Western, could be found on the menu, ranging from milk tea and French toast, to Chiu Chow noodles and congee with pork, pork bone or pig's blood, to four-treasure noodle and braised beef brisket in soup, to dishes fresh from the wok such as stir-fried clams in black bean and pepper sauce — Mr LAU Kong-wah seems to be drooling now — to the subsequent Hong-Kong-created "Yuanyang" by mixing coffee and milk tea. And the mix and match "gala point" culture then took shape.

Sorbet cafes, another tributary, were new style eateries offering an imitation of Western cuisine. They were the product of the blending of the culinary cultures of the East and the West, following the craze of Hong Kong people at the time for modelling on the Western lifestyle. These cafes mainly offered shaven ice with red bean, shaven ice with pineapple, milk with water and

Western cakes and pastries. My favourite pineapple bun and pineapple bun with butter were born in such places.

To put it simply, Hong Kong style cafes culture has actually carried on the commonplace setup of "tai pai dongs", the first tributary. Along with the development of the economy, "tai pai dongs", the prototype of such cafes, moved their operation into premises one after another. To enhance their competitive edge, sorbet cafes, another tributary, integrated with "tai pai dongs" to offer a greater variety of food. The two gradually sold similar foods, resulted in their merging into the Hong Kong style cafes today. The eclectic menu of such cafes offered a flexible variety of dishes blending the East and the West.

It is thus clear that the special characteristic of such cafes is to capitalize on Hong Kong's folk wisdom of achieving mastery through bringing everything together by blending the culinary cultures of the East and the West, resulting in the creation of mix-and-match specialties with typical local style. Therefore, the first focal point of my amendment aims to stress that such cafes can "best reflect Hong Kong's culinary characteristics of blending the East and the West".

The above evolutionary processes, on the surface, have been a series of economic activities changing with the times. But in fact, they have also served as the living witnesses of our history and culture. They have marked a new economic development achieved by the struggle of Hong Kong from a post-war refugee society through the historical opportunities provided by the colonial rule and the cultural challenges of the East and the West, as well as a culinary folk culture with special characteristics constructed in a direct line of succession.

Therefore, the second focal point of my amendment aims to specify that Hong Kong style cafes have evolved from "tai pai dongs" and sorbet cafes. And these collective memories carry special meanings for Hong Kong people as they have illustrated the building processes of the humanities values of Hong Kong. Therefore, it is really worthwhile to compile a systematic record for such cafes.

Moreover, it is also worthwhile to compile documentary records for the recipes of the traditional specialties of such cafes to preserve culinary culture with special characteristics. The reason is very simple. The typical specialties

of a place can always best reflect its folk wisdom and traditional art. It is a great pity should they be lost due to replacement by modern technology.

As far as I know, in recent years, an increasing number of non-governmental organizations have actively initiated the collection of information for community studies to avoid the unfortunate loss of the valuable folk wisdom.

For instance, the researchers of the SEE Network, an organization of cultural studies, have told me that the trick of Lan Fong Yuen in brewing its popular "silk-stocking milk tea" is never just "boiling" tea leaves, though this saves a lot of work, because doing so only adds colour to the milk tea and makes it look better. But having a good colour does not mean it tastes better. Instead, the brewing of tea leaves in silk stocking can slowly bring the tea to its finest taste. Miss CHOY So-yuk showed us a photo earlier. I have here a smaller one. You can see this is how "silk-stocking milk tea" is brewed. Secretary, I can give you a copy of it.

I trust that it is not difficult to learn from operators of "tai pai dongs", sorbet cafes and Hong Kong style cafes all the culinary skills developed from the artisan-like drilling of the people over the last half-century. The sole reliance on non-governmental initiatives for information collection will by no means work. However, if the Government can take the lead to keep systematic records of the recipes for these traditional specialties, the succession of folk wisdom will certainly gain momentum, thus rendering assistance to the industry in drawing reference, upgrading the catering business and better promoting the unique culinary culture of Hong Kong people. Moreover, it will be conducive to the development of Hong Kong's local culture and promotion of Hong Kong's cultural tourism.

Although I am not young, I was only a small kid when "tai pai dongs" emerged. I believe many people, just like me, have not had much an impression on such history and folk legacy. Perhaps some of my colleagues have even never been to these eateries.

Take a look at this photo and you will recognize that it is a 50-year-old Hong Kong style cafe in Central. Although its operation has moved into premises, the one and only one tea stall made from tin plates has remained at the

front of the cafe. Mr LAM, the son of the boss, told my assistant that the bench at the front of the cafe was a historical relic, which was used by the "tai pai dong" in the past — as far as I can remember, the usual practice was placing a small wooden stool on a wooden bench. But for this one, a small wooden stool was placed on an iron bench — and it is already 30 years old. Whereas the stool made from wood was not durable and got broken in a short time, this iron bench of theirs has survived 30 years. This is the only one left in Hong Kong. In my view, should these historical relics disappear into obscurity, how can the former taste of "tai pai dongs" be traced?

I have this question for the Administration. Should the preservation of Hong Kong style cafes culture be deemed necessary, is there a greater need to make efforts to preserve the culture of "tai pai dongs", the prototype of such cafes? In fact, in recognition of their being the historical legacy of Hong Kong, this Council has long reached a consensus to support the preservation of the 28 "tai pai dongs", including Lan Fong Yuen. Only that the Administration has yet given us a specific response.

I absolutely agree with the Administration's previous comments that when efforts are made to preserve the *modus operandi* of "tai pai dongs", it is necessary to remove the adverse environmental nuisances by all means. And the approach in the last century must not be repeated. I have frequently pointed out that as long as serious consideration is given to the provision of support measures for "tai pai dongs", hygienic and pollution problems are rectified by technology, and management and beautification works are stepped up, it is not difficult for the Administration to turn "tai pai dongs" into one of the tourism software of Hong Kong.

The Administration may take a look at the street-side ramen stalls in Tokyo, Japan. Similarly, they do not have any toilet facilities. Why has Japan, a country attaching great importance to the quality of hygiene, managed to allow these mobile ramen stalls to survive, but Hong Kong has failed to preserve "tai pai dongs"?

I hope the Administration will stop making excuses and review immediately the licensing system of "tai pai dongs", in order to give the children of the licensees the right of succession, as well as to allow by discretion the business partners of the licensees to continue to operate when it is deemed appropriate, so as to preserve the unique culinary culture of Hong Kong.

Today, we look at history and identity value in a different way. History is no longer stiff words but something living in the existing space, thus creating a co-existence of the past and the present, as well as a blending of the new and the old. Moreover, it can pursue multi-facet development through tastes, images and words so that a local culture with colourful and original characteristics of Hong Kong can be better constructed. From another perspective, it will be conducive to developing the brand effect of Hong Kong in the long run, which will definitely bring an active stimulant to the catering and tourism industries.

Therefore, it is essential to preserve "tai pai dongs" to enable the living proof of the evolutionary process of the intangible cultural heritage of Hong Kong style cafes culture to survive, as well as to allow our living history to pass on. I implore Honourable Members to support my amendment. And I also give my support to the original motion.

Thank you, Deputy President.

Mr Tommy CHEUNG moved the following amendment: (Translation)

"To add "and best reflect Hong Kong's culinary characteristics of blending the East and the West" after "originated from Hong Kong"; and to add "keep documentary records of the historical evolution of these cafes from 'tai pai dongs' and sorbet cafes to the present as well as the recipes for the traditional specialties of such cafes, endeavour to preserve culinary culture with special characteristics so as to enable it to pass on continuously, " after "database of 'intangible cultural heritage', including Hong Kong style cafes, "."

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Tommy CHEUNG to Miss CHOY So-yuk's motion, be passed.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Deputy President, I would like to thank Miss CHOY So-yuk for proposing the motion debate of "applying for the inscription of 'Hong Kong style cafes culture' as 'intangible cultural heritage of humanity'", and Mr Tommy CHEUNG for proposing the amendment.

This is a topic people love to see and hear debated. The motion and the amendment have aimed to urge the SAR Government: To recognize the unique local culture of Hong Kong style cafes and even "tai pai dongs", as well as to pursue with the Central Government the application for the inscription of "Hong Kong style cafes culture" as "intangible cultural heritage of humanity" with the United Nations Educational, Scientific and Cultural Organization (UNESCO).

An application for the inscription as "intangible cultural heritage of humanity" must comply with the specifications of the Convention for the Safeguarding of Intangible Cultural Heritage (the Convention). Therefore, I wish to first give a brief account of the background of the Convention. The Convention has been developed from the UNESCO Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity launched in 2000. In May 2001, a total of 19 items were proclaimed by the UNESCO as "masterpieces of the oral and intangible heritage of humanity", including the Kun Qu Opera of our country. It was the first time ever in history these community cultures with artistic, historical and anthropological values were promoted to be the common wealth of all mankind. Subsequently, the second proclamation of 28 masterpieces was made in 2003, including the Guqin and its music of our country. The third proclamation of 43 masterpieces in 2005 also included the Uyghur Muqam of Xinjiang, as well as the Traditional Folk Long Song, a joint application of our country with Mongolia.

The selection criteria for the "masterpieces of the oral and intangible heritage of humanity" were extremely stringent. And there were intense competition among countries, as well as provinces and cities in China. Nominated cultural heritage had to satisfy six selection criteria:

- (1) demonstrate their outstanding value as masterpiece of the human creative genius;
- (2) give wide evidence of their roots in the cultural tradition or cultural history of the community concerned;
- (3) be a means of affirming the cultural identity of the cultural communities concerned;
- (4) provide proof of excellence in the application of the skill and technical qualities displayed;

- (5) affirm their value as unique testimony of living cultural traditions; and
- (6) be at risk of degradation or of disappearing.

It is thus clear that the threshold for proclamation of the "masterpieces of the oral and intangible heritage of humanity" is very high and the selection procedure very stringent.

In October 2003, the Convention was adopted at the 32nd session of the General Conference of the UNESCO. Article 2 of the Convention has categorically stipulated that, "The intangible cultural heritage means the practices, representations, expressions, knowledge, skills — as well as the instruments, objects, artefacts and cultural spaces associated therewith — that communities, groups and, in some cases, individuals recognized as part of their cultural heritage." And "the intangible cultural heritage includes: oral traditions and expressions, including language as a vehicle of the intangible cultural heritage; performing arts; social practices, rituals and festive events; knowledge and practices concerning nature and the universe; traditional craftsmanship."

