

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 2 March 2011

The Council met at Eleven o'clock

## MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

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

THE HONOURABLE LEE CHEUK-YAN

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

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

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

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, J.P.

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.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

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

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

THE HONOURABLE PAUL TSE WAI-CHUN

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

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE TANYA CHAN

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

**PUBLIC OFFICERS ATTENDING:**

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

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

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

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

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

PROF THE HONOURABLE K C CHAN, S.B.S., J.P.  
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

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

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

MS JULIA LEUNG FUNG-YEE, J.P.  
UNDER SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

MR LAI TUNG-KWOK, S.B.S., I.D.S.M., J.P.  
UNDER SECRETARY FOR SECURITY

MISS ADELINE WONG CHING-MAN, J.P.  
UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND  
AFFAIRS

## **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

**PRESIDENT** (in Cantonese): Clerk, please ring the bell to summon Members to the Chamber.

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

## **TABLING OF PAPERS**

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Public Revenue Protection (Dutiable Commodities) Order 2011 .....	32/2011
Public Revenue Protection (Motor Vehicles First Registration Tax) Order 2011 .....	33/2011
Rating (Exemption) Order 2011 .....	34/2011
Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2011 .....	35/2011
Protection of Endangered Species of Animals and Plants Ordinance (Amendment of Schedules 1 and 3) Order 2011 .....	36/2011

## **Other Papers**

- No. 68 — The Hong Kong Academy for Performing Arts Annual Report 2009-2010, and Financial statements and Auditor's report for the year ended 30 June 2010
- No. 69 — Hong Kong Arts Development Council Annual Report 2009/10
- No. 70 — Audited financial statements together with the Auditor's report and Report on Activities of the Hong Kong Examinations and Assessment Authority for the year ended 31 August 2010

- No. 71 — Estimates  
for the year ending 31 March 2012  
General Revenue Account  
— Consolidated Summary of Estimates  
— Revenue Analysis by Head

Report No. 14/10-11 of the House Committee on Consideration of  
Subsidiary Legislation and Other Instruments

Report of the Bills Committee on Chief Executive Election (Amendment)  
Bill 2010 and Legislative Council (Amendment) Bill 2010

Report of the Bills Committee on Motor Vehicle Idling (Fixed Penalty)  
Bill

## ORAL ANSWERS TO QUESTIONS

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

### **Relocation of Offices of the Government and Public Organizations in Core Districts**

1. **MS STARRY LEE** (in Cantonese): *The prices and rental for premises in commercial buildings, in particular Grade A offices, have continued to rise recently. According to the "Hong Kong Property Review" published by the Rating and Valuation Department, the prices and rental for Grade A offices in core districts in December 2010 had, as compared with the relevant figures 18 months ago, increased by 43% and by 16% to 20% respectively. This causes the operating costs of enterprises to increase drastically and will ultimately aggravate the burden on consumers. In view of the limited supply of commercial buildings in core districts, there are comments that some government departments and public organizations which have offices situated in these prime land lots are competing with the private sector for profits and failing to make good use of public resources. In his reply to my question at the Question and Answer Session of this Council on 14 May 2009, the Chief Executive pointed out that staff members in the Government Property Agency had been reviewing these issues. In this connection, will the Government inform this Council:*

- (a) *the names of the government departments and public organizations with offices situated in core districts such as Central, Admiralty, Wan Chai, Causeway Bay, Tsim Sha Tsui and Mong Kok, and so on, at present (set out in table in the appendix), and list by department and organization in table form the location, uses, total floor areas, estimated prices (for government properties) or monthly rental (for non-government properties) of these offices, whether there is any relocation plan, and if so, the details of the plans, the dates of relocation and the addresses of the new offices;*
- (b) *of the number of government departments and public organizations which have relocated their offices away from core districts since May 2009, together with the details (including the dates of relocation and new addresses); whether the Government will conduct a comprehensive review of the feasibility of relocating the offices in part (a) away from the core districts so as to vacate the sites for other development purposes; if it will, of the details and progress; if not, the reasons for that; and*
- (c) *what measures the authorities have to assist the trades in resolving difficulties in coping with increasing operating costs resulting from rising prices and rental of commercial buildings?*

*President, before the Secretary gives his reply, I wish to raise a point of order. Except me, most Honourable colleagues have not received the main reply to this question and even in my case, so far, I have not received the Annexes. May I ask the President to rule whether or not the time for this question should be put back?*

**PRESIDENT** (in Cantonese): The main reply, in written form, has been placed on Members' desks.

**MS STARRY LEE** (in Cantonese): *Only I have been given the reply and other Members do not have it yet. President, even the reply given to me is incomplete, with only the basic part but as for the most important part, that is, the Annexes that I requested the authorities to provide in tabulated form are still unavailable.*



*In these circumstances, I hope the President can rule whether or not this question should be put back .....*

**PRESIDENT** (in Cantonese): Will staff members please distribute the relevant written main reply immediately? I believe while the Secretary is reading out the reply, Members will have the time to read it.

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, first of all, I wish to apologize to Members. We managed to send the main reply here only at about 10 o'clock<sup>(1)</sup> because a lot of the details in the Annexes require careful handling by our colleagues and this resulted in the delay. My apologies to Members here.

President, concerning this question, my reply is as follows:

Our basic policy is to relocate those government offices with no location requirements out of high-value areas, including central business districts (CBD) (that is, Sheung Wan, Central, Admiralty, Wan Chai, Causeway Bay, Tsim Sha Tsui and West Kowloon Reclamation), for more effective use of land resources so as to meet the development needs of our economy. The Government will review from time to time whether there are operational needs for departments to stay in CBD. If there is no need for departments to remain in CBD, we will release the land resources taken up by departments in CBD in two main ways.

For government-owned office buildings, we will identify sites in non-CBD or new development areas for construction of new offices to reprovision the departments concerned, with a view to freeing sites for other commercial development. The relocation of the Customs and Excise Department from Sheung Wan to North Point last year is one such example. We will also continue the preparatory work to relocate departments in the three government office buildings at the Wan Chai waterfront as and when appropriate.

For leased office premises, we will as far as possible relocate departments with no location requirements to Government-owned or leased premises in other districts and arrange for early termination of the tenancies so that the properties

(1) In a letter addressed to the Legislative Council Secretariat, the Director of Administration clarified that the Financial Services and the Treasury's main reply to the First Question seeking on oral reply was submitted to the Secretariat by email at 10.46 am that day (2 March 2011).

concerned can be released in the private market. For example, the Government has over the years strived to reduce leased office space in districts commanding high rental such as Central and Admiralty. The area of office premises leased by the Government in Central and Admiralty has reduced from 11 450 sq m five years ago to the present level of 7 900 sq m, and is expected to be further reduced to 230 sq m in 2014.

On part (a) of the question, the floor area of government offices in CBD and Mong Kok is about 631 000 sq m. With the completion of projects including the construction of the Civil Aviation Department Headquarters and the Kai Tak Government Offices in the coming few years, we expect that this figure will fall further. A review conducted in May last year by relevant bureaux and departments reaffirmed that, in the long term, the Government would only retain an optimum amount of office space in CBD to cater for the operational needs of departments and meet unforeseeable demand. Information regarding the location, uses, floor areas, rent and relocation plans of government offices currently located in CBD and Mong Kok is set out in Annex I.

On part (b) of the question, since May 2009 we have arranged for five departments to move all or some of their offices out of CBD. For details, please refer to Annex II.

On part (c) of the question, we are concerned about the impact of rising price and rental of commercial buildings on the operating costs of the business sector. In his lately released Budget speech the Financial Secretary also talked about the issue of supply of commercial buildings. He pointed out that we must maintain a steady and adequate supply of Grade A offices to enhance our competitiveness.

We will adopt a three-pronged approach in tackling this issue. First, we will ensure a steady land supply. The land available for sale next year includes sites that will provide a floor area of 600 000 sq m for commercial/business use. Second, we will continue to invest in transport infrastructure with a view to facilitating office decentralization. The construction of various new railway lines will facilitate the development of districts such as Wong Chuk Hang, West Kowloon, and the Kai Tak Development into office nodes. Third, we will promote conversion or redevelopment of industrial buildings through the revitalization of industrial buildings scheme to provide additional office space to meet the needs of our economy. In support of the revitalization scheme, the

Government is considering purchasing an industrial building for conversion into an office building for the relocation of the New Territories West Region Office of the Water Supplies Department (WSD). Apart from injecting new impetus into an old industrial area, this initiative can allow for more cost-effective use of the original site of the WSD office in the central commercial area in Mong Kok.

## Annex I

*Government Offices in Sheung Wan, Central, Admiralty, Wan Chai, Causeway Bay, Tsim Sha Tsui and Mong Kok*

According to the Hong Kong 2030 Study: Planning Vision and Strategy, Central Business Districts (CBD) are defined as business areas in Sheung Wan, Central, Wan Chai, Causeway Bay, Tsim Sha Tsui and West Kowloon Reclamation. In response to this question raised by Ms LEE, we have also included information in respect of Government-owned and leased premises in Mong Kok in this Annex. As there is currently no government office in West Kowloon Reclamation, separate entry for West Kowloon Reclamation has not been provided.

As it takes time to come up with valuations of Government-owned premises, we are unable to provide such information. As the monthly rentals of leased premises are sensitive commercial information, only the total monthly rentals of leased premises on a district basis are provided.

As public organizations plan and manage their own office accommodation, this Annex only provides information in respect of Government-owned and leased premises.

*Summary*

<i>District</i>	<i>Government-owned premises</i>		<i>Leased premises</i>	
	<i>Floor Area (sq m)</i>	<i>Floor Area (sq m)</i>	<i>Floor Area (sq m)</i>	<i>Monthly Rent (HK\$)</i>
Sheung Wan	6 288.3		1 998.3	832,027
Central	49 556.2		635.9	344,350
Admiralty	103 200.5		7 262.6	5,392,586

<i>District</i>	<i>Government-owned premises</i>	<i>Leased premises</i>	
	<i>Floor Area (sq m)</i>	<i>Floor Area (sq m)</i>	<i>Monthly Rent (HK\$)</i>
Wan Chai	329 489.0	22 787.1	9,812,752
Causeway Bay	20 151.0	574.1	219,482
Tsim Sha Tsui	24 754.4	7 322.8	2,051,332
Mong Kok	41 419.0	15 544.3	5,854,072
Total	574 858.4	56 125.1	24,506,601

(1) *Government-owned premises*

- Including general office use premises in joint-user buildings and specialist departmental buildings mainly used as general office accommodation (for example, Police Headquarters and Fire Services Department Headquarters, and so on), but excluding specialist departmental buildings for specialized functions (such as libraries, fire stations, law courts and public transport interchanges, and so on)

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/ Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
Sheung Wan	Central Government Pier	4	C&ED, DH, ImmD, MD	Office	3 395.9	There is no reprovisioning plan at this stage in view of operational needs.
	Rumsey Street Multi-Storey Car Park	3	D of J, IRD, RTHK	Temporary Office	2 892.4	As there is a long-term land development plan for the site of the building, at present the accommodation is only used as temporary office. After finalization of the long-term land development plan, the b/ds concerned will be relocated to release the site for the relevant development purposes.
Sheung Wan (Total)					6 288.3	
Central	Central Government Offices (Main & East Wing)	12	CEO, CSO, FSO, CPU, CEDB, CMAB, CSB, FSTB, LWB, SB, Adm Wing, ISD	Office	12 901.0	The offices of the bureaux currently accommodated in Central Government Offices will be progressively relocated to the new Central Government Complex at Tamar in the second half of 2011. The Main Wing and East Wing of the Central Government Offices will then be used as offices of the Department of Justice.

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/ Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
	Central Government Offices (West Wing)	14	CSO, FSO, CSB, CMAB, DEVB, EDB, FSTB, LWB, CPU, Admin Wing, ArchSD, EU, DH, ISD	Office	11 765.0	The offices of the bureaux currently accommodated in Central Government Offices will be progressively relocated to the new Central Government Complex at Tamar in the second half of 2011. The Administration is considering changing the use of the West Wing into Grade A office.  Other offices will be relocated to other Government-owned premises in the second half of 2011.
	Harbour Building	13	HAD, ImmD, LandsD, SWD, MD, LD, and so on.	Office	24 332.1	Most of the offices are district offices of the respective departments, providing public services for the district. There is no reprovisioning plan at this stage.
	Exchange Square	1	THB	Office	558.1	To be reprovisioned to the new Central Government Complex at Tamar in the second half of 2011.
Central (Total)					49 556.2	
Admiralty	Murray Road Multi-Storey Carpark Building	18	JUD, CSB, D of J, FHB, Plan D, LCSD, DH, ImmD, and so on.	Temporary Office	9 963.8	Some of the bureaux will be reprovisioned to the new Central Government Complex at Tamar in the second half of 2011 whilst the Judiciary will be reprovisioned to the West Kowloon Law Courts Building in 2014-2015. As there is a long-term land development plan for the site of the building, at present the accommodation is only used as temporary office. After finalization of the long-term land development plan, the b/ds concerned will be relocated to release the site for development purposes.
	Queensway Government Offices (High Block)	12	CSB, SB, D of J, ArchSD, CAD, CR, LR, FEHD, ORO, and so on.	Office	57 756.6	CAD's offices will be reprovisioned to their new CAD Headquarters at the Airport Island in 2013. Part of the offices of the Department of Justice in Queensway Government Offices will be relocated to the decanted Main Wing and East Wing of Central Government Offices.

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
						<p>There is no reprovisioning plan for the other departments at this stage as there are operational needs for them to remain in the existing premises.</p> <p>This Government building will be retained to accommodate b/ds' location-bound office space requirements in CBD and meet unforeseen demand for office space. We plan to make use of the decanted space to reprovision the departments now accommodated in leased premises in Central and Admiralty so as to save Government expenditure in rental. We shall from time to time review whether there is operational need for b/ds to continue to stay in the building.</p>
	Queensway Government Offices (Low Block)	10	SB, Arch SD, DH, FEHD, ImmD, TD, and so on.	Office	4 047.1	There is no reprovisioning plan at this stage in view of operational needs.
	Fairmont House	5	D of J, Invest HK, PSC, and so on.	Office	4 291.7	There is no reprovisioning plan at this stage in view of operational needs.
	Lippo Centre	2	FSTB, JSSCS	Office	1 018.0	There is no reprovisioning plan at this stage in view of operational needs.
	United Centre	1	TD	Office	2 900.0	There is no reprovisioning plan at this stage in view of operational needs.
	Murray Building	11	CEDB, DEVB, EDB, ENB, FHB, LWB, THB, Adm Wing, D of J, ISD, OGCIO	Office	23 223.3	The majority of the b/ds will be relocated to the new Central Government Complex at Tamar in the second half of 2011. The remaining offices will be relocated to other Government-owned properties in the second half of 2011.
<b>Admiralty (Total)</b>					<b>103 200.5</b>	
Wan Chai	Immigration Tower	11	CEDB, FSTB, SB, ImmD, WSD, Try, TD, Audit, IRD, ITC, OGCIO	Office	65 407.1	Preparatory work to relocate b/ds in the three Government office buildings at the Wan Chai waterfront continues. In view of the large number of b/ds involved, we expect the relocation exercise will need to be phased over a number of years.
	Revenue Tower	14	CEDB, ENB, HAB, SB, EPD, OGCIO, IRD,	Office	63 880.3	Preparatory work to relocate b/ds in the three Government office buildings

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/ Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
			DSD, TELA, GPA, LAD, LD, HAD, HKP			at the Wan Chai waterfront continues. In view of the large number of b/ds involved, we expect the relocation exercise will need to be phased over a number of years.  The offices of some bureaux will be reprovisioned to the new Central Government Complex at Tamar in the second half of 2011.
	Wanchai Tower	7	HAB, OGCIO, C&SD, CSD, JUD, LCSD, GLD	Office	44 500.0	Preparatory work to relocate b/ds in the three Government office buildings at the Wan Chai waterfront continues. In view of the large number of b/ds involved, we expect the relocation exercise will need to be phased over a number of years.
	Southern Centre	10	HAB, HAD, LandsD, SWD, EPD, DH, and so on.	Office	20 766.7	The offices of the Home Affairs Bureau will be relocated to the new Central Government Complex at Tamar in the second half of 2011. There is no reprovisioning plan for the offices of the remaining departments at this stage as there are operational needs for them to remain in the existing premises.
	Wu Chung House	11	EDB, SWD, DH, OFTA, IPD, OGCIO, and so on.	Office	36 720.2	Some bureaux will be relocated to the new Central Government Complex at Tamar in the second half of 2011. There is no reprovisioning plan for the other departments at this stage as there are operational needs for them to remain in the existing premises.
	Oi Kwan Court	4	FEHD, CSD, HKP, and so on.	Office	2 073.3	There is no reprovisioning plan at this stage in view of operational needs.
	Shun Feng International Centre	1	DH	Office	361.0	There is no reprovisioning plan at this stage in view of operational needs.
	Lui Kee Education Services Centre	1	EDB	Office	2 782.4	The Education Bureau and the Planning Department are working on the reprovisioning plan.
	Police Headquarters Arsenal House	1	HKPF	Office	52 875.0	There is no reprovisioning plan at this stage in view of operational needs.

