

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 11 November 2009

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

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

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

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

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

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

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

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

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

DR THE HONOURABLE JOSEPH LEE KOK-LONG, 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

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

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

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 KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING

DR THE HONOURABLE LAM TAI-FAI, B.B.S., J.P.

THE HONOURABLE CHAN HAK-KAN

THE HONOURABLE PAUL CHAN MO-PO, M.H., J.P.

THE HONOURABLE CHAN KIN-POR, J.P.

THE HONOURABLE TANYA CHAN

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

THE HONOURABLE WONG KWOK-KIN, B.B.S.

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE IP WAI-MING, M.H.

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

THE HONOURABLE MRS REGINA IP LAU SUK-YEE, G.B.S., J.P.

DR THE HONOURABLE PAN PEY-CHYOU

DR THE HONOURABLE SAMSON TAM WAI-HO, J.P.

MEMBERS ABSENT:

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE PAUL TSE WAI-CHUN

PUBLIC OFFICERS ATTENDING:

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

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

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

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

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

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.S., J.P.
SECRETARY FOR LABOUR AND WELFARE

THE HONOURABLE MRS CARRIE LAM CHENG YUET-NGOR, J.P.
SECRETARY FOR DEVELOPMENT

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

CLERKS IN ATTENDANCE:

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MRS CONSTANCE LI TSOI YEUK-LIN, ASSISTANT SECRETARY
GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
The Ombudsman Ordinance (Amendment of Schedule 1) Order 2009	217/2009
Census and Statistics (Annual Survey of Economic Activities) Order	218/2009
Census and Statistics (Quarterly Survey of Service Industries) (Amendment) Order 2009.....	219/2009
Antiquities and Monuments (Declaration of Historical Buildings) Notice 2009	220/2009
Employees Retraining Ordinance (Amendment of Schedule 2) (No. 2) Notice 2009	221/2009

Other Papers

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| No. 25 | — | Hong Kong Productivity Council
Annual Report 08/09 |
| No. 26 | — | Hong Kong Science and Technology Parks Corporation
Annual Report 2008/2009 |
| No. 27 | — | Hong Kong Housing Authority
Annual Report 2008/09 |
| No. 28 | — | Hong Kong Housing Authority Financial Statements for the
year ended 31 March 2008 |
| No. 29 | — | The Government Minute in response to the 21st Annual
Report of The Ombudsman 2009 |

Report of the Bills Committee on Immigration (Amendment) Bill 2009

Report of the Bills Committee on Bunker Oil Pollution (Liability and Compensation) Bill

ADDRESSES

PRESIDENT (in Cantonese): Addresses. The Chief Secretary for Administration will address the Council on "The Government Minute in response to the 21st Annual Report of The Ombudsman 2009".

The Government Minute in response to the 21st Annual Report of The Ombudsman 2009

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, the 21st Annual Report of The Ombudsman was tabled before the Council on 8 July this year. I will now table the Government Minute in response to the recommendations of the Annual Report.

The Government and the relevant public bodies have in general accepted the recommendations of The Ombudsman on the various cases investigated over the past year, and are taking positive actions to implement the relevant recommendations. As for the few recommendations that have not been accepted, explanations or other proposals have been made by the relevant departments to The Ombudsman. The details are listed in the Government Minute.

The contribution made by The Ombudsman in improving the quality of public administration is obvious to all. We also appreciate the expectation of the public for the Government to further enhance the quality of public services and the transparency of its governance. Here, I would like to offer my gratitude for the work done by The Ombudsman all along. We will continue to work closely with The Ombudsman in raising the quality of public services and efficiency of administration.

Thank you, President.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions.

Anti-drug Policies

1. **MR CHEUNG KWOK-CHE** (in Cantonese): *President, to tackle the increasingly serious problem of youth drug abuse, the Government is implementing an anti-drug policy to fight against drugs with a five-pronged approach covering publicity and education, treatment and rehabilitation, legislation and law enforcement, external co-operation and research. In addition, the Government has launched the Community Programme against Youth Drug Abuse (the Community Programme) in the 18 districts in Hong Kong one after another since August this year and \$500,000 is allocated to each district to fund the Community Programme. At present, various anti-drug programmes have started and the schools in the Tai Po District have even taken the lead to undertake the Trial Scheme on School Drug Testing (the Drug Testing Scheme) launched by the Government. In this connection, will the Government inform this Council:*

- (a) *whether or not the authorities will allocate additional resources to the service of residential drug treatment, for example, the Hong Kong Christian Service Jockey Club Lodge of Rising Sun, the Caritas Wong Yiu Nam Centre and the Christian Zheng Sheng College (the Zheng Sheng College), and help resolve the relocation problem of the College;*
- (b) *what precautionary measures the authorities will adopt to ensure that under the Drug Testing Scheme, the students found to have taken drugs will not be stigmatized by the schools concerned; whether or not the Education Bureau will instruct the schools concerned to ensure that such students will not be expelled from schools; of the disciplines of the persons who will join the multi-disciplinary case conferences; and when the authorities will review the effectiveness of the Drug Testing Scheme and whether or not they will formulate new measures to further combat drugs in schools; and*

- (c) *given that many community organizations are raising funds for the activities under the Community Programme, of the names, the co-organizing organizations, the amount of funds allocated by the Government, the amount of sponsorship raised in the community, the target and number of participants of the activities, as well as the contents and objectives of each of the relevant approved activities (list out in table form by District Council districts); and whether or not the Government will monitor the implementation of the various activities and review their effectiveness?*

SECRETARY FOR SECURITY (in Cantonese): President,

- (a) To effectively curb the problem of youth drug abuse, we must do our best to give a helping hand as soon as possible to young people who have unfortunately fallen victim to drugs. The authorities have been closely monitoring the changes in the demand for drug treatment and rehabilitation services and have deployed appropriate resources accordingly. Following the recommendations of the Task Force on Youth Drug Abuse led by the Secretary for Justice, we have injected new resources of some \$26 million in the 2008-2009 financial year to strengthen a series of downstream support services. This includes subsidizing 101 additional places in drug treatment and rehabilitation centres (DTRCs) through resource allocation by the Social Welfare Department (SWD).

Treatment and rehabilitation is precisely a major strategic direction in the anti-drug campaign promulgated by the Chief Executive this July. On the one hand, we will invite non-governmental organizations (NGOs) to put forward suggestions on creative and effective modes of services. On the other hand, we will review the utilization of the existing rehabilitation facilities and room for development and provide support, with a view to encouraging operating agencies to raise the capacity and quality of their services. Having regard to the individual circumstances surrounding the existing rehabilitation facilities, we will actively consider providing new resources for them to achieve our policy objectives.

Furthermore, at present, the DTRCs providing residential services need to meet the statutory requirements and obtain licences through upgrading their existing facilities or relocating to other sites. Various government departments will render assistance to these DTRCs as far as practicable, including helping them in the identification of suitable sites for relocation. The Beat Drugs Fund Association has also set up a special funding scheme to fund improvement works undertaken by agencies, so that their centres can meet the licensing requirements of the SWD. In addition, the SWD will convene consultation meetings between government departments and operating agencies, so that the former can provide direct and pertinent professional advice on issues arising in the course of conducting improvement works.

- (b) Since July this year, a working group comprising representatives of the Secondary School Heads' Association of the Tai Po District, the Narcotics Division, the Education Bureau, the SWD and other relevant departments and parties concerned, has been maintaining close contact with various parties to discuss with them the details and arrangements of the Drug Testing Scheme and jointly formulate the Drug Testing Scheme Protocol. Parties implementing the Drug Testing Scheme, including all the participating schools, must strictly comply with the laws relating to privacy and personal data to protect the privacy of students. The drug test results of an individual student must not be disclosed to any person other than those to whom the student and his parents have given consent. This can also effectively help avoid the labelling effect.

The Drug Testing Scheme is based on voluntary participation. It also aims to help students in their best interest. Thus, the Drug Testing Scheme Protocol has clearly stated that students found to have abused drugs under the Drug Testing Scheme will not be prosecuted for the offence of drug consumption and expelled from schools. We have repeated such a message clearly to school principals, teachers, school social workers, parents and students during a series of 50-odd briefing sessions held from mid-October to mid-November. Later, we will distribute the consent form and all the relevant information to parents and students. A host of information, including the Drug Testing Scheme Protocol, a video on

the aim and procedures of the drug test, leaflets and frequently asked questions, has been uploaded to the website of the Narcotics Division for public access and reference.

Depending on the circumstances of a student identified to have abused drugs, a case manager, who is a professional social worker, will invite his parents, school principal, the relevant teachers and the school social worker to a case conference. With the consent of his parents, they will formulate a suitable support programme for the student and help him kick the habit through multi-disciplinary professional services.

To evaluate the effectiveness of the Drug Testing Scheme, the Government will commission a professional research organization through the Beat Drugs Fund to carry out a comprehensive study of the Drug Testing Scheme in terms of its design, implementation and effectiveness in parallel with the conduct of the Drug Testing Scheme. It will undertake research on other local and overseas experiences in school drug testing and suggest appropriate refinements and improvements to the Drug Testing Scheme, so as to gradually extend the Drug Testing Scheme to other schools and districts.

To further combat the spread of drugs in schools, the Government has arranged professional anti-drug training programmes for teachers since last year. We also organized large-scale seminars during the last summer vacation, with a view to equipping teachers with anti-drug knowledge and skills. We will also distribute anti-drug resource kits for schools soon and organize a series of workshops and seminars to help teachers effectively implement the Healthy School Policy with anti-drug elements; effectively conduct anti-drug preventive education; foster parent-school collaboration; identify high-risk students and make use of community resources to help students in need. The police also increased the number of Police School Liaison Officers by 27 last year to enhance the liaison with schools and strengthen anti-drug preventive education for students. Besides, the police have implemented further measures, such as cyber patrols, to strengthen the gathering of intelligence on youth drug crimes.

- (c) The one-year Community Programme has gradually been launched in the 18 districts in Hong Kong since August this year and the 18 District Offices under the Home Affairs Department are responsible for taking forward the Community Programme with the support of the SWD. The major targets are high-risk youths in the community and young people with a history of drug abuse. The Community Programme makes use of the outreaching networks of NGOs to approach the targets. Various supporting organizations have arranged activities and skills training and all the District Offices will work closely with the organizations concerned and monitor the progress through ongoing liaison. Details of the activities organized in all the districts are set out in the Annex which is distributed to Members for reference.

Annex

<i>District</i>	<i>Name of activity⁽¹⁾</i>	<i>Major collaborating organizations</i>	<i>Government fund (\$)</i>	<i>Community sponsorship (\$)</i>	<i>Activity target and number of participants</i>	<i>Contents and objectives</i>
Central and Western	The Central and Western District Anti-youth Drug Abuse Community Programme — Teen's Power Up	The Hong Kong Young Women's Christian Association (Central, Western and Islands District Youth Outreaching Social Work Team)	500,000	Community sponsorship: 250,000	Target groups: High-risk young people in the district and the local community Number of participants: About 250	Through activities such as skills training, body examination, mentoring programmes, visits and voluntary services, to enhance young people's ability to avoid and resist drugs and also provide them with the opportunities to contribute to the community.
Eastern	The Soar Higher Project	The Young Men's Christian Association of Hong Kong — Chai Wan Centre	500,000	-	Target groups: High-risk young people in the district Number of participants: 150	To help youths at risk and those who have abused drugs develop positive values and attitudes towards life and enhance their ability to resist drugs through war-games, performing arts, sports, voluntary services and mentoring programmes.

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	健康人生 齊解毒家 長／教師 講座暨分 享會 (English name not available)	The Eastern District Fight Crime Activity Organizing Committee	0	District Council fund: 82,000	Target groups: Parents and teachers in the district Number of participants: 900	To hold talks for parents and teachers in which representatives from relevant organizations and government departments will be invited to share their experience in different aspects, including the prevention of and the fight against drugs, as well as counselling and treatment, in order to empower parents and teachers in the fight against youth drug abuse.
Southern	The South Star Power Community Anti-drug Project	The Caritas District Youth Outreaching Social Work Team — Southern and the Caritas Overnight Outreaching Service for Young Night Drifters	500,000	-	Target groups: Young people aged between 10 and 24 in the district, especially those who have taken psychotropic substances in the past year Number of participants: 800	Under a three-pronged strategy of prevention, identification and intervention, activities will be organized for the community, schools, parents and teachers, with the aim of "increasing young people's ability to resist drugs and enabling early identification of drug abusers".
Wan Chai	潮人潮玩 新一代 (English name not available)	The Neighbourhood Advice-Action Council — Eastern/Wan Chai District Youth Outreaching Social Work Team	500,000	-	Target groups: Young people aged between 12 and 24 in the district, especially those who may easily come into contact with drugs or are habitual drug abusers	There will be various novel, creative and recreational activities, as well as mentoring programmes, with a view to widening the horizon of young people and helping them develop confidence and healthy interests to reduce the possibilities of their contact with drugs and abusing drugs. There will

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					Number of participants: 100	also be body examination and appropriate referral services for participants to raise their awareness of the harmful effects of drugs, so that they are more capable of resisting the temptation of drugs.
	青 少 年 抗 毒 約 章 (English name not available)	The Baptist Oi Kwan Social Service and the Neighbourhood Advice-Action Council — Eastern/Wan Chai District Youth Outreaching Social Work Team	-	District Council fund: 400,000	Target groups: Students and young people in the district Number of participants: 1 000	Participants have to sign the Charter to pledge not to take drugs and promote anti-drug messages to their schoolmates, friends and families. The organizer will organize various activities to enhance their awareness to avoid drugs. The Programme will award participants of good performance over the period.
Kowloon City	Teen 友 伴 我行 (English name not available)	The Yang Memorial Methodist Social Service Kowloon City District Youth Outreaching Social Service Centre	500,000	Community sponsorship: 20,000 District Council fund: 260,000	Target groups: High-risk young people in the district Number of participants: 120	Anti-drug talks will be held for schools in the district, in order to raise young people's awareness of the harmful effects of drugs; to carry out drug risk identification of students and invite some students who are at risk to participate in the Programme and help them develop an interest in healthy activities through multiple intelligence training, life education and mentoring programmes.

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Kwun Tong	The Kwun Tong District Community Programme against Youth Drug Abuse	The Caritas Youth and Community Service Caritas Community Centre — Ngau Tau Kok/The Kwun Tong Sports Promotion Association Limited/The Hong Kong Lutheran Social Service Evergreen Lutheran Centre/The Boys' and Girls' Clubs Association of Hong Kong — Yau Tong Children and Youth Integrated Service Centre	750,000	-	<p>Target groups: Young people in the district who are at high risk and those who are initial drug abusers who use drugs occasionally or at social occasions, as well as young people aged between six and 23 and members of the public</p> <p>Number of participants: about 6 500</p>	<ul style="list-style-type: none"> • Kwun Tong District Anti-drug Talents Ambassador Training Program <ul style="list-style-type: none"> - There will be training in art performance through which anti-drug messages will be conveyed. The participants will hold various performances to promote anti-drug messages and encourage the public to sign a drug-free charter. • Wing Chun Martial Arts Training Class <ul style="list-style-type: none"> - Wing Chun martial arts training will be organized to help young people establish good peer relationships, attain physical health, develop positive values and attitudes towards life and stay away from drugs. • Project Sunshine • PS <ul style="list-style-type: none"> - To promote the knowledge of drugs and drug identification and provide young

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						<p>people in need with more in-depth training, counselling and follow-up services, in order to help them lead a healthy life and steer clear of drugs.</p> <ul style="list-style-type: none"> • Youth Anti-drug Program <ul style="list-style-type: none"> - To promote anti-drug messages among young people through Internet networks, such as Facebook and YouTube, so as to increase their awareness of the anti-drug cause and the ability to resist the temptation. • Anti-drug Band-sound Concert <ul style="list-style-type: none"> - Using young people's favourite pop music as media and inviting famous musicians and bands as "health ambassadors", so as to bring positive energy to young people and increase their awareness of the harmful effects of drugs.

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Kwun Tong	The "Hong Kong Got Talent" Contest cum "Hong Kong Got Talent" Community Musical	The Kwun Tong District Council	-	District Council fund: 300,000	Target groups: Those with talents and potential regardless of age, sex, nationality and race Number of participants: About 1 200	To select people with different talents in arts performance through competition and produce a musical based on their stories to promote the messages of resilience in adversity and realization of potentials.
	The Anti-drug Musical for School	The Kwun Tong District Council	-	District Council fund: 300,000	Target groups: Primary and secondary schools in the district Number of participants: About 6 000 attendances	To recruit about 20 students interested in musicals from each participating school of the Programme for training and invite them to join the performance when the musical is staged in their schools. Through the interesting and interactive musical, messages on the harmful effects of drugs may be promoted among students and their awareness of the anti-drug cause will be increased.
Sham Shui Po	The Anti-drug Angel — The Sham Shui Po District Drug Prevention Project for Youth	The Boys' and Girls' Clubs Association of Hong Kong — The Sham Shui Po District Youth Outreaching Social Work Team	500,000	Community sponsorship: 50,000	Target groups: Young people aged below 21 in the district who are at high risk or have taken drugs before Number of participants: 100	To help high-risk youths enhance self-confidence, avoid drugs and integrate into the community through training in sports and arts, counselling by professional social workers and mentoring support from district personalities.

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Wong Tai Sin	The Wong Tai Sin Community Programme against Youth Drug Abuse	The Wong Tai Sin Alliance Against Drug Abuse	500,000 (The Home Affairs Department) 704,510 (The Beat Drugs Fund)	Community sponsorship: 920,560 District Council fund: 40,000	Target groups: High-risk young people in the district Number of participants: About 450	<p>The Alliance will be the anti-drug platform of the Wong Tai Sin District and will seek to encourage the widest community participation in the anti-drug campaign. Besides co-ordinating the Clean Line — Community Integrated Scheme on Fighting Youth Abuse of Psychotropic Drugs in Wong Tai Sin (the Clean Line Scheme), the Alliance also encourages its members to organize other anti-drug activities with the objective of helping young people develop a positive attitude towards life and healthy interests. There will be a mentoring programme, with community personalities as mentors. They will be role models and their care and support will help young people stay away from drugs.</p> <p>Key programmes of the Wong Tai Sin Community Programme Against Youth Drug Abuse are as follows:</p> <ul style="list-style-type: none"> • The Clean Line Scheme

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						<ul style="list-style-type: none"> - To set up four district working groups for the anti-drug platform; - "Clean Express" youth clinic; - To set up a hotline for a clean community; - "Clean Express Ambassadors" training courses; - "Drug-free Analysis" Four-panel Comic Drawing Competition, comic workshop and publication of 1 000 copies of comic books • Large-scale district seminars - Wong Tai Sin Community Seminar — "How to communicate with the Y generation?" • Community anti-drug musical

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Yau Tsim Mong	Teens' Dreamland	The Hong Kong Playground Association	500,000	Community sponsorship: 315,720 District Council fund: 50,000 (to be confirmed)	Target groups: Young people in the district who are at high risk or have taken drugs before, students, parents and teachers Number of participants: About 4 000	Through collaboration between the Government and various sectors of the community, the Programme will include a one-stop service for young people, including outreach services, body examination, counselling, drug treatment, training in art performance, mentoring programmes and job matching. There will also be publicity and participation programmes for the community, schools and families.
Islands	為明 Teen 打氣 (English name not available)	The Neighbourhood Advice-Action Council	500,000	-	Target groups: Young people in the district aged below 21 who are at risk or who have taken drugs before Number of participants: About 300	Young people at risk or former young drug abusers who are in need of help will be identified through visits or outreach services of social workers. Healthy and appealing activities will be organized to help them develop healthy interests, so that they are able to stay away from drugs. The Programme seeks to strengthen their will-power and extend their interpersonal networks, thereby helping them overcome their limitations and rebuild their sense of self-worthiness and self-confidence. The Programme consists of four sections to meet the interests and motivation of young people.

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Kwai Tsing	The Kwai Tsing District Community Programme Against Youth Drug Abuse	The Hong Kong Federation of Youth Groups	500,000	Community sponsorship: 30,000 District Council fund: 280,000	Target groups: Young people in the district who are at risk or have taken drugs before Number of participants: 150	Suitable activities and physical fitness tests will be organized under the Programme, so that participants can make good use of their time to develop positive values and attitudes towards life and be better equipped to resist the temptation of drugs.
North	The North District Community Programme Against Youth Drug Abuse: 1. "運動達人" 2. "北區北區深宵外展服務" 3. "飛躍北動力" (English names not available)	1. The Cheer Lutheran Centre 2. The Hong Kong Children and Youth Services Tai Po and North District Overnight Outreaching Social Work Team 3. The Evangelical Lutheran Church of Hong Kong North District Youth Outreaching Social Work Team	500,000	Community sponsorship: 100,000	Target groups: Young people in the district who are at risk or who have taken drugs before. Number of participants: About 250	The Programme is implemented mainly through two North-District-based youth outreaching social work teams and a counselling centre for young drug abusers. They will reach out to young people in the district who are at risk or are using drugs and seek to establish with them a relationship (including mentorship), so as to enhance their motivation for self-enhancement. A series of district activities and interest classes will be organized to help them boost self-confidence and develop positive values and good social relationship.

<i>District</i>	<i>Name of activity ⁽¹⁾</i>	<i>Major collaborating organizations</i>	<i>Government fund (\$)</i>	<i>Community sponsorship (\$)</i>	<i>Activity target and number of participants</i>	<i>Contents and objectives</i>
Sai Kung	The Sai Kung District Community Programme against Youth Drug Abuse	The Hong Kong Federation of Youth Groups	500,000	-	<p>Target groups: Young people who are at high risk and those who have taken drugs before, students and teachers of primary and secondary schools, residents, the local community and the staff of housing estates in the district.</p> <p>Number of participants: About 10 500</p>	<ul style="list-style-type: none"> • Neighbourhood Youth Anti-drug Scheme <ul style="list-style-type: none"> - Caring Estates Campaign: To strengthen family support and district network and promote "care and support" in the neighbourhood for young people who are at risk or have used drugs. • School-based Anti-drug Education <ul style="list-style-type: none"> - Suitable school-based anti-drug educational activities will be organized for primary and secondary schools in the district, in order to increase students' awareness of the harmful effects of drugs and their resistance to the temptation of drugs. • "Life Widening" Self-challenge Awarding Scheme <ul style="list-style-type: none"> - "Natural High" Intensive Adventure Training Camp: Comprehensive and in-depth group

<i>District</i>	<i>Name of activity ⁽¹⁾</i>	<i>Major collaborating organizations</i>	<i>Government fund (\$)</i>	<i>Community sponsorship (\$)</i>	<i>Activity target and number of participants</i>	<i>Contents and objectives</i>
						<p>counselling adventure and a two-month individual and group follow-up counselling will be organized as a preventive measure.</p> <ul style="list-style-type: none"> • Community Buddy Scheme <ul style="list-style-type: none"> - Young people who have received training on counselling regarding drug prevention, treatment and rehabilitation will serve as "community buddies" to provide secondary school students with personal attention and recognition, as well as positive support and guidance, for their healthy development. • School-based Assessment on Risks of Youth Drug-taking <ul style="list-style-type: none"> - School-based drug abuse risk assessment tools will be designed to identify effectively high-risk young

<i>District</i>	<i>Name of activity ⁽¹⁾</i>	<i>Major collaborating organizations</i>	<i>Government fund (\$)</i>	<i>Community sponsorship (\$)</i>	<i>Activity target and number of participants</i>	<i>Contents and objectives</i>
						people and reports on the characteristics of their personalities, family background and behaviour and psychological conditions will be provided.
Sha Tin	The Life Engineering Project	The Chinese Young Men's Christian Association of Hong Kong	500,000	District Council fund: 30,200	Target groups: Young people in the district aged below 21 who have been drug abusers or are acquainted with drug abusers Number of participants: 200	Through training courses appealing to young people, rehabilitation and treatment services, counselling by social workers and community promotional activities, the programme aims to help participants develop positive values and attitudes towards life and steer clear of drugs.
Tai Po	Be-Pe Cheerer Project II	The Hong Kong Children and Youth Services	500,000	-	Target groups: Young people in the district under unhealthy influences or with motivation to quit drugs and have taken drugs before Number of participants: About 400	Through services targeted at young people, the Project will strengthen their resilience against adversity and help them resist the temptation of unhealthy practices from drug abuse, triad influence, violence and so on.
Tsuen Wan	The Tsuen Wan District Three-pronged Anti-youth Drug Abuse Campaign	The Hong Kong Federation of Youth Groups, the Chinese Young Men's Christian Association of Hong Kong, the	500,000	Community sponsorship: 350,000	Target groups: Young people who are at high risk, students and teachers of primary and secondary schools and	A three-pronged approach of preventive education, community outreach and in-depth counselling services in conjunction with a mentoring programme, with a view to promoting among young

<i>District</i>	<i>Name of activity ⁽¹⁾</i>	<i>Major collaborating organizations</i>	<i>Government fund (\$)</i>	<i>Community sponsorship (\$)</i>	<i>Activity target and number of participants</i>	<i>Contents and objectives</i>
		Yan Chai Hospital and the Tsuen Wan Adventist Hospital			parents in the district Number of participants: About 1 650	people in the district the knowledge of drug prevention and positive attitudes towards life.
Tuen Mun	齊創 • 新地 (English name not available)	The Hong Kong Young Women's Christian Association Tuen Mun Integrated Social Service Centre	580,000	Community sponsorship: 100,000	Target groups: Young people in the district who have taken drugs before or are acquainted with drug abusers or peers with behavioural problems Number of participants: 150	To help participants build positive values to enhance their resistance to the temptation of drugs and foster mutual assistance. With cross-sectoral collaboration of the local community; to provide one-stop services including body examination, counselling, skills and arts training, mentorship, life planning, reward programmes, drug treatment referral and so on.
Yuen Long	健康社區抗毒大行動 (English name not available)	The Friends of Scouting, The Evangelical Lutheran Church of Hong Kong and the Hong Kong Christian Service	500,000	Community sponsorship: 100,000	Target groups: Young people in the district who have taken drugs before and are at risk Number of participants: About 700	A variety of training in sports and skills and activities will be made available to the participants according to their interests. They will be arranged to take part in competitions and performances to help them build confidence. Their achievements from the training will be introduced to other young people in the district to help promote anti-drug messages.

Note:

(1) Name of activity refers to the name of programme by various districts.

MR CHEUNG KWOK-CHE (in Cantonese): *I believe society is paying close attention to the voluntary Drug Testing Scheme to be implemented in the Tai Po District while Members are concerned about the question of what complementary downstream services will be provided to students found to have developed an addiction to drugs. In addition, Members are even more concerned about those students who are unwilling to participate in the Drug Testing Scheme but who may have been addicted to drugs. After these students have left schools, are there sufficient social workers and outreaching social workers who are responsible for identification, so that the latter may get into contact with the former in the streets? May I ask the Government about the progress in the relocation of the Zheng Sheng College, which has been mentioned in the main question? Furthermore, is the number of outreaching social workers sufficient to cope with the needs of those who have not*

PRESIDENT (in Cantonese): Mr CHEUNG Kwok-che, you may raise only one question when asking supplementary questions. If you have more than one question, will you please wait for a second turn?

MR CHEUNG KWOK-CHE (in Cantonese): *Fine. I will first put to the Secretary the question about the present progress in relocating the Zheng Sheng College.*

PRESIDENT (in Cantonese): Which Secretary will answer? Secretary for Security, please.

SECRETARY FOR SECURITY (in Cantonese): President, as Members all know, at present, young people in Hong Kong are troubled by the problem of drug abuse. The principle of the Government is to assist young people who are beset by the problem of drug abuse and resolved to turn over a new leaf in weaning themselves from drugs. We are aware of the inadequacy of the existing facilities in the DTRCs of the Christian Zheng Sheng Association (the Zheng Sheng Association) and the difficulty in making improvements *in situ*. This has resulted in the failure to satisfy the needs of the boarders and the licensing requirements of the SWD.

One of the recommendations relates to the relocation of the Zheng Sheng College to the vacant premises of the Southern District Secondary School and an increase in its admission quota, so as to render assistance to more young people who are in need. All along, the Government has assisted the Zheng Sheng College in its relocation. However, as Members may have noticed, some incidents have actually happened in the past few months. For example, regarding the relocation of the Zheng Sheng College to the vacant premises of the Southern District Secondary School, local residents have advanced some views and voiced objection. Later, another incident happened in which the accounts of the Zheng Sheng College were found to have problems. Despite all these incidents, to date, the Government has not made any change to its policy of supporting the relocation of the Zheng Sheng College. Our discussions with the Zheng Sheng Association and various stakeholders are ongoing, in a bid to identify a proposal which is relatively satisfactory to all of them, so as to resolve this issue.

As Members are aware, the Zheng Sheng Association has to form another non-profit-making organization for the school and this will take some time. In addition, it will have to engage an independent auditor to carry out an audit again. For these reasons, we need some time to deal with these matters before further development is possible.

PRESIDENT (in Cantonese): As there are nine Members waiting to ask questions, will everyone please be as concise as possible.

MR CHAN HAK-KAN (in Cantonese): *President, in announcing the implementation of the Drug Testing Scheme in the Tai Po District, the Government undertook to allocate additional resources to the Tai Po District for the provision of support to social workers and schools and the training of teachers, as well as upgrading the software and hardware of the Hong Kong Lutheran Social Service Cheer Lutheran Centre which offers counselling services to drug abusers. Given that the Drug Testing Scheme will soon be implemented, may I ask the Secretary whether or not such resources have reached the designated recipients? What is the progress of the introduction of the Drug Testing Scheme by the Government? Can the authorities give this Council a brief explanation on these issues?*

PRESIDENT (in Cantonese): Which Secretary will answer? Secretary for Security, please.

SECRETARY FOR SECURITY (in Cantonese): President, in order to implement the Drug Testing Scheme, we have allocated \$11 million from the Beat Drugs Fund to conduct the Drug Testing Scheme in Tai Po. Drug testing will be carried out between December 2009 and June 2010 while the support services provided for the identification of students having drug abuse problems will last until the end of December 2010. The Drug Testing Scheme will cover such initiatives as the establishment of a student drug testing team comprising two nurses, two social workers and one information administrator. In addition, the counselling centre for psychotropic substance abusers providing services to the Tai Po District will second five registered social workers to take charge of co-ordinating the Drug Testing Scheme and handling drug abuse cases detected by the Drug Testing Scheme and confirmed subsequently. The target recipients of the service include students and parents. Furthermore, medical consultation services will be provided to students confirmed to have abused drugs while the manpower of school social workers will be beefed up. Each and every participating school will be allocated additional resources for the purpose of employing additional staff, organizing anti-drug activities in schools and providing professional training to teachers to facilitate the implementation of the Drug Testing Scheme.

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

MR CHAN HAK-KAN (in Cantonese): *President, I am grateful to the Secretary for providing Members with a lot of information. Nevertheless, may I ask the Secretary whether or not the additional staff whom he said would be recruited have already been recruited? Or, regarding the resources*

PRESIDENT (in Cantonese): You need only repeat the part of your supplementary question not answered by the Secretary.

MR CHAN HAK-KAN (in Cantonese): *President, I asked the Secretary clearly just now about the undertaking made by the Government to allocate additional resources to the Tai Po District, so as to implement the Drug Testing Scheme*
.....

PRESIDENT (in Cantonese): Just now, you asked the Secretary whether or not the resources had reached the intended recipients.

MR CHAN HAK-KAN (in Cantonese): *That is right. Have the resources reached the intended recipients?*

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

SECRETARY FOR SECURITY (in Cantonese): President, the resources have reached the intended recipients. As to the question of whether or not the persons concerned have been recruited, I have to check. To my understanding, the professional team concerned has already been formed.

DR PRISCILLA LEUNG (in Cantonese): *President, in fact, I also wish to ask the Secretary if the Government will formulate any specific proposal or plan under the Drug Testing Scheme to allocate additional resources to drug treatment and rehabilitation schools (DTRSs) which are similar to the Zheng Sheng College in nature? I was present at the discussion conducted several months ago between the persons in charge of the Zheng Sheng College and those of the relevant bureaux on the several other sites available for selection in case the vacant premises of the Southern District Secondary School became not an option. In fact, will the Government consider making available those sites in the future, so that a greater number of DTRSs can help young people in this mode?*

SECRETARY FOR SECURITY (in Cantonese): In fact, this supplementary question covers two aspects. The first aspect relates to resources while the second pertains to sites for the relocation of DTRCs.

Regarding resources, the Honourable Member referred to the Zheng Sheng College just now. To date, the Zheng Sheng College is still registered as a private school. That being the case, the Government cannot provide any subsidy. If the Zheng Sheng College is registered as a non-profit-making organization in the future, does it mean that it can make an application to the Education Bureau for resources? Let us discuss this question later because we will have to ascertain the nature of the Zheng Sheng College after the change.

As to identifying sites for the relocation of existing DTRCs, Members are aware that this is a very difficult task because everyone may voice their support but if one of these DTRCs is to be relocated to a site near their homes, they may raise objection. In any event, over the past few months and even the last couple of years, apart from the incident of relocating the Zheng Sheng College to the vacant premises of the Southern District Secondary School, we have in fact made attempts to identify sites at various locations in Hong Kong, so that we may provide suitable sites in case DTRCs need to relocate in the future. However, I am not able to give Members an answer at this juncture. We have actually identified several sites, but if relocation really becomes necessary, we will have to liaise with the local residents and District Councils concerned and conduct consultations.

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

DR PRISCILLA LEUNG (in Cantonese): *Secretary, the supplementary question put by me just now is: Setting aside the relocation of the Zheng Sheng College, is it a direction of the Government's policy to make available sites that have been considered to be suitable locations, so that a greater number of DTRSs can be established? That is to say, my supplementary question is not about the relocation of existing DTRCs but about considering the provision of more sites for establishing DTRSs.*

SECRETARY FOR SECURITY (in Cantonese): Our direction is to provide more facilities, so that young people or adults who are intent on weaning themselves from drugs can turn over a new leaf. This is our direction. As to the question of whether or not there is a genuine need to provide more sites to

organizations which intend to establish DTRs of this nature or allow them to provide additional facilities *in situ*, we can give these matters consideration.

MR WONG SING-CHI (in Cantonese): *President, the Secretary highlighted in paragraph two in part (b) of the main reply that students found to have abused drugs would not be expelled from schools. However, having attended some seminars organized by the Narcotics Division and schools, I have learnt that some young people found to have abused drugs do not necessarily have to continue their studies at schools because some of them will be segregated and placed under long-term or even more intensive and focused drug addiction treatment. Secretary, if these young people are required to receive focused drug addiction treatment outside schools but are not expelled from schools, has the Government given thoughts to the articulation work involved? How will the Government undertake work in this area?*

PRESIDENT (in Cantonese): Which Secretary will answer? Secretary for Security, please.

SECRETARY FOR SECURITY (in Cantonese): We can classify young people who are beset by drug addiction into various categories. Those described by Mr WONG as chronic drug addicts in need of segregated drug addiction treatment will be admitted to DTRCs to undergo rehabilitation treatment. However, regarding those who have just started taking drugs but have not become deeply addicted, we hope they do not have to be removed from mainstream schools and segregated. We hope social workers and doctors can provide them with assistance.

Regarding students who belong to the first group, that is, those who are required to undergo segregated treatment in DTRCs, our ultimate goal is actually to enable them to continue with their studies in mainstream schools as far as practicable after completion of their treatment. Of course, if they need to receive educational services or wish to pursue studies during their stay in DTRs or DTRCs, we also hope to provide them with such opportunities therein. As to the reinstatement of their school places after treatment, as the Secretary for Education is not present today, I am not in a position to give Members an answer but I will go back and check the relevant information. Our policy is to enable

any young people who are successful in weaning themselves from drugs to return to mainstream schools. Regarding the question of whether they will return to the original schools or pursue their studies in some other schools, perhaps I shall give a reply in writing. (Appendix I)

PRESIDENT (in Cantonese): We have spent more than 21 minutes on this question. Members who did not have the opportunity to raise their questions may only follow up through other channels.

PRESIDENT (in Cantonese): Second question.

Regulation of Concealed Video-recording and Telephone Tapping Devices

2. **MR LAU KONG-WAH** (in Cantonese): *President, it has been reported that nowadays new concealed video-recording and telephone tapping devices keep replacing the old ones on the market, and such kinds of devices look the same as common items and accessories (such as watches, fountain pens, spectacles, electronic key-holders of cars, and so on). Members of the public may at any time buy the relevant products at a few hundred dollars only in the shopping centres for electronic products in Hong Kong or on the Internet. Moreover, it has also been reported that the proliferation of sales and use of these concealed video-recording and telephone tapping devices is increasingly serious, which not only infringes upon personal privacy, but also poses a heavy psychological burden on members of the public in their daily lives. In this connection, will the Government inform this Council:*

- (a) *of the number of complaints received by the authorities from members of the public in respect of acts of concealed video-recording or telephone tapping by individuals or organizations in the past three years, as well as the venues where such acts took place and the devices used;*
- (b) *whether legislation is currently in place to regulate the sale, possession and use of concealed video-recording and telephone tapping devices; if so, of the number of cases in which prosecution was instituted in the past three years against contraventions of the*

relevant legislation; if not, whether it will enact legislation to carry out the monitoring; and

- (c) *given the continual advances in science and technology, concealed video-recording and telephone tapping devices have become more sophisticated, and the privacy of members of the public can easily be infringed without their being aware of it, how the Government ensures that the personal privacy of members of the public will not be violated because of the development of science and technology?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President,

- (a) At present, there is no specific legislation in place to regulate the acts of concealed video-recording or telephone tapping by non-public officers. Therefore, law-enforcement agencies have not kept any record of the number of complaints from members of the public in respect of acts of concealed video-recording or telephone tapping by individuals or organizations.

From 2008 to October 2009, the Office of the Privacy Commissioner for Personal Data (PCPD) received three complaints involving the use of concealed video-recording and telephone tapping devices. All the cases were related to complainees using pinhole cameras in hospital or office to monitor the complainants. The PCPD is still conducting investigations under the Personal Data (Privacy) Ordinance to see whether such acts have breached any provision under the Ordinance.

- (b) Under section 27 of the Telecommunications Ordinance, a person who damages, removes or interferes with a telecommunications installation for the purpose of interception of a message shall commit a criminal offence and shall be liable on summary conviction to a fine of \$20,000 and to imprisonment for two years. Between January 2007 and September 2009, the Administration did not institute any prosecution under section 27 of the Telecommunications Ordinance.

- (c) The report on "Privacy: Regulating the Interception of Communications" released by the Law Reform Commission (LRC) in 1996 recommended that it should be an offence when a person intentionally intercept or interfere with communications (that is, a telecommunication, a sealed postal packet or a radio transmission) in the course of transmission, other than where authorized by a warrant.

Separately, in its report on "Privacy: The Regulation of Covert Surveillance" released in 2006, the LRC recommended the creation of two new criminal offences to regulate the obtaining of personal information through trespass into private premises or by means of surveillance devices.

The conduct of interception of communications and the use of surveillance devices by public officers is regulated by the Interception of Communications and Surveillance Ordinance. However, we should not draw any conclusion lightly that the conduct of non-public officers in this respect should be regulated. These two LRC reports are highly controversial. When the reports were published, the Hong Kong media sector and journalists expressed their worry that the recommendations might compromise press freedom. Accordingly, the Government would not accept the recommendations lightly. In determining the way forward, we have to consider very carefully how we can look after press freedom and privacy at the same time. At the present stage, the Government does not have any plan to enact legislation to put in place a regulation regime in this regard.

MR LAU KONG-WAH (in Cantonese): *President, given that victims of concealed video-recording and telephone tapping may be unaware of such acts, no complaints can be made. Can the Secretary, who mentioned in part (a) of the main reply that some cases had occurred in hospital or office, tell us the number of people being affected in the case occurred in hospital, the current status of the investigation and under which law will prosecution be instituted?*

PRESIDENT (in Cantonese): Which Secretary will answer this question? Secretary for Constitutional and Mainland Affairs, please answer the question.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, as far as I understand it, the PCPD is now investigating these complaints lodged by individuals. The Privacy Commissioner will conduct investigations in accordance with the Personal Data (Privacy) Ordinance to determine if someone's personal data have been used in violation of the Ordinance. Hence, the investigations will be conducted within the ambit of the Ordinance.

MR LAU KONG-WAH (in Cantonese): *The Secretary has not answered my question about the number of people affected in the hospital case.*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, according to our understanding, the complaints are made by individual patients and the hospital's personnel. Further information can only be provided upon completion of the investigation by the PCPD and publication of the investigation results.

MR RONNY TONG (in Cantonese): *President, despite the categorical stipulation in the Basic Law that the communications of residents shall be protected by law, the Secretary, in his reply, has pointed out that a balance ought to be struck between press freedom and privacy. Can the Secretary give us a detailed explanation of his remark? Does he mean that journalists are allowed to disclose someone's emails, which have been read clandestinely, as a news report? In that case, how can the SAR Government assure the people that there is legislation to protect privacy in communications in compliance with the Basic Law?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, regarding the existing legislation, the Telecommunications Ordinance can protect us from illegal interception of telecommunications and theft of computer data. As I have just said in the main reply, the two reports by the LRC, which are about protection of privacy, may also affect news coverage

by the press. For instance, many newspapers in Hong Kong may assign their journalists to stalk some celebrities, and such

MR RONNY TONG (in Cantonese): *He is not answering my supplementary question*

PRESIDENT (in Cantonese): Please hold on, Secretary.

MR RONNY TONG (in Cantonese): *The Secretary is simply not answering my question and I do not wish to waste Honourable colleagues' time*

PRESIDENT (in Cantonese): Mr TONG, please repeat your follow-up question.

MR RONNY TONG (in Cantonese): *President, Article 30 of the Basic Law has clearly stipulated that "no department or individual may, on any grounds, infringe upon the freedom and privacy of communication of residents." This is the point I wish to make and my supplementary question refers to peeping at others' emails by individuals rather than telephone tapping or hacking of emails by the Government. Did the Secretary mean that if someone had taken a peep at others' email, it could be published in the form of a news report and such an act should be protected? If he thinks that such an act should be protected, how can this be reconciled with the basic responsibilities provided in Article 30 of the Basic Law?*

PRESIDENT (in Cantonese): Secretary, please answer Mr TONG's question about the interception of others' communications by individuals.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, in fact I was actually answering Mr Ronny TONG's supplementary question. Certainly, the Basic Law protects all kinds of freedom, including our personal freedom. Similarly, the press freedom is also protected

under the Basic Law. So, when dealing with such a situation, we have to take both aspects into account, which is the message I wish to convey to Members in my main reply. Meanwhile, both the Basic Law and some local legislation, such as the Telecommunications Ordinance I just mentioned, which seeks to prevent the interception of communications and theft of computer data, are supposed to be observed by all.

MR RONNY TONG (in Cantonese): *President, he has not answered why reading someone's emails clandestinely falls within the freedom of the press. Why is this related to the press freedom?*

PRESIDENT (in Cantonese): Secretary, please answer the question specifically on reading others' emails clandestinely.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, in my opinion, both news coverage and other forms of communication should be conducted in accordance with the law. If there is a law which prevents the press from taking advantage of any act or action to intercept communications, the press should comply with the law.

MR WONG TING-KWONG (in Cantonese): *President, according to the Secretary's reply, concealed video-recording and telephone tapping are governed by the Personal Data (Privacy) Ordinance. But there is no legislation governing the manufacture, import, sales, possession and use of concealed video-recording and telephone tapping devices. I wish to know why.*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, in fact, this is not the jurisdiction of the PCPD or the Constitutional and Mainland Affairs Bureau, but I can answer Mr WONG Ting-kwong's question on the basis of general understanding. Hong Kong, as a free economy, is also an open and free port. In Hong Kong, people can sell any devices or commodities as long as they do so in accordance with the laws of Hong Kong. Regarding the issue under discussion today concerning whether

there is a need to govern concealed video-recording and telephone tapping, let me explain to Members that such acts are partly regulated by the Telecommunications Ordinance, and personal data are also protected under the Personal Data (Privacy) Ordinance. However, if such devices currently on sale on the market are lawful, they will remain lawful.

DR SAMSON TAM (in Cantonese): *President, people will report to the police if they have lost or have been stolen anything. However, if their telecommunication messages have been stolen, they will not be aware of it because they can still receive the messages although a copy of their messages have been stolen. Therefore, as Mr LAU Kong-wah has pointed out, many people will not know that they should lodge a complaint. May I ask the Government whether the relevant authorities have considered taking the initiative to monitor the entire society through technology as to whether someone is stealing others' messages in communications or telecommunications? If yes, I believe the Government should implement some measures to protect those people who are not capable of protecting themselves. So, may I ask the Government whether there is a team of officers or a mechanism which will monitor signals of interception of telecommunications?*

PRESIDENT (in Cantonese): Which Secretary will answer the question? Secretary for Security, please answer the question.

SECRETARY FOR SECURITY (in Cantonese): President, I do not quite understand Dr TAM's supplementary question. Did he ask whether there were any police officers who were specifically assigned by the law-enforcement agencies to monitor the operation of the Internet in order to detect if anyone had specialized in Internet crimes? Did he mean that?

DR SAMSON TAM (in Cantonese): *There are some devices for receiving radio signals which can be used for interception of messages. Therefore, may I ask the Government if the relevant authorities have any mechanism to monitor whether there are any similar signals transmitting on the Internet? I refer to radio signals.*

SECRETARY FOR SECURITY (in Cantonese): President, in fact, there is a team of officers specializing in investigation of Internet crimes, such as online theft, vandalizing others' emails or online frauds, under the Commercial Crime Bureau. However, we have not monitored the use of the Internet by all the people of Hong Kong. First of all, we are not sure whether there is any legislation that enables us to Although our law-enforcement agencies are authorized to conduct interception of communications under the existing legislation on covert surveillance and telephone tapping, such power is restricted to: first, detection of serious crimes, and secondly, when knowing that a certain crime is going to happen, we can exercise such power by applying for a warrant from the Court for preventing the occurrence of the crime. Therefore, regarding the worry that there is a proliferation of communication interception and Hong Kong people's emails or telecommunications are being monitored by the Government on a large-scale basis, I would like to point out that firstly, we do not have sufficient manpower to do so; and secondly, this is contrary to the original intent of the legislation. To put it simply, Dr TAM, we have not engaged in such activities presently.

MR JAMES TO (in Cantonese): *President, in part (c) of the main reply, the Secretary mentioned that it may be necessary for non-public officers to strike a balance for press freedom because some people may have to engage in concealed video-recording and telephone tapping in order to bring some frauds to light. I have watched a lot of relevant documentaries by the news departments of some television stations.*

However, President, my question is about public officers. As for public officers, it is mentioned in the reply that regulation has been imposed. But I would like to put the following question to the Government. Despite the regulation, the public officers work in a large organization with plenty of resources and telephone tapping conducted by them illegally is not regarded as a criminal offence. Mr LAU Kong-wah, who asked today's main question, also said that none of the clauses of the Bill on interception of communications and covert surveillance should be passed when it was under scrutiny. May I ask the Government, given that illegal telephone tapping by public officials is not regarded as a criminal offence even though regulation has been imposed, if it considers sufficient protection has been accorded to the people and reform should start at here at least?

PRESIDENT (in Cantonese): Which Secretary will answer the question? Secretary for Security, please.

SECRETARY FOR SECURITY (in Cantonese): President, yes, under the existing Interception of Communications and Surveillance Ordinance, law-enforcement officers are authorized to apply for a warrant from a Judge in order to conduct covert surveillance and interception of communications for the prevention and detection of serious crimes. If my understanding is correct, Mr TO's supplementary question is: If some law-enforcement officers, in their private capacity or capacity other than that of public officers, have carried out interception of communications without authorization by the Judge, should legislation be enacted to punish such public officers?

In fact, our law-enforcement agencies attach great importance to any violation of the Interception of Communications and Surveillance Ordinance. If any public officer has committed an act in violation of the Ordinance, he may be subject to disciplinary action under the disciplinary mechanism of the department concerned even though the act is conducted in his capacity as an ordinary citizen, which is not subject to regulation for the time being, and the act is not conducted in the course of duties. Besides, any public officer who has intentionally conducted interception of communications or covert surveillance without authorization may have committed the common law offence of misconduct in public office. As a public officer, he may be liable to prosecution under common law, given that his responsibility is more onerous than that of an ordinary citizen.

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

MR JAMES TO (in Cantonese): *Why is the conduct of the relevant public officers not regarded as a criminal offence under the Interception of Communications and Surveillance Ordinance? President, just now he has mentioned disciplinary action only.*

SECRETARY FOR SECURITY (in Cantonese): President, concerning this issue, I remember that very detailed debates were held both in the Bills Committee and this Council during the legislative process at that time. In our opinion, the existing provisions are appropriate.

PRESIDENT (in Cantonese): Third question.

Football Development in Hong Kong

3. **MR CHEUNG HOK-MING** (in Cantonese): *President, before asking the question, I have to declare that I am the Chairman of the Wo Fu Tai Po Football Club.*

President, it has been reported that Chinese leaders have recently advocated raising the development of football to a level reflecting the soft power of sports and culture in China. The report has also pointed out that the full house attendance at the match between South China Football Team and Kuwait Football Team at the Hong Kong Stadium on 21 October this year, which was a grand occasion rarely seen in recent years, reflected that local people have not abandoned their support for football. As to how the development of local football is to be promoted to foster interface with football in China, will the Government inform this Council:

- (a) whether it has explored suitable measures for the reform and sustainable development of football in Hong Kong; if it has, of the details; if not, the reasons for that;*
- (b) focusing on the raising of the standard of football by our country to a level reflecting its soft power, whether the Hong Kong SAR Government has adopted corresponding measures to complement; whether at present the authorities have provided any direct funding support for the development of football teams; if they have, of the details; if not, whether they will consider providing funding support, and in the long run, whether they will consider setting up different levels of subventions in accordance with the performance of football teams, thereby encouraging football teams to enhance their strength; and*

- (c) *of the details of the in-and-out mechanism for the selection of elite sports under the current subvention policy for elite training, and the eligibility criteria for football to become an elite sport?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I thank Mr CHEUNG Hok-ming for his question. My reply to the three parts of the question is as follows:

- (a) Football has long been a popular sport in Hong Kong. It has also been a subject of concern of Honourable Members all along. In response to the request made by Members of the Council on 4 June 2008 during the motion debate on promoting the development of local football, the Home Affair Bureau has commissioned a consultant to conduct a study to review the current status of football in Hong Kong, analyse the experience of nearby countries and cities in developing football, assess the relevance of this experience to the situation in Hong Kong, and recommend viable options for the strategic direction in which we might develop the sport locally. At present, the study is still in progress and the consultant is scheduled to deliver the study report in early 2010. We will then consider in detail how to formulate suitable and practicable measures and implementation strategies to help the Hong Kong Football Association (HKFA) promote the long-term development of football in Hong Kong. We plan to present the study report to the Home Affairs Panel of the Council early next year.

In addition, for the sustainable development of local football, it is essential to have a training base that is capable of identifying talent effectively and providing training for young football players. In this connection, we are studying the feasibility of building a football academy at Tseung Kwan O, and we will explore with stakeholders the most appropriate mode of development and operation.

- (b) We are aware of our country's determination to promote the development of football. The SAR Government will continue to devote resources to the development of football in Hong Kong. To this end, the Leisure and Cultural Services Department (LCSD)

provides an annual subvention of about \$7 million to the HKFA for the several purposes as follows:

- (i) To sponsor the HKFA in organizing youth development programmes to identify and train talented young football players. In 2008-2009, the HKFA organized more than 2 000 subvented football activities. These include the School Sports Programme, under which the HKFA assigns coaches to schools to conduct football training and organizes student visits to major events, as well as the Youth Football Promotion Scheme, the Primary Athletes Football Training Scheme and the Young Athletes Football Training Scheme which together attracted about 50 000 participants;
- (ii) To train Hong Kong representative teams and relevant officials, and arrange participation of the representative teams in international football competitions; and
- (iii) To support the regular operational expenses of the HKFA.

In addition, the Government provides funding from the Arts and Sport Development Fund and other sources to help football players to prepare for and participate in major competitions. For example, in 2008-2009 we allocated a total of about \$0.7 million to the HKFA to prepare the Hong Kong team for this year's 11th National Games and the 5th East Asian Games.

As regards the provision of facilities, the LCSD currently manages 51 natural turf pitches, 24 artificial turf pitches and 236 hard-surfaced football pitches. The LCSD is working to improve existing facilities and build new venues in order to meet the needs of the community, to promote football and to meet the need for training and competition venues for teams at various levels.

To strengthen support for the development of football at the district level, in 2002, the LCSD helped the HKFA to set up district football teams, by providing free training sessions for each of these teams at its pitches and encouraging the 18 District Councils to provide funding for their district football teams in order to reduce the teams'

financial burden. In this connection, the Tai Po district team was promoted to the First Division League in 2006-2007 and the Sha Tin district team was promoted to the First Division League in 2009-2010.

The LCSD has also responded positively to a request by the HKFA to designate home pitches for each of the 11 First Division teams in the 2009-2010 football season, which will allow for the allocation of more training sessions to these teams. As to the question of earmarking subventions to individual teams in accordance with their performance, we will consider this in the context of the strategic recommendations in the study report when this is available.

I also wish to point out that the HKFA takes a leading role in local football development. The HKFA is affiliated to the Federation Internationale de Football Association and is the recognized national sports association (NSA) governing the promotion and development of football in Hong Kong, its responsibilities include: organizing local leagues; monitoring and providing assistance to local football clubs; selecting the Hong Kong representative teams; and co-operating and arranging matches with associations, football clubs and leagues in other countries and regions. The Government helps the HKFA to promote and develop football principally by providing financial support and facilities.

- (c) In so far as the policy for subventing elite training is concerned, the aim is to focus resources on sports with good potential or track records, or on individual athletes who have performed particularly well, with a view to raising Hong Kong's chances of achieving good results in international competitions. The elite sports programme is supported and managed by the Hong Kong Sports Institute (HKSI). With effect from the beginning of the 2005-2009 funding cycle for elite sports, the Sports Commission has selected sports for HKSI subvention in accordance with a set of stringent criteria. As regards football, the HKSI would make an assessment based on the medals won and ranking position achieved by the Hong Kong representative team and youth team in recognized regional and international competitions over the past two years. If the teams reach the

required performance level, football can become an elite sport. According to the assessment criteria, football currently does not meet the qualifying standards to be an elite sport.

MR CHEUNG HOK-MING (in Cantonese): *President, part (b) of my main question is on "focusing on the raising of the standard of football by our country to a level reflecting its soft power, whether the SAR Government has adopted corresponding measures to complement" it. In part (b) of his main reply, the Secretary set out a series of items of work carried out under the existing policies; however, what I am asking is that given that the country has introduced the said policy, the Secretary still allocated only \$7 million to the promotion of football. Hence, I would like to further ask the Secretary whether he has considered increasing resources in this area in consequence to the introduction of the said policy by the country. This is precisely the main issue under discussion.*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, as I mentioned in the main reply, we have commissioned a consultancy to conduct a comprehensive review and put forward strategic recommendations for the overall development of football in Hong Kong. Our goal overall is to enhance and revitalize the development of football in Hong Kong. This comprehensive review will look into not only issues of resources, but it will also deal with issues ranging from corresponding measures in management structure to even sport culture. Pending the submission of the final recommendation by the consultancy, the Government will consider comprehensively whether there is a need to inject further resources into the promotion of football development.

MR LAU WONG-FAT (in Cantonese): *Due to parents' concern that football pitches are frequented mostly by people of undesirable background and that it would be easy for their children to be disturbed in those places, they do not feel at ease to let their children go to the pitches for football playing or would even prohibit them from doing so, this will certainly affect the long-term development of football. Would the authorities consider formulating long-term measures that focus on youth gang problems in football pitches and other sport venues to ease the minds of parents in letting their children go to the pitches and cultivate an interest in football?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): As I mentioned just now, there are numerous soccer pitches managed by the LCSD, including natural turf pitches, artificial turf pitches, and hard-surfaced football pitches, the management level for which is all extremely high. As for youth gang problems, that is the subject of another area, which has to be resolved in the context of adolescent problems. We believe that football pitches are not hot beds of crime, because in fact we can prevent young people from picking up vice habits by enabling more of them to participate in sport activities.

MISS TANYA CHAN (in Cantonese): *President, I believe we all know that, as Mr CHEUNG Hok-ming has also mentioned in the main question just now, the Asian Cup semi-final had attracted the attendance of a large number of Hong Kong people in support of the event. Even though the event was broadcasted live on television, they went personally to support the event, rendering the entire football pitch a sea of red. The Hong Kong team will be competing against the Japanese team next Wednesday, but the schedule for the match to start at 6.30 has attracted criticisms from the football fans on the Internet because members of the public would not have gone off work yet, let alone to be able to squeeze into the stadium to scramble for seats. Besides, it has been learnt that the Japanese have organized about 10 000 persons to come to Hong Kong to support their national team in a quest to turn the entire stadium into their home pitch. May I ask the Government what measures it has got for further enhancing the development of football in Hong Kong? The most important thing is how to attract Hong Kong spectators to attend the match in support of the team which represents us.*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, as stated by Mr CHEUNG in the main question, in fact, as long as there are good matches, local fans in Hong Kong will naturally rush to attend and watch the matches. The most important thing that the Government should do is to further promote the development of football in Hong Kong, as well as to enable local football teams and athletes to actualize their level of skill; this will naturally attract more spectators to the matches.

DR LAM TAI-FAI (in Cantonese): *President, football in Hong Kong operates on a professional system, and all participating teams should understand that the operation is based on a self-financed principle, hence, I do not agree with the Government funding the various teams direct. The President may say that I am silly — since I also operate a football club, why would I refuse the granting of funds by the Government. However, no rewards should be accepted for no contribution made, there is no free lunch — in accepting fortunes granted by others, we have to resolve the misfortunes they encounter for them; if I accept the Government's funding but fail to run the development of football properly, how can I be accountable to the taxpayers and those from other sports programmes? Therefore, I have a constructive proposal on dealing with the issue at roots. May I ask the Government whether it would allocate funding directly to all universities, and secondary and primary schools for them to promote football with full vigour and to run the school teams properly?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the funding currently allocated by the Government to the HKFA is mostly used as expenditure on nurturing young soccer players of the new generation; it is mainly used for this purpose.

One salient point in the study conducted by the consultancy commissioned is how to nurture young football players of the new generation. Thus, the development of football in schools is indeed a direction that merits consideration. We can see from the information that, in fact, the Mainland and even the national leaders are determined to have the sport run properly, and one of the directions is precisely for football promotion to commence in primary and secondary schools.

PRESIDENT (in Cantonese): Football playing is prohibited within the school attended by the Secretary and me. *(Laughter)*

MR CHIM PUI-CHUNG (in Cantonese): *President, is the Secretary aware that in the years 1940 and 1950, Hong Kong had once been known as the football kingdom of the Far East; in the Asian Games in 1958, the then national team representing the People's Republic of China won the championship. In the light of the standard attained by Hong Kong today, coupled with the remarks made just*

now, may I ask the Secretary whether he has the confidence for Hong Kong football to attain a worldly standing? If not, then, after all, it is just empty talk.

President, my supplementary question is whether the Secretary will consider setting up a special team under the LCSD to help promote football in Hong Kong. Certainly, the Secretary may say that the HKFA is the promotor of football, but the Chairmanship of the HKFA has been monopolized by a family and its generations for decades, rendering zero improvement. Has the Secretary done any review of this?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, football is highly prominent in Hong Kong during those years, of which we are certainly aware. A lot of local fans in Hong Kong had been attracted by Seiko and Bulova of those years to attend and watch the matches. One of the reasons for us commissioning a consultancy study is to explore the reasons for such success in Hong Kong during those years while over the past few decades, football development in Hong Kong has been on the decline in relation to that in other places. What exactly is the main reason? What conditions are required for revitalization? These are the strategies we have to consider.

As regards the question of confidence raised by the Honourable Member, given that such results have been attained with football in Hong Kong in those years, the prerequisites for revitalization should be here in Hong Kong. The key is that we must find out the crux of the problem and the prerequisites we have to possess. And one key factor is indeed whether there is a need for reform and enhancement in the overall management level of the football association (that is, HKFA) responsible for football development, which is also one of the areas that the consultant will examine in depth.

MR IP KWOK-HIM (in Cantonese): *In the main reply, I see it has been mentioned that there will be a research focusing on football, for which I feel extremely delighted. During the days of my youth, as Mr CHIM Pui-chung has mentioned, football in Hong Kong enjoyed a highly prominent position in Asia. Not only were there Seiko and Bulova, but there were also the highly familiar "three Aces" of HO Cheung-yao, YIU Cheuk-yin and one other, which were names familiar to the public.*

Now, football has become an industry in the world; bringing in profits in the region of US\$200 million to US\$300 million per year. On the surface, members of the public in Hong Kong do not care about football; but actually, they are extremely keen on football. Has the Secretary, from the perspective of the Government, examined how football could be promoted to enable these football fans among us to come out, support, and participate? Given the forceful promotion by the State, will Hong Kong promote the sport from the Government's perspective, for example, to participate in national football matches in order to enhance the interest of the public in this area?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, in carrying out the consultancy study, the Government has indicated its intention to step up efforts — "stepping up the efforts" is the popular term currently in use — in promoting football development, to the extent of reviving the prestige of Hong Kong football. Apart from studying the standard of management of the relevant national sports association, or what the proper management should be, the most important thing is for the sports culture in society as a whole, including the culture for football participation, to be further strengthened.

Just now, Mr IP has mentioned some football players of the older generation, such as HO Cheung-yao and CHEUNG Zi-dai. Athletes of the past, including football players, all faced huge problems in their prospects upon retirement. This is because the culture or even the notion of football had not been fully established in the whole society. It can be seen that, relatively speaking, the remuneration of football players in some places is extremely high. However, as the President has mentioned just now, at present, parents in general and even certain schools are not in favor of or would not encourage having football as a sport, taking the view that football comes into play when one fails in his study. Thus, changes are necessary at the cultural or conceptual level.

As to the question of participating in the country's competitions, it is also within the scope of our study. In fact, with the level it has attained, Hong Kong can surely participate in the China League. In the consultancy study, it will be explored, given such a big country, whether we will participate in the leagues of various provinces and municipalities, or whether we should support the football teams to travel afar to Liaoning or Ningxia for competitions, or whether we

would first set up a southern China league team in the Pearl River Delta Region or southern Guangdong. These are the areas which we would study gradually in phases.

PRESIDENT (in Cantonese): Fourth question.

Provision of Chinese Medical Treatments for Inmates

4. **MR LEUNG YIU-CHUNG** (in Cantonese): *President, at the Council meeting on 2 July 2008, the Administration pointed out in its reply to my question on inmates' requests for Chinese medical treatments that if any inmate requested to receive medical treatments beyond the existing services, the Correctional Services Department (CSD) would consider it on a case-by-case basis in consultation with the Medical Officers. In this connection, will the Government inform this Council:*

- (a) *whether any inmate has been allowed to receive Chinese medical treatments since January 2008; if so, of the number of such inmates; if not, the reasons for that; and*
- (b) *given that some inmates have relayed to me that since the Medical Officers consulted by the CSD are mostly western medicine practitioners, the advice obtained is usually that Chinese medical treatments are not necessary for the patients concerned, whether the authorities will conduct a review of this situation and seek professional advice from Chinese medicine practitioners when necessary; if such a review will be conducted and Chinese medicine practitioners will be consulted, of the relevant plan; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Cantonese): President, before addressing the specific questions raised by the Honourable Member, I would like to first explain the principles of and arrangements for the provision of medical services to inmates by the Correctional Services Department (CSD).

The CSD respects inmates' right to medical treatment, and ensures that the necessary and appropriate medical services are provided to all inmates in

accordance with the Prison Rules (Cap. 234A). Every penal institution has a hospital or sick bay where medical services are provided by Medical Officers from the Department of Health (DH) and qualified nursing staff. Inmates in need of specialists' consultation, intensive care or surgery are transferred to specialist clinics or public hospitals for treatment. Moreover, medical specialists from the Hospital Authority (HA) and the DH visit the relevant CSD's institutions on a regular basis to provide consultation and treatment to inmates. If an inmate requests medical treatments beyond the scope of existing services, the CSD will, for the sake of the inmate's health and safety, consider the request on a case-by-case basis, taking into account the professional advice of the Medical Officers posted to penal institutions by the DH.

I will now respond to the specific questions raised by the Honourable Member as follows:

- (a) Since January 2008, the CSD has received only one written application from an inmate requesting Chinese medical treatment. As the Medical Officer of the penal institution concerned needed to ascertain whether the requested treatment was efficacious and safe, including whether it might have any adverse interactions with the treatment being administered which might affect the inmate's health, the inmate was asked to provide more detailed information/documents on the treatment. Since the CSD has yet to receive the requested documents, the application could not be processed further.
- (b) If any inmate requests to receive medical treatments beyond those provided to them by the Administration, the CSD will consider the request on a case-by-case basis in consultation with the Medical Officers of the penal institutions. The main considerations of the Medical Officers include whether the treatments being administered are efficacious, and whether the additional or other treatments as requested by the inmates are necessary. The Medical Officers will consider each case on its own merits, with reference to the advice of medical specialists or other medical professionals as and when required.

MR LEUNG YIU-CHUNG (in Cantonese): *President, the Chinese Medicine Ordinance has been in force for nearly 10 years, but unfortunately, the Medical Officers of the CSD stationed at the penal institutions only give inmates treatment in western medicine and no treatment in Chinese medicine is given. This practice shows that there is still discrimination on the part of the Government against Chinese medicine and there is a neglect of and not attaching enough importance to treatment in Chinese medicine. In part (b) of the main reply, the Secretary points out that if any inmate requests to receive treatment in Chinese medicine, he must prove that the treatment to be administered is efficacious and necessary.*

President, how can a treatment be proved to be efficacious and necessary? Is the Government imposing unnecessary obstacles? There are thousands of treatments in Chinese medicine, how can a treatment be proved to be efficacious and necessary? The most important thing now is to give a right of choice to the inmates. Secretary, does the current practice show only total disregard of and discrimination against treatments administered by Chinese medicine practitioners and deprivation of the right of choice of the inmates?

SECRETARY FOR SECURITY (in Cantonese): President, there is absolutely no intention on my part to discredit the efficacy of Chinese medicine, nor do I want to change the oral question asked today into a debate on Western medicine and Chinese medicine. Moreover, I am not a suitable person to talk on this topic.

With respect to the provision of medical treatments to inmates, the Government is obliged by law to protect the health and safety of inmates. Therefore, Medical Officers in the penal institutions of the CSD need to know whether the treatment requested by inmates is efficacious and safe. Such a request may be turned down if the treatment requested may be in conflict with the treatment being administered to the extent of affecting the patient's health. Therefore, a request will be considered on a case-by-case basis and the CSD may request the inmate or his Medical Officer to provide information to prove that the treatment so requested is safe and will not conflict with the treatment being administered by the Medical Officer of the penal institution.

PRESIDENT (in Cantonese): Which part of your follow-up question has not been answered?

MR LEUNG YIU-CHUNG (in Cantonese): *Actually, when it comes to treatment for cancer, it is never guaranteed that western medicine is efficacious, right?*

PRESIDENT (in Cantonese): Please repeat the part not answered by the Secretary.

MR LEUNG YIU-CHUNG (in Cantonese): *Just now I asked the Secretary how it could be proved to the Secretary and make him feel assured that a certain treatment was efficacious. As we all know, treatment is one of the ways, but how can it be proved to be efficacious? If it is so, then a patient will never die.*

This is only making life difficult for people. Right?

PRESIDENT (in Cantonese): Are you asking the Secretary how a treatment can be proved efficacious?

MR LEUNG YIU-CHUNG (in Cantonese): *..... and necessary, President.*

SECRETARY FOR SECURITY (in Cantonese): President, if inmates request penal institutions to provide other treatments than medical services, we hope that they can give some proof. These are: first, proof that the treatment requested is necessary instead of only saying that there is such a need for it. For if it is only said that there is a need to receive massage, does it mean that we need to provide it? So we think that the treatment requested should be efficacious and reasonable.

MR WONG YUK-MAN (in Cantonese): *President, I once visited an inmate and his situation was related to this question raised by Mr LEUNG Yiu-chung. He hoped to receive Chinese medical treatment. The Secretary mentions in part (a)*

of the main reply one point and I hope he can elaborate on it. He says, "..... the inmate was asked to provide more detailed information/documents". Just how can inmates provide such stuff? Through what channels can such be provided to the CSD? The person is an inmate and he was very sick. It could be a case of those who had visited him telling him that his condition could be treated by Chinese medicine and so he wanted to try it. Now he cannot even make the request. Things have dragged on for a long time. LEUNG Yiu-chung had paid him a visit, and so did I. We can really do nothing about it. Now as an oral question has been raised on this, the reply given by the Secretary is nothing but lousy.