In August 2004, with the approval of the Standing Committee of the National People's Congress, China became party to the Convention. Upon the invitation of the Central Government, the Hong Kong SAR Government agreed to the application of the Convention to Hong Kong. On 20 April 2006, it was officially announced by the UNESCO that the Convention came into force as 30 countries had become party to it. After the entry into force of the Convention, the original "masterpieces of the oral and intangible heritage of humanity" were replaced by the "representative list of the intangible cultural heritage of humanity" specified in the Convention. In June the same year, the first ordinary session of the general assembly of the states parties to the Convention was held in Paris, at which representatives of 18 countries (including China) were elected to form the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage (the Committee). In November the same year, the first session of the Committee was held in Algiers, with the primary aim to discuss and formulate its rule of procedure and operational directives. expedite the progress of work, the Committee held extraordinary sessions in Chengdu and Tokyo in May and September this year respectively. Moreover,

another extraordinary session is scheduled to be held in Bulgaria in February 2008. Subject to the completion of the formulation of the rule of procedure and operational directives at the meeting, they will then be adopted and enforced at the second ordinary session of the general assembly of the states parties to be held in Turkey in June next year. To put it simply, to date, the Committee has yet formulated and announced the selection criteria and procedure for application for inscription on the "representative list of the intangible cultural heritage of humanity". Nevertheless, with reference to the above selection requirements for the "masterpieces of the oral and intangible heritage of humanity", we have reasons to believe that the selection criteria for the "representative list of the intangible cultural heritage of humanity" to be announced in future will also be very stringent.

Article 12 of the Convention has stipulated that each state party has to draw up an inventory of intangible cultural heritage and regularly update it to ensure the identification and safeguarding of the intangible cultural heritage present in its territory. As Miss CHOY So-yuk said earlier, since Hong Kong is not one of the states parties to the Convention, our application will be made under the quota of China. Therefore, our proposed entries must be submitted to the Central Authorities. Given the numerous entries submitted by different places in the country for this purpose, whether the entries proposed by Hong Kong can succeed in the inscription application must first await the careful scrutiny of the Central Government.

To tie in with the entry into force of the Convention, the Intangible Heritage Unit was set up under the Hong Kong Heritage Museum in March 2006 by the SAR Government to undertake the specific work in compliance with the Convention. The Heritage Museum is actively planning a comprehensive survey on intangible cultural heritage of Hong Kong with a view to compiling an inventory. And the Division of Humanities of The Hong Kong University of Science and Technology (HKUST) was commissioned by the Heritage Museum in October 2006 to conduct preliminary inquiries and studies.

The report on the studies and findings of the inquiries was submitted by the HKUST in November this year. The HKUST also put forward a number of proposals on the future survey. The report is being examined, and the subsequent studies and plans for the survey are being drawn up. To promote public participation in and recognition of the survey, it is planned that a working

party comprised of experts and academics on intangible cultural heritage, community representatives and other stakeholders will be appointed to advise us on the work progress of the survey, the compilation of the inventory, as well as the transmission, education and promotion of intangible cultural heritage. Given the general concern, I believe consideration will definitely be given to Hong Kong style cafes culture.

Deputy President, I so submit. I am pleased to listen to the views of Honourable Members on this issue.

MR FRED LI (in Cantonese): Deputy President, Hong Kong style cafes culture is indeed a typical culinary culture locally bred in Hong Kong. We created the pineapple bun without pineapple, and add a thick slice of butter to it, it becomes the pineapple bun with butter unique to Hong Kong, and there is the chicken-tail bun having nothing to do with chicken. In addition, soy sauce can be used in Western dishes, and char-siu can go with stir-fried spaghetti. All of these are characteristics of Hong Kong embodied in such cafes which have fully demonstrated the degree of variation and possibility. Any culinary skills, fusion skills as well as mix and match of ingredients, we name it, it can be cooked. To the chefs and waiters of such cafes, any combinations that appear to be strange would never give them any trouble.

Faced with the challenge of the global fast-food chains, the culture of such cafes has not only shown no sign of recession in the present-day Hong Kong but a continuous development and improvement. The footprints of such cafes can even be seen in mainland China as well as overseas Chinatowns in the United States and Canada. In the election of "10 designs best represent Hong Kong" held in Hong Kong, such cafes have ranked first to be the "most typical Hong Kong" design in the eyes of Hong Kong people. The popularity of the culture of such cafes among Hong Kong people is thus all too evident. Such cafes have remained the mainstream of our everyday eateries. A survey found almost 50% of the respondents claimed the patronage of such cafes was their best favourite for dine-out lunch. Therefore, it seems a bit weird to apply for the inscription of the culture of such cafes as "intangible cultural heritage". Apparently, such cafes are bursting with energy, and yet they are going to be a "legacy", and a "legacy" shared by the world too. It is obvious that the business of such cafes

has mushroomed. There are traditional old cafes like Mido, Lai Heung Yuen, and new-style ones such as Ngan Lung and Tsui Wah. Moreover, new dishes have evolved from the old ones, ranging from pineapple bun with butter, milk and butter on toast to Japanese ramen, stir-fried hot-pot beef with Nissin instant noodle. You name it, such cafes can put it on your table, showing the eclectic nature of the menu of such cafes.

If "silk-stocking milk tea" brewed by old masters of traditional cafes is cultural heritage, should new-style cafes with no "Yuanyang" — I believe everyone knows what "Yuanyang" is — be regarded as cultural heritage? Should waiters clad in white shirts and "Chinese canvas sports shoes", and even — though they cannot hold a cigarette by their mouth nowadays — perching a cigarette by their ear in the past and "taking order with a small note pad" be regarded as cultural heritage? However, it is a different story in another type of The waiters there are dressed tidily "in proper attire" and even such cafes. "place order" on a touch screen. Should such practices be also regarded as Therefore, although such cafes seem to satisfy the cultural heritage? requirements of "intangible cultural heritage of humanity", including originality, vitality and transmission (meaning passing it on), some jargons — as quoted by some colleagues earlier — such as "fly sand run milk", and so on — are actually oral traditions and expressions, including language as a vehicle of the intangible cultural heritage, and traditional craftsmanship is demonstrated such as in the brewing of "silk-stocking milk tea" with a skill that is definitely "intangible" and the jargon of "fly sand run milk" can only be "passed on orally". Talking about transmission alone, that is, passing it on, the culture of such cafes has been most naturally evolved when compared with other culinary cultures of Hong Kong. If such culture does become cultural heritage, it will be confined to milk tea, pineapple bun with butter and egg tart and possibly be denied room of timely development in its own nature. Tradition, as the word suggests, is actually a way of life passing on from one generation to the next. It never stays the same. Instead, it keeps changing in the course of transmission. Traditional culture changes along with society because the city itself keeps changing. the protection of the characteristics of local culture is necessary in order to resist the powerful current of globalization. However, just one improper move, the culture will be stereotyped, turning into a living fossil with its vitality strangled. If the culture of such cafes is applied for inscription as "intangible cultural heritage of humanity" for momentary benefit, it will probably be detrimental to

its room of development and authenticity. Therefore, careful consideration is indeed necessary.

I so submit.

MISS CHAN YUEN-HAN (in Cantonese): Deputy President, Hong Kong style cafes have been world renowned for their great variety of food, the blending of the special culinary characteristics of different countries, affordable prices and efficient services, and they have become an icon of the culinary culture of Hong Kong. Not only have they experienced rapid growth in our country, just as mentioned by some colleagues, such cafes can also be spotted everywhere in the streets overseas such as in Tokyo, Taiwan, Toronto and Vancouver. Many of these cafes have even turned into local tourist attractions, such as Be There or Be Square, Longji in Beijing, and Garden Bakery and Tea House and Golden Horse in Vancouver. Therefore, together with my colleagues and friends, I strongly support the application for the inscription of such cafes as intangible cultural heritage. However, besides the application, more importantly, what do we apply for? Exactly why do we make such an application? I think these are questions of importance.

The Convention for the Safeguarding of Intangible Cultural Heritage was adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 2003 because cultural conservation issues before then had mainly targeted at relics and buildings, neglecting the risk of disappearing of intangible cultural heritage of many local traditions in developing countries due to the effects of globalization. Therefore, the definition of cultural heritage was extended to five categories, namely oral expressions; performing arts; social practices, rituals and festive events; traditional craftsmanship; folk knowledge and practices concerning nature and the universe. The Secretary gave us a brief account on this earlier. Cultural heritage inscribed must be created by the community in response to its environment and history, with a transmission value for the community but at risk of disappearing and in need of protection. This has given us a very clear idea of the rationale behind it.

Therefore, some may point out that: As Hong Kong style cafes have been mushrooming, how can they be regarded as being at risk of disappearing and in need of protection? In fact, as the culture represented by such cafes is not examined from the prospective of the cultural development of Hong Kong,

misunderstanding about the matter of protection and the significance of preservation has resulted. I think these issues can be subjects for discussion.

The earliest Hong Kong style cafe was Lan Heung Kwok opened in Similar to sorbet cafes, it was an eatery providing an imitation Central in 1946. of Western cuisine at affordable prices for the masses. It was complementary to the high-class restaurants offering proper Western cuisine at the time. Subsequently, thanks to the mercurial and eclectic nature of Hong Kong people, as mentioned by some colleagues earlier, along came the creation of pineapple bun, pineapple bun with butter, chicken-tail bun, stir-fried instant noodle, "silk-stocking milk tea", char-siu with spaghetti in soup, and so on. And a wide range of fusion dishes was offered. Among them, chicken-tail bun was a recreation of left-over bread crumbs and sugar that people enjoyed with relish. And "silk-stocking milk tea" was brewed by filtering low-priced tea leaves with fabric for quilted coats to have its taste improved. To suit the quick pace of life, special practices were developed, such as random sharing of tables, no service charges, paying the bill at the cash register, as well as the use of jargons as mentioned by colleagues earlier, for example, "run ice", "run green", "fry bottom", "add bottom" and "fly sand run milk". It is pointed out in "intangible cultural heritage" that the heritage itself should illustrate the unique cultural state of a place. And the culinary culture developed from such cafes can precisely demonstrate the spirit of "necessity leads to changes, and changes lead to prosperity" shared by the common people of Hong Kong. I think this is most And I very much hope that it will be a subject for examination. think the spirit of "necessity leads to changes, and changes lead to prosperity" has been a matter of substance among Hong Kong people over the last 10 years after the reunification. And such cafes have been the icon of this spirit.