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/ Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
	Police Headquarters Arsenal House East Wing	1	HKPF	Office	15 182.0	There is no reprovisioning plan at this stage in view of operational needs.
	Police Headquarters Arsenal House West Wing	1	HKPF	Office	24 941.0	There is no reprovisioning plan at this stage in view of operational needs.
Wan Chai (Total)					329 489.0	
Causeway Bay	EMSD Caroline Hill Complex High Block, Low Block & Workshop	7	HAB, EMSD, EMSTF, ImmD, IRD, LCSD, REO	Temporary Office/ Workshop	20 151.0	As there is a long-term land development plan for the site of the building, at present the accommodation is only used as temporary office. The site will be handed over to the Lands Department in 2014-2015 and the b/ds concerned will then be relocated. The EMSD Hong Kong Depot — Workshop will also be reprovisioned to another site.
Causeway Bay (Total)					20 151.0	
Tsim Sha Tsui	Middle Road Multi-Storey Car Park	6	LD, FEHD, HKP, FSD, and so on.	Temporary Office (Until mid 2013)	4 441.6	As there is a long-term land development plan for the site of the building, at present the accommodation is only used as temporary office. After finalization of the long-term land development plan, the b/ds concerned will be relocated to release the site for the relevant development purposes.
	Auto Plaza	1	HKPF	Neighbourhood Police Office	52.8	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
	Fire Services Department Headquarters Building	1	FSD	Office	20 260.0	Due to operational need and the need to provide public service for the district, there is no reprovisioning plan at this stage.
Tsim Sha Tsui (Total)					24 754.4	
Mong Kok	Mong Kok Government Offices	8	HAD, TD, LAD, LCSD, SWD, and so on.	Office	9 294.1	Due to operational need and the need to provide public service for the district, there is no reprovisioning plan at this stage.
	Trade and Industry Department	6	TID, C&ED, LD, SFAA	Office	17 919.1	The Government is now planning the construction of the Kai Tak Government Office (KTGO). We



<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
	Tower					shall seek funding approval from the Finance Committee of the Legislative Council in the next financial year. Subject to funding approval, it is estimated that the KTGO will be completed in 2015. Government offices currently accommodated in Trade and Industry Department Tower will then be reprovisioned to the newly constructed KTGO.
	Hoi Hong Buildings	1	HKP	Office/Post Office	200.7	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
	Sai Yee Street Depot	1	FEHD	Office/Depot	4 444.1	FEHD is identifying a suitable site to relocate its facilities at Sai Yee Street so as to free the site for use in other purposes.
	Mongkok Ambulance Depot cum ACHQ	1	FSD	Office/Ambulance Depot	4 950.0	Due to operational need and the need to provide public service for the district, there is no reprovisioning plan at this stage.
	Mong Kok Office Annex Building	1	WSD	Office	4 611.0	The Administration is studying the option of purchasing an industrial building for conversion into offices for reprovisioning WSD's Mong Kok Office so as to free the site for use in other purposes.
Mong Kok (Total)					41 419.0	
					Total Floor Area (sq m)	574 858.4

(2) *Leased Premises*

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
Sheung Wan	Harbour Commercial Building	1	ICAC	Office	198.9	Due to operational need and the need to provide public service for the district, there is no reprovisioning plan at this stage.
	ING Tower	1	HKP	Office	791.1	There is no reprovisioning plan at this stage in view of operational needs.

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
	The Center	2	HAD	Office	248.0	There is no reprovisioning plan at this stage in view of operational needs.
			HKP	Post Office	243.4	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
	Wah Yuen Building	1	HKPF	Office	124.0	There is no reprovisioning plan at this stage in view of operational needs.
	West Exchange Tower	1	HKP	Post Office	392.9	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
Sheung Wan (Total)					1 998.3	
Central	Chinachem Hollywood Centre	1	HKPF	Junior Police Call Club House	408.5	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
	Hoseinee House	1	HKP	Post Office	158.4	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
	Lantau Airport Railway Hong Kong Station	1	HKPF	Police Reporting Centre	69.0	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
Central (Total)					635.9	
Admiralty	Admiralty Centre	4	D of J	Office	412.8	Will be relocated to Central Government Offices/Queensway Government Offices to save Government expenditure in rental.
			FSTB	Office	1 239.0	Will be relocated to the new Central Government Complex at Tamar in the second half of 2011.
			LR	Office	270.8	Will be relocated to Queensway Government Offices to save Government expenditure in rental.
			ORO	Office	350.0	Will be relocated to Queensway Government Offices to save Government expenditure in rental.

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
	Citibank Plaza, Citibank Tower	2	CSB	Office	592.1	Will be relocated to the new Central Government Complex at Tamar in the second half of 2011.
			LWB	Office	764.4	Will be relocated to the new Central Government Complex at Tamar in the second half of 2011.
	Lippo Centre	2	FSTB	Office	346.9	Will be relocated to Queensway Government Offices to save Government expenditure in rental.
			SB	Office	226.7	Will be relocated to Queensway Government Offices to save Government expenditure in rental.
	Pacific Place, One Pacific Place	1	CEDB	Office	1 860.0	Will be relocated to the new Central Government Complex at Tamar in the second half of 2011.
	United Centre	2	D of J	Office	936.8	Will be relocated to Central Government Offices/Queensway Government Offices to save Government expenditure in rental.
			FSTB	Office	263.1	Will be relocated to Queensway Government Offices to save Government expenditure in rental.
	<b>Admiralty (Total)</b>					<b>7 262.6</b>
Wan Chai	248 Queen's Road East Wanchai Hong Kong	4	DH	Office	1 696.6	There is no reprovisioning plan at this stage in view of operational needs.
			EDB	Office	323.0	There is no reprovisioning plan at this stage in view of operational needs.
			SCIOCS	Office	419.7	There is no reprovisioning plan at this stage in view of operational needs.
			SWD	Office	1 209.6	There is no reprovisioning plan at this stage in view of operational needs.
	Asian House	1	HKP	Post Office	323.0	There is no reprovisioning plan at this stage as the department has to provide public service for the district.

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
	China Overseas Building	2	HAD	Office	536.2	Will be relocated to Southorn Centre in end 2011/early 2012 to save Government expenditure in rental.
			SWD	Office	370.9	There is no reprovisioning plan at this stage in view of operational needs.
	China Resources Building	1	TD	Office	759.2	There is no reprovisioning plan at this stage in view of operational needs.
	East Town Building	1	SB	Office	315.1	There is no reprovisioning plan at this stage in view of operational needs.
	Harbour Centre	1	REO	Office	756.3	There is no reprovisioning plan at this stage in view of operational needs.
	Harcourt House	2	D of J	Office	1 146.7	Will be relocated to Central Government Offices/Queensway Government Offices to save Government expenditure in rental.
			TD	Office	423.5	There is no reprovisioning plan at this stage in view of operational needs.
	Hong Kong Arts Centre	1	LCSD	Office	704.7	There is no reprovisioning plan at this stage in view of operational needs.
	Overseas Trust Bank Building	1	LD	Office	486.1	There is no reprovisioning plan at this stage in view of operational needs.
	Hopewell Centre	5	CEDB	Office	275.6	There is no reprovisioning plan at this stage in view of operational needs.
			DH	Office	819.6	There is no reprovisioning plan at this stage in view of operational needs.
			EDB	Office	3 714.3	There is no reprovisioning plan at this stage in view of operational needs.
			EPD	Office	826.6	There is no reprovisioning plan at this stage in view of operational needs.
			TD	Office	338.2	There is no reprovisioning plan at this stage in view of operational needs.

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
	Shui On Centre	2	EU	Office	1 025.8	Will be relocated to Revenue Tower in end 2011/early 2012 to save Government expenditure in rental.
			UGC	Office	1 573.3	There is no reprovisioning plan at this stage in view of operational needs.
	Town Place, Asia Orient Tower	1	TD	Office	564.7	There is no reprovisioning plan at this stage in view of operational needs.
	Tung Sun Commercial Centre	1	ICAC	Office	121.2	Due to operational need and the need to provide public service for the district, there is no reprovisioning plan at this stage.
	Tung Wah Mansion	1	ICAC	Office	234.1	Due to operational need and the need to provide public service for the district, there is no reprovisioning plan at this stage.
	Wu Chung House	2	DH	Office	527.5	There is no reprovisioning plan at this stage in view of operational needs.
			OFTA	Office	871.9	There is no reprovisioning plan at this stage in view of operational needs.
	Connaught Commercial Building	1	HKPF	Office	131.5	There is no reprovisioning plan at this stage in view of operational needs.
	Guardian House	2	DH	Office	895.6	There is no reprovisioning plan at this stage in view of operational needs.
			REO	Office	1 396.6	There is no reprovisioning plan at this stage in view of operational needs.
<b>Wan Chai (Total)</b>					<b>22 787.1</b>	
Causeway Bay	111 Leighton Road	1	HKPF	Office	237.3	There is no reprovisioning plan at this stage in view of operational needs.
	Causeway Bay Kaifong Welfare Advancement Association Bradbury Building	1	HKP	Post Office	215.0	There is no reprovisioning plan at this stage as the department has to provide public service for the district.

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
	Windsor House	1	HKP	Post Office	121.8	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
Causeway Bay (Total)					574.1	
Tsim Sha Tsui	Albion Plaza	1	HKP	Post Office	413.1	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
	Hermes House	1	HKP	Post Office	2 477.2	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
	Hong Kong Pacific Centre	1	LandsD	Office	748.2	The Government is now planning the construction of the KTGO. We shall seek funding approval from the Finance Committee of the Legislative Council in the next financial year. Subject to funding approval, it is estimated that the KTGO will be completed in 2015. The offices of this department will then be reprovisioned to the newly constructed KTGO.
	Miramar Tower	1	HKO	Office	1 027.9	There is no reprovisioning plan at this stage in view of operational needs.
	The Lamma Centre	1	HKPF	Junior Police Call Club House	202.0	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
	Chinachem Golden Plaza	1	CEDD	Office	1 110.8	The Government is examining the feasibility of relocating the department to other district.
	Empire Centre	1	CEDD	Office	1 343.6	The Government is examining the feasibility of relocating the department to other district.
Tsim Sha Tsui (Total)					7 322.8	
Mong Kok	Mongkok Exchange	1	HKP	Post Office	405.0	There is no reprovisioning plan at this stage as the department has to provide public service for the district.

<i>District</i>	<i>Name of Building</i>	<i>Number of Bureau/Department</i>	<i>Name of Major Bureau/Department (b/d) (See Enclosure for full name of b/d)</i>	<i>Use</i>	<i>Floor Area (sq m)</i>	<i>Reprovisioning Plan</i>
	One Mong Kok Road Commercial Centre	3	CEDD	Office	1 456.8	The Government is examining the feasibility of relocating the department to other district.
			SFAA	Office	1 169.0	The Government is now planning the construction of the KTGO. We shall seek funding approval from the Finance Committee of the Legislative Council in the next financial year. Subject to funding approval, it is estimated that the KTGO will be completed in 2015. The office of this department will then be reprovisioned to the newly constructed KTGO.
			SWD	Office	518.9	There is no reprovisioning plan at this stage as the department has to provide public service for the district.
	Pioneer Centre	1	BD	Office	11 994.6	The Government is examining the feasibility of relocating the department to other district.
Mong Kok (Total)					15 544.3	
					Total Floor Area (sq m)	56 125.1

## Enclosure to Annex I

<i>Abbreviation</i>	<i>Name of Bureau/Department</i>
Adm Wing	Administration Wing
ArchSD	Architectural Services Department
Audit	Audit Commission
BD	Buildings Department
C&ED	Customs and Excise Department
C&SD	Census and Statistics Department
CAD	Civil Aviation Department
CEO	Chief Executive's Office
CEDB	Commerce and Economic Development Bureau

<i>Abbreviation</i>	<i>Name of Bureau/Department</i>
CEDD	Civil Engineering and Development Department
CMAB	Constitutional and Mainland Affairs Bureau
CPU	Central Policy Unit
CR	Companies Registry
CSO	Chief Secretary for Administration's Office
CSB	Civil Service Bureau
CSD	Correctional Services Department
D of J	Department of Justice
DEVB	Development Bureau
DH	Department of Health
DSD	Drainage Services Department
EDB	Education Bureau
EMSD	Electrical and Mechanical Services Department
EMSTF	Electrical and Mechanical Services Trading Fund
ENB	Environment Bureau
EPD	Environmental Protection Department
EU	Efficiency Unit
FEHD	Food and Environmental Hygiene Department
FHB	Food and Health Bureau
FSO	Financial Secretary's Office
FSD	Fire Services Department
FSTB	Financial Services and the Treasury Bureau
GLD	Government Logistics Department
GPA	Government Property Agency
HAB	Home Affairs Bureau
HAD	Home Affairs Department
HKO	Hong Kong Observatory
HKP	Hongkong Post
HKPF	Hong Kong Police Force
ICAC	Independent Commission Against Corruption
ImmD	Immigration Department
Invest HK	Invest Hong Kong
IPD	Intellectual Property Department



<i>Abbreviation</i>	<i>Name of Bureau/Department</i>
IRD	Inland Revenue Department
ISD	Information Services Department
ITC	Innovation and Technology Commission
JSSCS	Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service
JUD	Judiciary
LAD	Legal Aid Department
LandsD	Lands Department
LCSD	Leisure and Cultural Services Department
LD	Labour Department
LR	Land Registry
LWB	Labour and Welfare Bureau
MD	Marine Department
OFTA	Office of the Telecommunications Authority
OGCIO	Office of the Government Chief Information Officer
ORO	Official Receiver's Office
Plan D	Planning Department
PSC	Public Service Commission
REO	Registration and Electoral Office
RTHK	Radio Television Hong Kong
SCIOCS	Secretariat, Commissioner on Interception of Communications and Surveillance
SB	Security Bureau
SFAA	Student Financial Assistance Agency
SWD	Social Welfare Department
TELA	Television and Entertainment Licensing Authority
TD	Transport Department
THB	Transport and Housing Bureau
TID	Trade and Industry Department
Try	Treasury
UGC	University Grants Committee Secretariat
WSD	Water Supplies Department

Government bureaux/departments  
which have moved out of CBD since May 2009

*Customs and Excise Department:*

The offices of the Customs and Excise Department at Harbour Building, Rumsey Street Multi-Storey Car Park Building, Middle Road Carpark Building (government-owned premises with a total floor area of 9 800 sq m) and Nan Fung Tower in Central (leased premises with a floor area of about 675 sq m) were relocated to the Customs Headquarters Building in North Point in the second half of 2010.

*Security Bureau:*

The office of the Security Bureau at Prince's Building in Central (leased premises with a floor area of about 176 sq m) was relocated to the Kowloon East Government Offices in November 2009.

*Education Bureau and Department of Health:*

The offices of the Education Bureau and the Department of Health at Wu Chung House in Wan Chai (leased premises with a floor area of about 1 825 sq m) were relocated to newly leased premises in Kwun Tong in December 2010.

*Hongkong Post:*

The office of the Retail Business Division of Hongkong Post at ING Tower in Sheung Wan (leased premises with a floor area of about 183 sq m) was relocated to newly leased premises in Cheung Sha Wan in July 2010.

**MS STARRY LEE** (in Cantonese): *President, in response to my enquiries, the Secretary said in the very first line of his main reply that the Government's basic policy was to relocate those government offices with no location requirements out of high-value areas, including central business districts, but it can be seen from the Annexes to the main reply and the actual actions of the Government over the*

*years that this policy has not been put into practice. This is also the case for the three government office buildings at the Wan Chai waterfront. As far as I know, the Government undertook to study if a relocation could be carried out but so far, the status quo remains the same and this matter has remained in the study phase with no specific timetable available.*

*In Mong Kok, residents often consider the district crowded and the traffic there congested, and they demand that such government departments as the Food and Environmental Hygiene Department and the WSD be relocated. However, according to page 5 of the Annex to the written main reply distributed to us, it is said that the relocation of these departments are only being planned and studied. President, I think that the Annexes provided by the Government are inconsistent with its action. May I ask the Secretary to clarify or tell me if he agrees with my foregoing analysis. I think the Government has never put this policy into practice.*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, concerning the three buildings at the Wan Chai waterfront, work is ongoing. Certainly, we all know that those three government office buildings involve a number of departments, so we have to consider how the relocation should proceed. Among these departments, some of them have to provide services in the district; for others, their work obliges them to be accessible to the public, so they have to stay in the urban area. We have to examine which departments do not have such operational needs and can be relocated. If they can be relocated, we also have to consider where to relocate them, if the construction of a new government office building is required and what arrangements should be made. In this regard, we have to work out the details. We are now holding further discussions with the affected departments to understand their operation and their requirements in terms of location and floor area. We will choose a suitable relocation site in view of their requirements and operational needs, then carry out a feasibility study and a cost-effectiveness analysis.

Since the plan to relocate the three buildings in Wan Chai involves 27 Policy Bureaux and departments and about 11 000 government employees, we need time to deal with and determine the siting. Moreover, this relocation plan has to be implemented over a number of years and in phases, but insofar as the

policy to relocate departments with no location requirement of staying in CBD is concerned, the Government is implementing it.

**MS STARRY LEE** (in Cantonese): *President, he did not answer my supplementary question. In fact, his reply just now is .....*

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

**MS STARRY LEE** (in Cantonese): *My supplementary question is: The actual outcome tells us that the Government has not translated this policy into action because hardly any actual result can be seen. Can he tell us if this is because the actual actions are too slow and as a result, this policy cannot be translated into action? Can he confirm this point?*

**PRESIDENT** (in Cantonese): Ms LEE, you have expressed some views on the Government and I think the Secretary has already explained the present approach of the Government. If you have other specific questions, please wait for another turn.

**PROF PATRICK LAU** (in Cantonese): *President, I have heard Ms LEE's supplementary question and the Government's reply and my conclusion is that the Government actually does not have very good planning. May I ask the Secretary if, in these circumstances, the Government actually has any comprehensive and overall planning on both government office buildings and the Grade A offices required by commercial activities, so as to let the Hong Kong public know in what areas the inadequacies will be addressed?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, concerning planning, it is not possible for me to give a reply easily because I am responsible mainly for the financial services and the treasury portfolio. However, as far as I know, in respect of land supply, the Development Bureau has already proposed sources of land supply for commercial

use in the future. As I said in my main reply, in the future, there will be the Kai Tak Development, Wong Chuk Hang (after the completion of the new railway system, land can be provided in Wong Chuk Hang for the development of commercial buildings) and redeveloped industrial areas (the belt comprising East Kowloon, Kowloon Bay and Kwun Tong). The redevelopment of industrial areas can create a large supply of commercial land. Therefore, the Government has carried out planning in this regard.