A few days ago, the inmate YIP Kai-foon dropped in the Court. It is so strange that the CSD seems to think that it is not obliged to respond.

PRESIDENT (in Cantonese): Please come to your supplementary question direct.

MR WONG YUK-MAN (in Cantonese): *I have already raised it.*

PRESIDENT (in Cantonese): If you have already raised your supplementary question, then please sit down so that the Secretary can reply.

MR WONG YUK-MAN (in Cantonese): *OK.*

SECRETARY FOR SECURITY (in Cantonese): President, I will not comment on any specific case. As I have pointed out in part (a) of the main reply, and Mr WONG Yuk-man just asked me how detailed information could be provided. Actually, inmates can put forward their requests to us through some channels. We will act on the advice given by professional doctors and ask the inmates to give certain documents to us. There are channels of communication between us and it is not the case that since the inmates are in prison, they cannot provide any information to us. They have the assistance of lawyers. We have informed their lawyers of their request and their lawyers are handling these papers and we are waiting for them.

MR WONG YUK-MAN (in Cantonese): *The Secretary has not answered it, has he?*

PRESIDENT (in Cantonese): Mr WONG, you only need to repeat the part not answered by the Secretary.

MR WONG YUK-MAN (in Cantonese): *I am now saying that the Secretary has not answered my supplementary question.*

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

MR WONG YUK-MAN (in Cantonese): *I asked him how detailed information could be provided — that is, detailed information or papers. Can the inmate request that he be treated by a Chinese medicine practitioner? He is obstructed once he has made his request. He is simply obstructed. Right?*

He is simply obstructed.

How can he provide the information? The Secretary has not said how information can be provided. President, it is easy to be government officials and they say that specific they say that it is a specific case and then they just shut up. Then they think that the supplementary question is replied.

PRESIDENT (in Cantonese): Mr WONG Yuk-man, six Members are still waiting for their turn to ask

MR WONG YUK-MAN (in Cantonese): *I do not care if there are six of them. He has not answered my supplementary question.*

PRESIDENT (in Cantonese): You have already repeated the part not answered by the Secretary. Please sit down and do not make comments anymore. Secretary, do you have anything to add?

SECRETARY FOR SECURITY (in Cantonese): President, I have actually answered it. If it is asked whether any Chinese medicine practitioner has been to the penal institutions and treated the inmates there, the answer is yes, there have been such cases. It is not that this has never happened. But now the question is about inmates asking for certain medicines and we ask them to provide the toxicological information of these medicines. We

MR WONG YUK-MAN (in Cantonese): *President, he said how many*

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

MR WONG YUK-MAN (in Cantonese): *Honestly, just how many inmates have received treatment in Chinese medicine? Not even one.*

PRESIDENT (in Cantonese): You are taking up the time of other Members for asking questions.

MRS REGINA IP (in Cantonese): *The Secretary pointed out in his reply earlier that if an inmate requested treatment in Chinese medicine, the CSD would consult the practitioners of western medicine. May I ask the Secretary, if a certain inmate is a patient of some chronic disease and he asks for some ameliorative treatment which does not involve the use of Chinese medicine, only food of therapeutic value, such as whether he can be given more soup or be provided certain kinds of food which are not drugs, whether the Security Bureau or the CSD would accede to such request, in particular inmates who have been ill for a long time?*

SECRETARY FOR SECURITY (in Cantonese): If that does not involve now the rules of the CSD specify that no food can be brought in to inmates. Mrs Regina IP raised the point that some patients of chronic diseases need to consume certain kinds of food with therapeutic value. Now the rules forbid the bringing of food by the inmates' family or friends. But let me check whether the CSD

can provide such kind of special menu. This is because certain inmates may wish to eat some special kinds of food which are different from the ordinary diet. I think I have to check that and please let me give a reply in writing. (Appendix II)

DR PHILIP WONG (in Cantonese): *I have read some reports about certain people who are not residents of Hong Kong committing crimes deliberately after entering the territory. They tried to get themselves arrested and put into prison for the purpose of using the medical services provided by Hong Kong. I do not know if these reports are true. Can the authorities tell us how they cope with this problem?*

PRESIDENT (in Cantonese): Dr WONG, this main question is about how inmates can choose to receive treatment in Chinese medicine. But your supplementary question seems to be unrelated to this main question. I am afraid I cannot allow this supplementary question from you.

MS AUDREY EU (in Cantonese): *President, the Secretary mentioned in his main reply medical specialists from the Hospital Authority (HA) and the Department of Health (DH) visiting the relevant institutions on a regular basis. May I ask, insofar as the Medical Officers sent to the penal institutions are concerned, be they from the DH or elsewhere, whether they are Chinese medicine practitioners or medical practitioners knowledgeable in Chinese medicine? If not, what are the reasons? Will the Government consider sending Chinese medicine practitioners or medical practitioners knowledgeable in Chinese medicine to the prisons to treat the inmates — I mean of course registered medical practitioners — if so, how many are there?*

SECRETARY FOR SECURITY (in Cantonese): As far as I know, now the Medical Officers assigned by the CSD, the DH or the HA are those who have undergone training in western medicine and as to whether they are knowledgeable in Chinese medicine, that I am not quite sure. Actually, even when civil servants or public officers like us who want to consult a government Medical Officer, in general they are Chinese medicine

PRESIDENT (in Cantonese): Secretary, they would, as a general rule, offer western medicine service, right?

SECRETARY FOR SECURITY (in Cantonese): Right, in general they are practitioners of western medicine. With respect to Chinese medicine practitioners, they are not available at present. Ms Audrey EU has asked whether or not treatments in both Chinese medicine and Western medicine can be provided, I am afraid these are not available under the present policies. As to whether these will be provided in future, that will have to depend on the direction of development, such as the direction of development of the HA or whether importance is attached to both Chinese and Western medicines on the question of providing medical service to the inmates of penal institutions. Of course, apart from policies, the question of resources would also come in.

MS AUDREY EU (in Cantonese): *President, can the Secretary be asked to give a supplementary reply later, for he has not answered my supplementary question. I was asking about the Medical Officers assigned to the penal institutions, that is, whether any of them are Chinese medicine practitioners or those Medical Officers who are also qualified in Chinese medicine. The Secretary said earlier that he did not know. I hope he can tell us after checking up the information. This is because the Government has a policy that attaches equal importance to Chinese and Western medicines. I am not asking that practitioners of Chinese and Western medicines work together*

PRESIDENT (in Cantonese): Ms EU, your request is clear enough.

MS AUDREY EU (in Cantonese): *I would like to know how many there are.*

SECRETARY FOR SECURITY (in Cantonese): As a matter of fact, I have already answered part of the supplementary. Now the CSD has 20 Medical Officers assigned to the penal institutions by the DH. As far as I know, their background is in Western medicine. As to whether some Medical Officers are knowledgeable in Chinese medicine, that I am not quite sure.

PRESIDENT (in Cantonese): Secretary, could you provide a reply in writing when you have checked the situation after the meeting?

SECRETARY FOR SECURITY (in Cantonese): If I have such information, I would reply in writing. (Appendix III)

MR ANDREW LEUNG (in Cantonese): *If inmates wish to receive treatment in Chinese medicine or medical treatments beyond those provided to them, but they do not receive the treatment they want and they are not satisfied, what can they do? How will the authorities handle their complaints?*

SECRETARY FOR SECURITY (in Cantonese): Actually, inmates can lodge any kind of complaints, including that on medical services. They can certainly lodge complaints. Now they may lodge their complaints through these channels: first, within the CSD, that is, by lodging the complaint to any officer on duty, including senior officers. These senior officers of the CSD will inspect the penal institutions. The inmates can also complain to the senior officers at the headquarters, including the Director himself. Besides, the CSD headquarters has a complaints investigation section and it will look into complaints lodged by any inmate.

Other channels of complaint are outside the CSD and these include complaining to the Justices of Peace who inspect the prisons biweekly. The inmates may also complain to the Office of The Ombudsman or Members of the Legislative Council. When the subject of complaint involves unlawful acts, the inmates may also complain to the Independent Commission Against Corruption, the Equal Opportunities Commission or other relevant agencies. Of course, they may complain to the relevant Policy Bureaux. A complaint about medical matters can be directed to the DH and such like departments.

MR CHEUNG KWOK-CHE (in Cantonese): *President, the Secretary has just said that Chinese medicine service is not yet available to civil servants. I think that government policies are really very confusing since the Government recognizes Chinese medicine and Chinese drugs but Chinese medicine service is*

not available to civil servants, whereas the sick leave certificates issued by Chinese medicine practitioners are accepted.

My concern is that notwithstanding the fact that Chinese medicine is very popular, only one kind of medical consultation service is provided by the CSD. I believe the authorities may think that after a person has consulted a Chinese medicine practitioner, he needs to prepare the medicine before taking it, so how can the CSD staff prepare the medicine for the inmates and even to the extent of doing it twice a day? But practices in Chinese medicine these days are very advanced and powders and tablets are used. May I ask — although the Secretary has given a reply, I would still want to pursue the question — the Secretary whether he would consider providing Chinese medicine service in the penal institutions so that the Chinese inmates can choose not to consult a practitioner of Western medicine but a practitioner of Chinese medicine?

PRESIDENT (in Cantonese): as you have said, the Secretary has given a reply earlier on. Secretary, do you have anything to add?

SECRETARY FOR SECURITY (in Cantonese): For the time being, our policy is to have the DH sent its Medical Officers from the hospitals to the penal institutions to provide medical service to the inmates. As I have just said, if in future we are really to change this policy and insist that the medical officers we send should include both practitioners of western medicine and practitioners of Chinese medicine, this would in the first place, involve a policy issue; and second, it would also involve resources. Therefore, I cannot give a firm reply to Mr CHEUNG as to when this kind of service can be provided, but I can tell Members that this will be considered when the relevant policy is to be reviewed.

PRESIDENT (in Cantonese): Last supplementary question.

MR JAMES TO (in Cantonese): *President, when we talk about the issue of resources, have we considered the fact that if Chinese medicine service is increased, then there will be a corresponding drop in the demand for Western medicine?*

President, I wish to go back to a question that has already been discussed and that is, if the kind of treatment that an inmate requests is not that from a witch doctor or a spiritual medium but only Chinese medicine service which is regarded as effective treatment and is already subsidized in the public health care system, and it is recognized, licensed and whose leave of absence certificates are accepted, then why should an applicant be required to produce proof that the treatment requested is efficacious? President, is this practice of the Security Bureau or the CSD too harsh or does it smack of deliberate obstruction?

SECRETARY FOR SECURITY (in Cantonese): President, I have actually spoken on that and perhaps my reply was too brief. I said earlier that the inmates are asked to produce proof because they ask to take some medicine which is brought from outside to the prison cell. In such circumstances, we hope to get some sort of proof. This is because the Medical Officer in charge is obliged to protect the safety and health of the inmates and if some medicines are brought in from outside, we have to ensure that first, the toxicity of these drugs will not affect the inmates; second, they will not conflict with the drugs administered to the inmates in the course of treatment.

MR JAMES TO (in Cantonese): *President, he has not answered my question. I was actually saying that the Chinese medicine practitioner that the inmates request to consult is from the Government and the drugs are prescribed by him. I am not saying that the inmates request to consult some Chinese medicine practitioner they hire from outside. This is not the case at all. My question is*

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

MR JAMES TO (in Cantonese): *My question is, suppose there are Chinese medicine practitioners from the CSD or the Government, it seems that he has said in his reply that these are not*

PRESIDENT (in Cantonese): Are you asking about some general principle instead of certain specific cases?

MR JAMES TO (in Cantonese): *Yes, this is because the Secretary has said*

PRESIDENT (in Cantonese): The case mentioned by the Secretary is not about inmates requesting Chinese medicine service but a request to bring medicine into the prison cell. But you are not asking about this case, are you?

MR JAMES TO (in Cantonese): *No, I am not asking about these and so I think the Secretary has not answered my question.*

SECRETARY FOR SECURITY (in Cantonese): President, on the medical service received by inmates, it is provided by Medical Officers of the DH deployed to the institutions. To the best of my knowledge, these Medical Officers are all trained in Western medicine and they are not Chinese medicine practitioners.

PRESIDENT (in Cantonese): Fifth Question.

Gross Floor Area Concessions

5. **MR KAM NAI-WAI** (in Cantonese): *President, in recent years, the community is very concerned about the granting of gross floor area (GFA) concessions to developers in their property developments and the accuracy of the information (including the floor areas of the properties concerned, their transacted prices and the number of transactions) provided by the developers during the sale of properties. In this connection, will the Government inform this Council:*

- (a) *of the total number of private residential projects completed up to the end of 2008 since 2001, when the various GFA concession measures were introduced; in respect of each of these projects, the*

name, whether it is a single block project or a housing estate project, the total area of GFA concessions (commonly known as "inflated area") (including the exempted GFA, disregarded GFA and bonus GFA), the respective percentages of such area in the GFA of the project concerned and in the GFA set out in the land lease concerned, as well as the value of the total area of GFA concessions based on the average price of the projects in the year in which the project concerned was completed; the total area of GFA concessions granted during these eight years, and its respective percentages in the total GFA of all the projects concerned and in the total GFA set out in all the land leases concerned;

- (b) of the breakdown of the area of GFA concessions in (a) by the source of land (that is, sale of land by private treaty, acquisition of land through the Application List System and integration of sites by the developers themselves), and the impact of such area on the planning of public facilities by the authorities in the districts concerned; and*
- (c) how the Government verifies whether developers have released false transaction information for the purpose of creating the impression of a robust market by talking up property prices and sales, and how it ensures the flow of accurate information in the market to avoid the public being misled and housing demand affected as a result?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, since its establishment in July 2007, the Development Bureau has always been advocating the enhancement of transparency in implementing its policies, and endeavouring to strengthen the release of information to facilitate the community's understanding and monitoring of our work. The arrangement to release systematically information on public facilities in private developments in the past one to two years is an example. Nevertheless, if certain information is not regularly collated and recorded by departments, we will be unable to provide such information within a short period of time. Information regarding GFA concessions of buildings granted pursuant to buildings regulations or relevant arrangements as enquired in Mr KAM's question today falls exactly under such category.

According to the current requirements of the Buildings Department (BD), Authorized Persons only have to specify on the building plans submitted to the Building Authority for approval the exempted areas of those facilities which are subject to a cap on GFA concessions (such as balconies, wider common corridors and lift lobbies, recreational facilities, and so on) to facilitate audit check. The GFA of other facilities granted concessions after approval or for practical needs (such as car parks and plant rooms), however, need not be specified on the plans. The BD does not specifically maintain any statistics or a database of the various GFA concessions granted for building projects.

Under the aforesaid constraints and the limited time for preparing this response, I now reply to Mr KAM's three-part question as follows:

- (a) The initiative implemented since 2001 as referred to in the question relates to green and innovative building design as stipulated in Joint Practice Notes (JPNs) No. 1 and 2. From 2001 to 2008, the BD issued a total of 1 670 occupation permits (OPs) for completed building projects. A breakdown for each year and the GFA involved are at Annex A. During that period, a total of 216 completed building projects were granted with "exempted GFA" for their green and innovative building designs in accordance with JPNs No. 1 and 2.

But as mentioned earlier, since the BD does not specifically maintain a database for various GFA concessions granted for building projects, it is impossible for us, within a short time, to provide a breakdown of the GFA concessions granted for individual projects mentioned above. To collect and collate the relevant information, it is necessary to put in a great deal of time and manpower, including reviewing building plans, measuring and calculating technical parameters on approved building plans, and so on. Furthermore, the estimated value of the total GFA concessions based on the average price of the projects in the year in which the project concerned was completed, as enquired by Mr KAM, is not within the scope of building plans.

However, for the preparation of the review and public engagement exercise on the policy of GFA concessions, the BD conducted a sample study in 2006 on GFA concessions granted for building

development projects the result of which, to a certain extent, dovetails with the information requested by Mr KAM. Such information is at Annex B for reference, and I hope that it can answer Mr KAM's question to a certain extent. Members may note that even though a response is given in this way, it is necessary to append to the main reply two Annexes and two Tables in 20 pages in order for such information to be set out in detail.

In view of the public's concern over the subject of GFA concessions, the BD has decided to examine the issue in collaboration with the industry, and consider requiring Authorized Persons to specify the areas of various GFA concessions when submitting building plans in future so as to facilitate public inspection. Moreover, the Department will consider publicizing information on GFA concessions granted for newly-constructed buildings regularly. For example, summary of information on the GFA concessions of such buildings will be publicized on the BD's website after the issuance of OPs.

- (b) With regard to part (b) of the question, a total of 84 building projects issued with OPs were involved in the sample study mentioned in part (a). The types of land grant for such projects are set out at Annex B.

As regards the impact of GFA concessions on district planning, the Planning Department will, in carrying out its planning work such as reviewing the building height restrictions on an outline zoning plan (OZP) and assessing individual planning proposals, incorporate a series of assumptions in its estimate of the building height and bulk. Development restrictions set out on an OZP (such as plot ratio/GFA, building height and site coverage) and ancillary facilities for which GFA concessions may be granted (such as recreational facilities, car parks and plant rooms) will be taken into account. Separately, given the comparatively low impact of GFA concessions on population growth and as such concessions seldom result in additional residential flats, it is unnecessary for the Planning Department to specifically reassess the impact of GFA concessions on the provision of public facilities in the district concerned.

- (c) With regard to part (c) of the question, at present, under the Lands Department's Consent Scheme, developers are required to register the duly signed Agreements for Sale and Purchase of uncompleted first-hand residential properties in the Land Registry (LR) within one month from signing the Provisional Agreements for Sale and Purchase. Upon receipt of the agreement for sale and purchase for registration, the LR will, in the evening of the same day, input the particulars on the Memorial to its Integrated Registration Information System, compile the Memorial Day Book and update the Land Register concerned. The record of transaction concerned will be available for public inspection in the morning of the following day.

The Government is deeply concerned about some of the recent sales tactics in the first-hand residential market and the confusing market information. The Transport and Housing Bureau will examine feasible measures and explore with the Real Estate Developers Association of Hong Kong soon on possible means to further enhance the transparency of transactions of uncompleted first-hand residential properties and the clarity of property information.

Annex A

Number of Occupation Permits Issued by Building Authority and
GFA on Approved Building Plans from 2001 to 2008

<i>Year</i>	<i>Occupation Permits Issued</i>				<i>GFA on Approved Building Plans (sq m)</i>		
	<i>Domestic</i>	<i>Non-domestic</i>	<i>Composite</i>	<i>Total</i>	<i>Domestic</i>	<i>Non-domestic</i>	<i>Total</i>
2001	52	115	43	210	2 062 664.1	697 468.7	2 760 132.8
2002	80	114	45	239	2 867 050.7	1 011 656.2	3 878 706.9
2003	55	106	36	197	1 955 376.0	919 467.3	2 874 843.3
2004	52	153	26	231	1 760 221.4	1 081 470.3	2 841 691.7
2005	44	190	30	264	1 266 247.3	957 443.7	2 223 691.0
2006	38	149	25	212	1 247 188.8	1 234 137.5	2 481 326.3
2007	38	104	24	166	794 645.4	911 073.3	1 705 718.7
2008	24	99	28	151	773 182.3	1 026 164.0	1 799 346.3
Total	383	1030	257	1670	12 726 576.0	7 838 881.0	20 565 457.0

Annex B

A Sample Study on GFA Concessions Granted to Buildings

Relevant Information

Disclaimer: The information in this note including the calculation of percentage of GFA concessions is for reference only. No warranty or representation is given or made by the Government as to the accuracy or completeness of the information or its appropriateness for use in any particular circumstances. Any person who reads this note should be responsible for making his own assessment of the information contained therein. The Government is not liable for any loss or damage whatsoever and howsoever caused arising directly or indirectly from the provision of the information or the use of any information in this note.

Explanatory Notes:

1. "Total GFA on Approved Building Plans" refers to the total GFA of the subject development that is included in the GFA calculation as shown on the general building plans approved by the Building Authority. This excludes the exempted GFA and disregarded GFA but includes the bonus GFA where applicable.
2. There are three types of GFA concessions as listed below:
 - (i) "Exempted GFA" is granted pursuant to section 42(1) of the Buildings Ordinance (Cap. 123). The section stipulates that where in the opinion of the Building Authority (BA) special circumstances render it desirable he may, on receipt of an application therefor and upon payment of the prescribed fee, permit by notice in writing modifications of the provisions of the Ordinance. The BA uses such power to grant GFA concessions for certain features, including green and amenity features. Examples include balcony, voids, and so on. The criteria for granting exempted GFA for various features are stipulated in the relevant practice notes.

- (ii) "Disregarded GFA" is stipulated in regulations 23(3)(b) and 23A(3) of the Building (Planning) Regulations (Cap. 123 sub. leg. F). The BA may disregard any floor space that he is satisfied is constructed or intended to be used solely for a number of features such as parking of motor vehicles, refuse storage chambers, and so on, or other supporting facilities as may be approved by the BA.
- (iii) "Bonus GFA" is stipulated in regulation 22 of the Building (Planning) Regulations (Cap. 123 sub. leg. F). If the dedication of set-back area for public passage or surrender of land for road widening at ground level is consented/acquired by the Government, bonus GFA that equals to five times the area surrendered/dedicated or less than 20% of the permissible plot ratio, whichever is the less, may be granted in return for the private area surrendered/dedicated to the public. The BA may also, in return for dedication of an area within or through a building at ground level or other floor levels for public passage, allow concessions by way of section 42(1) of the Buildings Ordinance (Cap. 123).

Tables 1 and 2

3. Building-specific information on the 61 buildings which had been completed and issued with occupation permits when the Study was conducted is summarized in Table 1. Table 2 shows the information on 23 other buildings covered in the Study which were completed and issued with occupation permits after the completion of the Study. As building amendment plans in respect of them were submitted and approved after the completion of the Study, and the buildings were built according to the amended plans, the data captured in the Study may not therefore reflect the actual existing situation. It is therefore inappropriate to disclose the identity of the buildings.

Table 1

GFA Concessions of Sample Buildings
Completed and Issued with Occupation Permits at the Time of the Study on GFA Concessions

<i>Building Name and Address</i>		<i>Residential Zone</i>	<i>Land Grant</i>	<i>Usage</i>	<i>No. of Blocks</i>	<i>Total GFA on Approved Building Plans (incl. bonus GFA) (sq m)</i>	<i>GFA Concessions</i>			
							<i>% of Bonus GFA</i>	<i>% of Disregarded GFA (Carparks)</i>	<i>% of Other Disregarded GFA (for example, plant rooms, and so on, other than carparks)</i>	<i>% of Exempted GFA (for example, green and amenity features)</i>
1	Ivy on Belcher's 26 Belcher's Street, Kennedy Town, HK	1	Old land grant	Domestic/ Composite	1	7 877	0%	0%	11%	17%
2	The Merton, Blocks 1&2 38 New Praya, Kennedy Town, HK	1	Land exchange	Domestic/ Composite	2	41 533	10%	14%	7%	22%
3	Queen's Terrace 1 Queen Street, Sheung Wan, HK	1	Land exchange	Domestic/ Composite	2	46 867	0%	12%	4%	3%
4	60 Victoria Road, HK	1	Old land grant	Domestic/ Composite	1	4 533	0%	15%	9%	14%
5	Elite's Place 80 Ko Shing Street, HK	1	Old land grant	Domestic/ Composite	1	6 531	1%	0%	7%	13%
6	Centre Place 1 High Street, HK	1	Old land grant	Domestic/ Composite	1	5 915	0%	1%	9%	26%
7	Grand Promenade 38 Tai Hong Street, HK	1	Tender	Domestic/ Composite	5	133 555	8%	22% ⁽¹⁾	9%	23%
8	The Zenith Phase 2 258 Queen's Road East, HK	1	Land exchange	Domestic/ Composite	2	33 537	0%	27%	13%	14%
9	The Orchards 3 Greig Road, HK	1	Old land grant	Domestic/ Composite	2	36 729	0%	19%	14%	23%
10	Paradise Square 3 Kwong Wa Street, Kowloon	1	Old land grant	Domestic/ Composite	1	15 159	5%	31%	8%	11%

Building Name and Address		Residential Zone	Land Grant	Usage	No. of Blocks	Total GFA on Approved Building Plans (incl. bonus GFA) (sq m)	GFA Concessions			
							% of Bonus GFA	% of Disregarded GFA (Carparks)	% of Other Disregarded GFA (for example, plant rooms, and so on, other than carparks)	% of Exempted GFA (for example, green and amenity features)
11	8 Waterloo 8 Waterloo Road, Kowloon	1	Land exchange	Domestic/ Composite	2	32 257	9%	12%	6%	9%
12	The Pacifica 9 Sham Shing Road, Kowloon	1	Auction	Domestic/ Composite	6	144 486	0%	16%	4%	12%
13	18 Farm Road 18 Farm Road, Kowloon	1	Auction	Domestic/ Composite	1	24 878	0%	25%	8%	9%
14	Harbourfront Landmark 11 Wan Hoi Street, Kowloon	1	Auction	Domestic/ Composite	3	62 488	0%	10%	8%	7%
15	8 Clear Water Bay Road, Kowloon	1	Private treaty grant	Domestic/ Composite	1	32 525	10%	11% ⁽²⁾	8%	15%
16	Hilary Court 63G Bonham Road, HK	1	Old land grant	Domestic/ Composite	1	4 868	0%	37%	16%	11%
17	Victoria Tower 188 Canton Road, Kowloon	1	Tender	Domestic/ Composite	3	96 464	2%	9%	10%	9%
18	The Zenith Phase 1 3 Wan Chai Road, HK	1	Land exchange	Domestic/ Composite	1	13 259	0%	3%	10%	15%
19	Sky Tower 38 Sung Wong Toi Road, Kowloon	1	Old land grant	Domestic/ Composite	6	118 764	4%	20%	7%	16%
20	The Arch 1 Austin Road West, Kowloon	1	Private treaty grant	Domestic/ Composite	4	105 131	0%	14%	12%	17%
21	The Grandiose 9 Tong Chun Street, NT	1	Private treaty grant	Domestic/ Composite	3	99 481	0%	15%	12%	13%

	Building Name and Address	Residential Zone	Land Grant	Usage	No. of Blocks	Total GFA on Approved Building Plans (incl. bonus GFA) (sq m)	GFA Concessions			
							% of Bonus GFA	% of Disregarded GFA (Carparks)	% of Other Disregarded GFA (for example, plant rooms, and so on, other than carparks)	% of Exempted GFA (for example, green and amenity features)
22	One Silversea 18 Hoi Fai Road, Kowloon	1	Auction	Domestic/ Composite	7	78 400	0%	26%	14%	21%
23	Mount Davis 33 33 Ka Wai Man Rd., HK	1	Private treaty grant	Domestic/ Composite	1	7 280	0%	28%	10%	20%
24	The Centre Stage 108 Hollywood Road and 1-17 Bridges Street, HK	1	Old land grant	Domestic/ Composite	2	25 731	1%	16%	7%	23%
25	The Merton, Block 3 8 Davis Street, HK	1	Land exchange	Domestic/ Composite	1	21 371	2%	16%	4%	18%
26	2 Park Road, HK	1	Old land grant	Domestic/ Composite	1	11 232	2%	23%	4%	18%
27	Chelsea Court 100 Yeung Uk Road, NT	1	Land exchange	Domestic/ Composite	3	103 385	0%	15%	13%	8%
28	Hampton Place 11 Hoi Fan Road, Kowloon	1	Auction	Domestic/ Composite	3	52 067	0%	20%	7%	13%
29	Metro Regalia 51 Tong Mi Road, Kowloon	1	Old land grant	Domestic/ Composite	1	4 987	0%	0%	3%	16%
30	Residence Oasis 15 Pui Shing Road, NT	1	Private treaty grant	Domestic/ Composite	6	145 003	0%	20% ⁽³⁾	8%	20%
31	The Lodge 535 Canton Road, Kowloon.	1	Old land grant	Domestic/ Composite	1	2 918	0%	0%	10%	15%
32	New Haven 363 Sha Tsui Road, NT	1	Land exchange	Domestic/ Composite	3	43 155	0%	14%	12%	6%

Building Name and Address		Residential Zone	Land Grant	Usage	No. of Blocks	Total GFA on Approved Building Plans (incl. bonus GFA) (sq m)	GFA Concessions			
							% of Bonus GFA	% of Disregarded GFA (Carparks)	% of Other Disregarded GFA (for example, plant rooms, and so on, other than carparks)	% of Exempted GFA (for example, green and amenity features)
33	Metro Harbour View 8 Fuk Lee Street, Kowloon	1	Land exchange	Domestic/ Composite	10	195 843	0%	12%	9%	6%
34	Bowen's Lookout 13 Bowen Road, HK	2	Land exchange	Domestic/ Composite	1	5 234	0%	50%	14%	13%
35	The Palace 83 Broadcast Drive, Kowloon	2	Auction	Domestic/ Composite	1	12 816	0%	38%	11%	10%
36	The Sky Garden 223 Prince Edward Road West, Kowloon	2	Land exchange	Domestic/ Composite	1	11 364	0%	48%	8%	14%
37	Noble Hill 38 Ma Sik Road, NT	2	Land exchange	Domestic/ Composite	7	49 499	0%	4%	7%	18%
38	Aegean Coast 2 Kwun Tsing Road, NT	2	Land exchange	Domestic/ Composite	7	119 885	0%	32%	5%	8%
39	The Cliveden 98 Route Twisk, NT	2	Auction	Domestic/ Composite	9	20 932	0%	75%	13%	17%
40	15 Homantin Hill 15 Ho Man Tin Hill Road, Kowloon	2	Old land grant	Domestic/ Composite	1	12 270	0%	46%	5%	24%
41	Royal Green 18 Ching Hiu Road, NT	2	Land exchange	Domestic/ Composite	3	45 119	0%	0%	4%	18%
42	89 Repulse Bay Road, HK	3	Old land grant	Domestic/ Composite	1	2 368	0%	7%	8%	4%
43	78 Mount Kellett Road, HK	3	Old land grant	Domestic/ Composite	2	848	0%	62%	33%	17%
44	One Beacon Hill 1 Beacon Hill Road, Kowloon.	3	Tender	Domestic/ Composite	16	72 485	0%	34%	13%	13%

Building Name and Address		Residential Zone	Land Grant	Usage	No. of Blocks	Total GFA on Approved Building Plans (incl. bonus GFA) (sq m)	GFA Concessions			
							% of Bonus GFA	% of Disregarded GFA (Carparks)	% of Other Disregarded GFA (for example, plant rooms, and so on, other than carparks)	% of Exempted GFA (for example, green and amenity features)
45	Grandville 2 Lok Kwai Path, NT	3	Auction	Domestic/ Composite	5	40 553	0%	64%	8%	23%
46	South Hillcrest 3 Tuen Kwai Road, NT	3	Land exchange	Domestic/ Composite	1	19 004	0%	7%	5%	13%
47	BeneVille 18 Tuen Kwai Road, NT	3	Land exchange	Domestic/ Composite	4	34 523	0%	9%	7%	11%
48	The Aegean 2 Tsing Fat Street, NT	3	Land exchange	Domestic/ Composite	1	7 176	0%	60%	14%	17%
49	Royal View Hotel 353 Castle Peak Road, NT	3	Old land grant	Domestic/ Composite	1	29 399	0%	6%	4%	2%
50	Caldecott Hill 2 Caldecott Road, Kowloon	3	Auction	Domestic/ Composite	2	7 173	0%	34%	3%	22%
51	Grosvenor Place 117 Repulse Bay Road, HK	3	Old land grant	Domestic/ Composite	1	4 838	0%	34%	15%	24%
52	AIA Central (Former AIG Tower) 1 Connaught Road, HK	n/a	Old land grant	Non-domestic	1	38 929	13%	10%	22%	12%
53	Tai Tung Building 8 Fleming Road, HK	n/a	Land exchange	Non-domestic	1	15 718	1%	3%	16%	4%
54	Three Pacific Place 1 Queen's Road East, HK	n/a	Old land grant	Non-domestic	1	57 742	4%	13%	17%	15%

Building Name and Address		Residential Zone	Land Grant	Usage	No. of Blocks	Total GFA on Approved Building Plans (incl. bonus GFA) (sq m)	GFA Concessions			
							% of Bonus GFA	% of Disregarded GFA (Carparks)	% of Other Disregarded GFA (for example, plant rooms, and so on, other than carparks)	% of Exempted GFA (for example, green and amenity features)
55	One Peking 1 Peking Road, Kowloon	n/a	Auction	Non-domestic	1	26 151	0%	26%	24%	6%
56	Harbourview Horizon 12 Hung Lok Road, Kowloon	n/a	Auction	Non-domestic	3	119 407	0%	4%	9%	4%
57	Novotel Citygate 51 Man Tung Road, NT	n/a	Private treaty grant	Non-domestic	1	30 299	0%	3%	26%	7%
58	HSBC Headquarters 1 Queen's Road Central, HK	n/a	Old land grant	Non-domestic	1	88 643	17%	2%	10%	8%
59	Entertainment Building 30 Queen's Road Central, HK	n/a	Old land grant	Non-domestic	1	19 614	11%	0%	16%	4%
60	Olympia Plaza 255 King's Road, HK	n/a	Old land grant	Non-domestic	1	20 594	2%	12%	11%	0.3%
61	One IFC 1 Harbour View Street, HK	n/a	Private treaty grant	Non-domestic	1	85 007	0%	14%	14%	8%

Notes:

- (1) Including 6% for public transport terminus
- (2) Including 5% for public transport terminus
- (3) Including 4% for public transport terminus

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Table 2

GFA Concessions of Sample Buildings
Completed and Issued with Occupation Permits after the Study on GFA Concessions

No.	Residential Zone	Land Grant	Usage	No. of Blocks	Total GFA on Approved Building Plans (incl. Bonus GFA) (sq m)	GFA Concessions			
						% of Bonus GFA	% of Disregarded GFA (Carparks)	% of Other Disregarded GFA (for example, plant rooms, and so on, other than carparks)	% of Exempted GFA (for example, green and amenity features)
1	1	Old land grant	Domestic/ Composite	1	9 840	0%	7%	8%	19%
2	1	Old land grant	Domestic/ Composite	5	103 063	0%	11%	7%	21%
3	1	Land exchange	Domestic/ Composite	1	5 117	0%	17%	15%	14%
4	1	Land exchange	Domestic/ Composite	3	43 225	6%	12%	12%	21%
5	1	Land exchange	Domestic/ Composite	5	134 192	0%	14%	10%	21%
6	1	Private treaty grant	Domestic/ Composite	5	144 500	0%	12%	9%	29%
7	1	Old land grant	Domestic/ Composite	1	9 600	0%	0%	15%	22%
8	1	Old land grant	Domestic/ Composite	1	5 443	1%	0%	15%	23%
9	1	Old land grant	Domestic/ Composite	1	1 504	0%	0%	7%	20%
10	1	Old land grant	Domestic/ Composite	1	5 792	0%	0%	3%	21%
11	1	Old land grant	Domestic/ Composite	1	10 691	1%	0%	14%	18%
12	1	Land exchange	Domestic/ Composite	1	7 969	0%	37%	12%	17%
13	1	Old land grant	Domestic/ Composite	1	16 866	0%	20%	5%	22%

No.	Residential Zone	Land Grant	Usage	No. of Blocks	Total GFA on Approved Building Plans (incl. Bonus GFA) (sq m)	GFA Concessions			
						% of Bonus GFA	% of Disregarded GFA (Carparks)	% of Other Disregarded GFA (for example, plant rooms, and so on, other than carparks)	% of Exempted GFA (for example, green and amenity features)
14	2	Private treaty grant	Domestic/ Composite	2	44 588	0%	20%	17%	15%
15	3	Auction	Domestic/ Composite	3	24 261	0%	38%	9%	10%
16	n/a	Old land grant	Non-domestic	1	141 451	0%	4%	7%	4%
17	n/a	Land exchange	Non-domestic	1	17 263	0%	14%	11%	3%
18	n/a	Tender	Non-domestic	1	65 753	0%	18%	9%	9%
19	n/a	Old land grant	Non-domestic	1	22 910	3%	23%	6%	5%
20	n/a	Old land grant	Non-domestic	2	111 638	4%	22%	18%	5%
21	n/a	Old land grant	Non-domestic	1	37 378	11%	12%	9%	6%
22	n/a	Old land grant	Non-domestic	1	9 977	2%	33%	19%	6%
23	n/a	Old land grant	Non-domestic	1	3 457	0%	0%	9%	9%

Disclaimer: The information in this note including the calculation of percentage of GFA concessions is for reference only. No warranty or representation is given or made by the Government as to the accuracy or completeness of the information or its appropriateness for use in any particular circumstances. Any person who reads this note should be responsible for making his own assessment of the information contained therein. The Government is not liable for any loss or damage whatsoever and howsoever caused arising directly or indirectly from the provision of the information or the use of any information in this note.

MR KAM NAI-WAI (in Cantonese): *President, I have on hand a consultation document on Building Design to Foster a Quality and Sustainable Development, which is a consultation document on flats with GFA concessions (commonly known as "flats with inflated area"). This consultation document says that the consultation ends on 31 October. But after I had submitted my question, on*

30 October, I saw the relevant information in Annex B published by the Secretary, which is the results of the study on those 61 buildings.

I then suddenly realized why the authorities published such information only after I had submitted my question. From the tables provided by the Bureau, 19 or over 30% of the 61 buildings were inflated by more than 50%. It turns out that the consultation document is very misleading, as the Secretary only cited one example saying that a 41-storey building inflated by 20% is roughly equivalent to only a few more storeys. But this is not true. Contrary to what the Secretary has said, as we can see in some of the examples, the inflated area exceeded 70% and in some cases, it even exceeded 100%, and it means that a 41-storey building can be inflated by an additional 41 storeys, which is most outrageous.

May I ask the Secretary whether she would thoroughly investigate these cases? Will the Secretary conduct thorough investigations into these "super inflated" buildings or buildings with an inflated area which are obviously to the benefit of property developers, in order to find out if there is any collusion between business and the Government? How will the Government prevent these super inflated buildings from being developed continuously in future, and will it adopt measures including enacting legislation to impose regulation?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, Mr KAM's question actually consists of several parts. First, I must clarify that the press release that we issued on 30 October announcing information similar to that in Annex B has nothing to do with Mr KAM's question. I can give an account of the sequence of events for Mr KAM's reference.

The fact is that in order to prepare for the consultation exercise, we conducted a sample study in 2006. We have published the summary results of the sample study, which include this paper that I submitted to the Panel on Development on 19 December last year. The summary information of the sample study contains some information which Mr KAM may consider very shocking. For example, Annex C of that paper showed that the percentage of Disregarded GFA for residential developments in districts with a lower density of development had exceeded 100%. We did publish such information. So, there is no question of we withholding such information from release to the public.

In the consultation document, we also cited similar information. At the later stage of the consultation exercise, we received views from some organizations which enquired about the specific details of the development projects involved and requested that the names of the buildings be directly provided. We had since been collating the relevant information and this is why when I attended the meeting of the Council on Sustainable Development in October, I told members that such information would be published, and it so happened that the information was released on 30 October. This has nothing to do with Mr KAM's question.

Second, the proposal of conducting thorough investigations is out of question, because all exempted GFA or GFA concessions are granted on the basis of policies and legislation with a high degree of clarity, precision and transparency. In the same paper submitted to the Legislative Council, we already explained that GFA concessions were granted pursuant to various provisions in law, practice notes and administrative measures. Therefore, there is no question of transfer of benefits or collusion between business and the Government.

However, to pre-empt the accumulative effect of granting excessive concessions which would result in exceedingly tall or massive buildings, we are considering this issue. The consultation document mentioned by Mr KAM earlier is prepared by us in collaboration with the Council on Sustainable Development with the objective of improving building design to foster a quality and sustainable development, and this is precisely the focus of our future work.

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

MR KAM NAI-WAI (in Cantonese): *I asked the Secretary whether or not legislation would be enacted to impose regulation on these seriously inflated buildings with GFA concessions.*

PRESIDENT (in Cantonese): Members should ask their supplementary question clearly and avoid including too many parts in it. Secretary, with regard to this last part of the question, do you have anything to add?

SECRETARY FOR DEVELOPMENT (in Cantonese): As I said in my response earlier, some of the concessions are granted on a legal basis, such as those granted for plant rooms or refuse separation facilities. A series of facilities for environmental protection and improved living conditions are granted exemption in accordance with the JPNs. In this connection, one of the areas for consultation is that if, after consultation, it is considered that the JPNs should not be adopted as a basis and that a legal basis should be adopted instead, we would certainly give consideration to it.

MS STARRY LEE (in Cantonese): *I believe these exempted areas, including clubhouses for residents, gardens, car parks, and so on, are counted as the GFA. As we all know, the public purchase a flat at a price calculated according to the GFA, which can range from a few thousand dollars to tens of thousand dollars per square foot. But in the second paragraph of the main reply, it is said that the BD does not specifically maintain any statistics or a database of the various GFA concessions granted for building projects. I have this question for the Secretary. As the properties now purchased by the public at a price calculated in accordance with the GFA must obtain the Government's approval, what criteria do you adopt in approving them? Will the public be made to pay more in purchasing flats at a price calculated according to the GFA?*

SECRETARY FOR DEVELOPMENT (in Cantonese): With regard to Ms LEE's question on granting approval, there is a legal basis or policy direction to support the GFA concessions granted to each type of facilities. For example, the series of green facilities introduced for GFA concessions in 2001 are an incentive to promote environmental protection. We have very clear JPNs to set out the circumstances under which the BD can approve such concessions as well as the ceilings of the concessions granted. Regarding the part on sales practices in Ms LEE's question, I am afraid I have to defer to Secretary Eva CHENG.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, given that different definitions of saleable area were adopted by developers for their residential properties, the definition of saleable area for uncompleted first-hand residential properties was standardized in October 2008,

and this definition is incorporated into the scope of regulation under the Consent Scheme of the Lands Department. The definition of saleable area is standardized to include the core area, balcony and utility platform of the flat, while the other parts of the floor area will be stated item by item but not to be included as the saleable area.

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

MS STARRY LEE (in Cantonese): *My question just now was about GFA. I would like to know if there is any department tasked to monitor the GFA. Because the price per square foot payable by the public in purchasing a property is calculated according to the GFA of the flat.*

PRESIDENT (in Cantonese): Which Secretary will give an answer? Secretary for Transport and Housing, please.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, with regard to sales, it is stated in the Consent Scheme that the GFA and saleable area must be set out separately. On Ms LEE's question about whether there is a department responsible for regulation, we are responsible for regulating their sales practices.

MR PAUL CHAN (in Cantonese): *President, in the main reply the Secretary mentioned that the BD conducted a study on GFA concessions in 2006, the results of which are set out in Table 1. Table 2 sets out the results of the statistical survey conducted after the study, which is about information on GFA concessions granted after the release of the study results. In the first report, as also mentioned by Mr KAM Nai-wai earlier, the percentage of concessions appears to be very large. Apart from showing a percentage exceeding 50% in over 30% of the buildings, the percentage was even as high as more than 90% and 100% in some cases. But in Table 2, there is a reduction in the concessions granted to*

the 20-odd developments after the study results were released. For example, the percentage exceeded 50% only in some 20% of the developments, and in none of the developments were the concessions granted in excess of 70%. President, my question is: Have the authorities concerned tightened the criteria after the release of the study results, thus resulting in a reduction in the GFA concessions for development projects approved subsequently? Besides, what criteria are adopted to ensure that developers cannot exploit the loopholes and hence cause a reduction of revenue to the Government's Treasury?

PRESIDENT (in Cantonese): Which Secretary will give a reply? Secretary for Development, please.

SECRETARY FOR DEVELOPMENT (in Cantonese): Let me explain this again. Tables 1 and 2 in the main reply are the results of the same study. It is not the case that another study was conducted after the release of the results. In fact, it was only a sample study that we had conducted, covering 97 property development projects, and so, the results were all obtained from the study conducted in 2006. As to why there is a difference in the way the results were released, Mr CHAN may refer to Table 1, which lists the names and addresses of 60-odd buildings. These buildings were already completed with OPs issued at the time the sample study was conducted and so, the information presented in the sample study was very accurate because the buildings were already completed. However, the buildings in Table 2 had not yet been completed at the time the study was conducted and we only made reference to the set of approved building plans available then in conducting the study. As Members all know, building plans are subject to changes and so, after the sample study, some of the plans had already been amended and OPs were also issued accordingly. As the area of the building upon completion is already different from that when the sample study was conducted, we therefore consider it misleading to the public if we publish the names of the buildings.

As regards the second part of the supplementary question, as I said earlier, it is provided in law that some facilities, such as plant rooms and fireman's lifts, are not included in the floor area. As for how concessions should be granted for environmental facilities, such as balconies, non-structural components, and so on,

there are JPNs setting out the criteria in detail. If Mr CHAN is interested, I can provide him with the relevant information after the meeting.

MR LEE WING-TAT (in Cantonese): *President, the Financial Secretary said in the Legislative Council two weeks ago that he was very concerned about the practices adopted by developers in the sale of new properties and the accuracy of market information. I hope that the two Secretaries can think about one problem. The information on the sale of properties and uncompleted residential flats in the entire market is basically released by developers and real estate agents. What they do is simple. Some will actively release inaccurate information, such as saying that the flats have been sold out swiftly; in some cases, nobody knows if transactions are ultimately completed for flats which they claim to have been sold at sky-high prices, because some preliminary agreements may have been signed but the transactions are not completed in the end; and in some cases, "bundled sale" is involved, which means that some flats are sold at sky-high prices, some at low prices and some at average prices, but they only announced the sky-high prices to the public.*

President, I wish to ask the two Secretaries this question. The Legislative Council and members of the public are already fed up in recent years, thinking that the Real Estate Developers Association (REDA) is no longer capable of monitoring the practices of its members. This is why the Legislative Council and the bureaux have become the police responsible for patrolling and watching property developers. The Consent Scheme is approved by the Lands Department under the Secretary's purview, and the Consent Scheme can in fact include some mandatory and punitive provisions. Here is my question for the two Secretaries. In respect of the sale of properties, especially uncompleted residential properties, should all the regulatory provisions be incorporated into the Consent Scheme, so that they can become a set of standard practices in compliance with rules and regulations and subject to the monitoring of the Government, rather than allowing the REDA to enforce them on its own?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, with regard to buildings which are subject to the Consent Scheme, if the developer acts against the stipulations of the Consent Scheme, the Lands Department will take corresponding actions based on the severity of incompliance

on the part of the developer, which include issuing a warning to require the developer to make corrections, or temporarily suspending and even revoking the Consent Scheme. On the question of what the Consent Scheme should include, there has actually been a process of improvement over a period of time. Recently, we have further imposed regulation on the sales brochures — a lot of views have been expressed in the community — such as setting out the community facilities in the vicinity of the building. A lot of efforts have been made in respect of the accuracy and transparency of the sales brochures, such as the inclusion of 18 additional items of public facilities in the list of community and public facilities on top of the original 16 items. The new items include landfill, former landfill, landfill gas incineration facilities, crematorium and columbarium facilities, and so on. All this is information that the public would like to know and obtain in purchasing properties. So, improvement has been made in respect of accuracy and transparency. As for the saleable area that I mentioned earlier, improvement has also been made over a period of time after the introduction of the Consent Scheme. We will continue to pay attention to the developments or measures, so as to continuously improve the Consent Scheme. We are prepared to keep on listening.

MR LEE WING-TAT (in Cantonese): *Please elucidate whether you*

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

MR LEE WING-TAT (in Cantonese): *I wonder if she has mistaken it or I got it wrong*

PRESIDENT (in Cantonese): You should point out the part that you think the Secretary has not answered.

MR LEE WING-TAT (in Cantonese): *I only asked whether she would incorporate the code of self-regulation of the REDA into the Consent Scheme. The Secretary said a lot about columbarium, graveyard, and so on. These do not fall into the scope of the Consent Scheme, and they belong to the scope of*

self-regulation of the REDA. When the Secretary read these out as she did just now, the public would have the impression that regulation is already imposed and such being the case, I am afraid the Secretary has provided wrong information to the Legislative Council. Have I got anything wrong?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, generally speaking, the areas under the regulation of the Consent Scheme are also reflected in the code of the REDA.

MR LEE WING-TAT (in Cantonese): *is regulation already imposed*

PRESIDENT (in Cantonese): We have spent more than 23 minutes on this question.

PRESIDENT (in Cantonese): Sixth question.

Co-operation Plans and Agreements with Mainland Provinces and Cities

6. **MS CYD HO** (in Cantonese): *President, in recent years, the Hong Kong Special Administrative Region (HKSAR) Government jointly formulated quite a number of regional co-operation plans and agreements with the provincial and municipal governments on the Mainland and the Macao Special Administration Region (MSAR) Government (including the Letter of Intent in Taking Forward Co-operation on Modern Service Industries between Hong Kong and Shenzhen in Qianhai signed recently with the Shenzhen Municipal Government). In this connection, will the Government inform this Council:*

- (a) *of the number of co-operation plans and agreements jointly formulated by the HKSAR Government and the provincial and municipal governments on the Mainland as well as the MSAR Government in each of the past five years, together with the respective breakdowns, by policy area (including finance, commerce and trade, environment, education, welfare, planning of frontier*

areas, infrastructure, and so on), of the co-operation plans and agreements that have been confirmed and those that were signed, as well as providing summaries of the contents and complete copies of the confirmed co-operation plans and agreements; whether the authorities have made public all the signed documents; if not, of the reasons for that, together with a list of the titles of the plans and agreements that have not been made public;

- (b) what mechanism the authorities have followed to deliberate and discuss with the provincial and municipal governments on the Mainland the aforesaid plans and agreements, of the names of the joint conferences and other related working meetings which were set up under the mechanism; whether and how the authorities have consulted the Legislative Council, the public and the various trades prior to the implementation of the plans and agreements reached with the various Mainland places; and*
- (c) in the course of implementing the aforesaid co-operation plans and agreements, whether the authorities have looked into how the differences in the legal systems of two places are to be dealt with; what mechanism the authorities have in place to ensure that the relevant acts of corruption committed outside Hong Kong will not undermine the public interests of the HKSAR, and to ensure that public money will be put to reasonable use; how the authorities curb such acts of corruption committed outside Hong Kong?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, following further reform and opening up of the Mainland, the relationship between the Mainland and the HKSAR has become closer and the two places are undertaking more frequent exchanges and co-operation in various aspects. To promote sustainable development of our economies, regional co-operation is the natural course of development. The authorities in the Mainland and the HKSAR have been creating a more favourable environment and conditions conducive to mutually beneficial development. Regional co-operation between the HKSAR and Mainland provinces and municipalities has been achieved step by step by building on the principles of "one country, two systems", the Basic Law and a mutually beneficial and win-win relationship.

My response to the three points raised in the question is as follows:

- (a) The regional co-operation platforms built with Mainland provinces and municipalities after the establishment of the HKSAR include the Hong Kong/Guangdong Cooperation Joint Conference, Shenzhen/Hong Kong Cooperation Meeting, Pan-Pearl River Delta Region Cooperation Coordination Mechanism, Hong Kong/Shanghai Economic and Trade Cooperation Conference, Hong Kong/Beijing Economic and Trade Cooperation Conference and Hong Kong/Macao Cooperation Meeting.

Between 2005 and October 2009, the HKSAR Government signed 57 co-operation arrangements with Mainland provinces and municipalities concerned under the afore-mentioned regional co-operation platforms. These arrangements, being the foundation for taking forward further co-operation, cover 20 policy areas (see the Annex for details — Chinese version only). These co-operation arrangements play a key role. If a meeting on regional co-operation with the Mainland is convened, generally we will make arrangements for the officials concerned to meet the media; and will also issue relevant press releases to cover, amongst other aspects, the co-operation arrangements signed on that occasion. These arrangements help maintain transparency on co-operation with the Mainland.

As regards the latest progress and the outcome of the recent Hong Kong/Guangdong Cooperation Joint Conference, we have issued a paper to report to the Panel on Commerce and Industry and would welcome Members' views.

- (b) and (c)

The content and scope of regional co-operation arrangements vary according to the experience gained from past co-operation with the relevant province or municipality, geographical advantages as well as the strength and complementarities of various industries. Under

the afore-mentioned regional co-operation platforms, a wide range of co-operation areas are involved. For example, the co-operation areas under the Hong Kong/Guangdong Cooperation Joint Conference include finance, trade (including the Mainland/Hong Kong Closer Economic Partnership Arrangement (CEPA) and the development of Qianhai), cross-border infrastructure, education, medical and health, town planning, tourism, and so on.

The HKSAR Government has always pursued regional co-operation initiatives in the interest of Hong Kong. The relevant Policy Bureaux will consult the industries from time to time having regard to the details of individual co-operation initiatives to ensure that the co-operation arrangement concerned will create a win-win situation for the development of both Hong Kong and the Mainland.

The HKSAR Government will submit proposals for the scrutiny of the Legislative Council on any co-operation project which requires additional funding to be approved by the Legislative Council or involves legislation.

For instance, our initiatives to support reconstruction in Sichuan earthquake-stricken areas could only proceed after the funding proposal had been endorsed by the Finance Committee according to established procedures. Stringent measures have also been drawn up by the HKSAR Government and the relevant Mainland authorities concerned for proper fund management and monitoring of the reconstruction projects.

Where laws and regulations of the two places are involved in cross-boundary issues, for example, arrangements relating to the implementation of the co-location arrangement in the Shenzhen Bay Port and Hong Kong Port Area, they were dealt with strictly in accordance with the principles of "one country, two systems" and the provisions of the Basic Law, so as to ensure that the rule of law in Hong Kong and the public interest of Hong Kong will be safeguarded.

附表

2005年至2009年(10月)香港特別行政區
與內地省市和澳門特別行政區簽署的
合作協議／備忘錄

區域合作安排	協議／名稱	涵蓋的政策範疇
1. 泛珠三角區域合作安排	<p>2005年1月</p> <p>— 泛珠三角區域環境保護合作協議</p> <p>2005年5月</p> <p>— 滇港體育交流與合作備忘</p> <p>— 泛珠三角區域農業合作協議</p> <p>2005年6月</p> <p>— 泛珠三角區域反走私合作協議</p> <p>2005年7月</p> <p>— 共建泛珠三角區域教育信息平台合作協議</p> <p>— 泛珠三角區域知識產權合作協議</p> <p>2006年3月</p> <p>— 泛珠三角區域教育信息資源共建共享工程計劃</p> <p>2006年10月</p> <p>— 泛珠三角區域安全生產合作協議</p> <p>2008年4月</p> <p>— 港澳旅遊業更緊密合作安排</p> <p>— 雲南省與香港特別行政區更緊密文化關係安排協議書</p> <p>2009年6月</p> <p>— 泛珠三角區域旅遊合作框架協議</p>	環境保護、文化、體育、兩地執法、知識產權、教育、旅遊

區域合作安排	協議／名稱	涵蓋的政策範疇
2. 粵港合作聯席會議	<p>2005年7月</p> <p>— 關於粵港澳三地學校締結姐妹學校事宜的框架協議</p> <p>2005年9月</p> <p>— 關於建立粵港反傾銷案件資訊通報機制的合作協議</p> <p>2005年12月</p> <p>— 大珠江三角洲城鎮羣協調發展規劃研究合作協議書</p> <p>2006年6月</p> <p>— 粵港澳突發公共衛生事件應急合作協議</p> <p>2007年8月</p> <p>— 深化實施CEPA、共同推進粵港服務業合作協議</p> <p>— 關於推動粵港兩地企業開展節能、清潔生產及資源綜合利用工作的合作協議</p> <p>— 粵港社會福利合作安排</p> <p>— 關於對供港塘魚運輸工具加施檢驗檢疫封識的協議書</p> <p>— 2007年至2008年粵港保護知識產權合作協議</p> <p>— 關於加強粵港信息化合作的安排</p> <p>2008年1月</p> <p>— 粵港澳文化資訊網服務協議書</p> <p>2008年8月</p> <p>— 加快實施CEPA及其補充協議五的合作協議</p> <p>— 推進粵港兩地教育交流與合作協議書</p> <p>— 在廣東省試點，允許香港服務提供者以獨資民辦非企業單位形式舉辦殘疾人福利機構合作安排</p> <p>— 職業介紹所服務合作</p>	教育、商貿、環境保護、食品安全、社會福利、知識產權、專業服務、交通基建、金融、資訊科技、創新科技、文化

區域合作安排	協議／名稱	涵蓋的政策範疇
	<ul style="list-style-type: none"> — 人才中介機構服務合作 — 獲得“內地註冊城市規劃師資格”及“內地監理工程師資格”的香港專業人士在粵註冊合作協議 — 粵港旅遊合作協議 — 粵港醫療服務業合作協議 — 粵港關於促進港資加工貿易企業轉型升級的合作協議 — 粵港共建科技創新平台合作協議 — 加強粵港應急管理合作協議 <p>2009年2月</p> <ul style="list-style-type: none"> — 粵港澳文化交流合作發展規劃 <p>2009年3月</p> <ul style="list-style-type: none"> — 大珠江三角洲城鎮羣協調發展規劃研究補充研究合作協議書 <p>2009年6月</p> <ul style="list-style-type: none"> — 粵港兩地電子簽名證書互認的框架性意見 <p>2009年8月</p> <ul style="list-style-type: none"> — 關於推進前海港深現代服務業合作的意向書 — 粵港教育合作協議 — 粵港共同落實CEPA及在廣東先行先試政策措施的合作協議 — 粵港研發生產藥物(疫苗)合作安排 — 粵港環保合作協議 — 關於推進港深西部快速軌道合作安排 — 粵港金融合作專責小組合作協議 — 2009年至2010年粵港知識產權合作協議 	

區域合作安排	協議／名稱	涵蓋的政策範疇
3. 深港合作會議	<p>2006年11月</p> <p>— 深港興建蓮塘／香園圍口岸前期規劃研究合作協議書</p> <p>2007年5月</p> <p>— 工商及科技局與深圳市人民政府關於“深港創新圈”合作協議</p> <p>2007年12月</p> <p>— 關於近期開展重要基礎設施合作項目協議書</p> <p>— 加強深港環保合作協議</p> <p>— 深港加強城市規劃合作協議</p> <p>2008年11月</p> <p>— “落馬洲河套地區綜合研究”合作協議書</p> <p>— 教育合作協議</p> <p>— 加強深港清潔生產工作合作協議</p> <p>— 更進一步加強文化合作協議</p> <p>2009年4月</p> <p>— 深圳河治理後過境土地使用合作意向書</p> <p>2009年5月</p> <p>— 落馬洲河套地區綜合研究合作細節安排協議書</p>	口岸規劃、基礎設施、環境保護、城市規劃、商貿、旅遊、文化、人才培訓、醫療衛生
4. 香港特區與澳門特區的合作協議	<p>2005年5月</p> <p>— 香港特別行政區政府與澳門特別行政區政府關於移交被判刑人的安排</p> <p>2006年3月</p> <p>— 中華人民共和國香港特別行政區懲教署與中華人民共和國澳門特別行政區澳門監獄的合作安排</p>	兩地執法

MS CYD HO (in Cantonese): *President, this is already the fourth time I put this question to the Secretary in this Council. While this question was raised during the policy address debate last time, I have put it down in black and white this time requesting the Secretary to make public a complete copy of the Letter of Intent in Taking Forward Co-operation on Modern Service Industries between Hong Kong and Shenzhen in Qianhai (Letter of Intent). Yet, nothing has been said about it and no answer provided in the main reply. Why is the Secretary reluctant to make the Letter of Intent public? Why does the Government not allow the public to act as a watchdog and see the content of a complete copy of the Letter of Intent? How can we know how far a win-win situation has been achieved if a complete copy is not made public? Have we won or lost? Why can such documents not be made public whenever there is cross-boundary collaboration? Should the current level of transparency in Hong Kong be changed because of the objection from its Mainland partner?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I strongly agree that there should be a high degree of transparency in co-operation between Hong Kong and the Mainland, and this has been the premise of handling Hong Kong/Guangdong co-operation and regional co-operation between Hong Kong and other Mainland provinces and municipalities over the years. Actually, regarding the Letter of Intent, I have made public its most important points in my separate reply to Ms Emily LAU's written question today.

I will briefly repeat the points here: First, Hong Kong and Shenzhen agreed to designate the planning and construction of the Qianhai area as a major vehicle of Hong Kong-Shenzhen co-operation. This will be done under the framework of "The Outline of the Plan for the Reform and Development of the PRD Region", "one country, two systems" and Hong Kong/Guangdong co-operation. Second, the two sides will explore opportunities of co-operation in the following areas: First, to study relevant policies and measures to facilitate the development of modern service industries in the region; second, to improve the industrial structure and expedite the building of modern industrial system of Shenzhen, the PRD Region and Guangdong Province by leveraging on Hong Kong's advantages as an international financial, trading and shipping centre, as well as through the co-operation between Hong Kong and Shenzhen in developing modern service

industries in Qianhai; and third, to support the development of Hong Kong's service industries in the region and jointly explore markets for modern service industries under the principle of enhancing complementarities and mutual benefits, and on the existing basis of CEPA. Both sides also agreed to set up an expert group on co-operation in Qianhai.

I have already briefed Members on the most important points of the Letter of Intent.

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

MS CYD HO (in Cantonese): *The point is: Why is the Secretary reluctant to make public the complete copy of the Letter of Intent? Why did he prefer spending two extra minutes reciting it again to allowing us to look at all the wordings in it? Is it because the Secretary has no idea if the content recited by him can be found in the Letter of Intent, and there might probably be some additions or omissions? How we act as a watchdog?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): I welcome monitoring by Ms Cyd HO and Members. I will not only report to Members in black and white, but also appear before this Council again to brief Members. I would like to reiterate that there is indeed a high degree of transparency in our co-operation with Mainland provinces and municipalities. There is also growing acceptance and recognition among Mainland provinces and municipalities that the media and the public in Hong Kong expect us to be transparent and account for our work. Hence, we will brief Members of this Council on all key issues, such as CEPA, the Hong Kong-Zhuhai-Macao Bridge (HZMB) and Renminbi services, whether in Council meetings or meetings held by panels.

MS CYD HO (in Cantonese): *I would like to have a copy of the Letter of Intent, not the Secretary.*

PRESIDENT (in Cantonese): Secretary, can you publicize the complete copy of the Letter of Intent?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, we will brief Members in the light of the circumstances regarding each co-operation arrangement. The original text can be viewed on the Internet, and we also need to briefly explain the key points of certain projects.

DR RAYMOND HO (in Cantonese): *President, the communication between the two places was quite poor during the couple of years before and after the reunification. However, it appears there has been a major improvement in recent years. According to the Secretary's main reply, I think the efforts made by the Secretary on this front are commendable.*

In the second paragraph of part (a) of the main reply, the Secretary said that 57 co-operation agreements covering 20 policy areas had been signed. President, may I ask the Secretary, given that co-operation agreements have been signed in numerous areas, whether collaboration between the two places will be affected — for co-ordination among departments in Hong Kong have often been problematic — since many Policy Bureaux are involved? In signing agreements with the Mainland, many problems might also arise between provinces and municipalities. For instance, we are also unhappy with the adoption of "separate locations of Boundary Crossing Facilities (BCFs)" to serve the HZMB. Will the authorities sign agreements hastily for the sake of signing more agreements more quickly?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, we have indeed acted in the interest of Hong Kong in pursuing co-operation in any policy area. Now, at the most strategic level, President, we and the Mainland our co-operation with the Mainland and the provinces and municipalities has been integrated. For instance, insofar as co-operation between Guangdong and Hong Kong is concerned, since the signing of CEPA in 2003, six supplementaries have now been signed, so that we can provide professional services in dozens of areas of services industries in Guangdong at an early stage and on a pilot basis. Through these arrangements, we hope that the great gate can be opened at the central policy level and small

doors can continue to open at the provincial and municipal levels to ensure that various industries in Hong Kong can enter the Mainland market by first opening up the market of the Greater Pearl River Delta (PRD) where there is a population of 50 million and then opening up the market of the Pan-PRD where there is a population of 400 million.

A major issue with the HZMB is: Should "separate locations of BCFs" or "co-location of BCFs" be adopted? In this connection, following thorough deliberations with the commissions and ministries under the Central Government, the Guangdong Provincial and Municipal Governments and the MSAR Government, we consider it is more preferable to adopt "separate locations of BCFs" to serve the HZMB. However, we welcome Ms HO and other Members' views on this and other issues. We hope they can continue to give us their professional advice as well as other suggestions.

MS EMILY LAU (in Cantonese): *President, we all think that the Secretary's remark of "opening up the markets where there is a population of 50 million and 400 million" is open to discussion. However, as questioned by Dr HO just now, can a mutually beneficial relationship really be built? We need to examine this carefully.*

President, the briefing mentioned by the Secretary is really extremely weak. As mentioned by Dr Raymond HO just now, there were 57 agreement arrangements covering 20 policy areas. Of these numerous items, how many have been tabled to this Council for detailed discussion? The Secretary cited several examples just now. President, other than these examples, how many examples are there? President, the Secretary also mentioned my written question. He then mentioned the motion debates conducted on 4 March and 17 June this year and the views expressed by Members; yet he did not mention the motion debate on 17 June on collaboration between Hong Kong and Shenzhen, which was eventually negated. Insofar as this motion is concerned, will the Secretary render support because some Members said they wanted to do it? The Secretary also said that he would appear before this Council to give his advice. Obviously, his briefing is not good enough. The Secretary has volunteered to take full responsibility for things about which no consensus has been reached in this Council. Despite our request for the Secretary to brief the relevant panels properly, he has failed to do so. To what extent has he briefed us on these 57

arrangements and 20 policy areas? President, although we have been sitting here for such a long time, we feel that we have been kept in the dark about a lot of things. Furthermore, being Members who are not allowed to return to the Mainland, we are totally in the dark. I am afraid even those Members who are allowed to return to the Mainland are also ignorant of many things.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): First of all, President, regarding the two motion debates mentioned in my separate reply to Ms Emily LAU's written question, we definitely need to submit a report to this Council with respect to the motion carried by Members. Although the other motion was not carried, I respected the views expressed by Members. Why not?

When it comes to briefing this Council, briefings to this Council and members of the public have always been taken very seriously by every colleague and head in our Policy Bureaux. Let me cite a few examples: First, since the signing of CEPA in 2003, we will give Members an annual report on our latest progress here. Second, when it comes to the Shenzhen Bay Port, we already briefed Members here on the co-location arrangement in June 2003 before an application for funding was made to the Public Works Subcommittee of the Finance Committee. This was followed by yet another briefing during the period between 2006 and 2007, and the Bay Port Hong Kong Port Area Bill was passed subsequently. Given all these funding applications and debates on bills, can Members not see that this Council has been fully briefed? Third, Members should have noticed earlier the participation of colleagues in the Development Bureau in various discussions held by different District Councils in December 2008 and their consultation with the Panel on Development in February 2009 on the development of the Lok Ma Chau Loop. Furthermore, we will brief Members on the HZMB and Renminbi services mentioned by me just now through various relevant panels in the event of major policy changes and new initiatives. If we require funding to be approved by the Legislative Council, we will definitely submit proposals to the Council. We have acted in strict accordance with the procedure to ensure transparency in regional co-operation in an established and open manner.

MS EMILY LAU (in Cantonese): *He has not answered my question.*

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

MS EMILY LAU (in Cantonese): *He has not answered it.*

PRESIDENT (in Cantonese): Will you please repeat clearly the part not answered.

MS EMILY LAU (in Cantonese): *How many of the 57 co-operation arrangements covering more than 20 policy areas have commenced without consulting this Council and briefing us? How can we know if the relationship is mutually beneficial? President.*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I believe various policy areas, ranging from culture, sports, intellectual property, education to tourism, are involved here. Colleagues of the relevant Policy Bureaux will brief Members every year, in the context of the policy address or the budget, or appear before the panels of this Council every month in the event of key policy developments. Furthermore, we will arrange for the media to cover every meeting held regarding our present co-operation arrangements. Members should have a clear understanding of the progress of our work.

MS EMILY LAU (in Cantonese): *President, I only want him to give me a list of the 57 co-operation arrangements with information on the dates the relevant Bureaux appeared before this Council and the names of the panels which have been briefed. Can the Secretary do so?*

PRESIDENT (in Cantonese): Secretary, can you provide the information requested by Ms LAU?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I can only say that our Policy Bureaux have already briefed the relevant panels having regard to the needs of their policy areas. Not only the co-operation arrangements but also their major policy developments are thus involved.

PRESIDENT (in Cantonese): Secretary, can you provide the relevant information in response to Ms LAU's request for the Government to give an account on the 57 co-operation arrangements?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I need to co-ordinate with the relevant Policy Bureaux to ascertain if they have any further information to provide.

MR FREDERICK FUNG (in Cantonese): *President, I wish to follow up the supplementary questions raised by Emily and Ms Cyd HO just now. Actually, a list of all co-operation arrangements has already been incorporated into the Secretary's main reply. May I ask the Secretary if he can make reference to the main reply to the first question, which was followed by an Annex? Can the Secretary list, in the same manner, the number of persons, amount of money and benefits involved in each of the co-operation arrangements? This will be absolutely clear so that all Members can understand. Can the Secretary present the information in this manner rather than merely giving the names of the co-operation arrangements? In this way, Members will understand the basic content of the arrangements.*

I believe even the President can see that the Annex to the first main reply has included almost every detail. I consider this the perfect way of presenting the information.