Therefore, I have reservations about Miss CHOY So-yuk wrapping up her motion with the boosting of the development of tourism industry and the upgrading of such cafes. It is because the application for the inscription of such cafes as "intangible cultural heritage" should aim not only at boosting the development of tourism industry, but also making the Government appreciate that the protection of local culture serves the purpose of respecting people's life behind the culture. As defined by the UNESCO, the transmission of "intangible cultural heritage" means not only establishing community identity, but also promoting respect for cultural diversity. And cultural diversity covers not only high-brow culture presented in concert halls and museums, but also various matters emerged from the life of the people. The promotion of

inscription with a view to conservation has also served as a reminder of appreciation, tolerance and understanding. In addition, the spirit of "necessity leads to changes, and changes lead to prosperity" I mentioned earlier is actually a special feature of Hong Kong. And some may even say it depicts the character of Hong Kong people.

Regarding sorbet cafes and "tai pai dongs" that at first can equally represent the culinary culture of the common people of Hong Kong, the former have almost been eliminated due to economic development, and the latter have faced a gradual ban by the Government on grounds of difficult management and hygiene nuisances. In this regard, frankly speaking, I think "tai pai dongs" merit the reconsideration of the Government. In fact, they are a form of small business, which have become a great favourite with visitors from overseas. Regarding their development, I think it merits studies by the Government and the Home Affairs Bureau. Deputy President, such cafes are small businesses. a glance, the foods offered by different cafes are more or less the same. However, decade-old cafes having established a solid foothold at every corner of the neighbourhood have always created their own specialties, such as the milk tea of Lan Fong Yuen in Central, the pineapple bun of Kam Wah and the egg tart of Kam Fung. However, in our old communities nowadays, such small businesses are gradually disappearing. Hong Kong style cafes run by chain groups may offer similar types of food, but the spirit of such cafes we mentioned earlier no longer exists. I must stress that various specialties were created by their own efforts to tie in with the development of society. They can never be replaced by chain food shops that are simply copycats. Such shops have represented neither our special characteristics nor the spirit of Hong Kong people.

Therefore, although I support Miss CHOY So-yuk's motion, I wish to outline the explicit reasons for the application for the inscription of such cafes as "intangible cultural heritage of humanity". Most importantly, it is the respect for the spirit behind the cultural heritage, as well as the respect for the life of the people that fosters the spirit. I wish the Government will pay due attention to this issue and not simply respond by saying such an application is very complicated and depends on our State. If lobbying of mainland officials is necessary, we will form groups to introduce the culture of such cafes, their development and the reasons behind their many stages of evolution (*The buzzer sounded*)

MISS CHAN YUEN-HAN (in Cantonese): This merits our discussion. Thank you, Deputy President.

MS AUDREY EU (in Cantonese): Deputy President, the motion proposed by Miss CHOY So-yuk today aims at applying for the inscription of Hong Kong style cafes culture as "intangible cultural heritage". With this motion, on the one hand we are very pleased, but on the other we are quite worried. For the first half of the motion, I believe we are pleased by just listening to it. And we agree that Hong Kong style cafes are prevalent among the Chinese communities around the world and they are our unique local culture. I believe Hong Kong people will agree to it. However, should the culture of such cafes be regarded as heritage, such that an application should be made for its inscription and preservation? Is it a consensus among Hong Kong people?

"Heritage", as the word suggests, is culture at risk of disappearing. But the point is Hong Kong style cafes are "hardly dead". Many Hong Kong people are patrons of such cafes every day. And such cafes have mushroomed. As mentioned by many colleagues, such cafes offer a wide variety of food and very efficient services. Miss CHAN Yuen-han even quoted the saying of "necessity leads to changes, and changes lead to prosperity" which has precisely reflected the combatant spirit of Hong Kong people.

In fact, 695 people were interviewed in an opinion poll on Hong Kong style cafes culture conducted by the DAB. And a total of nine questions were asked, in which only one was related to the application for inscription as cultural heritage, that is, the motion proposed today. That question was, "Do you agree to the application for inscription of Hong Kong style cafes culture as the United Nations 'intangible cultural heritage of humanity'?" Deputy President, such an application is indeed a matter of great significance. Moreover, the United Nations Educational, Scientific and Cultural Organization (UNESCO) has defined "intangible cultural heritage" in a most meticulous manner. stipulated in the Convention for the Safeguarding of Intangible Cultural Heritage (the Convention) that intangible cultural heritage means "the practices, representations, expressions, knowledge, skills — as well as the instruments, objects, artefacts and cultural spaces associated therewith — that communities, groups and, in some cases, individuals recognize as part of their cultural This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity." The Convention has stated that not only a sense of identity but also continuity must be involved. Therefore, before lodging an application, the support of a large amount of literature, expert opinions and studies is necessary. Findings of a few telephone polls definitely not suffice.

Deputy President, such an application is actually an undertaking. Convention aims at safeguarding the original state of different traditions to avoid the gradual disappearance of cultural diversity due to globalization. Kong plans to lodge such an application for the culture we take pride in, it implies the criteria for the protection of cultural heritage of Hong Kong have converged with the international standard, which is good in itself. However, what exactly is the current conservation policy of Hong Kong? In fact, as far as we can see, the Secretary has been acting like a fire services captain. he spots a fire, he goes and puts it out. For instance, in the cases of King Yin Lei, open-air bazaar of Tai Yuen Street/Cross Street, old Wan Chai Market, Queen's Pier and Haw Par Villa, the issues were dealt with in haste only when "imminent danger" arose, which has revealed our lack of initiative in cultural At this stage, is it possible for us to suddenly lodge an conservation. application for the inscription of Hong Kong style cafes culture as intangible cultural heritage?

In fact, everybody is aware that the success of such an application is not necessarily good. For instance, both the Secretary and Miss CHOY So-yuk mentioned earlier the herbal tea of Guangzhou. Although it has succeeded to be proclaimed cultural heritage, only 18 herbal tea brands, 21 herbal tea enterprises and 54 herbal tea esoteric recipes have been declared authentic. The rest are called "plant extract drinks". Even the herbal tea from Wuzhou, Guangxi, known as the origin of herbal tea, has to change its name. Therefore, before lodging an application, an enormous amount of groundwork is essential. If it is not exhaustive, such an application will turn into something bad despite all the good intentions. And the opportunity for diversified development of such cafes in Hong Kong will be killed.

The Civic Party strongly supports the proposal of Miss CHOY So-yuk in the original motion for the compilation of an inventory and a database of intangible cultural heritage of Hong Kong. However, identification and

documentation are just two most basic steps in the protection of cultural heritage. According to the Convention, "safeguarding" means measures aimed at ensuring the viability of intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage. However, practically no efforts in "research", "preservation" and "protection" can be found in the existing conservation policy of Hong Kong. Therefore, we think the Government of Hong Kong has a lot to catch up with in the various aspects of cultural conservation. In the case of applying for the inscription of such cafes as cultural heritage at this stage, we are afraid it is a case of "beginning to run before learning to walk". In fact, in our view, there are a number of important items of culture in Hong Kong that are in need of preservation. before they are taken care of, we think the very flourishing Hong Kong style cafes culture can wait. This is the reason why the Civic Party has reservations about this motion.

Moreover, the most crucial and key wordings of the original motion are "assign a designated department" to compile a database including Hong Kong style cafes. We are also concerned about this suggestion of drawing up plans behind closed doors. It goes without saying that these issues must always involve public participation and not a designated government department. Therefore, regarding this motion, although we understand and strongly support that such cafes are part of the culture of Hong Kong, we have reservations about the key issue, that is, whether an application should be made for the inscription of such cafes as cultural heritage. And this is exactly the reason why the Civic Party will abstain from voting on both the original motion and the amendment. Thank you, Deputy President.

MR LI KWOK-YING (in Cantonese): Deputy President, as the old saying goes, "Food is people's paramount concern." And this is especially true here in Hong Kong. As Hong Kong is known as the gourmet paradise, eateries can easily be found either in big streets or small lanes. Among the various options offered by snack shops, Hong Kong style cafes and recently-emerged fast food chains, patrons must be able to find something they like. However, among the different types of eateries, Hong Kong style cafes have provided an all-embracing menu blending the East and the West, offering everything from congee, rice noodle,

egg noodle to rice. And these have exactly been the special characteristics of such cafes. Since such cafes represent the culinary culture of Hong Kong, we hope to apply for the inscription of Hong Kong style cafes as "intangible cultural heritage of humanity" to promote and preserve this unique local culinary culture.

In fact, it is far from exaggerating to say such cafes are an icon of our local Our social culture has always been well-known for its blending of the East and the West, its image of the daily life and its popular nature. Many relevant examples can be found in such cafes. For instance, the patrons of such cafes are not limited to the grassroots, but also office workers dressed tidily and fashionably, particularly in the business district around Central. Thus, the special feature of such cafes of blending the refined and popular tastes has been Of the food of such cafes, no more need be said. A wide variety of specialties of the East and the West and even different countries are offered. And such cafes are experts on the mix and match of specialties of different The best examples are Chinese char-siu matched with Western spaghetti and Western-styled pork chop matched with Japanese Nissin noodle. To meet the various needs in consuming different specialties, both Eastern and Western cutlery such as chopsticks, knives and forks are available in such cafes. I believe this unique crossed culinary culture can only be found in Hong Kong style cafes and nowhere else.

Deputy President, such cafes are highly regarded by Hong Kong people. In the online election of "10 designs best represent Hong Kong" organized by Radio Television Hong Kong in 2004, such cafes stood out from the 50 designs with local characteristics to become the number-one. The cultural value of such cafes in the eyes of Hong Kong people can thus be shown. Moreover, the "live brand" of Hong Kong style cafes has succeeded in spreading its wings beyond Hong Kong in recent years. The culture of such cafes has been promoted in the Mainland by some Hong Kong businessmen. Various so-called Hong Kong style cafes have been opened in big and small cities in the Mainland, attracting a large clientele. It has thus shown that, being a major feature of our culinary culture, the specialties of Hong Kong style cafes carry a popular appeal.

Apparently, Hong Kong style cafes are not only part of our life, but also an icon of the unique cultural characteristics of Hong Kong. They have even become part of our collective memory. I have kept stressing here the special features and uniqueness of such cafes in the hope that the general public and the SAR Government in particular will attach more importance to and further promote the development of such cafes.