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

**PROF PATRICK LAU** (in Cantonese): *No, he did not give me a reply on planning. I asked him whether the planning is fragmented .....*

**PRESIDENT** (in Cantonese): Please repeat your supplementary question.

**PROF PATRICK LAU** (in Cantonese): *What he did not answer is whether or not planning has been carried out.*

**PRESIDENT** (in Cantonese): Please repeat your supplementary question.

**PROF PATRICK LAU** (in Cantonese): *My supplementary question just now is: Has the Government actually carried out planning on the pattern of business districts? My supplementary question is very simple.*

**PRESIDENT** (in Cantonese): Secretary, is there any planning on business districts?

**PROF PATRICK LAU** (in Cantonese): *Yes. Is there any comprehensive planning?*

**PRESIDENT** (in Cantonese): Are you asking the Secretary if the Government has carried out any comprehensive planning for business districts?

**PROF PATRICK LAU** (in Cantonese): *Yes.*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, I really cannot reply as to whether or not there is any planning because this is not within my portfolio. What I know and understand is that in the Budget announced recently, mention is made of planning for this kind of land, but the details have to be furnished by the Development Bureau. (Appendix I)

**MR CHAN KAM-LAM** (in Cantonese): *President, the rent of commercial buildings in Hong Kong has overtaken those in New York, London and Tokyo to become the highest in the world. If we want to look for more land for commercial use or for Grade A offices in the urban area, it would be rather difficult. For this reason, the Government must have a comprehensive plan, for example, to relocate some departments with no location requirement of staying in CBD. Several years ago, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) proposed that the Kai Tak Development Area be developed into an operational area of the Government. May I know what plan the Government has in this regard? Although we can note from the Annexes that many government departments are planning for or considering relocation, we cannot find any timetable. What actually is the Government's work plan in this regard? I hope the Secretary can tell me.*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, in relation to the Kai Tak Government Offices, what I can say is that we consulted the District Council on this government office building in 2009, and we plan to apply to the Legislative Council Finance Committee for funding in the next financial year. If the funding application is approved, it is expected that the Kai Tak Government Offices will be completed in 2015. This is the first point.

Second, on the question raised by Ms Starry LEE just now, concerning the three buildings in Wan Chai, we are consulting the relevant departments and we have to identify sites because the Kai Tak Government Offices may not be able to meet all the needs. Therefore, we have to carry out the relocation having regard to the practical situation.

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

**MR CHAN KAM-LAM** (in Cantonese): *The Secretary has only answered a small part of it, but not fully. First, I hope that he can provide a timetable. Although he said that a funding application would be made to the Finance Committee, how large will the gross floor area be? How many buildings will there be? What is the future relocation plan? If he cannot give an answer today, I still hope that he can give me a written reply.*

**PRESIDENT** (in Cantonese): Secretary, can you provide a reply in writing?

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Perhaps let me add a few words to see if I can answer this supplementary question. The net floor area of the Kai Tak Government Offices will be 33 000 sq m. This is the net floor area. As regards other details, perhaps I shall provide them after the meeting. (Appendix II)

**MR WONG KWOK-KIN** (in Cantonese): *President, we can note from the main reply that the Government is renting a lot of very expensive offices but within the next couple of years, the Government Headquarters in Central will be relocated and there are now loud voices calling for the preservation of the West Wing instead of demolishing it. Will the Government consider moving its offices occupying high-rent offices back to the West Wing of the Government Headquarters? If not, why not?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, I said in the main reply that according to the present plan, in such high-rent areas as Central and Admiralty ..... please allow me to repeat. Five years ago, some 11 000 sq m of office premises were leased by the Government in Central and Admiralty but the present level is 7 900 sq m, a figure that is expected to be further reduced to 230 sq m in 2014 because many offices will move to new government office buildings.

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

**MR WONG KWOK-KIN** (in Cantonese): *His answer is not to the point. I am asking him if the departments leasing expensive offices will be moved to the West Wing of the Government Headquarters, but it seems I could not hear the Secretary answer this.*

**PRESIDENT** (in Cantonese): Secretary, will the departments described by the Member be moved to the West Wing?

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, what I want to say to Mr WONG in reply is mainly that ..... let me correct myself a little. The Government has relocated many departments and at present, there are not many departments in leased offices in Central and Admiralty. As regards the West Wing of the Government Headquarters, it will be redeveloped into a commercial building.

**MR ABRAHAM SHEK** (in Cantonese): *President, the supplementary questions raised by Prof Patrick LAU and Mr CHAN Kam-lam earlier on were both very much to the point because at present, the office space in Central is really insufficient and this has affected Hong Kong as a financial centre because many overseas companies cannot lease offices in Central. As regards government policies, sometimes, we really cannot understand them. For example, the site of the Central Market is large enough for the construction of a Grade A office*



*building with a floor area of 1 million sq ft but the Government has preserved it, to be used as "Tai Pai Dongs" but the problem cannot be solved by just setting up "Tai Pai Dongs" there. Therefore, at present, it is necessary to balance .....*

**PRESIDENT** (in Cantonese): Please raise your supplementary question.

**MR ABRAHAM SHEK** (in Cantonese): *President, the Government's policy should strike a balance between conservation and redevelopment. My supplementary question is: Will the Government reconsider redeveloping the Central Market while preserving the integrity of the Central Market as a heritage at the same time? This can be done. Will the Government do so, so that there can be an additional 1 million sq ft of office space in the core area of Central?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, I really cannot answer this supplementary question. I will reflect this view to the Development Bureau. (Appendix III)

**PRESIDENT** (in Cantonese): I hope the Government will understand that although it is up to the Government to designate officials to reply to questions, if the officials in attendance say that they cannot answer a question directly related to the main question on account of their portfolio, Members would find this hardly comprehensible.

**DR RAYMOND HO** (in Cantonese): *For many years, many people think that the blunders of the Government in planning has made Hong Kong, as a commercial city ....., our industries have moved out of Hong Kong and the service industry is a very important sector but it is particularly impossible for small and medium enterprises to afford the high rents in CBD. The Government has proposed the revitalization of industrial buildings, which is a very desirable policy. There are many industrial buildings which have been left vacant for years in East Kowloon. May I know how many departments have plans to move into them in the near future? Can the Government provide a timetable to let us see if it is true that the Government conducts reviews year after year without any*

*outcome? Can the Government tell us which departments will actually move to which areas and how many people are involved, so that we can see how the future development is like?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, we have only considered and studied whether or not an old industrial building can be purchased for redevelopment under the policy of revitalizing industrial buildings, so as to relocate the office of the WSD in Mong Kok. At present, we only have this study plan, but I believe we will continue to conduct studies.

**DR RAYMOND HO** (in Cantonese): *What I mean is that even if no decision has been made, can the Secretary still provide us with the figures relating to the departments that are being considered?*

**PRESIDENT** (in Cantonese): Secretary, can you provide the information in this regard?

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): I will see if there is any information in this regard when I am back in my office. (Appendix IV)

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

### **Discontinuation of Hung Hom — Central and Hung Hom — Wan Chai Ferry Services**

2. **DR PRISCILLA LEUNG** (in Cantonese): *It has been learnt that the Star Ferry Company Limited (Star Ferry) indicated in September last year that it had no intention to continue operating the Hung Hom — Central and Hung Hom — Wan Chai ferry services upon expiry of its franchise at the end of March this*

year. To find a new operator, the Transport Department (TD) had twice invited tender on the franchise for the two ferry services, which ended with no operator submitting tender. The Government has given up tendering for the third time and the two ferry services will be discontinued from 1 April this year. In this connection, will the Government inform this Council:

- (a) of the detailed justifications for the Government giving up tendering for the third time on the franchise for the aforesaid two ferry services, and whether it has consulted the residents on such a decision; if it has, what views it has received; after deciding to give up re-tendering, whether the Government has further liaised with the Star Ferry to jointly explore if the company can continue operating the two ferry services before the official commissioning of the Sha Tin to Central Link and the Kwun Tong Line Extension of the MTR Corporation Limited so as to demonstrate its social responsibility;
- (b) whether the Government has any statistical data for understanding the impact of discontinuation of the two ferry services on traffic during peak hours in the relevant districts and areas around the Cross-Harbour Tunnel in Hung Hom; whether the TD has drawn up any additional contingency measures to cope with the residents' demand for other means of cross-harbour transport after the two ferry services are discontinued; if the TD has, of such measures; and
- (c) given that the Government applied to the Finance Committee of this Council for a funding of \$114.96 million and was given approval on 5 November last year for subsidizing six major outlying island ferry trunk routes for three years (the press estimated that each passenger would be subsidized an average of \$2.7 per trip) through measures including reimbursement of vessel maintenance cost to the operators, whether the Government will study allocating funds to subsidize the operator of the two ferry services in the same way as that for the aforesaid outlying island ferry trunk routes, in addition to the existing measures such as waiving fuel duty, exempting licence fees, relaxing the use of piers for commercial activities and taking over the responsibility of pier maintenance, in order that the two ferry services may continue; if it will not, of the reasons for that?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese):  
President,

- (a) The Star Ferry has been operating the "Hung Hom — Central" and "Hung Hom — Wan Chai" licensed ferry services since 1 April 1999. The current three-year licences of the two ferry services granted to the Star Ferry on 1 April, 2008 will expire on 31 March 2011. Due to the enhancement of the public transport network and the relocation of the ferry pier in Central in 2006, the average daily patronage of the two services reduced by about 26% from about 7 500 in 1999 to about 5 500 in 2010. As a result of the reduction in patronage, the Star Ferry has been suffering from financial loss in operating the two ferry services since 2001.

To help improve the financial viability of the two ferry services and stabilize their fares, the Administration has been providing various helping measures to ferry operators, including the Star Ferry, as follows:

- (i) taking over pier maintenance responsibility;
- (ii) waiving fuel duty;
- (iii) reimbursing pier rentals and exempting vessel licence fees for ferry services under the Elderly Concessionary Fares Scheme;
- (iv) allowing ferry operators to sublet ferry pier areas for commercial concession to generate non-fare box revenue to cross-subsidize the ferry operation; and
- (v) streamlining the subletting approval procedures to help expedite generation of non-fare box revenue.

Despite implementation of the above helping measures, and approval granted to the Star Ferry for a fare increase of 5% with effect from 1 January 2010, the financial position of the two services is still unsatisfactory. We understand that due to poor financial performance of the two services, and in anticipation of a lack of

growth in patronage, the Star Ferry did not apply to the TD to extend the licences for the operation of the two services. As such, the TD conducted the first tender exercise from 10 September 2010 to 8 October 2010 to select a suitable ferry operator to operate the two services from 1 April 2011 onwards. However, there was no tender submission.

In view of this, prior to the second tender exercise, the TD consulted the relevant District Councils and locals of the concerned districts between October and November 2010 on how to enhance the viability of the two services so as to attract prospective ferry operators to bid for the operation of the services. Having considered the views collected, the TD made the following relaxations to the tender requirements:

- (i) splitting the two services into two packages (that is, individual route or combined operation) to allow more flexibility in submitting service proposals;
- (ii) shortening slightly the operating periods and allowing a reduction in service frequency to better match the passenger demand pattern (for instance, there are only a few passengers on certain non-peak sailings under the existing service schedule) so as to save costs and for efficient use of resources;
- (iii) allowing deployment of vessels with smaller seating capacity to operate the licensed services to save costs; and
- (iv) allowing the offer of a lower rate of concessionary fare to elderly passengers to reduce the revenue foregone.

The two services were re-tendered on 17 December 2010. Nevertheless, no tender submission was received when the tender closed on 14 January 2011.

The Administration considers that the results of the two tender exercises have reflected the market assessment that the operation of the two services is not financially viable under the existing operating

environment with persistently low level of patronage and highly volatile oil prices. We consider that ample opportunities have been given to prospective ferry operators to express their interest in the operation of the services after the two tender exercises. As no tender submission was received in the second tender exercise even though the tender requirements on service had been relaxed, the TD reckons that conducting a third tender exercise will serve little purpose. Besides, there will not be enough time for the TD to conduct another round of tender exercise as the existing licences will expire on 31 March 2011.

The Administration is aware of the concerns expressed by the locals about the inconvenience which would arise upon the cessation of the two ferry services, and their requests to retain them. In this connection, the TD has maintained contact with the Star Ferry and the locals, to explore with the Star Ferry the feasibility of the continuation of the two services. However, since the two services have been sustaining losses for a long time, it is not easy to retain the two services having regard to their financial viability together with the minimum service level required to meet passenger demand and fare levels that will be acceptable to the public under the prevailing economic environment.

- (b) According to the statistics provided by the Star Ferry, the "Hung Hom — Central" route (Central bound) and "Hung Hom — Wan Chai" route (Wan Chai bound) have a patronage of about 400 and 500 passengers respectively during the peak period from 8 am to 9 am on weekdays. The TD estimates that upon the cessation of the ferry services, most of the existing passengers will switch to franchised bus services for crossing the harbour direct from Whampoa or Hung Hom, or interchange with the ferry services for Wan Chai or Central at the Tsim Sha Tsui Star Ferry Pier.

At present, during the peak hours in the morning, the average occupancy rate of the cross-harbour bus route 115 heading for Central via Whampoa and Hung Hom is about 80%, while that of the bus routes (that is, KMB routes 8A and 8P) heading for the Tsim Sha Tsui Star Ferry Pier from Whampoa or Hung Hom is only about

40%. The TD considers that the current franchised bus routes are able to provide suitable alternative services in terms of routings to the existing passengers of the ferry services. To cater for the new passenger demand, the TD is discussing with the bus companies to increase the frequency of the cross-harbour bus services. We believe that the increase in traffic flow arising from the switch of passengers from ferry services to road-based public transport will be insignificant. The road traffic of the Hung Hum District and the Cross Harbour Tunnel area in Hung Hom will not be affected.

- (c) It is the Government's established policy that public transport services should be operated by the private sector in accordance with commercial principles to ensure their cost-effectiveness and efficiency. The Government would provide the necessary infrastructure, namely road links, ferry piers and bus termini, to support the provision of the services. This policy should equally apply to the provision of ferry services. As mentioned above, to enhance the long-term financial viability of ferry services (including the "Hung Hom — Central" and "Hung Hom — Wan Chai" services), the Government has been providing various measures to enable ferry operators to reduce operating costs and increase non-fare box revenue.

However, taking into account that ferry services are the only means of transport for some of the outlying islands, we have to ensure that such essential transport services can be provided to the residents. As such, we carried out a review on the outlying island ferry services. In the course of the review, we bore in mind the need for prudent use of public funds. We took into account the need to support essential ferry services which otherwise would not be financially viable without financial support and the need to let those residents shoulder the appropriate responsibility for choosing to live on the outlying islands. Therefore, we decided to provide further helping measures to the six major outlying island services within the three-year new licensing period in order to share some of the burden of fare increase to passengers.

**DR PRISCILLA LEUNG** (in Cantonese): *President, among other things, the ferry service is a collective memory of Hong Kong people. In part (b) of the main reply, the Secretary cited figures reflecting the ferry patronage from 8.00 am to 9.00 am on weekdays. However, according to the figures provided by the authorities last Friday, the patronage of the Wan Chai ferry service would increase by 10%. Therefore, the two ferry services can actually be taken into joint consideration.*

*I wish to ask the Secretary if she has re-examined the circumstances of the district. First of all, I have to declare that I am an owner of a property in the district. I wonder whether or not the Secretary has considered the prospect that a beautiful waterfront promenade would come into being subsequent to the connection of all roads between the Hung Hom Ferry Pier and the Tsim Sha Tsui Star Ferry Pier in July this year, thereby resulting in a substantial increase in the flow of people, when she said that no re-consideration would be given to tendering, and so on. In such circumstances, I wish to ask the Secretary whether she has done her utmost in negotiating with the current operator, the Star Ferry. The Star Ferry might have mentioned, among other things, the possibility of continuing to provide the ferry services for at least one year, on the condition of adjusting the operation periods and relaxing the tender requirements, for the benefit of observing the increase in the flow of people upon the commissioning of the waterfront promenade as well as the MTR works, which may force many people to abandon using the cross-harbour tunnels. Can both parties be given an observation period of, for instance, one year?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): *First of all, President, I would like to come back to the average patronage. In the first tender exercise, the two ferry services were tendered jointly. In the second tender exercise, however, we exercised flexibility by splitting the two ferry services for tendering. However, no tender submission was received in the two tender exercises. If the two ferry services were combined, the patronage had actually dropped 26% between 1999 and 2010. Dr Priscilla LEUNG has merely mentioned that the patronage of the Hung Hom — Wan Chai ferry service would increase by 10%. However, during this period, the patronage of the Hung Hom — Central ferry service would drop 44%. Therefore, should the two ferry services be operated jointly, their combined patronage would still decrease by nearly one fourth.*



As regards the question of whether the flow of people travelling to Hung Hom on foot or using the Hung Hom ferry service would increase because of the commissioning of the waterfront promenade, I believe the impact will not be evident. As I said just now, a bus route is already serving the promenade which stretches from Hung Hom to Tsim Sha Tsui. Should alternative services be provided in the future, some people might opt for taking a bus from Hung Hom to Tsim Sha Tsui and then interchanging with ferries operated by the Star Ferry. During the interim, we believe there will be no particularly major factor affecting the patronage. However, we will certainly continue to monitor the situation closely. As explained in the main reply just now, we have been adopting various measures to provide assistance. Nevertheless, the relevant ferry services have been running at sustained losses since 1999.

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

**DR PRISCILLA LEUNG** (in Cantonese): *The Secretary has not answered my question regarding whether she has discussed with the Star Ferry adjusting the operation period to one year first and adopting such measures as providing ferry services during the peak period in the morning and allowing less stringent tender requirements. This is because we were told during our discussion with the Star Ferry that they had lost interest because the tender requirements were too stringent .....*

**PRESIDENT** (in Cantonese): Dr LEUNG, just now you asked the Secretary if she had studied with the ferry operator the extension of its operation for one year having regard to the special circumstances after the commissioning of the waterfront promenade. I consider that the Secretary has answered this question. Should you wish to ask other questions, please wait for another turn.