PRESIDENT (in Cantonese): Secretary, can the relevant information be provided in the form of a table?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, actually, we have attempted to give Members a comprehensive account, in the form of a table, on the co-operation arrangements signed at various regional co-operation meetings in respect of the 20 policy areas over the past five years. Moreover, further information on the details of these co-operation agreements is available on the Internet.

MR FREDERICK FUNG (in Cantonese): *The Secretary has not answered my supplementary question. I only wish to cite an example to help the Secretary present the information more clearly. For instance, in this Annex, only "加強深港環保合作協議" (Agreement on enhancing co-operation on environmental protection between Hong Kong and Shenzhen) appears under December 2007. If the method used in the main reply to the first question is adopted, the event names could be changed as agreement names, and the key co-operation bodies, be they Guangdong Province, Shenzhen, or other places, can be included. In addition, other information on, for instance, the amount of money spent by the Government, the number of participants and the number of Hong Kong applicants, should also be provided to give us a clear account of everything. This is what I meant. Just now, maybe I May I ask if the President or the Secretary does not understand the tabulation used in the main reply to the first question?*

PRESIDENT (in Cantonese): Secretary, I believe Mr FUNG's request is very clear. He hopes the authorities can, apart from listing the names of the co-operation agreements, obtain some concrete information. Can the Secretary provide such information?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I will co-ordinate with the relevant Policy Bureaux to ascertain if they can provide further information. (Appendix IV)

PRESIDENT (in Cantonese): This Council has spent more than 20 minute on this question. Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS**E-channels**

7. **MR LAU WONG-FAT** (in Chinese): *President, regarding the situation of Hong Kong residents not being able to use their Smart Identity (ID) Cards for immigration clearance through the Automated Passenger Clearance System (e-Channels) due to fingerprint recognition problem, will the Government inform this Council:*

- (a) of the existing number of Smart ID Card holders who cannot use the e-Channel for immigration clearance due to fingerprint recognition problem, and its percentage in the total number of Smart ID Card holders;*
- (b) how much more time (including waiting time) on average these people take to complete immigration clearance procedure at the traditional counters for immigration clearance as compared with the time taken by those who use the e-Channel to complete the relevant procedure; and*
- (c) whether the authorities have considered introducing the face recognition access control system used by the Beijing Capital International Airport in the e-Channel system in Hong Kong, so that the people concerned can use the e-Channel for immigration clearance?*

SECRETARY FOR SECURITY (in Chinese): President,

- (a) According to the records of the Immigration Department, there are about 6 200 Smart ID Card holders who cannot use e-Channels for immigration clearance due to unclear or deformed fingerprints. They account for less than 0.1% of the total number of Smart ID Card holders;
- (b) We do not keep statistics on the time for the above group of persons (persons who cannot use e-Channels because of unclear or deformed fingerprints) to complete immigration clearance procedure at

traditional counters, but it takes 12 seconds on average for a Hong Kong resident in general to obtain immigration clearance at a traditional counter. This is roughly the same time for the same process at an e-Channel. The waiting time differs depending on the exact control point and time of the day in question;

- (c) The Immigration Department will examine the feasibility of the introduction of facial recognition technology in the review of the Department's Information System Strategy.

Implementation of Jury System in District Court

8. **DR MARGARET NG** (in Chinese): *President, recently, there have been views that the jury system is a good tradition of common law, and as the maximum imprisonment term that may be imposed by the District Court in criminal cases is seven years, which is by no means light, the ideal arrangement is for juries to be formed to try cases in the District Court. Such views have also pointed out that as English was the official language used in court in the past, the number of members of the public eligible for serving as jurors was just sufficient for trying cases in the High Court and the Court of Final Appeal. However, since the use of Chinese as an official language in court, the number of members of public eligible for serving as jurors has grown significantly and hence the jury system should be extended to the District Court. In this connection, will the Government inform this Council:*

- (a) *whether it will consider implementing the jury system in the District Court; if so, of the work plan; if not, the reasons for that;*
- (b) *of the number of cases tried in the High Court in the past three years for which a jury was required to be formed, and the number of jurors and relevant resources involved; and*
- (c) *whether it has assessed how many cases tried in the District Court in 2008-2009 could have been tried before a judge with a jury, and the estimated additional number of members of the public needed to serve as jurors as well as the resources involved for the jury system to be implemented in the District Court?*

SECRETARY FOR JUSTICE (in Chinese): President,

- (a) The Government has no current plan to introduce juries for criminal trials in the District Court.

Article 81 of the Basic Law stipulates, among other things, that the judicial system previously practised in Hong Kong shall be maintained. Article 86 provides that the principle of trial by jury previously practised in Hong Kong shall be maintained. The Basic Law and the Bill of Rights Ordinance do not confer on the defendant in criminal proceedings a right to choose trial by jury. Under the existing system, a defendant is equally assured of a fair trial by a judge alone in the District Court, in which the judge is required to give a fully reasoned judgment, which may then be scrutinized on appeal.

This issue was last raised in the Legislative Council in March 1997 and in the information paper presented to the Administration of Justice and Legal Services Panel, by the then Attorney General's Chambers, it was said that any change to the present arrangements would require a lengthy, detailed and in-depth study. Having reviewed the matters set out in that paper and having consulted the Judiciary, the Administration is not convinced that a re-examination of this issue is warranted. The number of criminal cases tried in Chinese in the District Court has shown a steady increase in recent years, while the number of those in the Court of First Instance has shown no comparable increase. Since 2007, the availability of an increased pool of Chinese speaking jurors has not led to an increase in jury trials in Chinese in the Court of First Instance. It appears unlikely therefore that the introduction of jury trials in the District Court would lead to an increased use of Chinese in that Court.

<i>Types of Court</i>	<i>Number of trials heard in Chinese</i>		
	<i>2007</i>	<i>2008</i>	<i>2009 (from January to September)</i>
Court of First Instance (Trials)	29	31	27
District Court	219	314	316

The resource implications and the demand on jurors would also be very considerable if the same number of cases were to be tried each year.

- (b) The following table shows the statistics of the number of jury trials in the Court of First Instance in each of the past three years, the total number of empanelled jurors and the number of potential jurors on the list who had been summoned for selection.

<i>Year</i>	<i>No. of cases tried by Jury</i>	<i>No. of jurors empanelled</i>	<i>No. of summonses issued for potential jurors to attend for selection</i>
2007	77	541	18 172
2008	69	487	17 078
2009 (Up to October)	73	515	14 260

The resources necessary for jury trials include the provision of suitable accommodation and the costs of administrative staff and of allowances paid to those who serve as jurors. There is also an indirect cost on self-employed jurors and on the employers of those who are employed, consequential on their absence from work.

- (c) It is not possible to assess how many cases tried in the District Court in 2008-2009 could have been tried before a judge and jury. Although an indication may be derived from the figures for criminal trials in the District Court in the past three years, which are as follows:

<i>Year</i>	<i>No. of trials</i>
2007	647
2008	588
2009 (Up to October)	612

If all those trials had been before a judge and jury, the additional number of members of the public needed to serve as jurors as well as

other resources in managing a jury system in the District Court would have been considerable.

It would be necessary to redesign the District Court rooms to provide for jurors and to add a Jury Assembly Room, separate access and facilities for jurors, including waiting rooms and some overnight accommodation. There would be manpower implications for support staff and there might also be manpower implications for judges.

Co-operation on Modern Service Industries Between Hong Kong and Shenzhen in Qianhai

9. **MS EMILY LAU** (in Chinese): *President, the Government signed the Letter of Intent in Taking Forward Co-operation on Modern Service Industries between Hong Kong and Shenzhen in Qianhai (Letter of Intent) with the Shenzhen Municipal Government on 19 August this year, hoping to promote and enhance Hong Kong's service industries and foster long-term economic growth of Hong Kong by participating in the development of Qianhai in Shenzhen. In this connection, will the Executive Authorities inform this Council:*

- (a) of the reasons for the Government not consulting the Legislative Council and the public before signing the Letter of Intent, and when it will conduct the consultation concerned;*
- (b) of the content of the Letter of Intent and the role played by the Hong Kong Special Administrative Region Government;*
- (c) whether public funds will need to be deployed and relevant legislation to be enacted for participation in the development of Qianhai in Shenzhen; and*
- (d) what benefits Hong Kong may gain from participation in the development of Qianhai, and what sort of competition Hong Kong's service industries will face as a result?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Chinese): President,

(a) and (c)

Regarding parts (a) and (c) of the question, the principle of "one country, two systems" has always been the basis of co-operation between Hong Kong and other regions in the Mainland. The Administration has always acted in the overall interests of Hong Kong in promoting co-operation projects. If a project requires additional funding from the Legislative Council or involves any legislative issues, in accordance with established procedures, the Administration will submit the proposal to the Legislative Council for consideration. The Letter of Intent does not require any additional funding from the Legislative Council nor involves legislative issue. It is therefore not necessary for the Administration to put the Letter of Intent to the Legislative Council.

In convening meetings on regional co-operation with the Mainland, we have been making arrangements for the officials concerned to meet the media. Press releases would also be issued. These arrangements maintain transparency on co-operation with the Mainland. The Letter of Intent followed the same arrangements.

In promoting further co-operation between Hong Kong and Guangdong, in particular the Pearl River Delta (PRD) Region, we have fully consulted and taken into account the views of the relevant stakeholders including the Legislative Council and the industries. For instance, in recent co-operation with Guangdong and Shenzhen, we have taken full consideration of the views expressed by Legislative Council Members at the motion debates on 4 March and 17 June this year on "Actively implementing complementary policies for the Outline of the Plan for the Reform and Development of the Pearl River Delta" and "Promoting co-operation between Hong Kong and Shenzhen" respectively. The Chief Secretary has also visited the nine municipalities of the PRD with representatives from the industries from April to June this year. A large-scale forum on the implementation of "The Outline of the Plan for the Reform and

Development of the PRD Region" (the Outline) was organized in July in Hong Kong. These activities have allowed us to collect and consider the views of different sectors before formulating further policy proposals.

- (b) On part (b) of the question, Hong Kong and Shenzhen signed the Letter of Intent in August this year. The Letter of Intent aims to reflect the overall intention of both sides in promoting development of modern service industries in Qianhai, as well as the mutual wish of jointly exploring opportunities for co-operation.

According to the Letter of Intent, Hong Kong and Shenzhen agreed to jointly promote issues relating to the co-operation on modern service industries in Qianhai by designating the planning and construction of the Qianhai area as a major vehicle of Hong Kong-Shenzhen co-operation. This will be done under the framework of the Outline, "one country, two systems" and Hong Kong/Guangdong co-operation. The two sides will explore opportunities for co-operation in the following areas:

- (i) to study relevant policies and measures to facilitate the development of modern service industries in the region;
- (ii) to improve the industrial structure and expedite the building of modern industrial system of Shenzhen, the PRD Region and Guangdong Province by leveraging on Hong Kong's advantages as an international financial, trading and shipping centre, as well as through the co-operation between Hong Kong and Shenzhen in developing modern service industries in Qianhai; and
- (iii) to support the development of Hong Kong's service industries in the region and jointly explore markets for modern service industries under the principle of enhancing complementarities and mutual benefits, and on the existing basis of CEPA.

According to the Letter of Intent, Hong Kong and Shenzhen agreed to set up an expert group under the frameworks of Hong

Kong/Guangdong co-operation and Hong Kong/Shenzhen co-operation to discuss the overall direction and details of co-operation. Both sides will conduct further negotiations to work out details of individual items in the Letter of Intent.

The most important substantive points of the Letter of Intent are set out above. They have also been included in the press release of the "Hong Kong/Guangdong Co-operation Joint Conference" held in August this year.

As regards the development of modern service industries in Qianhai, it is still at a preliminary exploratory stage. When we formulate the detailed development plan, we will submit funding applications and legislative proposals, if any, to the Legislative Council for consideration.

- (d) On part (d) of the question, Hong Kong enterprises have much room for development in the Mainland in the light of the opening up policy of the Mainland over the past 30 years, in particular the manufacturing industries. At the same time, the focus of Hong Kong's domestic economy has also shifted to service industries. In the years ahead, we need to continue to explore markets for Hong Kong service industries in the Mainland.

On 4 March this year, the Legislative Council passed a motion urging the Administration to actively implement policies complementary to the Outline. The Outline contains a number of different proposals, including the one supporting the development of Qianhai in Shenzhen, so as to strengthen co-operation with Hong Kong relating to service industries and high-tech industries.

Our overall objective is to leverage on Hong Kong's advantages as an international financial, trading and shipping centre to develop the Mainland market for Hong Kong's service industries, so as to tap into the Greater PRD market which has a population of 50 million as an initial step, and then to gain access to the individual markets in the Pan-PRD Region provinces, which has a population of more than 400 million.

Affordability of Buyers in Property Market

10. **DR DAVID LI:** *President, in July this year, the Government Economist stated that the mortgage payment for a flat of 450 sq ft then represented only 35% of the median household income whereas in 1997, the ratio was 90%. Taking the two periods from July 1996 to June 1997 and from July 2008 to June 2009 as reference, will the Government inform this Council:*

- (a) whether it knows the total new property mortgage loans granted respectively to end-users and investors by month;*
- (b) of the mortgage-to-income (M-to-I) ratio in respect of new property mortgage loans granted by month;*
- (c) whether it knows the ratio of average downpayment to property value in respect of new property mortgage loans granted by month; and*
- (d) of the factors, apart from the above parameters, that the Government considers when assessing the affordability of the buyers in the property market?*

SECRETARY FOR TRANSPORT AND HOUSING: President, my reply to the four parts of question is as follow:

- (a) According to the data of the Residential Mortgage Survey of the Hong Kong Monetary Authority (HKMA), the total amount of new mortgage loans drawn down by month for the periods from July 1996 to June 1997 and July 2008 to June 2009 respectively are as shown in the table below. The Residential Mortgage Survey does not have breakdown of the new mortgage loans by end-users and investors.

<i>Year/Month</i>	<i>HK\$ Million</i>	<i>Year/Month</i>	<i>HK\$ Million</i>
<i>July 1996-June 1997</i>		<i>July 2008-June 2009</i>	
July 1996	17,659	July 2008	17,318
August 1996	13,397	August 2008	12,197

<i>Year/Month</i>	<i>HK\$ Million</i>	<i>Year/Month</i>	<i>HK\$ Million</i>
<i>July 1996-June 1997</i>		<i>July 2008-June 2009</i>	
September 1996	11,673	September 2008	11,641
October 1996	15,499	October 2008	11,344
November 1996	16,807	November 2008	8,121
December 1996	19,544	December 2008	7,226
January 1997	20,626	January 2009	6,145
February 1997	18,799	February 2009	7,110
March 1997	16,797	March 2009	8,922
April 1997	22,713	April 2009	10,643
May 1997	26,047	May 2009	15,163
June 1997	25,529	June 2009	20,385

Note:

The data in the Residential Mortgage Survey includes only the residential mortgage loans extended to private individuals by surveyed banks, and does not represent all mortgage loans.

- (b) The Government does not have information on the monthly M-to-I ratio of new property mortgage loans granted. However, the Rating and Valuation Department compiles M-to-I ratio which is based on the assumptions that private households with median household income buy a flat of 45 sq m and take out a 20-year mortgage loan at a 70% loan-to-value ratio and an average effective mortgage rate. On the basis of the aforementioned formula, the M-to-I ratio for 1996, 1997, 2008 and 2009 are as below:

<i>Year</i>	<i>Annual Average M-to-I ratio</i>
1996	67%
1997	87%
2008	35%
2009	34% (as at Quarter Two)

- (c) The HKMA does not keep record on the "downpayment-to-value ratio". However, it keeps record on the loan-to-value ratio by month. With the data on the loan-to-value ratio by month, the HKMA can work out the "downpayment-to-value ratio" by month.

As the HKMA has started compiling the loan-to-value ratio only since June 1998, the "downpayment-to-value ratio" for the period

from July 1996 to June 1997 cannot be worked out. The "downpayment-to-value ratio" for the period from July 2008 to June 2009 is as below:

<i>Month/Year</i>	<i>Downpayment-to-value ratio</i>
July 2008	37.3%
August 2008	36.1%
September 2008	36.1%
October 2008	38.5%
November 2008	39.3%
December 2008	38.5%
January 2009	35.8%
February 2009	37.0%
March 2009	35.2%
April 2009	34.7%
May 2009	34.8%
June 2009	34.1%

Note:

The "downpayment-to-value ratio" is derived from 100% minus the "loan-to-value ratio".

- (d) When assessing the affordability level in the property market, apart from making reference to the M-to-I ratio, the Government also makes reference to other factors such as the interest rate for mortgage loans and the number of transactions of residential properties below \$2 million.

Provision of Mental Health Support Services

11. **MR LEUNG KWOK-HUNG** (in Chinese): *President, it was reported that another tragedy involving a mental patient happened earlier in Hong Kong in which a mentally ill man stabbed his ex-wife to death at a Light Rail stop. A number of similar tragedies have happened since January this year, and after each incident, the authorities indicated that mental health services would be strengthened. However, it has been reported that the shortage of psychiatrists in Hong Kong will persist in the next five to 10 years. In this connection, will the Government inform this Council:*

- (a) *whether it knows the amount of funding and other resources allocated by the Hospital Authority (HA) to the psychiatric department of each public hospital in each of the past three years, together with a detailed breakdown of the amount of funding by expenditure item, including the salaries of health care personnel and other staff, as well as the expenses on drugs and medical facilities, and so on;*
- (b) *whether it knows if the HA has set any cap on the costs of psychiatric drugs to be provided by each hospital; if it has, of the details of such limits;*
- (c) *whether it knows the respective numbers, calculated on the basis of the needs of the current population in Hong Kong, of hospital beds and health care personnel needed in various specialties (including child and adolescent psychiatry, psychogeriatrics, community psychiatry and forensic psychiatry) in the psychiatric departments of public hospitals, and how these numbers compare to the current numbers concerned;*
- (d) *whether it knows the proportion of the patients being re-admitted among those who were discharged in the past three years from the various specialties in the psychiatric departments in (c);*
- (e) *whether it knows the average number of hours spent in the past three years by the relevant health care personnel on following up each case of a mental patient after his discharge from hospital, and the average number of times and hours per week each case was followed up by community psychiatric nurses;*
- (f) *whether it knows the average number of ex-mental patients in the past three years whom each community psychiatric nurse needed to follow up;*
- (g) *of the respective numbers of meetings convened by the Working Group on Mental Health Services (the Working Group), which was set up by the former Health, Welfare and Food Bureau in August 2006, and its subgroup and expert groups, their latest membership lists and the attendance rates of their members; and*

- (h) *what mental health policy and specific recommendations have been proposed by the Working Group after working for more than three years, as well as of the resources needed and the timetable for implementing such policy and recommendations?*

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

- (a) In the past few years, the resources allocated by the HA on mental health services each year has been increasing and the annual expenditure is over \$2.5 billion. The expenditure of various hospital clusters on mental health services in the past three years with breakdown by item is as follows:

2006-2007

<i>Cluster</i>	<i>Salary expenditure (\$M)</i>	<i>Expenditure on drugs and other items (\$M)</i>	<i>Total (\$M)</i>
Hong Kong East	189.1	103.7	292.8
Hong Kong West	75.9	63.5	139.4
Kowloon Central	164.3	101.9	266.2
Kowloon East	81.3	44.3	125.6
Kowloon West	479.3	184.3	663.6
New Territories East	236.5	139.6	376.1
New Territories West	443.9	228.3	672.2
Total	1,670.3	865.6	2,535.9

2007-2008

<i>Cluster</i>	<i>Salary expenditure (\$M)</i>	<i>Expenditure on drugs and other items (\$M)</i>	<i>Total (\$M)</i>
Hong Kong East	193.3	103.3	296.6
Hong Kong West	80.4	64.6	145.0
Kowloon Central	191.7	109.2	300.9

<i>Cluster</i>	<i>Salary expenditure (\$M)</i>	<i>Expenditure on drugs and other items (\$M)</i>	<i>Total (\$M)</i>
Kowloon East	89.6	47.6	137.2
Kowloon West	478.8	214.1	692.9
New Territories East	255.6	149.7	405.3
New Territories West	451.4	237.9	689.3
Total	1,740.8	926.4	2,667.2

2008-2009

<i>Cluster</i>	<i>Salary expenditure (\$M)</i>	<i>Expenditure on drugs and other items (\$M)</i>	<i>Total (\$M)</i>
Hong Kong East	207.2	118.5	325.7
Hong Kong West	90.8	66.1	156.9
Kowloon Central	209.0	110.6	319.6
Kowloon East	103.7	52.0	155.7
Kowloon West	495.0	215.6	710.6
New Territories East	279.5	163.6	443.1
New Territories West	470.8	247.7	718.5
Total	1,856.0	974.1	2,830.1

- (b) The cost of drugs is not a major consideration of the HA in the prescription of drugs. Decisions in regard to the prescription of psychiatric drugs are made on the basis of patients' clinical conditions and treatment needs with a view to enhancing treatment outcome and facilitating the early recovery of the patient. The psychiatric department of various hospital clusters will prescribe drugs to patients having regard to their conditions and the relevant prescription guidelines. In recent years, the Government has provided the HA with additional recurrent allocation of a total of \$95 million to provide new psychiatric drugs to more patients in need.

- (c) In planning for its psychiatric services and manpower requirements, the HA takes into account various factors including demographic changes and past trends in service demand of each hospital cluster. In recent years, the HA has actively increased the manpower of its psychiatric departments. The number of psychiatrists has increased from 212 in 2001-2002 to 288 in 2008-2009 and the number of psychiatric nurses has increased from 1 797 to 1 880 during the same period. As at 31 March 2009, the HA provided a total of 4 000 psychiatric beds.

The scope of work of psychiatric health care staff covers different service areas including in-patient service, specialist out-patient (SOP) service and community outreach service. The condition and needs of patients also vary. As such, the HA does not set a fixed staff establishment for the provision of services for individual subspecialties under the psychiatric departments. Instead, the manpower within the psychiatric departments is deployed and adjusted flexibly in accordance with the operational needs and service demand of hospitals in different districts. As for forensic psychiatric service, it is a special service unit mainly involved in providing services to the Siu Lam Psychiatric Centre of the Correctional Services Department as well as forensic psychiatric service to all hospital clusters. The unit currently has seven doctors and 87 nurses.

- (d) According to the HA's records, the rate of re-admission of mental patients via the Accident and Emergency Departments within 28 days after discharge in the past three years is as follows:

<i>Year</i>	<i>Re-admission rate of mental patients via Accident and Emergency Departments within 28 days after discharge</i>
2006-2007	6.0%
2007-2008	6.0%
2008-2009	6.3%

- (e) The HA provides medical rehabilitation and community psychiatric services to discharged patients to facilitate their rehabilitation and re-integration into society. These services are delivered mainly

through its integrated and multidisciplinary community psychiatric teams, which comprise psychiatrists, community psychiatric nurses, clinical psychologists, medical social workers, and occupational therapists, and so on. The range of services provided includes risk management, home visit, telephone consultation and follow-up service. In 2008-2009, the number of outreach service attendances provided by the community psychiatric teams is 104 753. On the other hand, community psychiatric nurses of the HA follow up on the discharged patients through regular visits to patients' home, half-way house or other residential places to monitor the progress of their treatment or rehabilitation. In 2008-2009, the total number of cases followed up by community psychiatric nurses is 9 245. The frequency and duration of the follow-up service depend on the needs and condition of individual patients. For non-urgent cases in general, community psychiatric nurses conduct home visit approximately once a month.

- (f) In the past three years, the average number of cases followed up by each community psychiatric nurse is as follows:

<i>Year</i>	<i>Average number of cases followed up by each community psychiatric nurse per year</i>
2006-2007	68
2007-2008	71
2008-2009	70

- (g) The Working Group set up by the Food and Health Bureau is chaired by me and comprises government representatives, mental health professionals from the health care and social welfare sectors and academics. It assists the Government in reviewing existing mental health services. The Working Group has set up a Sub-group, which is co-chaired by two members of the Working Group and comprises professionals from the health care and social welfare sectors, to conduct in-depth study on the demand for mental health services and the relevant policy measures. Meanwhile, there are three expert groups under the Sub-group comprising experts with relevant service experience to study the service needs of three different age groups (children and adolescents, adults and elders). The membership list

of the Working Group, Subgroup and expert groups are at Annex 1, Annex 2 and Annex 3 respectively.

The Working Group and its Sub-group have each held four meetings so far and the average attendance rates of members are 90.4% and 100% respectively. The expert groups have held a total of nine meetings so far and the average attendance rate of members is 84.5%. Besides, members of the expert groups also deliberate and exchange their views through emails.

- (h) Since their establishment early this year, the expert groups under the Working Group have conducted preliminary studies on the needs for mental health service of various target groups in Hong Kong. They have affirmed the importance of early identification and treatment as well as the service direction of enhancing community care for patients. They have also suggested that the Government adopt appropriate service strategies according to the needs of patients and provide them with the appropriate support. Other service improvement measures put forward by the expert groups include strengthening the training for primary and community care personnel for assisting in the intervention of mental health problems, shortening the waiting time for psychiatric SOP service and enhancing in-patient care and various community outreach and residential services.

Having considered the views of the Working Group and its Sub-group and expert groups, we will launch two new initiatives through the HA in 2010-2011 to provide support to persons with severe mental illness and persons with common mental disorders respectively. With regard to persons with severe mental illness, the HA will pilot a case management programme in individual districts and train up health care staff as case managers to provide continuous and personalized intensive support to patients in the community settings. For people with common mental disorders, the HA will foster closer collaboration between its psychiatric SOP service and primary care service in order to provide these patients with the appropriate assessment and treatment services.

The work of the Working Group in assisting the Government in reviewing existing mental health services in Hong Kong is an ongoing and long-term process and has to be carried out on a step-by-step basis in a practicable and sustainable manner. We will continue to prioritize the service improvement measures in the light of the views of the Working Group and its Sub-group and expert groups. We will also continue to allocate additional resources on prevention, early intervention, treatment and rehabilitation services to further improve our mental health services.

Annex 1

Working Group on Mental Health Services
(As at 31 October 2009)

Chairman:

Dr York CHOW, Secretary for Food and Health

Members:

Ms Sandra LEE, Permanent Secretary for Health

Mr Stephen SUI, Commissioner for Rehabilitation, Labour and Welfare Bureau

Ms Margaret TAY, Chief Manager (Integrated Care Programmes), Hospital Authority

Mrs Cecilia YUEN, Assistant Director of Social Welfare (Rehabilitation and Medical Social Services)

Professor Helen CHIU

Professor SHAM Pak-Chung

Dr HUNG Se-fong

Ms Deborah WAN

Dr YIP Ka-chee

Ms Kimmy HO

Mr Andy NG

Ms Eppie WAN

Annex 2

Sub-group of the Working Group on Mental Health Services
(As at 31 October 2009)

Chairpersons:

Dr HUNG Se-fong
Ms Deborah WAN

Members:

Professor Linda LAM
Dr Eric CHEUNG
Dr CHAN Wai-chi
Mr Stephen WONG
Ms CHAN Sau-kam

Annex 3

Expert Groups of the Working Group on Mental Health Services
(As at 31 October 2009)

Child and adolescent mental health services

Members:

Professor Ernest LUK (Convenor)
Professor Kelly LAI
Professor Patrick LEUNG
Dr HUNG Se-fong
Dr LAM Siu-man
Dr TANG Chun-pan
Dr CHOW Chun-bong
Ms Veronica CHOW
Ms CHAN Sau-kam

Mr Stephen WONG
Mr CHUNG Kwong-hung
Mrs CHOW YEUNG Kam-fung

Adult mental health services

Members:

Dr HUNG Se-fong (Convenor)
Professor Eric CHEN
Professor Sally CHAN
Professor Veronica PEARSON
Dr Eric CHEUNG
Dr Roger NG
Ms Deborah WAN
Ms Kimmy HO
Ms Sania YAU

Elderly mental health services

Members:

Professor Linda LAM (Convenor)
Professor Diana LEE
Professor CHENG Sheung-tak
Professor Alfred CHAN
Dr Alma AU
Dr CHAN Wai-chi
Dr PAN Pey-chyou
Dr Alexander LAW
Dr CHAN Wai-man
Mrs Amy TSUI
Mr SHUM Wai-chuen
Ms Alice LEE
Ms Flora KO

Development of Chinese Medicine Industry in Hong Kong

12. **DR LAM TAI-FAI** (in Chinese): *President, on 7 May this year, the State Council issued "Several Opinions on Supporting and Promoting the Development of the Traditional Chinese Medicine Industry", which pointed out that support given to the Chinese medicine industry should be enhanced to build up a modern industrial structure for Chinese medicine, and clearly stated that equal importance must persistently be given to Chinese and Western medicine in the process of establishing the basic medicine system. It was reported that at the 2009 International Conference for Bioeconomy held in the end of June this year, the China National Center for Biotechnology Development under the Ministry of Science and Technology published a report pointing out that China would develop a \$400 billion worth Chinese medicine industry in the coming 10 years. Regarding the development of the Chinese medicine industry in Hong Kong, will the Government inform this Council:*

- (a) *whether it will seize the opportunity to formulate the outline of a long-term development plan for the Chinese medicine industry in Hong Kong, so as to tie in with the development of the Chinese medicine industry of our country and to capitalize on the opportunities offered by the progressive modernization of Chinese medicine in China; if it will, of the details; if not, the reasons for that;*
- (b) *what form of assistance will be provided to the Chinese medicine industry, so as to expedite the modernization of Chinese medicine or substantially improve the diagnosis and treatment standards of Chinese medicine, so that more people will accept and adopt Chinese medicine technology;*
- (c) *how it encourages and assists the Chinese medicine industry in conducting regular tests on Chinese medicine products, so as to monitor the quality; whether it will consider providing the relevant tax deductions in respect of the expenses on the tests conducted for proprietary Chinese medicines; if not, of the reasons for that;*
- (d) *how it enhances training for talents in Chinese medicine; whether it will increase the number of places in degree and postgraduate*

courses in Chinese medicine as well as strengthen training for clinical internship;

- (e) of the latest situation of the implementation the co-operation agreement on the field of Chinese medicine signed by the authorities and the State Administration of Traditional Chinese Medicine (SATCM) in 2007, with a breakdown of the relevant implementation situation in seven areas, namely strategy for the development of Chinese medicine, policy statutes on Chinese medicine, development of collaboration between Chinese and Western medicine, standards of Chinese medicine, training for Chinese medicine practitioners (CMPs), hospital administration as well as organization of cultural exchange and science and technology activities in Chinese medicine; whether it will consider reviewing the content of the agreement to further strengthen co-operation;*
- (f) whether it had, in the past three years, studied if it is necessary to establish an independent Chinese medicine hospital in Hong Kong; if it had, of the details; if it had not, the reasons for that; and*
- (g) of the latest progress in establishing Chinese medicine clinics (CMCs) in the 18 districts by stages by the Government; whether it will consider setting up CMCs in the various public hospitals in Hong Kong; if it will not, of the reasons for that?*

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

- (a) The Government has all along been supporting and promoting the development of Chinese medicine industry in Hong Kong. It has been pointed out in the policy address 2009-2010 that to facilitate the development of Chinese medicine and medicine products, the Government will expedite the setting of standards for Chinese herbal medicines commonly used in Hong Kong by extending the coverage from the current 60 herbal medicines to about 200; assist and promote the establishment of testing laboratories in the local market to enhance our capability of testing Chinese medicines; and consider allowing more renowned CMPs from the Mainland to join clinical

teaching and research programmes in Hong Kong so as to make Hong Kong a stage for promoting Chinese medicine to the world.

Besides, under the Mainland/Hong Kong Closer Economic Partnership Arrangement, Hong Kong and the Mainland will strengthen their co-operation in the area of Chinese medicine and medicine products industry to promote their joint development. The content of the co-operation covers the following:

- (1) To communicate on the formulation of their respective regulations on Chinese medicine products and on the management of Chinese medicine and medicine products with a view to achieving information sharing;
- (2) To enhance co-operation in research on Chinese medicine and medicine products, exchange and share information on areas such as development of Chinese medicine products and development orientation of the Chinese medicine and medicine products industry;
- (3) To strengthen communication and co-ordination in registration management of Chinese medicine products, implement standardization in the management of Chinese medicine products, and facilitate mutual trade in Chinese medicine products;
- (4) To co-operate in such areas as facility management and regulations and requirements for clinical trials, with a view to achieving mutual recognition of clinical data;
- (5) To conduct exchanges and co-operate in quality standardization for Chinese medicine products, and jointly promote the enhancement of quality standards for Chinese medicine products;
- (6) To support co-operation between the Chinese medicine and medicine products enterprises of the two places and jointly strive for international market expansion;

- (7) To strengthen trade and investment promotion and co-operation in the Chinese medicine and medicine products industry;
- (8) To conduct exchanges and consultations on ways to solve problems arising from co-operation in Chinese medicine and medicine products industry.

The aforesaid measures not only give the Chinese medicine sector more room for development but also facilitate its development through mutual exchanges with the Mainland.

- (b) The Chinese Medicine Council of Hong Kong (CMCHK) is a statutory body established under the Chinese Medicine Ordinance (CMO). It is responsible for implementing various regulatory measures relating to Chinese medicine so as to maintain the standard of practice and conduct of the Chinese medicine sector, and regulating the safety, quality and efficacy of proprietary Chinese medicines. The objective is to safeguard public health and consumer rights and ensure a high professional standard of the Chinese medicine sector. The implementation of effective regulation by way of legislation has laid a good foundation for the development of the Chinese medicine and medicine products industry in Hong Kong and boosted consumer confidence in the use of Chinese medicine products.

In addition, under the mechanism established pursuant to the CMO, the Chinese medicine experts in the Mainland may come to Hong Kong to conduct clinical research and educational work in local universities and scientific research institutions through a limited registration system, which can help further enhance the professional competence of local CMPs. At present, there are totally six universities and scientific research institutions in the territory that can make limited registration applications for the Chinese medicine experts they hire. These six institutions are the University of Hong Kong (HKU), The Chinese University of Hong Kong (CUHK), the Hong Kong Baptist University (HKBU), The Hong Kong Polytechnic University, the City University of Hong Kong and the Hospital Authority (HA). Among them, the HA has from time to

time invited Chinese medicine experts from the Mainland to provide academic guidance.

Besides, the Professional Services Development Assistance Scheme (PSDAS) established through Government funding aims to provide financial support for projects which aim at increasing the competitiveness of Hong Kong's professional service sector in markets outside Hong Kong including the Mainland market and to enhance the standard of professional services in Hong Kong. In the past few years, funds under the PSDAS have been granted to a number of local Chinese medicine bodies for organization of professional development programmes upon their successful application.

Meanwhile, the Government has also taken positive steps to put into implementation a plan to set up a CMC in each district to enable more people to have access to quality Chinese medicine services, which helps promote Chinese medicine services.

To promote the development of Chinese medicine industry, the Trade Development Council holds an International Conference and Exhibition of the Modernization of Chinese Medicine and Health Products each year to provide the Chinese medicine industry with a trade platform for large-scale international exchange and co-operation.

- (c) Chinese medicine testing is an important part of our Chinese medicine regulatory regime. Testing and certification is one of the six industries with good potential identified by the Task Force on Economic Challenges for support and development. We encourage the Chinese medicine products industry to monitor the quality of Chinese medicine products by conducting basic tests on their products on a regular basis. This can, on the one hand, safeguard public health and consumer rights and, on the other hand, promote the development of Chinese medicine testing services in Hong Kong for more business opportunities as well as strengthening Hong Kong's advantageous position in testing services. According to the Commerce and Economic Development Bureau, the Government established the Hong Kong Council for Testing and Certification in

September this year to drive the development of the testing and certification industry, to raise its professional standards, and to enhance the recognition of the industry in the international arena by building up a brand name for Hong Kong's testing and certification services. The priority task of the Council is to draw up a three-year development plan for the industry. One of the key tasks of the Council is to promote the development of Chinese medicine through the use of testing and certification services and the Council will look into specific measures in this aspect. The Council will finalize and submit the three-year development plan to the Chief Executive in early 2010.

In addition, the Government will continue to give funding support to the local universities and the industry to carry out research work for development of Chinese medicine testing technology through the Innovation and Technology Fund.

Under the Inland Revenue Ordinance, recurrent expenses arising from the conduct of tests on the products of a business are allowable deductions in computing the assessable profit of the business. Therefore, dealers and manufacturers of Chinese medicine can be granted tax deduction for their expenses on the conduct of regular tests on the Chinese medicine products they sell or manufacture.

- (d) At present, three local universities funded by the University Grants Committee, namely the HKBU, CUHK and HKU, offer a total of 79 places for undergraduate degree courses in Chinese medicine per year. Students of undergraduate courses in Chinese medicine of the three local universities can obtain registration status as CMPs through taking and passing the CMPs Licensing Examination. Besides, under the CMO, persons who have completed courses recognized by the Chinese Medicine Practitioners Board of CMCHK and listed CMPs can also sit for the licensing examination. In 2008, a total of 327 people passed the CMPs Licensing Examination and obtained the registration status. The local supply of human resources in Chinese medicine is basically able to meet the needs in the community. As to postgraduate places, their allocation is determined by the institutions themselves and they will increase

incrementally from four in 2007-2008 to 13 in 2011-2012. On the provision of internship opportunities for graduates, all three local full-time Chinese medicine degree courses currently recognized by the Chinese Medicine Practitioners Board under CMCHK are required to provide at least 30 weeks of clinical internship for their students. These three local universities have their own CMCs to provide training for their students. As for hospital services, all the three universities will arrange for their students to get exposure to relevant experience in the Mainland.

The Government also actively provides more clinical internship opportunities for graduates of degree courses in Chinese medicine. Earlier, each public CMC had to employ at least five graduates of degree courses in Chinese medicine as junior CMPs for one year, so as to provide graduates with training opportunities. Such training will be further extended this year by providing junior CMPs with the second and third years of training in public CMCs, so as to provide a lot more opportunities of clinical internship.

In addition, the HA provides an entry level scholarship for CMPs with clinical experience of two years or more to further their study in Chinese medicine hospitals in the Mainland. They may decide which subject they will study according to the needs of Hong Kong and the development trend of Chinese medicine centre. After completing the training, the CMPs have to return to Hong Kong to assist in the promotion of Chinese medicine services. Currently, six CMPs are studying in the Mainland.

- (e) In November 2007, the Food and Health Bureau and the SATCM entered into a co-operation agreement on Chinese medicine (the Cooperation Agreement). After signing the Cooperation Agreement, the Department of Health (DH) and CMCHK have so far organized some 10 visits and exchange activities with several relevant Chinese medicine institutions in the Mainland, including SATCM, the Jilin Provincial Health Department, the Health Department of the Guangxi Zhuang Nationality Autonomous Region, the Guangdong Provincial Health Department and the Guizhou Provincial Health Department.

Besides, SATCM held an activity called the Promotion of Traditional Chinese Medicine in China — Hong Kong Programme in conjunction with the Food and Health Bureau and DH between 24 November 2007 and 31 December 2007, during which a variety of promotion activities on the science of Chinese medicine held with support from some 40 local organizations including the HA, the schools of Chinese medicine of three local universities and local bodies in the Chinese medicine sector to promote the development of Chinese medicine in Hong Kong and exchanges between the Mainland and Hong Kong on Chinese medicine. In November 2008, the DH participated in the China Chinese Medicine Exhibition held by SATCM in Beijing, in which the development of Chinese medicine in Hong Kong was shown to the World Health Organisation and other Chinese medicine regulatory agencies. In June 2009, a one-week study visit cum seminar on hospital administration in Hong Kong was arranged by HA and DH for some 30 heads of provincial Chinese medicine hospitals.

Under the framework of the Cooperation Agreement, the DH will continue to maintain close liaison with other Chinese herbal medicines producing provinces in the Mainland for formulation of relevant co-operation plans as and when necessary. In October 2009, representatives from the CMCHK, DH and HA attended the China-ASEAN Summit Forum on Traditional Medicine 2009 held in Nanning of Guangxi for exchange of views on issues such as promoting the dissemination of knowledge about traditional medicine, formulation of policies, laws and regulations and standards, as well as incorporating traditional medicine as part of the comprehensive national health care system. The Validity of the Cooperation Agreement is five years. Both sides will review the process of co-operation and recommend proposals for further improvements if necessary.

- (f) The contribution of Chinese medicine to the primary health care services is widely recognized by the public. For patients who need to be hospitalized or suffer from severe illnesses, they are treated by Western medical practitioners generally while CMPs may play a supplementary role. To promote the further development of the

Chinese medicine services, the Government has established public CMCs in various districts since 2003.

Setting up a purely traditional Chinese medicine hospital may not provide the most comprehensive treatment to patients. The long-term goal of the Government in promoting the development of Chinese medicine is to develop, through an evidence-based approach, a model of collaboration between Chinese and Western medical practitioners that can meet the actual circumstances and needs of Hong Kong. In view of the actual needs of patients, the HA is trying out different models of Chinese and Western medicines shared care services in various hospitals, such as Pamela Youde Nethersole Eastern Hospital, United Christian Hospital, Kowloon Hospital, Tung Wah Hospital, Tuen Mun Hospital, Wong Tai Sin Hospital, Tseung Kwan O Hospital, Princess Margaret Hospital Lai King Building, Pok Oi Hospital Tin Ka Ping Centre, Shatin Hospital, Haven of Hope Hospital, MacLehose Medical Rehabilitation Centre, and Duchess of Kent Children's Hospital. In addition, a larger scale of Chinese and Western medicines shared care services will be considered to be incorporated in the proposed Chinese medicine building under the Kwong Wah Hospital Redevelopment Project.

Meanwhile, interested organizations are welcome to provide both Chinese and Western medicines services on the private hospital sites to be made available at the end of this year.

- (g) During the past few years, the Government has been actively taking forward the plan to establish public CMCs. We have established 14 public CMCs, which are located in the Central and Western District, Wanchai, Eastern District, Kwun Tong, Wong Tai Sin, Sham Shui Po, Tsuen Wan, Tai Po, Tseung Kwan O, Yuen Long, Tuen Mun, Kwai Tsing, North District and Sha Tin respectively. We are now making an effort to identify suitable sites in the Kowloon City District, Yau Tsim Mong District, Southern District and Islands District for establishing CMCs. In addition, some non-government organizations such as Pok Oi Hospital, Yan Oi Tong and the Neighbourhood Advice-Action Council also provide Chinese medicine services by way of mobile CMCs in a number of districts.

Currently, there are about 23 mobile CMCs in total provided by the above non-government organizations.

Regarding establishing CMCs in all public hospitals, Chinese medicine services in Hong Kong have all along been provided primarily by the private sector. As at 31 October 2009, there are 6 120 registered CMPs and 2 793 listed CMPs in Hong Kong, providing Chinese medicine services in various districts. The establishment of CMCs in 18 districts has served the function of providing the recipients of Comprehensive Social Security Assistance and the elderly with free or reduced-fee Chinese medicine services. It is thus evident that public and private Chinese medicine services complement each other in meeting the needs of the community, and there is no need to establish additional CMCs in public hospitals.

Mainland Pregnant Women Giving Birth in Hong Kong

13. **MR ABRAHAM SHEK** (in Chinese): *President, regarding Mainland pregnant women giving birth in Hong Kong, will the Government inform this Council:*

- (a) *of the respective numbers of babies born to Mainland women in public hospitals and private hospitals in Hong Kong each year since the handing down of judgment by the Court of Final Appeal on CHONG Fung-yuen's case in 2001, and how these numbers compare with the corresponding numbers of babies born to local women during the same period;*
- (b) *whether it had, in the past two years, assessed the intention of children born locally to non-Hong Kong residents to receive education in Hong Kong; if it had, of the details; if not, whether it will conduct the relevant assessment expeditiously; and*
- (c) *of the latest position of the implementation of the obstetric service arrangements for Non-eligible Persons (NEPs)?*

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

- (a) Statistics on the number of babies born in Hong Kong to Mainland women for the years from 2002 to 2008, the shares of place of delivery in public or private hospitals and their proportion in the total number of live births in Hong Kong are given in the Annex.
- (b) The Census and Statistics Department (C&SD) completed two rounds of the Survey on Babies Born in Hong Kong to Mainland women (Survey) in early 2007 and early 2009 respectively. The objective of the Survey is to enquire the intentions of the parents of these babies on whether they would bring their babies born in Hong Kong back to the Mainland and, for those babies who have taken back to the Mainland, the intention of their parents on whether these babies would be brought back to Hong Kong later.

According to the results of the Survey in early 2009, the intentions of staying in Hong Kong varied between parents of the babies whose fathers are Hong Kong Permanent Residents and those who are not. About 52% of the parents of the babies whose fathers are Hong Kong Permanent Residents (Type I babies) indicated that their babies would stay in Hong Kong for living. Of the remaining 48% Type I babies, about 86% of the parents indicated that they would bring their babies back to the Mainland immediately but definitely or probably would bring their children back to Hong Kong before the age of 21. As for babies whose fathers are not Hong Kong Permanent Residents (Type II babies), only 2% of the parents indicated that their babies would stay in Hong Kong for living. For the other 98% Type II babies, only about 28% of the parents indicated that they would bring their babies back to the Mainland immediately but definitely or probably would bring their children back to Hong Kong before the age of 21.

The C&SD is now conducting the third round of the Survey. The results will be used as a reference for updating the population projections.

- (c) It is our policy to ensure that Hong Kong residents are given proper and adequate obstetric services. In recent years, there was rapid increase in the demand for obstetric services in Hong Kong by non-Hong Kong resident women (including Mainland women), causing tremendous pressure on the capacity of obstetric service in public hospitals and affecting such services to Hong Kong resident women. It was also noted that there was a large number of non-Hong Kong resident women seeking emergency admission to public hospitals through the Accident and Emergency Departments (A&EDs) for delivery. To tackle the problem, the Hospital Authority (HA) has implemented since 1 February 2007 revised arrangements for obstetric service for NEPs to ensure that Hong Kong resident women are given priority for proper obstetric service. The new arrangements also seek to limit the number of NEPs coming to Hong Kong to give births to a level that can be supported by our public health care system, and to deter their dangerous behaviour of seeking emergency hospital admissions through A&EDs shortly before labour.

Under the new arrangements, NEPs who wish to seek obstetric service in public hospitals have to make prior booking and pay for a package charge of \$39,000. For cases of delivery by emergency admission through the A&EDs, the charge would be \$48,000. This charging policy applies to all NEPs regardless of whether their husbands are Hong Kong residents. The HA would reserve sufficient places for EPs to ensure that they have priority over NEPs in the booking of obstetric services, and the HA would only accept booking from NEP when spare service capacity is available. There were notable effects of the new arrangements. By comparing the first eight months of 2009 with the same period in 2006, the number of Hong Kong resident women giving birth in public hospitals has increased by 8.7% while the number of non-Hong Kong resident women giving birth in public hospitals has decreased by 12.8%. Separately, the number of deliveries by non-Hong Kong resident women in public hospitals through the A&EDs has decreased significantly by 92.2%.

Annex

Registered live births born in Hong Kong to Mainland women

Year	Whose spouses are Hong Kong Permanent Residents	Whose spouses are not Hong Kong Permanent Residents	Others ⁽¹⁾	Sub-total	Percentage share in public hospitals ⁽²⁾	Percentage share in private hospitals ⁽²⁾	Proportion in the total number of live births in Hong Kong
2002	7 256	1 250	-	8 506	-	-	18%
2003	7 962	2 070	96	10 128	-	-	21%
2004	8 896	4 102	211	13 209	-	-	27%
2005	9 879	9 273	386	19 538	-	-	34%
2006	9 438	16 044	650	26 132	-	-	40%
2007	7 989	18 816	769	27 574	33%	67%	39%
2008	7 228	25 269	1 068	33 565	32%	68%	43%
2009 (Jan-Jun) [#]	3 122	13 105	497	16 724	29%	71%	44%

Notes:

- (1) Mainland mothers did not provide information about the residential status of the father during birth registration.
- (2) The related statistical information is not available in the Census and Statistics Department for the years of 2006 or before.

Provisional figures.

Source: Census and Statistics Department

Provision of Low-charge Beds by Private Hospitals

14. **MR CHAN HAK-KAN** (in Chinese): *President, it has been reported that in 1996 the Government granted a piece of land by way of private treaty to St. Teresa's Hospital (the Hospital) and approved the construction of a new hospital building thereat, but requested that the Hospital should provide a certain number of low-charge beds which are of the same charges as the third-class beds in public hospitals, and such terms were added to the land lease. Yet, the Hospital has not provided an adequate number of low-charge beds as required under the land lease all these years since the completion of its new hospital building, and the authorities have only reminded the Hospital that it had to comply with the*

requirement. Regarding the provision of low-charge beds by private hospitals, will the Government inform this Council:

- (a) *apart from the Hospital, which other private hospitals were granted land by the authorities by way of private treaty for medical and health purposes since 1996; whether the authorities had requested such hospitals to provide a certain number of low-charge beds and other designated medical services, or stipulated the relevant fee levels; if so, of the details; if not, the reasons for that;*
- (b) *which government departments were responsible for drafting the relevant lease of the land granted by private treaty with the Hospital and signing the lease; whether they have set up any penalty mechanism; if so, of the details; if not, the reasons for that;*
- (c) *why the authorities have not requested the Hospital to provide an adequate number of low-charge beds under the terms of the land lease all these years; whether they have ascertained if the Hospital has violated the terms of the land lease; if the Hospital has violated the relevant terms, what follow-up actions the authorities will take (whether such actions will include the recovery of the difference in land premium from the Hospital); and*
- (d) *given that the Chief Executive has expressed support for the development of medical services in his latest policy address and allocated four sites for the construction of private hospitals, whether the authorities will sign agreements with the private hospitals to be awarded the sites requesting them to provide certain numbers of low-charge beds and other designated medical services, as well as stipulate the relevant fee levels; how in future the authorities monitor whether the hospitals concerned have complied with the terms of the agreements?*

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

- (a) According to the record of the Lands Department (LandsD), no new land has been granted to private hospitals through private treaty grant since 1996.

- (b) The Conditions of Grant of the land for the development of the new wing of the Hospital was finalized by the LandsD after consultation with relevant government departments, and was executed in 1996 by the District Lands Office (Kowloon East) for and on behalf of the Government and the Soeurs De Saint Paul De Chartres. Under the Conditions of Grant, the Government can re-enter upon and take back possession of the land upon failure by the Grantee to comply with the relevant lease conditions.
- (c) The Department of Health (DH) is vested with the power to regulate private hospitals under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap. 165). The DH conducts regular and surprise inspections to all private hospitals. On completion of the new wing in late 2002, the Hospital relocated the beds in the old wings to the new wing and carried out renovation on the old wings. The Hospital planned to provide the low-charge beds according to the condition of the land grant upon completion of the renovation of the old wings. During the annual inspections at the Hospital, the DH had followed up with the Hospital on the progress of the renovation and reminded the Hospital to expedite the provision of low-charge beds in accordance with the condition of the land grant. The Hospital implemented in full the provision of 100 low-charge beds in October 2009.
- (d) As part of the health care reform initiatives, the Government will actively promote the development of private hospitals. We have reserved four sites (at Wong Chuk Hang, Tseung Kwan O, Tai Po and Lantau respectively) for the development of private hospitals. The Government will launch an Expression of Interest exercise by end 2009 to solicit market interest in developing private hospitals in the four reserved sites. We will make appropriate land disposal arrangements and conditions in light of the market response. As a preliminary idea these conditions could include: The hospital should be commissioned within a specified number of years, the hospital should provide not less than a specified number of hospital beds and services in different specialties, the fees and charges of the hospital should be transparent for easy reference and comparison by the public. We hope that the conditions would be fair to the private hospitals and the public and at the same time could facilitate the

development of the medical services industry by the private hospitals, and enhance the standards of our health care services to benefit the community.

Capital Investment Entrant Scheme

15. **MS MIRIAM LAU** (in Chinese): *President, the Government has implemented the Capital Investment Entrant Scheme (CIES) since October 2003 to facilitate entry for residence in Hong Kong by capital investment entrants, that is, persons who bring capital of not less than \$6.5 million to Hong Kong but will not be engaged, in the context of the Scheme, in the running of any business in Hong Kong. In this connection, will the Government inform this Council:*

- (a) up to September of this year, of the number of investors and their related dependants who have migrated to Hong Kong under the CIES, the categories of the applicants involved, the total amount of capital they brought to Hong Kong, and the permissible investment asset classes;*
- (b) whether it has estimated the economic benefits brought to Hong Kong by the above Scheme; if it has, of the results; if not, whether it will consider conducting such an estimation;*
- (c) of the reasons for rejecting some of the applications submitted under the above Scheme, and the number of such unsuccessful applications;*
- (d) given that the CIES is currently open only to foreign nationals, residents of Macao and Taiwan as well as Chinese nationals with right of abode in a foreign country, and so on, and is not applicable to ordinary Mainland residents, whether the authorities have approached the Mainland authorities concerned to strive for the inclusion of ordinary Mainland residents in the Scheme; if they have, of the progress; if not, the reasons for that; and*
- (e) what specific measures the authorities will implement in the future to enhance the competitiveness of the Scheme to attract more investors to invest in Hong Kong; whether they will consider afresh lowering*

the investment threshold of \$6.5 million, relaxing the requirement of seven years of continuous ordinary residence in Hong Kong, and widening the permissible investment asset classes?

SECRETARY FOR SECURITY (in Chinese): President,

- (a) As at the end of September this year, 5 182 applicants and 9 945 of their dependants have been approved entry to Hong Kong under the CIES. Among the successful applicants, 843 are foreign nationals, 3 904 are Chinese nationals with overseas permanent residence and 435 are of other categories (for example, residents of Taiwan and Macao).

The CIES has brought in over HK\$36.6 billion, and the distribution under the six types of permissible investment assets are as follows:

	<i>(HK\$ Million)</i>
Equities	17,646.8
Real estate	10,372.5
Debt securities	5,216.8
Collective Investment Schemes	2,995.3
Certificates of Deposits	432.2
Subordinated debt	1.5
	36,665.1

- (b) As indicated in part (a), the CIES has brought in over HK\$36.6 billion of investment. Many local sectors, particularly the financial and the real estate sectors, have directly or indirectly benefited.

As more data are required for analysis, we are not yet able to conduct a detailed quantitative assessment on the indirect economic benefits of the CIES.

- (c) As at the end of September this year, a total of 53 applications have been refused, the main reason being the applicants not satisfying the relevant asset requirements.

- (d) The CIES is not applicable to ordinary residents in the Mainland, where control is implemented over foreign exchange and residents' exit. If necessary, the HKSAR Government will consider exchanging views with the relevant Mainland authorities in this regard.
- (e) Since the implementation of the CIES in late 2003, the yearly application figures are as follows:

2004	465
2005	495
2006	800
2007	1 795
2008	2 798
2009 (Jan-Sep)	2 358

The application figures show that the CIES is attractive to investors. In general, the appeal of an investment immigration scheme depends on various factors. Apart from the minimum investment requirement, the range of investment choices is also important. The Government has recently included insurance products satisfying the relevant requirements as permissible investment assets. We will review the Scheme from time to time, with a view to improving its attractiveness to investors.

The requirement that a person has to reside for seven years before applying for permanent residence in Hong Kong is in accordance with relevant provision in the Basic Law.

Support Services for Victims of Elder Abuse

16. **MR WONG YUK-MAN** (in Chinese): *President, some elderly groups have relayed to me that at present, the Social Welfare Department (SWD) does not provide designated funding for the service of handling elder abuse cases. In this connection, will the Government inform this Council:*

- (a) *whether it will make reference to the existing arrangement of providing designated funding for the services of handling spouse*

battering and child abuse cases, and provide designated funding for the services of handling elder abuse cases, with a view to providing the same level of services; if it will, when the relevant arrangement will be made; if not, of the reasons for that;

- (b) of the respective numbers of elder abuse cases handled by each District Elderly Community Centre (DECC), Neighbourhood Elderly Centre (NEC) and Social Centre for the Elderly, as well as the respective numbers of training courses organized by the Labour and Welfare Bureau, Elderly Commission and SWD for social workers responsible for handling elder abuse cases, their numbers of participants and training hours, in the past three years; and*
- (c) whether it has assessed if the existing Crimes Ordinance (Cap. 200), Offences Against the Person Ordinance (Cap. 212), Theft Ordinance (Cap. 210) and Domestic Violence Ordinance (DVO) (Cap. 189) are sufficient to protect victims of elder abuse; whether the Government will make reference to the Protection of Children and Juveniles Ordinance (Cap. 213) and enact an ordinance with the same legal effect to protect the legal rights of the elderly; if it will, of the relevant timetable; if not, the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President,

- (a) The SWD sets aside funding each year to provide various preventive and support services for victims of domestic violence and families in need. Except for the services of Refuge Centres for women which are tailor-made for women, other support services for victims and abusers of domestic violence are suitable for anyone in need, regardless of their age and gender. The SWD has no "designated funding" for handling cases of battered women and child abuse in particular.

At present, various service units of both the Government and non-governmental organizations (NGOs) (including Integrated Family Service Centres, DECCs, NECs, crisis intervention centres, Medical Social Services Units and the SWD's Family and Child Protective Services Units, and so on) provide a range of services for

victims and perpetrators of elder abuse. These services include crisis intervention, hotline counselling, financial and accommodation assistance, and referral to respite services, emergency residential care and Refuge Centres, and so on.

- (b) Based on information collected by the Central Information System on Elder Abuse Cases of the SWD, there were 522, 612 and 647 newly reported elder abuse cases in 2006, 2007 and 2008 respectively. Most cases were reported by the police. A small number was reported by DECCs and NECs, as follows:

<i>Year</i>	<i>Number of reported cases</i>	
	<i>DECCs</i>	<i>NECs</i>
2006	14	8
2007	8	3
2008	3	0

Apart from the reported cases above, DECCs and NECs also handle cases reported by other organizations. Elders in suspected abuse cases encountered by Social Centres for the Elderly are also referred to appropriate service units for follow-up, and these units will report to the SWD. Since these cases are not reported by DECCs, NECs or Social Centres for the Elderly, they are not reflected in the figures above.

The SWD regularly organizes training courses for its staff (including social workers, medical personnel and other non-professional staff, and so on) to enhance their knowledge of, and skills in handling, elder abuse cases. In the past three years, the SWD organized a total of 16 training events with nearly 900 participants. During the same period, the elderly service units of NGOs altogether provided more than 190 training sessions for their staff. The number of participants in these sessions was close to 2 400.

- (c) At present, Hong Kong has sound legislation to protect all citizens (including elders) from abuse. Specifically, abused elders are protected by legislation for criminal offences (including the Crimes Ordinance (Cap. 200), the Offences Against the Person Ordinance

(Cap. 212) and the Theft Ordinance (Cap. 210)). They may also apply under the DVO (Cap. 189) to the court for an injunction order against molestation by their spouses, children or other relatives as specified in the DVO.

Besides, according to the Mental Health Ordinance (Cap. 136), the Guardianship Board has the power to issue a guardianship order to appoint a guardian to make decisions on behalf of a mentally incapacitated person (including an elder) in respect of his personal, health care or financial matters.

In view of the above, we do not see a need to enact a dedicated legislation against elder abuse or for the protection of the legal rights of elders. We will continue to enhance public awareness of the problem of elder abuse through publicity and education, and adopt various prevention and intervention measures to provide appropriate support to abused elders.

Appointments to Supplementary Medical Professions Council, Nursing Council of Hong Kong, Chiropractors Council and Pharmacy and Poisons Board

17. **DR JOSEPH LEE** (in Chinese): *President, regarding appointments to the Supplementary Medical Professions Council, Nursing Council of Hong Kong, Chiropractors Council and Pharmacy and Poisons Board which were set up by the Government, will the Government inform this Council:*

- (a) *of the respective years of service and titles of the various members who currently serve on the aforesaid Councils/Board (set out in table form), and the reasons why some of these members are reappointed as chairmen or members of such Councils/Board or some members concerned have served for more than six years; and*
- (b) *whether the Government has considered returning some members of these Councils/Board by direct election, so as to enhance the credibility of the aforesaid Councils/Board; if it has, of the relevant details and the specific timetable; if not, the reasons for that?*

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

- (a) The appointments to the aforesaid Councils/Board are made in accordance with the Government's general guidelines for appointment of members to advisory and statutory bodies. The basic principle adopted in making appointments should be to appoint individuals on their merits so as to secure the services of the most suitable persons to meet the requirements of such bodies. In the process of making appointments, factors such as the candidate's ability, expertise, experience, and integrity will be taken into account. Information on the respective years of service and titles of the various members serving on the aforesaid Councils/Board is at Annex.

Among these Councils/Board, the Nursing Council of Hong Kong has one member whose appointment has been repeated with the total years of service exceeding six years, whereas the Pharmacy and Poisons Board has one member who has served for more than six years and two members whose appointments have been repeated. For details, please refer to the notes of the Councils/Board concerned in Annex.

- (b) Since establishment, the aforesaid Councils/Board have been operated under the principle of professional autonomy along with a fair degree of lay participation. These Councils/Board comprise members not only from their respective professions but also from different sectors such as the academic sector, public service and lay public, so as to draw reference from other sectors' experience in their regulatory work. In making an appointment, the Secretary for Food and Health would also take into account an individual's ability, experience, integrity and commitment to serving the community so as to make suitable appointment.

Except the Nursing Council of Hong Kong, other Councils/Board have no plans to return some of their members by direct election.

Regarding the Nursing Council of Hong Kong, Section 3(2)(ca) of the Nursing Registration Ordinance provides that the Council should include six members who are registered or enrolled nurses and

returned by election. As for the specific timetable, we need to fully consult the profession and the community before the introduction of direct election as it will involve amendment to the legislation and require additional resources and administrative support, which may have a bearing on the professional registration fees.

Annex

Supplementary Medical Professions Council

<i>Name</i>	<i>Term of Office</i>	<i>Years of Service (Upon Expiry of Term of Office)</i>	<i>Title</i>
Professor LEUNG Nai-kong, BBS, JP	1.10.2005-30.9.2011	6	Chairman
Dr Gloria TAM Lai-fan, JP	16.7.2007-30.9.2011	4	Deputy Chairman (Deputy Director of Health)
Dr Janice LO Yee-chi	1.10.2008-30.9.2011	3	Member (public officer)
Dr TAM Cheuk-ming, JP	1.8.2009-31.7.2012	3	Member (public officer)
Professor Richard YUEN Man-fung	1.10.2009-30.9.2012	3	Member (appointed on nomination of the University of Hong Kong)
Professor LEUNG Kwok-sui	1.10.2008-30.9.2011	3	Member (appointed on nomination of The Chinese University of Hong Kong)
Professor Maurice YAP Keng-hung	1.10.2005-30.9.2011	6	Member (appointed on nomination of The Hong Kong Polytechnic University)
Mr Anthony CHAN Wing-chung	1.10.2008-30.9.2011	3	Member (radiographer)
Mrs Eleanor CHAN WONG Yee	1.3.2007-28.2.2010	3	Member (physiotherapist)
Miss Tina KWAN Wai-ping	19.3.2008-18.3.2011	3	Member (optometrist)
Mrs Christina LONG LEUNG Siu-mui	14.7.2009-13.7.2012	3	Member (medical laboratory technologist)

<i>Name</i>	<i>Term of Office</i>	<i>Years of Service (Upon Expiry of Term of Office)</i>	<i>Title</i>
Ms Serena NG Sin-wa	1.10.2005-30.9.2011	6	Member (occupational therapist)
Dr Elizabeth L KWAN	25.6.2006-24.6.2012	6	Member (non-public officer)
Ms Sandy WONG Hang-yee	1.9.2006-31.8.2012	6	Member (non-public officer)
Professor Ricky MAN Ying-keung	1.10.2008-30.9.2011	3	Member (non-public officer)
Dr Kathleen SO Pik-han, BBS, JP	1.10.2005-30.9.2011	6	Member (non-public officer)

Nursing Council of Hong Kong

<i>Name</i>	<i>Term of Office</i>	<i>Years of Service (Upon Expiry of Term of Office)</i>	<i>Title</i>
Professor Thomas WONG Kwok-shing, JP (See Note (1))	15.6.1999-14.6.2005 and 14.6.2008-13.6.2011	6 3	Member (selected for appointment from a pool of persons consisting of one person nominated by each of the tertiary institutions which have a nursing programme) [Term of office as the elected Chairman: 12.10.2000-14.6.2005] Member (registered nurse) [Term of office as the elected Chairman: 23.6.2008-13.6.2011]
Ms Sannie CHAN Choy-kam	Not applicable	Not applicable	Ex-officio member (the head of the nursing service in the Department of Health)
Ms Lucy MAK Siu-ping	12.10.2007-11.10.2010	3	Member (registered nurse appointed on nomination of the Director of Health)
Professor Sophia CHAN Siu-chee	1.3.2005-28.2.2011	6	Member (registered nurse)

<i>Name</i>	<i>Term of Office</i>	<i>Years of Service (Upon Expiry of Term of Office)</i>	<i>Title</i>
Professor Joanne CHUNG Wai-yee	1.1.2006-31.12.2011	6	Member (registered nurse)
Ms KAN Chuen-kow	15.6.2004-14.6.2010	6	Member (registered nurse)
Mr POON Wai-kwong	1.1.2009-31.12.2011	3	Member (registered nurse)
Mr Alan WONG Shing-fai	15.6.2008-14.6.2011	3	Member (registered nurse)
Professor HO Pak-chung	15.6.2005-14.6.2011	6	Member (selected for appointment from a pool of persons consisting of one person nominated by each of the tertiary institutions which have a nursing programme)
Dr The Hon Joseph LEE Kok-long, SBS, JP	15.6.2005-14.6.2011	6	Member (selected for appointment from a pool of persons consisting of one person nominated by each of the tertiary institutions which have a nursing programme)
Dr Eric CHAN Lu-shek	15.6.2005-14.6.2011	6	Member (appointed on nomination of the Hospital Authority)
Professor Sally CHAN Wai-chi	23.7.2004-22.7.2010	6	Member (registered nurse specially qualified in the nursing and care of persons suffering from mental diseases or in the nursing and care of the mentally subnormal)
Dr Maggie KOONG May-kay	1.9.2009-31.8.2012	3	Member (lay member)
Ms Elaine LIU Yuk-ling	3.5.2008-2.5.2011	3	Member (lay member)
Professor Irene NG Oi-lin	27.6.2007-26.6.2010	3	Member (lay member)

Note (1)

In appointing members of the Council in early 2008, the Food and Health Bureau, taking into account the exceptional circumstances of the Council at that time, considered it necessary to appoint some talented persons with rich experience in the nursing sector to the Council. In view of the ample clinical and training experience in nursing of Professor WONG who was then the Dean of the Faculty of Health and Social Sciences and Chair Professor of Nursing of The Hong Kong Polytechnic University, the Food and Health Bureau considered him a suitable person who could help the Nursing Council of Hong Kong discharge its statutory functions effectively.