Some may find it strange that, as Ms Audrey EU said, such cafes, big and small, have been doing business as usual in the neighbourhood, why is it necessary for us to pay special attention to their development? I hope people will understand that the survival and development of such cafes in the local community is not of life. Please imagine: "Tai pai dongs" that grew up with many of the Hong Kong people in the past have been dwindling due to urban renewal and the restriction of stringent hygiene standards. The majority of them have been winded up. Some of them have been relocated to cooked food markets inside municipal services buildings. And only a small number of them have managed to remain by luck.

It is an indisputable fact that fast food chains have emerged in recent years, aimed at the provision of quick services, variable options and better hygiene conditions, in order to satisfy the increasingly high culinary standard expected by Hong Kong people. Given the high costs and competition with large consortia, the sole reliance on affordable prices and a wide variety of food probably no longer holds the final card for the appeal of such cafes. It is predictable that the environment for the survival of such cafes will become increasingly harsh. No one can say for sure that some day such cafes, like "tai pai dongs", will not be gradually marginalized in the local culinary culture, and even eliminated eventually.

Then why are such cafes connected to the application for the inscription as "intangible cultural heritage of humanity"? I wish to explain by citing the example of Guangdong herbal tea quoted by Ms Audrey EU earlier. Guangdong herbal tea, a national intangible cultural heritage now, almost faced the risk of a total recall years ago due to the alleged use of illegal herbal ingredients by traders. It is at this critical moment that the "Guangdong Cultural Heritage of Food Identification Committee" officially declared different enterprises, brands as well as esoteric recipes and jargons of herbal tea as Guangdong cultural heritage of food, enabling Guangdong herbal tea to escape a deplorable end.

Of course, when compared with Guangdong herbal tea, Hong Kong style cafes have seen better development. And they have yet been rejected by patrons due to poor quality. However, given the uniqueness of such cafes and

their connection with local culture, it is hoped that the Administration will learn from the experiences of other places to make an early application for the inscription of Hong Kong style cafes as cultural heritage, in order to accord such cafes the greatest protection, and properly preserve the culinary history and culture, as well as the collective memory of such cafes for our next generation.

Deputy President, I so submit.

MR WONG KWOK-HING (in Cantonese): Deputy President, I strongly support the motion proposed by Miss CHOY So-yuk today because I believe Hong Kong people will generally agree that Hong Kong style cafes is part of our life, as well as a culinary culture with local characteristics. Personally, I have deep feelings for such cafes as I remember I had my first date with my wife in such a cafe on Canton Road. Even now I cannot separate myself from such cafes. My wife and I can be considered a "no meal couple". My wife does prepare meals. But it is me who do not have time to go home and enjoy them. She also does make soups. As I often have to work outside, such cafes have become an indispensable part of my life. I think the motion proposed by Miss CHOY has reflected a special feature of the life of Hong Kong people. Therefore, it is most meaningful.

Deputy President, why have I said Hong Kong style cafes can represent our local characteristics? This is because from the food provided by such cafes, we can see the meeting of the East and the West. And the demand of speed from patrons has reflected the quick mind of the makers. For instance, we can have a taste of different local flavours in such cafes, whether they are congee, rice noodle, egg noodle or rice; whether they are fried, deep-fried, stewed, double-boiled or braised; whether they are salty, sour, bitter or spicy. Therefore, such cafes are really a place where the East meets the West, where both Chinese and Western dishes are offered.

The example that best represents Hong Kong style cafes, as mentioned by our colleagues, is "silk-stocking milk tea". Should foreigners be told of such a drink, they can hardly imagine how ladies' silk stocking can be made into a bag for tea leaves, being pulled up and down. It has thus shown that this is not the tea-brewing method in the rest of the world. Instead, it is a unique flavour of Hong Kong. Should foreigners be told of our "silk-stocking milk tea", I believe it is far beyond their imagination.

Another feature of such cafes is their quick services as patrons have to scramble for time, which reflects the very stressful life of Hong Kong people who are always racing against time. Moreover, the food prepared by such cafes is of a wide variety. From these features, we can see that Hong Kong style cafes themselves have always pursued variation, transformation, creativity, flexibility and improvement in their provision of food.

Deputy President, apart from being a culinary culture with local characteristics, Hong Kong style cafes are a people's culinary culture developed from the bottom to the top. The emergence of such cafes dates back to the post-war Hong Kong. The general public at the time could not afford the spending in a formal Western restaurant as the bill was really too expensive. From then on, the operation and recipes of such cafes began to disperse among the people. With the kick-off of "tai pai dongs", some quick, affordable and convenient dishes were produced for everyday consumption by the grass-root people.

This ordinary culture has enabled the economic activities of Hong Kong to maximize their proper roles. Local community economic activities developed among the grass-root people, such as open-air bazaars and itinerant hawkers, naturally became the breeding ground for local culture. I think the Government should give them a helping hand instead of suppressing and nipping their development.

The discussion on Hong Kong style cafes culture has led to this issue. What I mean is the Government should assist instead of destroying these local economic activities of culinary culture that have made contributions to Hong Kong. For instance, regarding the hawker policy, the bazaar around Tai Yuan Street and Cross Street would have been eliminated but for the fight of the various sectors. As a result, the bazaar there is now able to be preserved. I have quoted this example to illustrate that this is a very important issue.

Another example I wish to quote is the mobile ice-cream vendor business which has also grown up with the Hong Kong people. At present, only 30 such vehicles have remained in Hong Kong. But the Government has always refused to review the relevant licensing policy. Operators of such vehicles have been forced to assemble at the area around the five flag poles in Tsim Sha Tsui at 7 pm on the 21st, that is, two days' away, to hold a candle-light vigil to bid farewell to Hong Kong. Therefore, I very much hope that the Government will rescue this

economic activity of local culture like what it has done to Hong Kong style cafes instead of having it cracked down.

(THE PRESIDENT resumed the Chair)

Moreover, we can also learn from the culture of Hong Kong style cafes that the Government should render assistance to such small businesses to give them living space because, after all, they are different from restaurants run by enterprises. Those restaurants do not offer patrons much choice of food while small cafes provide diversified and convenient services. I think this motion has brought up the issue of our policy and approach towards small businesses, which is also a matter of great importance.

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

MR WONG YUNG-KAN (in Cantonese): Madam President, I have an elder brother who is now running a Hong Kong style cafe in Tai Po. Please do not misunderstand that I take the opportunity of today's motion to do some publicity for him. I only wish to declare my interest before I properly speak on the motion.

If time allows, I would always like to go to my brother's cafe to have breakfast every morning before I start my day's work. In the afternoon, after meeting or talking business with people in my industry or from the districts, I often go to such cafes in the neighbourhood to have a cup of milk tea or coffee. Over the years, I have regarded this as an ordinary habit in my daily life. Subsequently, after taking a look at the post-industrial society of Hong Kong, I found that many retail and service outlets in the market have been replaced by chain stores run by large consortia. Everywhere you go, the facade is the same, the uniform is the same, the smile of the staff is the same, and the product is made from the same formula, but individual characters are nowhere to be found. The same applies to the catering industry. Only Hong Kong style cafes have remained bursting with vitality. Although the market is flooded by chain fast food shops, hamburger restaurants and cafes, Hong Kong style cafes have so far been prevalent in different neighbourhoods in Hong Kong Island, Kowloon and the New Territories. People can always find one nearby. New Hong Kong

style cafes have kept mushrooming, attracting new customers. And although the old ones are shabby in their facade and furnishing, like old steeds with high ambitions, they have kept their own pools of loyal customers, particularly in old housing estates. In the past three decades, there was a scene of prosperity on Connaught Road West in Sheung Wan due to the gathering of coolies, boat people, warehouses and the people's nightclub. Although such a scene has vanished along with the reclamation, several Hong Kong style cafes on the roadside have remained doing business in a leisurely pace. In some old streets in Wan Chai, the shops have been ever-changing like floating clouds and running streams. But several old-brand cafes have retained their own fans, old or new. Those cafes have even become part of our collective memory. Every cafe has its own special characters. And the incidents and patrons there have become stories themselves telling us the vicissitudes of life. It has turned out that Hong Kong style cafes have developed into a brand of Hong Kong.

Madam President, although Hong Kong is renowned as the gourmet paradise, I believe the specialties of Hong Kong style cafes are not counted. Wealthy families will not treat their friends there. And consortia will not entertain their business partners there. Such cafes are just eateries for the common people. However, only in this way can such cafes reflect the special characteristics of the folk culture of Hong Kong.

Hong Kong style cafes can best reflect that Hong Kong is the meeting place of the cultures of the East and the West, and that the business style of Hong Kong people is flexible and creative. Mix-and-match is the special feature of such cafes. For instance, milk tea mixes with coffee to form "Yuanyang"; tea, soft drink or honey added with lemon to form lemon tea, lemon coke or lemon Aloe vera has even been used by some cafes to create a new type of honey. Their response has been flexible and quick. Different specialties can also be created by Chinese meatball, wonton, ox offal, pork chop and five-spice As mentioned by Miss CHOY So-yuk earlier, pork-chop bun has diced pork. also become one of the specialties. The mix and match of Western food is also on offer, such as the random matching among sausage, ham, bacon and luncheon meat, which are equally popular among the public. With the long-term efforts in keeping up the business and the consistent hard work and experiment of the chefs, individual cafes have eventually created specialties of their own. However, such specialties are not delicate, high-end food, but just "silk-stocking milk tea", pineapple bun with butter, egg tart and chicken-tail bun at affordable prices.

Hong Kong style cafes have become an indispensable part of the work and life of the general public. For instance, workers in the building industry would rather have no day offs than missing their afternoon tea at "a quarter past three" every day in such cafes nearby. If there were no such cafes, agents rushing about all day would have nowhere to take a break, many horse-racing fans would become "squat guys" at the roadside, and a lot of retirees would have nowhere to go.

The services provided by the waiters of such cafes may not necessarily be polite and attentive. But it does not really matter as every patron has set his mind on eating, not their display of etiquette. Besides, they would never interfere with the posture and attire of the patrons. Moreover, they are extremely nimble, clearing tables speedily to make room for patrons. And after placing an order, the food will be served quickly.

Given all these special characteristics, and along with the mobility of population and spread of culture, Hong Kong style cafes have become prevalent in different major cities in the Mainland, and overseas Chinese have passed on the tradition of such cafes to every corner of the world. Therefore, Madam President, I think this motion merits our support.