**MR CHEUNG HOK-MING** (in Cantonese): *President, it has been reported that, in addition to the two ferry services mentioned in the question, the Star Ferry still operates other ferry services from Tsim Sha Tsui to Central and from*

*Tsim Sha Tsui to Hung Hom. May I ask the Secretary when the franchises of these two ferry services — from Tsim Sha Tsui to Central and from Tsim Sha Tsui to Wan Chai — will expire? When will the relevant franchises be put out for tender? Given that these ferry services are reportedly attracting more considerable patronage than the two ferry services mentioned in the main question, have the authorities considered tendering these four ferry services jointly with a view to rescuing the two ferry services in question?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, the two ferry services in Tsim Sha Tsui were awarded as franchised operation, which will expire in 2018, whereas the tender exercise conducted by us this time around will be awarded by way of licensing. Therefore, it is impossible to invite a joint tender for the four ferry services by way of licensing under the existing arrangement, given that the existing franchise will not expire until 2018. In fact, these two groups of ferry services are very different in terms of their structure, such as their overall operating environment, revenue, and so on. Insofar as the non-fare box revenue generated by the Star Ferry in Tsim Sha Tsui is concerned, I believe all Members will understand that there is a huge difference in the revenue from renting out a shop there and that from a shop in Hung Hom. Hence, the operating environments in the two places are different.

**MR ANDREW CHENG** (in Cantonese): *President, part (c) of the main reply mentions that it is the Government's established policy that public transport services should be operated by the private sector in accordance with commercial principles to ensure their cost-effectiveness and efficiency. However, it is evident from these several tender exercises that ferry services are not cost-effective. Under this principle, should the Government stick to its so-called established policy in providing a transport service which is not cost-effective but essential? May I ask the Secretary if she would reconsider changing this so-called established policy by establishing a government fleet? Is it possible for the Government to outsource its management, such as outsourcing franchised management, to let some companies to take charge of the operation with a view to providing reasonable ferry services?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, ferry services are actually not the only option. Indeed, there are a variety of transport services. There are actually alternative services to the ferry service between Hung Hom and Wan Chai we are now talking about. Therefore, this matter may be handled in a slightly different manner.

Mr CHENG was right. We mentioned in part (c) of our main reply some outlying island ferry services, especially some major ferry services. As the residents can only choose to travel by ferry when they go to work or school, we decided to provide some helping measures to the six major outlying island services in the hope of helping the residents. The cost involved is approximately \$120 million over a period of three years. In this respect, we have to thank the Legislative Council for its earlier funding approval. Having said that, the ferry services we are now talking about are not the only option. Public ferries or other means of transport can also provide alternative services. Therefore, we still think that it is more appropriate to work in accordance with our existing policy.

**MS MIRIAM LAU** (in Cantonese): *President, it is indeed very difficult for ferry services to operate in Hong Kong. High costs, exorbitant ferry maintenance fees and falling patronage are all indisputable facts. If the situation was not that bad, the Government would not have been forced to add one more storey to a ferry pier or provide subsidies to the six major ferry services. However, it does not mean that ferry services other than those six major ferry services are not facing difficulties in operation. In fact, many ferry services are incurring losses and operating in great difficulties. Should this problem remain unresolved, I believe more ferry services will be discontinued in the days to come. Even though some of these services are not essential, the public transport services provided for the public at large will definitely be reduced and their standard compromised.*

*Over the past years, I have been fighting for more non-fare box revenue for ferry services. I know that the Secretary is very supportive of this. But the problem is that the relevant applications require approval by other government departments. Therefore, despite the Secretary's great support, the applications might end up being rejected because other government departments keep dragging their feet. I reckon that not one in every 10 cases will be approved. So, how can these ferry operators, who have been operating in such an*

*unfavourable environment, generate extra revenue, as mentioned in part (a) of the main reply?*

*Hence, President, my supplementary question is: Given that the ferry problem is not a problem only for the departments dealing with transport matters, but also for the public at large, and that it must be resolved, can the Secretary take the lead in requesting the Government to set up an inter-departmental group to tackle the problem faced by ferry companies in generating non-fare box revenue to enable these ferry operators to generate more non-fare box revenue and break even, so that they can continue to serve the general public?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, thanks to Ms LAU for appreciating our great support, especially our wish to raise non-fare box revenue by all means. As I pointed out in the main reply just now, one of our helping measures is to streamline the subletting approval procedures. In this respect, we conducted a review in 2007 in the hope of expediting the vetting and approval procedures by all means. The Government Property Agency has undertaken that it will strive to approve applications which are easier to handle within one to three months upon receipt of the applications and requisite information. Of the 130 applications received since 2008 for subletting ferry pier areas for commercial activities, 111 applications have been approved, and 18 applications rejected mainly because of incorrect areas or conflicts with the requirements of the relevant outline zoning plans. Hence, the majority of the applications have actually been approved.

I wish to point out that, although there is no formal inter-departmental group, upon receipt of such applications, the TD would actually act as a co-ordinator as it is very much concerned about and anxious that approval can be granted more quickly. As mentioned by a Member just now, we also hope to provide more areas by all means for subletting, for purposes of increasing their revenue. Therefore, we have plans to add one more storey to the Central Ferry Pier. We hope to enable more non-fare box revenue by all means.

**MS MIRIAM LAU** (in Cantonese): *Does it mean that the Secretary will not accept my proposal of setting up a formal inter-departmental group to tackle the issue of non-fare box revenue?*

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

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, as I stated just now, although we do not function as a formal inter-departmental group, we do undertake co-ordination work. However, I hope Members can understand that certain departments are required by law to act as the vetting and approval authority. In this respect, the TD cannot vet and approve the applications on their behalf. Nevertheless, we will definitely undertake co-ordination work properly in the hope of facilitating the approval of the applications by all means. We will also monitor the time required by the vetting and approval procedures.

**PRESIDENT** (in Cantonese): We have spent nearly 22 minutes on this question. As the main reply given by the Secretary just now was rather long, I will allow one more Member to raise a supplementary question.

**MR JAMES TO** (in Cantonese): *President, during my discussion with officials from the TD, they shared the view that it was indeed more environmentally-friendly for 5 500 passenger trips to be made on ferries than on other means of transport, such as buses. Currently, there is no policy stating that no subsidies or assistance can be granted. Otherwise, the Secretary would not have spelt out (i) to (v) in part (a) of the main reply. But how far should subsidies and assistance be provided so that a more environmentally-friendly means of transport can be retained on the ground of protecting the environment? I wonder if the Government has taken concrete actions from this perspective in considering the possibility of providing more subsidies and assistance to avoid sacrificing these 5 500 people, who would otherwise be denied choice of a more environmentally-friendly means of transport. In particular, ferries can alleviate road congestion before the commissioning of the MTR line.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, actually, our environmental departments have conducted a series of tests with the Star Ferry. When it comes to environmental protection, it would depend on the emissions of the means of transport. Our ferries, especially the

types of ferry operated by the Star Ferry, are relatively old. The volume of their emissions is unsatisfactory, either. The ferry operator is currently conducting a test on fuels. Upon the completion of the test, it will examine whether more efforts can be made in protecting the environment as the engines currently in service are relatively old, thus making it impossible to switch to newer types of green fuel. Depending on the outcome of the test, we will give further consideration to this matter.

**MR JAMES TO** (in Cantonese): *President, my supplementary question is not about this. My question is about whether more subsidies or assistance can be provided for purposes of preserving this ferry service.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, as stated in the main reply, we have provided a range of subsidies and assistance as well as helping measures under our existing policy. As for the present situation, if alternative services are available, it is very difficult for us to provide further subsidies and assistance, because the operator cannot rely on additional subsidies on a long-term basis to continue its operation. It is based on this policy consideration that we have chosen to step up our efforts to provide subsidies and assistance to the six major outlying island services.

**PRESIDENT** (in Cantonese): Although a number of Members are concerned about this issue, we have already spent more than 24 minutes on this question, and so Members may follow up the issue on other occasions. Third question.

### **Equity Dispute Relating to Listed Companies**

3. **MR CHIM PUI-CHUNG** (in Cantonese): *President, regarding the equity dispute of the holding company held by the family of the chairman of Sociedade de Jogos de Macau S.A. (SJM), which is a company listed in Hong Kong, will the Government inform this Council:*

- (a) *given that SJM's market value amounts to approximately HK\$67 billion to date while that of Shun Tak Holdings Limited is*

*approximately HK\$9.4 billion, whether it knows if the regulatory authorities will assess whether the outcome of the aforesaid dispute will affect investors' confidence, and whether it is necessary to suspend trading in the stocks of the two companies; if the assessment outcome is in the negative, of the reasons for that;*

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

- (b) given that the aforesaid incident involves the chairman of listed companies although the shares involved in the dispute are private property, whether it knows if the authorities concerned will assess whether the aforesaid incident will seriously affect Hong Kong's status as a financial centre; if the assessment outcome is in the affirmative, what appropriate measures the authorities concerned have in response; and*
- (c) given that there is the requirement in law for chairmen and directors of listed companies to be "fit and proper persons", whether it knows if the authorities concerned have assessed whether the recent behaviour of the chairman of the aforesaid listed companies has reflected that he still meets such a requirement?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, my reply to the three parts of the question is as follows:

- (a) and (b)

The Stock Exchange of Hong Kong Limited (SEHK) and the Securities and Futures Commission (SFC) have been monitoring the development of the SJM case. Generally, unless there are unusual circumstances surrounding the particular listed companies and there appears to be a false market in their shares, the SEHK and the SFC consider it more appropriate to allow the trading in their shares to continue.

Trading in the shares of SJM on the SEHK was suspended on 24 January 2011 and 25 January 2011 respectively at the request of SJM. The trading resumed in the afternoon of 24 January and on 26 January respectively after SJM had made announcements. According to the announcements, Dr HO was seeking a means to resolve the dispute over the arrangements with regard to Lanceford. On 2 February, SJM made an announcement through the SEHK website again, saying that the change in Lanceford's shareholding structure among Dr HO and his family members had no significant effect on the overall ownership of the company and that there would be no material change in management or strategic direction of the company. After a new writ regarding Lanceford's shareholding arrangement had been issued by Dr HO in Hong Kong's High Court, SJM also made an announcement through the SEHK website on 17 February, reiterating that the change in Lanceford's shareholding structure amongst Dr HO and his family members had no significant effect on the overall ownership of the company and that there would be no material change in management or strategic direction of the company.

- (c) The Listing Rules administered by the SEHK does not draw distinction between the chairman and other directors of a listed company as far as the requirements on personal qualities are concerned. As a member of the board of directors, the chairman, like any other directors, shall comply with the requirements set out in the Listing Rules.

Rules 3.08 and 3.09 of the Listing Rules state that the board of directors of a listed company is collectively responsible for the management and operations of the listed company. The SEHK expects the directors, both collectively and individually, to fulfil fiduciary duties and duties of skill, care and diligence to a standard at least commensurate with the standard established by Hong Kong law. This means that every director must, in the performance of his duties as a director:

- (a) act honestly and in good faith in the interests of the company as a whole;



- (b) act for proper purpose;
- (c) be answerable to the listed issuer for the application or misapplication of its assets;
- (d) avoid actual and potential conflicts of interest and duty;
- (e) disclose fully and fairly his interests in contracts with the listed issuer; and
- (f) apply such degree of skill, care and diligence as may reasonably be expected of a person of his knowledge and experience and holding his office within the listed issuer.

Every director of a listed company must satisfy the SEHK that he has the character, experience and integrity and is able to demonstrate a standard of competence commensurate with his position as a director of a listed issuer. The SEHK may request further information regarding the background, experience, other business interests or character of any director or proposed director of a listed issuer.

If the SEHK finds that a person is not suitable to be appointed as or remain a director of a listed company after careful consideration of the information, it may request the listed company to take remedial action, such as calling a general meeting for removal of the director, in order to comply with the requirements of the Listing Rules. In the case of wilful or persistent failure by a director of a listed company to discharge his responsibilities under the Listing Rules, the SEHK may initiate disciplinary procedures, stating publicly that the retention of office by the director is prejudicial to the interests of investors, or even suspending or cancelling the listing of the issuer's securities.

On the issue of whether the chairman of SJM has been assessed to see if he meets the requirements in relation to directors, the SEHK will not comment on individual cases. The SEHK will continue to monitor the development of the SJM case.

**MR CHIM PUI-CHUNG** (in Cantonese): *Deputy President, the Secretary mentioned in his reply Rules 3.08 and 3.09 of the Listing Rules which state that every director of a listed company must fulfil at least six requirements. But these six requirements do not mention anything about the health and behaviour of a director. So I have this supplementary question for the Secretary. Will the Government conduct a review of these requirements in order to prevent any adverse effect from being caused on Hong Kong as a financial centre because of a person's health, or any sporadic or selective loss of memory, as these are very serious matters? Therefore, will the Administration require the SEHK and the SFC to undertake a serious review of the matter with a view to rectifying things?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, with respect to our requirements on directors, as I have explained, these requirements in comparison should be similar to those imposed on other markets. As far as I understand it, in the case of the Companies Act 2006 of the United Kingdom, the general duties of a director of a company registered and formed in the United Kingdom are similar to Rule 3.08 of the Listing Rules of the SEHK.

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

**MR CHIM PUI-CHUNG** (in Cantonese): *Deputy President, my supplementary question is about the health and behaviour of a director, which are not included in the requirements. Will the authorities undertake a review of them? It is because the person involved .....*

**DEPUTY PRESIDENT** (in Cantonese): Secretary, please reply as to whether a review will be conducted.

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, I think the existing Rule 3.08 of the Listing Rules

is comparable to requirements in overseas markets. It is also a provision accepted by the market.

**MR JAMES TO** (in Cantonese): *Deputy President, if I were really the last Member to raise a supplementary question on this question ..... fortunately, there are still three Members who now ..... all right, it is okay.*

*Deputy President, I have this supplementary question. What I am concerned is not about Dr Stanley HO, it is because from the news clips I watched, I do not think his health conditions have made him not fit to be the chairman of a listed company. What I am concerned about and what I hope to ask the Secretary is: if a chairman of a listed company claims in a public statement that he is pressurized into distributing the equities of a company among his family members while those who pressurized him into doing this happen to be some other directors of the same listed company, then will the Government be concerned about how that director or directors have pressurized Dr Stanley HO and whether they have resorted to any criminal means in pressurizing him? Or have they pressurized him by not paying any attention to him or not extending their care and concern to him, that is, in a way which is allegedly most improper? For this could involve the conduct and integrity of another director of a listed company and it could also contravene the requirements on the character, experience and integrity of directors as mentioned in the main reply and which are required of their competency to discharge their responsibilities as directors. Deputy President, may I ask the Government whether any follow-up action will be taken to understand from Dr HO what kind of pressure he has been subjected to and hence determine whether or not the character of another director or directors would justify their being fit and proper persons for being directors of a listed company?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, as I have said in the main reply, I would not comment on individual cases. This would also be a more responsible approach to take. However, I can point out that, as a general rule, the SEHK being a front-line regulatory body for listed companies will certainly monitor the market situation closely and contact the listed company concerned and request further information when necessary.

**MR CHAN KAM-LAM** (in Cantonese): *Deputy President, the Secretary said that the market situation would be monitored and the behaviour of directors of listed companies kept in view. As the Secretary has described in the main reply, directors of listed companies have to meet six main requirements. Recently, we have received many complaints from the market, claiming that some listed companies have speculated on their shares, aiming at pushing the prices of their shares down, and then engaged in splits, mergers or rights issues. Such things .....*

**DEPUTY PRESIDENT** (in Cantonese): Mr CHAN, your supplementary question bears no relevance to the main question.

**MR CHAN KAM-LAM** (in Cantonese): *Deputy President, it is related to it in some way .....*

**DEPUTY PRESIDENT** (in Cantonese): Can you state how it is related?

**MR CHAN KAM-LAM** (in Cantonese): *It is mainly about the conduct of a director. I was only acting according to .....*

**DEPUTY PRESIDENT** (in Cantonese): Please focus your question on this main question.

**MR CHAN KAM-LAM** (in Cantonese): *Fine, therefore, I wish to know if the SEHK in the course of enforcing the Listing Rules is concerned about the question of whether directors of listed companies can fulfil these six requirements in performing their duties?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, as I have pointed out in the main reply, the listing department of the SEHK will keep an eye on the market situation and will take

action as necessary, contact the listed company concerned and request further information.

I have also said that if there are reasons to believe that a director has not fulfilled the relevant requirements, the SEHK can take further actions. As an example, the SEHK issued a public statement in September 2001 regarding the former vice chairman cum executive director of a listed company, making it clear that it was the view of the SEHK that the interest of the investors would be jeopardized should the person retain such offices. It was because the person in question had been wilfully and continuously not discharging his duties as per Rules 3.08 and 3.09 of the Listing Rules. This is an example which serves to illustrate that the SEHK has indeed taken actions in this regard.

**MR PAUL TSE** (in Cantonese): *Deputy President, according to the reply given by the Secretary, it seems that the authorities have not yet taken any actions to date. It is because if, as the Secretary said that if there were reasons to believe the truthfulness of a case, the listed company concerned would be contacted when necessary. As evident in parts (a) and (b) of the main reply, the authorities have repeatedly cited information from the "announcements". Actually, apart from these announcements or hearsay, have the authorities taken any initiative to make enquiries about and investigate the case? The case involves a company named SJM, but it seems that it has been relegated into an international laughing stock. This has caused enormous impact on the reputation of Hong Kong. It is not something which can be brushed aside lightly with a standard answer like "will not comment on individual cases". When the authorities do not take the initiative to conduct an investigation and only rely on information from hearsay or these announcements, would it not smack of a dereliction of duty on the part of the authorities?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, I would like to clarify one point and that is, the SEHK is the front-line regulatory authority of listed companies and it is tasked with handling day-to-day listing matters. As I pointed out just now, insofar as regulation matters are concerned, the supervision and regulation of listed companies requires the formulation and enforcement of the Listing Rules. As regards individual cases, I do not think I should make any comments. For the

SEHK, it should not make any information public for no justifiable reason regarding the circumstances of individual cases. But I wish to say that as a front-line regulatory body, the SEHK will certainly take the initiative to contact the company concerned for further information as when necessary.