Chiropractors Council

<i>Name</i>	<i>Term of Office</i>	<i>Years of Service (Upon Expiry of Term of Office)</i>	<i>Title</i>
Dr NG Shu-yan	7.2.2004-6.2.2010	6	Member (chiropractor) [Term of office as the elected Chairman 1.8.2008-31.12.2009]
Dr Cindy LAI Kit-lim, JP	11.4.2008-31.7.2011	3	Member (public officer)
Ms Julian HO Yin-fong	1.8.2006-31.7.2012	6	Member (non-chiropractor)
Ms May KAN Wai-mei	29.4.2007-28.4.2010	3	Member (non-chiropractor)
Mr Andy KUNG Chak-man	1.8.2006-31.7.2012	6	Member (non-chiropractor)
Ms Manbo MAN Bo-lin	17.10.2006-16.10.2012	6	Member (non-chiropractor)
Dr Wilkin KWAN	1.8.2008-31.7.2011	3	Member (chiropractor)
Dr LAI Wang-sun	17.9.2008-16.9.2011	3	Member (chiropractor)
Dr Catherina LIEM Kar-man	1.8.2005-31.7.2011	6	Member (chiropractor)
Dr Stanley Meares LUM	1.8.2005-31.7.2011	6	Member (chiropractor)

Pharmacy and Poisons Board

<i>Name</i>	<i>Term of Office</i>	<i>Years of Service (Upon Expiry of Term of Office)</i>	<i>Title</i>
Dr LAM Ping-yan, JP	Not applicable	Not applicable	Ex-officio chairman (Director of Health)
Dr TING Tai-lun, JP	Not applicable	Not applicable	Ex-officio member (Government Chemist)

<i>Name</i>	<i>Term of Office</i>	<i>Years of Service (Upon Expiry of Term of Office)</i>	<i>Title</i>
Mr Anthony CHAN Wing-kin	Not applicable	Not applicable	Ex-officio member (Chief Pharmacist, Department of Health)
Dr Gloria TAM Lai-fan, JP	16.7.2007-23.6.2010	3	Member (Medical Officer, Department of Health)
Dr KOO Wing-leung	1.9.2006-31.8.2010	4	Member (appointed on nomination of the University of Hong Kong)
Professor Thomas CHAN Yan-keung, JP (See Note (2))	4.7.2001-3.7.2011	10	Member (appointed on nomination of The Chinese University of Hong Kong)
Mr Peter SUEN Yiu-chan	17.8.2007-16.8.2011	4	Member (registered pharmacist appointed on nomination of the Pharmaceutical Society of Hong Kong)
Mr Kenneth LEUNG Kwong-hei (See Note (3))	2.1.2000-1.1.2002	2	Member (registered pharmacist appointed on nomination of the Pharmaceutical Society of Hong Kong)
	2.1.2008-1.1.2010	2	
Dr TSANG Yuen-wo (See Note (3))	2.1.2006-1.1.2008	2	Member (registered pharmacist appointed on nomination of the Pharmaceutical Society of Hong Kong)
	17.8.2008-16.8.2010	2	
Dr Alexander WONG Shou-pang	2.1.2004-1.1.2010	6	Member (registered medical practitioner appointed on nomination of the Hong Kong Medical Association)

Note (2)

Professor Thomas CHAN Yan-keung is a Board member appointed under Section 3(2)(fb) of the Pharmacy and Poisons Ordinance on nomination of The Chinese University of Hong Kong (CUHK). Under the legislation, the nominating bodies have full discretion to nominate suitable persons to be members of the Board. In inviting nominations from the CUHK, the Board had explained to it the Government's general guidelines for appointment of members to advisory and statutory bodies, including the "six-year rule". However, the CUHK still considered Professor CHAN as the most suitable person. The Secretary for Food and Health does not have the power to refuse to appoint the nominated person.

Note (3)

Mr Kenneth LEUNG Kwong-hei and Dr TSANG Yuen-wo had been appointed to the Board previously on nomination of the Pharmaceutical Society of Hong Kong before their current terms of office but their total years of service do not exceed six years.

Regulation of Charges by Telecommunications Service Providers

18. **MR ALBERT CHAN** (in Chinese): *President, recently, I have received complaints from a number of members of the public pointing out that they were charged by telecommunications service providers for services they did not apply for. In addition, some members of the public pointed out that the service charges of the telecommunications service providers were much higher than those they should actually pay, thus causing them to suffer huge losses. In this connection, will the Government inform this Council:*

- (a) *whether it knows the number of complaints, received respectively by the Office of the Telecommunications Authority (OFTA) and the Consumer Council (CC) in each of the past three years, which involved excessive fee-charging by telecommunications service providers, and the names of the service providers concerned, broken down by the type of telecommunications services (for example, fixed-line telephones, mobile phones, external telecommunications and broadband Internet access, and so on) and the nature of complaints;*
- (b) *among the cases mentioned in (a), of the number of those in which the complainants recovered compensation successfully, as well as the names of the telecommunications service providers which were prosecuted and the number of prosecutions instituted against them; and*
- (c) *apart from continuing to implement the existing measures to regulate telecommunications service providers, whether the authorities will adopt new regulatory measures, so as to better protect consumers' interests; if so, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): *President, the telecommunications services in Hong Kong are pervasive and competitive. Every year, the OFTA and the CC receive a substantial number of complaints in respect of the billing⁽¹⁾ of telecommunications services.*

(1) While some complaints on billing involve excessive charging, some involve other disputes on billing such as customers not being clear about the charge plan or details. As such, the figures in part (a) of the reply are not restricted to the complaints on excessive charging. Both OFTA and the CC have not further categorized such complaints related to billing.

The majority of these complaints are related to contractual disputes. Upon receiving the complaints, the OFTA and the CC will refer them to the concerned service operators for follow-up direct. It is when there is evidence to indicate that an operator may breach the Telecommunications Ordinance (TO) or the licensing conditions that the OFTA will commence investigation, and penalize the operator in substantiated cases.

My reply to the question is as follows:

- (a) In each of the past three years, the number of complaints on billing disputes received by the OFTA, broken down by the type of services, is set out below:

	<i>2007</i>	<i>2008</i>	<i>2009 (January to September)</i>
Fixed services	198	131	87
Mobile services	450	561	421
Internet access services	184	126	64
Others (for example, external communications services)	70	41	54
Total	902	859	626

In each of the past three years, the number of complaints on billing disputes received by the CC, broken down by the type of services, is set out below:

	<i>2007</i>	<i>2008</i>	<i>2009 (January to September)</i>
Fixed services	678	556	403
Mobile services	1 405	1 321	1 554
Internet access services	1 234	1 086	795
Others (for example, external communications services)	1 511	1 973	1 015
Total	4 828	4 936	3 767

As not all complaints are substantiated and some of these complaints may only be service enquiries, and different operators with different customer bases will also affect complaint figures, therefore, in line with the established practice of handling consumer complaints, the OFTA and the CC will not publicize the names of the telecommunications services operators involved.

- (b) For cases set out in part (a), the OFTA and the CC do not have figures on the number of complainants successfully recovering compensation or receiving refunds from the telecommunications services operators. As most of the complaints in respect of billing disputes are contractual disputes, the OFTA do not intervene in these cases. The OFTA has also found no breaches of the TO or the licensing conditions in respect of the complaints on billing⁽²⁾. Meanwhile, the main role of the CC is to help consumers resolve contractual disputes through mediation.
- (c) At present, the licences issued by the OFTA to the telecommunication services operators have included conditions for protecting consumers. For instance, the licensee has to ensure that the metering equipment and the billing system related to the provision of service are accurate and reliable. As aforementioned, if there is evidence to indicate that an operator is in breach of the TO or the licensing conditions, the OFTA will commence investigation and penalize the operator in substantiated cases.

In addition, the OFTA is running a pilot Customer Complaint Settlement Scheme (CCSS) to test the mechanism to resolve disputes between operators and customers. We reported the progress of the pilot CCSS to the Panel on Information Technology and Broadcasting of the Legislative Council in June this year. When the pilot CCSS is to be completed in February 2010, the OFTA will review the scheme and discuss with the industry on the viability of setting up a CCSS in the long run. Meanwhile, to further protect consumer interests, the OFTA is discussing with the industry on

(2) For other types of consumer complaints, the Telecommunications Authority decided in a case in 2008 that a telecommunications services provider engaged in misleading or deceptive conduct and was in breach of section 7M of the TO. The financial penalty imposed was \$70,000. This case, however, was not related to the billing complaints aforementioned.

developing a voluntary code of practice (CoP) governing the contracts of telecommunications services in order to enhance self-regulation of the industry. It is anticipated that the CoP will be implemented in the first half of 2010.

Waiver Fee Paid by Cruise Operators

19. **MR PAUL TSE** (in Chinese): *President, some cruise operators have relayed to me that at present, among the cruise vessels that come to Hong Kong, some of them cannot berth at Ocean Terminal (OT) due to their sizes exceeding that can be handled by OT or conflicting schedule, and such vessels were left with no choice but to berth at the Kwai Chung Container Terminal. Yet, cruise operators have to pay a waiver fee for exemption from restrictions on land use, in addition to paying a high berthing fee, and they have expressed their dissatisfaction about this. In this connection, will the Government inform this Council:*

- (a) what criteria the authorities have applied in determining the aforesaid waiver fee, as well as the justification for imposing such a fee on the cruise operators;*
- (b) whether it has studied if the policy of collecting the aforesaid waiver fee in addition to the berthing fee will weaken the development, competitiveness and attractiveness of the local cruise industry; if it has, of the study outcome; if not, whether it will conduct the relevant study expeditiously; and*
- (c) whether it will reduce or abolish the waiver fee from now until 2013 before the commissioning of the first berth of the new cruise terminal, thereby attracting more cruise vessels to call at Hong Kong and continuing to enhance the competitiveness of the cruise industry in Hong Kong in the interim?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, my reply to the three-part question is set out below:

- (a) The leases of the container terminals do not allow for berthing of cruise vessels. The grantee must apply to the Lands Department

(LandsD) for a temporary waiver for such use. If approved, the grantee is required to pay a waiver fee for the temporary modification of land use. The waiver fee is calculated on the basis of the enhancement in rental value brought about by the new land use. The grantee may request the cruise operators to pay for such charges.

- (b) In considering deployment of vessels to Hong Kong, cruise operators will take into account a host of factors, including Hong Kong's appeal to cruise passengers as a travel destination, infrastructure facilities to support cruise operations, and the corresponding software developments, and so on. Berthing fee is only one of the many considerations.

With its strategic geographical location, world-class infrastructure, excellent air connectivity to different parts of the world, a deep natural harbour with no air draft restriction, and our being a renowned travel destination supported by a travel trade well-experienced in receiving cruise passengers, Hong Kong is a highly competitive cruise port. In recent years, the number of times cruise vessels berth at container terminals has increased from six in 2008 to an estimated 10 in 2009. Cruise vessels which had berthed at container terminals previously continue to use such facilities. One of such vessels is the "Diamond Princess" which has increased its number of calls at Hong Kong from three in 2008 to six for both 2009 and 2010.

Given that a port's competitiveness hinges on a large number of factors, a study on the waiver fee alone is not critical to the development of cruise tourism in Hong Kong. Our top priority is to ensure that the first berth of the new cruise terminal at Kai Tak will be completed in mid-2013.

- (c) We have been in communication with the trade on the waiver fee, and have conveyed their concerns to the relevant departments. The LandsD will continue to monitor the various indicators for waiver fee assessment to ensure they reflect actual market situations.

In parallel, the Hong Kong Tourism Board (HKTB) will step up its overseas promotion. We will also work closely with the cruise

industry and keep them abreast of the latest market developments, including the new arrangement allowing Mainland visitors to take cruise vessels homeporting in Hong Kong to travel to Taiwan, so as to encourage them to develop new itineraries using Hong Kong as a homeport. We note that two major cruise operators will deploy vessels to operate cruise itineraries to Taiwan from Hong Kong next year.

We will continue to devise the most appropriate arrangements for cruise vessels requiring alternative berthing to facilitate the embarkation and disembarkation of cruise passengers. The HKTB will also stage cultural performances and set up temporary visitor enquiry and service counters for cruise passengers to enhance their experience in Hong Kong.

Review of MPF Scheme

20. **MR FREDERICK FUNG** (in Chinese): *President, regarding the Mandatory Provident Fund (MPF) Scheme which has been implemented for almost 10 years, will the Government inform this Council:*

- (a) *whether the authorities will comprehensively review and optimize the MPF System; if they will, of the scope of the review, whether it will include areas such as the functions and operation of the Mandatory Provident Fund Schemes Authority (MPFA), reduction of management fees charged by trustees, maximum contribution and minimum level of income, failure of the system to protect low-income groups and the unemployed, as well as members of the public managing their own MPF accounts; of the general content and direction of each area under review, as well as the timeframe of the comprehensive review; if a comprehensive review will not be conducted, of the reasons; and*
- (b) *given that it was reported that the authorities would conduct a review on matters such as the feasibility of allowing members of the public to early withdraw their MPF and partially withdraw their contributions by instalments under certain conditions, of the relevant details?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, the objective of establishing the MPF System is to assist the employed population in Hong Kong to accumulate retirement savings by means of contributions by both employers and employees⁽¹⁾ so as to enhance their retirement protection in the future. Since the inception of the MPF System in December 2000, the Government and the MPFA have kept under review and optimized the arrangements in various areas under the existing system in light of the experience gained from actual operation and the latest market development. A total of seven bills were enacted upon approval of the Legislative Council to amend the MPF legislation to improve the operation and better carry out the objective of enhancing retirement protection for the employed population.

The major reviews conducted in recent years include the following:

- (1) On the MPFA's recommendations, the Government introduced bills in 2007 and 2008 to amend the Mandatory Provident Fund Schemes Ordinance (the Ordinance). The amendments covered a number of measures aimed at enhancing the System's operational efficiency and strengthening the protection of scheme members' interests, such as:
 - (i) removing the exclusion of housing allowance and benefits from the calculation of "relevant income" to stop unscrupulous employers from intentionally designating a portion of the employee's salary as housing allowance or benefit so as to reduce the amount of mandatory contributions the employers are required to pay;
 - (ii) removing the settlement period to expedite the recovery of default contributions;
 - (iii) empowering the MPFA to disclose more information on MPF constituent funds to increase the transparency of the fees and charges of these funds; and
 - (iv) increasing the penalties, which includes:

(1) If the monthly income of an employee is less than \$5,000 (that is, the minimum level of relevant income), the law requires only the employer to make contribution.

- (a) raising the maximum penalty for default contributions from a fine of \$100,000 and imprisonment for six months on the first conviction to a fine of \$350,000 and imprisonment for three years;
 - (b) further raising the maximum penalty for non-payment of mandatory contributions that have been deducted from employees' salaries to a fine of \$450,000 and imprisonment for four years; and
 - (c) empowering the court to issue orders to direct employers to rectify non-enrollment and/or non-payment of mandatory contributions and contribution surcharge.
- (2) As regards the proposal to allow employees to transfer accrued benefits derived from their own mandatory contributions during current employment on a lump-sum basis to a MPF scheme of their own choice, the relevant bill was passed by the Legislative Council in July this year. The purpose of the bill is to strengthen employees' control over their MPF investment and promote greater market competition, which would have a positive effect on keeping fees and charges at a reasonable level. The MPFA and the industry have started a series of preparatory work, aiming to implement the proposal in early 2011.
- (3) The MPFA is committed to increasing the transparency of MPF fees. It launched a web-based Fee Comparative Platform in two phases in July 2007 and October 2008 respectively to provide information about the highest, lowest and average fund expense ratios by fund types as well as the fees and charges of individual funds. The MPFA will continue to keep track of the market development and consider the need to step up efforts in this regard.
- (4) To encourage people to manage their own MPF accounts, the Mandatory Provident Fund Schemes (Amendment) Ordinance 2009 (Amendment Ordinance)⁽²⁾ has provided for an arrangement

(2) That is the Amendment Ordinance mentioned in (2) above. The Ordinance is scheduled to come into operation in early 2011.

allowing the MPFA to inform individual scheme members in writing of the number of their personal accounts under different trustees, so as to remind them to consider consolidating their accounts. The MPFA plans to review the situation after the Amendment Ordinance has come into operation for a period of time and explore suitable ways to advise scheme members on consolidating their accounts.

Looking ahead, the MPFA will review the adequacy of the contents of the information disclosed and the channels of disclosure of information to scheme members. The MPFA will also review the existing arrangement under the Ordinance whereby, unless in specified circumstances (including early retirement at the age of 60, death, permanent departure from Hong Kong, total incapacity and accounts with accrued benefits of less than \$5,000), scheme members are not allowed to withdraw their accrued benefits before reaching the age of 65, as well as whether scheme members who have reached the retirement age of 65 should be allowed to withdraw their accrued benefits by phases. The MPFA aims to complete the relevant internal review in 2010 before deciding the next steps.

In addition, the MPFA plans to conduct a review of the minimum and maximum relevant income levels in accordance with the Ordinance in 2010, and will consult the Legislative Council on the review findings.

BILLS

Resumption of Second Reading Debate on Bills

PRESIDENT (in Cantonese): Bills. We now resume the Second Reading debate on the Immigration (Amendment) Bill 2009.

IMMIGRATION (AMENDMENT) BILL 2009

Resumption of debate on Second Reading which was moved on 24 June 2009

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

MS MIRIAM LAU (in Cantonese): President, in my capacity as Chairman of the Bills Committee on the Immigration (Amendment) Bill 2009 (the Bills Committee), I will now report the major deliberations of the Bills Committee. The Immigration (Amendment) Bill 2009 (the Bill) seeks to: First, expand the scope of, and allow the issue of visa other than by endorsement on, valid travel documents; and second, to prohibit illegal immigrants and persons subject to removal or deportation orders from taking employment or engaging in business.

Members in general are supportive of the legislative proposal put forth by the Administration for the implementation of immigration convenience measures for residents of Macao. Members noted that the relevant proposal allows Macao permanent residents to visit Hong Kong solely on the strength of their Macao permanent identity cards, and the authorities to issue visas and conditions of stay on a printed slip or label for holders of card-type documents such as Macao visitors.

With regard to the proposal of the Administration on prohibiting illegal immigrants from taking up employment or engaging in business, Members note there is currently no offence against the taking up of employment or engaging in business by illegal immigrants. So far, illegal immigrants (IIs) found working illegally will be prosecuted by the Administration for "unlawful remaining" according to section 38 of the Immigration Ordinance. However, the policy was recently challenged in a judicial review case. The Court of First Instance of the High Court ruled in March 2009 that recognizance granted to the IIs represented an authority from the Director of Immigration (D of Imm) for them to remain in Hong Kong. Hence, they would have a defence against the charge of "unlawful remaining". The Administration understands that following that ruling, some "snakeheads" have started spreading a message that non-ethnic Chinese IIs may take up employment in Hong Kong once they have made torture claims and were granted recognizance. The authorities also pointed out that though the law-enforcement agencies had strengthened boundary control in collaboration with their Mainland counterparts, there was an upsurge of foreign IIs, from the monthly average of 37 in January and February 2009, to 152 in June to August 2009 (representing an increase by over 310%).

Members in general consider that there is an urgent need for the authorities to specify an offence against taking up of employment or engaging in business by IIs to prevent them from believing that there is any loophole to exploit, thereby

causing the problems of IIs and unlawful employment to deteriorate further. However, some members have expressed concern over the appropriateness for the Administration to introduce the new offence when the outcome of its review of the torture claim screening mechanism is still pending.

The Administration points out in response that:

- (a) the objective of the Bill is to tackle the problem of IIs and other ineligible persons engaging in illegal employment, irrespective of whether the persons concerned are refugees, asylum seekers or torture claimants; and
- (b) to deal with the backlog of torture claims, the Government plans to implement the enhanced screening procedures in October 2009, and has undertaken to brief the Panel on Security on the legislative proposals relating to the torture claim screening mechanism by the end of 2009, with a view to introducing a Bill into the Legislative Council within the 2009-2010 Legislative Session.

A member is of the view that making "prohibition from work" a condition of recognizance would allow more flexibility in handling the problem of unlawful employment by torture claimants. The member concerned has requested the Government to explain why it is inappropriate for a recognizance condition of "prohibition from work" to be prescribed to IIs, and provide information on judicial review cases related to the conditions of recognizance. The Administration has pointed out in its response that:

- (a) under the existing legislation, the only permissible condition that may be imposed on granting recognizance is the payment of a sum of money if the subject has breached the reporting condition stipulated in Form No. 8 in Schedule 1 to the Immigration Regulations. Where there is a breach of the reporting condition, the specified amount is payable and the subject is liable to detention. The Administration does not think that the consequence of breaching a recognizance condition will produce a sufficient effect to deter IIs from taking up unlawful employment;
- (b) other persons, such as visitors, taking up unlawful employment are subject to prosecution and penal consequence under the Immigration

Ordinance (for instance, section 41). The authorities do not consider that the sanctions for IIs taking up unlawful employment should be lesser than other persons not lawfully employable; and

- (c) if conditions and sanctions other than those in the relevant prescribed forms were allowed through legislative amendments, the administrative decisions involved in imposing additional conditions on different individuals might attract judicial challenges and add uncertainty to the implementation of such sanctions.

The Administration has also said that the power of the D of Imm to impose recognizance conditions was challenged in a judicial review case heard in October 2005. The Court of First Instance held that the D of Imm did not have the power under section 36(1) of the Immigration Ordinance to impose conditions not prescribed in the form (Form No. 8, Schedule 1 to the Immigration Regulations). The decision of the Court of First Instance was affirmed by the Court of Appeal.

In the course of deliberations, members have in general expressed concern about whether the existing humanitarian assistance provided for torture claimants is adequate. The Administration has advised that on humanitarian grounds, torture claimants and asylum seekers who cannot meet their basic needs while their claims are being processed will be offered assistance including temporary accommodation, food, clothing, other necessities, appropriate transport allowances, and counselling and medical services on a case-by-case basis. The Administration believes that the basic needs of the above groups of persons are catered for by humanitarian assistance. There is no need for them to take up employment to earn a living.

The Bills Committee will not move any Committee stage amendment and will support the resumption of the Second Reading of the Bill today.

President, next I will present the views of the Liberal Party on the Bill.

The Liberal Party supports the passage of the Bill. First, the tourism industry is an important pillar industry in Hong Kong. In recent years, the Hong Kong Government and the tourism industry have been proactive in attracting Mainland visitors, as well as visitors from Europe, the United States and

Southeast Asia, to visit and spend in Hong Kong, and immigration convenience measures for visitors have been implemented in continuum. However, we seem to have overlooked the need of visitors from Macao, which is only an hour's short journey from Hong Kong.

The economy in Macao has grown rapidly in recent years, leading to the emergence of a new group of middle-class people who have relatively strong power of consumption, and they are definitely the target visitors we should attract to make spending in Hong Kong. Moreover, all along, Macao and Hong Kong have had frequent exchanges in business, trade and tourism. Besides, Macao visitors seldom overstay or work as illegal workers in Hong Kong, or commit other criminal offences. Hence, the simplification of the entry measure to allow holders of Macao permanent identity card to enter Hong Kong will not create any social problem, but will on the contrary expand the inbound visitors market. Since this measure will bring all good but no harm to Hong Kong, the Liberal Party will surely support it.

With regard to the amendment to the Immigration Ordinance to prohibit illegal immigrants from taking up employment or establishing or joining in any business, the Liberal Party also supports that. According to the figures provided by the Government, the number of non-ethnic Chinese IIs has increased in the past few years, while the increase in the past couple of months was particularly significant. This should mainly be attributed to the case, *Iqbal Shahid, Waseem Abbas & Others v Secretary for Justice*, ruled by the Court of First Instance of the High Court, for the number of non-ethnic Chinese IIs increased substantially after the ruling had been handed down.

Many IIs are misled by some wrong messages, believing that once they arrive at Hong Kong, they may stay and get the opportunity to work in Hong Kong by certain means, say seeking political asylum or making torture claims. As a great majority of these IIs are economic refugees but not political refugees in actuality, Hong Kong does not need to, nor should it, provide them with working opportunities in Hong Kong.

This brings back my memory of the situation in the 1980s and the end of 1990s. At that time, Hong Kong was facing the problem of Vietnamese refugees. At the early stage, many refugees coming to Hong Kong from Vietnam were political refugees, but later, a vast majority of Vietnamese refugees

coming to Hong Kong were only economic refugees. They imposed a heavy burden on Hong Kong and exerted tremendous pressure on our society and various communities in particular. Not until a dozen of years later, when Hong Kong's status as a First Port of Refuge was revoked and started repatriating Vietnamese boat people, that the problem of Vietnamese boat people was solved gradually.

A couple of days ago, I learnt from television news that the number of non-ethnic Chinese IIs was increasing substantially recently, and some of the illegal immigrants even came from Afghanistan. I was really surprised and shocked to learn about that. We have never heard of IIs coming from Afghanistan in the past. The influx of IIs from these regions into Hong Kong has never been heard. I believe some of them must have really been misled into believing that if they smuggle into Hong Kong, or enter Hong Kong by other illegal means, they will have a chance to at least stay in Hong Kong for a certain period, during which they may work and make money. I believe this is a reason for their being attracted to Hong Kong. Certainly, that they can work here in Hong Kong is not the truth. But we can hardly prevent the spread of such misleading information by others. Since this type of incidents has happened and that such information has been circulated around, the authorities must amend the relevant legislation to correct the misunderstanding, preventing these foreigners from smuggling into Hong Kong to take up employment on the pretext of seeking political asylum, or other reasons.

Moreover, the economy in Hong Kong is still at the bottom of the recession. The unemployment situation has not yet been improved. Low-skilled workers from the grassroots, in particular, encounter much difficulty in securing employment. But these foreign IIs may take up the manual labour jobs, such as workers on construction sites, cleaning workers and transport workers, and so on, otherwise available to the grassroots. Since these IIs will take up jobs similar to those sought by the grass-roots workers in Hong Kong, they are direct competitors of the grass-roots workers in the job market. Sometimes, local grass-roots workers are in an unfavourable condition in job seeking in comparison with these IIs, for these foreign IIs are prepared to work for an even lower wage. Moreover, IIs from overseas have strong physique. Not only can they endure hardship and persevere in toil, they are used to working in scorching weather and the blazing sun. More often than not, local workers pale in comparison with them. Hence, to protect the means of living of local

grassroots, it is essential to amend the legislation to prohibit foreign IIs from taking up employment in Hong Kong.

The Liberal Party urges the Administration to launch suitable promotion among residents of Macao on the convenience measures implemented for Macao permanent residents upon the passage of the Bill, so that more people from Macao will come to spend in Hong Kong, thus facilitating the development of the tourism industry in Hong Kong. At the same time, we hope that the authorities will step up its efforts in the international community in promoting this provision under the Bill that prohibits IIs from taking up employment or establishing businesses in Hong Kong, so as to prevent IIs, who are illegal political refugees, from coming to work illegally in Hong Kong, affecting the law and order in Hong Kong and the employment opportunities of the people of Hong Kong.

The Liberal Party understands that not all IIs are economic refugees, and some of them do satisfy the requirements set out in the convention against torture to make torture claims. The Liberal Party hopes that the authorities can speed up the torture claim screening procedures, so that proper protection can be provided to eligible persons, while preventing ineligible persons from abusing the relevant mechanism.

President, I so submit.

MR JAMES TO (in Cantonese): President, we have to be very cautious in handling this issue, for we are talking about human rights. These people may be facing some life threatening dangers or suffering from abuses, and that is why fair and reasonable procedures must be put in place to ensure careful screening. Certainly, possible abuse of the arrangement must be prevented at the same time. Hong Kong is after all a very small place, and the issue should be handled cautiously. Besides, we are obliged to handle all resources prudently.

However, though I have examined the Bill proposed by the Government, I still consider criminalization of violation of recognizance a better solution to the problem for it provides more flexibility. However, for the alternative approach proposed by the Government, we consider it the second best, and it does not mean that that approach is totally unfeasible or in violation of the principle. Hence, the Democratic Party will not oppose the passage of the Bill.

President, recently, there have been many reports on the possible arrival of refugees or torture claimants at Hong Kong from South Asia, or even Afghanistan, as mentioned earlier, or other countries. This issue has caused widespread public concern. The SAR Government keeps disseminating the message to the public through law-enforcement officers on the front line — I wonder how many of these officers, say police officers, understand the issue — that upon the passage of the Bill today, all the problems will be solved. I find this remark interesting. I do not know whether the issue is simplified deliberately or inadvertently. But, President, we all know that this is not the reality. History shows that the Government has been slow in response and evasive insofar as this issue is concerned, and it cannot shift its blame.

Let me recap the history. A decade or eight years ago, perhaps even five to six years ago, the trend began. The number of people coming to Hong Kong to make torture claims or apply for the status of refugee started to increase. At that time, the Government thought that comprehensive legislation should not be enacted, for there would not be any discussion on the issue if no legislation was to be introduced, nor would this induce any argument. As a result, the issue was handled in a low profile. The Government thought that no one would know if there was no promotion, and that those people would not be attracted to come here.

However, the reality has proved otherwise. Hong Kong is a place with good access to information where a lot of international media are stationed here. Some people asked why Afghanistans would know about this. Afghanistan is next to Pakistan. Some people said jokingly that Osama bin Laden was perhaps hiding somewhere between Afghanistan and Pakistan.

Hence, if you ask whether Afghanistan is a remote place Many people from South Asia, India and Pakistan are coming here, and Afghanistan is indeed a neighbour of theirs. The Government may think that if there is no discussion or comprehensive legislation enacted on the issue, these people will not come to Hong Kong. But this is impracticable in reality, for there is free flow of information in Hong Kong. It explains why the Government is unwilling to enact comprehensive legislation on this issue though we have been advocating this for years. The Government believes that by not doing so, it will not attract these people to Hong Kong.

Second, it is about manpower. The manpower of the United Nations High Commissioner for Refugees (UNHCR) Among all the refugees in the world, several thousands are staying in Hong Kong. This number of refugees has already aroused much anxiety, and many members of the public have become quite concerned about this. But the United Nations will consider the issue from a global perspective. Take the case of Africa or other places ravaged by wars as an example, a single refugee camp will house hundreds of thousands of refugees. In view of this, we can hardly demand the UNHCR to spare additional hands from its staff handling worldwide issues to speed up the handling of the several thousands of refugees in Hong Kong. Besides, the UNHCR is also short of funding. We are but making an impossible request, for this can hardly be achieved. Additional manpower is only provided at a later stage to assist them.

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

The Government thinks that no matter these people come here to seek political asylum, to claim refugee status or make torture claims, they will all be denied legal aid. This practice has been adopted for many years. Why would the ruling in March bring about such change? This could be attributed to a number of reasons. For during that couple of months, there were several cases involving the vital right to survival.

The Government may probably say that if 100 persons are screened, only 1% to 2% of them will be confirmed as refugees or victims of torture. The number of such persons will not account for dozens of percentage points. If legal aid is granted to them, will not this lead to wastage of public money? However, we must remember one point. These persons may only account for 1%, but if it is because of the absence of fair and reasonable procedures and legal aid that they have to return to their original place of abode and eventually die of persecution or torture, we will have failed to uphold the principles underlying the international covenants we signed and realize the international social values.

However, the Government has been trying to evade its duty. It has made every attempt to deny them legal aid. It thinks that the arrangement will prevent them from giving, in a fair manner, a complete and chronological account of the torture they have suffered and their background for seeking refugee status, thus

the chances of their cases being established would thereby be reduced. This is my suspicion, but I have reasons to believe that it is the case. The Government had all along refused to offer them legal aid before the Court ruled in a case that it was unfair to deny them legal aid which they must be provided with to assist them to give a complete account of the facts in such vital and precarious circumstances. Surely, if they fail to satisfy the requirement after making the statement, they have no alternative but repatriation. But at least, information has been collected by all means in a fair and cautious manner and through risk-free procedures.

Now, the Government asks the Bar Association and The Law Society of Hong Kong to examine how legal aid can be provided. However, it deliberately restricts the charges to an hourly rate of several hundred dollars. The Government may think that it may find some veteran and experienced lawyers to provide service as an act of repaying society. Otherwise, it may identify certain less experienced lawyers with fewer years of service and request them to first complete a crash course before providing legal aid service. The ultimate aim of the Government is to minimize the charge. But experienced lawyers more conversant with and well-versed in the matters will surely charge more than several hundred dollars an hour.

Naturally, people may say if you lawyers are so concerned about human rights and lives, you may as well offer services free of charge. But please bear this in mind: We hope that a fair and reasonable mechanism can be put in place in Hong Kong. Regrettably, the Government still adheres to the previous practice. What will happen in the end? The several thousands of cases, which have undergone the so-called screening procedure in the absence of legal aid, have to be processed afresh. Not only will the efforts made become futile, the persons concerned will have to stay in Hong Kong for a longer period. In other words, once they can stay in Hong Kong, with or without this provision, they will have the opportunity to Though legislation was put in place before March, I believe the Government may initiate prosecution, during the year before that March, the upward trend had obviously formed. In other words, their stay in Hong Kong was extended, and though the Government tried to be evasive by not providing legal aid to these people, it eventually has to process all the cases all over again.

Now, the Government plans to suppress the hourly rate charged by lawyers. What will happen in the end? If the Government fails to set up a fair

system, it is possible that a few of these cases will set precedents for other cases. In other words, it may be pointed out that even if service from the so-called lawyers is provided, they receive no professional assistance from lawyers due to the inadequate experience of those lawyers. As a result, the system has to be overhauled, which means all efforts made will ultimately prove futile. I hope that the Government will stop acting evasively. It should not assume that by lowering the charges of lawyers, those people would surely fail to get assistance from qualified lawyers in making their statements.

Deputy President, we need to do more than that for even with the passage of the present legislation, we will only return to the situation before March. Before March, the public in general believed that the enactment of legislation would prevent these people from taking up unlawful employment. But there was a rising trend before that, which developed further after March. The present legislation will only lead us to return to the situation before March. In the absence of a fair and reasonable system, and a comprehensive system to shorten the screening time reasonably and without risk, which thereby shortens the stay of these people in Hong Kong, the problems can hardly be solved even with the passage of the legislation by this Council.

Some say that with the enactment of the relevant legislation, we may as well arrest illegal immigrants who have been staying in Hong Kong for a long time and working illegally. Honestly, during the past few months, if the aforementioned situation did occur, the employers concerned would also be subject to prosecution, for according to the legal advice of the Department of Justice, charges could be pressed against the employers, though not the over-stayers or persons taking up unlawful employment. This comes from the Government. But has the Government done so in the past few months? Had it started doing so since May or June, what achievement would it have made? If there are so many such immigrants staying in Hong Kong for such a long time, they will continue posing a serious problem to Hong Kong even if the legislation is passed by this Council.

So, let me tell the public in a clear and straightforward manner. Do not be misled by the Government, nor allow front-line law-enforcement officers to simplify the problem, leading you to believe that once the present legislation is passed, everything will be settled. We have to formulate comprehensive legislation, provide adequate manpower to assist the UNHCR and screen all victims and torture claimants. Moreover, a fair and reasonable legal aid system

should be put in place to provide assistance, rather than offering legal aid service provided by inexperienced lawyers who charge an hourly rate of hundreds of dollars.

Finally, if we can make the above achievements, the duration of stay of these people will be shortened. For instance, if the duration of stay were only a year or so, people planning to sneak into Hong Kong would consider whether it would be worthwhile to do so. On the presumption that they are not victims or refugees, and that they come to Hong Kong purely for economic interests, they will consider the fees they paid to the "snakeheads" and the dangers they face in sneaking into Hong Kong, and see whether it is worth running the risk. Therefore, to solve the problem once and for all, fair and reasonable procedures must be put in place to shorten their stay. This is the ultimate solution to the problem.

DR MARGARET NG (in Cantonese): Deputy President, the Civic Party opposes the addition of section 33AA, "Prohibition of taking employment and establishing business, and so on", under clause 5 of the Bill. Let us look at the content of that provision. It stipulates that: "A person — (a) who, having landed in Hong Kong unlawfully, remains in Hong Kong without the authority of the Director under section 13; or (b) in respect of whom a removal order or a deportation order is in force, must not take any employment, whether paid or unpaid, or establish or join in any business." Moreover, a person who commits the above offence will be liable on conviction to a fine at level 5 and imprisonment for three years. We oppose the provision for several reasons.

First, this provision contains an element of racial discrimination, for it targets at torture claimants and persons seeking verification of refugee status for asylum. Illegal immigrants and overstayers are taking up unlawful employment in Hong Kong. In other words, these people who have obtained "recognizance forms" work illegally in Hong Kong. In fact, this problem arises not only today, but has existed for several decades. We do not consider it necessary for the Government to make this a new offence. The Government now says that it is the case with torture claimants, for there has been a surge in the number of torture claimants coming to Hong Kong and it is thus necessary to make this an offence.

The second reason I oppose the provision is that the way it handles the issue has gone overboard. As Mr James TO said earlier, if the Administration

considers that the persons concerned have violated the recognizance conditions, it may handle their cases with administrative means already available under the existing regulations. If it is included as a recognizance condition that they cannot work, a declaration on this is actually unnecessary for they are not allowed to work anyway. It is stipulated unequivocally in the Immigration Ordinance that unless they have the right to work in Hong Kong, they cannot work without the permission of the Director of Immigration (D of Imm). This requirement is crystal clear in the Immigration Ordinance. That means the authorities have absolute authority to include this as a recognizance condition — a recognizance condition stated in the so-called "recognizance forms" — with which the persons concerned must comply, and non-compliance will make them liable to detention. When the inclusion of this condition can bring about the intended effect, what is the point of making it a criminal offence? It is unjustified.

Deputy President, on this issue, the attitude of the Government is horrifying. At the beginning, the Government even misled this Council by saying that it was necessary to make this a criminal offence, for in the latest judicial review case involving the Government, the judge said that these illegal immigrants could not be prosecuted and that they had a defence case. This remark suggested to us that the Court pointed out at the time that the authorities could not prosecute those persons. But this is entirely misleading. The actual case is that the Government has issued the "recognizance forms" to these people, so it is only natural that they cannot be prosecuted for unlawful remaining, for they are allowed to remain here with the permission of the Government. For this reason, the authorities definitely cannot charge them with the offence of unlawful remaining, and they surely have a defence against such a charge. There is a great discrepancy between the actual situation and the remark made by the Government. So, later, the officials gave a clearer explanation at the Bills Committee, clarifying that in the past, when persons having taken up unlawful employment were arrested by the Government, they would be charged indirectly with the offence of unlawful remaining. But now that no longer works, so the Government must find other alternatives. Deputy President, the Government often tries to mislead the Legislative Council, and this practice is really dishonourable, seriously damaging the relationship between the executive and the legislature.

The third reason, apart from the availability of adequate administrative means for handling the issue that renders the criminalization of taking up unlawful employment unnecessary, I oppose the provision — sorry, it should be

the second reason — is that, these people working as illegal workers will compete with local workers for jobs, a reason put forth by the Government. Deputy President, you too said earlier that the situation had attracted many people to come to work in Hong Kong, competing with the grassroots for jobs. But this will stir up class hatred and hatred against foreigners. However, let us look at the provision closer. It prohibits these people from not only working, but also taking up any employment, paid or unpaid. In other words, it is also an offence if they take up voluntary work.

I note that the report of the Bills Committee has also mentioned the discussion on this issue. Mr LAU Kong-wah has also raised this issue. He queried if the authorities should carry the issue to that extreme, that even voluntary work had to be prohibited. The authorities replied that voluntary work should not be prohibited originally, and this was not the original intention of the authorities, but to avoid any understanding, prohibition was imposed across the board. In other words, the authorities know full well that voluntary work will fall within the scope of this provision, but it still chooses to include voluntary work in the scope. As a result, these people dare not take up any voluntary work or unpaid work. The authorities carry it to the extreme that reward in kind should also be prohibited. What is the definition of reward in kind? Let me cite an example. If one of them comes to work for me as a voluntary worker and I provide him with a meal, will this be regarded as reward in kind? If I gave him a souvenir, will this be regarded as reward in kind? The prohibition on giving reward in kind will also give rise to disputes. To what extent does the authorities intend to cover? It is treating a group of torture claimants suffering from persecution in their homeland with the most inhumane method. It is true that we have provided these people with some food and a shelter when they arrive at Hong Kong, but they can only live like plants, forbidden to lead a meaningful life. Even if they have the time to bring their skills into full play to contribute to society, living meaningfully during their wait, the authorities prohibit them from doing so. It instead drives them to the depths of despair and forces them to live aimlessly. Does the Government find peace of mind in do so? It has gone overboard in doing so, has it not?

Deputy President, will the enactment of section 38AA stop these people from coming to Hong Kong? It is so ridiculous that people coming from Afghanistan were also mentioned earlier. It is said that with the passage of the Bill today, those living in Afghanistan, who originally want to come to Hong

Kong to work as illegal workers would say: "What a pity? Legislation on this has been passed there. I dare not go there anymore." Will this be the case? This cannot serve this purpose. Indeed, the major cause for these people having to stay here for a long time for no reason is that the current verification procedure progresses at snail's pace. Since the objective of the provision is to minimize the number of people staying here, it should now speed up the screening procedure to differentiate qualified applicants from unqualified applicants, verifying which of them are suffering from torture in actuality. To put it crudely, by speeding up the process, we will soon know who is trying to fish in troubled waters. This should be the ultimate aim of the Government. However, I do not see that the attitude adopted by the Government is oriented in this direction. On the contrary, the Government handles the issue in a sluggish manner, making all attempts to prevent these people from living in peace here, not even for a single day. This attitude is absolutely against the protection of human rights. Worse still, it will lead people to doubt why Hong Kong has to enter into those covenants. If the Government is not prepared to pay any cost for this, the protection of human rights will only be empty talk. The Government should know full well that once it signs the covenant, it should treat the claimants concerned properly when they come to Hong Kong. But the Government tries to sow anxiety everywhere and torture claimants are thus perceived through tinted glasses.

Deputy President, the remarks you made earlier are premised on this same concept. You think it is unnecessary to understand the situation of these people, nor do we need to know how these people who come from countries all over the world, say Afghanistan, Africa and Southeast Asia, are being treated, for you are saying that nearly all of them are taking advantage of the arrangement to fish in troubled waters. In other words, once these people arrive at Hong Kong, they are being looked at through tinted glasses. Though the Court ruled that these people were going through life and death encounters, and they should be assured that their cases would be verified in a fair manner with the representation of lawyers, the Government responded reluctantly and asked whether the costs could be somehow reduced. The Government said that you lawyers are professionals, but since so many people need their professional service, will it be possible for them to charge lower rates, say at an hourly rate of several hundred dollars? If lawyers are not prepared to offer services at such a rate, the Government will criticize the lawyers for charging exorbitant rates. If the Secretary for Security, the officials and the Government of Hong Kong adopt this attitude, they are not qualified to enter into any covenants that uphold human rights.

Deputy President, on this issue, what is the major consideration taken into account by the authorities? They say there will be a lot of people coming here. The number of these people now stands at 5 000, and they will all come here when they get wind of the situation here. If we do not stop them, they will snatch our jobs. Besides, since these people who have come to Hong Kong are provided with good meals and accommodation, they can afford to live on lower wages.

Deputy President, these are the usual tactics employed by the Immigration Department. Somewhere in time, this Council once heard exaggerated remarks like this. They do so every time — 1.67 million children of Hong Kong citizens would flood to Hong Kong from the Mainland, and this would cause Hong Kong to collapse for Hong Kong could not afford this. When these remarks are still ringing in our ears, the Government today again attempts to scare the public with these several thousands of people. Indeed, the Government does not have to resort to threatening, for the provision The refugees who have arrived at Hong Kong, even if the Government ignores whether they are genuine refugees or not, may still work here. Upon the passage of this legislation, the Government surely can arrest them and charge them for taking up unlawful employment. But what if they still make claims despite the prosecution. What can the Government do? The Government cannot require them to leave Hong Kong or put them in jail. It still has to allow them to stay in Hong Kong pending the verification of their status. Such being the case, the Government had better establish a good verification system as soon as possible to deal with these people. This is a much simpler solution. If only the Government can do this, it no longer has to suppress them with all these means. When these people enter Hong Kong, the Government may regard them as making false claims, but if it turns out that they are genuine refugees, it means the Government has treated them with extreme unfairness. Since the Government presumes that their claims are all false, it uses all kinds of extreme measures against them and considers it justified to do so.

Deputy President, is this the proper attitude Hong Kong should adopt? Why does the Government have to make things difficult for them when we request that a fair and really effective mechanism be put in place? Why does the Government have to make this a criminal offence in haste and employ all kinds of tactics? Actually, the arrangement for Macao residents coming to Hong Kong can be handled by many other means, why must this offence be included in the

Bill? Why should this be specified as a criminal offence by way of legislation? Why does it request Members not to oppose it? The Government says any opposition to the arrangement will mean opposing measures beneficial to the tourism industry in Hong Kong. Is it suggesting that for the sake of our economy and for the promotion of economy and tourism, we may as well oppress this group of people who are already in a disadvantaged situation? Since these people are not our compatriots, and even if they suffer oppression in their home countries, no one will sympathize with them when they come here? Since we do not know much about their situation, we do not care about it?

Deputy President, I find this attitude unacceptable. I think Hong Kong, as an international metropolis, should not adopt such an attitude. Hence, I adamantly oppose section 38AA. Thank you.

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

MR LAU KONG-WAH (in Cantonese): Deputy President, I speak in support of the Second Reading of the Bill and the proposals therein.

Deputy President, the Bill comprises two parts; one part is intended to make it more convenient for Macao residents to enter Hong Kong, which has all along been advocated by the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB). In the past, we heard from many Macao residents that they needed to fill out application forms which they might not be able to obtain from many places especially Hong Kong. Therefore, after the ordinance has been amended as currently proposed, Macao residents can enter Hong Kong solely on the strength of their Macao permanent identity cards; they can basically enter Hong Kong freely and in this way they will enjoy greater convenience. Therefore, we render our support to this.

After the implementation of the new measure, I think the next step is that — as we mentioned at a meeting, Hong Kong people could use e-Channels at many border crossing points — I hope that Hong Kong residents could also use the e-Channels when they go to Macao in the future, without filling out forms or completing any formalities. Similarly, I hope that Macao residents could enter Hong Kong using the e-Channels.

In fact, considering the changing situation all these years, Hong Kong has taken measures to give people more freedom to enter or leave Hong Kong and make immigration clearance more convenient. If an agreement can be reached between Hong Kong and Macao, I think the measure would even apply to Taiwan in the future. As a matter of fact, it would be more convenient for links to be established among the four places on both sides of the Strait and in all Chinese regions. I trust that this is the wish of every Chinese.

Deputy President, concerning the second part, a few Honourable Members have already mentioned the details. I think it is a must to add this new part because, in the past, a large number of Honourable Members had criticized the Government for responding slowly to certain incidents, that the Government had moved at a snail's pace, acted not quickly enough or lacked foresight. Nevertheless, the Government has responded very quickly this time around. When it noticed that the number of non-ethnic Chinese illegal immigrants (IIs) entering Hong Kong had continuously increased — especially after March as the Court ruled that they could work in Hong Kong — and at high speed, the Government expeditiously amended the Immigration Ordinance, adding this clause to plug the loophole as soon as possible. I think this is an appropriate action taken at a suitable time. Otherwise, Honourable colleagues would again criticize the Government for moving at a snail's pace. Nonetheless, even though the Government has responded very quickly, it has become the object of other criticisms. Thus, I sometimes think that the Government is similarly scolded whether it takes actions or not; and it is put in a rather difficult situation.

Deputy President, why do I consider the amendment essential? As we have observed, between January and February this year, there were 37 non-ethnic Chinese IIs each month on average, but, since the conclusion of the trial of the relevant case in March, the number rapidly rose to 136 on average between March and May, almost doubled. Certainly, the Secretary for Security should report later on the numbers and rates of increase in the following months. In any case, we note merely from the media reports that, in this month in particular, there has been a continuous influx of many people from the Mainland, be it the eastern or western part of Guangdong Province; they even risked their lives in coming to Hong Kong only for the purpose of taking up employment here. Under these circumstances, if measures are not taken or provisions are not made in the relevant ordinance to stem the message — those "snakeheads" only simply told them they could take up employment or make money before ferrying them to Hong Kong — I think it must be clearly specified in the Ordinance that it is

prohibited to do so and they cannot take up employment in Hong Kong even if they hold valid documentation. I think that this is realistic and meets Hong Kong's needs.

Some Honourable colleagues have suggested that this clause should be added when the whole Bill about making torture claims is introduced into the Legislative Council. Deputy President, as you know, after a Bill has been introduced into the Legislative Council, the deliberation process takes very long. Can we wait any longer? Should we not do something at this moment? Hence, I do not think these actions are mutually exclusive — we should first introduce immigration restrictions before scrutinizing the mechanism relating to torture claims. I know the Secretary also agrees that the Bill should be introduced into the Legislative Council at the end of the year or early next year, and we will engage in deliberations then.

Furthermore, a lot of Honourable colleagues have referred to lawyers' charges. I worry that it may not be desirable for the matter to drag on for too long. Therefore, I hope the Government would expeditiously engage enough lawyers for the vetting task which is very important.

Deputy President, I do not quite agree with Dr Margaret NG's criticism of you a while ago. According to her, your remarks appeared hostile to foreigners. Deputy President, that is a very serious accusation. As you just said, many Hong Kong people worried that quite a number of non-ethnic Chinese or ethnic Chinese from the Mainland would come to Hong Kong and become black market labour. All of us in Hong Kong would not like to see something like that happen. Even people who have come to Hong Kong from foreign countries are restricted in employment. If the restrictions on employment or interceptions of illegal black market labour are being described as hostility to foreigners, I think that is inappropriate and a bit excessive.

Deputy President, I also think that it is not inhumane to make this provision. At present, quite a few "small boats" have come to Hong Kong, and I dare not conjecture what will happen in the future. Around 20 years ago when I was a Sha Tin District Board member (I have taken up the position since then), that was how I felt when I handled the Vietnamese boat people issue; I feel the same now. Of course, that may not necessarily happen, but nobody can guarantee that it would not in the future. If the Government does not have effective measures of interception, amending the law or combating black market

labour, people from India, Pakistan, Afghanistan, Africa and Congo can come here. I think the situation may be more serious than that years ago, and Hong Kong people do not want to see that happen. Hence, it is not a question of inhumanity; I must urge the Government to achieve effective governance. For this reason, I consider that it is a must for the Government to propose this amendment.

Deputy President, even if we endorse this amendment today and the vetting mechanism tomorrow will be subject to the relevant law, I worry that the problem would remain unsolved. Also, it may even be just the beginning because the Government has institutionalized it. Surely, a system is essential because we have ratified the convention. Nonetheless, establishing a system does not mean that everything will be fine, for there will still be quite a number of claims, with some of them being real but some being false, thus, vetting is essential. Yet, if they continue to swarm here, they will necessarily pose heavy pressure and create a heavy burden for Hong Kong.

Actually, according to foreign experiences, even though they have ratified the convention on torture claims, the United States and Canada have implemented the measure of repatriation to the country of origin. It has been reported that there are many people in Guangdong Province in the Mainland — some have told me that there are 100 000 people while some others have told me that there are tens of thousands of them — anyway, there are tens of thousands of people waiting to enter Hong Kong. I believe the police in Hong Kong and the public security authorities on the Mainland have been co-operating closely with a view to intercepting these people. If the interception work is not performed well, a blow will be dealt to Hong Kong.

Therefore, while making reference to the experiences of other countries, should we ponder over this issue as well? Certainly, a lot of problems may arise and we should consider some international issues; however, I hope the Secretary would pay attention to the developments. If the Bill effecting the amendment is passed today, we hope that we would be able to intercept black market labour and reduce the number of people coming to Hong Kong after the message has been spread to the Mainland or other places, which would be the most satisfactory outcome.

Hence, Deputy President, I support the passage of the Bill today. Thank you, Deputy President.

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

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): If not, I now call upon the Secretary for Security to reply. This debate will come to a close after the Secretary has replied.

SECRETARY FOR SECURITY (in Cantonese): Deputy President, first, I would like to thank the Chairman, Ms Miriam LAU, and members of the Bills Committee on Immigration (Amendment) Bill 2009 (Bills Committee), for holding additional meetings during the past couple of months to speed up the scrutiny of the Immigration (Amendment) Bill 2009 (the Bill). I would also like to thank the various organizations and individuals for their valuable opinions put forth during the deliberations, and Members who have spoken earlier.

The Bill seeks to achieve two objectives. First, to implement the immigration convenience measures between Hong Kong and Macao; second, to specify the taking of employment or establishing/joining in business by illegal immigrants (IIs) as an offence, with a view to imposing penalty on IIs working as illegal workers.

(THE PRESIDENT resumed the Chair)

Concerning the immigration convenience measures, it is proposed in the relevant amendment that a new category of documents be included under the definition of a "valid travel document" to cover documents which holder's nationality are not indicated, such as the Macao Permanent Identity Cards. In addition, amendments will be made to the requirement that conditions of stay be endorsed on travel documents, so that the Immigration Department (ImmD) may issue conditions of stay on a printed slip for holders of card-type documents. I am glad that the Bills Committee and organizations who have expressed their views support the relevant proposals in general and hope that the proposals can be implemented as soon as possible.

Another part of the Bill deals mainly with the specification of taking employment or the establishing/joining in business by IIs and other persons concerned as an offence. According to the established practice of the ImmD, IIs found working illegally in Hong Kong will be prosecuted for the offence of "unlawful remaining". However, in early March 2009, the Court ruled that recognizance granted to IIs represented an authority from the Director of Immigration for them to remain in Hong Kong, and they thus would have a defence against the charge of "unlawful remaining".

Since the handing down of the judgment in March, law-enforcement agencies have strengthened boundary control in collaboration with their Mainland counterparts, but the number of foreign IIs continues to surge. The monthly average of IIs intercepted between March and September this year is 135, a drastic four-fold increase compared with the monthly average of 37 for the earlier period between January and February.

The trend continues to deteriorate recently. In October alone, 160 IIs were intercepted, nearly an 20% rise over the average figure recorded earlier. The situation is worrying. Our cause of concern is not only over the surge of IIs, for these IIs are arranged by "snakeheads" to travel in small and broken boats, and some of them even bring along their children with them. I believe Members have also learnt that from reports of the media. These smuggling activities do not only threaten the personal safety of IIs but also that of law-enforcement officers. We have also learnt that some "snakeheads" are spreading rumours to instigate people intending to sneak into Hong Kong to do so at the earliest juncture before the Bill comes into effect.

In view of this, I consider that upon the Third Reading of the Bill today, there is a pressing need to bring the legislation come into effect as soon as possible. I have obtained the consent of the Chief Executive in principle to allow me to announce the commencement of the legislation in the Gazette Extraordinary to be issued this Saturday, that is, 14 November.

Some Members suggested that the Government may impose additional conditions on IIs being granted recognizance to prohibit them from taking up unlawful employment. First, I have to point out that the additional conditions to be imposed in granting recognizance so far only involve the condition requiring

IIs to report to the ImmD. If other requirements, which do not necessarily have a direct relation, are imposed arbitrarily as recognizance conditions, the administrative decisions involved may again be subject to judicial challenge. In comparison, other persons, such as lawful visitors, taking up unlawful employment are subject to prosecution for a criminal offence. We consider the discrepancy existing in the two regulatory regimes undesirable. Moreover, we think that IIs taking up unlawful employment should too be subject to the criminal sanction.

With regard to other issues related to torture claims, a report was made to the Panel on Security on 29 September this year. We will revert to the Legislative Council of the latest development early next month.

The issue of torture claims was brought up by certain Members in their speeches earlier. First, I do not agree with Dr Margaret NG that the Bill includes racial discrimination elements. The Bill is targeted at all IIs. IIs, irrespective of their nationality, are not allowed to work illegally in Hong Kong. This does not aim to pinpoint torture claimants, but torture claimants are of course covered.

Some Members mentioned earlier that the passage of the Bill would not mean the end of the problem. I totally agree with this. There are now about 6 000 torture claimants in Hong Kong and the number is increasing. I will not say that torture claimants will cease coming to Hong Kong upon the passage of the Bill, for some of them will still come here. But the passage of the Bill will convey a powerful message stating that "even if you come to Hong Kong, you cannot work illegally, for unlawful employment is prohibited."

The problem posed by torture claimants has to be dealt with from various aspects. First, we have to scotch the rumours spread by "snakeheads", that they can come to Hong Kong to work, and the Bill rightly serves this purpose. Second, we have to step up our efforts in intercepting IIs, and above all, to speed up the screening mechanism. I fully agree with Mr LAU Kong-wah and Mr James TO that we should speed up the screening mechanism. I can once again assure Members here that colleagues of the ImmD have been processing and will continue to process all torture claims in a fair and impartial manner.

Finally, I trust Members will share our concern over the worsening illegal immigration trend. Labour organizations may worry that with more and more IIs working illegally in Hong Kong, the employment of local workers will be affected. It is thus the consensus of society to specify the taking up of employment by IIs as an offence, for this will deter persons intending to make illegal entry into Hong Kong from doing so, thus preventing the problem from worsening.

I also hope that Members will support the commencement of the legislation, upon its passage, on 14 November, the coming Saturday. We will beef up our efforts in intercepting IIs in collaboration with the relevant units on the Mainland. Once the legislation comes into effect, we will step up law enforcement to combat illegal workers. These actions, carried out in conjunction with the commencement of the legislation, will give a clear message to the many persons intending to make illegal entry into Hong Kong, that IIs taking up employment in Hong Kong is a serious crime, and that IIs though granted "recognizance forms" during their stay in Hong Kong will be sanctioned for working illegally.

I implore Members to support the passage of the Bill and its commencement on 14 November.

I so submit. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Immigration (Amendment) Bill 2009 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

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

CLERK (in Cantonese): The Immigration (Amendment) Bill 2009.

Council went into Committee.

Committee Stage

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

IMMIGRATION (AMENDMENT) BILL 2009

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Immigration (Amendment) Bill 2009.

CLERK (in Cantonese): Clauses 1 to 7.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 1 to 7 stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

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

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

PRESIDENT (in Cantonese): Bills. Third Reading.

IMMIGRATION (AMENDMENT) BILL 2009

SECRETARY FOR SECURITY (in Cantonese): President, the

Immigration (Amendment) Bill 2009

has passed through Committee stage without amendments. I move that this Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Immigration (Amendment) Bill 2009 be read the Third time and do pass.

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

(Members raised their hands)

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

(Members raised their hands)

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

CLERK (in Cantonese): The Immigration (Amendment) Bill 2009.

PRESIDENT (in Cantonese): We will now resume the Second Reading debate on the Bunker Oil Pollution (Liability and Compensation) Bill.

BUNKER OIL POLLUTION (LIABILITY AND COMPENSATION) BILL

Resumption of debate on Second Reading which was moved on 24 June 2009

PRESIDENT (in Cantonese): Mr Fred LI, Chairman of the Bills Committee on the above Bill, will now address the Council on the Committee's Report.

MR FRED LI (in Cantonese): President, in my capacity as Chairman of the Bills Committee on Bunker Oil Pollution (Liability and Compensation) Bill, I now report on the deliberations of the Bills Committee. The Bills Committee has held four meetings and exchanged views with representatives of the shipping industry.

The Bills Committee generally supports the Bunker Oil Pollution (Liability and Compensation) Bill (the Bill), and agrees to the early implementation of the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 (the Bunker Oil Convention) to provide a compensation regime that meets international requirements, and to enable owners of ocean-going vessels registered in Hong Kong to obtain the necessary insurance certificates locally.

The Bills Committee has noted that, by virtue of the Bunker Oil Convention, the Bill provides that, whether a shipowner is at fault or not in an incident relating to vessels, the shipowner will be liable for the pollution damage caused by its ship unless he can prove that the incident was resulted from an exceptional, inevitable and irresistible natural phenomenon. In case the incident is caused by more than one ship and the pollution damage is not reasonably separable, the shipowners of the ships concerned shall be jointly and severally

liable for all such damage. The objective of this arrangement is to provide compensation to persons who suffer damage promptly.

The Bills Committee has learnt that the provision of the Bill on the compulsory insurance scheme does not apply to a ship if its gross tonnage is 1 000 or below or it is a local vessel that operates exclusively within the river trade limits. However, the shipowners of such ships can still take out insurance of their own accord lest the shipowners of such ships should not be able to meet the compensation cost should there be an incident.

Under clause 23 of the Bill, the Director of Marine (the Director) may, in a particular case, consider allowing ships which do not carry a valid insurance certificate to enter Hong Kong waters. As this involves the exercise of power, the Bills Committee has requested that the exemption power be exercised solely by the Director or the officer acting in the post. The Bills Committee has asked the Secretary to state the intention in her speech during the resumption of the Second Reading debate on the Bill.

The Bills Committee has discussed with the Administration about access to information relating to the owner of a vessel. It is learnt that, if the Marine Department is satisfied that the information is to be used for civil proceedings, it will normally release the information.

Regarding the manner in which a notice is served, as the provisions of the Electronic Transactions Ordinance will apply generally to other legislation, a member has suggested that the Administration should consider adding a standard provision in the relevant legislation to facilitate reference and inspection by the public.

The Bills Committee has expressed its views on some drafting issues and the Administration has proposed amendments accordingly. The Bills Committee supports these amendments.

I so submit.

MS MIRIAM LAU (in Cantonese): President, the shipping industry supports the Bunker Oil Pollution (Liability and Compensation) Bill (the Bill) and hopes that the Bill would be passed as quickly as possible to facilitate the early implementation in Hong Kong of the International Convention on Civil Liability

for Bunker Oil Pollution Damage 2001 (the Bunker Oil Convention) adopted by the International Maritime Organization (IMO).

It has been nearly a year since the Bunker Oil Convention was implemented but, it is a pity that, as one of the international shipping centres, Hong Kong has taken so long to dovetail with the new international regulation, bringing inconvenience to the owners and operators of vessels registered in Hong Kong. As at September, among some 1 400 vessels registered in Hong Kong, almost half of them have a gross tonnage of more than 1 000; unless they are vessels operating exclusively within the river trade limits, they may be affected by the new regulation made by the international organization. Since the Bunker Oil Convention has not yet been applied to Hong Kong, these vessels cannot directly apply for the insurance certificates required under the Bunker Oil Convention to prove that they have taken out insurance for pollution damage. If the relevant insurance certificates are not kept on the ships, the Bunker Oil Convention countries have the rights to refuse the entry of these ships for business activities and the operators will then suffer financial and reputation losses.

During the current vacuum before the passage of the Bill, the shipowners and operators can only apply for the insurance certificates from other Bunker Oil Convention countries. Since the transfer of documents to other countries takes time and the maritime policies of various countries may be different, they are inevitably held back in the course of application. Thus, the shipping industry hopes that the Government can expeditiously establish a legal framework for the enforcement of the Bunker Oil Convention. Then, the shipowners and operators would be able to directly apply for the insurance certificates in Hong Kong.

If Hong Kong wants to maintain its status as an international shipping centre, it is very important for it to follow closely the requirements of the international convention. The Bill is only introduced a year after the adoption of the convention by the IMO and we are lagging behind other countries (at present, there are 45 Bunker Oil Convention countries, accounting for nearly 80% of all vessel tonnage in the world), so the shipowners and operators of ships registered in Hong Kong do not know what to do. They must comply with the requirements for Bunker Oil Convention countries; however, they cannot do so as the relevant ordinance has not yet been implemented in Hong Kong, thus the

industry players are puzzled. For this reason, the shipping industry hopes that, when the Administration amends the relevant ordinance in the light of the provisions of the international convention, it would shorten and streamline the process to facilitate the early implementation of the provisions and avoid excessively lengthy delays; otherwise, there will only be adverse effects on the local shipping industry.

In the course of our deliberations on the Bill, I was gravely concerned about clause 23 of the Bill for it empowers the Director of Marine (the Director) to, in a particular case, exempt in writing any person or ship from the application of any provision of clause 13 or clause 14 regarding the keeping of a valid insurance certificate. However, in my view, unless it is essential, the Director should not exercise the power given to allow ships which do not carry valid insurance certificates required to be issued in compliance with the Bunker Oil Convention to enter Hong Kong waters.

Notwithstanding the fact that the Administration has explicitly pointed out that it will exercise the exemption power strictly in line with the provisions, and staff of the Marine Department will only conduct assessment on vessels that have applied for exemption, the ultimate decision on the granting of exemption is made by the Director or the officer acting in the post. Nonetheless, in the event that a ship which is given exemption by the Government to enter Hong Kong waters without the insurance certificate has an oil spillage incident, the victim who suffered the pollution damage may lodge a civil claim for compensation against the Government in respect of the pollution damage caused by the ship. To reduce the risk that public money has to be spent because of claims for compensation, I think that an exemption should only be given under exceptional circumstances upon prudent assessment by the Director.

Regarding the service of notice on a decision made by the Director; according to clause 30 of the Bill, a notice is to be regarded as having been duly served if it is delivered or sent by post or by registered post to the appropriate address. Nevertheless, I think that such notices should be expeditiously sent to the responsible persons of the vessels concerned to give them sufficient time to make itinerary arrangements. Hence, I suggest that the Government should consider concurrently sending the documents by electronic means whilst sending them by post with a view to notifying the applicant of the exemption whether his

application has been accepted within the shortest time. Yet, the Administration's response is that it does not consider including an express provision on the application of the Electronic Transactions Ordinance to the Bill appropriate at this stage as it will be a departure from the drafting convention.

To avoid delaying the passage of the Bill, I do not insist that an amendment must be made by the Government at this stage; however, sending the documents by electronic means is a general trend, and I hope that the Government would propose an amendment on a suitable future occasion to cope with the electronic world today.

Lastly, about the application fee, the Government's proposed fee is \$535 per application; I think the amount would not pose a problem for large operators, but we cannot neglect the owners of small ships. Especially in the economic downturn now, it is really too much for them to pay over \$500 a year for each ship. Though the Government has claimed that the fee level has been determined on the basis of the "user pays" principle, it is justifiable if it involves application vetting but I think the Government should definitely not ask them to pay in advance for the services that may be provided in the future.

In a letter issued by the Marine Department to shipowners and operators in March this year, it is stated that local shipowners can apply on the Mainland for insurance certificates required by the Bunker Oil Convention and they only need to pay RMB 60 yuan. Why do they need to pay over \$500 in Hong Kong? Even though I understand that the Administration would discuss in connection with the Bill the proposed fee regulation at the meeting of the Panel on Economic Development next Monday, I hope the Government will consider adjusting the fee downwards. On the one hand, this will show that it understands and sympathizes with the owners of small ships, and on the other, this can increase the competitiveness of Hong Kong.

With these remarks, President, I support the Bill.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon the Secretary for Transport and Housing to reply. This debate will come to a close after the Secretary has replied.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, first of all, I sincerely thank Mr Fred LI, Chairman of the Bills Committee on Bunker Oil Pollution (Liability and Compensation) Bill (the Bills Committee), other Honourable Members and Ms Miriam LAU for the views expressed just now, the efforts made in the course of deliberations and the useful advice given.

As an associate member of the International Maritime Organization (IMO), Hong Kong has an international obligation to implement the maritime conventions adopted by the IMO that apply to Hong Kong. The objective of the Bunker Oil Pollution (Liability and Compensation) Bill (the Bill) is to implement the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001 (the Bunker Oil Convention) adopted by the IMO. The Bill seeks to put in place a compensation system for damage caused by bunker oil pollution from non-tankers. In the past, Hong Kong enacted a law on tankers, that is, the Merchant Shipping (Liability and Compensation for Oil Pollution) Ordinance (Cap. 414) for the implementation of a similar international convention, that is, the International Convention on Civil Liability for Oil Pollution Damage 1992.

The contents of the Bill mainly include specifying liability for incidents relating to oil spillage from vessels; in other words, except under exceptional circumstances as set out in the Bill, the owner, the bareboat charterer, the manager and the operator of a ship will be held liable for certain damage resulting from discharge or escape of bunker oil from the ship or from a threat of such damage. The objective of the arrangement is to ensure that compensation is promptly made available to persons who suffer damage. Also, in line with international requirements, the Bill also allows the above persons to have limited liabilities under the Merchant Shipping (Limitation of Shipowners Liability) Ordinance so that they will get more specific ideas about their liabilities.

Furthermore, to ensure that the above persons are capable of bearing liability for compensation under the Bill, it is required that a ship with a gross

tonnage of more than 1 000 should carry a certificate attesting that there is in force in respect of the ship a contract of security satisfying the insurance requirements. Considering the minimal record of bunker oil pollution incidents relating to local vessels and the relatively minor extent of damage caused due to the use of light diesel fuels, according to the mechanism under the Bunker Oil Convention, the Bill specifies that local vessels operating exclusively within the river trade limits are exempted from the compulsory insurance requirement so as to reduce their compliance burden. However, they will still be liable for the pollution damage they caused.

In addition, the Bill contains provisions on the issue of insurance certificates, jurisdiction of the Court of First Instance of the Special Administrative Region, enforcement of the relevant judgments given by a foreign court, and the authority of authorized officers.

In the course of deliberations, the Bills Committee has held in-depth discussions on clause 23, that is, the Director of Marine (the Director) may exempt any person or ship from the application of any provision of clause 13 relating to compulsory insurance against liability for pollution damage or clause 14 regarding the keeping on the ship of a valid insurance certificate. We have explained in detail to the Bills Committee that exemption will be granted only under exceptional circumstances, such as on humanitarian grounds in inclement weather. The Marine Department will formulate internal guidelines to specify that the exemption power will be exercised solely by the Director or the officer acting in the post to ensure that the power is exercised properly.

President, I thank the Bills Committee for supporting the Bill which can establish an effective compensation regime for pollution damage caused by spills of bunker oil from non-tankers on a par with that of the jurisdictions of other convention parties, and it will further reinforce Hong Kong's status as an international shipping centre. The shipping industry proactively supports the Bill and hopes that the Bill will take effect as soon as possible.

I implore Honourable Members to support the passage of the Bill. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Bunker Oil Pollution (Liability and Compensation) Bill be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Bunker Oil Pollution (Liability and Compensation) Bill.

Council went into Committee.

Committee Stage

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

BUNKER OIL POLLUTION (LIABILITY AND COMPENSATION) BILL

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Bunker Oil Pollution (Liability and Compensation) Bill.

CLERK (in Cantonese): Clauses 1, 2, 4, 5, 6, 8 to 24 and 26 to 40.

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

MS AUDREY EU (in Cantonese): Chairman, I am going to speak briefly on the long title of the Bill at this stage.