MR SIN CHUNG-KAI (in Cantonese): Madam President, Mr WONG Yung-kan said earlier he had to declare an interest because his brother is running a Hong Kong style cafe. I also have to declare an interest as some of my cousins and my auntie are running such a cafe too.

The origin of such cafes dates back to the period before the Second World War. In some of the residential areas of Hong Kong, there were a number of "tai pai dongs" that mainly offered Chinese breakfast such as fried fritter and char-siu bun. After the War, Hong Kong was under the influence of the Western lifestyle. At the time, only high-class restaurants served Western cuisine. But they charged high prices and Chinese patrons were not welcome. Therefore, in order to enable more people to enjoy Western food at an affordable price, sorbet cafes and Hong Kong style cafes emerged in succession. At first, sorbet cafes mainly offered such drinks as coffee, milk tea and shaven ice with red bean — Madam President, shaven ice with red bean was my childhood favourite. And my father always treated me to it — and snacks such as sandwich and milk and butter on toast. Some sorbet cafes had their own

bakeries producing freshly-baked pastries blending the local and Western flavours such as pineapple bun and egg tart. Subsequently, the variety of food offered by sorbet cafes increasingly widened, and they gradually evolved into today's Hong Kong style cafes.

We can learn from this evolution that Hong Kong style cafes are not the only representative of the culinary culture of Hong Kong. We still have "tai pai dongs" and sorbet cafes, as well as various street-side local snacks such as noodle with pork lard, mini egg puff and fish ball, which also fully reflect the special characters of Hong Kong. Among them, some have remained popular favourites. But some have gradually disappeared without anyone mentioning The United Nations Convention for the Safeguarding of Intangible Cultural Heritage aims to safeguard as far as possible the original state of various cultural traditions to avoid the gradual disappearance of cultural diversity of the mankind in the process of globalization. According to Prof TAN Yuanheng of the South China University of Technology, who has taken part in the compilation of the Guangdong Province intangible cultural heritage representative list, the list has undergone an all-round examination from four aspects, namely historical and cultural value, scientific value, Chinese cultural creativity example and More importantly, the intangible cultural heritage items representativeness. must be at risk of disappearing. Therefore, the declaration of cultural heritage of humanity aims to first safeguard traditions of classical art no longer compatible with the current trend and abandoned by the public, as well as to safeguard little traditions and sub-traditions at risk of disappearing such as the cultural and entertainment space of traditional life, to avoid their extinction by the erosion of modernization and globalization. Therefore, relative to the application for the inscription of Hong Kong style cafes culture as intangible cultural heritage, prior consideration should be given to the preservation of items of culture at risk of disappearing as well as their history.

If Hong Kong style cafes become "intangible cultural heritage", it is possible that a number of culinary cultures will rush to try to do the same. Then people may ask, "Now do you look down on my stir-fried dishes fresh from the wok? Do you look down on my fish ball, fake shark's fin soup?" There are a lot of specialties in Hong Kong stewed in a rich culture. It will be disastrous if each one of them tries to lodge such an application. Between the grid waffle and the mini egg puff, which one can better reflect the colourful culture of Hong Kong? Moreover, in the event of successful inscription, does it mean the

possibility of future evolution will be eliminated? It may have the adverse effect that only certain stir-fried style will be regarded as the authentic culture of such cafes, just like the example of herbal tea cited by Mr LI Kwok-ying. Of course, he gave the reason that a variation of herbal tea had been put on market, that is, the sale of fake herbal tea. However, in the case of inscribing such cafes on the official list, complicated work will be involved such as giving them a definition and putting on record their recipes. I wish Miss CHOY So-yuk will respond to these issues later.

Therefore, the point is actually not whether to apply for the inscription of Hong Kong style cafes culture as intangible cultural heritage. Every day, we will keep ordering breakfast set, constant set, special set and afternoon set, as well as taking egg tart, pineapple bun with butter, coffee, milk tea and "Yuanyang". The status of intangible culture heritage will not give such food a The important point is whether our mentality has changed, and whether we have the awareness of preserving the cultural heritage of all For instance, as the Liu Ying Lung Study Hall in Sheung Shui is not a statutory monument, the villagers funded the \$5 million restoration project out of their own pockets for the celebration of the Da Jiao Festival held once every The restoration project, however, has won the award for culture heritage conservation of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Therefore, to preserve culture, we must first respect history and the value of the culture itself. If excessive emphasis is placed on the idea of "development is the only means of protection", not only will it not help the protection, development and promotion of cultural heritage, it may even possibly degrade the cultural tradition handed down by our ancestors. practice of putting the cart before the horse will change cultural tradition beyond recognition. The failure to maintain its original state runs counter to the principle of the UNESCO, as well as the original intention and vision of heritage conservation.

Madam President, the Democratic Party will abstain from voting on this motion today. However, I must state that it does not mean we have no devotion to Hong Kong style cafes. We give our support not by motion but by mouth, that is, we do not just talk but actually eat the food of such cafes. Miss CHOY So-yuk, I helped myself to the sandwiches prepared by such cafes you treated us in the Ante Chamber. And I had quite a lot of them. However, it is a pity that we still have to abstain.

Madam President, lastly, I wish to say that whenever my son comes back to Hong Kong from his studies in the United States, he will certainly ask me to bring him to a particular cafe to have its curry dishes. As far as I know, that cafe is popular among locals and even overseas visitors. In fact, Hong Kong style cafes have been mushrooming instead of withering. If you go to Vancouver, Toronto, Shanghai and Beijing, you will know that the popularity of such cafes has been prevalent worldwide.

PRESIDENT (in Cantonese): Honourable Members, it is now almost 9 pm. I do not think we can finish the Agenda today before 12 midnight. Therefore, upon the completion of this motion debate, I shall suspend the Council until 9 am tomorrow.

MR WONG TING-KWONG (in Cantonese): Madam President, it may be said that Hong Kong style cafes are closely related to our daily life. From having breakfast set A, B, C or D before going to work; to having constant set, special set or quick set at lunch time; to satisfying the desire of having a drumstick and salad with hot coffee or iced coffee at afternoon tea time at "a quarter past three"; to having steaming hot rice in clay pot at dinner time; to having various types of noodles at supper time, all such food is available in a Hong Kong style cafe.

Such food has blended the culinary cultures of the East and the West. The mixing of the essence of both cultures has enabled not only creativity but also variety. There are Hong Kong-styled dishes such as stir-fried sliced beef with rice noodle, stir-fried diced chicken with salty fish on rice, fried sausage and egg on rice, and char-siu spaghetti in soup; hometown-flavour dishes such as ma po tofu on rice, fried rice in Fujian style, and fried rice in Yangzhou style; international-flavour dishes such as Malaysian fried kwae teow, Singapore fried rice vermicelli, Nasi Goreng, and curry chicken. In recent years, fried instant noodle has become very popular, such as stir-fried five-spice diced pork with Nissin instant noodle and stir-fried sliced beef and bitter melon with Nissin instant noodle. As regards drinks, there is the most typical one of mixing milk tea and coffee, that is, the well-known "Yuanyang"; "silk-stocking milk tea" with no sugar and evaporated milk but condensed milk added is called "tea run", as well as "hor lick", that is, Horlick, "wah tin", that is, Ovaltine, shaven ice

with red bean, tea with lemon and water with lemon. The latest creation is "lemon ben". Madam President, have you ever heard of it? It is actually Ribena with lemon. Moreover, there are chicken-tail bun with no chicken and pineapple bun with no pineapple. When a slice of butter is added to the pineapple bun, it becomes the most savoury pineapple bun with butter. Of course, we cannot forget egg tart and coconut tart. Some cafes even have a barbequed food section. And some offer Thai-styled noodle and Japanese ramen. Such cafes have everything one could wish for.

Although Hong Kong has weathered a lot of storms, such cafes have kept abreast of the times, standing erect so far. When the economy of Hong Kong experienced a slump several years ago, the business of various trades and industries faced considerable difficulties. Many eateries such as restaurants and coffee shops could do nothing but wind up. Only the popular operation of Hong Kong style cafes still won public support. Of the 700 respondents of an opinion poll on the degree of devotion of the public to Hong Kong style cafes conducted by the DAB from the 3rd to the 12th of this month, 75% were patrons of such cafes in the past month; 80% said they would recommend such cafes to friends coming from overseas, and almost 70% agreed to the application for the inscription of the culture of such cafes as the United Nations "intangible cultural heritage of humanity". These findings have reflected the important status of such cafes in the eyes of the people among the eateries in Hong Kong. Therefore, we propose that the SAR Government should actively pursue with the State's Ministry of Culture the application for the inscription of Hong Kong style cafes culture as "intangible cultural heritage of humanity" with the United Nations Educational, Scientific and Cultural Organization (UNESCO), in order to enhance the protection and promotion of such culture. It is believed that this will not only help establish in the international community Hong Kong's positive image of preserving its local culture, but also boost the development of Hong Kong's tourism industry.

We can learn from the experiences of Macao. The Historic Centre of Macao succeeded in the inscription on the UNESCO World Heritage List in 2005. Subsequently, the Macao Government Tourist Office launched the 2006 Macao World Heritage Year to hold different functions in both the local and other tourism markets, in order to promote the Sino-Portuguese quintessence of culture embodied in Macao for over 400 years. This year, Macao even won the 2007 Grand Award for Heritage of the Pacific Asia Travel Association for its

promotion project of the World Heritage Year. The Association stated that the promotion project had advertised tourism resources of Macao other than gambling and entertainment, succeeding in enhancing the economic value of cultural heritage to Macao.

Similarly, apart from bringing visitors to Hong Kong to the Disneyland and the Ocean Park, as well as to sample specialties of different countries and places and shop for various brands, the tourism industry can further introduce tourist attractions and historical culture with alternative features to allow visitors to have an understanding of local customs and culinary cultures, such as trips to local bazaars, local produce outlets, as well as walled villages in the New Territories to enjoy classical Chinese buildings with special style and typical local specialties. Not long ago, Mr James TIEN, in his capacity as the Chairman of the Tourism Board, brought the production team of the Discovery Channel to enjoy specialties along the tram route of Hong Kong, and Hong Kong style cafes culture was introduced during the trip. However, it is hoped that the tourism industry will actively study ways to promote culinary culture with local characteristics such as Hong Kong style cafes, in order to enrich our tourism resources and expand the customer base for such cafes. It is also hoped that the industry will learn from the experiences of Macao in the integration of the protection of history and culture with the development of tourism to develop the cultural features of city tourism and upgrade the overall tourism industry structure, in order to improve the image of Hong Kong's tourism, enhance our competitiveness in tourism and promote the development of tourism.