**MR CHIM PUI-CHUNG** (in Cantonese): *Deputy President, it is pointed out in the first paragraph of the main reply by the Secretary that the SEHK and the SFC consider it more appropriate to allow the trading in the shares concerned to continue. May I ask the Secretary, as these companies carry the market value which I mentioned earlier, so the period during which the trading of their stocks was suspended was very short. But is the Secretary aware of the fact that the trading in stocks of some companies has been ordered to suspend for more than 10 years? What kind of standards does the SEHK employ in making such assessment? Is the Administration aware of such circumstances such that the SEHK can enforce the relevant regulatory rules in a fair, just and open manner?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): *Deputy President, the Listing Rules stipulate that the SEHK may regulate listed companies according to the rules concerned. If the SEHK has reasons to believe that any company does not comply with the requirements in the Listing Rules, it will be necessary for it to order a suspension of trading in the shares of that company. If any Member or any person has any grievance about such matters, he may lodge a complaint with the SEHK or the SFC.*

**MR ABRAHAM SHEK** (in Cantonese): *Deputy President, I wish to declare my interest. I am a non-executive director of SJM. I am grateful to Mr CHIM Pui-chung for extending his great care to our chairman. I can tell him that our chairman is in excellent health.*

*The second point is about my supplementary question. Matters regarding how a company operates and how the chairman of a listed company would distribute his assets are actually his own private affairs. With respect to this, will the SEHK regulate even matters as these?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, in regulating listed companies the SEHK shall act according to the Listing Rules. Regarding requirements on directors or the chairman, I have made it clear earlier and I believe this can explain the stand taken by the SEHK in such matters.

**MR PAUL TSE** (in Cantonese): *Deputy President, part (f) of the relevant rules clearly lists the relevant requirement, namely, "skill, care and diligence". I believe this is an ongoing requirement that must not be disregarded after a company is listed. Follow-up action should be taken at any time when problems arise.*

*I have raised my question earlier and I understand that the matter is no longer about the question of whether there is any prima facie evidence. The person concerned can be said to be exposing his own inadequacies when he appeared in the reality show on the TV. In such circumstances, may I ask the Secretary to explain why he thinks that there is no prima facie evidence showing that the person concerned has not been acting with insufficient skill, care and diligence and is hence a fit and proper person to be the chairman of a listed company?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, I wish to reiterate here that I really do not wish to comment on individual cases. I am sure every person has his own view on the circumstances of a particular case. I can only state once again that when the SEHK enforces the Listing Rules, it will strive to monitor the market situation to the best of its ability and take follow-up actions when necessary.

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

### **Agency Workers Engaged by the Government**

4. **DR PAN PEY-CHYOU** (in Cantonese): *Deputy President, as at 30 September 2010, a total of 2 260 agency workers were engaged by the Government, with the Department of Health (DH), Leisure and Cultural Services*

*Department (LCSD) and Education Bureau engaging the largest number of such workers. I have earlier received requests for assistance from members of the Union of Hong Kong Junior Civil Servants who pointed out that late last year, the DH had planned to further engage agency workers in place of civil servants to handle clerical work in all government clinics but the plan was shelved by the DH eventually. They also pointed out that such agency workers did not have any employment relationship with the Government, but administration work in the Government would inevitably involve personal privacy and confidential data of members of the public; and employment agencies would charge commission and exploit agency workers by cutting their wages, which would lead to the situation of "different pay for the same job" in government departments. In this connection, will the Government inform this Council:*

- (a) of the actual expenditures incurred respectively by various bureaux and government departments in engaging agency workers in the past three years, as well as the respective amounts of commission paid to the employment agencies;*
- (b) of the academic qualifications required of agency workers by the Government, with a breakdown by bureau/department and post, and whether it knows their employment terms; and*
- (c) whether it knows if the pay levels as well as the terms and conditions of the employment contracts offered by employment agencies to their employees enable agency workers to enjoy remuneration packages which are more favourable than those offered on the market; if so, of the details; if not, of the measures the authorities have to improve the situation; given that the statutory minimum wage will be implemented shortly, how the authorities guarantee that the wages paid by employment agencies to their employees will not be lower than the statutory minimum wage level?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): Deputy President, regarding part (a) of the main question, the actual expenditure incurred by bureaux/departments in the procurement of employment agency service in 2008-2009 and 2009-2010 was \$199 million and \$265 million respectively, while the estimated expenditure for 2010-2011 is \$253 million. In procuring employment agency service, bureaux/departments must comply with the relevant



Stores and Procurement Regulations, Financial Circulars and guidelines issued by the Civil Service Bureau. These regulations and guidelines do not require bureaux/departments to specify the amount or the rate of commission payable to employment agencies. As such, we do not have comprehensive information on this matter.

Regarding part (b) of the main question, as bureaux/departments mainly use the manpower supplied by employment agencies for meeting urgent and short-term service needs, agency workers are generally referred to as temporary staff and are not assigned any specific post titles. In the absence of any specific post titles for agency workers, we are not able to provide a breakdown of the academic qualifications required of the manpower supplied by employment agencies by post title categorization. We have attempted to categorize the manpower provided by employment agencies into the following seven groups by the academic qualifications required, namely:

- (a) Primary Six or below or equivalent;
- (b) Secondary One to Three or equivalent;
- (c) Secondary Four to Five or equivalent;
- (d) five passes in the Hong Kong Certificate of Education Examination (irrespective of whether a pass/passes in specific subject(s) is/are required) or equivalent;
- (e) two passes in the Hong Kong Advanced Level Examination and three credits in the Hong Kong Certificate of Education Examination (irrespective of whether a pass/passes and/or credit(s) in specific subject(s) is/are required) or equivalent;
- (f) diploma, higher diploma or associate degree or equivalent; and
- (g) university degree or above or equivalent.

A breakdown of the manpower supplied by employment agencies working in bureaux/departments as at 30 September 2010 by the above academic qualification groups is at Annex.

Regarding part (c) of the main question, the terms of employment, wage levels and contractual terms of agency workers are to be agreed upon between agency workers and their employers (that is, employment agencies) when they enter into employment contracts. As bureaux/departments do not keep detailed records of such information, we do not know whether the remunerated packages of agency workers are more favourable than those offered in the market.

The above said, the Government is very concerned about the wage level of non-skilled workers. Since May 2004, for all government service contracts which require the service of primarily non-skilled workers, the concerned contractors (including employment agencies which supply manpower) have been required to pay their workers monthly wages no less than the average monthly wages for the relevant industry/occupation published in the latest Census and Statistics Department's Quarterly Report of Wage and Payroll Statistics at the time when tenders are invited. Since May 2005, all government service contractors have to sign the standard employment contracts with their non-skilled workers, setting out clearly the monthly wages, working hours, methods of wage payment, and so on.

(THE PRESIDENT resumed the Chair)

In addition, since April 2010, when entering into service contracts with employment agencies, bureaux/departments are required to specify that the employment agencies must pay, for the whole duration of the concerned service contracts, their agency workers (other than non-skilled agency workers) assigned to work in the procuring bureaux/departments wages no less than the average monthly wage of miscellaneous non-production workers in all selected industries published in the latest Census and Statistics Department's Quarterly Report of Wage and Payroll Statistics at the time when tenders are invited. Bureaux/departments also have to specify a monitoring mechanism, as well as sanctions to be imposed in the event of non-compliance with the wage requirement.

Moreover, there are provisions in the contracts entered into between bureaux/departments and service contractors (including employment agencies which supply manpower) requiring the latter to comply with Hong Kong laws in

force during the contract period. In other words, for contracts with a validity period straddling 1 May 2011, that is, the commencement date of the Minimum Wage Ordinance (the Ordinance), service contractors (including employment agencies) are required, in accordance with the terms of the contracts, to comply with the relevant provisions in the Ordinance by paying their employees wages no less than the minimum wage rate stipulated in the Ordinance. Otherwise, the B/Ds concerned may impose sanctions on the contractor concerned in accordance with the provisions of the contract, including termination of contract.

## Annex

Academic qualification requirements of the agency workers used in  
bureaux/departments

Bureau/ Department	Number of agency workers (as at 30 September 2010)	Breakdown of the number of agency workers by the following academic qualification requirements						
		(a) Primary Six or below or equivalent	(b) Secondary One to Three or equivalent	(c) Secondary Four to Five or equivalent	(d) Five passes in HKCEE (irrespective of whether a pass/passes in specific subject(s) is/are required) or equivalent	(e) Two passes in HKALE and three credits in HKCEE (irrespective of whether a pass/passes and/or credit(s) in specific subject(s) is/are required) or equivalent	(f) Diploma, Higher Diploma or Associate Degree or equivalent	(g) University Degree or above or equivalent
Agriculture, Fisheries and Conservation Department	43	17	3		7	2	9	5
Buildings Department	194			103	91			
Census and Statistics Department	5				5			

<i>Bureau/ Department</i>	<i>Number of agency workers (as at 30 September 2010)</i>	<i>Breakdown of the number of agency workers by the following academic qualification requirements</i>						
		<i>(a) Primary Six or below or equivalent</i>	<i>(b) Secondary One to Three or equivalent</i>	<i>(c) Secondary Four to Five or equivalent</i>	<i>(d) Five passes in HKCEE (irrespective of whether a pass/passes in specific subject(s) is/are required) or equivalent</i>	<i>(e) Two passes in HKALE and three credits in HKCEE (irrespective of whether a pass/passes and/or credit(s) in specific subject(s) is/are required) or equivalent</i>	<i>(f) Diploma, Higher Diploma or Associate Degree or equivalent</i>	<i>(g) University Degree or above or equivalent</i>
Chief Secretary and Financial Secretary's Office	15		2		4	1	1	7
Civil Aid Service	5			5				
Civil Aviation Department	2				2			
Civil Engineering and Development Department	55	12	7	32	1		3	
Civil Service Bureau	9			8	1			
Commerce and Economic Development Bureau	15		1	3	4		3	4
Constitutional and Mainland Affairs Bureau	10			1	3	5	1	
Correctional Services Department	64	35		4	24			1
Customs and Excise Department	11				10			1

Bureau/ Department	Number of agency workers (as at 30 September 2010)	Breakdown of the number of agency workers by the following academic qualification requirements						
		(a) Primary Six or below or equivalent	(b) Secondary One to Three or equivalent	(c) Secondary Four to Five or equivalent	(d) Five passes in HKCEE (irrespective of whether a pass/passes in specific subject(s) is/are required) or equivalent	(e) Two passes in HKALE and three credits in HKCEE (irrespective of whether a pass/passes and/or credit(s) in specific subject(s) is/are required) or equivalent	(f) Diploma, Higher Diploma or Associate Degree or equivalent	(g) University Degree or above or equivalent
Department of Health	317	148	13	16	111	4	2	23
Department of Justice	13				13			
Development Bureau	23			2	19	1		1
Drainage Services Department	20	3		6	7		2	2
Education Bureau	269	18		19	92	13	19	108
Electrical and Mechanical Services Department	77		4	9	48	10	1	5
Environment Bureau	4		1					3
Environmental Protection Department	25	5			16		4	
Financial Services and the Treasury Bureau	11			1	6			4
Fire Services Department	70				70			

<i>Bureau/ Department</i>	<i>Number of agency workers (as at 30 September 2010)</i>	<i>Breakdown of the number of agency workers by the following academic qualification requirements</i>						
		<i>(a) Primary Six or below or equivalent</i>	<i>(b) Secondary One to Three or equivalent</i>	<i>(c) Secondary Four to Five or equivalent</i>	<i>(d) Five passes in HKCEE (irrespective of whether a pass/passes in specific subject(s) is/are required) or equivalent</i>	<i>(e) Two passes in HKALE and three credits in HKCEE (irrespective of whether a pass/passes and/or credit(s) in specific subject(s) is/are required) or equivalent</i>	<i>(f) Diploma, Higher Diploma or Associate Degree or equivalent</i>	<i>(g) University Degree or above or equivalent</i>
Food and Environmental Hygiene Department	73	26	4	6	28		3	6
Food and Health Bureau	16				12	1		3
Government Flying Service	2		1		1			
Government Laboratory	8				8			
Government Logistics Department	14	7			6			1
Highways Department	1			1				
Home Affairs Bureau	4				2			2
Home Affairs Department	2							2
Hong Kong Police Force	72		15	57				
Immigration Department	8				8			
Information Services Department	28			1	4	1	4	18

Bureau/ Department	Number of agency workers (as at 30 September 2010)	Breakdown of the number of agency workers by the following academic qualification requirements						
		(a) Primary Six or below or equivalent	(b) Secondary One to Three or equivalent	(c) Secondary Four to Five or equivalent	(d) Five passes in HKCEE (irrespective of whether a pass/passes in specific subject(s) is/are required) or equivalent	(e) Two passes in HKALE and three credits in HKCEE (irrespective of whether a pass/passes and/or credit(s) in specific subject(s) is/are required) or equivalent	(f) Diploma, Higher Diploma or Associate Degree or equivalent	(g) University Degree or above or equivalent
Innovation and Technology Commission	1					1		
Invest Hong Kong	1							1
Labour Department	42				40			2
Lands Department	80		1	3	39	33	4	
Leisure and Cultural Services Department	314	24	36	45	74	25	43	67
Marine Department	21		4	12			3	2
Office of the Government Chief Information Officer	5		5					
Official Receiver's Office	12				8	3		1
Rating and Valuation Department	51				51			
Security Bureau	6				2		2	2

Bureau/ Department	Number of agency workers (as at 30 September 2010)	Breakdown of the number of agency workers by the following academic qualification requirements						
		(a) Primary Six or below or equivalent	(b) Secondary One to Three or equivalent	(c) Secondary Four to Five or equivalent	(d) Five passes in HKCEE (irrespective of whether a pass/passes in specific subject(s) is/are required) or equivalent	(e) Two passes in HKALE and three credits in HKCEE (irrespective of whether a pass/passes and/or credit(s) in specific subject(s) is/are required) or equivalent	(f) Diploma, Higher Diploma or Associate Degree or equivalent	(g) University Degree or above or equivalent
Student Financial Assistance Agency	35		15	16	4			
Trade and Industry Department	9	1			6			2
Transport and Housing Bureau	14				7	3		4
Transport Department	56			14	20			22
Water Supplies Department	128			66	59			3
Total	2 260	296	112	430	913	103	104	302

Note:

Excluding information technology manpower supplied by technical service providers under a term contract centrally administered by the Office of the Government Chief Information Officer (commonly known as "T-contract staff") and service bureau staff providing public library service in the Leisure and Cultural Services Department.

**DR PAN PEY-CHYOU** (in Cantonese): *President, this is nothing personal about the Secretary, but I must say that I really consider the Secretary's main reply outrageous.*

*Regarding these outsourced workers, the Government knows nothing about how much commission is charged by employment agencies and how much profit*



*they have made, and the Government simply has no idea about how seriously these workers have been exploited. Second, these outsourced workers do not even have post titles and each such worker is just "so and so". Does the Government treat these workers as human beings at all? Third, the Secretary said in the main reply that a monitoring mechanism has been specified only since 2010. This system has been implemented for 10 years. Why was there not any monitoring mechanism in place before?*

*May I ask the Secretary, since a monitoring mechanism was set up only in April 2010 to check on employment agencies' compliance with the wage requirements, know how many cases of non-compliance were identified and what sanctions were imposed over the past 11 months?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, as I mentioned in the main reply, bureaux/departments are required to comply with the relevant government regulations if they wish to procure the service of employment agencies. These regulations stipulate, among other things, that bureaux/departments should look for the most suitable employment agency to provide the service through an open and fair competitive procurement process.

In this connection, we consider that the principles of achieving high cost-effectiveness and prudent use of public funds in spending taxpayers' money have been met. All along, we do not require companies providing service to the SAR Government, be they providers of public works, employment or other services, to specify in the tender document the rate of commission or profit. We consider it inappropriate to require these companies to provide such information under the current economic system of Hong Kong.

In the second part of his supplementary question Dr PAN asked why, with regard to the manpower supplied by employment agencies, we do not even give them post titles. The reason is, in fact, very simple. It is because bureaux/departments will need to procure manpower through employment agencies only in very special circumstances, and the duration of service of these workers is generally quite short, ranging from three to nine months. For these reasons, bureaux/departments generally do not give specific post titles for workers supplied by contractors or employment agencies.

Dr PAN mentioned that the Civil Service Bureau had issued some guidelines in April last year, hoping that the Government could improve this mechanism by all means in procuring employment agency service. In this connection, I think we have already taken actions. As at today, the Civil Service Bureau has not received any case about breach of terms of contract entered into between an employment agency and the relevant bureau/department. However, I only said that as at today, the Civil Service Bureau has not received any such complaint. President, perhaps I should take the initiative to make enquiries with various bureaux/departments later on to ascertain whether they have received such complaints.

**PRESIDENT** (in Cantonese): Members can raise only one supplementary question. The supplementary question raised by Dr PAN, which was just answered by the Secretary, was the last question raised by Dr PAN, and it was about whether there have been cases of non-compliance since April last year. When Members have expressed some views before asking a supplementary question, the Secretary certainly can respond to Members' views.

**MR IP WAI-MING** (in Cantonese) *President, I certainly would like her to give a response. With regard to the Secretary's reply earlier on, I think it is this attitude of the Government that has connived at the exploitation of workers by these employment agencies.*

*This system was introduced 10 years ago. May I ask the Administration whether it has plans to cease engaging employment agencies? The Secretary said earlier that the services are required for an extremely short period but even though the period is said to be short, it still spans three to nine months. In fact, will the Government directly employ these temporary workers to take up temporary duties when such a need arises?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, at the policy level, we have no plans to abolish the arrangement which allows bureaux/departments to procure manpower resources from employment agencies when such a need arises. The reason is very simple. Some departments may sometimes face an urgent situation where additional manpower is required, and

some departments may be in need of additional manpower for two or three months every year. In such circumstances, the Government really should not employ civil servants on permanent appointment for such work.