As Honourable colleagues have just said, the Bunker Oil Pollution (Liability and Compensation) Bill (the Bill) is to give effect to the International Convention on Civil Liability for Oil Pollution Damage 1992. When I asked the Government why this objective was not mentioned in the Bill, it explained to me that the matter had to be handled flexibly. But, Chairman, I attended another meeting at 8.30 am this morning for the scrutiny of the Genetically Modified Organisms (Control of Release) Bill, and as explicitly stated in the long title, the object of this Bill is to implement the Cartagena Protocol on Biosafety to the Convention on Biological Diversity.

In this connection, I asked government officials, especially those from the Law Drafting Division of the Department of Justice and the Legal Adviser of the Legislative Council whether consistency should be ensured. Why were the conventions referred to sometimes but not some other times? When they gave a reply, they had not adopted any particular criteria and they handled the matter flexibly. Chairman, in respect of the resumption of Second Reading debate on the Bill today, Honourable colleagues realized from paragraph 23 of the report of the Bills Committee that the Administration had indicated that the Bill served the policy objective to cover provisions necessary to give effect to the Bunker Oil Convention and to allow some flexibility for accommodating requirements under other international conventions and resolutions.

Chairman, the Legislative Council should observe the principles of the rule of law and I think that we should actually have some standards and criteria, and we cannot refer to a convention in a certain Bill but not in another. If government officials have indicated that they will handle the matter flexibly, it must then depend on the intentions of the official responsible for matters relating to the convention or the officials from the Department of Justice. So, we pointed out this morning that the issue should be referred to the Panel on Administration of Justice and Legal Services for discussion to facilitate discussions with the Department of Justice on the issue of consistency.

Moreover, I think other clauses are perfectly fine and comprehensible. Nevertheless, mentioning in the long title that effect should be given to the convention does not mean that clauses other than the convention cannot be added. That is not what I meant. However, there are merits in referring to the

convention, for example, when we want to understand the objects, scopes or explanations of the provisions in the convention, we can cite the explanations given by other convention ratifying countries on the relevant provisions or the ways they handled these provisions, or make reference to the meanings behind the convention and international practices.

If that is only mentioned in the long title sometimes, it would arouse conjecture as to whether there are different practices in interpreting the relevant provisions. Thus, I really wish to give the policy officials concerned a reminder. When they endorse or introduce a law to give effect to a convention, they and the Department of Justice should reach a consensus over the practice to be adopted. There should also be some affirmed views as to whether the convention will be cited. There should be an understanding between the Government and the Legislative Council, especially the Legal Adviser of the Legislative Council, so that it is unnecessary for the Legislative Council to hold detailed discussions on the issue on each occasion and that there will be certain formula or criteria for compliance. Hence, Chairman, I particularly wish to make this point at this stage.

Thank you, Chairman.

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

(No Member indicated a wish to speak)

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): I move the amendments to clauses 3, 7 and 25 of the Bunker Oil Pollution (Liability and Compensation) Bill as set out in the paper circularized to Members.

The amendments to clauses 3 and 25 aimed at amending all to Hong Kong in the Chinese version of the Bill

CHAIRMAN (in Cantonese): Secretary, we are still dealing with clauses 1, 2, 4, 5, and so on, without amendments, that is, page 7 of the Script. As a Member has just spoken on these clauses, you may now reply.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Chairman, we will reflect the views expressed by Ms Audrey EU just now to the Department of Justice. Thank you, Chairman.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 1, 2, 4, 5, 6, 8 to 24 and 26 to 40 stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 3, 7 and 25.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Chairman, I move the amendments to clauses 3, 7 and 25 of the Bunker Oil Pollution (Liability and Compensation) Bill as set out in the paper circularized to Members.

The amendments to clauses 3 and 25 aimed at amending all references to the Hong Kong Special Administrative Region Government in the Chinese version of the Bill from "政府" to "特區政府" to enhance clarity of the Bill.

The amendment to clause 7 replacing "hostility" with "hostilities" is of a purely technical nature, seeking to make the wordings in the Bill consistent with those in the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001.

Chairman, these amendments have the support of the Bills Committee; I implore Members to support and pass these amendments. Thank you, Chairman.

Proposed amendments

Clause 3 (see Annex I)

Clause 7 (see Annex I)

Clause 25 (see Annex I)

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 3, 7 and 25 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 3, 7 and 25 as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

PRESIDENT (in Cantonese): Bills: Third Reading.

BUNKER OIL POLLUTION (LIABILITY AND COMPENSATION) BILL

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese):
President, the

Bunker Oil Pollution (Liability and Compensation) Bill

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

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Bunker Oil Pollution (Liability and Compensation) Bill be read the Third time and do pass.

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Bunker Oil Pollution (Liability and Compensation) Bill.

MOTIONS

PRESIDENT (in Cantonese): Motions. Proposed resolution under the Criminal Procedure Ordinance for approving the Legal Aid in Criminal Cases (Amendment) Rules 2009.

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

PROPOSED RESOLUTION UNDER THE CRIMINAL PROCEDURE ORDINANCE

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, I move the resolution standing in my name on the Agenda.

Rule 21(1) of the Legal Aid in Criminal Cases Rules (Rules), made under section 9A of the Criminal Procedure Ordinance (Cap. 221), sets out a scale of maximum fees payable to lawyers in private practice engaged to undertake litigation work in respect of criminal cases on behalf of the Legal Aid Department. The Department of Justice uses the same scale of fees to engage counsel in private practice to appear for the SAR Government in criminal cases. Fees payable to duty lawyers providing legal assistance under the Duty Lawyer Scheme follow the same scale.

As agreed by the Finance Committee in October 1992, the fees are reviewed by the Administration on a biennial basis to take account of, *inter alia*, changes in consumer prices. We have recently completed the review and concluded that the fees should be adjusted upward by 8.3% in accordance with the increase in the CPI(C) during the reference period (that is, July 2006 to July 2008).

We have notified the Panel on Administration of Justice and Legal Services the proposed adjustments to the fees at the Panel meeting held in June 2009. Under section 9A of the Ordinance, the Criminal Procedure Rules Committee has made the Legal Aid in Criminal Cases (Amendment) Rules 2009 in order to bring the new fees into operation. The amendment Rules now require the approval of this Council by resolution.

I invite Members to approve the amendment Rules.

The Secretary for Home Affairs moved the following motion:

"RESOLVED that the Legal Aid in Criminal Cases (Amendment) Rules 2009, made by the Criminal Procedure Rules Committee on 13 October 2009, be approved."

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

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

(No Member indicated a wish to speak)

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

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Proposed resolution under the Interpretation and General Clauses Ordinance to extend the period for amending the Estate Agents (Licensing) (Amendment) (No. 2) Regulation 2009.

PRESIDENT (in Cantonese): I now call upon Ms Miriam LAU to speak and move her motion.

PROPOSED RESOLUTION UNDER THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MS MIRIAM LAU (in Cantonese): President, in my capacity as Chairman of the Subcommittee on Estate Agents (Licensing) (Amendment) (No. 2) Regulation 2009 (the Subcommittee), I now move a motion to extend the scrutiny period of the Regulation to 2 December 2009.

At a meeting of the House Committee on 23 October 2009, Members made a decision to form a subcommittee to study the Estate Agents (Licensing) (Amendment) (No. 2) Regulation 2009. To allow the Subcommittee ample time

for scrutiny, I urge Members to support the motion to extend the scrutiny period of the Regulation to 2 December 2009.

Ms Miriam LAU moved the following motion:

"RESOLVED that in relation to the Estate Agents (Licensing) (Amendment) (No. 2) Regulation 2009, published in the Gazette as Legal Notice No. 181 of 2009 and laid on the table of the Legislative Council on 14 October 2009, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 2 December 2009."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Miriam LAU be passed.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

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

PRESIDENT (in Cantonese): Two motions with no legislative effect. I have accepted the recommendations of the House Committee: that is, the movers of these motions each may speak, including reply, for up to 15 minutes, and have another five minutes to speak on the amendment; the mover of amendment may speak for up to 10 minutes; and other Members each may speak for up to seven minutes. I am obliged to direct any Member speaking in excess of the specified time to discontinue.

PRESIDENT (in Cantonese): First motion: Re-formulating the special education policy.

Members who wish to speak in the debate on the motion will please press the "Request to speak" button.

I now call upon Ms Cyd HO to speak and move her motion.

RE-FORMULATING THE SPECIAL EDUCATION POLICY

MS CYD HO (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed. I seldom use props when I speak, but the parent of a student receiving special education and a child with learning disorder have given me these two articles outside today. One of them is a certificate of graduation that he would like to receive and the other is a graduate's hat; the child hopes that he could don the hat in the future and his parent hopes so as well. Perhaps some will say that this idea of the parent and student is too unrealistic, however, this is exactly why I have proposed this motion today. Through this motion, I hope that all of us will consider together the need to re-formulate the special education policy.

President, special education actually has too many angles and aspects; and as a member of the subcommittee to study issues relating to children with special educational needs (SEN) in the last term, I believe the President should clearly understand that special education involves eight to nine kinds of learning disorder comprising a large number of levels. Therefore, it is basically impossible for a

motion of 200 to 300 words to cover them all. Thus, I have only set out in the motion today some principled directions and the tasks that must be accomplished in re-formulating the special education policy.

First of all, it is most important to change the way of thinking of officials. In connection with the special education policy, officials have all along proceeded from the angle of remedial welfare measures but not towards the positive education target of giving play to the potentials of students. We have observed from how the Education Bureau has recently dealt with parents and students that the officials basically do not believe that students with intellectual disabilities (ID) who have reached the age of 18 have the abilities to learn and pursue self-enhancement and knowledge. The officials do not believe they have these abilities, and they only want to put these children in schools and ask them leave when they reach the age of 18 regardless of whether there is room for them to bring their potentials into play at that time. If they are lucky, they will be admitted to professional education institutions or day activity centres very soon. If they are not, as revealed in the information provided by the Government, they have to wait 27 months for articulation courses. During the interim, they can only stay home with their family members and they would gradually lose the skills they have learnt at school. In fact, the concept does not tally with the latest international research and development results on special education or the actual performance of local students.

Fortunately, there are a group of special education workers who have deep affection for students. Under the Seed projects, they have developed on their own a set of new teaching materials at a higher level which impose higher requirements on students. For this reason, the performance of students is better than parents and teachers have expected because they perform better when higher requirements are imposed on them. However, the officials from the Education Bureau have failed to note this point and conversely asked these students to leave school once they reach the age of 18. Actually, most children with learning disorder have speech communication difficulties, physical impairment and emotional disturbance in their early years. For this reason, they have to spend a few years learning speech communication or to control their restricted physical movements. Thus, they are a few years late in terms of development, and when they reach the age of 18, they may just be able to start studying after they have managed to control their bodily movements. Yet, the Education Bureau thinks that their welfare period should come to an end and asks them to leave, which is really unfortunate. In order that the students will leave as soon as possible,

some officials from the Education Bureau even ridiculously allowed them to jump grades. They asked some ID students to jump several grades at a time, hoping that they will complete junior or senior secondary education as quickly as possible and leave school earlier to save resources.

The authorities also have a misconception that parents only want child care services for their children and they want to put ID children in schools and homes to alleviate the families' burden. Actually, this is an erroneous understanding because all parents would like their children to go on studying and receive certificates of gradation in the future. These are the parents' dreams and they have not given up. On the contrary, the officials have actually given up and abandoned these children.

Perhaps we should think positively and we will then find that the officials may not be so mean, that they are just ignorant of the latest international research and development results. Therefore, I ask the Administration in my motion to redeploy resources to commission tertiary education institutions to conduct research, which will serve as the basis for re-formulating the policy. The research is actually at a very low level and I am not saying that we should create knowledge. I only hope that resources could be provided to tertiary education institutions to enable them to collect information and collate the latest academic research results and new methods of education of foreign countries, and consider whether they can be introduced into Hong Kong. For instance, the adoption of the rule in foreign countries whereby the age limit for special education students receiving subsidies is raised to 22 is absolutely worthy reference for us.

Apart from collecting information on the latest academic research results of foreign countries, we must conduct a survey in Hong Kong. To solve a problem, we must first find out how serious the problem is in Hong Kong; thus, it is essential to conduct a survey. First, we must examine if the facilities in the special schools in Hong Kong can keep abreast of the times and meet the needs of students at present. According to my understanding, some special schools are still using those facilities which were used to help infantile paralysis students years ago. However, students today no longer suffer from infantile paralysis and the Down's syndrome is the disease causing ID or learning disorder. There is another disease called Mucopolysaccharidoses today, yet, the facilities fail to keep abreast of the times. In this connection, we should make our best efforts to ensure that funds will be allocated for the replacement of the facilities after we have collected the relevant information.

In addition, we should know the number of students with learning disorder and ID in Hong Kong. The Secretary has recently announced that there will be 200 additional school places for ID students next year, and there will be 300 additional school places if necessary. Surely, the Government has taken a step forward compared with the practice in the past; however, nobody knows if the 200 additional school places or even 300 additional places are enough. For example, this year, the parents have failed to obtain any information on the number of school places available and the number of students aged 18 competing for them. Therefore, we cannot monitor in any way whether there are enough school places until the Administration delightedly indicated in a paper prepared in response to media enquiries that the situation this year was rather satisfactory; 320 students who have reached the age of 18 can stay in school, which account for 45% of the students who should be leaving school. The Administration thinks that they should leave school and it even feels satisfied with the point that those who are going to stay account for 45% of the total number. At last, we are given this figure and we find that 55% of those students cannot continue studying. In other words, 390 students who are still pursuing studies have not been allocated school places. So, what are we going to do? Are 200 or 300 additional school places enough? As a matter of fact, these 390 students do not include those who have been allocated places for integration into mainstream schools; they may not be able to adapt to mainstream schools and may need to return. Furthermore, the figure does not include students who have not yet been defined as in need of special education services. For this reason, regardless of the amount of resources that the Government has promised to inject, we cannot deal with the matter before a survey is conducted.

A more aggressive alternative is to conduct physical and psychological assessments of all children aged between three and six to determine if they have learning disorder. If a survey can be conducted, besides learning beforehand and estimating how many students need the services, we can actually provide needy students with treatment and follow-up services at an early date so that their conditions will not deteriorate and may even improve.

President, concerning some policies, regardless of the amount of resources to be injected, if we do not have a direction, we will not know the amount of resources we need and the crucial area on which resources should be put so as to get the best results. Also, we should conduct tracing assessments to see whether

the resources have been put to the best use, thus making constant revisions. The students will only benefit this way.

President, there are actually a great deal of deviations in the assessment we conducted on students with learning disorder. Information of the Department of Health (DH) shows that three to seven students out of every 100 students have attention deficit or hyperactivity disorder. In other words, there may currently be 40 000 students with hyperactivity disorder in Hong Kong. President, considering that there are also some hyperactive Legislative Council Members, the proportion is largely credible. Nonetheless, as estimated by foreign experts, the percentage of children with hyperactivity disorder may reach 10% and those with learning disorder in reading and written expression may reach 5%. Yet, on the basis of the information provided by the Government on 15 September 2007, there were only a total of 920 students with hyperactivity disorder in government and aided primary and secondary schools. As there are significant discrepancies between the percentage given by the Government and the estimation of the DH, it is essential to conduct a survey and collect the relevant information; otherwise, we really will not have any idea about the appropriate amount of resources to be injected.

Notwithstanding the injection of resources, we still need enough suitable teachers. Originally, the concept of inclusive education was very desirable, but according to many teachers, there is manpower shortage in their schools and they lack professional knowledge to deal with students with different types of learning disorder. The Government has set an objective that, within five years, each school should have 10% of teachers who have completed a foundation course. It is only a 30-hour course; three teachers will then take a 120-hour advanced course, and one teacher will then take a course relating to learning disorder in reading and written expression. That is the support available.

Instead of forcing some students into mainstream schools and imposing heavier pressure on teachers facing a manpower shortage, we might as well make more flexible arrangements. For example, students with learning disorder in lower grades will attend mainstream schools in the morning and return to special education schools in the afternoon to make it easier for them to catch up with the assistance from professional teachers. Alternatively, if there are sufficient special education teachers, they can be posted to schools with an especially large number of SEN students so that professional resources would be pooled together to offer greater benefits to students. Yet, with a lack of policy research, data and

information, we cannot take the relevant measures or make the relevant administrative arrangements.

President, I understand that a large number of Legislative Council Members are very much concerned about special education; I will stop here and I hope that Honourable Members who are of one mind on the issue of fighting for the opportunities for students with learning disorder to receive education will enthusiastically express their views. I hope that we will take another step forward for the expeditious re-formulation of the special education policy. Thank you, President.

Ms Cyd HO moved the following motion: (Translation)

"That, pursuant to the directive of the Education Bureau, students with special education needs have to leave school once they reach the age of 18, and this measure reflects the Administration's failure to keep abreast of the latest development of special education; this Council urges the Administration to re-formulate the special education policy, which includes:

- (a) to abandon the mindset of addressing special education from the welfare perspective;
- (b) to redeploy resources to commission tertiary education institutions to conduct research on the local needs for special education, which will serve as the basis for re-formulating the policy;
- (c) to comprehensively assess the number of students with special education needs in the territory;
- (d) to review the facilities of special education schools and upgrade them according to the latest service needs and actual operation of such schools;
- (e) to ensure that each student with special education needs has the opportunity to study in a school which offers the new senior secondary school curriculum, and provide subvented education to mentally handicapped students until they are 22 years old;

- (f) to review the programme contents of teacher training and continuing education for professionals, and provide suitable manpower training in accordance with the needs of special education schools and inclusive education; and
- (g) to conduct assessments on special education needs for all young children in the territory, and provide as early as possible suitable treatment and support services to students with such needs."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Cyd HO be passed.

PRESIDENT (in Cantonese): Miss Tanya CHAN will move an amendment to this motion. This Council will now proceed to a joint debate on the motion and the amendment.

PRESIDENT (in Cantonese): I now call upon Miss Tanya CHAN to speak and move her amendment to the motion.

MISS TANYA CHAN (in Cantonese): President, I move that Ms Cyd HO's motion be amended.

What does the 18th birthday signifies? It signifies that a youth may apply for an adult identity card and become an elector, and it also signifies the onset of adulthood. In some countries, people even celebrate the 18th birthday by organizing rites of onset of adulthood or designating specific festivals or ceremonies for celebration, in the hope of giving encouragement and recognition to young people who have just reached the legal age of adulthood as well as reminding and encouraging them to be responsible for themselves and undertake their family and social responsibilities.

However, I remember that at a gathering held earlier, I heard a few young people say in tears that they did not wish to reach the age of 18. They said they were very upset by the approach of their 18th birthday. I was heartbroken upon

hearing their remark. Why did they say so? It was because many special schools were notified earlier by the Education Bureau that starting from September this year, all SEN students who have reached the age of 18 or above would not be included in the list of students for the coming year. This implies that these ID students may be unable to continue their studies when they have reached the age of 18. Why has our society come to such a pass?

Over the past few months, I have witnessed a group of ID students and their parents accusing the Government with their legs, banners, slogans, tears and sweats, or even by resorting to legal actions, of its subsidy policy for ID students. This incident reveals the inadequacy of the Government of the Hong Kong Special Administration Region (SAR) in the provision of special education. Its failure to provide subsidies to ID students who have reached the age of 18 is only one of the problems in special education, and there are numerous other problems in the special education of Hong Kong.

The amendment proposed by me today seeks to point out specifically some areas of special education where improvements can be made. The Civic Party fully supports the original motion moved by Ms Cyd HO. In the following, I will go through the main points of the amendment one by one.

First, inclusive education. At present, inclusive education is offered by all the 500-odd primary schools and over 300 secondary schools in Hong Kong. According to the statistics provided by the Education Bureau, only 73% of the teachers in special schools have received training in special education. According to a survey report released by the Office of The Ombudsman in March this year, 76% of the teachers in secondary schools which offer places to students with specific learning difficulties (SpLD) have not received any training in special education, while 30% of the teachers in primary schools have not received such training. Without any training, teachers can hardly take proper care of SEN students.

As pointed out by Ms Cyd HO just now, these students may suffer from different kinds of disorder, such as dyslexia disorder, visual spatial organization and perceptual disorders, hyperactivity disorder, autistic spectrum disorder, attention deficient disorder or ID. At present, many teachers who have completed the basic course on special education only have basic understanding of disabilities. They still need to accumulate some experience before they can

draw up individualized teaching programmes or modify the curriculum to meet students' needs.

Teachers indeed face countless problems. As can be seen in this report, according to the statistics provided by the Education Bureau, the number of primary and secondary students with SpLD significantly increased from 1 360 in 2003-2004 to 8 869 in 2007-2008, which was almost 9 000. Studies conducted by academics pointed out that 9.7% to 12.6% of children in Hong Kong have dyslexia, which is very serious. Just now, we have pointed out the problems faced by teachers in the classroom. If there are a number of students in the classroom with different types of disability, teaching would become wishful thinking because it already requires a genuine master to maintain classroom discipline. To provide an ideal campus environment for inclusive education, numerous comprehensive hardware and complementary measures are required. Therefore, the Government should provide additional resources, such as formulating assessment criteria, enhancing the provision of teaching materials and increasing the number of relevant teaching staff in order to increase the teacher-to-student ratio, as well as enhancing the communication between schools and parents.

Many parents of students with physical disability hope that through inclusive education, their children will be able to study in mainstream schools without the need to study in special schools. However, whether they can adapt to a mainstream school environment and study effectively hinges on whether they are adequately prepared for independent living and self-care. The education authorities should play a more prominent co-ordinating role to closely link up mainstream schools which admit students with disability with special schools, and provide students with disability studying in mainstream schools with enhanced and comprehensive training in daily living and self-care skills.

Second, support for non-governmental organizations (NGOs). NGOs, which are also undertaking the responsibility of supporting SEN students, are another group which needs more support. For example, owing to various constraints, an NGO providing Braille translation services for schools for the blind was unable to produce Braille textbooks and reference books this academic year for students with visual impairment. Although the school year has already begun since September, some students have not obtained their Braille textbooks even in November. How can they learn effectively? Therefore, it is necessary for the Government to make more efforts in this respect and respond to these issues.

Third, the use of resources. When it comes to support, the word "money" may naturally come to mind. I believe the Secretary will also talk about the deployment of public funds in his response later. Certainly, we welcome the provision of additional resources by the Government, but we are also very concerned about whether resources are put to effective use and whether each and every dollar is used on students in need. For example, at present, the Education Bureau provides an extra amount of subsidy to schools which have admitted SEN students. But have these schools spent the whole amount on these students or have they used such additional resources to meet other needs, such as administrative or manpower needs, of their schools? The Government may consider requiring these schools to designate a staff member to be responsible for co-ordinating the allocation and use of this additional grant and conducting proper monitoring.

Fourth, the needs of non-Chinese speaking (NCS) students. I would like to talk about NCS students with SEN. These students, regardless of whether they are rich or poor, are facing extremely great difficulties in learning. Those who can afford the tuition fees may certainly enrol in the special education programme offered by schools of the English Schools Foundation (ESF). However, although the Education Bureau indicated that additional places and resources have been provided, students might still be put on the waiting list for one to three years during which they are still subject to the statutory requirement of schooling. Then, what should their parents do?

The situation of those who cannot afford the tuition fees of ESF schools is even worse. NCS students with SEN have to study in ordinary special schools. However, the language barrier and cultural differences have become another type of learning difficulty for them. How can they learn? Such a learning environment may constitute some sort of torture to the students, their schoolmates, parents or teachers, and this learning difficulty is even greater than their own disabilities. It is indeed necessary for the Government to provide a more suitable learning environment for them with support in, among other things, language learning and facilities.

I believe the special education of Hong Kong will definitely move towards inclusive education in the future. If that would really be the case, we need to create an inclusive, barrier-free campus environment for SEN students. The so-called barrier-free environment refers to an environment which is barrier-free not only in hardware but also in people's mindset and mentality, which is also

very important. We should strive to enhance the knowledge, understanding, tolerance, acceptance and respect of students and teachers in mainstream schools of SEN students. The Government should not take such public education lightly.

Finally, I would like to point out the needs of students with multiple disabilities. In some schools for children with physical disability, students may suffer from physical disability and various degrees of intellectual disability at the same time. Their learning needs may be different from ordinary SEN students, and they may need more resources. However, according to the existing system of aid, they are not entitled to additional subsidy. I hope the Government will examine the situation of these students to ensure that they will receive proper care and attention and avoid situations of stringent resources.

President, Article 23 of the United Nations Convention On The Rights Of The Child stipulates that children with disabilities should have effective access to education and training so that they can achieve social integration and individual development, including his or her cultural and spiritual development; and Article 28 also stipulates that all children should have the right to equal education opportunity. As China is a state party, we hope the SAR Government will improve the relevant system. The authorities are duty-bound to do so.

The objective of special education as published on the Bureau's webpage gives people an impression of philistinism. Let us talk about the objective then. It is to help them develop their full potential, so that they can achieve as much independence as they are capable of and become well-adjusted individuals in the community. I very much hope the Government will take care of these children because they are also part of us.

I so submit. Thank you, President.

Miss Tanya CHAN moved the following amendment: (Translation)

"To delete ", pursuant to the directive of the Education Bureau," after "That" and substitute with "the education policy for students with special education needs has all along been unsatisfactory and the support for them is inadequate, such students are facing increasingly acute difficulties under the new education system and various educational reform policies; the Education Bureau will stop subsidizing"; to delete "have to leave

school" before "once they reach the age of 18"; to delete "and" after "professionals,"; to delete "; and" after "special education schools and inclusive education" and substitute with ", and allocate additional resources to provide support for more teachers to receive special education training,"; and to add "; (h) to provide more resources to mainstream schools which offer places to students with special education needs, so that more dedicated staff members can be arranged to support such students to effectively integrate into school life and alleviate the pressure of teachers in their teaching work; (i) to provide additional resources to schools which offer places to students with special education needs and to non-government organizations which provide support services to such students, so as to enable them to provide better quality and more effective services, and formulate suitable mechanisms to ensure that such students can benefit; (j) to provide suitable learning environment for non-Chinese speaking students with special education needs, including the medium of instruction, facilities and other support; (k) to enhance public education to enable teachers and students of mainstream schools to gain a more in-depth understanding of students with special education needs, thereby creating an ideal environment for inclusive education; and (l) to provide more support for students with special education needs who are suffering from more than one type of disability" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Miss Tanya CHAN to Ms Cyd HO's motion, be passed.

SECRETARY FOR EDUCATION (in Cantonese): President, first of all, I would like to thank Ms Cyd HO for moving a motion debate on special education. The Government has always attached great importance to special education with the policy objective of providing persistently enhanced special education to enable students with special education needs (SEN) to receive suitable education services.

The aim of special education in Hong Kong is to provide suitable education to children with SEN to help them develop their full potential, so that they can

achieve as much independence as they are capable of and become well-adjusted individuals in the community.

It has always been the Government's policy to enable "early identification" of children with SEN and render them "early support". In order to effectively implement this policy, we are committed to enhancing the understanding of parents and teachers, developing assessment tools, establishing assessment mechanisms and enhancing the co-ordination and co-operation among relevant departments.

Under the policy based on "early identification", children with severe or multiple disabilities are referred to special schools subject to the assessment and recommendation of specialists, such as doctors and psychologists, and parents' consent. Other children with SEN are placed in mainstream schools. In order to assist mainstream schools to take care of these students, additional resources and professional support are also provided.

Regarding the development of special education, the Government has always placed its prime emphasis on the education profession and students' learning needs, and it has been enhancing special education services through various initiatives. As for the curriculum, we have developed relevant guidelines and provided resources, including the Basic Education Curriculum Guideline for Primary One to Secondary Three students with intellectual disability (ID) prepared by the Curriculum Development Council and the New Senior Secondary (NSS) Curriculum for ID students implemented progressively by grade level in September in this school year. On the school front, schools for ID students will make adjustments to the curriculum for students, set learning objectives and education programmes based on the ability, progress and aptitude of individual ID students and conduct group teaching where the situation warrants.

In recent years, we have implemented various initiatives in special schools, including reducing the class size of schools for children with mild ID from 20 students to 15 students per class in order to enhance the efficacy of teaching and learning, and the additional recurrent expenditure involved is \$74 million. We will also improve the ratio of graduate and non-graduate teachers to enhance the professional competence for education. Besides, we will implement the NSS Curriculum for special schools, including schools for ID students. In order to support the development of the NSS (ID) Curriculum, we will also introduce

collaborative research and development projects and enhance the professional training for teachers. In formulating various policies and initiatives, our prime objective has always been to enhance students' learning instead of adopting the mindset of addressing the issue from the welfare perspective.

Regarding inclusive education, our policy is to provide support to SEN students through the whole-school approach, which is in line with the global trend of inclusive education. We have provided learning support grants for primary and secondary schools, enhanced the school-based educational psychological service and developed and enhanced the diversified professional support model. We also launched the five-year Teacher Professional Development Framework on Integrated Education in the school year of 2007-2008 in order to draw up clear training objectives and provide resources to enable all schools to plan and implement teacher training in a systematic manner.

I would like to take this opportunity today to clarify again that we have neither compelled ID students to leave special schools nor ceased to provide them with school places and resources when they have reached the age of 18. This remark is not true. We provide ID students with 12 years of schooling in special schools, with the objective of enabling them to complete the relevant curriculum and attain the academic level commensurate with their ability before moving into adulthood during which they may receive further training or other rehabilitation or care services or even work in society. We take the age of 18 as a cut-in point to assess whether students should continue to stay in school in accordance with the broad principle of providing 12 years of schooling.

Just like Honourable Members, parents and members of the public, we also hope to provide quality education services to ID students in order to suitably address their educational needs.

President, I so submit. I will respond to Members' views after listening to their remarks.

Thank you. President.

DR LAM TAI-FAI (in Cantonese): President, the Government has stressed time and again its adhesion to the principle of "people-based governance". But is this proclamation heard by the public? I believe most of the citizens have heard it,

as it has been repeated so many times. In fact, every time when the Government makes this proclamation, it is said with such sincerity and conviction. Indeed, it sounds most convincing. But can the citizens really feel this "people-based governance"? I do not think so.

As the saying goes, thinking affects behaviour, and behaviour affects outcome. In the current social phenomena, ramifications, policy formulation and measure enforcement, it is evident that most citizens do not find the Government "people-based", sincere, compassionate, benevolent or caring. Some academics have criticized that in certain livelihood and education issues, the Government says one thing but does another. Some media have even satirized the Government for talking slickly with no understanding of people's hardships.

It has been my persistent demand that the Government should address livelihood and education issues, and help the needy in society, from a more caring perspective and with greater benevolence. It has the obligation to provide the disadvantaged with adequate support, assistance and care when it is capable to do so. Money is not the yardstick for everything and utilitarianism should not be upheld all the time. The Government must not evade its fundamental responsibility by listing a big load of expenditure figures.

For more than half a year, in order to fight for their children's right to education, parents of more than 300 ID students, working together in a joint force, have made a lot of effort to knock on doors to reflect their demands and difficulties to the Government through different channels. They braved the limelight to disclose their identities and hold press conferences. They took their children to the Legislative Council to plead for sympathy and understanding, hoping the officials will offer them more opportunities of schooling.

President, these heart-wrenching and indignant scenes keep replaying before my eyes. Honestly, I cannot totally relate to their difficulties, but I do understand their total desperation. Now it has come to the point that ID students and their parents have to take to the streets and apply for judicial review. This I think has demonstrated the Government's shortcomings in its education policy and the loopholes in its measures. A comprehensive education system must not overlook special education. Let me repeat, a comprehensive education system must not overlook special education. Fate has already been unfair to these special children. If the Government fails to give them the utmost help through

policy formulation, it is in a way perpetuating the unfairness. I think this is very cruel and callous.

In fact, I do not understand why the Government has to subject ID students to a much more stringent yardstick than that for mainstream students, and to limit their studying opportunities by age assessment. Neither do I understand why mainstream students, even reaching the age of 18, can continue their studies in school without assessment. In fact, SEN students have to submit applications to the Education Bureau for a reasonable assessment. If they are found to have a genuine need, they will have the chance to extend their period of study. While mainstream students are provided with the Education Voucher Scheme, associate degree studies, continuing education as well as the University Graduate Internship Programme and lifelong learning programmes, why is pre-school education for SEN students still seen as welfare? There is not even one kindergarten for these children.

Today, Hong Kong intends to develop education services into an industry. But our special education is most backward. Why can they not be allowed to attend school earlier? Why can their age limit for leaving school not be raised? Actually, I have listened to Ms Cyd HO's speech and I agree with item (a) of her motion, that is, when addressing the special education issue, the Government has to abandon the mindset of formulating policy from the welfare perspective. We have to understand that it is the Government's fundamental and undeniable obligation to provide suitable and adequate special education services. It is not welfare, nor is it "handing out candies".

President, I urge the Government to set up a special committee with an adequate number of parent representatives as soon as possible. The committee should be responsible for a comprehensive and in-depth review of the special education policy and its reformulation. This include studies on the provision of adequate school places, extension of period of study for SEN students, enhancement of teaching facilities, curricula and the quality of teachers, as well as full support for families of SEN students. The Government should also draw up a timetable for the recently proposed long- and medium-term provision of additional school places to enhance the current education system and create more job opportunities.

President, regarding the issue of special education, I believe even if more public money is allocated for it, taxpayers will not say no because it is absolutely

the Government's responsibility to take care of the disadvantaged. I also hope that the Government will show its benevolence and care. As the Government is committed to the "people-based governance" principle, it should set an example by stepping up efforts to help SEN students and their families. Just like Premier WEN Jiabao, his father-like care for the people, commitment to the promotion of a caring culture as well as his efforts to build a harmonious and integrated society have won our respect and support. Hence, today I totally agree with and support Ms Cyd HO's original motion and the amendment moved by Miss Tanya CHAN.

President, I so submit.

MR CHEUNG MAN-KWONG (in Cantonese): President, today I am going to talk about special education and ID students.

Special education in Hong Kong, not being discriminated against though, has been facing difficulties in its development due to the Government's negligence. When introducing the new senior secondary (NSS) academic structure, the Education Bureau only used less than 100 words to mention special education in its document. Worse still, it also forgot the existence of the ID students, who were more or less like the abandoned children under the new structure. It was only when the parents of the ID students came out to fight for the education rights of their children that the Education Bureau woke up to the problem and thus changed the "4+2" junior secondary academic structure into the "3+3" NSS academic structure. However, no additional resources for education were provided. This perfunctory action of putting old wine into a new bottle eventually gave rise to the issue of requiring students reaching the age of 18 to leave school, which has aroused much sympathy from society.

It is the responsibility of a civilized society to provide special education, which should not be neglected for reasons of high costs. However, the Education Bureau's policy on special education is money-oriented. Even though small-class teaching has been implemented in primary schools, the class sizes of special education schools have remained the same for 40 years. As the Education Bureau has reduced the Capacity Enhancement Grant for special education schools, it is very unlikely to see an increase in school places, extension of the curriculum as well as the fulfillment of the students' needs to

repeat class and extend study. The NSS academic structure is a reform introduced under coercion. Moreover, with the new requirement of setting the age limit for leaving school at 18, students in special education schools have inevitably become the deceived monkeys in the story of "The Monkeys' Ration".

It is against the principle of fairness and justice to require ID students reaching the age of 18 to leave school. While there is no age limit for ordinary secondary students, why do they have to impose such a ruthless and unjustifiable requirement on ID students with special needs? This is an indisputable and undeniable mistake. It should be corrected, irrespective of a court judgment. Finally, on the eve of the parents' application for another judicial review, the Education Bureau gave up and changed its decision on requiring students reaching the age of 18 to leave school so as to allow those with genuine needs or sound reasons to complete their study. In respect of this decision, parents still have concerns about several aspects, including the definition of genuine needs and sound reasons. Anyhow, it has shown a ray of hope in the conflict, and in the end, the students will be benefited.

Nevertheless, the difficulties in increasing school places should not be underestimated. It involves an immediate increase of 200 places, an additional 350 in three years, as well as the relocation and redevelopment of 10 schools. Land alone could be an obstacle. Besides, given the varied number of students and vacancies of different schools, the needs of parents might not be met immediately. So this is an absolutely challenging "Project Hope". The Government should therefore, in a serious manner, assess the demand for school places after the abandonment of the requirement for setting the age limit for leaving school at 18, and at the same time, take immediate actions to work out a reasonable plan for the expansion, redevelopment and relocation of schools.

An urgent task is to organize a working group with the involvement of the Hong Kong Special Schools Council, parents and teachers. Moreover, the percentage of repeating students should be decided according to the needs of different schools for students with different degrees of ID, ranging from mild, moderate to severe. As schools are authorized to make their own decisions on students' applications for longer years of study, they have to guarantee places for all the new students on the one hand, and ensure old students with need the opportunity to complete their study on the other. If you have no hand, you

cannot make a fist. In order to prevent schools from being placed in the middle of two contending forces and becoming powerless despite their good intentions, a reasonable percentage of repeating students as well as sufficient classrooms and residential homes are of the utmost importance.

In the past, the Legislative Council spent three years to conduct a review of special education. In spite of this, two key points are still being neglected by society. The first one is about the NSS academic structure, that is, the "3+3+4" academic structure. Ordinary students, having graduated from secondary schools, can receive four years of tertiary or vocational education. However, students in special education schools or ID students almost do not have any opportunity to continue their studies after completing secondary school. To them, another four years of study provided by the "3+3+4" academic structure is just wishful thinking. ID students should have the right to continue their studies. They should be offered the opportunity to work, to live or to learn after graduation instead of being sent to workshops to do boring manual work and spending the rest of their life putting on stickers and packing goods. The Secretary for Labour and Welfare should provide a happy studying period for these students.

ID students, sooner or later, will leave school and need to apply for permanent places in residential care homes. The current average waiting time for residential care homes for students with severe ID is nearly 10 years. It is not a short time for us, not to mention these unfortunate ID people. They have suffered so much and the Government should not be so callous. Even in the colonial era, the Patten Administration had built a large number of residential care homes for people with ID, which significantly reduced the waiting time. However, after the reunification, the queue has been getting longer and longer that the parents have become so worried. Life after the reunification is not as good as that under the colonial rule. Is this not an irony to the SAR Government? Or has the Government failed to fulfil its duties?

The construction of schools and residential care homes for ID students is a most meaningful project to undertake in the next 10 years. In the past or even until now, some people in the districts have been opposing the building of schools and facilities for people with ID for various reasons. But this time, the action taken by the ID students to oppose the requirement of setting the age limit for

leaving school at 18 has aroused extensive concern and won popular support. I hope the culture of harmony and integration demonstrated in the issue will become a trend in this civilized city that it will help encourage society to employ the people with ID and accept them as members of the communities. This is a way to bring love and warmth to these unfortunate people.

A school place, a residential care place, a job, care and support represent the spirit behind the motion moved by Cyd HO today. President, I wholeheartedly support the motion.

MR CHEUNG KWOK-CHE (in Cantonese): President, as required by the Education Bureau in April, all ID students in special education schools in Hong Kong, having completed their studies or not, will not be given subsidies and have to leave school once they reach the age of 18. The Court has ruled that the policy is lawful. However, this is only a successful court case. It does not mean that this unreasonable and unjustifiable policy is in compliance with the principle of justice.

In the Appendix of the Code of Aid for Special Schools (CASS), it is clearly stated that students in special education schools are not allowed to remain in school to receive education once they reach the age of 20. Nevertheless, it is unjustifiable for the Education Bureau to one-sidedly inform the schools of the adjustment of the age limit to 18 without any consultation or legislative amendment.

Same as us, the people with ID are Hong Kong citizens with Hong Kong identity cards. But compared with us, they are less fortunate. It is unreasonable for the Government to take the lead to discriminate against them and deny their basic right to learning.

Now the Court has offered the Government an opportunity to make amends, but unfortunately, the Bureau only promises to provide 550 additional school places for SEN students within three years. Instead of clarifying whether ID students will have the opportunity to continue their studies after reaching the age of 18, it just transfers the responsibility to the schools.

I agree that it is necessary to increase school places, but most important of all, ID students should be assured of the opportunity to learn after reaching the age of 18. Unfortunately, the Government has never made any promise on this. Besides, the CASS was formulated in 1998, that is, more than 10 years ago. Obviously, it is outdated. The education system in Hong Kong, whether for ordinary students or special students, should keep abreast of the times. As the number of university places can keep increasing, then why can the school-leaving age limit for ID students not be raised?

Apart from the need to reform the current special education system, I would also like to talk about inclusive education as it is inseparable from special education. Both education systems are interrelated and complementary, and there is also much room for improvement in the current inclusive education.

First of all, for students who have received inclusive education in primary schools, when they attend secondary schools, their records will not be directly sent to their schools. Sometimes parents may think that everything can start all over again in secondary schools and therefore choose not to give the information on their children's learning disorder to their schools. Owing to this, their children cannot continue to receive inclusive education services. I think that a central registry should be set up to facilitate the collection of students' information so that schools can draw up their programmes according to the students' learning progress.

As for schools implementing inclusive education, apart from the hardware allowance of \$50,000 for the first year, during the rest of the implementation period, they are offered \$10,000 each year for each student with learning disorder as a cash grant for hiring new teachers or providing serving teachers with professional training. Though this sweeping approach can reduce administration costs, it may not be the right cure to solve the problem, and neither may it meet the special needs of individual students. It is also questionable if the funds can be used appropriately. Besides, some principals may not apply for the grant even if they know that there are students with learning disorder. Perhaps this is due to the cumbersome formalities of the Education Bureau.

I think that the Bureau should work out an appropriate approach in accordance with the number of special students in individual schools and the

situation of these schools, and provide subsidy in the form of an accountable allowance. As for the allowance for teacher training, it should be used for hiring professionally trained teachers instead. This is the only effective way to help the students.

Regarding students with autism, the Government has obviously neglected their rights. The latest report released by the American medical sector shows that one in every 91 children is autistic. With reference to the population of Hong Kong, it is estimated that there are roughly 70 000 people with autism here. However, when answering my written question last year, the Secretary said that there were only 3 800 autistic children receiving the relevant services. I believe all of us do notice the big difference between the two figures. Therefore, it is necessary for the Government to conduct a comprehensive study with a view to providing a better learning and living environment for the autistic children.

I suggest that the authorities should set up an assessment mechanism and arrange for some students in special education schools to receive inclusive education according to their needs. Even with the same learning environment, SEN students can learn more knowledge in ordinary schools, which in fact are better options for mentally normal students with visual or hearing disabilities only. Besides, studying in ordinary schools can help enhance their social skills.

Finally, I hope the Education Bureau will cease looking compassionately at students with learning and intellectual disabilities from a welfare perspective. Please listen carefully to the opinions of society. Do them justice and offer them an equal learning opportunity.

President, I so submit.

MRS REGINA IP (in Cantonese): First of all, I would like to express my gratitude to Ms Cyd HO for moving this motion today, and I would also like to thank Miss Tanya CHAN for moving the amendment, so that we can hold a debate on the special education issue in the Chamber. President, in the past, I actually did not have much knowledge about special education, and neither did I spend any time to study this topic. However, with the introduction of the NSS academic structure this year, the issue of requiring 18-year-old SEN students to leave school arose. Since then, many groups such as organizations, parents and

schools in the Southern District, especially those on Hong Kong Island, requested to meet me that I began to have contact with them.

I have to mention that the Under Secretary contacted me earlier to explain his difficulties, and I think what he said is not without grounds. As I remember, the Government's difficulties mentioned by the Under Secretary, to make it simple, are the difficulties in providing more than 12 years of education for those SEN students, since mainstream schools only provide 12 years of education. What he said is largely to this effect. If I have any misunderstanding, the Secretary can correct me. When I heard this, I thought it was not without grounds because there were so many demands but so few government resources. However, after meeting those parents, students, principals and teachers, I have changed my mind. Firstly, I would like to tell the Secretary that indeed there have been criticisms on many aspects of the education system in Hong Kong. For instance, the introduction of pre-primary education vouchers has been criticized as disguising actual reduction with a so-called increase, the fine-tuning of the medium of instruction has led to many problems, and there have also been controversies over the Liberal Studies curriculum. But for special education, the Government's performance, which can be considered satisfactory, has received much applause. The parents and teachers whom I met also said that the curriculum was quite good and the curriculum development team had done very well.

Furthermore, I can see that those principals, unlike some unhappy education workers, are all filled with enthusiasm. They are enthusiastic, happy with their work, and very professional. Besides, I am deeply moved by what the parents have done. As a council member of a secondary school, I have met a lot of parents and found that many of them do not show much concern for their children, or neither do they make demands reasonably. This has brought many difficulties to the teachers. But the parents I mentioned above are different. I can see that they are really wonderful and always trying their best to care for their children. Some of them even showed me the exercise books of their children to let me know their learning progress. Therefore, I can tell the Secretary that special education is actually one of your achievements. But the problem is that those people's needs are yet to be met. I really want to know the reasons. Is that only a matter of resources? If we have to work out a comprehensive policy and a complete plan as requested by Ms Cyd HO, many additional support measures have to be made. In this case, how much do we need for the financial provision? Did the Education Bureau fail to get resources? Or all members of

the Bureau think that the issue to a certain extent is not an education but a welfare issue so that it should be handled by the Labour and Welfare Bureau? Since the Education Bureau can only provide education to a certain level, if students are not able to find a job after graduation, they should seek help from the Social Welfare Department. Is this the case? I really want to know the reasons.

Having met these parents and students, I believe that the problem of unequal opportunities really exists. Indeed, all the students can have 12 years of education. However, bound by inborn limitations, most of them are slow learners who need a lot of assistance and may only meet half of the targets after a year of learning. Hence, only by providing 12 years of education, we are not able to meet their needs of enhancing intellectual capability and the ability to take care of themselves, nor can we help them get a meaningful job in society when they grow up. In view of this, I hope the Secretary will consider the issue from the perspective of true equal opportunities.

I would like to sing praises of the Education Bureau. During the summer holiday in July, the Government won a court case. But it is widely known that the success was actually brought by a bit of luck, thanks to the unsubstantiated arguments of the opponents' lawyer. Still I have to sing the Deputy Secretary for Education praises as he took the trouble to spend hours to meet so many groups in order to help the tens of ID children solve the problem of leaving school. Afterwards, there was a judicial review. I gave the verdict to some legal professionals for perusal. They all said that the arguments were unsubstantiated, and that if they used another case to seek judicial review, perhaps there would be a chance to win. Then, the Education Bureau introduced a plan to take care of more than 500 children. But we still have not seen any comprehensive policy and organized plan. If there is an effective special education policy, the Secretary should really be proud of it. Therefore, he should listen to the Members and the large number of parents who have been seeking help. Though I did not have close contact with them and have not done really much, I am deeply moved by the thank-you letters and pictures that they sent me.

I truly hope that the Secretary will deal with the issue from a people-oriented perspective, and give us the answers on how much resources are needed, how should the issue be handled, and whether the Education Bureau can take the lead to draw up and introduce a comprehensive policy to help these

parents with SEN children to solve their problem. As Dr LAM Tai-fai has just said, regarding the education services industry, we may have an advantage in special education because we have out-performed the Pearl River Delta Region and become a good example for others. Hong Kong has taken a few more steps and achieved better results in this area. I hope the Secretary will respond to this later.

Thank you, President.

MS STARRY LEE (in Cantonese): President, as a popular saying goes, "parents' worries about their children never end". I believe many of the parents of disabled children have strong feelings about this. Earlier, a muscular dystrophy patient graduated from The Hong Kong Polytechnic University with a first class honours degree. This is absolutely a hard-earned achievement for ID students since people with disabilities in Hong Kong, whether infants or adults, have been facing a lot of difficulties in medical treatment, education, vocational training and employment. However, the Government's support in this area is far from enough that there is much room for improvement.

First of all, I would like to talk about the assessment work. Some clinical psychologists specialized in autism have pointed out that if parents can define whether their children are autistic at the earliest stage, they may seize the golden opportunity to give early training to their children before they reach the age of three. This can help those with autism reduce the chances of developing social, emotional and behavioural difficulties in the future.

However, currently the Education Bureau does not provide these infants with support services that many pre-primary children have therefore missed the golden opportunity to receive assessment, diagnosis and treatment. Recently, the family of a four-year-old child, who was found to be much quieter than other children of the same age when she was about one year old, sought advice from a Maternal and Child Health Centre and got such a reply: "More observation is needed". After a series of transfers, waiting and assessments, the Department of Health finally confirmed that the child is autistic. The next step is to arrange for professional treatment. But the fact is that you have to wait for more than two years before you can see a government psychiatrist. Since the family does not want to miss the golden opportunity, they have to send the child to a welfare organization for treatment and assistance.

President, early support for SEN children is always recommended. Therefore, we urge the Education Bureau to consider lowering the age limit to provide diagnosis service for infants under the age of six, so that those with special needs can receive appropriate education early.

With regard to students with severe ID, sending them to special education schools seems to be their parents' only option. However, the Government requires students who have reached the age of 18 and already received 12-year free education to leave school. If they want to continue their studies, applications have to be submitted. There are more than 380 applications for extension of the period of study this year. Among the applicants, 60 have been forced to leave school.

President, I want to point out that as it only involves less than 20% of the students, why can the Government not exercise discretion to generously allow those 60 students to remain in school? Though the Government has made some effort to deal with the issue afterwards and announced the provision of 550 additional school places for ID students in the coming one to two years, there is no promise for relaxation of the existing requirement. In this regard, I hope the Government will review this policy as soon as possible with a view to achieving the goal of "not one less".

The education authorities (Under Secretary Kenneth CHEN) have said that students can still receive training in sheltered workshops and residential care homes after leaving school. Nevertheless, it is not easy to be admitted to a sheltered workshop. The average waiting time is three to five years. For residential care homes, the waiting time is even as long as 10 years. Earlier in a radio programme, the parent of a ID person pointed out that the average waiting time for admission to a residential care home for persons with disabilities was nine years. He said that he had waited for almost nine years. Then, Secretary for Labour and Welfare Matthew CHEUNG responded, "Not far, almost there". So we can see that usually people have to wait for nine years. Life is too short, but the waiting time is too long. It is a cruel reality for these parents.

In fact, we all understand that even if they can work in a sheltered workshop, their work is very boring and their wage is extremely low. Including the bonus, their daily wage is only \$30 or so. So regarding the service arrangements for people with intellectual disabilities, it seems that all government

departments are trying to shirk their responsibilities. Besides, over the past years, I have not seen any obvious improvement in this area.

President, when the ID students have been expelled from school by the Education Bureau and when they cannot find a place in a sheltered workshop or a residential care home, their parents have to bear the full burden of looking after them. There is this mother with two ID children who has applied for a place in a residential care home in her district for her eldest son with severe ID. Having been in the queue for 11 years, she is still waiting. This mother frankly said that sooner or later, she would collapse. I hope the Government can seriously review its special education policy, the job opportunities for people with disabilities as well as the compatibility between education, vocational training and employment so as to help families like this one to solve their problems.

Furthermore, a comprehensive review of the training for teachers of special education is also needed. This year, the Office of The Ombudsman criticized that the existing three-tier structure of the professional training for teachers was far from satisfactory. Some academic experts pointed out that the first- and the second-tier programmes only involved basic concepts of special education that there was no in-depth learning. As for the third-tier specialized programme lasting for two weeks, the participants are usually senior teachers who are responsible for course co-ordination instead of looking after special students in school. Therefore, students who need assistance may not be able to directly benefit from the training.

In foreign countries, special education teachers are generally required to hold relevant academic qualifications. For instance, in the United States, at least they must be degree holders with a special education teacher certificate issued by a state government. I hope the Government will take reference to the suggestion of The Ombudsman to review the training for special education teachers as soon as possible.

President, today, on behalf of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), I have spoken in support of the original motion and the amendment.

I so submit.

MR WONG KWOK-HING (in Cantonese): President, knowledge changes fate, so the saying goes. Many parents will insist that their children receive good education, no matter how hard it will mean to them. Education policy is also a very important part of the future development of a society. The Government regards education as an investment and a means to nurture talents and the future pillar of our society, and it spends a huge amount of funds on education every year. In 2009-2010, the estimated total expenditure on education is \$61.665 billion, accounting for 16.3% of the total public expenditure and representing the largest proportion among all policy areas. Such a huge investment of resources should be complemented by a more comprehensive policy on education. In reality, however, a group of SEN students are still neglected.

In the past, even when these SEN students reached the age of 18, they were allowed to extend their stay in school until the age of 20 if necessary. However, with the implementation of the new academic structure, the Education Bureau has notified special schools that these students would not be entitled to subsidy when they have reached the age of 18. In other words, they have to leave school once they have reached the age of 18, regardless of how great their needs are.

This across-the-board approach is indeed too cold-blooded and it has totally ignored the actual circumstances and needs of these students. As they have special needs, they may take a longer time to learn. Requiring them to finish junior and senior secondary education in six years and then leave school is indeed imposing an impossible task on them. Just because they need special education, we need to spend some time particularly to take care of them. What exactly do the authorities think the meaning of special education is? Is the objective of education achieved when these students have received education for a certain number of years? Can the requirement that these students must leave school after receiving education for six years regardless of whether or not they have finished the curriculum be regarded as an objective? As the learning ability of individual students varies, they may perform better at different stages. For example, some of them may not learn very well and show obvious improvement in their studies until they have reached the age of 17, but they will be compelled to leave school once they have reached the age of 18. This would mean that they would miss the best time for learning. Therefore, the Government should not adopt this "across-the-board" policy. Is it really necessary for the Government to be so rigid? Can it be more flexible with SEN

students? Should they be deprived of their learning opportunity just because they are slow in learning?

Besides, these students are not provided with appropriate exit alternatives after they have been compelled to leave school. The authorities have indeed failed to give due regard to their prospects. Even if they are able to work in sheltered workshops or day activity centres after leaving school, they will only be arranged to perform some simple processing and packaging tasks. This would indeed limit their development potential, not to mention providing them with opportunities of learning. Actually, they should have the right to learn and choose their own path. What the Government should do is to assist them to find their career path instead of selecting a path for them, that is, confining them to working in sheltered workshops and day activity centres. Therefore, will the Government examine the issue of providing SEN students with the opportunity to continue with their studies? Will the Government consider making more efforts in this regard?

President, should officials responsible for policy formulation step into the parents' shoes and imagine what they would do if they were the parents? If you were the parents, would it break your heart when your children were compelled to be trained to become "processing or packaging machines" and not allowed to choose their own path when they were still at the learning stage? These parents only hope that their children would be given fair treatment. Is there a problem when the Government is even unable to address their need?

President, it is hard to be a parent, and it is even harder to be a parent of a child with severe intellectual disability. How many people would understand the hardship faced by them? Many of them are suffering both mentally and physically and they are worn down and out. While some of them may have developed various physical illnesses, others may suffer from depression. They do not wish their children to live long, not because they do not love their children but because they love their children so much that they are worried that there will be no reliable hands to look after their children for them when they have left this world. They even do not wish their children to grow up because government support is grossly inadequate. For an average individual, the age of 18 is the mark of adulthood, the age when one can make one's decisions and act on one's own. But for these SEN students, the age of 18 has become their "deadline". Actually, their parents do not wish them to reach the age of 18 either, and it

would be so much better if they could remain 16 or 17 every year because once they have reached 18, they will have to face a reluctant choice. Faced with this choice, parents are very helpless. They are always worried by their children's future, concerned that what would happen to them when they have reached the age of 18. The pressure they have to endure is indeed unimaginable for an ordinary person.

President, everyone is born equal. What these students need is not alms but only an equal opportunity of learning. Everyone has the right to dream, and so do these students with physical disability or learning difficulties. In such a developed and affluent society as Hong Kong, should they not be given fair treatment and more opportunities?

With these remarks, I support the motion and the amendment.

MS AUDREY EU (in Cantonese): President, I have listened very carefully to the Secretary's remarks just now. He said the Government has neither compelled ID people to leave school at the age of 18 nor indicated that they would not be entitled to any subsidy at the age of 18. He said ID people are entitled to 18 years of free education just as other students do regardless of their age. This is a straw argument. While we have been referring to the "3+3+4" academic structure, he unexpectedly mentioned 12 years of free education, and as ID students are admitted to school at the age of six and will reach the age of 18 after receiving 12 years of free education, the age of 18 is a cut-in point at which consideration will be given as to whether they should continue to stay in school. This is a straw argument, and this is exactly where the crux of the matter lies.

President, we remember very clearly that in the paper on the "3+3+4" academic structure submitted for consultation by Prof Arthur LI when he was Secretary for Education and Manpower, there was a part on special education. As CHEUNG Man-kwong said, this part was like an "orphan", with a text of less than 100 words. At that time, the Subcommittee on special education under the leadership of Dr Fernando CHEUNG also pursued the "3+3+4" academic structure. When they finally succeeded in this pursuit, Secretary Prof Arthur LI openly indicated that all students would have the opportunity to receive education under the NSS academic structure. But we can see that the present situation is not like this.

President, the former special education programme did not cover the senior secondary curriculum. Members may take a look at this. The junior secondary special education curriculum was structured into Secondary One, Secondary Two, Lower Secondary Three and Upper Secondary Three, and then there were the Extension of Years of Education (EYE) Programme level one and level two. Therefore, the former junior secondary special education programme lasted for six years, and students would leave school at the age of 18. It was certainly not a problem for them to leave school at the age of 18 after completing the six-year junior secondary curriculum. But problems arose when the Secretary subsequently said they might also enrol in the three-year senior secondary programme. Instead of referring to the academic structure, the Secretary unexpectedly referred to school years. He said ID students would be admitted to secondary schools at the age of 12 and graduate in six years' time when they reach the age of 18. This explains why students in special schools had to skip grade levels. Originally, they were Junior Secondary One students, but as they had to leave school at the age of 18, the school would require them to skip some grade levels and be promoted from Junior Secondary One to Senior Secondary One, that is, Secondary Four. President, this is where the problem lies. I hope the Secretary will refrain from misleading the public by passing fish eyes for pearls and advancing a straw argument. The problem lies exactly in his attempt to suddenly turn the "3+3+4" academic structure into 12 years of free education and stating that it is fair.

President, I would also like to seek justice for parents of students receiving special education because they have been smeared for demanding lifelong education for their children so that they could stay in school indefinitely. But this is not true. They just requested the Secretary to provide their children with an additional year of EYE programme at each stage, that is, four years of EYE programme, when necessary, which means students would at most be 22 by then, because students receiving special education would generally face greater difficulties in learning. They just requested the Secretary to refrain from using the age of 18 as a cut-in point so as to obviate the need to consider at that point whether the relevant ID students would be allowed to continue to stay in school. President, it is a matter of resources after all. Rather than asking for the provision of unlimited resources, parents only hope that their children can share the same academic structure with ordinary students and enjoy the three-year senior secondary education. It would certainly be perfect if they can complete the curriculum in three years, but even if they cannot do so, they should not be barred from studying at the age of 18. Therefore, even though students are not

required to leave school at the age of 18 under the existing government policy, their further studies in senior secondary school, unlike ordinary students, is subject to their assessment results and the availability of surplus school places. President, this is where the entire problem lies.

President, parents of ID students and I have met with the Secretary twice, and I would like to thank the Secretary for engaging in two detailed discussions with us. First of all, the request made by parents was very reasonable. They only requested that their children enjoy the right to education to which they are entitled. Second, they requested that a working group be established by the Secretary because the circumstances of individual SEN students vary. Even though the Secretary has indicated that an additional 200 places and 350 places would be provided in the short and medium terms respectively, which would add up to a total of 550 places, it does not mean that all these places can really meet the needs of SEN students. Whether these places can meet SEN students' needs also depends on the districts involved, that is, the districts where there are surplus places because the transport needs of ID students are different from those of ordinary students. Besides, it also depends on the SEN students' specific needs, for example, whether the services provided by the relevant schools are for students with physical disability or ID students. Another consideration is the type of intellectual disability involved, for example, whether it is autistic spectrum disorder or other types of disorder, because different types of intellectual disability entail different needs. Thus, the availability of a certain number of school places does not necessarily mean that the needs of an equal number of students would be catered for. Therefore, I hope the relevant working group would make appropriate arrangements for different cases and I also hope the Secretary will give a positive response to it.

Besides, the original motion also mentioned the need to assess the number of SEN students in the territory and consider whether the provision of school places is really able to resolve these problems. As this involves SEN students' basic right to education, I hope the Secretary will give a positive response to these two aspects as soon as possible.

I would also like to point out that in the information we received from parents outside the Legislative Council Building today, there was information on different kinds of discrimination faced by SEN students in their studies, including their being deprived of the right to school choices and their lack of a specified school net and a clear timetable for schooling. Therefore, President, they would

face more problems than ordinary students and their parents. The Secretary has a duty to carry out more liaison and exchanges with these parents to find out how to protect ID students or SEN students from discrimination in the provision of resources. Thank you, President.

DR PAN PEY-CHYOU (in Cantonese): President, both of us are engaged in education. I think we can draw an analogy between nurturing the next generation and farming. Students are like seeds and the education system is the soil. With good and fertile soil, as well as meticulous care, these seeds will grow into strong plants, and students will repay society after graduation. This is the very nature of education.

In the past, our academic structure has been criticized as designed for "spoon-feeding" education by locals and foreigners alike because our university education lasts for too short a period of time, which has resulted in the inability of critical thinking and lack of opportunities for free expression on the part of students. Therefore, after years of discussion and consultation between the Government and the community, the "3+3+4" academic structure is finally implemented. The new academic structure clearly places more emphasis on developing students' ability of critical thinking, enabling students to learn how to learn and give full play to their potential in a more confident manner. To better nurture the next generation, we fully agree with implementing the "3+3+4" academic structure.

However, we are concerned that the implementation of the new academic structure would create an impact on SEN students. As all of us may understand, SEN students generally take a longer time to learn than ordinary students. These students with learning disorder take a longer time to comprehend and acquire the knowledge involved in a small part of a task before they can acquire the knowledge required for the entire process. As they take a longer time to learn, the authorities should make arrangements for their learning based on the principle of equal opportunity so that they will have the opportunity to complete their studies. Setting a rigid limit on the length of their schooling or their age would obviously ruin their objective and dream of completing their studies.

According to the understanding of the Equal Opportunities Commission (EOC), the Education Bureau currently provides four years of junior secondary

education and two years of extended education, which add up to a total of six years of junior secondary education, for ID students, that is, students with learning disorder. Therefore, the school leaving age for ID students is 18. Although the Education Bureau has provided a three-year senior secondary academic structure for students with learning disorder after the implementation of the new academic structure in 2009-2010, these students will reach the age of 18, their school leaving age, after they have completed the six-year junior secondary education. According to the parents, although the authorities did not admit imposing a restriction on the right to schooling on ID students aged 18 or above, the fact is students who have reached the age of 18 will be the first ones to be excluded from the list of students eligible for aided school places. In other words, if they wish to complete their studies, they will have to do so at their own expenses. Therefore, the EOC considers that it remains to be seen whether or not ID students will really receive the proposed three-year senior secondary education as ordinary students do. After communicating with parents of ID students, we consider that this three-year senior secondary education may only be an illusion. Certainly, we also understand that resources for education are limited and subsidies cannot be provided indefinitely. However, it should still be clearly provided that students with learning disorder will have the opportunity to complete the "3+3+4" new academic structure, having regard to their SEN.

The motion proposed raising the age limit for SEN students to the age of 22. In other words, they will be allowed to stay in school for three school years after they have reached the age of 18, so that they will be able to complete the senior secondary curriculum. We think this is after all a stop-gap measure. If ID students are strictly required to leave school at the age of 18, parents will certainly be worried because exit alternatives available to ID students are limited and they may not be able to enter university or secure suitable training or employment after leaving school. Jobs available to ID students are often non-skilled in nature, such as packing cutlery sets for catering companies or performing some simple repetitive tasks. Would it be fair to require them to engage in such work from the age of 18 until retirement? Actually, besides providing ID students with the opportunity to study in senior secondary schools, we think the Government should also allocate additional resources to provide ID students with diversified and continual training.

I have recently studied the submission from the Hong Chi Association to the Legislative Council. The Association provides vocational training on

various services industries. After completing the training, some students work as hotel room attendants at five-star hotels and others work at the gold vault of large banks. These ID people can manage their jobs very well, and many young people are unwilling to take up these positions as the day-to-day duties involved are relatively simple. Therefore, the authorities should support this type of diversified vocational training so that ID people will have more opportunities to give full play to their potential, develop their career and better serve society.

With these remarks, I support the motion.

MR TOMMY CHEUNG (in Cantonese): The Government's original intention of implementing the "3+3+4" academic structure was to enhance the quality of education in Hong Kong. However, the Education Bureau went so far as to use this as an excuse to instruct, without prior notice, that students studying in special schools must leave school when they have reached the age of 18 and may only be allocated aided school places upon re-application subject to approval. I think this is definitely a major retrograde step in the policy on special education, which is indeed ridiculous.

SEN students, as the term suggests, are students who cannot adapt to the normal education mode, and basically, they have to spend more time than the average students in learning. Under the previous nine-year free education system, they still had the opportunity to receive up to 12 years of free education, including the six-year primary education, the four-year junior secondary education (which includes Lower Secondary Three and Upper Secondary Three) and a two-year extended programme.

After the implementation of the new academic structure, the Education Bureau acted against this principle by requiring these students to complete the senior secondary curriculum within 12 years as non-SEN students do and leave school at the age of 18. May I ask whether this can still be regarded as a policy on special education? With the undertaking made by the Education Bureau, parents have been keenly expecting that their children would be able to enjoy the three-year senior secondary education. But now, all they can find is that the authorities are only paying lip-service and will actually reduce the period of

education provided despite its claim to extend it. This would inevitably make these parents feel being cheated.

As early as three months ago, I already moved a motion at a meeting of the Panel on Education requesting the Government to put in abeyance the age limit under which students studying in special schools have to leave school at the age of 18, and the motion was passed unanimously by the Panel. Unfortunately, the authorities still implemented the policy as planned, turning a deaf ear to our views. This has created a sense of helplessness in many parents of SEN students as they are worried that their children would be "cast out" from school. This has also given rise to public opposition against the policy.

Although the Government immediately took remedial actions following severe public criticisms, saying that it would handle students' applications for extension of stay with flexibility, and swiftly approved more than 320 relevant applications, there were still 60 ID students whose applications were rejected. These students were subsequently "cast out" from school. Actually, even if all 388 applications for extension of stay were approved, and based on the calculation that the annual cost for providing for a school place for students with the most severe intellectual disability is \$200,000, an additional annual provision of only about \$7.8 million would be required. Compared with the \$240 million required for implementing the policy on compact fluorescent lamp cash vouchers, this government expenditure of about \$7 million is indeed a drop in the ocean. Why are the authorities so mean to these students and their parents, thereby causing them to suffer?

The Liberal Party considers that as the authorities have acknowledged that SEN students should also be entitled to the three-year free senior secondary education, should these students not be allowed to leave school when they have reached the age of 21 or stay in school at most until the age of 22, as proposed by the "關注特殊教育權益家長大聯盟", a coalition of parents concerned for rights to special education?

We believe all SEN students should be provided with suitable education opportunities. Unfortunately, however, existing subsidized special education services in Hong Kong have primarily adopted Chinese as the medium of instruction, while only a small number of places provided by the English Schools Foundation offer programmes taught in English. SEN students who speak other languages are unable to gain admission to schools.

Recently, the Liberal Party has received from expatriate parents quite a number of complaints about the difficulty they face in finding suitable schools for their children with SEN when they planned to work in Hong Kong. Even if such school places were available, the average waiting time could be as long as two to three years, which had eventually caused them to abandon the idea of working in Hong Kong or leave Hong Kong, thereby depriving Hong Kong of the opportunity to recruit talents. It is indeed necessary for the authorities to comprehensively review the special education policy in Hong Kong and effectively address the needs of these students.

Besides, the authorities should also provide adequate software and hardware support to special education schools. For example, some parents of the SAHK Ko Fook Iu Memorial School, a school for children with physical disability at Wo Che Estate, relayed to us that even though almost 85% of the students are wheelchair-bound, there is basically no ramp access in the school, not to mention sufficient space for offering classes under the new senior secondary curriculum.

Besides hardware, the software of teacher training is also very important. At present, inclusive education seeks to assist students with special learning difficulties (SpLD) to study in mainstream schools. However, according to the relevant report published this year by The Ombudsman, among schools which offer places to students with SpLD, as many as 76% of the secondary school teachers and 30% of the primary school teachers have not received any relevant training at all.

Even though the five-year teacher training framework to enhance teachers' capacity in supporting SEN students was smoothly implemented two years ago, only 10% of the teachers in Hong Kong have received basic training within three years, that is, in the school year of 2012-2013, which is indeed very unsatisfactory.

Therefore, the authorities should not rub salt into the wound of these students with SpLD. Rather, they should provide them with suitable and fair learning opportunities in order to properly address their learning needs.

President, when I was walking in Kowloon City a few months ago, a parent carrying his child in his arms came up to me and urged his child to thank me for fighting for his rights in the hope that he would have more learning opportunities

in future. Frankly speaking, I do not deserve that show of gratitude because I am unable to help him with anything. Besides engaging in empty talk, participating in motion debates and supporting the original motion and the amendment today, there is nothing else I can do. Therefore, I would like to call on the Secretary to refrain from being so mean. We are fortunate that our children do not have to receive special education, but I really hope the Secretary will put in more resources in this respect to help those people in need.