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

MR VINCENT FANG (in Cantonese): Madam President, I believe Honourable colleagues, just like me, will give their support to the motion moved by Miss CHOY So-yuk today. Although Hong Kong enjoys the reputation as a shopping paradise and a gourmet paradise, and it is chosen by the international tourism organization as one of the must-go cities in Asia, Hong Kong has scored zero mark in the five categories of the United Nations World Heritage List. However, more importantly, the Hong Kong Government has never lodged any application with the United Nations Educational, Scientific and Cultural Organization (UNESCO). Even though we have the items of herbal tea and

Cantonese opera currently registered on the State's movable cultural relics census and intangible cultural heritage representative list, they are only joint submissions with Guangdong Province, Guangzhou and Foshan. This has shown that our Government, particularly the department responsible for formulating tourism policy, lacks a development strategy with foresight.

Let us take a look at Macao. Since the Historic Centre of Macao was approved by the UNESCO for inscription on the World Heritage List in 2005, it is conducive not only to promoting the tourism development of Macao, but also enhancing the status of Macao in the international tourism market. Even Macao can make a breakthrough, why is Hong Kong reluctant to advance further?

Colleagues have already mentioned that the objective of the listing of world heritage is to preserve everything with natural or cultural value in the world. Although Hong Kong is not blessed with attributes in nature, landscape and culture, the "intangible cultural heritage of humanity" of the UNESCO has especially been introduced for cities in similar circumstances like Hong Kong. Therefore, we should make good use of this opportunity.

There are a number of catering businesses in our wholesale and retail sector. Although their *modus operandi* is different, it is generally agreed that the Hong Kong style cafes today are really special to the extent that they can claim to be unique in the world. For instance, their business hours, varieties and special characteristics of food, and even their prices and span can basically satisfy different demands, as well as consumer needs at different times and of different strata.

Once a four-storey Chinese restaurant in Central had to wind up and was replaced by a Hong Kong style cafe. It has turned out that the business of the cafe has flourished. From morning till night, no matter when patrons are there, they find it difficult to find an empty seat. I believe many colleagues here must have had this experience. Running such business hours is believed to be eateries with the best flexibility in the world, which can satisfy the State's requirement of vitality for declaration.

Regarding the types of food, Hong Kong style cafes not only offer a wide diversity, but also fully reflect the role of Hong Kong as the meeting point of the cultures of the East and the West. When you go to a Hong Kong style cafe,

what is your usual order? Is it constant set, milk tea, egg tart or egg and beef sandwich? They are actually not Chinese food but English food "adapted by Hong Kong". However, the last Governor Chris PATTEN and mainland visitors of the Individual Visit Scheme have sung praises of these specialties. Without sampling these specialties, how can they consider themselves visitors of Hong Kong? These can also satisfy the State's requirements of uniqueness, transmission and folk custom.

Apart from Hong Kong style cafes, Mr Tommy CHEUNG of the Liberal Party has proposed an amendment to add the history of evolution of "tai pai dongs" and sorbet cafes. I think this can better reflect the historical origin and features of the culinary culture of Hong Kong as they are cognate, all being the products of the culture of Hong Kong. Our sorbet cafes have always been chosen as the setting for Hong Kong-made movies, as well as the subject of some movies. If visitors can spend half a day in sorbet cafes or Hong Kong style cafes, they surely will have a better understanding of the community and culture of Hong Kong.

At present, "tai pai dongs" and sorbet cafes are prevalent in Southeast Asian countries. For instance, when visitors from Singapore and Malaysia come to Hong Kong, they always find the "tai pai dongs", sorbet cafes, Hong Kong style cafes and congee and noodle shops of Hong Kong very interesting, their food delicious and very typical of Hong Kong.

Even visitors have held this unique culinary culture of Hong Kong in high esteem, should we treasure this precious legacy handed down by our predecessors? Moreover, it is an economic and social activity full of energy and life. Should it be promoted, the economy and tourism industry of Hong Kong will be further developed, more job opportunities will be created and the status of Hong Kong as an international gourmet paradise will be strengthened. Therefore, I support the original motion and the amendment (*The buzzer sounded*)

I so submit. Thank you, Madam President.

MR LEUNG KWOK-HUNG (in Cantonese): Madam President, there are many items on the Agenda of the Legislative Council today. It is fortunate that we

have not applied for the preservation of Hong Kong's unique election model as "intangible cultural heritage of humanity". I believe no one will do this for such unpleasant experiences. And I believe such experiences will soon be removed from history.

In discussing Hong Kong style cafes culture, or "tai pai dongs" or sorbet cafes, we will find that their demise is related to the economic development of Hong Kong. The "three-high" policy, that is, high land prices, high rentals and so on, has forced small business operators to face the same problem, that is, very high costs. In the case of "tai pai dongs", as the policy of the British Hong Kong colonial government has specified no renewal of licence after the licensee's death, the number of such stalls has been diminishing. These circumstances have absolutely been man-made.

I am no expert on sorbet cafes culture. But sorbet cafes are small businesses as not many expensive items are offered there. When we are here discussing the application for the inscription of Hong Kong style cafes culture as "intangible cultural heritage of humanity", what is the Government doing now? In the housing estate in Tai Po where I live, The Link Management has taken charge of the shopping centre. And the tenancy of a Hong Kong style cafe there was not renewed. The operator complained to me with a long face about a 50% rental increase. However, even though he agreed to such an increase, his cafe was driven out of the shopping centre on the grounds that it would bring disrepute to the centre. This is an incident happened in the Tai Wo Shopping Centre.

The Government has sold its assets to the consortium. And this consortium has put profit before everything else, bearing no responsibility to protect the Hong Kong style cafes culture under discussion now. In fact, such cafes have undergone restructuring. The 24-hour cafe mentioned by Mr Vincent FANG earlier is run by a large group. It is no longer the Hong Kong style cafe of the past.

How were such cafes like in the past? They were a relaxed gathering point for the general public to enjoy meals, sneak off from work (such cafes were called "snake holes"), have suppers, chit-chat and fill in betting forms on horse-racing days, that is, like the pubs in Britain. How about the Hong Kong style cafes now? We do have some of such cafes left. But they have already lost their glory and will certainly be replaced by chain cafes gradually.

Then exactly what are we going to preserve? When I went into a large Hong Kong style cafe, I only saw food items I did not even know their names. "Yuanyang" became a product and Chinese sausage a commodity, all put in a tray. That means they have all gone through the process of mass production. Such Hong Kong style cafes culture means products are for sale in this manner and it can survive off shore.

In fact, when we propose to lodge such an application today, is it really necessary for foreigners to come here before they can enjoy the specialties of Hong Kong style cafes? If they live in a place where there is a Chinese community, they can easily find the specialties there. Hong Kong style cafes can also be found in London. Is it necessary for them to be here to enjoy such food? Will they be patrons of small Hong Kong style cafes? Will visitors have meals in such cafes in the housing estate where I live when they stray from the popular tourist areas?

In fact, I do not quite understand what the Member proposing the original motion means. Of course, I know a number of operators of Hong Kong style cafes myself. The one who is running a cafe in Shantung Street complained to me that the smoke ban had made the business drop 30%. It was only because he owned the premises that his business had yet to fold. This last sentence of his brings out the crucial point — I know all of you do not like people smoke. So I will not elaborate — He lastly pointed out that if he did not own the premises, the cafe would have to be winded up. How can Hong Kong style cafes survive amid rental increases? The culture of such cafes has, therefore, been declining. Even the cafe cited by Miss CHOY So-yuk as an example has moved into premises and even installed air-conditioning. I have been there and the owner shook hand with me and said, "'Long Hair', business is very difficult."

The subject under discussion now is actually an illusion; a mirage from our childhood years. I have heard a number of Members mention what they ate in their childhood years. But have they repeated the experiences after they have grown up? I raised such a question to test Mr James TIEN. It turned out that he was struck dumb. Well, he has learnt the lesson and even took a tram trip to show others where to eat. We are now discussing a business destroyed by the Government and property developers. In order to compete, Hong Kong style cafes have to abandon their old culture and pick customers. All the chain cafes mentioned charge high prices. Can the common people afford even such cafes as Ngan Lung and Tsui Wah? I think it is all right to name them. Mates, there

is now a cafe called Can.teen here. It has named itself part of Hong Kong style cafes culture. In fact, it can call itself any names it likes, such as Diners in the United States that have everything on their menu. However, it has named itself as part of Hong Kong style cafes culture.

Honourable Members, I think it is really ridiculous to propose such a subject for discussion. There may be numerous items in Hong Kong that can achieve this end, to which I have never given much thought as culture has never interested me. However, since there are Members discussing it today, I just speak along.

Since our country has even lodged such an application for fried rice in Yangzhou style, this practice has actually reached a decadent stage. As the United Nations are currently short of funds, playthings such as applications of this nature are introduced from time to time. Similarly, the Union of European Football Associations has always introduced changes to ensure no one will be left out. In my humble opinion, to really preserve Hong Kong style cafes culture, to really preserve Hong Kong's culture, do not demolish anything! Cross Street and "wedding card street" are well known in the world. But they cannot escape the fate of demolition. In the process, people were even arrested; people were even ridiculed. Have such practices really aimed at preserving our culture? I think they have all been a sham.

Therefore, I will not vote in support of Miss CHOY So-yuk.

DR LUI MING-WAH (in Cantonese): Madam President, Hong Kong style cafes have been the most popular eateries to satisfy the everyday dining-out needs of Hong Kong people. Therefore, they are called the "kaifong canteen" of Hong Kong people. Such cafes charge affordable prices, where people can eat to their heart's content for only a few ten-dollar notes; they offer a wide variety of food, blending the East and the West, and even other Asian specialties; and they provide quick and efficient services that suit the busy life and fast pace of Hong Kong people. As a result, they have become a great favourite of the people. Such cafes have even spread to Taiwan, overseas Chinatowns and Guangdong Province in the Mainland.

There are no proper records of the origin of Hong Kong style cafes. It is said that the earliest one emerged not long after the Second World War. Under

the influence of the British culinary culture of having tea and pastry, Hong Kong people began to enjoy Western food. However, as Western restaurants charged high prices and many of them practically did not serve Chinese, Chinese-owned Hong Kong style cafes targeting at Chinese patrons and charging affordable prices emerged. Such cafes were first called sorbet cafes in general, mainly selling simple Western snacks and drinks such as milk tea, coffee, bread and egg tart. They were Western restaurants for the grassroots.