President, let me cite two examples. The DH implements vaccination programmes for the elderly or young children every year. The vaccination work takes about four to six months every year and no such work is carried out in the remaining six months. Another example is the LCSD. For two to three months during the summer holiday, additional manpower is employed to provide cultural and recreational activities for the summer season which spans two to three months. So, from the practical operation of departments, we can see the need for certain flexibility in manpower deployment, and these workers are not assigned to work for all 12 months of a year. In view of this, we consider it appropriate to suitably procure manpower resources from employment agencies.

But as I stated in my main reply, we are very much concerned about ensuring protection of the wage levels for agency employees by all means. Therefore, in my main reply I have also explained in detail the series of measures currently implemented by the Government to this end.

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

**MR IP WAI-MING** (in Cantonese): *President, I think her reply is irrelevant, because I was not talking about employing civil servants on pensionable terms.*

**PRESIDENT** (in Cantonese): Please repeat your supplementary question.

**MR IP WAI-MING** (in Cantonese): *I asked whether the Government can employ these temporary workers direct. I was not asking the Government to hire civil servants on pensionable terms.*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, given the short duration of the service required, coupled with the fact that work is sometimes urgent in nature, it would take too long for the Government to recruit such staff as the employer. We, therefore, consider it necessary to make arrangements in the light of the operation of the relevant departments.

To put it simply, President, the Government is currently using three different types of manpower resources. The first is certainly the civil servants; the second is non-civil service contract staff directly employed by the Government; and the third is the manpower resources supplied by employment agencies. Each bureau/department will decide on the best way to utilize manpower resources having regard to the different circumstances of their operation and the demand for manpower resources of different natures.

**MR PAUL TSE** (in Cantonese): *President, the crux of the problem is whether or not there is exploitation, or whether or not the Government, when exercising monitoring, has allowed such exploitation by employment agencies. This is like certain world powers committing acts in violation of human rights or committing polluting acts not in their own territories but in third-world countries, thinking as if they have nothing to do with all this. This is precisely the crux of the problem. Even tourist guides are now gravely concerned about whether they will enjoy the protection of the minimum wage.*

*The Government, being a big employer, injected huge amounts of \$190 million, \$260 million and \$250 million into the market in the past three years respectively. Has it duly discharged its duty as a big employer and showed concern for the exploitation of the grassroots? This is the crux of the problem.*

*Secretary, please grasp the point clearly and tell us whether you have fully discharged your duty in this regard and proactively monitored the situation.*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, my main reply is actually quite long. Simply put, in the fourth to the seventh paragraphs of the main reply, I have set out various measures now being implemented to protect the non-skilled workers or to protect agency workers in

respect of their terms of service, wages as well as other aspects of their employment.

**MR IP WAI-MING** (in Cantonese): *President, I would like to ask a further question on monitoring. The Government has set out a host of examples in the fourth to the seventh paragraphs of the main reply, explaining how monitoring is conducted. But I would like to clarify this: If a department has engaged the service of an employment agency and there is a case of agency workers being exploited, that means that there may be problems with the monitoring work of the department. Will the Civil Service Bureau impose sanctions on the bureau or the relevant department by, for instance, not allowing them to employ agency workers for a period of time?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): *President, the Civil Service Bureau does not have a mechanism for sanctioning departments for the time being. That said, President, I will personally observe the work performance of heads of departments, and when necessary, I will look at their annual appraisal reports. Therefore, I hope that Mr IP should not be over-worried about departments not taking a stringent attitude in monitoring the employment agencies engaged by them. As far as I understand it, departments also conduct blitz inspections to find out whether their employment agencies comply with the contractual terms.*

Second, if a department finds that the employment agency may have violated the labour laws in Hong Kong, the department concerned will refer the case to the Labour Department for law-enforcement actions.

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

### **Problem of Youth Suicide**

5. **MR CHAN KIN-POR** (in Cantonese): *It has been reported that suicide is the number one killer of young people in Hong Kong, and the public are gravely concerned about the problem of youth suicide. It has also been reported that the young people who committed suicide mainly came from grass-roots families, and*

*most of them chose an extreme way to commit suicide, which had a profound impact on their families and peers. Earlier, the Secretary for Labour and Welfare also expressed concern about the emergence of suicide groups on the Internet. In this connection, will the Government inform this Council:*

- (a) given that in Hong Kong the number of suicide deaths of male has all along been much larger than that of female, and the youth male suicide rate in 2009 increased substantially by 30% as compared with that of 2008, whether the authorities have analysed the reasons for this phenomenon and taken targeted measures so as to provide ways to solve the problem at source;*
- (b) given that the authorities collaborated with the major supermarkets in Tuen Mun District in 2006-2007 to lock the shelves for keeping charcoal so that anyone who wanted to buy charcoal had to contact the staff first, which had successfully reduced the number of suicide cases in the district substantially by 50%, whether the Government intends to extend such programme to all the 18 districts in Hong Kong; if so, of the progress; if not, the reasons for that; and*
- (c) given that in the United States, when Internet users conduct searches relating to suicide methods using major search engines, what always appear first conspicuously on the screen are suicide prevention hotlines of the local governments, whether the authorities will consider collaborating with operators of major local search engines to implement similar measures; whether the authorities will consider setting up a co-ordinating and reporting mechanism, such as an emergency communication channel between the police, websites and network providers, to ensure that once cases similar to incidents of suicide being webcast, which happened quite a number of times in foreign countries in recent years, are found in Hong Kong, they can be stopped in time?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, my reply to the three parts of the question raised by Mr CHAN Kin-por is set out below:

- (a) According to the statistics of the Census and Statistics Department, the number of suicide cases of both male and female youths aged between 15 and 24 dropped from 82 in 2008 to 74 in 2009. Among them, the number of suicide cases involving male increased from 44 in 2008 to 51 in 2009.

The Review Panel of the Pilot Project on Child Fatality Review just released its final report in January this year. Among the 24 cases reported to the Coroner's Court involving suicide of children and youths aged 17 or below, 17 cases (about 71%) involved youths aged between 15 and 17. The report indicated that the most common reasons for the suicides of children and youths were family relationship problems (11 cases), schooling problems (seven cases) and relationship problems with boyfriend/girlfriend (five cases).

The Government has been taking a multi-pronged approach in preventing suicide. On welfare services, apart from implementing the policy of "one school social worker for each secondary school", the Social Welfare Department (SWD) collaborates with the Education Bureau to implement the "P.A.T.H.S. to Adulthood: A Jockey Club Youth Enhancement Scheme" which provides counselling, guidance and support services to needy students to assist them in enhancing resilience. In 2011-2012, the Government will allocate additional resources to increase the manpower of school social workers by 20% to enhance school social work services and carry out focused anti-drug work so as to strengthen the related counselling services.

Moreover, the SWD subvents non-governmental organizations (NGOs) to set up "Hotline Service for Youth at Risk" to provide counseling and assistance to needy youths. The SWD also provides a series of support services through Integrated Children and Youth Services Centres, including parent-child activities which strengthen the relationship and communication between parents and children, and enhanced parent education which helps parents better understand the developmental needs of their children and facilitates early identification of their children's problems as well as seeking help from the relevant service units where necessary.

To meet the needs of people with suicidal tendency, the SWD provides crisis intervention and intensive counselling services for them through subventing the Suicide Crisis Intervention Centre (SCIC) of the Samaritan Befrienders Hong Kong (SBHK). The SCIC also operates the "Suicide Survivors Service" to provide services to relatives and friends of those who had committed suicide.

As for public education, the SWD will continue to collaborate with the relevant government departments through different activities and media to promote positive messages of treasuring life and positive attitude towards adversities.

To strengthen guidance work in primary schools, the Education Bureau has improved the manning ratio of student guidance personnel since the 2006-2007 school year by providing one student guidance personnel for each school with 18 classes or above. The Education Bureau has also increased the resources for the gradual extension of School-based Education Psychology Service to enhance support for schools.

To address the problem of youth suicide, the Education Bureau has implemented a number of initiatives to help parents and teachers identify early students with suicidal tendency, including the provision of guidelines and resource package, and so on. The Education Bureau also reminded schools to identify and provide support services in time to students who might be involved in the online suicide groups in 2009 and encouraged schools to appeal to parents to support the work. Parents and teachers are suggested to refer to the Checklist of Youth Suicidal Risk Factors or the Risk Assessment Checklist at the Education Bureau website to further assess students with unusual emotion or behaviour.

On medical and health services, the Student Health Service Centres of the Department of Health provide health check for Primary One to Secondary Seven students, including surveys on mental health and behaviour. Students with emotional or behavioural problems or even suicidal tendency will be referred to the Hospital Authority (HA), the SWD or welfare organizations for follow-up services.



The Student Health Service Centres also organize talks on social and mental health. Information on psychosocial health is also disseminated via pamphlets and uploaded onto the Student Health Service website. The Adolescent Health Programme under the Student Health Service provides basic life skills training and topical programmes to help youths establish positive attitude and thinking. Besides, the HA provides relevant specialist services to youths with suicidal tendency. The child and adolescent psychiatric service conducts comprehensive suicidal risk assessments for needy cases and arranges various follow-up services.

- (b) The pilot scheme of changing the method of selling charcoal packs was a project under a study on a community-based programme for preventing suicide in Tuen Mun conducted by a local university and commissioned by the Government in 2006. The pilot scheme was implemented with the collaboration of the SWD, the HA, Tuen Mun Hospital, Tuen Mun Police District as well as five supermarkets and convenience stores in the district. During the implementation of the pilot scheme, although the number of suicide attempts by charcoal burning decreased from seven to five, the number of suicide attempts by other means increased from 104 to 150 in the same period. As the initiative did not have a substantial impact on reducing suicide attempts, the Government has no plan to implement the pilot scheme in all 18 districts in Hong Kong at this stage. We will closely monitor the suicide trends and situation of individual districts, and where necessary, collaborate with relevant organizations to implement measures that suit district circumstances and needs.
- (c) At present, if keywords like "suicide" are searched on the Internet using the major search engines in Hong Kong, the search results will include information on suicide prevention services. As persons with suicidal tendency may leave traces on blogs or online groups, and so on, the SWD subvents the SCIC of the SBHK to implement a "Blog Search Scheme" to strengthen online patrols by searching blogs for keywords like "suicide" and providing emotional support services for persons with high suicidal risk. Since April 2010, the SWD has allocated additional resources to the SCIC to develop an online platform for reaching out to needy persons with interactive

tools. Moreover, the SWD will implement the three-year "Pilot Cyber Youth Outreaching Projects" later this year with funding from the Lotteries Fund to reach out to needy youths proactively through the Internet, including those with emotional problems and suicidal tendency, and provide timely intervention and support.

Upon receipt of any report from the public on any online suicide group or suicide claim, the SWD, the SCIC and the police will quickly intervene by looking for the persons with suicidal tendency and providing them with counselling services through maintaining close contact with websites, Internet service providers and other NGOs. Moreover, for cases involving criminal element, the police will conduct thorough investigation and take arrest actions.

**MR CHAN KIN-POR** (in Cantonese): *President, the Secretary mentioned in the main reply that if keywords like "suicide" are searched on the Internet using the major search engines in Hong Kong, the search results will include information on suicide prevention services. However, when we search for these keywords on the Internet, the search results will show such hits as "The Complete Manual of Suicide" or "Charcoal-burning Suicide Collection". As for information on suicide prevention, it will only appear in a much latter part of the search results.*

*If suicide methods are searched for on websites of the United States, the phrase "contact National Suicide Prevention Hotline" will appear in the top most part of the webpage. On websites of Hong Kong, however, information on ways to commit suicide will appear before information on suicide prevention. Will the Secretary give consideration to adopting the practice of foreign countries to ensure that when keywords such as "suicide" are searched on the Internet, the telephone numbers of suicide prevention hotlines will appear first?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Thanks to Mr CHAN for this valuable view. First of all, I would like to explain that since December 2009, the SWD has uploaded positive messages of treasuring life and a positive attitude towards adversities onto YouTube. From January to February this year, we have also uploaded onto Yahoo a series of six animations featuring a panda family to promote the positive message of suicide prevention that there are always solutions to problems, and we have also provided a hotline telephone

number. Now, these messages can be searched through various Internet search engines. However, I also agree with the Member that better results can be achieved by, for example, ensuring that these messages will appear as soon as the websites are opened. I will actively follow up the suggestion with relevant colleagues from the SWD. Thanks to Mr CHAN for this suggestion.

**MR LAU WONG-FAT** (in Cantonese): *President, have the authorities given consideration to requiring that charcoal must be sold in a package with warning messages such as "Treasure Life. Do not use it for suicide"?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Thanks to Mr LAU for the suggestion. We will take note of this view for consideration and examine whether greater efforts can be made in this respect. Insofar as the situation of Tuen Mun is concerned — as you are an expert, I believe you are well versed in the situation of Tuen Mun — during the implementation of the one-year pilot scheme, although the number of suicide attempts by charcoal burning did drop from seven to five, representing a decrease of two attempts, the number of suicide attempts by other means increased.

I agree that although this pilot scheme did not achieve significant results, we will not dismiss considering what further actions can be taken. Therefore, we will give consideration to the suggestion made by Mr LAU today and examine whether it is feasible and whether there will be difficulties in operation. We will further examine this suggestion in detail later. Thank you, Mr LAU.

**DR SAMSON TAM** (in Cantonese): *President, the Secretary pointed out in the main reply that since April 2010, the SWD has allocated additional resources to implement a new project, which has all along been advocated by Mr CHEUNG Kwok-che and me. It has been several months since the project was implemented. Despite not knowing the effectiveness, after obtaining the new resources, the relevant organizations have employed additional social workers or online social workers. May I ask the Secretary whether the authorities have provided any training programmes for conventional social workers to enhance their mastery of Internet technology so that they can access their cases online?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Thanks to Dr TAM for the suggestion. Actually, both Members have been fighting for the implementation of this project for a long time, and we have taken on board your suggestion and put it into action. We are now working on two fronts. Some of our social workers are responsible for online patrols, and among them, there are some IT experts, while other social workers are responsible for outreaching duties. It is not enough to identify needy persons on the Internet. Most importantly, we have to offer them help after interacting and establishing relations with them. Therefore, some social workers are responsible for performing outreaching duties.

As for resources, we have allocated additional funding to the SCIC of the SBHK. Besides, we have secured a funding of \$17 million from the Lotteries Fund. We will launch an online youth outreaching service later this year and engage in outreaching work online. The tender exercise has commenced and we have already received a number of tenders. We will identify three NGOs for delivering this service and commission a tertiary institution three years later to conduct a review of various aspects, including whether training and the overall resources are sufficient. This is a very comprehensive and targeted initiative.

**DR LAM TAI-FAI** (in Cantonese): *President, there are actually many members of the community who have a fragile heart, especially among the youth. When they encounter problems or adversities, they will often have a strong sense of hopelessness and their suicidal tendency may be much stronger than their motivation to stay alive. May I ask the Secretary how many professionals, such as psychologists or registered social workers, are responsible for answering calls to Government or community 24-hour suicide hotlines, including the SBHK hotline and the HA mental health hotline, or whether most of the calls are answered by volunteers? Have the authorities assessed the results achieved by volunteers in answering these calls? As the results achieved in taking these calls will have an impact on the suicidal tendency of the callers, is it necessary to enhance training in this respect?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Thank you, Dr LAM Tai-fai. The existing hotlines include the hotline operated by the SWD (2343 2255), the hotline of the Caritas Family Crisis Support Centre (18288), the hotline of the Tung Wah Group of Hospitals CEASE Crisis Centre (18281), the

hotline of the Suicide Prevention Services (2382 0000) and the suicide prevention hotline operated by the SBHK (2896 0000). Members may have heard about these numbers. Among these hotlines, calls to some of them are answered by social workers all the time, while calls to some others are answered by volunteers. As far as I know, the SBHK has recruited quite a large number of volunteers.

We have provided additional resources to the relevant organizations to recruit additional manpower. You were right in saying that the call takers are very important, as they are the first line of prevention of suicide. As I said just now, for subvented programmes in general, the relevant organizations will employ professional social workers to answer the calls. Not only can professional social workers perform the role of a counsellor, but they also have received professional training.

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

**DR LAM TAI-FAI** (in Cantonese): *Have the authorities assessed the results achieved by volunteers in answering these calls? Although they are professional volunteers, have the authorities conducted any such assessment? Will better results be achieved if the calls are answered by experts?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, regarding the hotlines operated by the Suicide Prevention Services, the Caritas Family Crisis Support Centre and the Tung Wah Group of Hospitals CEASE Crisis Centre I mentioned just now, most calls are answered by social workers rather than volunteers. These social workers are remunerated and employed with government subsidies.

As for the SBHK, some calls are answered by volunteers. However, these volunteers have some experience in answering calls to hotlines. We have also provided resources for the SBHK to employ social workers to follow up and handle cases. In other words, the cases are handled by a team comprising social workers and volunteers instead of only by volunteers.

The operation of the SBHK's hotline is quite smooth as the SBHK has as many as 50 years of experience in operating hotline services. For example, it has a few decades of experience in handling requests for assistance in relation to the Hong Kong Certificate of Education Examination. Therefore, the volunteers of the SBHK are not just ordinary volunteers. But we have also provided resources for the SBHK to employ professional social workers to handle the relevant cases together with volunteers, and we are continuously observing and assessing its effectiveness.