President, I so submit.

MR WONG SING-CHI (in Cantonese): President, it is absolutely necessary to conduct a debate on the subject today. I agree very much with item (a) of the original motion moved by Ms Cyd HO, that is, "to abandon the mindset of addressing special education from the welfare perspective". Why does the Government regard special education as a kind of welfare while continually encouraging the elderly or the youth to further their studies at the same time? Does it mean that the provision of special education is a kind of grace?

This is indeed most unfair. Special education does not simply differ from mainstream education in its venue and classroom arrangements but is also a continuous service provided for individuals who are different from or not the same as recipients of mainstream services, and therefore should receive additional support accordingly.

Special education includes education for students with learning disorder, communication skill impairments, severe emotional disorder, behavioural problems, physical disabilities and developmental disabilities, such as dyslexia, specific language disorder or dyspraxia, mathematics disorder, and so on. As these disorders are hard to be identified by the layman, it is necessary for the authorities to provide support to parents and teachers to facilitate their early identification of these conditions and enhance their understanding and awareness of learning disorder in order to render assistance to these students and provide them with the most appropriate education and learning strategies in the light of their strengths and weaknesses. As for assessment, besides professional assessments conducted by clinical psychologists or educational psychologists, various other supportive measures may also help these children learn more effectively.

According to the view of the Hong Kong Association for Specific Learning Disabilities, students suspected of having learning difficulties are referred by the school to educational psychologists for assistance or they may directly approach the Department of Health for assessment. However, students suspected of having learning difficulties by schools have to undergo a screening first using the Observation Checklists for Teachers. If they are really found to have mild or obvious learning difficulties, the Hong Kong Specific Learning Difficulties Behaviour Checklist for Primary School Pupils will then be employed to enable further understanding of their conditions, or professional assessment by educational psychologists will be arranged.

The Association pointed out that this is actually an unduly time-consuming process and students have to undergo different processes one after another. If the school holds a view different from that of the parents, it will refuse to provide assistance to the student concerned. The so-called early support is only to put these students in remedial classes, in which these students may not be able to learn anything at all in the end. What can we do when there are so many barriers?

Parents may often find it very hard to accept that their children are found to have SEN. They may be concerned about their children and may thus need emotional support. We have to provide them with assistance in getting along with their children so that they may gradually come to terms with the reality. Much supportive effort is needed in this respect.

As for students, under the former five-year secondary academic structure, special schools also offered curriculum leading to the Hong Kong Certificate of Education Examination (HKCEE) for children with hearing impairment or some children with physical disability. As students with hearing impairment may encounter delays in language acquisition and expression and students with physical disability may also need to receive various therapies, they take a longer time to learn. If a student of a special school wishes to remain in a secondary class after the end of the school year during which he/she reaches his/her 20th birthday, he/she is required to seek the approval of the Education Bureau.

For ID children, owing to their limitations in intellectual functioning, schools for ID children have to set learning objectives and draw up individualized education programmes for each ID student based on his/her development and ability, so that he/she will attain the academic level corresponding to his/her

ability by the time he/she leaves school. At present, ID students are normally admitted to school at the age of six and they may receive 12 years of education. Therefore, for those ID students who have reached the age of 18 but have yet to receive 12 years of education, the Education Bureau will approve in principle their extension of stay in the following school year. But as only a certain number of such applications may be approved each year, some children are unable to receive appropriate education.

Under the NSS academic structure, ordinary students may receive 12 years of education, that is, six years of primary education, three years of junior secondary education and three years of senior secondary education, and the curriculum has undergone modifications. Instead of sitting for the HKCEE, they will sit for an examination after completing Secondary Six.

Normally, when ordinary children need an additional year to complete the new curriculum, children with hearing impairment or children with physical disability will take an even longer time to do so. The Government should extend their stay in school to enable them to better adjust to the new curriculum and learn more effectively, thereby attaining the new academic level corresponding to their ability.

Besides the above issues of education, the last point I would like to raise is about the employment of these students. The Secretary may not I do not know whether it is relevant, but the Secretary should be able to address this issue. Last November, the reply given by the Education Bureau in response to a question raised by this Council did not include figures on the occupations the school leavers were engaged in and their prevailing unemployment rate. I hope the Bureau will not only take care of these children's learning but will also compile figures on their employment in the future and provide them with sound support so that they may learn effectively and secure employment opportunities.

Thank you, President.

PROF PATRICK LAU (in Cantonese): President, education is very important to the development of every person, especially students with special needs. Adequate resources must be provided to nurture and support their development. Hence, I greatly support this motion proposed by Ms Cyd HO today calling on the Government to re-formulate the special education policy and improve its

existing policy to allow students with special needs to continue to acquire knowledge through attending school and contribute to society.

It has recently been reported that a young person, who has earned the nickname "Hong Kong's Stephen Hawking", has to rely on a wheelchair to move around since he was diagnosed with muscular dystrophy at a very young age. Despite his very limited mobility and his ability of only moving his fingers slightly, his persistence has finally earned him a first class honours degree, and he has even been employed by The Hong Kong Polytechnic University. It is indeed worthwhile for us to learn from his perseverance. At the same time, this example demonstrates that education can help us exploit our strength and is vital to our physical and mental development. Furthermore, by receiving a good education, children with intellectual disability or SEN can even develop and contribute to society in the future, thereby benefiting society as a whole and reduce the burden on society. Therefore, the resources devoted by the Government to special education cannot be saved.

I very much agree with Ms Cyd HO that the requirement for these students to leave school once they reach the age of 18 will create problems. Just now, the Secretary mentioned that when these students reach the age of 18, they will be offered assistance in phases. Perhaps this is not the most realistic issue. Every person has to go through the stage of receiving secondary education. Therefore, I do not think that restrictions are necessary. If these students require more time to finish their secondary education, I think the Government should give this consideration. Furthermore, given that the "3+3+4" academic structure will be launched shortly, the gap between these students and young people of roughly the same age as them will be further widened should the Government fail to provide the former with a new senior secondary school curriculum.

Of course, individual students will be unable to finish their senior secondary school curriculum before the age of 18 if they started schooling late or were forced to be absent from school due to chronic illnesses. As mainstream schools are not subject to any restriction on the age of leaving school, will students with disabilities be treated unfairly as a result of such a restriction? In my opinion, we must make effective use of available resources to assist them in receiving education like ordinary people. Therefore, I consider it very important to relax the restriction on requiring these students to leave school once they reach the age of 18.

President, it is reported that the Education Bureau has approved 300 applications this year by students with special needs to prolong their period of attending school. However, the majority of special schools have merely provided a new senior secondary school curriculum this year, and no old senior secondary school curriculum is provided. As a result, these students have experienced problems with curricular conversion. In my opinion, the Government must work out solutions to help them adapt to the new academic structure and address their conversion problems.

The Secretary announced the encouraging news last week that an additional 500 special education places would be provided in the short and medium terms. However, can the additional places meet the local needs for special education? I also agree with the motion that it is very important for comprehensive research to be conducted on the special education needs, as it is very important for the Government to formulate measures to alleviate the long-term education needs based on good studies and planning, such as studying the construction of schools and dormitories in appropriate places.

In order to address the problem of school places, I hope inclusive education can, by all means, be implemented in Hong Kong. Just now, a number of Members have also mentioned proposals concerning this. The Secretary has also indicated that he has made reference to the mode of inclusive education adopted in overseas countries. In my opinion, Hong Kong has frequently made reference to the mode of education in overseas countries, but there is an enormous gap between Hong Kong and overseas countries, and the mode of overseas schools has never been truly adopted in Hong Kong. Therefore, I think that schools in Hong Kong should be allowed to take the initiative to create a suitable environment to enable students with special needs to study in mainstream schools. I hope the Government can introduce initiatives, such as offering subsidy to schools to improve their environment, to enable the integration of ID students. I also hope that the Government's policy can truly achieve the objective of nurturing talent, and in this regard, teacher training also plays a very important role, too. The motion has also mentioned this point. I hope the Government can, taking account of teacher training for inclusive education and the needs of special education, conduct a fresh review of existing teacher training and programme content of continuing education and provide appropriate training to enhance teachers' knowledge of the learning needs, emotional control and

inclusive education of students with special needs, so that they can accomplish their teaching tasks more smoothly.

I so submit. Thank you, President.

MR PAUL CHAN (in Cantonese): First of all, President, I would like to declare that I am Chairman of Friends of Caritas. As a provider of special education in Hong Kong, Caritas operate three special schools for students with severe ID, two special schools for students with moderate ID, one special school for students with social development difficulties and one special section for students with hearing impairment.

I am very grateful to Ms Cyd HO for proposing this motion and Miss Tanya CHAN for proposing her amendment today. Through this motion debate today, I hope the Government will give more weight to facing up to the difficulties and needs of SEN students and their parents.

Having regard to the implementation of the New Senior Secondary (NSS) academic structure, the Government has proposed the provision of 12 years of education, comprising six years of primary education, three years of junior secondary education and three years of senior secondary education, to ID students. Regrettably, the Education Bureau suddenly issued a verbal notification to special schools all over the territory in April this year that all ID students, whether or not they have completed their curriculum, will not receive subsidy and must leave school once they reach the age of 18. This reflects the Government's indifference to the needs of these students for special treatment because they encounter more difficulties and require more time than others in learning and integrating into society.

In the past, special schools provided ID students with six years of primary education and four years of junior secondary education. Furthermore, a two-year Extension of Years of Education Programme was provided to allow students with the need to continue their studies in school after completing junior secondary education, even if they had reached the age of 18, to continue studying in school until they reach the age of 20. This policy was actually not bad. In comparison, the indiscriminate practice announced in April reflected that the Government was bureaucratic and rigid in amending its policy. Not only has the

Government failed to take into consideration the holistic development of students, it can also be said that the Government is ignorant of the plight of the people.

This decision made by the Government had made both parents and students feel utterly helpless and, as a result, they could not but go to different places to seek help. As a last resort, they filed a writ for judicial review. As we all know, parents lost the law suit, but who was the real loser? I think the Government was the real loser because this incident reflected that the Government had failed to make comprehensive consideration in formulating its policy, and as a result, its administration is not in keeping with the livelihood of the people and is devoid of empathy.

Prior to the summer recess of the Legislative Council this year, the Panel on Education held a number of meetings to follow up the issue of special education. After conducting a survey, a concern group of principals on students' right to remaining in school (關注學生留校權校長小組) pointed out that it would involve approximately \$20 million worth of resources for all students aged 18 or above to continue their schooling in this school year. Is the Government not a bit unsympathetic if it requires these students to leave school for the mere sake of saving this sum of money? When the Government is confronted with these students, how will the officials feel if they allow students whose mental development and physical strength are not commensurate with their age to enter the adult world to begin a new chapter of their life? President, the purpose of keeping these students in school is not simply learning. Apart from learning academic subjects, they have to learn how to take care of themselves and how to lead their lives if they discontinue their education and have to integrate into society or other institutions in future.

Early this month, TONG Wai-ting, an ID student who filed a writ for a judicial review, and the 18-year-old daughter of a former Member of the Legislative Council, Dr Fernando CHEUNG, who has severe ID, were featured in an episode of Radio Television Hong Kong series "Hong Kong Connection". Under the NSS academic structure, they will both be shut out of the school gates. President, some principals of special schools pointed out in the programme that quite a large number of students had already reached the age of 17 this year and were studying in Secondary Four. The number will be very large if students are required to leave school when they reach the age of 18.

Subsequent to this programme broadcast by RTHK, we learnt from newspapers the following day that the Education Bureau had retracted its across-the-board decision of requiring all ID students to leave school when they reach the age of 18. Furthermore, the Bureau had even indicated that additional resources would be allocated to provide additional places in special schools for ID students and carry out conversion works in these schools in order to achieve the goal of providing additional places. Moreover, the power to vet and approve applications by students to extend their years of education will be handed back to the schools. It can therefore be said that it is still not too late for the Government to turn back.

President, as regards the question of whether the additional resources are capable of meeting future needs, this Council still lacks the support of relevant data and information. If we look back at 2002-2003 when the Government suddenly required students to make applications for extending their years of education, we will find that the Government had underestimated the number of applicants at that time. This is why the motion proposes that the Government should comprehensively assess the number of SEN students in the territory. It is indeed a matter of great urgency to do so.

Meanwhile, it has been pointed out by some principals of special schools that the provision of an additional 200 places a year is still far from adequate because they have no idea how these places will be distributed and to which schools and classes they will be allocated, how to define which students with "genuine needs" or "justifiable reasons", and so on. I hope the Government can give us a more detailed explanation on the relevant details later.

Lastly, I would like to call on the Government to give comprehensive consideration to the school leaving arrangements for ID students. Although the Government has indicated that it has reached an agreement with the Hong Kong Special Schools Council that a review will be conducted upon the implementation of the NSS academic structure for the purpose of establishing an mechanism, I still wish to point out that, President, in formulating this policy, the Government must ensure that these ID people must be capable of leading a meaningful life rather than thinking that the purpose of keeping these students in school is merely learning. We hope to help them adapt to different situations according to their own abilities in future and then integrate into the community.

President, I so submit.

MR WONG YUK-MAN (in Cantonese): President, on 2 December, the Education Bureau met with Members of this Council and representatives of concern groups for special education on the direction of improvement regarding the learning period of ID students and the mechanism for their school leaving arrangements. While I disagree with those who describe the meeting as a belated act of justice, I also disagree with those who say that the Government has heeded good advice because of the strong voices of opposition, because it has failed to face squarely a fundamental issue, that is, the points raised in the motion proposed by Ms Cyd HO today. This is why I have to, as a matter of formality, thank Ms HO for proposing this motion so that we can face squarely the problems caused by the Government's special education policy.

I wonder if Members have ever heard of this Latin proverb, which reads "let justice be done, though heaven falls" in English. This policy has failed to uphold justice, right? With the introduction of the NSS school curriculum, why to adjust and extend the learning period of ID students accordingly, right? Common sense tells us that the Government should act in this manner, buddy. Why can a broadbrush approach not be adopted? We can clearly see from the situation that their learning period has to be extended in order to tie in with the NSS school curriculum, right? There is a general consensus among us that ID students have to stay in school for a few more years. "Uncle SUEN", what is the problem with this?

At the end of the day, there must be a problem, and it is about money. Therefore, he has to seek resources, or "get money", to "implement the short-term measure to increase places in schools where conditions permit to provide an additional 200 places for ID students". There are prerequisites for everything. Can the Secretary give me a reply later as to whether he has found enough money? He should have found enough money when he said that an additional 200 places should be provided. As regards his remark on seeking resources, where should he go to secure the resources? I recall this statement made by him, that education is definitely an ongoing undertaking. Even though no additional resources will be provided, the Government will definitely not slash the existing resources. These are the words of Secretary, right? Why can additional resources not be increased? If such needs arise, additional resources should be provided. However, please do not give me compact fluorescent light bulbs and then make me pay higher electricity tariffs. The Government must pay the exact

amount of money, not even a cent less. I am not seeking to bring up old scores again and take the Government to task.

More than \$5 billion in total can be foregone by slashing the profits tax rate and standard rate by 1%. In other words, more than \$10 million can be accumulated in two years. There are a lot of things the Government can otherwise do with this sum of money. Tell me how much money will be needed to implement this policy? The Government is always "reluctant to spend money on good causes, yet willing to waste it", right? Who asks for a reduction in standard rate? Who asks for a reduction in profits tax rate? Who asks for a reduction in rates? Instead, I ask the Government to increase the amount of Comprehensive Social Security Assistance payments by returning to the poor the 11.1% slashed in 2003. Am I right? Money should be spent on good causes. The reasons cited by you are not sound at all. Buddy, this is justice! The Basic Law has stipulated clearly that it is our basic human right to receive education. Whether virtuous or unworthy, physically fit or handicapped, every person has the right to receive education. If 12-year free education is to be provided, they will require 16 years. The reason is this simple. Why should we keep on arguing and frequently bring up this issue for discussion? The Under Secretary was blasted by me when he was here last time. I remember Dr Fernando CHEUNG was here when I was in a rage during the previous discussion on this issue, and the Government eventually gave in reluctantly. The Government should have done this a long time ago, and yet it has chosen not to do so. Buddy, it is necessary to address the problem at root, but you have failed to do so.

The Secretary has said that resources will be sought to "implement the short-term measure to increase places in schools where conditions permit". Then, he said that the Government's mid-term measure involves conversion works in special schools for the provision of another 350 places. I think the Government must inform us of every concrete detail, including the time of implementation and details of the timetable, right? As some students have already prepared to leave their schools, the matter has to be dealt with urgently. These are all very realistic problems. Secretary, regarding special education, we need to I will not use the expression "great sympathy". With its existing resources, the Government should be more than capable of meeting their requests, right? Actually, the Government is only required to fine-tune the entire financial arrangement slightly in terms of public expenditure. Very often, a small design can change the world. Secretary, this is like political elections.

Their greatest contribution is secret ballot, not universal suffrage. Such a small design can already change everything.

There is a Chinese saying that "Do not think any virtue trivial, and so neglect it" — this saying was frequently quoted by me during the meetings last year. It is now frequently quoted by government officials. This applies to the electric light bulb policy, too — "Do not think any virtue trivial, and so neglect it". However, "do not think any virtue trivial, and so neglect it; do not think any vice trivial, and so practise it". The Government has chosen to neglect what is considered by it to be trivial and practise every day what is considered to be vice, such as constantly implementing policies beneficial to capitalists. Similarly, we can see throughout the entire policy address that the rich people in Hong Kong can do whatever they want. The poor people can only hope to benefit from the handouts slipped through their fingers. Now, the Secretary is seeking the resources slipped through their fingers. Given that the Secretary is such an experienced bureaucrat, there is simply no excuse for him to have failed to work out a solution. On the contrary, I have to praise him because we might end up with nothing if someone else takes his place. If not for his most adept diplomatic skills, these initiatives would not have been launched. But, Secretary, the fundamental problem still remains not solved.

Special education is not confined to ID students. Actually, I can go on and on. Special education covers many other areas. During my visit to the Ebenezer School & Home for the Visually Impaired last year, its Principal complained of the problem with school places. We have problems again, right? There are problems everywhere. We have problems with schools for the visually impaired and the hearing impaired. There are also problems with education of children with emotional disturbance. Hence, this motion today actually gives us an opportunity to debate the need to address the problem at root as well as the need for the Government to re-formulate a new special education policy.

Thank you, President.

MR ABRAHAM SHEK: President, on behalf of all the students with special education needs (SEN students), I would like to thank Cyd for moving this motion debate.

Michael, are there any other ministers who know what education is and any other ministers who know about the plight of SEN students? There is no better one than you yourself, as you come from a family of educationists and you yourself is a kind-hearted person. With this, I would like to start my speech. I hope that you can understand the plight of SEN students.

SEN students need extra care and support. They were not born equal like those students up there. They were born unfortunate because they suffer from physical disabilities and mental disadvantages. Mentally challenged students are the most vulnerable in our society, as they are unable to voice and express themselves, and they cannot even do that for their wants and their basic needs, not to speak of their normal education. To them, learning is indeed a lifelong process. For their parents, President, there are no dates that they can be proud of their children's graduation. For their parents, it is a lifelong exercise of teaching them how to become normal beings. On the one hand, it takes these students longer to grasp the same subject as other students. During the learning process, they often face a number of difficulties including emotional problems which entail particular care by teachers. Thus, more time and resources have to be spent on each SEN student. I think this is the obligation of our society, particularly of our Education Bureau.

Under the New Academic Structure for Senior Secondary Education and Higher Education (the 3+3+4 structure) for special schools, these schools, which used to provide education only up to junior secondary level, can now provide senior secondary education. This measure somehow should be more than welcome to both SEN students and their parents as it provides an opportunity for SEN students to continue their studies and further develop and consolidate their knowledge in special schools. These are some of the good things that the Government have done, but that the Government have not done enough. Yet the most serious fault of the policy is that the Government has not taken heed of the needs of SEN students when it drew up the policy. I think it needs to have special care and understanding, as well as compassion to deal with those SEN students.

On 2 November 2009, the Education Bureau announced that the Government would seek resources (Why does it need to seek resources? It has plenty of resources) to implement improvement measures, including the short-term measure of increasing places in schools, where conditions permit (Why conditions permit? The schools need those) to provide an additional

200 places (Why 200 places. We need 800 places) for students with intellectual disabilities, the interim measure of proceeding with conversion works in special schools in order to provide another 350 places, and the long-term measure of identifying suitable sites for new schools or re-provisioning existing special schools. Why so late? Well, it is better late than never. But somehow, it takes ministers like you to do it at least. Better late than never. Michael, you have done that good work, but for those who are before you, I have great doubt.

To a large extent, these quick-fix measures were drawn up due to public pressure and strong criticism, and your own compassion. Obviously, the Government had not attached great importance to our most vulnerable students when it formulated the 3+3+4 structure for special schools, and that omission should be openly condemned.

Most importantly, despite the above recently announced measures by the Education Bureau, it is desperately disappointing that the Government still insists on using age as a reference point (from 20 year-old previously to 18 year-old now), based on the principle of 12 years of education to assess whether students should be allowed to extend their stay in school, a blatantly discriminative measure against SEN students. This has to be condemned, as such an assessment does not even exist in mainstream schools. How can you tell the parents of SEN students that their children must leave the school when a normal student can stay on and repeat? That is something that nobody can understand. What kind of policy is it? In brief, the policy is ultimately based on appropriateness for physical ages. As a rule of thumb, 18 is considered a mature age by which time one should have developed enough knowledge and skills to cope with daily life independently. However, for students with intellectual disabilities whose mental ability does not match their years (say a physically mature student with a mental age of 10, or an 18-year-old student might not even have a mental age of 10), the reality is the other way round. Please consider with kindheartedness how brutal it would be to force SEN students to leave school when staying on at school would be the best for them. What they request is a choice, a choice as a human being, a choice to learn, to select the most appropriate way of pursuing their life objectives, to learn something useful. This has nothing to do with resource allocation or the principle of equality (The moment when they came into this world, they were not equal. Thus, we should give them more equality than all other students) but with the Government's commitment to creating a caring society, I hope that these are not

empty words. Perhaps the time has come to rethink the existing, physical age-based, special education policy and consider replacing it by a policy based on compassion and love and kindness.

With these words, I hope that Michael will be able to deliver us with a new kind of policy for our SEN students. Thank you.

DR RAYMOND HO (in Cantonese): President, social advancement can be manifested in economic development and the living conditions and environment of its people; it also hinges on whether a society can become more caring, and this essentially means whether the people care for each other, particularly the disadvantaged.

In terms of economic development, Hong Kong has already reached the level of a developed economy. However, it seems that our society still falls short of manifesting itself as a caring society. Although Hong Kong can be considered an affluent society, its support for the disadvantaged is still relatively basic. This can be reflected in the Government's special education policy, too.

Years ago, I was a member of a committee set up under the Hong Kong Red Cross. My experience of serving on the committee, which was responsible for managing five boarding schools for people with disabilities and the operation of 11 hospital schools, gave me a better understanding of the needs of these people. Like students in ordinary schools, students in special schools are very serious in their learning. Very often, their results in the Hong Kong Certificate of Education Examination are pretty good. However, due to various physical limitations, they have to work extra hard in learning. For this reason, they require even more learning support than ordinary students do. But, only ordinary support is given by the Government in this respect. In comparison with some developed countries or economies, the services provided by us are extremely poor. The policy of requiring SEN students to leave school when they reach the age of 18 has highlighted, even more profoundly, the Government's indifference to their needs of education. Actually, these students can enhance their adaptability to society through education, thereby reducing their reliance on society in future. We should give them sufficient time to receive due education. And we must also understand that they might require a longer period of time than other students.

It is imperative for Hong Kong, as an economically advanced region, to inject more resources into special education. In order to ensure the injected resources can achieve the maximum effectiveness, I think it is imperative for the Government to re-formulate the basis of its policy, and the relevant authorities should also, having regard to the needs of modern standard and the way forward for development of special education, review teacher training and formulate the complementary and support services for the education provided for students with special needs in the future.

President, from the perspective of resources, Hong Kong is absolutely capable of providing SEN students with better education and learning conditions. The key lies in how important this issue is taken by the relevant authorities. I hope the Government will not make consideration only from the angle of economic benefits. In addition, it should take pragmatic actions in moving towards the goal of a caring society to enable everyone to see that our Government is responsible and caring.

I so submit. Thank you, President.

MR ALBERT CHAN (in Cantonese): President, the Secretary has a long history of joining the civil service team and has assumed office as an accountable Secretary for years. However, I believe, throughout his political and civil service career, he has impressed the public most with his scrapping of the Municipal Councils, that is, the Regional Council and Urban Council, when he was the Secretary for Constitutional Affairs. Apart from this, he was also very well known for his "nine strokes" when he was in charge of lands and planning matters. Even the construction of Home Ownership Scheme (HOS) flats was scrapped. When he was bearing office as Secretary, he scrapped everything, from the two Municipal Councils to HOS flats. As a result, not only has Hong Kong lost two councils with democratic credentials, the number of shelters has also been reduced. At the peak of the construction boom, an additional 90 000-odd residential flats were built jointly by the Government and private property developers within a year. Following the introduction of the "scrapping" measures by the Secretary, the construction of HOS flats was brought to a halt, and only some 7 000 public rental housing units remained. When production was at its lowest, only 7 000 to 8 000 flats were produced per annum. Coupled with several thousand private residential units, only 10 000-odd flats are provided per annum. So, production has fallen six-fold at one go. Thanks to

"Uncle SUEN", luxury flats have now risen to \$70,000 per sq ft. I believe he will be praised highly by property developers. I also believe the post of Secretary for Education will very likely be the last job of his political career. But I hope he will not work for property developers in the days to come.

When it comes to education, I certainly hope the Secretary will not scrap everything, like what he did when he was in his two previous posts. I remember a book called *黃興傳* (A biography of Huang Xing) I read years ago. When Huang Xing mentioned his work in the book, he said that he missed one of his former teachers very much. When he encouraged this teacher to participate in the revolution with him back then, the teacher refused to do so because he had to devote himself to education. He said, "Staging bloody revolutions is brief and easy, but pursuing education through blood, sweat and tears is tedious and arduous." This illustrates that education is a persistent task. This is all the more so for education for people with special needs. Education is not only confined to the "6+6" post-early-childhood stage and preparing students for university studies. Lifelong education might need to be provided for SEN people.

Just now, I rang up a Tin Shui Wai resident whom I have known for years. Being the parent of a child with special problems, he hoped I could conveyed to "Uncle SUEN" through this opportunity today that, as parents, they merely hope that their children can acquire the basic survival skills of taking care of themselves. He also said in all sincerity that the parents of children with special learning needs hope that after they have passed away, their children can take care of themselves and acquire some skills. Actually, this is just a very humble and simple request. However, if we look at the special education policy in Hong Kong today, it is similar to other problems here. Hong Kong is known as a developed city with the worst wealth gap, and its number of poverty-stricken households has already risen to 1.23 million. Actually, if we compare Hong Kong with other developed countries or regions in terms of special education, or assess the special education provided here with certain indices, I believe Hong Kong will come last at any time.

Furthermore, I remember a young couple who lived in the same district as mine years ago. Unfortunately, shortly after their marriage, they gave birth to a SEN child, and they immediately decided to migrate to Canada. Both of them

were very capable persons with high academic qualifications and excellent work performance. I also believed they were quite successful in their professions. Even though they were only in their thirties, they made the decision to migrate to Canada for the well-being of their child. They felt that, should their child grow up in Hong Kong, it would definitely be a very painful experience, due to such problems as the territory's special education policy, relevant facilities and educational levels. After examining the special education provided in Hong Kong, they finally decided to leave their hometown for the sake of their child. Therefore, I would like "Uncle SUEN" to know that Hong Kong people face so many social, livelihood, and family problems. In addition, the education problems of children, especially the education problems of children with special needs, have put many parents under tremendous pressure.

The problem of special education is not a policy issue that can be analysed by ordinary technocrats. The mentality of technocrats is utterly non-humanized. They merely focus on figures, resources, and procedures, rather than examining the issues from the angle of human's perception. Very often, the policies formulated by these technocrats are non-humanized, or completely devoid of conscience or ignorant. They will even be criticized by the people. These are their common problems.

Special education involves the livelihood and learning problems faced by many parents because they have some helpless children who are in need of care. In the past, we received many such complaints in the districts, especially from parents complaining of great distances between schools and homes, the inadequate number of pick-up vehicles and the need to commute for more than an hour to school. There are many such problems. Despite slight improvements in the New Territories in the provision of additional facilities and schools in recent years, the facilities and schools provided are still inadequate.

I very much hope that "Uncle SUEN" can, after experiencing years of political turmoils and storms there is this Chinese saying, "to do a good deed in the end". I hope the Secretary can enjoy a successful official career in future, or even assume office as Chief Executive. But still, I hope he can help these special children and families and do a good deed in his present capacity as Secretary for Education. Thank you, President.

MR RONNY TONG (in Cantonese): President, both questions under discussion today are related to human rights and equality. Nonetheless, the discussion on special education today also involves the problem of governance. President, I noticed that the SAR Government has recently indulged in exploiting legislation or legal proceedings to abdicate its responsibility. A number of lawsuits recently have prompted deep thoughts. Take the case of Fanny LAW or the recent prohibition of entry of members of Falun Gong as an example. Despite using some 50 pages to rebuke the Government, the Court eventually ruled in favour of the Government. Last night, it should be the day before yesterday, the People's Radio Hong Kong Albert CHAN is not in the Chamber now. The judge claimed that they have a noble vision, but their case was ruled unsuccessful. The lawsuit on special education this time around is another example demonstrating that the Government resorts to legal means to solve the problem. However, more often than not, the Government, though wins the lawsuit, will lose the support of the public and its dignity.

President, when a government resorts to legal means to abdicate its responsibility, we can at most say that it is a government that rules with law or according to the law, but not a government that respects the rule of law, nor is it a government that respects basic human rights.

President, one simple question: If taken out of the context of law, what is the responsibility of the Government? This is a very simple question. I hope the Secretary will ask himself honestly what his responsibility is. Is his responsibility in line with the core values well recognized in the international community? President, I am of course referring to the several United Nations covenants applicable to Hong Kong, which include the international covenants on human rights recognized under Article 39 of the Basic Law. President, the second paragraph states clearly that everyone should be treated equally. Article 30 of the International Covenant on Economic, Social and Cultural Rights states unequivocally that every citizen has the right to receive education, which should not be deprived because of their special conditions. We can only say that despite their special conditions, the Government is obliged to fulfil its fundamental responsibility of providing education to them. The Government should not evade or abdicate this fundamental obligation on the excuses of legal restrictions, resources and time limitations or social demand.

President, this mindset or attitude adopted in governance is absolutely unacceptable. President, the present request put forth by the people of Hong

Kong is — I do not want to use the word "humble", but this is most — fundamental and minimal. We may as well look at the situation overseas. Countries elsewhere are fulfilling their obligation in this respect in a far more committed manner than what Hong Kong society now requested.

President, I have two nephews who unfortunately have intellectual disabilities, and one of them also suffers from autism. One of them lives in the United States and the other in Canada. They are provided with comprehensive education at special schools, which includes university education. Moreover, after graduation, the government is obliged to help them to seek employment and provide them with subsidies and allowances to ensure that they have the opportunity to lead a comfortable life as normal people do. We should follow the attitude of governance and the standard they adopted in this respect instead of making all kinds of excuses to evade the responsibility.

President, a number of colleagues have expressed a lot of views today. These suggestions, including those from Mr WONG Yuk-man, are worthy of acceptance by the Government. I do not always agree with Mr WONG's remarks, but I very much agree with what he said today. Apart from this, President, I think the key is that we need to improve not only the policies of the Government but also its mindset, attitude and sense of responsibility. I think it is unimportant whether the motion today will be passed or not. The most important point is that the Secretary or even the Chief Executive understands the justifications I made earlier, the importance of its mindset, the importance of its attitude and the importance of assuming responsibility.

Thank you, President.

MR LEUNG YIU-CHUNG (in Cantonese): President, this topic of our debate today is also on the problems faced by people with disabilities. If the topic that I had proposed for discussion some time ago is also counted, this topic today is the second motion relating to people with disabilities. The topic that I had proposed is on the problem faced by people with disabilities in transport, whereas today's concerns their problem in education. This actually reflects that the Government lacks complete and holistic policies to address the problems faced by people with disabilities in various aspects. So, I must take this opportunity to point out once again that we indeed very much need an overall policy on people with disabilities,

so that we would not be noticing the incomprehensiveness of the system only when quick-fix palliatives are prescribed to cure the symptoms rather than the root of the problem. So, I wish to take this opportunity to once again call on the Government to pay full attention to the needs of people with disabilities.

But I must first thank Ms Cyd HO for proposing this motion, which is very important indeed. While she has put forward six items, a few of them are particularly important. The most important one is item (a). She made a good point in stressing the need to abandon the mindset of addressing special education from the welfare perspective. In fact, the welfare perspective should not be adopted to address not only special education, but also the needs of people with disabilities. President, why? If these are addressed from the welfare perspective, the SAR Government will consider these as the needs but not the rights of people with special needs.

In fact, what people with disabilities need is their rights being addressed squarely and their dignity respected, not welfare handouts and pity. A former colleague, Dr Fernando CHEUNG, has written a book — I wonder if the Secretary has read it — entitled *No Pity, Please*, which tells the stories of six people with disabilities, giving an account of what they have experienced and how they have fought to overcome difficulties. President, let us not look at these friends by taking pity on them. We actually should attach importance to their rights, and it is appropriate only if we look at them from the perspective of attaching importance to their rights. Otherwise, problems will arise. If actions are taken only when they are in need, that is not a positive way to nurture them, and this, I think, is most regrettable.

In this connection, with regard to this point made in the motion today, I really hope that the SAR Government can make it a point policy-wise to truly abandon the welfare perspective, and it must not treat them with a mentality of pitying them. Insofar as special education is concerned, the Government's mentality is really to take pity on them. First, why has the number of special schools been decreasing and why have subsidies not been increased? Because the Government stresses inclusive education, seeking to transfer part of the special education portfolio to mainstream education. Inclusive education seems to be respectful to their rights by giving them the opportunity to study together with ordinary students. But in fact, it shows no respect to them. It is because in our anti-discrimination laws, there is a very important concept of positive discrimination. Positive discrimination means that when we see them facing

special problems, we must specifically provide support and assistance to enable them to face social problems or to study together with the ordinary people.

But much to our regret, what our inclusive education can achieve today is just allowing those students to study in mainstream schools. While a little bit of special support is provided, it is actually close to no support at all, and this has put teachers in great difficulties because this cannot help them at all. Worse still, their ordinary classmates will also be affected and as a result, not only is it impossible for them to help each other, there is even disharmony between them. What good does it do?

So, I wish to take this opportunity today to call for a review of inclusive education, which has been a failure indeed. I wonder if the Secretary agrees to this, but it is really imperative to conduct a review afresh to make improvement, or else nobody can benefit. Even if there are people who can benefit, the number will be very small. Therefore, this must be done properly.

Moreover, with regard to item (a) proposed by Ms Cyd HO, that is, the point on abandoning the welfare perspective, I remember that the accommodation problem faced by some students with disabilities is dealt with by the Social Welfare Department (SWD). This approach is considered fragmentary indeed, as part of the work is the responsibility of the SWD while part of it is the responsibility of the Education Department, and co-ordination is impossible. As a result, just as what happens to public transport fare concessions for people with disabilities that I have been fighting for over the years, the departments just pass the buck to each other, not knowing how to deal with the problem. Why can we not officially make it a responsibility of the Education Bureau to handle all the issues relating to these students? Why should part of the work be assigned to the SWD? This is undesirable. I hope that the Education Bureau can take up this responsibility. Is that possible?

Lastly, on the question of students with disabilities having to leave school when they reach the age of 18, I think this is an even more important issue. I think that court case should not have been proceeded with, Secretary, because you are simply groundless. You do wish to provide as much assistance as possible to these people, so that they can continue with their studies, right? If that is the case, you should not have proceeded with this court case. As Mr Ronny TONG has said, although you have won the case, you are actually the loser, because you have hurt the feelings of so many parents. So, what is the point of doing it?

Why do the authorities not practically extend the years of study for these students?

Special students have special needs. It is impossible to expect them to be like ordinary 18-year-old students. This is in no way showing respect to their special needs. That the Government has not addressed squarely their rights and respected their dignity is most saddening.

This topic under discussion today precisely stresses the need to respect them instead.

President, I so submit.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Ms Cyd HO, you may now speak on Miss Tanya CHAN's amendment. You have up to five minutes

MS CYD HO (in Cantonese): President, I am very grateful to Miss Tanya CHAN for her amendment, especially the part amending "pursuant to the directive of the Education Bureau, students with special education needs have to leave school once they reach the age of 18" to "the Education Bureau will stop subsidizing" those students. Apparently, Miss CHAN has expected that the Secretary will not admit this. She also knows that I will not have enough time to speak, and so she gives me this opportunity to make use of these five minutes to do some clarification.

President, I did not intend to get entangled with the Secretary, but things have turned out to be extremely ridiculous because about two weeks ago, the Secretary said that the Education Bureau had never had any policy requiring students to leave school once they reach the age of 18. There was an outcry at that time. No one knew who had intellectual disability. Over the past seven months, parents, students and principals have been petitioning and staging demonstrations all over the territory in the sweltering heat of over 31°C. Do you think they were doing that for fun had the Secretary not required students to leave

school once they reach the age of 18? In such hot weather, the students must be having a hard time. When I had an opportunity to consult the Secretary later, he said that the Government would actually stop the subsidy only. Moreover, it will be up to the relevant schools to decide which students should be requested to leave.

However, I would like to point out that here is a letter issued by the Education Bureau in end April this year to schools on approval for class restructuring of the 2009-2010 school year. The letter stated, among other things, to the effect that "with the launch of the territory-wide new senior secondary (NSS) academic structure in 2009-2010, all students with intellectual disability (ID students) who have reached the age of 18 cannot be taken into account for the purpose of calculating the number of approved classes." This is the first tactic. It is so cleverly conceived that a student who has reached the age of 18, whether he or she has completed the senior secondary curriculum, should not be taken into calculation in the classes operated by the school. This had subsequently led to enraged public sentiments, and the Secretary was forced to withdraw his previous remark by saying that a class could be operated to allow these students to continue their studies under the NSS academic structure if there were surplus places at Secondary One to Secondary Four levels. However, according to the original practice, even if there are surplus places in the schools, students who have reached the age of 18 will have to leave school if they are not students of those classes.

President, a so-called policy can be implemented through the following three channels: legislation, resources and administration. What is provided for in the law? It is stated in the Code of Aid for Special Schools that no ID student shall be allowed to remain in a special school after the end of the school year during which his 20th birthday occurs. However, this is not a norm. Instead, it is discretionary, and applications have to be made. These students have to submit applications when they reach the age of 18, only that their applications will usually be approved. Under what circumstances will their applications be approved? The answer is: Approval will be granted to students who have been absent from schools, for certain reasons, for more than six months during the same school year. What are these reasons? According to some government officials attending parents' general meetings, these reasons include hospitalization or imprisonment for a period of more than six months. This was how government officials had behaved. How hurting and humiliating it was! Their attitude was most disgusting.

Subsequently, the officials made concessions, saying that subsidy would continue to be provided by putting aside some vacant places in other classes. Now, it is even indicated that an additional 200 places can be provided in the next school year. However, education should be underpinned by knowledge, and the truth should be sought. Therefore, President, on behalf of parents, students and principals, I think I am obliged to seek justice from the Secretary for a clarification on this point.

The last point I would like to raise concerns fairness. Is it fair to cut a cake into two portions to be shared by two persons? It is unfair because the two portions might not be of the same size. Is it fair to cut, say, the cake into two halves to be shared by two persons? It might still be unfair because a small child will have had too much after finishing half of the cake, while a person weighing 200 pounds will have to eat again after two hours. Hence, is it fair for the Secretary to say that ID students and mainstream students both require 12 years of education? Absolutely not. This is a numbers game only. Thank you, President.

SECRETARY FOR EDUCATION (in Cantonese): President, I almost thought that I would not have an opportunity to speak. I sincerely thank the 20 Members for their valuable views on the question proposed by Ms Cyd HO. I would like to respond to the issues raised by Members as well as the key points made by Ms Cyd HO altogether.

First, some Members criticized the Government for addressing special education from the welfare perspective. This, we do not agree. First of all, I wish to reiterate the Government's position on special education. How we position ourselves is very important. In fact, as shown in the title of the *White Paper on Rehabilitation — Equal Opportunities and Full Participation: A Better Tomorrow for All* published in May 1995, we clearly pointed out that special education is an indispensable part of the education system, not to be taken as work in the context of rehabilitation.

Students receiving education in special schools may be affected by their own handicap or disabilities in learning, and they may have other personal or nursing needs. To meet their needs, we have provided resources to support special schools. Apart from teaching staff, other relevant professionals are also provided, such as speech therapists, occupational therapists, and so on, as

mentioned by many Members. However, the relevant rehabilitation services are meant to perform a supplementary role, with a view to meeting the needs of individual students and hence upgrading their ability of learning. This precisely shows that we consider the provision of resource support to special education from the learning needs of students.

Another example to show that policies are formulated from the education perspective is the development of the new senior secondary (NSS) academic structure for special schools. I wish to take this opportunity to make it clear that it has been a key component of our policy formulation to engage education experts to provide advice or conduct studies as a basis for reviewing or formulating policies.

The NSS curriculum has since this school year in September been implemented in mainstream and special schools on a one-grade-per-year basis. Seizing the opportunity of consulting the special education sector on the NSS academic structure, we commissioned in 2005 a study by local and overseas experts on the effectiveness of resource management in special schools to help identify the way forward for special education. In 2006, we invited local and overseas experts and academics in the field of special education to carry out collaborative research and development (Seed) projects for a period of three years jointly with special schools admitting students with intellectual disability (ID). The objective is to develop the learning programmes of core subjects and learning progression frameworks of the NSS curriculum, and make resource-related recommendations in respect of the senior secondary teacher-class ratio. The "Seed" projects were completed in August 2009. Experts on special education from the University of Cambridge in Britain were invited to conduct studies of the effectiveness of these projects. The experts considered the curriculum suitable for ID students aged between 16 and 18 and in line with the "3+3" academic structure being implemented now. The core subjects and learning progression frameworks of the NSS curriculum have been refined on the basis of the recommendations, and various professional training activities have continued to be organized for teachers according to expert advice.

In formulating policies on special education, we base on professional studies, participation from the profession, and extensive consultation. In fact, we have launched another study with overseas experts commissioned to trace the implementation of the NSS structure for the first three years by analysing the

factors conducive to effective learning of students and collecting good learning and teaching experiences to provide a basis for the improvement of the curriculum. We will continue to consider commissioning local or overseas education institutions to conduct studies on specific areas in the light of the needs arising from the latest development.

Some Members proposed earlier that the Government should conduct an assessment on the special learning needs of all children in Hong Kong, and some Members expressed concern about the Government not knowing the number of students with special learning needs and hence not providing suitable support for students in need. I would now respond to these views and observations altogether. As I said at the outset of the debate, early identification and early support are the basic strategies in taking care of children with special education needs (SEN).

The Government has in place a proven mechanism for medical personnel and parents to jointly monitor the growth of children from birth to the age of five and the possible development of developmental disorder. The Maternal and Child Health Centres under the Department of Health conduct interviews with the parents at specific ages of the children for monitoring their physical, intellectual, language and other developments. Referrals will be arranged for pre-school children after assessment to receive specialist therapy and also various pre-school training under the Social Welfare Department according to their needs. The relevant information on their assessment will be sent to the primary schools when these SEN children reach the age to go to Primary One, so as to arrange for timely and suitable learning support services for them.

The Education Bureau has in recent years actively forged co-operation with various tertiary institutions in the improvement as well as research and development of assessment tools for use by teachers and professionals. Efforts have also been made to enhance the understanding of parents and the public of special education, and increase the number of psychologists, in order to dovetail with the development of services of early identification.

We also have in place a mechanism implemented in all public sector primary schools to identify Primary One students with learning difficulties and provide counselling to them. Under this mechanism, schools will employ the methods of assessment developed by the Education Bureau to identify students

with learning difficulties, so that these students can be provided with early counselling services from Primary One.

Additional resources have been provided starting from the 2008-2009 school year to gradually extend the Enhanced Educational Psychology Service with a view to assisting schools through the school system, teacher support and student support levels, and this will also cover assessing and meeting the SEN of students. Over 300 schools have since benefited from this initiative.

To provide more effective support, we have developed the Special Education Information System and established the procedures for data collection, in order to grasp information on SEN students in public sector schools. When the students are promoted from primary to secondary school and with the parents' consent, the information will be referred to other schools for suitable follow-up and support services. Through these procedures and the system, the statistics on SEN students can be effectively utilized for planning and implementing the relevant policies, thereby providing suitable, pertinent support for the students.

In her amendment Miss Tanya CHAN raised concern about non-Chinese speaking SEN students. Although not many Members have spoken on this aspect, I still wish to respond to this point. It has consistently been our policy to facilitate the early integration of non-Chinese speaking (NCS) students into the local education system. NCS students with special education needs can access the various facilities, resources and support services targeting NCS students as well as those targeting SEN students including tailor-made individualized learning plans, speech therapy service and assessment adaptation. Some schools will even employ teaching assistants to provide direct support to NCS students with special education needs in class. To enhance the support for NCS students in their learning of the Chinese Language subject, a supplementary guide to the Chinese Language curriculum has been formulated. Arrangements have been made for language teachers to take up the relevant training courses and workshops, and Chinese Language Learning Support Centres have also been established.

Some Members consider that we should review the facilities of special schools and upgrade them according to the latest service needs and actual operation of the schools. I share this view. In fact, we have made

arrangements for over 40 special schools to carry out works under the School Improvement Programme as far as practicable to upgrade the facilities on school premises, and new premises are provided for 10 special schools of different types through in situ redevelopment or reprovisioning. To dovetail with the gradual implementation of the NSS academic structure starting from the 2009-2010 school year, we have already carried out conversion works for seven special schools, while construction works is underway in another 15 special schools to provide additional classrooms or special rooms.

Moreover, improvement will be made to individual schools in response to the needs of schools from time to time. For example, we are in the course of making arrangements for providing air-conditioning in the student activity centre of all schools for physically disabled students and schools for children with severe intellectual disabilities. In 2009, each special school can receive subsidies at a maximum amount of \$220,000 for acquiring auxiliary technological aids to facilitate learning of students.

We will carefully examine the views expressed by Members on the programme contents of teacher training and continuing education for professionals. We have all along attached importance to the professional capability of teachers. The Faculties on Education in local universities have included in their undergraduate programmes elements of taking care of learning differences. We are currently discussing with the relevant institutions the incorporation of special education needs into the core or foundation module of pre-employment teacher training programmes. Moreover, the Hong Kong Institute of Education offers a professional development course of 30 hours or 90 hours on catering for diverse learning needs for serving teachers.

To speed up the pace of teacher training in special education and provide teachers with choices of programmes at various levels, a five-year teacher professional development framework on integrated education was introduced in 2007-2008. Besides, we have provided resources in terms of supply teachers and organized specific training courses for school principals, school management staff, teaching assistants, and so on, to enable school management and teaching staff at all levels to receive suitable training.

Over the past two years, schools have responded positively to the training courses under this framework, whereby schools can train their teachers in a well-planned manner according to the conditions of the school, while trained

teachers can lead other teachers in implementing the "Whole School Approach to Integrated Education", without subjecting schools and teachers to heavy pressure of training.

In this school year, a mid-term review will be conducted on the training courses under the framework as well as the progress of training for primary and secondary teachers to explore room for improvement, with a view to better catering for the training needs of teachers in special schools and mainstream schools.

In their speeches earlier, some Members expressed concern about the NSS curriculum for ID students. I would like to explain the existing policies and share with Members our thoughts on the direction. We must stress that the "3+3" NSS academic structure for schools of ID students was finalized in 2006 after extensive public consultation and repeated discussion. Under the NSS structure, ID students studying in special schools are entitled to 12 years of school education.

We must understand that the academic structure and the curriculum go hand in hand with each other. The three-year NSS curriculum specially designed for ID students which has been implemented since September consists of three parts: First, core subjects, namely, Chinese Language, Mathematics and Liberal Studies/Independent Living; second, elective subjects and applied learning studies; and third, other learning experiences. The concept of this design and its implementation consistently underscore the objectives of achieving whole-person education and balanced development for students. This curriculum, like that of ordinary schools, is developed under "one curriculum framework for all" with the "3+3" academic structure as the backbone, while adaptation is made to the contents to meet the intellectual capabilities, interests and needs of ID students.

I would like to draw Members' attention to the fact that this is not a "4+2+3" structure as what Members have sometimes misunderstood, because "4+2" is the old structure, which has now been consolidated to become the new "3+3" curriculum. This new academic structure, as I said just now, was finalized after careful studies and we consider that this academic structure can enable ID people to acquire the skills they need. Certainly, we appreciate the need to make arrangements for the transition from the "4+2" structure to the "3+3" structure, because students who have completed studies under the "4+2"

structure have not studied under the NSS curriculum. On this basis, we are currently discussing with this Council how best arrangements can be made during the transition to enable those students who have completed studies under the old structure to have NSS elements in their education.

Over the past few years, this "3+3" structure has been the blueprint used by schools and us to develop the curriculum and assessment frameworks, and also provide professional training for teachers, plan manpower resources and redevelop school premises. The NSS structure was launched smoothly only in September. We consider that it should be the mainstream mode and a standard rule that most students can complete primary and secondary education within the 12-year academic structure. This is also echoed by the professional view in the sector.

Meanwhile, we understand that individual students may, for various justifiable reasons, need to extend their years of education. Following the implementation of the NSS academic structure, we have undertaken as early as in the last school year to work out in consultation with the sector a more reasonable and smoother school leaving mechanism for students. I have personally met with parents and organizations to listen to their valuable views.

We have put forward development proposals in the short, medium and long terms to special schools and parents. Specifically, the idea of these proposals is to provide a certain number of additional places to special schools, in order for schools to have sufficient flexibility to exercise professional judgment according to a set of criteria on which a consensus is reached, so that students can have their years of education extended for justifiable reasons and receive 12 years or more school education according to their needs. We are glad that this idea is generally welcome by the sector and parents.

I would like to take this opportunity to further explain to Members the idea of providing additional places. We propose to adopt the strategy of starting with schools where implementation is feasible, so that schools with adequate facilities can immediately increase their places. As for schools with classroom conditions that do not totally permit the addition of places, the usable space on the school premises will be utilized as far as possible, so as to increase the number of places. In more concrete terms, we hope that places can first be increased in schools where the conditions permit in the short term to provide about 200 additional

places for ID students. In the medium term, we plan to carry out conversion works for the relevant special schools, such that these schools can ultimately increase about 350 additional places without affecting the environment and quality of teaching. In the long term, we hope to identify suitable sites for developing new school premises or reprovisioning of the existing schools, with a view to further expanding the number of places to meet the needs.

We understand that the realization of this idea will require ongoing discussion with school councils, the sector and parents. We will certainly listen to the views of parents actively in the hope that we can work out arrangements most suitable for students. If we can have the initial support from Members on these proposals, we will, in accordance with the established procedures, formulate policies and concrete measures to put this idea into practice and actively seek the additional resources required, so as to expeditiously implement these improvement measures.

In respect of schools for ID students, as they will face problems arising from the parallel running of the old and new academic structures in the current school year and the next, we have been maintaining close liaison with them, in order to work together with the schools to rationalize the learning of students in NSS places and under the Extension of Years of Education Programme during the transition period. To sum up, our principle is to enable students to complete their curriculum before they leave school, while flexibly handling applications from students for extension of stay in school during the transition period.

We are also very concerned about the service arrangements for students after they have left school. In the policy address delivered not long ago, the Government has undertaken to provide additional places for day training and vocational rehabilitation services. We will continue to work in collaboration with the relevant departments to help ID students by ensuring their smooth access to other training and rehabilitation services after they have left school.

We attach great importance to maintaining communication with the stakeholders while exploring more opportunities for exchange of views. In fact, we have provided various channels for communication, through which we will listen to the views and suggestions of different stakeholders on the development of special education. For example, there are regular and formal channels including the Task Force on Integrated Education in Mainstream Schools and

Task Force on Provision of Education in Special Schools, consisting of representatives of secondary, primary and special school councils, parents' organizations, local academics and other relevant government or non-governmental organizations. We plan to invite parents who have had meetings with me to elect from among themselves one or two representatives to become members of the relevant standing committees, so that they can take part in the discussion on matters relating to the years of education of ID students. In the meantime, we will continue to discuss with parents' organizations, and a meeting is expected to be held within this month the earliest.

All in all, we have always worked to improve the special education services from the perspectives of the education profession and the learning needs of students, with the objective of enabling students with special learning needs to attain the level of learning which is achievable with their capabilities and hence giving play to their inherent potentials. In respect of the school leaving arrangements for ID students, we will continuously work with the relevant departments in an effort to help ID students to smoothly access other training and rehabilitation services after they have left school.

Lastly, I thank again the 20 Members as well as members of various sectors in the community for their concern about special education.

President, I so submit. Thank you.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the amendment, moved by Miss Tanya CHAN to Ms Cyd HO's motion, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

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

PRESIDENT (in Cantonese): Ms Cyd HO, you may now reply and you have two minutes 22 seconds. This debate will come to a close after Ms Cyd HO has replied.

MS CYD HO (in Cantonese): President, the female author, Helen KELLER, who lost her hearing and vision due to an illness when she was a child and missed the chance to learn languages said that science might remove a lot of obstacles, but, the worst, most serious and incurable obstacle was the indifference of some people.

If what she said is applied to special education in Hong Kong, it can be interpreted as the most serious learning difficulties of students are not the psychological and physical restrictions but the indifference of bureaucrats of the Education Bureau to the unfortunate students and mentally and physically exhausted parents. In fact, they really do not need welfare because every student can be taught.

MOZART suffered from suspected Asperger and hyperactivity disorder and he lacked social skills, but he had especially sensitive hearing. Therefore, he expressed by music a lot of feelings that could not be put in words and provided us with a host of wonderful musical pieces.

EINSTEIN, EDISON and BELL who invented the telephone had disorder in reading and written expression and they suffered from attention deficit and hyperactivity disorder. When he was a child, EDISON was regarded by his teacher as mentally retarded and incurable. Thus, his agitated mother made him stay home and taught him herself. In any case, he became a useful person.

Stephen HAWKING is a theoretical physicist who has serious muscular dystrophy, however, he is a world-renowned and accomplished theoretical physicist.

Hence, many students with disabilities do not need welfare to be provided by the Secretary; they only need the Secretary to recognize that they can be taught

and to provide them with adequate opportunities to receive education; they will then become useful persons.

Here I would like to thank Honourable Members for speaking in support of the motion; more importantly, I have to thank Dr Fernando CHEUNG, parents, students and school principals for giving us a lesson in human rights and justice in the past seven months. Education is about changing one another and influencing one another. I hope that every student or child in Hong Kong would receive a certificate of graduation in the future. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Ms Cyd HO, as amended by Miss Tanya CHAN, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion as amended passed.

PRESIDENT (in Cantonese): Second motion: Requesting the Government to provide support services for men in Hong Kong.

Members who wish to speak in the debate on the motion will please press the "Request to speak" button.

I now call upon Mr WONG Kwok-hing to speak and move his motion.

REQUESTING THE GOVERNMENT TO PROVIDE SUPPORT SERVICES FOR MEN IN HONG KONG

MR WONG KWOK-HING (in Cantonese): President, I move the motion as printed on the Agenda.

President, before the commencement of this Legislative Council meeting at 11 o'clock this morning, four men's organizations (the Hong Kong Men's Concern Group, the 1.3.3 Men's Group, the Men's Club and the Prosperous Men's Club) staged a petition outside the Legislative Council Building, bringing with them a bitter gourd that symbolized men's bitterness. They requested me to display this very imagery of men's bitterness in this Chamber, in the hope of making the Government realize "men's bitterness". Does the Government know what "men's bitterness" is all about? I hope this very imagery can make the Government realize what "men's bitterness" is all about and really formulate policies and measures on alleviating "men's bitterness".

President, this motion is moved on 11 November, that is, a day of "double 11". With Heaven's blessing, we are fortunate enough to be able to hold a debate on this topic today. Actually, this is most meaningful because "11" symbolizes "1" man and "1" woman. The juxtaposition of "1" and "1" is symbolic of parallel and equal status, meaning that the man and the woman are equal in terms of roles, status, rights and obligations. If there is balanced development of men and women in society, there will be social harmony and sustainability. For this reason, I am very delighted that in this Legislative Council meeting on 11 November, I can leave a record in history by proposing this motion. As far as I am aware, the Legislative Council has never moved any motion on men's rights. This can show the Government's lack of concern for men, with the result that I must move this motion today. If the Government had already put in place a men's policy or established a Men's Commission, it would not have been necessary for me to propose this motion today.

President, I am very grateful to several men's organizations for initiating discussions on this topic and requesting me to assist them in making an appeal to the Legislative Council and the Government. These organizations point out that as a result of economic restructuring, Hong Kong has transformed from an industrial society to a post-industrial society. Since this post-industrial society of ours is founded mainly on financial services, many significant changes have

occurred to the employment, education, health and family roles of "male employees". These days, especially over the past decade or so, the financial, employment, health, marital and family role problems faced by men in Hong Kong have been as serious as those faced by women. As a result, we must also talk about men's bitterness, rather than discussing women's bitterness only.

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

These men's organizations strongly demand the Government to formulate a men's policy which is forward-looking, comprehensive and continuous, and they also hope that the Government can establish for them a platform similar to the Women's Commission to specialize in addressing and exploring problems relating to men's needs, services, rights and well-being. There are totally 10 recommendations in my motion. Deputy President, in a word, we are of the view that society as a whole has been undergoing more significant changes in such areas as employment, education, health care and social services. I am going to discuss these four areas in detail a moment later.

However, it is a pity that Secretary for Labour and Welfare Matthew CHEUNG is the only relevant Bureau Director present in the Chamber now. Actually, this motion topic also concerns education and health care. It is a pity that the Secretary for Education has left, and the Secretary for Food and Health is not in attendance today. I do not know how Secretary Matthew CHEUNG is going to answer the questions on education and health care. It does not matter if he cannot say anything on these issues. He may simply relay all related questions to the Government, so that a reply can be given later.

Deputy President, I now wish to describe to Members the bitterness suffered by men in Hong Kong by highlighting several salient changes to Hong Kong society as a whole over the past decade or so.

First, I wish to talk about a drastic change in the employment situation. There have been very great differences between the unemployment rates for men and women. I have brought along a chart supplied by the Census and Statistics Department on statistics for 2008. According to government statistics, the unemployment situations of six age brackets As Members can see, the blue lines are about men, and the red lines are about women Men's

unemployment rates as indicated by the blue straight lines are all higher than those of women. For instance, the unemployment rate for the 15-19 age group is 18.4% for men, and 13.9% for women; for the 20-29 age group, it is 5.8% for men, and 3.7% for women; for the 30-39 age group, it is 2.8% for men, and 2.1% for women; for the 40-49 age group, it is 3.4% for men, and 2.9% for women; for the 50-59 age group, it is 4.4% for men, and 2.7% for women; for the 60 or above age group, it is 2.3% for men, and 0.8% for women. Do Members agree that all such statistics on unemployment rates can aptly show "men's bitterness"? I do not think that any Members will disagree. We may also look at the numbers of unemployment days for men and women. The number for men is 67, and that for women is 61. We also note that the latest unemployment rate announced by the Government is 5.3%, meaning that more than 200 000 people are jobless. Of these, 11.6% are men aged between 40 and 59, and 8.8% are women. This can show that the unemployment problem is very serious, especially among middle-aged men.

Another example is the case of community, social and personal services, a sector which has undergone the most rapid development over the past 10 years. A comparison of the employment figures of men and women in this sector from 1996 to 2006 also shows a much larger proportion for women. For example, in 2006, women accounted for 67% of those employed in this sector, while men only accounted for 37%. When compared with the figure 10 years before, the proportion for men showed a drastic decline. In actual terms, only 292 000 men were employed in this sector, but the number of women stood at 604 200. As for retraining programmes, the statistics on employment-linked programmes offered by the Employees Retraining Board in 2008-2009 show a very great difference between the numbers of programmes offered for men and women. The programmes offered for men accounted for 24% of all programmes (with a total enrollment of 18 593 participants), but those offered for women accounted for 76% (with a total enrolment of 59 180 participants). Next, we may look at the jobs offered for men. Earlier today, a middle-aged man from Tin Shui Wai came here to petition. He said that retraining programmes on security guard or cleansing services could no longer offer men any employment opportunities. In that case, how can they tackle the problem of employment prospects?

Deputy President, the second factor of change I wish to discuss is about education. It is a pity that the Secretary for Education is not present today. According to government statistics on the sex ratios for the four types of programmes funded by the University Grants Committee in 2008-2009, in the

case of associate degree programmes, female students (represented by the red line) accounted for a higher proportion than male students. In the case of first-degree programmes, the proportion for female students was likewise higher. This was also the case with master degree programmes. Fortunately, in the case of graduate school programmes, the proportion of male students was slightly higher than that of female students. Owing to the time constraint, I cannot read out all the statistics. Overall, female students account for 52.5% of all the students enrolled in our tertiary institutes. Therefore, in a way, male students are rather miserable. *(Laughter)*

The third factor of change is about public health. Based on the Government's 2007 analysis of mortality figures by leading causes of death, that is, the number of "registered" deaths per 100 000 standard population, we may compare the numbers of male and female deaths. Let me first cite the case of malignant neoplasms (that is, cancers). The mortality figure for men was two times that for women. In the case of breast cancer, the mortality figure for women was 10, and that for men was by no means significantly lower, standing at 5.9. In the case of diseases of the heart, the mortality figure for women was 41.2, and that for men was 66.3. In the case of cerebrovascular diseases, the mortality figure for women was 23.5, and that for men was 36. I want to cite more examples, but I do not have enough time. Having looked at all these statistics, one may wonder whether the Government has provided men with any annual health care assistance. I can tell Members that the answer is no. This is what is meant by men's bitterness. Every year, the Government provides 102 000 women with cervical screening service, and women health service is also provided to 37 000 women. The three Women Health Centres located in Tuen Mun, Lam Tin and Chai Wan and also the hospitals under the Hospital Authority all provide gynaecological services. But, for men — male Members and all men in Hong Kong please listen carefully — the only kind of "help" is some information about a certain Men's Health Programme on the website of the Department of Health. In contrast, in China and Taiwan, masculinology departments are found. But there is none in Hong Kong.

The fourth factor of change we are going to discuss is about social problems. In this connection, we can see an acute situation, one which can also shed some light on men's bitterness. To begin with, let me say a few words on the suicide rates of the two sexes. The ratio of male suicides to female suicides is 2:1, meaning that when there are two male suicides, there is just one female suicide. And, the suicide rate among middle-aged men aged between 40 and 49

is especially high. We frequently talk about single fathers and single mothers. Actually, the present ratio of single mothers to single fathers is 1:4. But has the Government ever provided single fathers with full support? As for those arrested for commission of crimes, roughly 30 508 men and 10 712 women are arrested every year. And, 102 091 men and 5 883 women are imprisoned upon conviction every year. All these statistics can show — actually, there are numerous social problems, and I have only listed a few of them — that it is necessary to provide various services and assistance to men. The problem is really very great.

Faced with the great transformation of Hong Kong into a post-industrial society and the resultant changes in the status and roles of both sexes as well as our provision of welfare, education and health care services — in brief, changes that have put women in a stronger position than men — has the Government done anything in response? Has it ever formulated any policies to cope with these changes or to adjust its assistance? The answer is no, meaning that it has done nothing at all. *(Laughter)* Both sections 5 and 6 of the Sex Discrimination Ordinance provide that both men and women are protected. This means that no one (the Government not excepted) shall treat a person less favourably on the ground of the person's sex. This is stipulated in the law. Invoking the spirit and provisions of the Ordinance, I hereby ask the SAR Government why it has formulated a women's policy without making any policy for men. Secretary, please give me a reply. Under Programme 3 "Women's Interests" under Head 141 — Government Secretariat: Labour and Welfare Bureau, specific reference is made to the Women's Commission, and it is given a provision of \$23.5 million in 2009-2010. And, in the previous financial year, the funding was increased by 21%. But why has the Government ignored the plight of men in Hong Kong and the services they need? Why are men in Hong Kong not provided with a platform similar to the Women's Commission? If this is not discrimination, what else can it be?

Deputy President, I guess that later on at this meeting, the Government will explain that after the protest, it has agreed to establish a family commission which will cover all, including men. In that case, I must ask, "What is the justification for establishing the Women's Commission? Why is additional funding still allocated to the Women's Commission?" I totally support the provision of assistance to women. I must make it very clear that I am not asking for the withdrawal of the support for women. But under the Sex Discrimination

Ordinance, men and women should be equal, so why should men be ignored? I hope the Secretary can answer this question.

Deputy President, I shall leave the remaining 10 seconds or so for making a reply later. Thank you, Deputy President.

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

"That, with the transformation of Hong Kong's economic structure and the change in the concept of family, both men and women in Hong Kong are facing the same difficulties in matters such as finance, health, marriage and family role, etc; however, as there is no men's policy in Hong Kong and due to the influence of traditional concepts, the quality and quantity of the social welfare and social services which are targeted at men's needs have failed to meet the demand, and as a result, men facing difficulties are often afraid to seek assistance, do not know how to seek assistance or have nowhere to turn to for assistance; in this connection, this Council urges the Government to:

- (a) study the formulation of a men's policy which is forward-looking, comprehensive and has continuity;
- (b) recognizing men as a social group in need of services, set up a Men's Commission to specialize in studying, exploring and addressing men's problems;
- (c) face up to the problem of employment difficulties encountered by men, strengthen efforts to develop job types other than those in the service industry, enhance employees retraining services which are specifically targeted at the employment difficulties faced by men, and encourage and facilitate men to get employment or start their own business;
- (d) support divorced men on all fronts to cope with difficulties arising from mental stress, housing problem and breakdown of relationships with their children, and set up crisis centres for men which have the functions of providing temporary accommodation and counselling services;

- (e) set up men's specialist clinics modelled on gynaecological clinics, so as to provide treatment and health care services in respect of illnesses suffered by men only (such as prostatic disease) and provide health checks for men;
- (f) encourage men to consult professionals when they are troubled by family matters, set up a special hotline for men operated by trained personnel who understand men's needs to answer calls for assistance or complaint calls, and promote the provision of courses on counselling for men in the community;
- (g) give focused attention to the problem of suicide among middle-aged men, and enhance support for men who are at high risk of committing suicide and inflicting injuries to themselves;
- (h) improve the implementation of divorced men's right of access to or joint custody of their children;
- (i) enhance support for fathers to meet their needs in parenting their children and balancing work and life pressure, facilitate the provision of support for families on various fronts, and promote the introduction of paid paternity leave and family leave, etc; and
- (j) promote in-depth study of the existing education system, with a view to enhancing its constructive effects on the development of both sexes and bringing about positive social impact."

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

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, I must first thank Mr WONG Kwok-hing for moving this motion on providing support services for men.

The SAR Government has spared no effort in promoting the equal development of both genders in Hong Kong and to provide various platforms and

support services to enable both genders to give full play to their talents in different arenas in society.

Today's motion involves a wide range of topics, the portfolios of several Policy Bureaux and the work of many government departments. When preparing the detailed reply I am going to give later at this meeting, Mr WONG, I already made an attempt to extensively consult all the relevant Policy Bureaux and government departments. Later on at this meeting, I shall analyse the 10 recommendations you have made and give a comprehensive reply.

First, I wish to say a few words on the legal basis for gender equality and the Government's policy objective of catering for the different needs of both genders.

As the constitutional document of the Hong Kong Special Administrative Region, the Basic Law provides clear protection of Hong Kong residents' rights and freedoms regardless of gender. Under the Sex Discrimination Ordinance that came into effect in 1996, discrimination on the basis of sex, marital status or pregnancy in certain specified fields is unlawful. It lays the foundation for the development of gender equality.

The Ordinance accords protection to both men and women. It covers a number of fields, such as employment, education and provision of goods, services and facilities. In 1996, the Government also set up the Equal Opportunities Commission to enforce the Ordinance, with the aims of eliminating discrimination and harassment as well as conducting education and publicity activities on promoting equal opportunities between men and women.

When formulating and implementing various policies and programmes, the Government will always adhere to the principle of gender equality and ensure that the policies and programmes concerned will not constitute any sex discrimination. This is a very important point. At the same time, we also understand that the life processes and needs of the two genders are not always the same, so a policy or measure that seems to treat both genders equally may in practice produce different impacts on men and women. For this reason, in the course of formulating and implementing various policies and programmes, we will also take account of gender perspectives, so as to ensure that all Hong Kong

residents, regardless of gender, can enjoy equal opportunities and benefit equally from the use of our social resources.