In the following decades, along with the rapid economic and social development of Hong Kong, the *modus operandi* of such cafes underwent a series of changes to meet the needs of the times and the people. Apart from offering Western food, they added traditional Chinese dishes and created specialties blending the East and the West into the unique dishes of Hong Kong. After the financial crisis in 1997, Hong Kong experienced an economic downturn. Hong Kong style cafes offering food of great value enjoyed more popularity. Such cafes mushroomed and became the major eateries of the people.

It is thus evident that specific historical background together with social development factors have given rise to a way of life and diet blending the cultures of the East and the West, which has gradually developed into a unique local culture. And Hong Kong style cafes are an obvious example. However, regarding the proposed application for the inscription of Hong Kong style cafes as the "intangible cultural heritage of humanity" with the United Nations Educational, Scientific and Cultural Organization (UNESCO), exactly how good is the chance of success? It remains a big question.

First of all, by the definition of the UNESCO, "The traditional and folk culture is the assembly of the creation of a cultural community that is based on tradition, expressed by a group or by an individual and acknowledged as answering the expectations of the community both as expression of the cultural and social identity and as norms and values, being transmitted orally through imitation or through other means. Its forms gather, among others, language, literature, music, dance, games, mythology, rituals, common laws, craftsmanship, architecture and other arts." Hong Kong style cafes are business activities of only several decades, with absolutely no connections to traditional culture, social identity and arts. As such cafes do not fall into any of the above categories, it seems that they fail to satisfy the requirements on definition.

Moreover, the launch of "intangible cultural heritage of humanity" by the UNESCO aims to "call upon member states to take legislative measures or other necessary steps to identify, safeguard, transmit, protect and promote heritage prone to the effects of globalization, and to raise awareness of the risk of disappearance faced by a large amount of oral heritage with cultural identity and cultural origin of minority ethnic groups. Therefore, there is an urgent need for cautioning relevant authorities and bearers of such heritage about the significant value of such heritage and the means to protect it." Given the nature of Hong Kong style cafes, although they are eateries with special characteristics unique to Hong Kong, they lack cultural substance and ethnic cultural origin, let alone significant value worth protection by legislative measures, and such protection is actually impossible to enforce because such cafes are economic activities operated commercially where their survival or disappearance is subject to market demand. If such cafes are no longer popular, does it mean the Government has to subsidize their operation out of the public purse? Even such cafes do survive, their modus operandi is bound to change along with changing social and It is impossible for them to maintain the current *modus operandi*. How can the Government keep them in the current *modus operandi* forever? And it is meaningless to do so.

Let us take a look at the items currently inscribed as UNESCO "intangible cultural heritage of humanity". At present, there are only four items of China on the list, namely, Kun Qu, Quqin, Uyghur Muqam of Xinjiang and the Traditional Folk Long Song of Mongolia, which are arts with a long history, rich cultural substance and ethnic characters. Moreover, even the application for Shaolin Gongfu, the traditional martial arts of China, has been turned down. Can Hong Kong style cafes be compared with it in the same light?

It is without doubt that such cafes are eateries with special characteristics of Hong Kong. In such cafes, visitors can sample typical specialties unique to Hong Kong, and understand the lifestyle of the Hong Kong people and the features of our city. In the overseas promotion of Hong Kong tourism, publicity and presentation of such cafes can be stepped up to enhance the appeal of Hong Kong, in order to give a boost to our tourism industry. However, if a designated government department is assigned to apply for the inscription of such cafes as United Nations "intangible cultural heritage of humanity", I am afraid it will be a waste of manpower and resources and to no avail.

DR KWOK KA-KI (in Cantonese): Madam President, the discussion on Hong Kong style cafes culture today is actually all right as anyone or any region can apply for the inscription of certain items as "intangible cultural heritage of humanity" with the United Nations. Whether the application will be approved is the decision of the UNESCO. However, the irony is that when we are now talking about "intangible cultural heritage" (including Hong Kong style cafes), there are actually a number of "tangible cultural heritage" or "intangible cultural heritage" items in Hong Kong that better worth preservation. But they are gradually disappearing from our city.

Madam President, I am aware that the Secretary is here. I wish to talk about exactly how our cultural heritage and monuments have been handled. Everyone will remember that some of our "tangible cultural heritage" such as King Yin Lei and other monuments of Hong Kong have recently been demolished one after another. We have seen Of course, we are also sad to see Hong Kong style cafes disappear in future due to various reasons. However, as pointed out by many colleagues, Hong Kong style cafes are business operations. As long as there is a market, such business activities will go on until its commercial value is lost or its operation turns difficult. The Link Management is one of the examples. The mistake in government policy has resulted in The Link Management going against the actual needs of the people and focusing on collecting as much rentals as possible. Therefore, I believe, in many low-income housing estates, Hong Kong style cafes will be diminishing.

There are currently a number of monuments in Hong Kong waiting for assessment and preservation by the Government. However, we note with regret that, to date, the Government has failed to formulate an appropriate and convincing policy over the years to protect such monuments. Even though some administrative measures have recently been put forward by the Secretary for Development, they are by no means proper solutions as a visible policy and visible legislation are still lacking. Our situation is different from a lot of places.

In other regions and countries such as Britain, a cultural foundation has been established to be responsible for two areas of conservation work: first, to conserve old buildings that can be seen and touched; second, to preserve "intangible cultural heritage of humanity" such as the transmission of intangible culture with great historical value. We can see the care and efforts of these

governments over the years, maybe in co-operation with non-governmental organizations and the business sector. However, to date, no matter in actual policy or specific enforcement, the SAR Government has been found lacking. Whenever an incident emerges, it is dealt with "in a one-off manner". King Yin Lei is a very good example illustrating the attitude adopted by the SAR Government in handling issues concerning monuments and cultural heritage. If we hope or expect the Government to protect Hong Kong style cafes culture which is not readily comprehensible to the public and the rest of the world when compared with other monuments, I think it is no different from climbing a tree to catch fish.

Therefore, if we urge the Government to protect Hong Kong style cafes or apply for the inscription of such cafes as "intangible cultural heritage of humanity", I would rather strongly urge the Government to draw up well-defined legislation and a regulatory framework for our heritage conservation policy. I think we can hardly accept and be satisfied with the Government's perfunctory attitude, that is, when a problem arises and action from the Government is needed, only a one-off solution is provided. I think this is not what the people would like to see.

I do not oppose the attempt to apply for the inscription of such cafes as "intangible cultural heritage of humanity" with the United Nations. However, we should spend more efforts in pursuing a consistent attitude, policy, legislation and funding for the protection of tangible and intangible cultural heritage of Hong Kong that deserve preservation.

A couple of weeks ago, one of my long-time patients came to see me. As he had gone very grey, I asked him what had happened. He said he had worked very hard, and he planned to wind up his Hong Kong style cafe next month. Why did he not continue to run the business? His cafe was in Yuen Long. And the rent went up 100% upon the recent renewal of the lease. He said it was absolutely impossible to continue to run the business, and he could only witness the winding-up of such cafes by many operators. Of course, some can continue to operate. They are fast food shops and 24-hour Hong Kong style cafes run by groups as mentioned by Members earlier. In fact, their survival has been built on the sacrifices of many people. As we all know, many people in Hong Kong will go home after work. However, the emergence of such 24-hour cafes has created a lot of overnight shifts.

This patient of mine has winded up his business because of his growing age. However, I wish to add one more point here. If we continue to approve or allow the Government to implement the high land price policy which has extended to commercial buildings, I can predict that no matter how Hong Kong style cafes are going to be protected, they will soon disappear from the business operation of Hong Kong as they cannot bear the high rentals and the *modus operandi* of the groups.

In any case, I will support the original motion and the amendment. I so submit. Thank you, Madam President.

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

MR ALAN LEONG (in Cantonese): President, both the original motion proposed by the DAB and the amendment proposed by the Liberal Party aim to apply for the inscription of Hong Kong style cafes culture as "intangible cultural heritage of humanity". However, the Civic Party is concerned that the proposed efforts in both the original motion and the amendment are just superficial, failing to urge the SAR Government to draw up a sound policy on the conservation of intangible culture when such a policy is essential to the preservation and transmission of Hong Kong style cafes culture.

It is sort of improper to interpret heritage in "intangible cultural heritage" as "legacy". Prof CHENG Pei-kai of the City University of Hong Kong has pointed out that the term "legacy" easily leads to an association with concepts of asset and profit while the essence of the term "heritage" actually lies in "transmission" instead of "asset". It should be more properly translated into "非物質文化'承繼'", focusing on the safeguarding of the transmission of different folk cultures in the world instead of over-emphasizing commercial interests.

President, the official webpage of the UNESCO has explained that behind the application for and inscription of an item as "intangible cultural heritage", the governments of different countries have the responsibility to make a series of efforts to ensure the item is properly protected, promoted and transmitted, including studies and preservation of documents, identification and inventory compilation, design of specific schools and tertiary education programmes and statutory measures of protection. It has thus been clear that inventory compilation and application for inscription have just been part of a series of efforts in the safeguarding of "intangible cultural heritage".

Let us give this a careful thought. Even if Hong Kong is now successful in such an application through the State's Ministry of Culture, to cafe owners and beverage makers, can it help preserve, promote and transmit the culture they are engaging in every day? The special characteristic of Hong Kong style cafes is the provision of food and drink for common masses. However, in old areas and housing estates where such cafes have clustered and proved popular among the residents, can the success in such an application resolve the business difficulties currently faced by these cafes?

President, I have been to a shopping mall taken over by The Link Management in a housing estate in Tung Chung. At first, there was only one Hong Kong style cafe where the price and food were close to the affordability of the general public. This shopping mall has not only attracted residents from private properties nearby to address their daily needs; to visitors who wish to understand the people's life in Hong Kong, it has also become a special stop in Tung Chung after they have got off the plane. If Hong Kong style cafes culture is to be promoted, this shopping mall should be the perfect place. However, owing to rental increase, the cafe was earlier replaced by a Japanese ramen shop.