**MR LEUNG YIU-CHUNG** (in Cantonese): *President, the Secretary pointed out in the main reply that the problem of youth suicide is very serious because among the 24 cases reported, 17 cases involved youths. Among these cases, 11 of them involved family relationship problems, seven cases involved schooling problems and five cases involved relationship problems with boyfriend/girlfriend. May I ask the Secretary whether he has addressed the crux in solving this problem?*

*Regarding family problems, young people may commit suicide because their family relationships are too complicated. Is there a sufficient number of social workers to provide assistance and help family members reconcile among themselves?*

*Besides, regarding schooling problems, the Secretary said the policy of "one school social worker for each secondary school" has been implemented, but this policy has been implemented for years. Is one school social worker sufficient for one school? Will the authorities increase the manpower of social workers for handling problems relating to school children and youths? Actually, the problems of school children are very complicated. Apart from emotional problems, they may also have drug addition, smoking and schooling problems. As one social worker may not be sufficient for handling so many problems of school children, will the authorities increase the number of school social workers?*

*Moreover, regarding relationship problems with boyfriend/girlfriend, young people often have these problems when they are studying at school. Given the existence of so many complicated problems, should the authorities not review the entire social worker system and find out whether there are sufficient social workers providing family support and school social workers? If they are insufficient, is it necessary to increase the manpower of social workers?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Thanks to Mr LEUNG for the supplementary question. Perhaps, let me respond to the question on family relationships first. Family relationships are definitely very important. As I said in the main reply, 11 youth suicides involved family relationship problems. The young people concerned turned to suicide precisely because of their poor family relationships. Therefore, we have made great efforts with regard to the relationship and communication between parents and children to tackle the problem at root. We hope to enhance the communication between parents and children as such communication is very important. We hope that problems can be solved through various means, including early identification, early intervention, seeking help at an early stage, prevention and support. We have adopted a comprehensive approach to dealing with this problem.

As for the policy of "one school social worker for each secondary school" mentioned by the Honourable Member, we have increased the manpower of school social workers for all secondary schools in Hong Kong by 20% to carry out anti-drug work. Currently, there are a total of 482 social workers in all secondary schools in Hong Kong, that is, one social worker for each secondary school. This year, the number of social workers will increase to 578. In other words, the number of social workers will be increased by 96, which is quite a substantial increase. Although the purpose of increasing the manpower of social workers is to carry out anti-drug work, these social workers have to make contact and communicate with the relevant families when carrying out the anti-drug work, which may in turn facilitate their work in dealing with their family relationships. In this connection, schools have stepped up their efforts in this respect.

As for primary schools, primary schools with 18 classes or more are currently provided with one student guidance officer. We have increased the resources for schools, and support for schools under the School-based Education Psychology Service has also been enhanced. We have taken a multi-pronged approach to provide support to front-line social workers and co-workers on different fronts.

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

**MR LEUNG YIU-CHUNG** (in Cantonese): *President, the Secretary has not answered my supplementary question. I asked whether he would review afresh the entire social worker system to meet the present circumstances. As the Secretary may realize, it is an indisputable fact that as parents have to work long hours, they can hardly communicate with their children, and that is why they need the help of social workers. My supplementary question is: Have the authorities reviewed whether the existing manpower of social workers for providing family support and support in schools is sufficient; and if not, is it necessary to increase such manpower?*

**PRESIDENT** (in Cantonese): Secretary, will the authorities review afresh whether there is sufficient manpower?

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, the policy of "one school social worker for each secondary school" is absolutely a move in the right direction, and it has all along been effective. Now, we have to step up our effort and increase resources for this. This year, we will employ an additional 96 social workers. This is quite a large number, and the cost incurred was about \$50 million (\$4.98 million). With the addition of over 90 social workers, each school has an additional 0.2 social worker. Actually, this 0.2 social worker has to perform outreaching duties, apart from carrying out anti-drug work. They will make contact with the relevant families and tackle the problems at root. Besides, there are also more opportunities to make contact with parents through parent-teacher associations. The authorities have stepped up its effort in this respect.

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

### **Marriages Between Mainlanders and Hong Kong Residents**

6. **MR PAUL CHAN** (in Cantonese): *President, marriages between Mainlanders and Hong Kong residents are increasingly common. According to statistics, the divorce rate of such marriages is higher than 50%, and the statistics have not yet included cases in which the couples are separated but not*



*divorced because one of the parties is afraid that his/her One-way Exit Permit application will be rejected. Just taking the Harmony House as an example, more than 8 000 requests for assistance from mainland women are received by it each year, and 60% of them involve domestic violence. In this connection, will the Government inform this Council:*

- (a) whether it knows the respective numbers of divorce cases of marriages between Mainlanders and Hong Kong residents in each of the past five years, and among such cases, the number of those in which the wives were holders of Two Way Permit (TWP) and, as estimated by the authorities, the number of female holders of TWP in Hong Kong at present who have divorced their husbands with Hong Kong resident status;*
- (b) given that holders of TWP can neither take up employment in Hong Kong nor apply Comprehensive Social Security Assistance (CSSA), and in response to requests for assistance from mainland women holding TWP, who have divorced or are abused after they came to Hong Kong, and their children, the Government has indicated that holders of TWP can apply for public rental housing (PRH) under the Compassionate Rehousing category and the Director of Social Welfare has from time to time exercised discretion to grant CSSA to new arrivals, of the respective numbers of female holders of TWP who had after all been allocated PRH under the Compassionate Rehousing category in each of the past five years and the age distribution of their children, the number of female holders of TWP being granted CSSA by discretion, the amount granted and the number of years of such grants; and in respect of these two types of assistance, the number of female holders of TWP whose applications had been rejected and the reasons for rejection; and*
- (c) whether it had assessed in the past three years the social problems caused by the high rate of divorce of marriages between Mainlanders and Hong Kong residents; if so, of the findings; if not, the reasons for that; and the support services provided by the Government to the affected children, so as to enable their healthy development both physically and mentally?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, the Administration always attaches importance to the needs of cross-boundary families, in particular the interests of the children members in these families. The relevant Policy Bureaux and departments have been providing support services in their respective areas of responsibilities for families which meet the eligibility criteria for the respective services. Representatives from the Home Affairs Bureau and other relevant bureaux and departments also attended meetings of the "Subcommittee to Study Issues Relating to Mainland-HKSAR Families" under the House Committee of the Legislative Council to explain to Members and relevant organizations the Government's policies and services for cross-boundary families and members of these families who are holders of TWP, as well as to listen to their views.

On behalf of the Administration, I provide the consolidated response to the three parts of the question raised by Mr Paul CHAN as follows:

- (a) The Administration does not have the number of divorce cases involving marriages between Mainlanders and Hong Kong residents. According to information provided by the Census and Statistics Department (C&SD), in view of the growing needs for statistics relating to cross-boundary families, the C&SD has enhanced the design of the 2011 Population Census (the Census). During the Census, the C&SD will collect the trial estimates on the number of TWP holders who are living with their family members in Hong Kong and some of their basic demographic information (for example, their relationship with the household head and sex, and so on).
- (b) According to information provided by the Housing Department, under the prevailing policy, given that holders of TWP are only permitted to stay in Hong Kong on a temporary basis, they are not eligible for the Compassionate Rehousing Scheme under the public housing policy.

As the CSSA Scheme is non-contributory and funded entirely from general revenue, its recipients must be Hong Kong residents. Persons who are not Hong Kong residents, including holders of TWP, are not eligible for CSSA. As such, no CSSA applications

from holders of TWP have ever been approved on a discretionary basis.

- (c) The Administration has not conducted research studies on the social problems caused by divorce cases involving marriages between Mainlanders and Hong Kong residents. To ensure the healthy physical and mental development of children from the concerned families, various Policy Bureaux and departments are committed to providing support for them. In fact, children from cross-boundary families with Hong Kong resident identity are eligible for all public services for local children, regardless of whether their parents are holders of TWP.

On welfare services, the 61 Integrated Family Service Centres (IFSCs) and two Integrated Services Centres over the territory provide needy citizens (including families of marriages between Mainlanders and Hong Kong residents and the children of such families who live in Hong Kong) with a continuum of preventive, supportive and remedial welfare services, including counselling, family life education, parent-child activities, support/mutual help groups and referral services, and so on. Social workers of these centres will thoroughly assess and take care of the specific needs of service users and provide them with the appropriate services.

To support families which cannot take care of their children because of various reasons, the Social Welfare Department (SWD) has been subsidizing non-governmental organizations (NGOs) to provide various day and residential child care services for needy children. Fee subsidies for these services are available to service users in need. Children with parents who are holders of TWP can also use the services and apply for the fee subsidies.

Moreover, the SWD also subvents the International Social Service Hong Kong Branch (ISS-HK) to operate the "Cross-boundary and Inter-country Casework Service" to help people facing individual and family problems arising from boundary or geographical separation, including children of marriages between Mainlanders and Hong Kong residents who are living in Hong Kong. Services

provided include enquiries, counselling, emergency assistance, various groups and activities and referral service, and so on.

On education, the Education Bureau has been providing nine-year free and universal basic education through public sector primary and secondary schools, and has extended free education to include senior secondary education starting from the 2008-2009 school year. In addition, the Education Bureau also provides assistance to eligible students under various student financial assistance schemes including the Pre-primary Education Voucher Scheme, the Student Travel Subsidy Scheme and the School Textbook Assistance Scheme, and so on. For students living in the Mainland and crossing the boundary to attend schools in Hong Kong, the relevant government departments have been providing more convenient and safer immigration clearance and transportation services for them, especially for those who are of tender age.

On medical services, under the prevailing arrangement, holders of Hong Kong Identity Card and children who are Hong Kong residents and under the age of 11 are "Eligible Persons" who are eligible for public healthcare services at subsidized rate, including accident and emergency, in-patient, out-patient and community services. The concerned children may also use the various services provided by the Department of Health, which include the Family Health Service, Student Health Service Centres, Adolescent Health Programme, School Dental Care Service, Childhood Immunization Programme and Childhood Influenza Vaccination Subsidy Scheme, and so on.

On housing, a person under the age of 18 will be deemed to have fulfilled the seven-year residence requirement for the waiting list for PRH if he/she has established Hong Kong birth status as permanent resident or if either one of his/her parents has lived in Hong Kong for seven years. As for existing PRH tenants, they can apply to the Housing Department to add their children to their PRH tenancies as authorized occupants, subject to the possession of right of abode in Hong Kong by the children concerned and the fulfillment of other eligibility requirements for tenancy addition (such as tenant's possession of custodian right of the children concerned). This is

irrespective of whether the children concerned were born in Hong Kong and what the marital status of their parents is.

If the concerned children are new arrival children, various Policy Bureaux and departments will provide them with specific services to assist them in adapting to the new environment and integrating into society. The Home Affairs Department has been co-ordinating the public services for new arrivals (including new arrival children). Moreover, the Chief Executive has, in his 2010-2011 Policy Address, announced that the Home Affairs Bureau would lead a dedicated team to step up and co-ordinate the relevant support services (including the district-based integration programmes) and to enhance the collaboration with NGOs and district organizations, so as to facilitate the early integration of new arrivals into the local community

Individual Policy Bureaux and departments have also provided targeted services for new arrival children. For example, the IFSCs and the integrated children and youth services centres operated by the SWD and NGOs organize groups and activities for new arrival children from time to time to help them adapt to the new environment and provide them with the appropriate services according to their specific needs. The Education Bureau also provides the six-month full-time "Initiation Programme", runs the "Induction Programme" through NGOs and provides schools with the "School-based Support Scheme Grant", which aim to help new arrival children to integrate into the local community and overcome their learning difficulties.

The relevant Policy Bureaux and departments will continue to provide appropriate social services for children from cross-boundary families who are affected by the divorce of their parents, and will continue to monitor the service demands for planning the relevant services.

**MR PAUL CHAN** (in Cantonese): *President, the Secretary's lengthy main reply has actually focused only on describing the support for children. It is also evident in the first and second paragraphs of the main reply that the authorities*

*actually do not give any support to female holders of TWP. We can even say that the Government knows nothing about the plight they face, nor does it want to know. The number of marriages between mainlanders and Hong Kong residents has been continuously surging since 1997, and the divorce rate of such marriage has also remained persistently high, giving rise to many social problems. I am very surprised that, as part (c) of the main reply points out, the SAR Government has not conducted any focused study on such issues.*

*President, my supplementary question is about female TWP holders. These women can neither work in Hong Kong nor apply for public housing and CSSA. Their household registration in the Mainland may have been cancelled. Their children who were born in Hong Kong do not have household registration in the Mainland, and thus cannot return there to live. As far as the authorities know, where are these people sheltered now? Where do the authorities think these people can turn for shelter?*

*My assistant has once followed some outreaching teams to visit a number of sex workers. Among the many sex workers he contacted, nine out of ten were divorced female holders of TWP. They said in tears that they were forced to become sex workers because there was no place to live. They could neither find a job, nor apply for CSSA, yet they had to look after their children on their own. The "one sex worker apartment" at least allows them to earn a living and a dwelling place. Therefore, it is not exaggerated at all to say that female TWP holders are displaced. After all, how is the Government going to identify these people, and how will it support and help them?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, first of all, I thank Mr CHAN for his views and questions.

I would like to clarify that we definitely have not forgotten the female TWP holders. Of course, we have to be realistic. If the children face problems, we will make every effort to help them.

Regarding female TWP holders who encounter difficulties, I have explained very clearly in the main reply that, if necessary, they may seek assistance from our Integrated Family Service Centre at any time. We will provide them with appropriate services as far as practicable.

Secondly, if they really fall victim to domestic violence, they can approach the refuge centres for help, as also mentioned in the Member's question. We will also provide services to them, and will not refuse to do so because they hold TWPs. Therefore, in case of emergency, particularly in the event of domestic violence, they enjoy the same protection as the local people. We will render them protection and assistance.

**MR PAUL CHAN** (in Cantonese): *President, the thrust of my question is: How can they make a living? The authorities' reply just now only mentioned the support available when they encounter problems. But how can they make a living?*

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

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): If they really encounter difficulties, the SWD can provide them with emergency financial assistance. We can exercise discretion in the regard. If they are really in need, we can definitely provide them with some assistance. For example, the food banks can also provide food assistance to them. We can provide assistance as the circumstances warrant.

Certainly, we still need to act in accordance with the established rules, because they are ultimately not Hong Kong residents. In theory, they are supposed to travel between the Mainland and Hong Kong. As the name implies, TWP holders do not live in Hong Kong long term. However, we will still pragmatically provide them with targeted assistance, if necessary. Therefore, when they seek assistance, we will not reject them because they hold TWPs.

Of course, we cannot grant them CSSA, nor arrange for public housing for them because it is a matter of policy. As Members know, and as my main reply has clearly explained, there has never been any case of CSSA being granted or public housing being allocated to holders of TWPs. However, there are still other ways to help them, such as charitable funds. In addition, the SWD can even offer them some emergency financial assistance. As for the children, we can house them in nurseries, day care centres, and so on. We can provide such

assistance. With the support of comprehensive assistance, we will not refuse outright to help them because they hold TWPs.

**MR LAU WONG-FAT** (in Cantonese): *President, have the authorities assessed the main reasons for the high divorce rate of marriages between Hong Kong residents and mainlanders?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, thanks to Mr LAU for his question. As I mentioned just now, we have no data at this moment, but the C&SD will include a number of questions in this year's Census in order to collect relevant information. We did not have such information in the past. Just now Mr CHAN asked why we had not conducted any focused study. Frankly, we do not have statistical data on this, but such data will be collected in the Census this year, and then we will be better informed.

Nevertheless, I think Members will all understand that, in general, the emergence of problems in marriage may be due to such issues as living apart in different places and financial difficulties, as we have heard so often. We definitely need data. After collecting the actual data, we will proceed with the study.

Our present approach is very pragmatic, that is, we will deal with the problems already emerged first. Of course, it is also important to strengthen family education because the problems are ultimately related to family education, the concept of marriage, and so on. We will step up our efforts at this level.

**MR LEUNG YIU-CHUNG** (in Cantonese): *President, I very much agree with Mr Paul CHAN's criticism and discontent that the Government has not conducted any focused study on the problems in the marriages between mainlanders and Hong Kong residents. In fact, Mr CHAN's criticism is true, because this issue has given rise to very complicated and serious problems. To name but a few, after arrival in Hong Kong, some women became single parents because of their husband's sudden death, imprisonment or missing, but they still have to raise their children.*



*However, when they approached the SWD for assistance, they were not treated in the way described by Secretary CHEUNG as receiving assistance on the same footing as others. On noting that they had not lived in Hong Kong for up to seven years, the SWD front-line staff asked them to leave. On learning that they were TWP holders, the staff asked them to leave, without even further asking them one more question. The Secretary said just now that for whatever problems, they could seek help from the SWD staff, but the staff would not provide assistance whatsoever. The front-line staff would just send them off after asking those two questions. May I ask how one can ask the SWD for assistance? Therefore, the problem lies in the presence of two constraints, namely the residence in Hong Kong for not up to seven years and the non-resident status, not to mention other conditions.*

*So, may I ask the Secretary how he will deal with these problems? Mr Paul CHAN said just now that they were forced to become sex workers. What I would like to say is that even though some women are not forced to be sex workers, they may be displaced anyway, or sharing between two persons the CSSA payment for one. Such problems are numerous.*

*Therefore, may I ask the Secretary how he will deal with these problems? Apart from turning to the SWD in case of difficulty, what other specific ways can you suggest that may really enable them to get assistance?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): I have said very clearly just now that, if necessary, we will definitely provide assistance, one simple example being the short-term food assistance. Figures show that since we launched the scheme, a total of 383 TWP holders have received support through this scheme. In other words, when people need help, we will not shut the door on them.

However, Members must understand that our social security system is a non-contributory scheme funded by public coffers. Therefore, we must ensure that priority is given to local residents, as we all understand. One example is public housing. We cannot even provide them with public housing on compassionate grounds. This point must be made clear. Apart from these, we will do our best to provide services, including child care, day care, and so on. This shows that we address the problems in a flexible and pragmatic manner.

As regards the Member's enquiry about whether there are any other ways to help them, the Community Care Fund (CCF) committee is in fact exploring ways beyond the social security system to help these women. The Steering Committee and its sub-committees are conducting in-depth studies to determine which groups need help. Such groups of women may be the target beneficiaries of the CCF. They are proceeding with such exploration. So, I hope Members can give us some time to study the way forward.

But we are definitely not ignoring the issue. Outside the system, as I said just now, the SWD will deal with it in a flexible and targeted manner. There are more than 300 cases of TWP holders receiving short-term food assistance. We have all along been providing assistance. If necessary, we will definitely provide assistance, including the distribution of milk powder.