Deputy President, I so submit. After listening to Members' views on the motion, I shall give a detailed reply.

MR RONNY TONG (in Cantonese): Deputy President, honestly, I do not have too great a desire to speak on this motion topic. But during the caucus of the Civic Party last week, our party leader ordered all male Members to speak on the motion. Mr Alan LEONG and I looked at each other, thinking that we were the only two male Members. So, I can only obey.

Deputy President, I have no desire to speak because as a man, I find it very hard to describe men's bitterness. Deputy President, I find it hard to do so because I am convinced that all those feudal values dating back to several thousand years ago have plunged men into a rather unbalanced state of mind, so to speak. Why? Deputy President, if I forget to open the door for my wife when strolling along in the streets, she will certainly dress me down. I believe all married men will know what I am talking about. But if a lady opens the door for me when I am carrying a whole armful of documents and a briefcase, I will certainly be moved to tears. Deputy President, very often, due to the pressure of our traditional culture, men can only keep all the miseries to themselves, and they simply do not know how to express their feelings.

In our society, many occupations are labelled as suitable for women only. Deputy President, I can remember that several years ago, there was this film called "Meet the Parents". In one of the scenes, the male lead meets his father-in-law for the first time. His father-in-law asks him what he is, and he replies that he is a nurse. People who have seen this film must remember that his father-in-law immediately associates homosexuality to this son-in-law of his. I think such a mentality is a form of discrimination. But many men do not even know that they are being discriminated against in this way. One example is the occupation of domestic helpers. No one has ever contemplated employing a man in this capacity. As a result, men are deprived of many such employment opportunities.

Another form of discrimination is present in all aspects of society. In the case of village representative elections, for example, women married to male indigenous inhabitants are entitled to vote, but men married to female indigenous

inhabitants do not have the right to vote. Deputy President, the case mentioned above is of course subject to the regulation of the Sex Discrimination Ordinance. However, due to the cultural realities of our society, the Ordinance may not necessarily be of any help to men. What we must change may be society's perception of the male role. And, maybe, men should cease regarding themselves as the strong ones. Sometimes, they must admit their own weaknesses.

Deputy President, another more appropriate example is the case of maternity leave. Traditionally, everybody says that giving birth to children is the duty of women. But does this mean that men do not have any part to play? Deputy President, if you reply in the negative I am sorry. The Deputy President is a lady. If a married man says that he does not have any part to play, he will surely be dressed down. Men do have a part to play. They must go to work; not only this, they must also play a part after work — changing babies' diapers late in the night, for example. Therefore, it is most unfair to give maternity leave to ladies only. Deputy President, I do not know why, but in 2007, the Civic Party conducted a survey on this topic. The findings showed that more than 80% of the respondents agreed that men in Hong Kong should be entitled to maternity leave. The same survey also showed that maternity leave was offered by the employers of 6% of the respondents only. And, the employers of 13% of the respondents were only willing to give the husbands one or two days of maternity leave on a strictly discretionary basis. I think this is very absurd.

All over the world, Deputy President, maternity leave for men is provided in more than 40 countries or places, including Taiwan and Japan. And, in Hong Kong, some large organizations, such as the CLP Power Hong Kong Limited

(Mr TAM Yiu-chung raised his hand in indication)

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

MR TAM YIU-CHUNG (in Cantonese): Mr Ronny TONG has kept referring to "maternity leave". I do not quite understand why he should be talking about "maternity leave". How can we associate men with maternity?(*Laughter*)

DEPUTY PRESIDENT (in Cantonese): Mr Ronny TONG, do you wish to make a clarification? As a matter of right, you can refuse to make any clarification and go on with your speech.

MR RONNY TONG (in Cantonese): Deputy President, I was not referring to the physiological aspect of the matter. I was just using the term as a straightforward expression. By maternity leave, I mean the leave to be granted to men for helping their wives during their periods of maternity. Deputy President, this is only If Mr TAM does not agree, he can of course analyse the use of this term from the physiological point of view a moment later.

Deputy President, I have pointed out that in many nearby countries, including Taiwan and Japan, men are granted maternity leave. But in Hong Kong, the Government has all the time refused to enact relevant legislation under the excuse that the industrial and commercial sector is against the idea. We find this very disappointing. As I have mentioned, this is not conducive to changing the social perception of men's cultural role.

Deputy President, gender stereotyping has also exerted very intense pressure on men in many other ways. Family violence is a notable example. Many people think that there is statutory protection for women who are beaten up by men, but in case a man is beaten up by a woman, the law may not necessarily accord him any protection. This notion is of course incorrect. Men and women are entitled to equal protection under the law. But in many cases, a man and his family members may think that if he relies on the law to handle the matter, he will lose face. Some men may even think that they will be looked down upon in society. Deputy President, this is again related to our social culture. While providing men with support, we must also pay attention to changes in our social culture.

Deputy President, Mr WONG Kwok-hing proposes to establish a Men's Commission to formulate a policy for men from their perspectives. We maintain that this is a bit superfluous. Instead, I would think that we should seek to implement the proposal of gender mainstreaming, which has been advocated by the public for many years. Gender mainstreaming is not only about women. We usually think that gender mainstreaming is women-oriented. This notion is itself erroneous, running counter to the essence of gender

mainstreaming. I think the gender mainstreaming movement should also cover discrimination against men. Deputy President, I hope that more female Members can speak today, including those sitting next to me.

MR CHEUNG MAN-KWONG (in Cantonese): Deputy President, one of my favourite films is a long Japanese film series entitled "It's Tough Being a Man". The Democratic Party is quite democratic. When Mr WONG Kwok-hing first put forward this motion, we looked at one another. After that, we decided to draw lots, and eventually, I was selected to speak on men's bitterness on behalf of the men in the Democratic Party.

This topic on men under discussion today must be handled in this way. Women also face many hardships. The relationship between men and women is not marked by any populist antagonism. There is no need to accentuate the conflicts between the two sexes. As a political party advocating gender equality, we will not value men and belittle women. If any hardships are common to both genders, I will not give them any special emphasis today.

The first hardship of Hong Kong men is unemployment. In the second quarter of 2009, the total number of unemployed men stood at 125 000, representing 6.4% of the labour force; the number of unemployed women was 77 000, accounting for merely 4.5% of the labour force. When we look at youngsters, middle-aged people and all other age groups, we will see that the actual numbers and rates of unemployed males are invariably higher than that in the corresponding age groups of women. We must of course note that since family commitments do impose restrictions on women's employment, we must not compare them simplistically with men in this regard.

At present, unemployment is most serious among young and middle-aged men. The causes of middle-aged men's unemployment are indeed very complex. There is a shortage of jobs suitable for middle-aged men in the market. Even the programmes run by the Employees Retraining Board (ERB) are unable to induce unemployed middle-aged men to remake their skill sets. Since 1993, female retrainees have constituted 70% of the total enrolment of all retraining programmes, and male retrainees have been in the minority. The ERB must think of some ways to help men overcome their shyness and apprehension about having to learn new skill sets. They must be encouraged to transform themselves, that is, to switch to new occupations.

The second hardship of Hong Kong men is the pain of seclusion. As estimated by the Hong Kong Christian Service, there are currently as many as 30 000 hidden youths in Hong Kong. In 2008, there were only 8 000. According to some surveys, 80% of the hidden youths are males. In many cases, hidden youths only hold very low educational qualifications. Their self-esteem is low, and they have never received any skills training. Their greatest interests are spending time on the computer and watching television. Why do men have such a special liking for seclusion? How can we encourage them to integrate into society? This is precisely a men's problem that the Government must squarely address.

The third hardship of Hong Kong men is related to continued education. At present, the number of male youngsters is still greater than that of female ones. According to one survey conducted in 2007, males still accounted for 51.2% of those in the age group of 15 to 19. But male students constituted only 47.5% of the university intake in the same year. I once officiated at a Congregation for the Conferment of Degrees of The Chinese University of Hong Kong. When I was conferring degrees on the stage, I saw clearly that most of the students lining up for their turns were females. There are clearly more young men than young women in Hong Kong, but why is it that when it comes to university admission and getting degrees, there are more women than men? Does this mean that female students are very hardworking while male students are generally lazy by nature? Or, is this the result of any erroneous designs of examinations and learning programmes? I do not know the reasons. I hope that some independent research projects based on gender equality can be conducted. Whatever the causes may be, society must still find out why male students have come to account for a declining proportion of university intake, even though this may not really change the situation.

The fourth hardship of Hong Kong men is about retirement. Traditionally, Chinese men are regarded as the strong ones in mainstream society. This is a kind of gender stereotyping which has never changed. But men must live a lonely life after retirement. They find it embarrassing to seek assistance, and they are also very passive in seeking help from their children. A number of organizations have made some special visits to some elderly men. Some of them are not on good terms with their children, and some even think that if they depend on their children's support during old age, their status as fathers will greatly decline. They are sad and helpless, full of bitterness.

One is lucky if one can depend on one's children. If an elderly man's children do not want to support him, he will have to live a miserable life, with no one knowing how he is suffering. One such elderly man has said, "I dare not contact any friends because I fear that I may not even have enough money for having a cup of tea with them." This kind of life after retirement can be described as completely devoid of any pleasure. Every day, they sit here and there, on the promenade or in parks. But they are never happy. Of course, there are still many happy elderly men. But the Government is duty-bound to enable all those who have laboured so hard for their whole life to have support, dignity and happiness in their old age. Perhaps, this is one humble wish of Hong Kong men.

Dr CHAN Kam-wah, Associate Professor in the Department of Applied Social Sciences of The Hong Kong Polytechnic University, once pointed out the crux of the problem. According to him, the Hong Kong social service sector does not attach any importance to gender awareness, and the development of men's services is only a by-product of the gender equality movement. The women's movement started as early as the 1980s, but women's services are still on the sideline of social services, so what can be expected in the case of men's services?

Applying Dr CHAN's exposition to the Administration's approach, we will see that when the policy of promoting gender equality and gender mainstreaming is reviewed eight years into its implementation, only 30 policy areas or measures are examined on the basis of gender mainstreaming. Women's services are still inadequate, and men's services are even regarded as a novelty. "It's Tough Being a Man" has become more than a long Japanese film series. It is also a long drama in the life of Hong Kong people, a drama that is performed over and over again on that very stage called life.

Therefore, our quest for men's services does not conflict with our desire for gender equality and equal rights for men and women. We should all work with one heart. While recognizing the hardships of men, we should also recognize the pains of women. It is hoped that one day, we can see the implementation of a true gender equality policy in every aspect of our life. Thank you, Deputy President.

MR CHAN KIN-POR (in Cantonese): Deputy President, like Mr CHEUNG Man-kwong, I also like to watch that long Japanese film series. Actually, these films are not about men's bitterness. Rather, each film is about a love story of the same travelling Japanese man who keeps falling in love, only to find, at the end of the film, that all is just misunderstanding. Every time, his love bears no fruit. It is a pity that the protagonist is now dead. That is why we will not see any new productions of "It's Tough Being a Man". Maybe, I can have more exchanges with Mr CHEUNG Man-kwong in future. I also have a dozen or so such films at home. We may exchange our films for viewing.

Deputy President, so much for that. The motion under debate today is quite meaningful because since the reunification, Hong Kong has been battered by economic sluggishness, and this has led to a series of social problems causing public concern. These problems are often about people who are commonly recognized as the underprivileged, such as women, the elderly and the poor. Men have all along been regarded as the strong ones, but nowadays, even some of them have also become vulnerable members of society who need our attention. Actually, "men's bitterness" is no fortuitous problem. Rather, it is a problem resulting from the perennial social and financial pressure exerted on men.

Conventional social work usually focuses on single mothers, poor elderly persons and teenagers at risk. Men are seldom the targets of social services. But men are also human beings, so they are likewise affected by fluctuating emotions. And, they must even face intense work pressure. Only that men, traditionally, do not want to lose face and are very concerned about their self-esteem, so they simply suppress all their feelings. However, as Hong Kong continues to be battered by economic sluggishness, as men are perpetually tortured by unemployment and the need to preserve their "rice bowls", and as family relationship worsens, many problems will erupt eventually due to unbearable pressure. That is why they also need help from society.

From another perspective, men's problems are closely related to women's problems, because all these problems affect marriage and the roles of the two genders in the family. Owing to the changes in our economic structure and economic sluggishness, it is not easy for unemployed middle-aged men to secure new jobs. In some cases, they must depend on their wives as the breadwinners of their families. In such cases, men will suffer blows to their self-esteem. Not only this, wives may become dissatisfied with their husbands. The relationship

between wife and husband will deteriorate, thus putting their marriage at risk. Men will thus come under internal and external pressures. And, according to some analyses and as also mentioned by some Honourable colleagues just now, in the labour market of grass-root workers, or even in the entire labour market, there are more jobs suitable for women. Generally, middle-aged women can find jobs more easily when compared with their male counterparts, thus leading to the phenomenon that it is difficult for middle-aged grass-roots men to find any jobs. All these factors have directly added to men's mental stress.

The various frustrations felt by men may also be attributable to the rising status of women. Following many years of efforts, men and women in Hong Kong have become increasingly equal. I notice that in many companies, many women who aspire to career success have outdone their male peers. And, such women are increasing in number. This is a desirable phenomenon. But as a result, men begin to feel that their traditional career dominance has come under the severe challenge of women. Members may also be aware that these days, both sexes have started to voice their dissatisfaction with each other. In Internet forums, many men criticize "Hong Kong women" for being arrogant. And, women have also retaliated by describing "Hong Kong men" as useless and wimpish. I hope that I am just over-worried. I hope that gender relationship in Hong Kong has not really deteriorated to such a state of antagonism.

Actually, the difficult situation faced by men in Hong Kong is not uncommon among men in other countries. I know many foreigners, and they all think that when a family runs into difficulties, it will be alright for the wife to work and the husband to look after the children at home if this is required by circumstances. In Hong Kong, husbands caught in similar situations will be sneered at and described as "useless". Such meaningless criticisms will exert unnecessary and unwarranted pressure on the families and husbands concerned.

Speaking of the many recommendations made in the motion today, I must say that I am agreeable to the underlying spirit of some of them only. But I do not intend to discuss them one by one. I hope that the Government can seek to solve the problem at root. It should, for example, give people the correct message and notions, seek to remove the burden imposed on people by traditional gender roles in the family, encourage men to be more open-minded and build a fair and harmonious society. Naturally, the Government must also think up solutions to the unemployment problems resulting from economic restructuring

and boost the economy as soon as possible. All these are ultimate solutions to the problem under discussion.

I so submit.

DR PAN PEY-CHYOU (in Cantonese): Deputy President, the motion moved by Mr WONG Kwok-hing today requests the Government to provide support for the physical and mental health of men in Hong Kong. This is really a topic which merits promotion and support.

Nowadays, in Hong Kong, both men and women face heavy pressure in life and at work. However, as men, being the breadwinner of the family according to our traditional concepts, are supposed to be tough and strong, and they indeed have to bear enormous pressure and emotional distress. Particularly, after the financial tsunami, many male employers have to face dismissal and unemployment. They will very often be worried and depressed about the uncertainties in their career, family and financial situation, and may even suffer from emotional disturbance as a result. If they cannot receive timely counselling for relief, such depression may lead to some undesirable circumstances. Some may fall sick from overwork and develop health problems, while some may commit suicides or even become abusers and do harm to their family members.

Deputy President, being a doctor, what I am most concerned about should of course be the health problem. As requested by Mr WONG Kwok-hing in his motion, the Government should set up men's specialist clinics to provide treatment and health care services. I personally consider that this is a very good suggestion.

According to the statistics relating to males and females in Hong Kong released this year, in 2006, the life expectancy at birth of males is about six years shorter than that of females. Males' life expectancy is 79.4 years while females' is 85.5 years. As for the standardized death rate of various diseases, males have a much higher rate than females. Take the overall cancer cases as an example. In 2007, the death rate of males is 157 people in every 100 000 people while that of females is only 81 people, with a difference of nearly one fold. As for the death rate of some cardiovascular diseases such as heart disease, that of males is 66 people while that of females is 41 people. This shows that physiologically,

males are indeed weaker than females and will suffer from such serious diseases more easily.

Many doctors have pointed out that males in Hong Kong invariably suffer from serious diseases such as high blood pressure, diabetes, coronary heart disease and stroke more easily than females. This is actually attributable to their living habits, work pressure and lack of exercise. As a matter of fact, many males are not alerted to their health and have low awareness of having regular medical check-ups. Moreover, putting emphasis on health care is, very often, regarded as behaviour which is in lack of men's courage.

As shown in the statistics, about 17% of the people in Hong Kong have medical check-ups on a regular basis. However, the rate of females having regular medical check-ups is much higher than that of males. The former (females) is 19% and the latter (males) is only 14%. Therefore, the Government should step up its publicity and educational efforts in this regard, so as to enable males to stay healthy and reduce their chances of developing diseases. This will in turn alleviate the medical burden.

It is also suggested in the motion that the Government should step up the promotion and prevention of prostatic diseases. I think this is a very good suggestion. Many surveys and statistics have told us that in recent years, prostatic cancer has become one of the four major cancers among men in Hong Kong. Over the past decade, the number of new prostatic cancer cases in Hong Kong has surged by three folds. However, the greatest problem is that sometimes, the early symptoms of prostatic cancer and some benign prostatic diseases can hardly be differentiated from each other. Many males even have no idea about the prostate gland, not to mention the prevention of related diseases. Even if they only suffer from benign prostatic diseases, it is very disturbing as their urination and even their sexual function will be affected. This can be regarded as one of the most painful diseases of men. Therefore, publicity and education should be enhanced. At least, once males in Hong Kong have such symptoms, they should know how to seek treatment expeditiously.

Another point I wish to mention is the pressure faced by males, that is, the mental and emotional problems. Deputy President, the pressure of life faced by males in Hong Kong ranks very high in the world. Being males, they have to face their employment, family, life and the ever changing social environment. In face of these changes, they still have to be tough. Even if they have any

emotional fluctuations, they cannot show them at all. Very often, they do not know where to seek help. As time passes, we are afraid that they are going to "explode" and their mental health will be affected.

What I have mentioned is absolutely not alarmist talk. As a matter of fact, according to the statistics in 2008, 643 000 people have sought treatment at psychiatric out-patient clinics. Among them, only 40%, that is, about 260 000 people are males. On the face, males are tougher than females. But very often, males are ashamed of seeking assistance and this has even become a hidden mental problem in society. In fact, the suicide rate of males is much higher than that of females. Take the death rate of suicide cases as an example. In 2006, in every 100 000 people, 17.5 were males while only 9.9 were females. This is very good evidence.

Deputy President, at present, there are three social organizations providing counselling hotlines for men in Hong Kong. However, such hotlines and their resources are inadequate. Some hotlines only provide services for limited hours. Therefore, I hope the Government can pay more attention to this point and allocate additional resources for such services.

On the other hand, we are also concerned about the problem of domestic violence. Very often, men are regarded as abusers. But have we ever imagined that victims of 18.5% of the abuse cases are males? Nevertheless, support for them is extremely inadequate in society. Therefore, we hope that the Government can pay attention to this and allocate more resources appropriately.

During the past few years, the Government has strongly stressed family values and family harmony. However, being a core in the family, males very often cannot get sound backup, support and assistance. Therefore, I hope, through the debate on this motion today, the Government can provide more appropriate services for both sexes and enable them to have fair development in society.

I so submit.

MR WONG KWOK-KIN (in Cantonese): Deputy President, a Member has mentioned a long-series film in Japan named *Tora-San* just now. However, as far as I can remember, the translation of its name in Hong Kong is "男人四十戇居居" (*Tora-San's Dream Of Spring*), which has in fact revealed men's

stubbornness in overcoming every difficulty. According to some traditional concepts in China, males are supposed to be strong and tough. Therefore, many males, in facing adverse situations, will shoulder up everything and overcome every difficulty by themselves. They are ashamed of seeking assistance from others or finding someone to talk to.

Some Members have also pointed out just now that difficulties and plights faced by males and females are the same. I agree to this point. However, measures adopted in providing support for males and females to face up to their problems are different in society. Strictly speaking, males should protest against the Government regarding such sexual discrimination, as many support services are provided only for females but not for males.

At present, there is really a lack of support for males in Hong Kong society. Coupled with the fast pace of living, many males are subject to tremendous pressure in life. Moreover, under the existing Employment Ordinance, due to insufficient protection for the grass-roots workers, greater pressure is exerted on them. Many males, very often, have accumulated a lot of pressure pent up in life and at work. With the lack of support services and given that they do not know how to relieve their pressure we always see that when females have problems, it is easier for them to find someone to talk to and get sympathy and support from others. However, in case a male complains tearfully to you, I think you may have a creepy feeling. This is the traditional concept which can hardly be altered. When such pressure finds no way out, it will very often come to bear on their families, causing more inharmonious relationships and divorces.

Deputy President, I now wish to talk about the support provided for those divorced. First of all, we should address the plights faced by divorced men in their living, so as to enhance the support for them. In fact, no matter males or females, divorce is not only a failure of their marriage, but also a serious crisis in their life. Both males and females will experience different levels of hardship in their living as a result of divorce, including emotional, psychological and financial hardships, family care, and so on. Therefore, although different support services are provided for single-parent families in society, they are mainly focused on divorced women. As for divorced men, support services available in society are relatively fewer. Regarding problems in housing, legal proceedings, livelihood and mental stress generated during divorce, various support services are very often provided for single mothers and divorced women

in society. However, support services provided for single fathers and divorced men are relatively fewer. Traditionally, because of gender stereotyping, it is generally believed that females face greater difficulties after divorce, and so, society should be concerned about them and offer them more assistance. As a result, we will easily run into the assumption that males have no problem and can tide over their difficulties easily. In fact, difficulties faced by males are also heavy. But they have nowhere to turn to for assistance and even dare not to pour out their troubles.

Moreover, in 2006, the Law Reform Commission proposed that divorced parents should be responsible for bringing up and taking care of their children jointly. For this reason, the Family Court started introducing the "joint custody order". However, divorced men who have lost the custody may sometimes be rejected by divorced women for involvement in their children's affairs, and even denied the chance of visiting their children. Therefore, it is necessary for the Government to examine how to balance the right between the two sides. On the one hand, it should protect the right of divorced women or the party who has won the custody to take care of their children. And on the other hand, it should consider protecting the legal right of access or joint custody of divorced men or the party who has lost the custody. This is not only to safeguard the right of the two sides, but also to foster a better living environment for their children and minimize the harms on them because of the divorce of their parents.

Nowadays, Hong Kong, like many advanced cities in the world, faces the problem of a high divorce rate. According to the information provided by the Census and Statistics Department in Hong Kong, in 2006, one in every three couples divorced on average. During the 25 years from 1981 to 2006, the divorce rate increased by seven folds. As divorce has become increasingly common, it is no longer rare to have single fathers. A lot of support services are provided for single mothers in society. But the needs and situation of single fathers are not properly addressed. Men, very often, are not good at presenting their own situation. Single fathers find it embarrassing to voice out their difficulties and pressures. However, the existing family services have overlooked this situation. Therefore, in planning and developing social welfare services, the Government should in fact enhance its support for single fathers.

With these remarks, Deputy President, I support Mr WONG Kwok-hing's motion.

MR TAM YIU-CHUNG (in Cantonese): Talking about men's pains, it is very easily associated with a situation in which a man has a shrew at home. He has all along been subject to her insult, bearing great pressure and humiliation. This is a very logical association. If this is really the case, we will of course extend our deepest sympathy to them. But I think the Secretary can do nothing either, as he may not offer any help.

Regarding Mr WONG Kwok-hing's motion, after listening to his speech, we find that Mr WONG in fact requests the Government to provide support services for men in Hong Kong. Why? As he finds that actually, with rapid changes in our economy and society, men in Hong Kong, being a group in society, are also subject to different challenges and blows. Although the notion of sexual equality is widely accepted in society, our expectation on men's role in the economy, family and society, still exert a certain degree of pressure on them.

As shown by many figures, men in Hong Kong are a relatively vulnerable group in many social problems. Honourable Members have cited a lot of examples just now. For example, as regards the unemployment problem, the overall unemployment rate of men has persistently been higher than that of women by about 3% to 5%. Coming to the suicide problem, as shown by the figures compiled by the Centre for Suicide Research and Prevention of the University of Hong Kong, over the past years, the overall suicide rate of men in Hong Kong is higher than that of women by one fold on average. Moreover, in face of hardships, men are always not so willing to seek assistance or services from others actively. In view of this, the male group has its uniqueness on the policymaking level.

However, to date, the Government has yet formulated any overall policy for the male group. And in formulating other policies, it has neither taken men's viewpoints into consideration, nor conducted any discussion and research on the concept of providing services specifically for men. As such, in the entire service planning, there is no clear direction for development at all. Now, many social service units have started developing services to cope with men's needs, such as emotional support services and crisis management. However, given the lack of co-ordination and integration of policies as a whole, these piecemeal services cannot meet the overall need in society and the room for development is also very limited. Therefore, the Government should conduct researches on this issue.

Mr WONG Kwok-hing has proposed in his motion a number of specific proposals to cope with men's needs. Overall speaking, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) also supports them in principle. As these proposals are related to many different policy areas, I believe we can continue our discussion at meetings of various panels in future.

In recent years, the DAB has also proactively encouraged the Government to implement family-friendly policies and consider factors to foster family cohesion when formulating different policies. We consider that one of the important policy directions is to proactively create a family-friendly working environment. These include introducing paternity leave so that working fathers can have more time to take care of their wives and children; requesting and supporting public organizations to provide child care service to employees and adopt flexi-hours; and putting in more efforts to promote the five-day work week to employers so that employees can have longer time to rest. We believe these suggestions can relieve the pressure faced by those working men in their jobs, so as to enable them to play a better role in their families.

I so submit.

MR IP WAI-MING (in Cantonese): Deputy President, we are talking about men's pains today, right? Many male colleagues will indeed give a smile. However, Deputy President, as you are listening to us in the absence of the President here, I am a little bit disappointed. Among our female colleagues in the Legislative Council, only Dr Margaret NG and Dr Priscilla LEUNG are present now. I wonder where the other lady colleagues have gone. In fact, when discussing women's interests, we have listened to their viewpoints. I hope they can also lend us their ears.

I think when we propose this question, Members will in fact laugh at us. However, giving it deeper thoughts, we do not want to stir up any discussion on sexual viewpoints or topics such as "struggles between males and females in Hong Kong" among the public. Today, we wish to talk about a question at a deeper level. In providing services, has the Government tailor-made some services to cope with men's and women's needs respectively? Women have their needs while men also have theirs. Men have their pains. I think this is indeed vexation brought about by men themselves, that is, the so-called gender

mainstreaming. In fact, we are all humans with emotions and sensory pleasures. We should relieve our emotions. There should be channels for us to do so. But why do we have to flaunt our superiority? Why do we have to flaunt our superiority, rather than telling people around us, including our most intimate spouses, some problems we are facing?

Actually, we are puzzled if this is an issue of egg and chicken? Is it the case that we, men, are flaunting our superiority? Or because of the overall social concept, we are made to believe that "men will not cry easily". In fact, I think this concept has exerted tremendous pressure on us. Therefore, we said just now, we have no intention to stir up any heated debate on whether the unemployment problem of men is more serious than that of women. Unemployment, no matter to male or female workers, is painful. We all have to face up to it. However, very often, under gender mainstreaming, an unemployed man may have to put up with enormous pressure. Especially if he is the breadwinner of the family, he may be subject to even greater difficulties. Regarding this point, Mr WONG Kwok-hing has cited a lot of figures just now. I do not want to repeat them again.

Precisely because of these reasons, we wish to ask the Government why the Labour and Welfare Bureau fails to design some services to cope with men's needs specifically. When we talk about this issue, discuss gender mainstreaming and strive for women's interests, are we really open-minded? Why are some industries seemingly dominated by women? Under the Sex Discrimination Ordinance, it is already known to us that we cannot designate any post for either males or females — this is not allowed, unless under some individual situations with special requirements — but we do find that some jobs are mainly taken up by men, while some are dominated by women, especially the services industry at present. We can see that more women are employed. Frankly speaking, I think this is not very scientific. Rather, it is simply a concept among the general public.

Very often, once a job is stereotyped, the choice of employment made by some people of different genders may be restricted. Apart from this, I believe that under the Sex Discrimination Ordinance, even though some employers may not indicate whether they want to recruit males or females, they will, after all, opt for a certain gender to take up a certain kind of job wittingly or unwittingly during the recruitment. I think we should admit this, which is indeed an issue we have to address.

In view of this, we think that men are more seriously disturbed by problems relating to unemployment. We hope the Government can address problems in this regard and offer them more assistance in facing up to their own problems. Very often, we will see I have come across some cases. In some divorce cases, some men always complain that social workers of the Social Welfare Department are partial to their wives. But I think such a situation will not arise. However, why are there be such complaints? I think this is actually attributable to the fact that insofar as service provision is concerned, we very often fail to design the work concerned from the perspective and needs of the other gender.

For this reason, we hope the Government can pay attention to such situation, as we find that once they met with difficulties, both males and females need support, psychologically and mentally. Here we call upon all men, when they are really in need, that they should never put up with their troubles but should seek assistance from others.

Lastly, I wish to talk about the issue of paternity leave. We request that paternity leave be provided. Although a lot of post-natal care services are available now, they can only cope with the health or other physiological needs. I think a woman and her family is a unity. When this woman gives birth to her baby, it is very important for her husband to provide support by her side. Therefore, I think the Government should seriously consider the provision of paternity leave. Besides, the Chief Executive has also advocated that we should have three children. If the Government does not implement measures to cope with our needs, this will only be empty talk. Therefore, I keenly support that the Government should introduce paternity leave for men.

With these remarks, Deputy President, I support Mr WONG Kwok-hing's motion.

MR ALAN LEONG (in Cantonese): Deputy President, the unfair culture of "women being inferior to men" has brought harms to many people for a long time. In order to strive for gender equality, modern people have all along been making efforts to improve the situation of "women being inferior". The Women's Commission and the Equal Opportunities Commission set up by the Government, many community organizations as well as the Legislative Council all support raising women's status.

Over the past several decades, women's status has been raised gradually. Although gender equality has yet been extended to each social stratum in Hong Kong, the situation is much better than that in the past. The mindset of "women being inferior" can hardly hold water now. The opportunity of receiving higher education, to a very large extent, has determined the social structure in future. During my schooling era, male students still dominated in universities. By the end of the 1980s, the ratio of male to female undergraduates was still six to three. Around 2000, the number of female undergraduates started to exceed that of male undergraduates on a rising trend. Such trend indicates that the social structure will continue to develop in the direction in which women's role is becoming increasingly important. Once the social roles of men and women have changed, it is necessary to adjust afresh the ancillary and support services provided for the two genders in society, so as to keep abreast of the times.

Deputy President, the so-called gender mainstreaming aims at taking concerns of the two genders into account simultaneously during the design, implementation and evaluation of legislation and policies, so as to ensure that both genders can enjoy social resources and equal opportunities in a fair and reasonable manner. In promoting gender mainstreaming, we can no longer look at things merely from the women's perspective. Rather, we should take the men's perspective into account as well, so as to balance the needs of the two genders and achieve genuine gender equality.

In view of the existing social situation and the corresponding policies, we can do more for men. During my contacts with the public at the district level, many men told me that after divorce, the Court had made a judgment and given the right of custody to their wives. Even their public rental housing (PRH) flats have also been surrendered to their wives and children. In face of the "three-nots" situation, these men told me that they had to wait for a very long period of time for PRH flats. They had no place to live and did not know what to do. These men, having lost their families, still have to worry about their basic housing need. In formulating the housing policy, has the Government ever make consideration from the men's perspective and endeavoured to offer assistance to them?

Deputy President, I also wish to talk about the problem of domestic violence. After the financial tsunami, the problem of domestic violence has emerged gradually. Some social workers have pointed out that the number of

cases in which men seek assistance has increased by 64% compared to the same period of the year before last. Moreover, as shown in the statistics provided by the Social Welfare Department, during the period from 2006 to 2008, the overall number of reported cases of spouse abuse has increased over 50%. As for the cases in which men are victims, the proportion has even increased from 15.3% in 2006 to 18% in 2008. The problem is becoming increasingly serious. But regrettably, ancillary services available in society are not adequate to provide assistance for men. For example, among the existing five government and non-government refuges, only one will admit men. For those men who have family problems, there is no place for them to live.

In fact, Hong Kong can make reference to overseas experience. In Taiwan, the Domestic Violence and Sexual Assault Prevention Committee, an official organization, is concerned about the problem of domestic violence faced by men. The government will hire rooms in hostels and inns, so that those male victims in domestic violence can have a temporary dwelling place. Moreover, it will even subsidize the establishment of temporary refuges for men, so as to provide appropriate assistance to those who are troubled by family matters.

A number of colleagues have also mentioned the film series of *Tora-San*. Same as the lead actor in this film series, men are sometimes hamstrung by the word of "dignity" or the notion of "family breadwinner". They prefer flaunting their superiority to revealing their weakness to others. Very often, troubles will snowball as a result. According to a survey conducted by the Department of Health, only about 23% of men claim that they need not seek emotional support from others. And only about 2.8% of men will choose to talk to others to relieve their pressure. Even if they want to seek assistance, as there are only a few organizations offering assistance for men, they always have a feeling that "there is nowhere for them to turn to for assistance".

As pointed out by some experienced social workers in domestic violence, men are less willing to seek assistance from them. Rather, they prefer seeking assistance over hotlines. However, only three hotlines especially for men are available in Hong Kong at present. Among them, two will operate three days a week only. Therefore, I agree to the suggestion made in the motion, that a 24-hour hotline be set up. Recently, Chief Executive Donald TSANG indicated that he has some worries. If such a hotline can be set up, the Chief Executive may also try it.

Deputy President, if we search "Men's Right" on the Internet, we will find a lot of overseas organizations which are concerned about men's rights. In overseas countries, campaigns for men have been going on for several decades. But Hong Kong is still at the infancy stage. Thus, there is a genuine need for the Government to take the lead and encourage the community to care about this issue. Therefore, I support the suggestion put forth in the motion and consider it worthwhile to set up a Men's Commission. We should look at things from the men's perspective and do a better job of gender mainstreaming. Same as the Women's Commission, it should, on the one hand, be responsible for promotion among the public. On the other hand, it can advise the Government on the formulation of policies and serve as a bridge to facilitate communication between the Government and community organizations.

Deputy President, I so submit.

MR WONG YUK-MAN (in Cantonese): Deputy President, we have to thank Mr WONG Kwok-hing again today for proposing this debate topic, which gives an account of the sorrows of men in Hong Kong, right? It has given us an opportunity to voice our grievances. However, is the actual situation really as sorrowful as what he has mentioned? This does merit our deliberation. That such a topic can also be taken for a motion debate shows that the Legislative Council really encourages the free expression and discussion of different opinions, right? It is indeed unpredictable.

As a matter of fact, Hong Kong is a men-dominated society, with powers vested mainly in males. Among the 60 Members in the Legislative Council, only seven female Members are returned by geographical constituencies. However, the situation of the Civic Party is different. Today, three of their five members are females while the other two male members have been forced to stand up, right? There are only three female Members returned by functional constituencies. Among the directorate officers in the Civil Service, the number of males is more than that of females by one fold. If those non-official members in public organizations, advisory bodies and statutory organizations are included, the ratio of males to females may be up to 2.85 folds. Among the top 10 tycoons in Hong Kong, there is no female at all. There was one in the past but she had already passed away. As her estate is involved in a legal struggle, she is not counted.

These objective facts may be just one side of the coin only, similar to Mr WONG Kwok-hing having cited many cases to show that men are so miserable. But in Hong Kong, those influential people who have powers and are responsible for formulating policies are, excuse me, mainly males. This is an objective fact. This may also give rise to a kind of pain, as they have to put up with tremendous pressure. There is a sample in front of us. We all understand this by simply taking a look at "Bowtie", right? In view of this, is it necessary for us to urge the Government or Secretary Matthew CHEUNG to consider providing some welfare? I think if we request welfare because of this reason, there is something wrong. Am I right, buddy?

The objective fact may be a little bit different from the situation mentioned by Mr WONG Kwok-hing. Regarding the specific proposals made in the motion, I also agree to a number of them. How can I object to them? Very simple, taking the introduction of paternity leave as an example, this is beneficial to both genders, right? This is the only one proposal which merits my support. It is because although women are responsible for giving birth to their children, men are also involved. Even the entire process will have impact on men as well. During her maternity leave, his job will be affected, right? Therefore, this suggestion merits our support. However, I consider it absolutely irrelevant if we urge the Government to set up a Men's Commission especially in respect of this point. Why should a Men's Commission be set up? It really beats me.

Moreover, as for some concrete details put forth in the proposals of this motion, are they related to this motion at all? For example, in order to raise men's status or in view of the fact that men's status has started declining, they should stand up afresh now. But it has nothing to do with this topic. The most ridiculous thing is to suggest setting up a clinic for prostatic disease. It is inevitable for men aged over 50 to have prostate swelling. When "Long Hair" was young, he had always competed with his classmates to see who could piss the longest distance. But he cannot make it now without leaning against a wall. Therefore, once men reached over 50, it is inevitable to have such physiological problem, right? This is very simple logic. Some of us also cannot help laughing. However, this is a fact that our body will deteriorate. When we get older, our physical strength will be on the decline, right? Hence, is it necessary to set up a designated clinic for providing treatment for prostatic disease?

Therefore, being so happy today, I think there is no harm for us to relax and say a few words on this issue. We have not seen Secretary Matthew

CHEUNG's smile for a long time. He cannot help showing us his smiling face now, right?

As for the motion as a whole, I think it is very difficult to object to it. However, after all, I cannot agree to all of its proposals. Therefore, it is very troublesome. The League of Social Democrats will very likely abstain. "Hulk" has indicated that he wants to vote against it. However, I have stopped him and pointed out that this is not feasible. Mr WONG Kwok-hing is speaking for men. We have to support half of his motion. Although the majority of its content has nothing to do with me — talking about the special hotline, I will not use it, either. I am scolded by my wife every day and have already got used to it. It is not necessary for me to use such a special hotline, right?

In a men-dominated society, females are not the only ones who suffer. As a matter of fact, males are also suffering, right? If genders are shaped and men's mentality and behaviour are restricted, this is very miserable to many of them. In other words, if men are not tough enough, it will really give rise to some problems.

LUNG Ying-tai, a writer, has written an article entitled "啊，上海男人" (*Oh, men in Shanghai*). There is a commendation for men in Shanghai in one of the paragraphs. Perhaps, I should read it out so that Mr WONG Kwok-hing can follow their practice. "..... Surprisingly, men in Shanghai are so cute: He can do household chores but does not find himself humble; he can wash clothes for women but does not find himself menial; he can speak gently to women but does not find himself lacking men's courage; he can let women flaunt their superiority but does not find himself weak; he can appreciate his wife's success but does not find himself a loser."

Can we find such kind of men in Hong Kong? I wonder if Mr WONG Kwok-hing is one of them. But definitely, I am not. Regarding what men in Shanghai can do as mentioned here, I really cannot do even one of them. I think this motion merits our discussion. It is worthwhile for us to discuss the gender problem. Just as the gender mainstreaming mentioned by Mr Alan LEONG earlier on, it is also a very important point. In nowadays society, when modern countries formulate policies, this term will always be taken into account, right? If such term has been considered in the formulation of policies, the problems raised by Mr WONG Kwok-hing will no longer be problems, right? That is to say, the problems raised by Mr WONG Kwok-hing are problems because of the

policies implemented by the Hong Kong Government, which depends on how the Secretary looks at the term "gender mainstreaming". If he has considered this term in the formulation of policies, the problems raised by Mr WONG Kwok-hing are not problems at all. Indeed, he should not suggest setting up a clinic for prostatic disease anymore. Do you understand? Thank you, Deputy President.

MR LEUNG KWOK-HUNG (in Cantonese): Deputy President, when I saw this debate topic, a saying that we all know occurred to me. However, I am not going to talk about this saying first. I will only say, "Taking off one's pants is freedom, breaking wind is natural and these are human urges (they cannot be suppressed)". However, one should not "take off one's pants to break wind". Why do I say so? I am not being satirical to Mr WONG Kwok-hing. In fact, I have also read his essay collection.

Why have we come to this pass? In fact, the debate today is most educational. This is relevant to the Government's reply to the last motion today (since I had to go to the Court to go through some formalities today, I could not come back to take part in the debate), that is, on fairness and equality. Uniform equality cannot keep abreast of modern development in human rights. Regarding the inequality created by history, society and the economy, in order for those people living in societies with structural inequality to attain equality, it is necessary to build a different platform, so that by means of this higher platform, the oppressed can be brought on a par with people who are not oppressed.

This is also true of education. The Hong Kong Government tells us that all people are entitled to 12 years of education, but it just does not understand that those children with mental impairment or born disabled are subjected to inherent structural inequality, so it is necessary to build a higher platform to let them enjoy equal rights. For this reason, the reply of the Government was wrong. Such a situation is actually a disgrace and if Members use their common sense and have read the classics on human rights, they will understand why.

Herein lies Mr WONG Kwok-hing's mistake. He does not understand that in a patriarchal society, in view of the flaw of historical, economic, cultural and political inequalities, our emphasis on women's rights is precisely intended to build a desirable platform, so that women can regain their right to equality in view of the inequalities they were subjected to in the past. Of course, men are

also the victims because just like women, they are also oppressed by the social system, for example, by capitalism and pseudo-socialism. However, we cannot reverse the issue and say, "Due to the lack of a male perspective, the social status of men is being oppressed.". Let me give an example. When the problem relating to prostate glands was mentioned, of course, it also struck a chord with me but it will surely also occur to me that a lot of women are also subjected to natural biological constraints. For example, they have to suffer each month as a result of period, but have we ever lobbied for menstrual leave? Furthermore, regarding such illnesses as cervical cancer and breast cancer, it is impossible for me to get such illnesses

MR WONG YUK-MAN (in Cantonese): It is possible

MR LEUNG KWOK-HUNG (in Cantonese): To get cervical cancer?

MR WONG YUK-MAN (in Cantonese): I mean breast cancer.

MR LEUNG KWOK-HUNG (in Cantonese): So you mean breast cancer. I thought you meant I could also get cervical cancer. In fact, these illnesses are included in the biological set-up of women and they must accept it. In addition, there is pregnancy. Even if it were possible for men to help their wives by taking paternity leave, they would still be unable to bear the pain of being pregnant for 10 months in the place of women. This is also the paradox in being human. No matter how much a man loves his better half, he still cannot physically feel the suffering endured by a woman.

The oppressions endured by women are indeed very great. My mother can bear testimony to this and I have related this many times before. Of course, if my mother were alive today, it would no longer be necessary for her to put up with the suffering that she went through. Why? Because each generation, on seeing the suffering endured by women — let us not talk about biological ones but only the oppression exerted by history, culture, the economy and politics on them — would advocate women's rights and point out the suffering and discrimination endured by women, believing that a broader and more desirable platform should be built to remedy past inequalities.

For this reason, why did I use "taking off pants to break wind" as an example at the beginning of my speech? In fact, I am not being satirical. There are a lot of things that are inherently right, just as it is right to take off one's pants and it is also natural to break wind. However, it would not do to put these two things together because how would "taking off pants to break wind" be like? Not only would this act be superfluous; a foul smell would also pervade the air. I am not saying that Mr WONG Kwok-hing is filling the air with foul smell but, in fact, he has forgotten one thing, that is, in many ways, the suffering endured by men is shifted onto women. Let me give an example. Members frequently talk about the abuse of old husbands by young wives or the Court awarding the right of custody to women. Why has such a situation arisen? Because in Hong Kong, if men cannot find wives, they can go back to the Mainland to do so and such marriages do not have to be founded on love. In fact, both parties are the victims.

I think the proposals made by Mr WONG Kwok-hing are not entirely unjustified but if we paint men as though they were the oppressed in a patriarchal society, this is inappropriate, particularly when compared to women. If we do so, we will not have the time to continue to build a platform for women who are treated unfairly and oppressed, so that they can enjoy equal rights as men do. For this reason, I cannot agree with his views, so I can only abstain from voting. However, I do not mean that I oppose all of his proposals.

Thank you, Deputy President.

MS LI FUNG-YING (in Cantonese): Deputy President, we say that feudal society is a patriarchal society and everything is male-centred, so women were the adjuncts of men and the oppressed. For this reason, movements fighting for equal rights for women were launched. In the course of this prolonged women's liberation movement, social changes were eventually effected and women's rights gradually gained protection. However, even in Hong Kong nowadays, we are still falling far short of the ideal of equality between the sexes and a case in point is that so far, housewives still do not enjoy any retirement protection. Another example is the different pay for men and women undertaking the same kind of work. This is even more evident in elementary jobs. Of course, there is still a long road ahead in the fight for women's rights but even so, Deputy President, I will support the call on the Government to provide support services to men

because lobbying for women's rights and lobbying for men's rights are not contradictory. More often, they are the two sides of the same coin.

Domestic violence is a case in point. In fact, both the abuser and the abused are the victims. I know that the Social Welfare Department offers a counselling scheme for abusers to offer them help in areas ranging from their daily routine to their psychological make-up. Concerning today's motion, some Honourable colleagues may say that it is possible men are also the victims and the abused in domestic violence, that they do not know how to seek outside help in the face of such matters or are even too embarrassed to talk about them. I believe this kind of problem exists in society. Here, I have to stress that a family-oriented approach should be taken and in providing support services to men, it is not just men alone who would benefit from them, rather, the whole family would also be benefited, including women, who are the other pillar of the family.

If we look at the support services for men from this angle, we will find that it is not just the maternity leave for women that is sorely inadequate because after a woman has conceived a baby for 10 months and when a new life comes to this world, it is not simply on account of the biological needs that maternity leave is needed. Behind the coming of a new life to this world, people's lives and even the family will also experience significant changes. Men also bear an indispensable role in this change. They share the joy of receiving a new life and the responsibility of taking care of this new life and even help the wife overcome various possible post-natal problems. At present, only women are entitled to paid maternity leave, so the role played by a man in the process of a new life coming to this world is completely disregarded. For this reason, if the Government encourages the public to have more babies on the one hand but is unwilling to introduce paternity leave on the other, this means there is a lack of real policy support. For this reason, it would be useless for the Government to talk any further.

(THE PRESIDENT resumed the Chair)

President, various social groups have different needs and the Government has given policy support to children, young people, women and the elderly in various degrees, even though in many cases, such policy support still leaves much

to be desired and there is still a lot of room for improvement. I do not always support the provision of all social support services according to gender, but I support the launch of a study on support services for men, so as to formulate a holistic policy. Moreover, paying attention to gender equality when promoting and giving publicity to social support policies can also improve the situation of men who need help but find nowhere to turn to.

President, I so submit.

DR PRISCILLA LEUNG (in Cantonese): President, I think that the motion moved by Mr WONG Kwok-hing today is actually a very good reminder, in that it makes us reflect on the traditional division of labour between the sexes in society nowadays. I find that there are many items in Mr WONG Kwok-hing's motion. Among them, I have reservation about item (b) concerning the establishment of a Men's Commission because I am not inclined towards the establishment of gender specific commissions. However, concerning paternity leave as mentioned in item (i), I think it is a very good proposal. On Mr WONG Kwok-hing's motion, there are indeed problems into which we as women may not be able to gain a thorough understanding.

Last night, I had a meeting with some male colleagues and former classmates to discuss Mr WONG Kwok-hing's motion and asked them about their views. There are some figures worthy of Members' notice. An old classmate of mine who works in a certain university provided some figures to me, saying that in the university in which he worked, there were two very large departments, one being the FO (Financial Office) and the other being the HR (Human Resources) and they each hired over 100 staff members. Apart from the several staff members in the senior management, most staff members belonged to the middle or senior levels and had received professional training. Of the over 100 colleagues in the FO Department, only five were men and in the HR Department, there were even just two men. Since he was the head, everyone asked him why he always hired women. He said that with regard to the middle management whose staff members were aged between 40 and 50, he would ultimately choose women after interviews because he felt that women paid greater attention to details, were more patient and had greater endurance. They also handled the nitty-gritty very well. Although they were also aware of a gender imbalance, in order to choose the most suitable candidate, in the end, they would still pick female candidates.

What is the situation in universities? Long ago, these classmates studied politics together with me. At that time, there were only five female students in the class but now, most of the students are women. What about law and medicine? Most of the students are women. This is very strange because in the past, we had the idea that female students matured earlier, so their academic performance in primary school was better and they could get into better secondary schools. In university, students studying science subjects and medicine were likely to be male students. However, the latest figures indicate otherwise. The academic performance of female students in science subjects is just as outstanding. Eventually, in a number of universities, the First Honours, be it in science or arts subjects, are all awarded to female students. Our discussion was completely open and according to the figures obtained by us, we found that in Hong Kong nowadays, the division of labour between men and women had witnessed great changes compared with the last generation.

I myself can also see that in the last generation, particularly in our parents' generation, no matter how competent a woman was, in the end, she would make sacrifices for the family and stay at home. No matter if they liked it or not, they would devote themselves wholeheartedly to their children. However, what about this generation? Women of our generation share a trait, that is, since they have to make double efforts in order to be promoted to the same position as men, most women are very hardworking. If they can rise to a certain position, their abilities have usually exceeded the standards required of them. In these circumstances, what is the effect of this on the next generation? First, objectively speaking, there has not yet been any dynastic change in universities and no woman has yet become the vice-chancellor of any university. Insofar as the rank of professors is concerned, most professors, both chair professors and professors, are still men. In the political sector, some Honourable colleagues have also pointed out that the greater part of it is still dominated by men. However, will this situation remain unchanged in the next generation? I would take an open it is worthwhile for Mr WONG Kwok-hing to move his motion because it makes us reflect on the present state of development of Hong Kong.

As a woman, I have also provided assistance to many cases involving women. In some poor families, it is true that women still have to bear a great deal of pressure. They may have to take care of their families as well as going out to work. On returning home, they may still be chided by their husbands. However, in many cases, if the husband and wife are both employed — for example, in the case of emigrants to Canada or immigrants to Hong Kong — the

wife is willing to get a demotion and when necessary, she can stay at home instead of working, but this is not possible for men. I can see that when men lose their jobs, a lot of them would not cry and talk like women. For this reason, I think it is worthwhile to raise the problems relating to men.

Second, one of my assistants has recently become a father but he was not entitled to any paternity leave. I can see that young men nowadays love their wives very much and I think this is desirable. We encourage the public to establish families and if they are even willing to bear children, we should give them support. I could see that if young men have newborn babies, sometimes, they would appear distracted and had to make calls back home frequently. In fact, they care about their children just like the mothers. Be it men or women (*The buzzer sounded*) we should treat them all fairly.

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, your speaking time is up.

DR PRISCILLA LEUNG (in Cantonese): Thank you, President.

MR LEUNG YIU-CHUNG (in Cantonese): President, the motion moved by Mr WONG Kwok-hing today has indeed been rarely debated by the Legislative Council. For this reason, when some Honourable colleagues learnt about this debate subject, they could not refrain from laughing. I do not know why they laughed but maybe at the mention of the woes of men, some Honourable colleagues thought that they had to do with the advertisements for some proprietary medicine. However, I believe Mr WONG Kwok-hing is certainly not referring to this kind of woes plaguing men, but to the difficulties confronting men in Hong Kong at present and they include many problems, one of them being the unemployment problem.

President, on the unemployment problem, just now, Mr CHEUNG Man-kwong and Mr WONG Kwok-hing cited many figures showing that the unemployment problem among men is quite serious at present. Of course, this is an undeniable fact as the figures have so indicated. However, I wish to say that it is not enough just to look at the figures, rather, we also have to look into the causes. Why is the unemployment rate particularly high among men?

One of the reasons is that women dominate another occupation, that is, housework. For this reason, they are not counted as unemployed. Therefore, relatively speaking, the unemployment figure for women is low. This is an issue relating to the family system and our traditional culture. I believe it is worthwhile for us to contemplate whether or not it is always necessary for men to work outside and women to make home. This is one of the issues requiring our thorough consideration and contemplation.

In fact, although women of the younger generation in modern society think that this arrangement needs not always apply to them and they too can also go out to work, such a concept still exists in many families. For this reason, even as we advocate that the unemployment problem has to be solved, an issue has also been brought to the fore, that is, the idea of "men make houses, women make home" is not necessarily deep-rooted and it can be changed. This is the first point I wish to raise.

The second point is that if we only highlight the seriousness of the unemployment problem among men, I think there are some inherent problems. Why do we highlight the gender in particular? In fact, the unemployment figures for some trades are particularly high. For example, the unemployment problem in the catering industry is more serious and this is actually an existing problem. For this reason, I believe that there is no need to highlight the male gender. So long as this problem exists in the community, we have to tackle it. The unemployment problem is in itself a very serious problem. Now, the unemployment rate is as high as 5.4% and the situation is dire. For this reason, I believe that it is incumbent upon Secretary Matthew CHEUNG to solve this problem. No matter men or women, they are all facing this problem, so the unemployment problem must be solved and this is not simply about solving the unemployment problem among men.

Separately, just now, Mr Alan LEONG also raised another problem worthy of our consideration, that is, the problems that arise when residents of public rental housing go through a divorce. Usually, the female party is allowed to stay in the original unit but the male party may have to move to interim housing. However, President, as far as I know, this is not a policy, rather, when the Court or the Housing Department decides to whom a unit should be awarded, generally speaking, the unit is awarded to the party with the need. What does "need"

mean? For example, the party awarded the custody of the children, be it the father or mother, can live in the original unit, whereas the other party has to leave the original public rental housing unit or move into interim housing.

This is a problem relating to resources for public rental housing and in fact, both the male party and the female party have the need to live in the unit concerned, only that at present, the Government does not have enough resources for public rental housing, so such a situation has arisen. As a result, only the party with the need can stay in the original unit. I think this is not an appropriate approach. The Government should provide adequate resources and if a couple has to seek a divorce, it is only proper for both the male and female parties to have his or her own public rental housing unit. Therefore, after divorce, some women also have to move into interim housing because they are not the party awarded the custody of their children. In view of this, on this point, I think the Government should increase the resources for public rental housing to pre-empt the occurrence of the so-called gender problems.

Apart from the problem of divorce, last year, I also told the reporters of several newspapers that I strongly supported the granting of menstrual leave. The organization to which I belong also grants menstrual leave to female colleagues. The press also gives continued coverage to this matter. After the news reports had been published, my office received a lot of calls all the time and most of them came from ladies. One of them said to me, "LEUNG Yiu-chung, you support the granting of menstrual leave and this is really good. I really need it because we feel really painful during our period and we really want to take time off. If it is possible to secure this kind of leave for us, that would be great.". She expressed her support for our lobbying. For this reason, I hope the Secretary can heed the demands of women in this regard and really lobby for menstrual leave for them.

However, at the same time, I also received some calls from men and they chided me, saying, "Why lobby for menstrual leave for women? What about men? Men cannot have menstrual leave, so what about men? This is not fair.". President, this is not purely a gender issue, rather, this is a matter of biological need. If men also suffer from menstrual pain, I think they should also be entitled to menstrual leave. However, the point is that men do not have period, so how can leave be granted to them? However, the hard fact is that many

women really suffer a lot of pain during their period, so why can we not consider their biological need and give them menstrual leave? For this reason, I am really sorry, but we cannot help these gentlemen. We cannot lobby for menstrual leave for you and can only do so for ladies.

However, it is a different matter with regard to reproduction because children are the fruits borne by a family. For this reason, biologically, women are the ones to bear and give birth to babies, but I also believe men's support for them and for their families is essential. On paternity leave, I believe the Secretary has an undisputed responsibility and you cannot let up. You must do this job well and give men paternity leave, so that men can contribute to their families, support their spouses and show their care for their children.

In view of this, I hope you will support and approve menstrual leave and paternity leave. Thank you, President.

DR MARGARET NG (in Cantonese): President, "It was to our husband that we looked up in hopeful contemplation, with whom our lot is cast for." Nowadays, the woes of women lie in having to cope with men with numerous problems, in particular, those problematic men who hold all the sway and make autocratic decisions. For this reason, if the Secretary wants to provide services to these men, this would be also a benevolent measure for women.

Several years ago, my good friend, Ms Eva CHAN Sik-chee, penned a series of interviews and authored a book entitled "The Twelve Dames of Tin Shui Wai". She said that initially, she thought she was compiling a collection of biographies about tough women, but she found that she was actually also writing a collection of biographies about irresponsible men.

In view of this, Secretary and Mr WONG Kwok-hing, behind the woes of each woman, there is always a man with problems. In fact, women have already resigned to their fate and shored up half the world of their own accord. Moreover, in doing so, they have to stay fairly low key in order not to heart the frail hearts of men, thus increasing our burden and leading to complications. For this reason, Secretary, on behalf of the ladies in the Civic Party, I support Mr WONG Kwok-hing's motion. Thank you.

MR PAUL CHAN (in Cantonese): President, it is particularly meaningful for the masculine and manly Mr WONG Kwok-hing to propose this motion calling on the Government to provide services to men in Hong Kong because even such a tough man has also pointed out that men also have a fragile side and their needs. When I had a preparatory meeting with my female assistant, she said that this motion was very interesting and worthy of discussion. Why? Because we think that the aim of this motion is not to compare the social status of men and women or their influence at various levels of society. Nor is the aim to compete, through this motion, with women for service resources. This is not a zero-sum game. The merit of this motion is that it highlights the fact that behind that tough face of men, in fact, men also have their needs and require support.

Many Honourable colleagues have said that "men make houses, women make home" and such thinking is etched in our minds. With the changes that took place in various eras, such thinking may also change gradually but it is undeniable that even today, such thinking still influences us. However, with the progress of times and from my personal observation, the sexes are going head to head in their achievements in the labour market. Husband and wife both have their jobs and they are not financially dependent on each other. Moreover, the families of some of my friends are even financially dependent on women and this is not at all uncommon. However, in the face of such changes, it is indeed necessary for us men to adjust our mentality, thinking and even outlook on the world. Naturally, we have to bear quite a lot of pressure in this process.

For some reasons, be it due to the need to have face, their self-esteem, the influence of traditional beliefs or the fact that men are not good at expressing themselves, often, men dare not talk about the difficulties encountered by them, still less seek assistance actively. In society, we are often misled by the tough appearance of men, thus overlooking the fact that they also have emotional needs. For instance, in dealing with incidents of domestic violence, far more support services are provided to women than to men. Two years ago, when I visited the Caritas Family Crisis Support Centre, I came into contact with some abused men and their account of their experience was a real eye-opener. I subsequently learnt that the proportion of abused men was by no means small, only that they do not talk to people easily.

President, Dr Margaret NG was right in saying just now that in each woeful family, apart from an oppressed woman, usually, there is also a man with

problems. For this reason precisely, we must provide appropriate and timely assistance to the man because not only will doing so help him, the entire family and the woman at home will also be helped. In view of this, and in this context, the motion moved by Mr WONG Kwok-hing is not simply male-centred. I think he is courageous in raising this subject and this is also very important in promoting harmony in families.

I believe that the Government should adopt a multi-pronged approach and I wish to raise two points in particular. The first is the establishment of correct concepts. When a dispute or even an incident of violence happens in a family, many people would unwittingly put the blame on the man and decide that the man is the abuser. Even in the announcements of public interest produced by the Government, such a propensity can be observed. I hope the Government can take remedial measures in this regard by neutralizing the gender of the abusers in cases of domestic violence to avoid creating any unnecessary and prejudicial misconception.

Second, President, I think voluntary civil groups or non-governmental organizations (NGOs) in local communities can make the fastest and most appropriate responses. I hope the Government can allocate more resources to NGOs in local communities, so that they can have more resources to provide services to men in need.

In addition, the motion also mentions paternity leave and family leave. I believe all these proposals are well-intentioned and worthy of further examination. However, we must set the levels carefully to strike a balance between the needs of society and the operating costs of companies.

President, I so submit.

MRS SOPHIE LEUNG (in Cantonese): President, as many Honourable colleagues said, this motion moved by Mr WONG Kwok-hing is really novel. However, I wish to talk about two things here.

From 2001 to 2005, when I was Chairman of the Women's Commission, every Saturday, I would meet with some women's groups in local communities. What I remember most vividly is that a woman once told me (initially, she was also too timid to speak but in the end, she told us this), "I am only a volunteer

who has received little education. I was educated only to Primary Three but I think that no matter how unhappy a woman is, she only has to go to the market and chat with the stall owners there and her problem can be solved quickly. Then, my mood would pick up again.". Can you imagine a man doing so? Men do not have the courage to tell others about their problems at all and the pains they endure is even greater. I cited this example many times to appeal to my colleagues in the Women's Commission not to insist on attaching paramount importance to women's rights or furthering women's rights, rather, they should discuss more often how to attain gender equality. This is the first example.

President, the second example is that at that time, a Secretary of State from the United Kingdom visited Hong Kong and the British Consulate-General Hong Kong invited us to have a discussion on the state of women's rights in Hong Kong. What struck me most deeply during the discussion at that time was that a lady who had come to Hong Kong only recently told me she had been working in the telecommunications industry (that is, the industry related to cables) for more than two decades and she found on coming to Hong Kong recently that Hong Kong was the place where a glass ceiling was the most noticeably absent and where women could pursue development. She had visited a number of places in Europe and in the telecommunications industry, she had never seen a place like Hong Kong. This example also shows that the development of women in Hong Kong is quite good and other places cannot compare with us.

If we look at women nowadays, I would ask why some young women who have higher academic attainment have chosen to remain single. I often have discussions with them — I believe Members can also talk with their young nieces and ask them why they choose to remain single. They would tell you that they do not think any man in Hong Kong is worthy of being considered by them and all men look like sludge. This answer is worthy of our consideration. I have tried to consider this issue from this angle and wondered if it is due to the facilitation of global trends in the past two decades that women's rights are on the ascendancy and consequently, women are actively fighting for opportunities to develop themselves and their achievements and confidence are greater but conversely, after being subjected to this kind of impact, men are feeling tired. I will leave it to sociologists to look into this matter further. The most important point is that I think we should make men understand that both sexes are entitled to equal development opportunities and nowadays, our society is no longer purely patriarchal. In these circumstances, instead of believing that men should not

shed tears easily or that their job opportunities have been snatched away by women, men should actively strive to better themselves and perform their duties properly.

In the past, the Equal Opportunities Commission said that there should be gender equality in admission to secondary schools but in fact, this is not necessarily correct because when small, the developmental opportunities are different for small boys and girls, so we should not draw a straight line in their developmental process and specify rigidly that they develop in certain ways. I believe we should let them take their natural course. Similarly, in society, the most important thing in the development of the two sexes is mutual respect. All of us are human beings and we should have the room to develop our potentials fully. For this reason, back then, the Women's Commission also did its utmost to promote a gender mainstreaming movement in society, in the hope that the Government would gradually begin to promote it. Unfortunately, it is a shame that it seems this campaign has now subsided. The most important point is how we can promote gender mainstreaming in society vigorously. Second, we should hire people on merit instead of making comparisons based on numbers or quantities. Whoever is competent should assume important positions. If we can bear this in mind, we will be more motivated and the thinking of the other sex having snatched away one's jobs would not arise.

In addition, in 2005, we in the Women's Commission also published a milestone report on how to prevent domestic violence and it pointed out the importance of education and ways of carrying out remedial education in local communities. I believe this is a matter worthy of further careful consideration and implementation by the Government. It is not always necessary to leave counselling to social workers. It is only with counselling that we can promote genuine belief in gender equality and break away from the obsession, among men and women alike, of being unable to treat both sexes equally.

President, I am not inclined towards supporting Mr WONG Kwok-hing's motion because I do not think we can have the mentality that since you have gained supremacy now, I would try to gain supremacy tomorrow. Then, the other party would try to gain supremacy again. Ultimately, this will not lead to a solution. I believe it would be more desirable if the sexes could develop in the direction of mutual respect, equality and capacity building.

MR ALBERT CHAN (in Cantonese): President, Mr WONG Yuk-man mentioned my name when he spoke earlier and that was because I indicated my opposition to the motion proposed by Mr WONG Kwok-hing today during a discussion held within the League of Social Democrats. President, I am a social worker and of course I would not object to any policy or measure from the Government that can help people in need. However, when I look at the wording and proposals made in Mr WONG Kwok-hing's motion, I would think that it is impossible for anyone who is serious about the formulation of public policies to support the 10 proposals concerned.

Of course, I do not have the political wisdom and humour of Dr Margaret NG to present such a wonderful speech in support of the motion. I have listened to speeches in this Chamber for so many years and never have I heard such a wonderful speech as the one made by Dr NG. The speech she made was presented in a seemingly opposing manner and it can well be said that hers is a speech that ranks the best all through these years in those speeches made in support of a motion. That is why I marvelled at her speech. She talked about a large number of analyses and issues and it is in such brevity that she pointed out the major problems in the motion proposed by Mr WONG Kwok-hing.

President, when formulating public policies and utilizing public money, an analysis must be made of the objective environment and the conditions. And such an analysis must be made from the perspective of the needs of the communities and the equity, fairness and rationality of the utilization of public money. If the word "men" in the 10 proposals is changed to other words, most of these proposals would still apply actually. For example, "men" can be replaced by "women", or "elderly people aged 60 or above", and even "the young people" or "unemployed young people"; these can all apply perfectly. When such words can be applied to these policy proposals, the implication is that this is a universal issue of mankind. Humans are plagued with pain and suffering once they are born and existentialist thinkers have talked a lot about the nature of existence and decisions of life. Man creates and determines the value of his existence. The philosopher KIERKEGAARD has a book about the problem of pain and it is called *The Concept of Dread*. The book talks about the value of human existence, the relationship between man and God, the existence of God, and so on. After reading the book, one would really sense the pain of existence. It is through pain that human existence is affirmed and the value of his existence measured, and in the end there is the so-called leap of faith where man submits

himself to God and asks for God's guidance. And it is with God's guidance that man will walk the path of life and have the value of his existence affirmed.

President, in any society, people from every community, social group and age are all bound to face problems. Just imagine the myriads of problems faced by a person from birth, infancy or right from the embryonic stage in his mother's womb, then through the various stages of adolescence, youth, adulthood, middle age or old age, and in every social class, every gender, every unique community or group in every stratum of society. But should specific public policies be formulated for every social group and community, or should specific service agencies be set up or should their problems be addressed by specific deployment of resources? If specialist service should be provided to patients of prostatic problems, then how about patients of cervical and breast cancers? Prostatic problems are actually classified under urology. But if every condition then the so-called Hong Kong foot skin problem would not have come under dermatology but should be handled by one particular department. The consideration should be whether with respect to the substantial size of a group of people and whether it is due to factors like social class, gender or age discrimination that these people are denied certain existing services. Then the next consideration is how in terms of public policy, specific services should be provided to these people who are discriminated against institutionally, because of age or other special features in social conditions. This is the problem of the disadvantaged that Long Hair talks about so often.

Looking back at the proposals made by Mr WONG Kwok-hing, seen in terms of logical thinking and policy analysis, it can be found that they are overwhelmingly sentimental than anything else. It is true that we see some middled-age men having lost their jobs and for me I have mentioned this example in this Chamber a number of times. It is about a resident of Tin Shui Wai who was in his fifties. I helped him apply for Comprehensive Social Security Assistance. When his application was being processed, he found that he could not bear the loss of his job and the pains of life, then he committed suicide by burning charcoal. But I would not ask the Government to provide special services to men in their fifties who have lost their jobs, for the reason that women in their fifties would face the same problem, too. There are people who are out of work not just in their fifties, but in their forties and thirties. Right? So this is a sober truth about public policies.

Therefore, President, seen from the perspective of the sober requirements for the formulation of public policies, it is not possible for me to support the

motion today. Same as the leap of faith mentioned by KIERKEGAARD, I believe that with God's guidance, people who find themselves overwhelmed by the pains of life will be delivered ultimately.

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

MS AUDREY EU (in Cantonese): President, I am terribly sorry but I want to take up a little bit of Members' time. President, originally, I did not intend to speak but I found it necessary to make some clarifications. Just now, I had some matters to attend to, so I was not in the Chamber but on coming back, an Honourable colleague told me that when speaking just now, Mr Ronny TONG of the Civic Party had said that originally, he had not intended to speak on this motion but the party chairman of the Civic Party had instructed the men in our party to speak, so he had no choice but to speak. President, on hearing this, I found it necessary to clarify several points.

President, the first point that I have to clarify is that although it is true there are more female Members than male Members in the Civic Party, there is certainly no autocratic rule by women and we always discuss a subject based on the facts and rational arguments and of course, we also support gender mainstreaming, so we definitely are not exerting pressure on Mr Ronny TONG on the basis of gender.

President, the second point that I wish to clarify is even more important. President, if Mr Ronny TONG spoke only out of compliance with the instruction of the ladies in the Civic Party, I believe the number of news reports concerning the Civic Party would at least be halved and they would also be much less interesting. This point also makes it necessary for me to clarify the third point.