Let us take a look at such new towns as Sha Tin and Tai Po. Although the living standard of the residents has seen no substantial improvement, the major shopping malls in the districts have been "given a facelift" one after another. High-end brands have move into the shopping mall while small shopping arcades and Hong Kong style cafes have been "diminishing". However, from the planning of the redevelopment of old areas to the revitalization of old buildings, the focus has remained on the allocation of land for the construction of uniform air-conditioned shopping malls and brand-name streets. Hong Kong style cafes originally running in the districts have lost their living space. If we just focus on the proposed application and neglect the detrimental effects of the existing community planning policy on the original community culture, we are afraid even the "shell" of such cafes cannot be kept, let alone the culture of such cafes be preserved and transmitted.

Moreover, President, in the course of the preservation of Hong Kong style cafes culture, one simple error will bring the side effect of cultural stereotyping. We still remember waiters of the past generation who used the word "\overline{\times}" to stand for plain rice and "OT" for lemon tea. However, as mentioned by Mr Fred LI earlier, waiters of the new generation place orders with touch screen computers. Is this no longer Hong Kong style cafes culture? President, the original intent of the proposed application is to ensure the transmission of the culture of such cafes in the new era instead of stereotyping for the sake of stereotype or satisfying the curiosity of foreign visitors by confining the business to its old-time pattern to distance its development from local people's life and special features of the times and strangle the vitality of the culture of such cafes.

President, we are pleased to see that the Government, political parties and the public have started to show concern for the efforts in the conservation of tangible relics and the transmission of intangible culture of Hong Kong. However, to preserve valuable historical and cultural features, we believe it is necessary to adopt a more positive attitude towards the safeguarding of the established community characteristics, particularly the early engagement of the public and professional academics in the conservation policy to identify the cultural value of different items so that they will be protected as far as possible in the planning of social and economic development. Only in this way can we preserve, transmit and promote Hong Kong style cafes culture no matter whether the proposed application is eventually lodged.

President, I so submit.

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

(No other Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon Miss CHOY So-yuk to speak on Mr Tommy CHEUNG's amendment. The speaking time limit is five minutes.

MISS CHOY SO-YUK (in Cantonese): President, Mr Tommy CHEUNG's amendment is basically an elaboration of "intangible cultural heritage of

humanity" as well as the work that need to be carried out. For this reason, the DAB very much supports his amendment, and we thank him for providing supplementary information to the original motion.

Having listened to the speeches made earlier by other Members on this amendment, President, I think they have expressed mainly two views. First, many colleagues are concerned about the definition of cultural heritage mentioned in the amendment. On the term "cultural heritage", Mr Alan LEONG pointed out just now that the word "heritage" could be replaced by "continuity" or "legacy". Had Mr LEONG proposed an amendment to amend this word, I think I would support him, and I wonder why he did not propose an amendment.

In fact, Mr Tommy CHEUNG has not proposed an amendment in this respect, but he has adopted the original interpretation of the United Nations Educational, Scientific and Cultural Organization, and I think we are talking about the same thing. Many colleagues, however, have rather strong views on the definition of "culture", and they seem to think that "culture" cannot include business activities or business activities can never be considered as "culture". This is a major misconception, and a gross misinterpretation.

Second, insofar as this issue is concerned, Members all consider it necessary for Hong Kong to make concerted efforts to preserve these cafes as intangible cultural "legacy" or "heritage". This is a very good topic for discussion. Moreover, both Mr Tommy CHEUNG's amendment and my original motion are not suggesting that this area of work should be confined to Hong Kong style cafes. In fact, the "intangible cultural heritage of humanity" in Hong Kong can include a wide spectrum of things.

However, it is not my wish to see this issue being politicized. I do not wish to see colleagues making a decision at the outset to oppose the motion and then trying to find all sorts of reasons to explain their opposition, while many of the reasons are actually contradictory. Some colleagues pointed out earlier that since the cafes are neither on the verge of extinction nor fading out, they are not worthy of efforts to apply for their inscription as cultural heritage. On the other hand, some colleagues said that for such reasons as expensive rental, the cafes are facing huge crises every day and may even be fading out gradually and yet, they still do not support their inscription as cultural heritage.

Generally speaking, I have a strong feeling that Members have politicized this issue of inscription of these cafes as cultural heritage and the issue of "cultural heritage". The DAB certainly hopes that this Council can make concerted efforts to reach a consensus on some livelihood issues and on issues about preserving our fine culture. It is never our wish to see this issue being politicized. So, I hope that Members can join me in supporting Mr Tommy CHEUNG's amendment.

SECRETARY FOR HOME AFFAIRS (in Cantonese): Madam President, Miss CHOY So-yuk's motion has attracted a dozen or so Members to speak, which has shown Members' serious concern for the preservation of intangible cultural heritage of Hong Kong, as well as their pleasant, affectionate and even romantic association with Hong Kong style cafes. The SAR Government will follow up Miss CHOY So-yuk's motion in two aspects:

- (1) To conduct as soon as possible a territory-wide survey on intangible cultural heritage, and consider including Hong Kong style cafes in the scope of studies; and
- (2) To liaise closely with the Central Government to gain a better understanding of the criteria and procedures of the proposed application as well as the related co-ordination work, in order to undertake as soon as possible the work for the application for the inscription of intangible cultural heritage of Hong Kong.

In a nutshell, efforts will first be made in compiling an inventory of intangible cultural heritage of Hong Kong in accordance with the Convention for the Safeguarding of Intangible Cultural Heritage to select appropriate items for the proposed application and conduct studies and identification for such items. Further studies are necessary to determine whether "Hong Kong style cafes culture" will follow Cantonese opera in application for the inscription as cultural heritage of Hong Kong.

As pointed out by the Chief Executive in the policy address announced in October, cultural life is a key component of a quality city life. A progressive city treasures its own culture and history along with a living experience unique to

the city. We attach great importance to the preservation of intangible cultural heritage of Hong Kong. Apart from the survey and the proposed application, efforts will also be made in the education and promotion of intangible cultural heritage, and active support will be given to the participation of non-governmental organizations in the preservation of intangible cultural heritage. This will not only enhance the understanding of the general public of our local culture, but also help build a harmonious society with rich cultural substance. I strongly believe Members, the general public and the Government share this common objective.

Madam President, I so submit.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Tommy CHEUNG to Miss CHOY So-yuk's motion, be passed. I now put the question to you. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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:

Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Miss LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Mr Joseph LEE, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG and Mr WONG Ting-kwong voted for the amendment.

Dr Raymond HO, Mr LUI Ming-wah, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Mr SIN Chung-kai, Mr Abraham SHEK, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Prof Patrick LAU and Miss TAM Heung-man abstained.

Geographical Constituencies:

Mr James TIEN, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr Frederick FUNG, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted for the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG and Mrs Anson CHAN 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, 14 were in favour of the amendment and 10 abstained; while among the members returned by geographical constituencies through direct elections, 22 were present, 10 were in favour of the amendment and 11 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): Miss CHOY So-yuk, you may now give your reply. You have up to 2 minutes and 18 seconds.

MISS CHOY SO-YUK (in Cantonese): President, I find the remarks of Ms Audrey EU and Mr SIN Chung-kai inconceivable. According to them, although the "cafes culture" is wonderful, it will be very difficult to get the job done because there are very stringent requirements. I simply wonder why they still want to fight for universal suffrage in full knowledge that it is very difficult to succeed following the interpretation of the Basic Law by the National People's Congress.

They criticized Hong Kong for learning to run before learning to walk in regard to conservation. Having heard this remark of theirs, I am really puzzled as to why they do not think that Hong Kong should follow the principle of gradual and orderly progress in democratization. Mr SIN Chung-kai's argument was even more puzzling. He claimed that "Hong Kong style cafes" were very good, something they would support, but that they would not support them with concrete actions, meaning that they would only patronize these cafes instead of paying mere lip-service. He explained that they would therefore abstain from voting. Does he mean that it is already enough for Members to take the concrete action of running in elections based on universal suffrage, and they can all abstain from voting on all motions relating to universal suffrage? find such a way of thinking very odd. Shouldn't we all fight for things we consider desirable? I am not saying that success is guaranteed. But I do hope that the Government can at least take a step forward to fight for inscription. no efforts are made, there will be even slimmer chances of success.

As for the criticism that the assignment of a designated department is the same as getting things done behind closed doors, I must say that it is not our intention to get things done behind closed doors. Rather, we hope that the designated department can conduct some research, investigation and data collection work. If no one is in charge, how can anything be done? Those Members who abstained in the vote on Mr Tommy CHEUNG's motion just now all said that Hong Kong style cafes were wonderful and should be supported. But their reasons for opposing or abstaining from voting on the amendment were most inconceivable. I hope Members can do some serious thinking, refrain from politicizing such livelihood-related motion topics and support the original motion.

President, I so submit.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Miss CHOY So-yuk 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)

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:

Mrs Sophie LEUNG, Mr Howard YOUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr WONG Kwok-hing, Dr Joseph LEE, Mr Daniel LAM, Mr Jeffrey LAM, Mr Andrew LEUNG, Dr KWOK Ka-ki and Mr WONG Ting-kwong voted for the motion.

Dr Raymond HO, Dr LUI Ming-wah, Mr CHEUNG Man-kwong, Mr Bernard CHAN, Mr SIN Chung-kai, Mr Abraham SHEK, Dr Fernando CHEUNG, Prof Patrick LAU and Miss TAM Heung-man abstained.

Geographical Constituencies:

Mr James TIEN, Mrs Selina CHOW, Miss CHAN Yuen-han, Mr Jasper TSANG, Mr LAU Kong-wah, Miss CHOY So-yuk, Mr TAM Yiu-chung, Mr Frederick FUNG, Mr LI Kwok-ying and Mr CHEUNG Hok-ming voted for the motion.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Martin LEE, Mr LEUNG Yiu-chung, Dr YEUNG Sum, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Alan LEONG, Mr Ronny TONG and Mrs Anson CHAN 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, 15 were in favour of the motion and nine abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 10 were in favour of the motion and 11 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.

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): I now suspend the meeting until nine o'clock tomorrow morning.

Suspended accordingly at three minutes to Ten o'clock.

Appendix I

WRITTEN ANSWER

Written answer by the Secretary for Education to Dr KWOK Ka-ki's supplementary question to Question 5

According to the regulations approved by the Council of the University of Hong Kong, the time allocated to private consultations for all clinical staff of the University should not exceed two sessions (that is, two half days) per week. Detailed arrangements for private consultations are handled by individual departments and supervised by the Faculty Outside Practice Sub-committee. The Human Resources Policy Committee of the University, which reports directly to the University's Council, is also responsible for monitoring the implementation of the University's policy on outside practice.