President, the third point that I wish to clarify is that the speech given by Mr Ronny TONG just now is not the result of the instruction from the ladies in the Civic Party, rather, he did so because he found it necessary to speak on this motion calling on the Government to provide support to men in Hong Kong. He has already stated the grounds, so I am not going to repeat them. In addition, Dr Margaret NG has also spoken in support of the original motion on behalf of the ladies in the Civic Party.

President, these are the three points that I wish to clarify. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Of course, I cannot join the debate but after hearing Members speak, I just cannot figure out a language problem. Throughout the entire motion debate, when Members spoke, they used the term "men". Of course, "men" is not the male equivalent to "dames". "Ladies" is to "gentlemen" as "women" is to "men". However, to which term does "dames" correspond? It seems no one can tell me about this. *(Laughter)*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I am grateful to the 18 Members who have spoken on the motion on support services for men in Hong Kong. They have given us many valuable and useful suggestions and recommendations. I wish to give a rather detailed response to the main issues raised by Mr WONG Kwok-hing and other Members.

First of all, I would like to talk about employment services for men. With respect to employment services, the Employment Centres, Telephone Employment Service Centres, Interactive Employment Service website and Recruitment Centre for the Catering Industry are specifically tasked with providing free employment service to job seekers and help them find suitable jobs.

The 12 Employment Centres of the Labour Department (LD) also work through a number of employment schemes and services to assist job seekers with special needs or those with difficulties in finding jobs. As Members may be interested to know, these schemes mainly include the following:

First, the Job Matching Programme — our placement officers will provide placement counselling and service to job seekers that suit their personal needs.

Second, Work Trial Scheme — this especially caters for unemployed persons with special difficulties in employment by providing them with work trial opportunities.

Third, Employment Programme for the Middle-aged — employers are given training subsidies under the Programme which is aimed at assisting the middle-aged job seekers, including men, to re-enter the labour market as soon as possible.

I must stress that all job seekers, regardless of their sex, can use the employment services offered by the LD and take part in the abovementioned employment schemes.

In order to provide more specific support to the middle-aged unemployed and job seekers, in the middle of last year we enhanced a number of measures under the Employment Programme for the Middle-aged. These include relaxing the eligibility criteria of job seekers by changing the requirement on the length of unemployment and reducing it from three months or more to one month or more; allowing middle-aged job seekers with various educational attainment and skills levels to take part; employers may apply for an in-service training allowance for each employee and the allowance has been increased from \$1,500 to \$2,000 per month. For cases which merit payment of the above allowance for a longer training period, the period for payment of allowance is increased from three months to a maximum of six months.

According to the Quarterly Report of Employment and Vacancies Statistics published by the Census and Statistics Department in June 2009, apart from social services and personal services which employ a marked number of more females than males — 265 000 females are employed in these trades compared with 146 000 males — in all other trades, the number of males employed is about the same as the females and even higher than the females. This is an important point to note.

The package of measures and policies launched by the Government to address unemployment in the construction industry are beginning to see their effects felt more markedly. Members may notice that the unemployment rate in the construction industry has fallen for five straight months to a single-digit latest figure of 9.4%. This will help improve the employment situation in the

construction industry characterized by a predominantly male workforce. As Members know, an overwhelming number of employees in that industry are male.

On the services of the Employees Retraining Board (ERB), the ERB has been providing diversified training programmes to service targets from different trades with different backgrounds. In the year 2008-2009, the ERB launched about 100 new full-time placement-tied courses and more than 30 half-day or evening non-placement-tied courses which covered more than 20 trades, including education and recreation, catering, information and communication technology, finance, real estate, logistics, tourism, environmental hygiene and management, and so on. Vocational skills training courses are offered on physical fitness instructor training, baker and pastry cook training, webpage design, warehouse keeper training, exhibition booth setting and decoration, and so on. In the first half of the year 2009-2010, the ERB launched 13 new full-time placement-tied courses and the vocational skills training courses provided included those in metal scaffolding construction, adventure based activities assistants, vehicle sale, taxi-driving, clocks and watches repair, arboricultural management, and so on. These courses were offered chiefly to satisfy market demand. Due to the diversity of these courses, the ERB was able to offer a full range of courses to both male and female participants. And no participant has ever been rejected from retraining on ground of their sex. The door is always open for them. This is something we can certainly do.

With respect to welfare services, the Social Welfare Department (SWD) and non-governmental organizations (NGOs) have set up a total of 63 integrated family service centres in various districts of Hong Kong. These centres serve all people in need, including men and women who are single, married and divorced. A full range of preventive, support and professional services are provided. These include family life education, parenting activities, consultation service, training of voluntary workers, outreach services, counselling and referral service such as assessing applications for compassionate rehousing, arranging for appointments with clinical psychologists, and so on.

These integrated family service centres and integrated service centres have all along been working through counselling and all sorts of groups and activities to improve the abilities and skills of parents in teaching their children, coping with pressure at work and of life, and so on. These centres also help parents foster a positive attitude to the challenges of life. Social workers of these

centres possess the relevant skills and experience to assess and take care of the needs of service users of both sexes and provide services to them as appropriate.

The SWD and various welfare service agencies of the NGOs have all along been engaging in all sorts of public education and publicity activities. These activities aim at encouraging people, irrespective of their sex, age and race, to seek help from professionals at times of family, emotional or other kinds of distress. The integrated family service centres and integrated service centres will keep a close watch on the needs of citizens of each district and provide suitable support to meet the changing service demands of each district.

Some Members are concerned about the housing needs of divorced men. As a matter of fact, all people or families, including divorced men, who are in genuine and pressing housing needs and who cannot afford housing may apply for help from the integrated family service centres run by the SWD or NGOs. The centres will take into account their actual situation, including resources at their disposal, support network, and so on, and provide assistance as appropriate to them. Such assistance includes short-term financial assistance to pay for rent or removal expenses, arranging accommodation for them at hostels for single persons or temporary hostels in the urban areas run by NGOs, refer them to apply for Comprehensive Social Security Assistance or recommend eligible persons or families for consideration by the Housing Department (HD) for compassionate rehousing in public rental housing units.

Over the past two years, there were a total of 47 residents of public rental housing who after their divorce applied as single persons and were allocated public rental housing units on compassionate rehousing grounds. If persons living in public rental housing units apply for public rental housing after divorce, during the waiting period, they may seek help from the HD. The HD may arrange for interim housing for these applicants. During the past two years, 700 divorcee applicants for public rental housing applied to the HD and accepted interim housing arrangement.

Besides, there are 13 hostels for single persons and temporary shelters for street sleepers operated by NGOs. These venues are situated in the urban areas and have a total of 601 bedspaces to meet the needs of people with short-term or urgent housing service. Of these bedspaces, 492 are for men.

With respect to child custody and access for divorced men, the Law Reform Commission released a report on Child Custody and Access in 2005. The Report recommends that the joint parental responsibility model be introduced to the family law of Hong Kong. The aim is to change the present situation where only one parent has custodial right and the other has only the right to access. This model will enable both parents to play an active part in the life of their child after divorce. This recommendation by the Law Reform Commission has effected a fundamental change to the concept of custody in family law, with far-reaching effects on child and family. We will consider the views of stakeholders and make reference to overseas experience before examining the proposals in detail.

With respect to the setting up of crisis centres with the functions of providing temporary accommodation and counselling services, at present all persons in need, be they men or women, can apply for accommodation in the Family Crisis Support Centre run by Caritas Hong Kong, or the CEASE Crisis Centre which is an integrated crisis intervention and support centre run by the Tung Wah Group of Hospitals. These two crisis centres have a total of 120 bedspaces for the temporary accommodation of people in need.

In terms of counselling service, the SWD, the Caritas Family Crisis Support Centre and the Tung Wah CEASE Crisis Centre all run 24-hour hotlines. That for the Family Crisis Support Centre is 18288 and that for the CEASE Crisis Centre is 18281. Persons disturbed by family, emotional or other problems may ring these hotlines any time and counselling service will be provided. Persons manning these hotlines are all social workers who have undertaken special training and they know the needs of people of different age, sex and background, and that includes those of men. The social worker at the hotline will listen and understand why the help-seeker is disturbed and instant counselling will be offered to help the person cope with his or her problems. With the consent of the help-seeker, the social worker can refer the case for follow-up action by suitable welfare service units.

As for the problem of suicide by middle-aged men, the SWD has all along been subsidizing the suicide crisis management centre run by the Samaritans Hong Kong. The centre offers 24-hour outreach, crisis intervention and in-depth counselling to people with strong or medium suicidal tendencies, including men with high risk in suicide or self-mutilation. The SWD has increased the resources allocated to the centre this month to enhance support services such as

case counselling and group service for people affected by suicidal acts like family members and friends.

On promoting family-friendly employment practices, the LD works through the tripartite groups of various trades and the Human Resources Management Association, and different channels like seminars, talks, briefing sessions, roadshows and feature articles in newspapers to encourage employers to adopt various kinds of family-friendly employment practices, including the provision of paternity leave so that employees can fulfil their duties in the workplace and at home at the same time.

In the year 2009-2010, the LD will produce APIs to promote family-friendly employment practices. The contents of these APIs will introduce the varieties and types of family-friendly employment practices to viewers, the advantages of such practices to both employers and employees, as well as dispelling misunderstanding among the public of such practices.

When considering the question of introducing paid paternity leave to Hong Kong, I would say that a broad consensus must be reached in society and a right balance must be struck between employee benefits and employer affordability. The LD is presently studying this topic while also acting as the facilitator to foster collaboration with the business sector and NGOs in order to further promote good personnel management and family-friendly employment practices which include paternity leave.

With respect to health care for men, in order to foster better health in men, the Department of Health (DH) set up a website for the male health programme in 2002. Through work in this website, roadshows, health pamphlets and booklets, health information is provided to men and work is done to enhance their health consciousness so that they can practise a healthy lifestyle. Last year, there were a total of 1.1 million browses of the website for the male health programme.

Nowadays, general medical check-ups for men are mainly done by the Hospital Authority (HA), private medical practitioners and NGOs such as the Family Planning Association. The Family Planning Association and the Kwong Wah Hospital have set up male health service and a male health clinic respectively in 2001 and 2004 and offer general medical check-ups for men. The DH conducts territory-wide health surveys on a regular basis to monitor the

state of health in the local population. Such surveys include collection of data on male health and such information is useful in planning, providing support to and assessing health promotion and disease prevention programmes.

On treatment services, the general out-patient and specialist out-patient services run by the HA cover all sorts of diseases. Of these the urology department specializes in treating diseases of the urological and reproductive systems. Male patients suffering from diseases of the reproductive system or prostatic problems may seek treatment at the urology department. The division of the specialist service of the HA mainly takes reference of the divisions of the Hong Kong Academy of Medicine and doctors holding specialist qualifications of the Academy are responsible for service delivery. Currently, the Academy does not have any specialist division on men, but the HA will keep a close watch on the development of specialist training at the Academy and service needs and consider expanding existing service as appropriate and launch new services.

With respect to school education, the curriculum reform introduced in 2001 places special emphasis on fostering positive values in students and mutual respect and care between the sexes by imbuing an awareness of gender equality in the students. Topics of gender equality, mutual respect, and so on, are included in the key learning areas and subject curricula of primary and secondary schools, for example, in the General Studies subject in primary schools and the Integrated Humanities, Ethics and Religious Studies, History and Liberal Studies subjects in secondary schools, moral education and civic education in primary schools. The new senior secondary academic structure which began this September has enhanced the teaching of the relevant contents. In the Liberal Studies subject which is a core subject, topics such as gender roles and relationship, relationship with the opposite sex, improving interpersonal relationship and social skills are included as learning contents. Besides, the Education Bureau will launch a new subject in junior secondary schools and it is called Practical Living and Social Studies and one of the learning targets is to encourage students to learn to appreciate diversified values and to build harmonious interpersonal relationship.

In order to provide support in this area, the Education Bureau and different stakeholders, including university lecturers and social workers, frequently organize professional training courses, seminars and workshops on gender equality and gender consciousness, and so on. The aim is to enhance the teaching of knowledge, skills and abilities in the related topics. Besides, the Education Bureau has produced teaching resources on different topics to help

teachers foster an awareness of the importance of human rights, equality, mutual respect, and so on, in the students. The Education Television has produced programmes on equality for the new generation and equality for everyone, and so on.

I am grateful to Members for their concern about the support services for men. All in all, support services offered by the various bureaux and departments of the Government are all based on the needs of citizens and target at citizens of various needs. Support services are provided irrespective of gender. Thus the aims of both sexes enjoying equal opportunities of development, and a fair use of social resources can be achieved. The Education Bureau will enhance the awareness of gender equality in students at different learning stages, thus promoting mutual respect and harmonious living between the sexes, thereby helping to build a society of gender equality.

Some Members have pointed out earlier that the Government should exert more efforts in promoting the concept of gender mainstreaming. This I cannot agree more. As a matter of fact, we have been working closely with the Women's Commission and we will enhance our efforts and take active steps to promote this concept.

We are of the view that the existing arrangements are actually working very well and have enabled us to respond to concerns and views expressed on support services for men in a flexible manner. We will make full use of the present mechanisms and channels so that resources can be put to effective use to further the rights of men. Therefore, we consider that there is no need to set up a Men's Commission at the present stage to specialize in addressing men's problems.

Mr WONG Kwok-hing asked me earlier whether or not a committee will be set up under the Family Council to hold follow-up discussions. I would like to explain that the aim of setting up the Family Council is not to set up committees for particular age groups or sex groups. The affairs related to men as mentioned in the motion cover many policy and work areas, including education, welfare, employment, health care, and so on. These affairs and relevant services are studied and provided by the relevant bureaux and departments. The Family Council will encourage all bureaux and departments, as well as other stakeholders to adopt a family perspective in reviewing their

policies and services so that the services delivered can better suit the needs of the families.

At present, the Family Council works in collaboration with various stakeholders such as the Women's Commission, the Elderly Commission and the Youth Commission, but these commissions are not placed under the charge of the Family Council. Therefore, the Family Council will not set up a Men's Commission under it.

President, I so submit. Thank you.

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, you may now speak in reply. You have 12 seconds.

MR WONG KWOK-HING (in Cantonese): President, I have a dream. I hope that gender equality in the true sense of the term can materialize in Hong Kong as early as possible. I am very grateful to the dozen or so Members who have spoken in the debate. I hope we can all cast aside our political differences and join hands to fight for gender equality.

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

(Members raised their hands)

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

(Members raised their hands)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 18 November 2009.

Adjourned accordingly at five minutes past Eight o'clock.

Annex I

BUNKER OIL POLLUTION (LIABILITY AND COMPENSATION) BILL

COMMITTEE STAGEAmendments to be moved by the Secretary for
Transport and Housing

<u>Clause</u>	<u>Amendment Proposed</u>
3(1)	In the Chinese text, by adding “特區” before “政府”.
7(a)	In the English text, by deleting “hostility” and substituting “hostilities”.
25(2)	In the Chinese text, by adding “特區” before “政府”.

Appendix I**WRITTEN ANSWER****Written answer by the Secretary for Education to Mr WONG Sing-chi's supplementary question to Question 1**

The Trial Scheme on School Drug Testing in Tai Po District is based on voluntary participation and guided by the best interest of students. Therefore, it has been specified in the Protocol of the Scheme that those students who have been tested positive under the Scheme will not be prosecuted for consumption of drugs nor expelled from schools. There are clear arrangements in the Trial Scheme to provide professional support services to the students identified as drug abusers.

For experimental abusers or non-dependent regular abusers, the students may continue normal schooling and receive counselling from school social workers and assistance provided by the schools. At the same time, these students should join counselling sessions in the designated Counseling Centre for Psychotropic Substance Abusers and other community support services to stay away from drugs.

For addicted abusers, we would consider to arrange voluntary residential drug treatment and rehabilitation programmes for the students. Upon agreement of the students and their parents, social workers will make the appropriate arrangements with the drug treatment and rehabilitation centres operated by non-governmental organizations. Currently, the Education Bureau subsidizes the education programmes that are run by the drug treatment and rehabilitation centres under non-profit-making bodies for youngsters of school age.

After completion of the residential programmes, the rehabilitated students may return to schooling in mainstream schools for social reintegration. The Education Bureau will work closely with social workers to ensure that the students can return to the former or other schools to continue school education according to their wish and needs through the existing placement support mechanism. If the students have been assessed to possess severe emotional and behavioural problems, they may be placed in schools for social development and return to schooling in normal schools after improvement in the problems.

Appendix II**WRITTEN ANSWER****Written answer by the Secretary for Security to Mrs Regina IP's supplementary question to Question 4**

As regards the provision of Chinese medical treatments for prisoners, according to Rule 31 of the Prison Rules (Cap. 234A), no prisoner shall receive or have in his possession any food otherwise than in accordance with the dietary scales approved by the Chief Executive except: (a) in special circumstances with the permission of the Commissioner of Correctional Services; or (b) on the recommendation of the Medical Officer if a variation of diet is desirable on medical grounds for any individual prisoner.

Medical Officers at penal institutions will make recommendations on the dietary needs of prisoners on the basis of their health conditions. Special diets currently available include low salt diet, high/low protein diet, minced meat diet and congee/fluid diet and Diabetes Mellitus diet. To meet the nutritional needs of individual prisoners, Medical Officers may also recommend the provision of supplements, such as extra meat, vegetables or dairy products.

Appendix III**WRITTEN ANSWER****Written answer by the Secretary for Security to Ms Audrey EU's supplementary question to Question 4**

As regards the provision of Chinese medical treatments for prisoners, at present, a total of 20 doctors from the Department of Health (DH) are acting as Medical Officers of the penal institutions. According to information provided by the DH, none of these doctors have qualifications in Chinese medicine.

Appendix IV

WRITTEN ANSWER

Written answer by the Secretary for Constitutional and Mainland Affairs to Mr Frederick FUNG's supplementary question to Question 6

As regards the Regional Co-operation Plans and Agreements reached between the HKSAR and the Mainland provinces and cities and the Macao SAR, the requested information (Chinese version only) is attached for Members' reference.

The Government of the HKSAR has been attaching importance to the transparency of co-operation arrangements reached with the Mainland provinces and cities and the Macao SAR. In cases where there is a major policy change or new initiative, we will report on these developments to the relevant Panel of the Legislative Council. We will submit proposals for the scrutiny of the Legislative Council on any co-operation project which requires additional funding to be approved by the Legislative Council or involves legislation. We will, as in the past, continue to follow established procedures to ensure the transparency of these regional co-operation arrangements.

2005年至2009年(10月)香港特別行政區
與內地省市和澳門特別行政區簽署的
合作協議／備忘錄

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
	泛珠三角區域合作安排			
1.	2005年1月 • 泛珠三角區域環境保護合作協議 簽署方： - 福建省環境保護局 - 江西省環境保護局 - 湖南省環境保護局 - 廣東省環境保護局 - 廣西壯族自治區環境保護局 - 海南省國土環境資源廳 - 四川省環境保護局 - 貴州省環境保護局 - 雲南省環境保護局 - 前香港特別行政區環境運輸及工務局(現香港特別行政區環境局) - 澳門特別行政區環境委員會	泛珠三角區域內各省、特別行政區政府決定開展泛珠三角區域在環境保護的合作，促進各方在生態環境保護、污染防治、環境管理、環境科技與環保產業等領域開展合作。	協議主要內容通過新聞公報發布(2005年7月25日) < http://www.info.gov.hk/gia/general/200507/25/07250180.htm >；協議文本亦已上載《泛珠三角合作信息網》網站< http://www.pprd.org.cn/hongkong/agreement/200505230505.htm >	

WRITTEN ANSWER — Continued

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
2.	<p>2005年5月</p> <p>• 滇港體育交流與合作備忘</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 雲南省人民政府體育局 - 香港特別行政區民政事務局 	<p>建立雲南省與特區政府在體育方面的交流與合作平台，在發展羣眾體育運動、舉行兩地間的體育比賽、培訓精英運動員，以及體育產業訊息4方面加強合作，以促進兩地的體育發展。</p>	<p>協議主要內容通過新聞公報發布(2005年5月)</p> <p><http://www.info.gov.hk/gia/general/200505/27c.htm></p>	
3.	<p>2005年5月</p> <p>• 泛珠三角區域農業合作協議</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 福建省農業廳 - 江西省農業廳 - 湖南省農業廳 - 廣東省農業廳 - 廣西壯族自治區農業廳 - 海南省農業廳 - 四川省農業廳 - 貴州省農業廳 - 雲南省農業廳 - 香港特別行政區漁農自然護理署 - 澳門特別行政區民政總署 	<p>協議主要內容包括：</p> <ul style="list-style-type: none"> • 促進區域內農業資源的優勢互補和合理利用； • 推動區域內農產品流通與農業龍頭的合作； • 開展區域內農業科技與信息合作與交流； • 加強區域內特色農產品的開發、新技術推廣等領域的交流與合作； • 加強區域內農產品質量安全監督管理合作。 	<p>協議文本已上載《泛珠三角合作信息網》網站</p> <p><http://www.pprd.org.cn/> and <http://www.pprd.org.cn/hongkong/></p>	<p>當局曾於2005年1月5日，在書面回答立法會會議石禮謙議員就泛珠三角區域合作的提問時，曾提及各相關省區已就外經貿、旅遊、環保、教育、衛生防疫、勞務和農業等合作範疇展開商討，並已就未來合作方向和工作計劃達成基本的共識。</p>
4.	<p>2005年6月</p> <p>• 泛珠三角區域反走私合作協議</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 泛珠三角區域內九省區打私辦 - 香港、澳門特別行政區海關 <p>(“打擊走私綜合治理辦公室”簡稱“打私辦”。九省指廣東、廣西、福建、江西、湖南、四川、貴州、雲南和海南。)</p>	<p>合作協議有系統地說明泛珠三角區域合作打擊走私的模式。透過協議，區域的反走私單位可加強信息互通和優勢互補，並可在情報預警、聯合行動、政策研討、宣傳教育、交流考察和綜合治理等各主要反走私工作領域上進一步加強統籌和協調。</p>	<p>簽署協議時有發出新聞公布。</p>	

WRITTEN ANSWER — Continued

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
5.	<p>2005年7月</p> <ul style="list-style-type: none"> • 共建泛珠三角區域教育信息平台合作協議 <p>簽署方：</p> <ul style="list-style-type: none"> - 香港特別行政區教育統籌局 - 泛珠三角區域教育部門代表 	協議內容包括：共同建設教育信息平台，成立管理委員會，按“共建共享”、“優勢互補”原則，加快推進教育資源的聯網共享，開展遠程教育合作。	協議於泛珠三角區域教育合作與發展聯席會議第二次會議上簽署。在新聞報道上略有介紹。 < http://www.vcm.edu.com/vcmplat/vcmLoad.do?method=showHome >	
6.	<p>2005年7月</p> <ul style="list-style-type: none"> • 泛珠三角區域知識產權合作協議 <p>簽署方：</p> <ul style="list-style-type: none"> - 四川省知識產權局（代表泛珠三角區域九省區） - 澳門特別行政區經濟局 - 香港特別行政區知識產權署 	<p>協議旨在加強泛珠三角區域“9+2”在知識產權領域的交流和合作，其主要內容包括：</p> <ul style="list-style-type: none"> • 進行政策研討以提高政府知識產權管理水平； • 宣傳與培訓； • 加強中介人才交流與合作和提高信息服務水平； • 提高企業單位運用知識產權制度的能力和水平； • 整體提高區域知識產權保護水平； • 推動專利技術轉移與產業化。 	<p>協議內容於2005年7月26日新聞公報公布：</p> <p><http://www.info.gov.hk/gia/general/200507/26/07260112.htm></p> <p><http://www.ipd.gov.hk/chi/pub_press/press_releases/press_release_pan_prd_agreement_c.pdf></p> <p>協議全文已上載知識產權署網址： <http://www.ipd.gov.hk/chi/pub_press/press_releases/agreement_sc.pdf></p>	
7.	<p>2006年3月</p> <ul style="list-style-type: none"> • 泛珠三角區域教育信息資源共建共享工程計劃 <p>簽署方：</p> <ul style="list-style-type: none"> - 香港特別行政區教育統籌局 - 泛珠三角區域教育部門代表 	泛珠三角區域內各省區每年提供教育信息資源，經審定後向區域師生開放啟用。	<p>協議在《共建泛珠三角區域教育信息平台合作協議》項目下，於“泛珠三角區域教育信息資源共建共享研討會”上簽署。在新聞報道上略有介紹。相關教育資源網可參考： <http://www.vcm.edu.com/vcmplat/vcmLoad.do?method=showHome></p> <p>(註：此計劃於2006年9日昆明會議後，主辦單位沒有再跟進或報告任何發展。)</p>	

WRITTEN ANSWER — Continued

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
8.	<p>2006年10月</p> <p>• 泛珠三角區域安全生產合作協議</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 福建省安全生產監督管理局 - 江西省安全生產監督管理局 - 湖南省安全生產監督管理局 - 廣東省安全生產監督管理局 - 廣西壯族自治區安全生產監督管理局 - 海南省安全生產監督管理局 - 四川省安全生產監督管理局 - 貴州省安全生產監督管理局 - 雲南省安全生產監督管理局 - 香港特別行政區經濟發展及勞工局 - 澳門特別行政區勞工事務局 	<p>區域經濟的緊密合作離不開安全生產合作。開展與區域經濟合作相適應的安全生產合作，整合區域安全生產監督管理資源，促進區域社會經濟與自然的良性互動與協調發展，是泛珠三角區域合作的重要內容。建立泛珠三角區域安全生產合作機制，共同研究處理區域安全生產和職業安全健康問題，聯手加強區域安全監管和職業安全健康保護，有利於推動區域產業結構的調整和經濟增長方式的轉變；有利於提高區域安全監管和職業安全健康保護的整體水平，進一步改善安全生產狀況，實現人與自然和諧發展；有利於構建優勢互補、資源分享的互利共贏格局，提高區域經濟整體競爭力，實現區域安全生產環境與經濟社會全面、協調、可持續發展。</p> <p>堅持“一國兩制”方針，加強溝通與協調，充分發揮各方的優勢和特色，以促進合作、增進友誼、優勢互補、共同發展為目的，相互尊重，平等互利，共同推進區域安全生產合作，提升處理重大生產安全事故的能力，促進區域性安全生產監管水平的整體提升，實現安全監管和職業安全健康保護資源的有效利用和合理共用，建立健全相互尊重、協調共贏機制，推動泛珠三角區域經濟社會全面、協調和可持續發展。</p>	<p>在勞工處2006年年報中有公布簽署有關協議</p> <p>協議文本已載於在泛珠三角合作信息網</p> <p><http://www.pprd.org.cn/ziliao/zhengce/qt/200610/t20061027_12033.htm></p>	
9.	<p>2008年4月</p> <p>• 港澳旅遊業更緊密合作安排</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 香港特別行政區旅遊事務署 - 香港旅遊發展局 - 香港旅遊業議會 - 雲南省旅遊局 	<p>雲南和香港加強雙方推廣旅遊路線、誠信旅遊，打擊不良經營手法和處理旅客投訴方面的合作。</p>	<p>協議文本已經載於旅遊事務署網站</p> <p><http://www.tourism.gov.hk/resources/tc_chi/paperreport_doc/misc/2009-12-09/TC__Yunnan_Tourism_ICCA.pdf></p>	<p>作為業界組織的香港旅遊業議會及推廣機構香港旅遊發展局均為簽署方，並就文本給予了意見。</p>

WRITTEN ANSWER — Continued

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
10.	2008年4月 • 雲南省與香港特別行政區更緊密文化關係安排協議書 簽署方： - 雲南省人民政府 - 香港特別行政區民政事務局	雙方鼓勵和支持各自管轄地域下的文化機構、民間團體和個人加強文化交流與合作，並建立溝通機制，制訂合作的執行計劃。	協議主要內容通過新聞公報發布(2005年5月) < http://www.info.gov.hk/gia/general/200806/22/P200806220127.htm >	在制訂協議時有考慮界別情況。
11.	2009年6月 • 泛珠三角區域旅遊合作框架協議 簽署方： - 香港特別行政區旅遊事務署 - 泛珠九省區 - 澳門旅遊局	加強區域內各方在以下層面的合作：旅遊宣傳促銷、旅遊項目投資領域、旅遊市場管理、旅遊信息、旅遊人才培訓；促進旅遊企業之間合作、建立區域內各方旅遊合作保障機制，以及加強泛珠三角區域與東盟旅遊合作與交流。	協議文本已經載於旅遊事務署網站 < http://www.tourism.gov.hk/resources/tc_chi/paperreport_doc/misc/2009-12-09/TC_PanPearl_River_Delta_Region_TCFA.pdf >	簽署協議前已諮詢業界組織香港旅遊業議會及推廣機構香港旅遊發展局。
	粵港合作聯席會議			
12.	2005年7月 • 關於粵港澳三地學校締結姐妹學校事宜的框架協議 簽署方： - 香港特別行政區教育統籌局 - 廣東省教育廳 - 澳門教育暨青年局	協議主要內容包括：鼓勵締結姐妹學校，開展互訪，教學、教研、教材等方面的交流等。	協議於泛珠三角區域教育合作與發展聯席會議第二次會議上簽署。在新聞報道上略有介紹。相關本地新聞報道見： < http://www.takungpao.com.hk/news/08/11/14/jx-990086.htm >	雖然有關協議內容未有進行公眾諮詢，但粵港姊妹學校計劃普遍得到業界歡迎。
13.	2005年9月 • 關於建立粵港反傾銷案件資訊通報機制的合作協議 簽署方： - 香港特別行政區工業貿易署 - 廣東省對外貿易經濟合作廳	協議的內容主要關於落實有關部門就粵港反傾銷案件資訊通報機制的執行細節，包括資訊交流和發放的模式，以及透過互訪及舉辦研討會，加強雙方在反傾銷案件資訊上的聯繫。	協議主要內容通過新聞公報發布 < http://www.info.gov.hk/gia/general/200509/28/P200509280176.htm >	因只涉及兩地部門工作層面上的資訊交流合作事宜，所以並沒有進行公眾諮詢。
14.	2005年12月 • 大珠江三角洲城鎮群協調發展規劃研究合作協議書 簽署方： - 廣東省建設廳 - 香港特別行政區房屋及規劃地政局(現香港發展局)	粵港雙方同意共同進行“大珠江三角洲城鎮群協調發展規劃研究”，並訂定研究的目的、範圍、組織架構及管理、支付研究費用及雙方對被委託單位的工作安排及要求。	簽署協議在粵港城市規劃及發展專責小組第二次會議後通過新聞公報公開(2005年12月15日) < http://www.info.gov.hk/gia/general/200512/15/P200512150170.htm >	《大珠江三角洲城鎮群協調發展規劃研究》的成果已上載規劃署網頁。 < http://www.pland.gov.hk/pland_en/misc/gr eat_prd/gprd_c.htm >

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	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
15.	<p>2006年6月</p> <p>• 粵港澳突發公共衛生事件應急合作協議</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 廣東省衛生廳 - 澳門衛生局 - 香港特別行政區衛生署 	<p>確定粵港澳三地防治人禽流感專家組成員名單(臨床、流行病學和化驗檢測)，為三地聯防聯控突發公共衛生事件和重大傳染病建立合作機制。</p>	<p>協議主要內容通過新聞公報發布(2006年6月29日)</p> <p><http://www.info.gov.hk/gia/general/200606/29/P200606290158.htm></p>	<p>就簽署有關協議事宜，食物及衛生局在2006年12月12日的立法會食物安全及環境衛生事務委員會上告知委員。詳情見相關會議紀要如下(第13段)：</p> <p><http://www.legco.gov.hk/yr06-07/chinese/panels/fseh/minutes/fseh1212.pdf></p>
16.	<p>2007年8月</p> <p>• 深化實施CEPA、共同推進粵港服務業合作協議</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 香港特別行政區商務及經濟發展局 - 廣東省經濟貿易委員會 	<ul style="list-style-type: none"> - 雙方可通過兩地業界互動的交流形式，推動並深化服務業合作。在國家有關部門的指導和協調下，廣東省相關部門確保CEPA補充協議四以廣東為試點的開放領域的實施。 - 雙方加大在高端服務業合作力度，提升服務業整體水平。 - 提高生產性服務業合作水平。重點加強粵港在物流、金融、會展、分銷等領域的合作，為生產性服務業創造更多合作機遇。 - 務實推進“諮詢前移”活動的時效性。以各種形式直接為香港投資者及專業人士提供有針對性的政策諮詢服務。 - 共同推進粵港雙方在金融領域的合作。 - 打造雙方聯辦或粵方主辦的各項品牌活動。 	<p>協議主要內容通過新聞公報發布(2007年8月2日)</p> <p><http://www.info.gov.hk/gia/general/200708/02/P200708020262.htm></p> <p><http://gia.info.gov.hk/general/200708/02/P200708020262_0262_30189.pdf></p>	<p>有關協議旨在落實CEPA及其補充協議；後兩者的具體內容有諮詢業界及向立法會匯報</p>
17.	<p>2007年8月</p> <p>• 關於推動粵港兩地企業開展節能、清潔生產及資源綜合利用工作的合作協議</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 香港特別行政區環境局 - 前廣東省經濟貿易委員會(現廣東省經濟和資訊化委員會) 	<p>雙方同意加強推動粵港企業節能、清潔生產及資源綜合利用方面的合作，包括落實具體計劃以推動及協助粵港工商企業實踐節能、清潔生產及資源綜合利用。共同支持粵港兩地工商界的環保計劃。</p>	<p>協議主要內容通過新聞公報發布(2007年8月2日)</p> <p><http://gia.info.gov.hk/general/200708/02/P200708020262_0262_30189.pdf></p>	

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18.	2007年8月 • 粵港社會福利合作安排 簽署方： - 廣東省民政廳 - 香港特別行政區勞工及福利局	雙方同意成立粵港社會福利合作專責小組，加深粵港兩地政府在社會福利事業和政策的相互瞭解，以及就兩地政府共同關心的社會福利事宜加強合作。	協議主要內容通過新聞公報發布(2007年8月2日) < http://www.info.gov.hk/gia/general/200708/02/P200708020262.htm >	
19.	2007年8月 • 關於對供港塘魚運輸工具加施檢驗檢疫封識的協議書 簽署方： - 廣東檢驗檢疫局 - 香港特別行政區食物及衛生局	協議主要內容包括： • 落實對廣東檢驗檢疫局轄區供港塘魚運輸工具實行加施檢驗檢疫封識管理制度，以加強供港淡水魚在運輸過程的管理及食用安全。 • 對廣東檢驗檢疫局轄區供港塘魚的運輸工具包括車輛和船舶在啟運前加施檢疫封識。廣東檢驗檢疫局負責封識施加及監督管理工作，封識號和個數將在隨貨的《動物衛生證書》上予以註明。 • 香港特區政府食物及衛生局認可廣東檢驗檢疫局供港塘魚運輸工具加施封識的具體做法。	協議主要內容通過新聞公報發布(2007年8月2日)	食物及衛生局在2006年4月20日及11月30日的立法會食物安全及環境衛生事務委員會會議所提交的文件介紹了內地供港淡水魚的規管，會議上亦有討論就供港魚貨加施封識的建議。在2007年5月23日的立法會會議上，就“保障鮮活食品安全”的辯論中亦有討論內地供港淡水魚的規管和封識安排。
20.	2007年8月 • 2007年至2008年粵港保護知識產權合作協議 簽署方： - 廣東省知識產權局 - 香港特別行政區知識產權署	協議旨在加強粵港兩地在保護知識產權方面的合作，其主要內容包括： • 在兩地舉行知識產權研討會和講座； • 加強兩地知識產權宣傳，並深入開展“正版正貨”承諾活動； • 開展兩地有關知識產權的交流活動； • 加強和完善粵港跨境知識產權協作處理機制； • 持續建設粵港澳三地知識產權信息平台。	協議主要內容通過新聞公報發布(2007年8月2日) < http://gia.info.gov.hk/general/200708/02/P200708020262_0262_30189.pdf >	
21.	2007年8月 • 關於加強粵港信息化合作的安排 簽署方： - 原廣東省信息產業廳(現為廣東省經濟和信息化委員會) - 香港特別行政區政府資訊科技總監辦公室	雙方同意加強粵港兩地在軟件產業、無線射頻識別(RFID)技術研究和應用、無線電管理、資訊科技專業人才發展、數字證書互通互用、信息技術標準化、數碼娛樂業、下一代互聯網應用技術、無線及移動科技服務業、信息技術基礎設施和公共支持平台資源共享、現代信息服務業，和信息共享平台建設等方面的合作，以繼續務實推動粵港信息化合作	協議主要內容通過新聞公報公布(2007年8月2日) < http://www.info.gov.hk/gia/general/200708/02/P200708020262.htm >	

WRITTEN ANSWER — Continued

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
22.	2008年1月 • 粵港澳文化資訊網服務協議書 簽署方： - 廣東省文化廳 - 香港特別行政區民政事務局 - 澳門特別行政區政府文化局	透過粵港澳三地的合作，建立一個“粵港澳文化資訊網”，利用有關的資訊網發布文化活動資料，讓三地民眾更容易掌握不同地域的文化資訊，從而推動三地文化活動。	協議主要內容通過新聞公報發布(2005年5月) < http://www.hab.gov.hk/file_manager/tc/documents/publications_and_press_releases/2008011_9thmeetingculture_c.pdf >	在制訂協議時有考慮界別情況
23.	2008年8月 • 加快實施CEPA及其補充協議五的合作協議(TID) 簽署方： - 香港特別行政區商務及經濟發展局 - 廣東省經濟貿易委員會	協議主要內容包括： 1. 加大宣傳CEPA及其補充協議五在廣東先行先試措施。 - 深化實施CEPA及其補充協議五，改善配套措施或管理辦法；制訂新的申請指南和審批流程圖。 2. 建立CEPA實施通報、磋商、監督機制；交換數據資料。 - 提供貿易及投資便利化措施，包括設立CEPA項目審批的綠色通道；提供一站式投資諮詢和審批服務；對香港服務提供者優先試辦。 - 加強對香港服務提供者的支援。更新CEPA專題網頁；透過研討會、“中小企國際推廣博覽”等活動向投資者推介CEPA的商機。	協議主要內容通過新聞公報發布(2008年8月5日) < http://www.info.gov.hk/gia/general/2008/05/P200808050246.htm > < http://gia.info.gov.hk/general/200808/05/P200808050246_0246_42951.pdf >	有關協議旨在落實CEPA及其補充協議；後兩者的具體內容有諮詢業界及向立法會匯報。
24.	2008年8月 • 推進粵港兩地教育交流與合作協議書 簽署方： - 廣東省教育廳 - 香港特別行政區教育局	協議主要內容包括：繼續推進兩地姐妹學校建設、粵港中國語文教師交流及協作計劃、粵港語言教師培訓項目計劃；拓展各類交流項目，擴闊交流層次和交流內容；推動粵港高等教育交流；加強粵港教育部門的溝通和信息交流。	協議主要內容通過新聞公報發布(2008年8月5日) < http://www.cmab.gov.hk/tc/press/press_1869.htm >	雖然並未就有關協議內容進行公眾諮詢，但協議項目的具體籌劃及執行得到業界的緊密合作及參與。
25.	2008年8月 • 在廣東省試點，允許香港服務提供者以獨資民辦非企業單位形式舉辦殘疾人福利機構合作安排 簽署方： - 廣東省民政廳港方 - 香港特別行政區勞工及福利局	雙方同意共同推進“在廣東省試點，允許香港服務提供者以獨資民辦非企業單位形式舉辦殘疾人福利機構”的工作，以及加強粵港地區殘疾人福利服務的協作。	協議主要內容通過新聞公報發布(2008年8月5日) < http://www.info.gov.hk/gia/general/2008/05/P200808050246.htm >	

WRITTEN ANSWER — *Continued*

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
26.	2008年8月 • 職業介紹所服務合作 簽署方： - 廣東省勞動和社會保障廳 - 香港特別行政區勞工及福利局	協議主要內容包括： • 雙方共同推進香港服務提供者在廣東設立獨資職業介紹機構最低註冊資本，比照內地企業執行的安排； • 加強雙方在職業介紹服務領域的溝通和合作； • 廣東省政府負責為香港服務提供者在廣東設立獨資職業介紹機構，提供相關指引； • 香港特別行政區勞工及福利局負責配合宣傳、諮詢及相關工作，對香港服務提供者在香港從事相關業務的資質情況提供證明。	協議主要內容通過新聞公報發布(2008年8月5日) < http://www.info.gov.hk/gia/general/200808/05/P200808050246.htm >	
27.	2008年8月 • 人才中介機構服務合作 簽署方： - 廣東省人事廳 - 香港特別行政區勞工及福利局	協議主要內容包括： • 雙方共同推進香港服務提供者在廣東設立獨資人才中介機構最低註冊資本，比照內地企業執行的安排； • 加強雙方在人才中介服務領域的溝通和合作； • 廣東省政府負責為香港服務提供者在廣東設立獨資人才中介機構，提供相關指引； • 香港特別行政區勞工及福利局負責配合宣傳、諮詢及相關工作，對香港服務提供者在香港從事相關業務的資質情況提供證明。	協議主要內容通過新聞公報公布(2008年8月5日) < http://www.info.gov.hk/gia/general/200808/05/P200808050246.htm >	
28.	2008年8月 • 獲得“內地註冊城市規劃師資格”及“內地監理工程師資格”的香港專業人士在粵註冊合作協議 簽署方：	允許取得“內地註冊城市規劃師資格”及“內地監理工程師資格”的香港專業人士在廣東註冊執業。	協議主要內容通過新聞公報發布(2008年8月5日) < http://www.info.gov.hk/gia/general/200808/05/P200808050246.htm >	有關協議旨在落實CEPA補充協議五的具體承諾，簽署前已與相關學會、註冊局及廣東省建設廳作充分磋商。
29.	2008年8月 • 粵港旅遊合作協議 簽署方： - 香港特別行政區旅遊事務署 - 廣東省旅遊局	落實CEPA措施、交換旅遊信息、推廣誠信旅遊及聯合開展宣傳推廣“一程多站”旅遊路線等。	協議主要內容通過新聞公報公布(2008年8月5日) < http://www.info.gov.hk/gia/general/200808/05/P200808050206.htm >	簽署協議前已諮詢業界組織香港旅遊業議會及推廣機構香港旅遊發展局。

WRITTEN ANSWER — Continued

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
30.	2008年8月 • 粵港醫療服務業合作協議 簽署方： - 廣東省衛生廳 - 香港特別行政區食物及衛生局	粵港雙方共同致力推動落實CEPA補充協議五有關在廣東省設立門診部的安排，在制訂相關的實施細則或管理辦法時加強溝通，確保其有利香港服務提供者到廣東省服務。雙方將加大力度宣傳；粵方也將對申辦者給予有關審批程序上指導和方便。粵方會將監管港人設置門診部的情況及時通報香港特別行政區政府食物及衛生局。	協議主要內容通過新聞公報發布(2008年8月5日) < http://www.info.gov.hk/gia/general/200808/05/P200808050246.htm >	食物及衛生局一直與業界就有關廣東省衛生廳及香港特區政府根據CEPA所定的最新措施保持密切溝通，並諮詢業界意見，以及向內地有關當局反映。
31.	2008年8月 • 粵港關於促進港資加工貿易企業轉型升級的合作協議 簽署方： - 香港特別行政區商務及經濟發展局 - 廣東省對外貿易經濟合作廳	協議主要內容包括： • 推進加工貿易產業梯度轉移和產業升級； • 推進港資來料加工企業實現原地“不停產轉型”為具有獨立法人資格的外商投資企業或其他類型的企業； • 支持和鼓勵加工貿易企業擴大內銷； • 宣傳加工貿易的最新政策，增強企業的應對能力； • 推進粵港服務貿易領域的合作發展； • 推進粵港通關查驗模式改革，協調簡化通關手續。	協議主要內容通過新聞公報發布(2008年8月) < http://www.info.gov.hk/gia/general/200808/05/P200808050246.htm > < http://gia.info.gov.hk/general/200808/05/P200808050246_0246_42951.pdf >	透過“支援加工貿易專責小組”收集到的意見已反映在協議內容中。
32.	2008年8月 • 粵港共建科技創新平台合作協議 簽署方： - 香港特別行政區創新科技署 - 廣東省科學技術廳	在協議下，粵港雙方會共建產業技術創新平台，推動兩地科研、產業、市場的有效結合，鼓勵兩地大學、科研機構和企業合作，進行應用研究和產業技術開發。	協議主要內容通過新聞公報發布(2008年8月5日) < http://www.info.gov.hk/digital21/chi/press/press_releases_20080805.htm > < http://www.itc.gov.hk/enewsletter/080831/ch/section1/story1.html >	
33.	2008年8月 • 粵港應急管理合作協議 簽署方： - 廣東省人民政府應急管理辦公室 - 香港特別行政區保安局	協議的主要目的為開展粵港應急管理區域合作，共同提高應急管理水平，推進區域內影響粵港兩地突發事件(公共衛生事件除外)的應急管理合作，提升突發事件處置能力。雙方重點在應急管理信息共享、應急管理理論研究、科技及人才交流、平臺建設、共同應對影響兩地的區域突發事件等方面開展合作與交流。	協議主要內容通過新聞公報發布(2008年8月5日)；協議文本亦已上載互聯網站 < http://big5.gdemo.gov.cn/gate/big5/www.gdemo.gov.cn/zt/yga/wenjian/200906/t20090616_95273.htm >	

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34.	2009年2月 • 粵港澳文化交流合作發展規劃 簽署方： - 廣東省文化廳 - 香港特別行政區民政事務局 - 澳門特別行政區政府文化局	粵港澳制訂五年文化發展規劃，在演藝、文化資訊、博物館和文物、圖書館、粵劇及文化(創意)產業6方面，深化三地合作領域和層次，創新合作形式，打造合作品牌。	協議主要內容通過新聞公報發布 < http://www.hab.gov.hk/file_manager/tc/documents/publications_and_press_releases/20090220PearlRiver_c.pdf >	在制訂協議時有考慮界別情況。
35.	2009年3月 • 大珠江三角洲城鎮群協調發展規劃研究補充研究合作協議書 簽署方： - 廣東省建設廳 - 香港發展局 - 澳門運輸工務司	主要是加入澳門運輸工務司為“大珠江三角洲城鎮群協調發展規劃研究”的合作方，在研究內補充有關澳門的內容，並訂定補充研究的合作細則。 (協議的主要內容見附錄A)		《大珠江三角洲城鎮群協調發展規劃研究合作協議書》的主要內容已於2005年12月15日的新聞公報中公開。由於這是補充研究合作協議書，故此沒有再次公布。不過，有關的研究成果已上載規劃署網頁。 < http://www.pland.gov.hk/pland_en/misc/great_prd/gprd_c.htm >
36.	2009年6月 • 粵港兩地電子簽名證書互認的框架性意見 簽署方： - 工業和信息化部信息安全協調司 - 廣東省信息產業廳 - 香港特別行政區資訊科技總監辦公室	框架性意見的制訂是因應2008年7月簽署的《<內地與香港關於建立更緊密經貿關係的安排>補充協議五》提出的“推進粵港兩地開展電子簽名證書互認試點應用”的要求，主要內容共有以下7點： (一) 電子簽名(或數碼簽署)是確保電子交易安全的有效手段，內地與香港法律都對其法律效力給出了明確的規定。粵港兩地通過對電子簽名證書(或數碼證書)的互認，可以推動兩地電子信息的安全可靠交換，促進兩地電子交易的快速發展。 (二) 粵港電子簽名證書互認承認並尊重內地法律和香港法律在管理電子簽名方面的不同，承認並尊重內地電子簽名認證機構和香港核證機關在經營管理和證書策略方面的差異，遵照平等自願、誠實信用和試點先行、穩步推進的原則。	協議主要內容通過新聞公報發布(2009年6月) < http://www.ogcio.gov.hk/chi/pubpress/cpr090605.htm > < http://www.ogcio.gov.hk/eng/pubpress/epr090605.htm >	在2008年10月8日、11月21日、12月5日和12月23日分別在廣州、香港、深圳和廣州舉行了4次會議。諮詢了所有符合資格參加試點試行的認證機構(共5間：包括廣東省電子商務認證有限公司、廣東數字證書認證中心有限公司、深圳市電子商務安全證書管理有限公司、香港電子核證服務有限公司和香港郵政電子核證機關)。

WRITTEN ANSWER — *Continued*

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		<p>(三) 內地參加粵港兩地電子簽名證書互認的電子簽名認證機構，須獲得電子簽名認證服務許可並在廣東省註冊登記；香港特別行政區參加粵港兩地電子簽名證書互認的核證機關，須獲得香港特別行政區資訊科技總監認可。</p> <p>(四) 由參與電子簽名證書互認試點的內地電子簽名認證機構和香港特別行政區核證機關，主動選擇合作夥伴，共同挑選試點應用項目，並提交有關材料，包括試點工作計劃、技術方案、項目主要內容、可行性評估、預期成果及計劃進程表，並就試點應用中彼此簽發證書的證書策略、使用範圍、責任分配等問題達成協議，報“粵港電子簽名證書互認試點工作組”批准並納入試點工作範圍後組織實施。電子簽名適用範圍須遵守《中華人民共和國電子簽名法》所列的不適合文書的範圍和《電子交易條例》(香港法例第553章)豁除納入適用的範圍規定。</p> <p>(五) 由工業和信息化部信息安全協調司、廣東省信息產業廳和香港特別行政區政府資訊科技總監辦公室工作人員組成“粵港電子簽名證書互認試點工作組”，統籌試點方案，協調解決試點中的問題。</p> <p>(六) 粵港兩地監管機關應當根據參與試點的電子簽名認證機構事先簽署的有關協議內涉及電子簽名行為，負責對本地認證機構進行監管以確保試點認證機構能夠有效地履行所承擔的義務。雙方監管機構在試點期間對相關工作給予積極協助。</p> <p>(七) 工業和信息化部信息安全協調司與香港特別行政區政府資訊科技總監辦公室應當及時總結試點工作經驗，並根據試點工作的進展，適時提出將兩地電子簽名證書互認納入常規管理的程序和規範。</p>		

WRITTEN ANSWER — *Continued*

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
37.	<p>2009年8月</p> <ul style="list-style-type: none"> 關於推進前海港深現代服務業合作的意向書 <p>簽署方：</p> <ul style="list-style-type: none"> 深圳市人民政府代市長 香港特別行政區政務司司長 	<p>香港和深圳於今年8月簽訂推進前海現代服務業合作的意向書，旨在反映港深雙方在前海推進現代服務業合作的宏觀意向，和共同探討合作可能性的意願。</p> <p>根據合作意向書，港深雙方同意在《珠江三角洲地區改革發展規劃綱要》、“一國兩制”和粵港合作框架下，將前海地區的規劃建設作為港深合作的重要載體，以共同推進前海港深現代服務業合作的相關工作。雙方會在以下領域共同探討合作的可能性，包括：</p> <p>(i) 研究有關政策措施，推動區內發展現代服務業；</p> <p>(ii) 通過港深前海現代服務業合作，發揮香港的國際金融、貿易和航運中心的優勢，推動深圳、珠三角地區及廣東省優化產業結構，加快建設現代產業體系；</p> <p>(iii) 按照雙方功能互補、互利共贏的原則，在CEPA的現有基礎上，支持香港服務業在區內發展，共同拓展現代服務業的市場。</p> <p>根據合作意向書，港深雙方同意在粵港合作及港深合作的架構下成立專責小組，以商討整體合作方向和合作內容。日後，雙方須就細化意向書事項進行協商。</p>	<p>意向書的內容概要通過新聞公報發布(2009年8月)</p> <p>在答覆11月11日會議上劉慧卿議員有關前海的質詢時，我們亦已交代意向書最重要的具體內容。</p>	<p>已向工商事務委員會提交文件報告粵港合作聯席會議的進展，包括前海意向書。</p>
38.	<p>2009年8月</p> <ul style="list-style-type: none"> 粵港教育合作協議 <p>簽署方：</p> <ul style="list-style-type: none"> 廣東省教育廳 香港特別行政區教育局 	<p>協議主要內容包括：雙方會繼續擴展教師協作與培訓交流合作項目、加強“姊妹學校計劃”的深度合作、支持國民教育活動，協助香港教師與學生的國民教育培訓及交流活動、探討在深圳民辦學校開辦港人子弟班的可行辦法，以及加強兩地在高等、職業教育方面的交流合作等。</p>	<p>協議主要內容通過新聞公報發布(2009年8月19日)</p> <p><http://www.info.gov.hk/gia/general/200908/19/P200908190105.htm></p>	<p>雖然並未就有關協議內容進行公眾諮詢，但協議項目的具體籌劃及執行得到業界的緊密合作及參與。</p>

WRITTEN ANSWER — Continued

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
39.	<p>2009年8月</p> <p>• 粵港共同落實CEPA及在廣東先行先試政策措施的合作協議</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 香港特別行政區工業貿易署 - 廣東省人民政府港澳事務辦公室 	<p>協議主要內容包括：</p> <ul style="list-style-type: none"> - 加快法律法規、實施細則的出台，使CEPA補充協議六下廣東省先行先試措施在2009年10月如期落實； - 加大宣傳和推廣CEPA補充協議五、六及廣東省先行先試的措施，包括舉行宣講會，讓業界瞭解優惠內容及配套措施； - 深化落實CEPA及廣東省先行先試的政策措施，跟進實施情況，交換數據資料； - 提供更多便利化措施，鼓勵香港服務提供者到廣東開業，包括設立一站式服務、簡化審批程序、制訂申請指南等； - 加強與廣東省落實CEPA重點城市的合作； - 爭取進一步擴大CEPA在廣東省先行先試的政策範圍，促進粵港經濟的長遠發展。 	<p>協議主要內容通過新聞公報發布</p> <p><http://www.info.gov.hk/gia/general/200908/19/P200908190149.htm></p> <p><http://gia.info.gov.hk/general/200908/19/P200908190149_0149_55942.pdf></p>	<p>有關協議旨在落實CEPA及其補充協議；後兩者的具體內容有諮詢業界及向立法會匯報。</p>
40.	<p>2009年8月</p> <p>• 粵港研發生產藥物(疫苗)合作安排</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 廣東省食品藥品監督管理局 - 香港特別行政區食物及衛生局 	<p>粵港雙方同意利用香港和廣東省的優勢，合作開展有關藥物(疫苗)的研發和生產，促進粵港醫藥市場的健康發展，提高應對傳染病和有關疾病的綜合能力。</p>	<p>協議主要內容通過新聞公報發布(2009年8月19日)</p> <p><http://www.info.gov.hk/gia/general/200908/19/P200908190149.htm></p>	
41.	<p>2009年8月</p> <p>• 粵港環保合作協議</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 香港特別行政區環境局 - 廣東省環境保護局 	<p>通過加強合作，完善合作機制，改善環境質量，共同打造一個可持續發展的綠色大珠三角地區優質生活圈，包括共同推進及落實《珠三角地區空氣質素管理計劃(2002-2010年)》；研究珠三角地區2010年以後的減排安排；加強資源循環利用合作，探討可重用物料利用的新合作模式；共同推出“粵港清潔生產伙伴計劃”標誌計劃，鼓勵清潔生產等。</p>	<p>協議主要內容通過新聞公報發布(2009年8月19日)</p> <p><http://gia.info.gov.hk/general/200908/19/P200908190149_0149_55942.pdf></p>	
42.	<p>2009年8月</p> <p>• 關於推進港深西部快速軌道合作安排</p> <p>簽署方：</p> <ul style="list-style-type: none"> - 深圳市人民政府 - 香港特別行政區運輸及房屋局 	<p>協議主要內容包括：</p> <ul style="list-style-type: none"> • 將原商定港深機場軌道聯絡線調整為港深西部快速軌道； • 港深西部快速軌道基本線位為連接港深西部地區和香港國際機場、深圳寶安國際機場；並通過深圳前海樞紐站和香港西北部支線連接兩地軌道交通網； • 規劃將配合港深西部地區和機場的產業結構、規劃和發展策略； • 港深雙方同意繼續推進該項目合作研究事宜，港深西部快速軌道合作聯合專責小組將負責協調和研究有關港深西部快速軌道的各項事宜。 	<p>協議主要內容通過新聞公報發布(2009年8月19日)</p> <p><http://gia.info.gov.hk/general/200908/19/P200908190149_0149_55942.pdf></p>	

WRITTEN ANSWER — *Continued*

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
43.	2009年8月 • 粵港金融合作專責小組合作協議 簽署方： - 廣東省金融工作辦公室 - 香港特別行政區財經事務及庫務局	協議的目的是在粵港合作聯席會議的框架下成立新的專責小組，負責推動粵港金融合作。協議列明專責小組的職責範圍、成員名單和工作模式。	協議主要內容通過新聞公報發布 (2009年8月19日)	
44.	2009年8月 • 2009年至2010年粵港知識產權合作協議 簽署方： - 廣東省知識產權局 - 香港特別行政區知識產權署	協議旨在推動粵港兩地在保護知識產權上的全面合作與發展，其主要內容包括： • 在兩地舉行知識產權研討會； • 深入開展“正版正貨承諾”活動； • 組織開展兩地知識產權專題交流活動； • 在粵舉行知識產權培訓活動； • 推進粵港知識產權案件協作處理機制建設； • 持續更新知識產權資料庫信息。	協議主要內容通過新聞公報發布 < http://gia.info.gov.hk/general/200908/19/P200908190149_0149_55942.pdf > < http://www.ipd.gov.hk/chi/pub_press/press_releases/12P_press_release_tc.pdf >	
深港合作會議				
45.	2006年11月 • 深港興建蓮塘／香園圍口岸前期規劃研究合作協議書 簽署方： - 深圳市規劃局(現深圳市規劃和國土資源委員會) - 香港特別行政區規劃署	列出“深港興建蓮塘／香園圍口岸前期規劃聯合研究”實施工作的具體安排，包括研究目的、範圍、內容及時間表、組織架構及管理、支付研究費用的安排及雙方對被委託單位的工作安排及要求。	協議主要內容通過新聞公報發布 (2007年1月29日) < http://www.info.gov.hk/gia/general/200701/29/P200701290180.htm >	
46.	2007年5月 • 工商及科技局與深圳市人民政府關於“深港創新圈”合作協議 簽署方： - 香港特別行政區前工商及科技局 - 深圳市人民政府	在協議下，深港政府會成立科技合作督導委員會，定期舉行會議討論如何推動兩地的科技合作項目。同時，亦會鼓勵深圳與香港兩地的大學，以至科研機構互相合作。	協議主要內容通過新聞公報發布 (2007年5月) < http://www.info.gov.hk/gia/general/200705/21/P200705210255.htm >	
47.	2007年12月 • 關於近期開展重要基礎設施合作項目協議書 簽署方： - 深圳市人民政府 - 香港特別行政區政府	深港雙方同意成立兩個聯合專責小組，即“港深機場合作聯合專責小組”及“港深邊界區發展聯合專責小組”，加速推進兩地機場協作及有關邊界鄰近土地規劃發展研究工作的事宜。 註：根據2009年8月19日簽訂“關於推進港深西部快速軌道合作安排”中述，“港深機場合作聯合專責小組”已改名為“港深西部快速軌道合作聯合專責小組”	協議主要內容通過新聞公報發布 (2007年12月18日) < http://gia.info.gov.hk/general/200712/18/P200712180242_0242_34655.pdf >	

WRITTEN ANSWER — Continued

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
48.	2007年12月 • 加強深港環保合作協議 簽署方： - 前深圳市環境保護局（現深圳市人居環境委員會） - 香港特別行政區環境保護署	協議建立定期交流會議、信息共享機制等。積極加強技術經驗交流和培訓。	協議主要內容通過新聞公報發布（2007年12月18日） < http://gia.info.gov.hk/general/200712/18/P200712180242_0242_34655.pdf >	
49.	2007年12月 • 深港加強城市規劃合作協議 簽署方： - 深圳市規劃局（現深圳市規劃和國土資源委員會） - 香港特別行政區香港規劃署	協議內容包括建立城市規劃聯席工作會議機制，加強宏觀戰略層面的規劃銜接與合作，加強規劃管理工作人員和技術人員交流與信息交流。	協議主要內容通過新聞公報發布（2007年12月18日） < http://gia.info.gov.hk/general/200712/18/P200712180242_0242_34655.pdf >	
50.	2008年11月 • “落馬洲河套地區綜合研究”合作協議書 簽署方： - 深圳市人民政府 - 香港特別行政區發展局	港深雙方同意以“共同研究、共同開發”的原則合作開展“落馬洲河套地區綜合研究”，並訂定研究的目的、範圍、經費分擔、合作模式、內容及時間。	協議主要內容通過新聞公報發布（2008年11月13日） < http://gia.info.gov.hk/general/200811/13/P200811130156_0156_46745.pdf >	在制訂合作計劃的過程中，當局曾就研究的目的、範圍、內容、時間及費用諮詢： 新田鄉事委員會（2008年12月9日） 上水鄉事委員會（2008年12月9日） 元朗區議會（2008年12月11日） 北區區議會（2008年12月11日） 城市規劃委員會（2008年12月12日） 新界鄉議局（2008年12月16日） 立法會發展事務委員會（2009年2月24日） 立法會財務委員會（2009年4月24日）
51.	2008年11月 • 教育合作協議 簽署方： - 深圳市教育局 - 香港特別行政區教育局	於第一次深港合作會議上簽署，內容包括：建立定期交流合作機制；推動兩地在基礎教育、高等教育及學前教育的交流與合作；加強教育資訊的交流和研究；拓展學校管理人員和教師培訓的合作；策劃專題交流活動。	協議主要內容通過新聞公報發布（2008年11月13日） < http://www.cmab.gov.hk/tc/press/press_1914.htm >	雖然並未就有關協議內容進行公眾諮詢，但協議項目的具體籌劃及執行得到業界的緊密合作及參與。

WRITTEN ANSWER — *Continued*

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
52.	2008年11月 • 加強深港清潔生產工作合作協議 簽署方： - 前深圳市環境保護局（現深圳市人居環境委員會） - 香港特別行政區環境保護署	旨在加強推動深港兩地企業進行清潔生產，開展節能減排的工作。兩地將共同舉辦認知推廣活動，經驗分享及示範項目；並會研究推行更多激勵措施。	協議主要內容通過新聞公報發布（2008年11月13日） < http://gia.info.gov.hk/general/200811/13/P200811130156_0156_46745.pdf >	
53.	2008年11月 • 更進一步加強文化合作協議 簽署方： - 深圳市文化局 - 香港特別行政區民政事務局	在文化領域上建立更緊密合作關係，進一步促進深港兩地文化的共同繁榮和發展，包括建立更緊密合作及溝通機制，在文化資訊、演藝人才和節目、粵劇藝術、文博及公共圖書館等方面加強交流與合作。	協議主要內容通過新聞公報發布（2008年11月13日） < http://www.cmab.gov.hk/tc/press/press_1914.htm >	在制訂協議時有考慮界別情況
54.	2009年4月 • 深圳河治理後過境土地使用合作意向書 簽署方： - 深圳市人民政府 - 香港特別行政區政府	港深雙方同意深圳河在治理後的9塊過境土地的用途及安排： • 落馬洲河套地區可初步考慮以高等教育為主導，輔以高新科技研發和創意產業用途；雙方以此基礎合作開展該地區的綜合研究工作； • 其他地塊作生態公園及人工濕地等用途。	協議主要內容通過新聞公報發布（2009年4月27日） < http://www.info.gov.hk/gia/general/200904/27/P200904270220.htm >	
55.	2009年5／6月 • 落馬洲河套地區綜合研究合作細節安排協議書 簽署方： - 深圳市規劃局（現深圳市規劃和國土資源委員會） - 香港特別行政區規劃署 - 香港特別行政區土木工程拓展署	協議列出“落馬洲河套地區綜合研究”的合作細節安排，包括聘請顧問、研究的組織架構及管理、成果的審議和知識產權、費用及付款安排。 (協議的主要內容見附錄B)		

WRITTEN ANSWER — *Continued*

	區域合作安排／協議名稱	協議內容要點	公布協議主要內容的途徑	關於公眾諮詢、與業界和立法會討論等情況
	香港特區與澳門特區的合作協議			
56.	<p>2005年5月</p> <ul style="list-style-type: none"> 香港特別行政區政府與澳門特別行政區政府關於移交被判刑人的安排 <p>簽署方： 香港特別行政區政府及澳門特別行政區政府</p>	就移交被判刑人的安排簽訂協議，以便在澳門被判刑的香港居民可申請返回香港服刑，而在香港被判刑的澳門居民也可藉此機制申請返回澳門服刑。	協議主要內容通過新聞公報發布；協議的文本已上載於律政司網站 < http://www.legislation.gov.hk/intracountry/chi/index.htm >	保安事務委員會曾於2004年11月討論協議及相關立法事項。立法會並於2005年6月通過《移交被判刑人士（修訂）（澳門）條例》。
57.	<p>2006年3月</p> <ul style="list-style-type: none"> 香港特別行政區懲教署與澳門特別行政區澳門監獄的合作安排 <p>簽署方： 香港特別行政區懲教署及澳門特別行政區澳門監獄</p>	促進雙方監獄事務發展，致力推動友好合作、落實合作項目及協同工作。	協議主要內容通過新聞公報發布；協議的文本已上載於律政司網站 < http://www.legislation.gov.hk/intracountry/chi/pdf/macao/correctionalservices.pdf >	

註：

- * 泛珠三角區域包括：福建、江西、湖南、廣東、廣西、海南、四川、貴州、雲南9個省區和香港、澳門兩個特別行政區，簡稱“9+2”。

WRITTEN ANSWER — Continued

附錄A

2009年3月由粵港澳三地政府
簽署的合作協議的主要內容

《“大珠江三角洲城鎮群協調發展規劃研究”補充研究合作協議書》⁽¹⁾

- 題述協議書是為補充粵港雙方於2005年12月簽訂的《“大珠江三角洲城鎮群協調發展規劃研究”(“大珠三角規劃研究”)合作協議書》。根據《補充研究合作協議書》，粵港澳三方同意澳門正式參與“大珠三角規劃研究”，以配合《珠江三角洲地區改革發展規劃綱要(2008-2020年)》的落實工作，以及確保該研究成果符合粵港澳三地的共同發展需求。《補充研究合作協議書》的主要內容包括：
 - (i) 增加澳門運輸工務司為“大珠三角規劃研究”合作方，共同就大珠江三角洲城鎮群協調發展的議題展開研究；
 - (ii) 進一步深化對澳門的相關研究，具體包括澳門、香港及珠三角之間的協調發展，以及澳門與珠三角西岸地區的協調發展；
 - (iii) 補充研究的費用由澳方承擔；及
 - (iv) 澳方可以“觀察員”身份列席粵港相關會議，港方亦可以“觀察員”身份列席粵澳相關會議。研究成果需分別通報粵港、粵澳城市規劃及發展專責小組。

(1) 由香港特別行政區政府發展局常任秘書長、廣東省建設廳廳長和澳門特別行政區政府澳門運輸工務司司長以文件傳閱方式，於2009年2月簽署。

WRITTEN ANSWER — Continued

附錄B

2009年5／6月由港深規劃及工程部門
簽署的合作協議的主要內容《落馬洲河套地區綜合研究合作細節安排協議書》⁽¹⁾

- 根據合作意向書，港深雙方同意以“共同研究、共同開發”的原則，合作進行《落馬洲河套地區綜合研究》，探討開發河套地區的可行性及有利於港深兩地的土地用途。雙方就兩地各自聘請顧問進行《綜合研究》、顧問管理、研究成果審議、研究進度、費用分擔及付款安排、知識產權歸屬等各方面的合作細節達成共識。當中包括：
 - (i) 以高等教育為主，輔以高新科技研發設施和文化創意產業用途這發展方向，為河套地區的發展及有關基礎配套設施制定詳細規劃，並開展環境影響和工程可行性研究；
 - (ii) 研究範圍分三區：A區(河套地區)和B區(香港境內的鄰近河套地區範圍以便研究提供基建和配套設施)由港方聘請顧問進行研究；及C區(深圳境內的鄰近河套地區範圍)，由深方聘請顧問進行研究，以配合河套地區發展；
 - (iii) A區和B區研究的顧問管理工作由港方負責。C區研究的顧問管理工作由深方負責。雙方須定期向“港深邊界區發展聯合專責小組”和“落馬洲河套地區環境、規劃及工程工作小組”匯報工作進度及各階段成果；
 - (iv) 研究預計在2009年6月展開，至2011年年底前完成；
 - (v) A區的費用由港深雙方平均分擔，B區及C區的費用由港深雙方各自承擔；及
 - (vi) 雙方共同享有A區研究成果的擁有權及知識產權，B區及C區的成果擁有權及知識產權由港深雙方各自享有。

(1) 由香港特別行政區政府規劃署署長、香港特別行政區政府土木工程拓展署署長及深圳市規劃局局長(現深圳市規劃和國土資源委員會主任)簽署。