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

**MR LEUNG YIU-CHUNG** (in Cantonese): *He has not replied on the specific practical ways. I would like to add a few words. The so-called specific practical ways should include the following situations: For example, when some women are unable to take care of themselves because their husbands have suddenly died, disappeared or are imprisoned (They do not want such things to happen either), can the SWD not just grant them exemption, but also establish a formal mechanism to allow them to benefit from CSSA as well?*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, I have already made it very clear that under our current policy, if some people are neither Hong Kong residents nor new immigrants, but only staying for a short period of time, there are some difficulties in granting them CSSA insofar as the policy is concerned.

However, as regards the financial assistance mentioned by the Member, if there are short-term needs, they can approach our offices for assistance. On knowing that they have difficulties, we will provide short-term financial

assistance. We have been so doing all along. We give them cash because there is cash in our offices. Where necessary, we will give them cash.

As for other arrangements, such as short-term rental housing, we also provide assistance, and there are such examples. We will not refrain from giving them any assistance because they hold TWPs. That is definitely not the case. No question about it.

**DR LAM TAI-FAI** (in Cantonese): *President, according to the statistics mentioned in the main question, the divorce rate of such marriages between mainlanders and Hong Kong residents is very high, amounting to over 50%, and the statistics have not yet included the cases in which one of the parties is afraid of losing his/her right of abode after divorce. If these cases are included in the calculation, the divorce rate may exceed 50%, which is a very alarming figure. As the Mainland-Hong Kong relationship grows ever closer, we must squarely address this issue, or else the divorce rate will keep soaring.*

*In addition, from some media reports and friends I learned of a rather weird phenomenon: Quite often, some people will come to Hong Kong by way of false marriages, and then since they have come to Hong Kong for false marriages, of course they need to get divorced in reality. The sex workers or those working in places of entertainment, as Mr Paul CHAN mentioned earlier, have very often come to Hong Kong through this channel.*

*Of course, Secretary, I think except for work-related needs, you seldom have contact with sex workers or frequent the places of entertainment .....*

**PRESIDENT** (in Cantonese): Please raise your supplementary question direct.

**DR LAM TAI-FAI** (in Cantonese): *My supplementary question is: The Secretary keeps tabs on public sentiments, but do you know that there really is such a phenomenon of false marriage followed by real divorce. If you are aware of this situation, you must solve the problem, so as to reduce the divorce rate, or else the*

*problem will keep expanding. First, these figures are simply false; second, the problem remains unsolved.*

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Thanks to Dr LAM for his supplementary question and views.

We really have to wait for the new data from the Census to be conducted by the C&SD this year, but I agree that we cannot ignore this problem. We have not taken it lightly. We are dealing with the problem downstream in a most pragmatic manner.

However, the problems upstream are not so simple. They may involve the financial and family background of the persons concerned in the Mainland. These problems cannot be resolved easily. However, I fully agree that we must seriously address this issue. Therefore, we will discuss with the relevant Policy Bureaux, because there is a need for the engagement and collaboration of many bureaux. Nevertheless, we are prepared to make efforts in this regard. We highly value the views expressed by Members today.

**DR LAM TAI-FAI** (in Cantonese): *President, may I ask the Secretary whether he is aware of this situation, viz, false marriage followed by real divorce?*

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

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, I do not have the relevant figures on hand, but I have learnt of this situation from the media. We must check if the C&SD and the Immigration Department have such information available.

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

**WRITTEN ANSWERS TO QUESTIONS****Recycling of Waste Glass**

7. **MR ANDREW LEUNG** (in Chinese): *President, in its paper submitted to the Commission on Strategic Development in January this year, the Environment Bureau states that at present Hong Kong achieves 49% municipal solid waste (MSW) recovery rate but about 13 300 tonnes of waste are still disposed of at landfills every day. In order to further reduce the volume of waste to be sent to landfills, the Government indicates that the MSW recovery target will be revised upward from 49% at present to 55% by 2015. Moreover, in his reply to a question raised by a Member of this Council on 27 October last year, the Secretary for the Environment indicated that on average about 255 tonnes of waste glass containers were disposed of at landfills in Hong Kong daily in 2009, which was 2.8% of the total MSW volume. In this connection, will the Government inform this Council:*

- (a) *apart from the collaboration between the Environmental Protection Department (EPD) and the Hong Kong Hotels Association in launching a voluntary Glass Container Recycling Programme for the Hotel Sector in 2008, whether the Government had, in the past three years, provided any support to non-profit organizations and private organizations which participated in other glass recycling programmes; if it had, of the form of support, the contents and geographical coverage of such recycling programmes; if not, the reasons for that;*
- (b) *regarding the 12-month Pilot Programme on Source Separation of Glass Bottles, which has been launched at six public rental housing estates in East Kowloon by the EPD in collaboration with the Hong Kong Housing Authority (HA) since 15 January this year, whether the Government has assessed its initial achievements; if it has, of the results; and*
- (c) *whether the authorities will include the recycling of waste glass in the Programme on Source Separation of Domestic Waste implemented by the HA and change the three-coloured waste separation bins currently placed in public rental housing estates to*

*four-coloured waste separation bins; if they will, of the implementation timetable; if not, the reasons for that?*

**SECRETARY FOR THE ENVIRONMENT** (in Chinese): President,

- (a) In 2008, the EPD joined hands with the Hong Kong Hotels Association to launch the Glass Container Recycling Programme for the Hotel Sector. So far, over 1 000 tonnes of glass bottles have been recovered. Besides, we have also encouraged those hotels that have not joined the recycling programme and the large catering service providers, such as the Hong Kong Jockey Club and the Hong Kong Convention and Exhibition Centre, to actively organize their own glass bottles recycling and deliver the bottles collected to local recycling facilities for processing so as to facilitate recycling.

The EPD also actively supports local non-profit-making organizations to organize glass bottle recycling activities locally and provides them with advice and assistance on the recycling. These activities include the glass bottle recycling campaign launched by the Hong Chi Association with fund from the Hong Kong Jockey Club Charities Trust to collect glass bottles at its 13 service centres throughout the territory as well as in the pub district at Minden Avenue, Tsim Sha Tsui. Besides, with funding support from the Environment and Conservation Fund, the Hong Kong Dumper Truck Drivers Association launched and promoted glass bottle recycling at the pub district in Wan Chai and some housing estates in East Hong Kong.

- (b) In collaboration with the HA, the EPD launched the 12-month Pilot Programme on Source Separation of Glass Bottles in mid-December 2010 at six public rental housing estates in East Kowloon, namely, Shun Lee Estate, Shun On Estate, Shun Tin Estate, Choi Ying Estate, Upper Ngau Tau Kok Estate and Yau Lai Estate. The HA has placed glass bottle recycling bins alongside the existing three-coloured waste separation bins in the lobbies or near the entrances of each residential block in the participating estates to facilitate the separation and recycling of glass bottles by residents.

In the first two months of the pilot programme up to mid-February this year, a total of 5.2 tonnes of glass (that is, around 10 000-plus glass bottles) have been successfully recovered.

- (c) Before considering to extend the existing waste separation and recovery system to cover waste glass bottles, we must ensure the availability of suitable and sustainable outlets for waste glass. To this end, the EPD funded a study carried out by a local university in 2004 which successfully used the granules from crushed glass bottles for the production of paving blocks. Since October 2010, the Highways Department has stipulated in its public road maintenance contracts that priority should be given to eco-paving blocks containing recycled glass for paving concrete block pavements, which could help promote the development of glass bottle recycling industry. In January 2011, the Government further issued a circular to all departments to encourage the use of recycled and other green materials in public works projects.

We will study furthering the recovery of glass bottles in Hong Kong with reference to the results of the Pilot Programme on Source Separation of Glass Bottles so as to better utilize our valuable resources.

### **New Requirement on Applications for Building Approval**

8. **MR ABRAHAM SHEK:** *President, it is a common practice for consortia of owners or developers to submit applications to the Building Authority (BA) for approval of general building plans at an early stage in order to achieve certainty on what can be built upon redevelopment of old buildings under multiple ownership. However, the BA introduced on 20 October 2010 a strict new measure requiring an applicant for building approval to provide particulars and documentary proof of ownership or realistic prospect of control of the land forming the site. Some owners have reflected to me that recently, the BA has gone even further and disapproved building plans whenever the applicant does not already own 100% of the units in the building. These owners further pointed out that the new measures have an immediate adverse effect on owners of old buildings who are contemplating collective sales for redevelopment, as such measures create uncertainty regarding the development potential of the site and*

*may cause the sale prices for the flats concerned to drop. In this connection, will the Government inform this Council:*

- (a) of the reasons and justifications for the BA's introduction of the aforesaid new measure of proof of ownership, which is contrary to its previous practice, and which has not been the subject of any public or industry consultation;*
- (b) whether at present the BA requires proof of ownership or realistic prospect of control of the land forming the site in cases involving proposed demolition and in situ redevelopment of buildings currently under multiple ownership; why ownership details are necessary or relevant to the BA's decision when there is not uncertainty as to the definition of the "site" for the purpose of plot ratio and site coverage calculations;*
- (c) whether the BA can confirm that it had not, in effect, imposed a requirement for proof of ownership of 100% of the undivided shares in the land which is the subject of any general building plan disapproved since 21 October 2010; and if it cannot, of the number of cases on which such a requirement had been imposed;*
- (d) how many applications for approval of general building plans had been disapproved by the BA since 21 October 2010 on the ground of the applicants' failure to provide particulars and documentary proof of ownership or realistic prospect of control of the land forming the sites; and how many of these applications involved proposals in relation to buildings presently under multiple ownership to be redeveloped in situ;*
- (e) in cases where, since 21 October 2010, general building plans had been disapproved on the ground that an applicant could not demonstrate 100% ownership or realistic prospect of control of a building on a "site" presently under multiple ownership, of the breakdown of the percentage of the undivided shares (for example, 30%, 50%, 80% or 90%) in the building in each case, in which the applicant could demonstrate ownership or realistic prospect of controlling; and*



- (f) *given that there have been comments that the aforesaid strict new requirement for proof of ownership may result in lower sale prices being paid to individual owners of flats in buildings assembled for redevelopment, undermine the objectives of the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545), and inhibit the opportunities for the much-needed increases in housing supply through urban rejuvenation, why the Government allowed the BA to introduce such a requirement?*

**SECRETARY FOR DEVELOPMENT:** President, the compliance of a proposed building development with the provisions of the Buildings Ordinance (Cap. 123) (BO) has to be related to the site of the development. It has always been the BA's stance that the site of a proposed building for the purpose of the BO can only include land which the applicant owns or which he has a realistic prospect of controlling. The BA has relied on the applicant and/or his authorized person to ensure that the applicant has ownership or the realistic prospect of control of the land forming the site for a proposed building development the plans of which are submitted for approval. The BA has all along as a matter of practice, when circumstances of a case give rise to doubt, required applicants submitting building plans for approval under the BO to demonstrate their ownership or realistic prospect of control of the land forming the site. In some of these cases where the applicants could not demonstrate their ownership or realistic prospect of control, the BA had refused to give his approval to plans of the proposed building developments.

In order to step up enforcement of the above established requirement, the BA issued a circular letter to all Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers on 20 October 2010 promulgating the requirement that applicants are to provide proof of ownership or realistic prospect of control of the land forming the site when submitting new general building plans of any proposed new building on or after 21 October 2010.

My reply to the six-part question is as follows:

- (a) There has been rising public concern that some applicants who have not obtained ownership or realistic control of the land of a site might try to secure early approval of building plans from the BA. The BA

therefore considers that there is a need to step up enforcement of the established requirement in respect of ownership or realistic prospect of control of the land forming the site of a proposed building development the plans of which are submitted for approval under the BO. The BA informed the industry stakeholders via the circular letter issued on 20 October 2010 of the stepped-up enforcement of the requirement. This is in line with the BA's established practice to issue guidelines or advice in the form of practice notes or circular letters to the building industry from time to time to promulgate how he applies and enforces the provisions of the BO and its subsidiary regulations.

- (b) According to the BA, the requirement for submission of proof of ownership or realistic prospect of control of the land forming the site is applicable to submissions in relation to general building plans of any proposed new building, including redevelopment of an existing building under multiple ownership, on or after 21 October 2010. Without the proof of ownership or realistic prospect of control of the land forming the site, it will not be possible to establish the "site" for the proposed development/redevelopment for the purpose of the BO and its subsidiary regulations as the site can only include land which the applicant owns or which he has a realistic prospect of control. The BA will consider the submissions and the proofs on a case-by-case basis.
- (c) As mentioned above, applicants are required to provide proof of ownership or proof of a realistic prospect of control of the site when submitting new general building plans of any proposed new building to the BA for approval. Since 21 October 2010, the BA has accepted cases where the applicants do not own 100% of the units in the buildings proposed for redevelopment. Examples of documents or records which have been accepted as demonstrating a realistic prospect of controlling the land forming the site include agreements for sale and purchase as well as authorization letters signed by registered owners authorizing the applicant to act on their behalf for redevelopment of the subject building.

To enhance transparency and provide industry stakeholders with past cases for reference, a Summary of Decisions of the Building Committee (BC) of the Buildings Department (BD) which scrutinizes all cases concerning the proof of ownership or realistic prospect of controlling the land forming the site is uploaded onto the website of the BD for public access.

(d) and (e)

Up to early February 2011, out of the 121 new building plan submissions concerning ownership issues considered by the BC of the BD, the BA has refused to accept proof of ownership or realistic prospect of control of the land forming the site in 45 cases. Among these 45 cases, 40 are reported to be under multiple ownership in which the applicants do not possess 100% ownership of the interests of the land in question. The BD does not maintain a statistical breakdown of the percentages of ownership of these cases.

(f) An owner should have acquired full ownership of the land or possessed realistic prospect of control over the land before redevelopment of the land concerned can commence. The requirement for submission of proof of ownership or realistic prospect of controlling the land forming the site when submitting building plans to the BA for approval should not affect the development potential of a particular site or the pace of development/redevelopment. The BD has also been operating an enquiry service for applicants who wish to clarify specific matters relating to interpretation of or compliance with the BO and its subsidiary regulations including those relating to the development potential of a site. The sale price of a flat or building in the property market will be determined by the owners and potential buyers taking into account various factors, including the prevailing and anticipated market condition. We do not see any direct relationship between property sale price and the requirement of proof of ownership in approval of plans.

**Paternity Leave for Male Employees**

9. **MR WONG SING-CHI** (in Chinese): *President, quite a number of members of the public have reflected to me that although the SAR Government has all along indicated that it attaches importance to family-friendly measures, and in his Policy Address delivered this year, the Chief Executive even stated that relevant schemes would be launched to "recognize family friendly companies, with a view to encouraging the business sector to promote family core values", there is delay in the implementation of paternity leave for male employees by way of legislation, which is closely related to family-friendly measures. In this connection, will the executive authorities inform this Council:*

- (a) *given that the Government has indicated time and again that it is conducting a study on whether or not legislation should be enacted for providing paternity leave to male employees, of the latest progress and phase-in outcome of the study;*
- (b) *given that the number of days of paternity leave varies among countries which at present have put in place paternity leave, of the countries whose practices the Government has made specific reference to at the present stage, and the details concerned; if it has not made reference to the practice in other countries, of the reasons for that; and*
- (c) *whether the Government will consider consulting the public and community groups on this specific issue before it publicizes the final outcome of the study, so that more comprehensive and objective factors will be taken into consideration in arriving at the outcome of the study; if it will, of the details; if not, the reasons for that?*

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

- (a) The Government reviews the labour legislation from time to time to ensure that the statutory protection accorded to employees keeps abreast of Hong Kong's changing social circumstances and economic development whilst being affordable to employers. In recent years, the Labour Department has been partnering with the business

community to promote among employers good people management measures, and the adoption of family-friendly employment practices has been one of our focused areas of promotion. We actively encourage employers to adopt family-friendly employment practices appropriate to their own operations, such as implementing flexible work arrangements and providing support to employees' daily lives, including granting paternity leave to employees to enable the latter to fulfil their work and family responsibilities simultaneously.

Apart from undertaking educational and promotional measures, the Labour Department has embarked on a study on whether paid paternity leave for male employees should be introduced through legislation. The scope of the study covers paternity leave legislation, if any, in other economies on aspects such as the number of days of paternity leave, eligibility criteria for and mode of taking such leave, and amount of remuneration during the employee's leave period. Meanwhile, the Labour Department has also conducted relevant questionnaire surveys with member establishments of its Human Resources Managers Clubs. The survey findings reveal that the existing promotional measures are beginning to yield positive results as the percentage of organizations surveyed that offer paternity leave increased from 16% to 21% during the two years from 2006 to 2008.

Through our contacts with employers and human resources management practitioners, we observe that there is a continual upward trend in the number of local enterprises implementing paternity leave and other family-friendly employment practices. To better understand the latest position regarding the provision of paternity leave by private enterprises in Hong Kong, we have recently conducted another round of more in-depth questionnaire survey with the relevant human resources managers. The data collected are now being studied and analysed.

- (b) Information collected so far reveals that a variety of practices on paternity leave spanning from no such legislation to the provision of leave lasting one or two weeks are adopted in different places as appropriate to their own social situations, economic development,

welfare systems, population policies as well as labour market situations, and so on. For those places that provide paternity leave, some have stipulated a requirement on the years of service of an employee in the eligibility criteria for taking paternity leave. For example, in the United Kingdom, an employee who has worked continuously for his employer for 26 weeks ending with the 15th week before the baby is born may choose to take either one week or two weeks' paternity leave. The remuneration during his leave period is paid by the social insurance scheme and the rate of the allowance is pitched at a certain percentage of his weekly earnings. In Sweden, an employee may take 10 days of paternity leave for each newborn baby and his remuneration in the leave period is also paid by the social insurance scheme. In New Zealand, paternity leave is unpaid. Eligible employees who have worked for the employer for six months before the expected due date of the baby are entitled to up to one week of unpaid paternity leave, and those who have worked for 12 months are entitled to up to two weeks' unpaid leave. In the United States and Japan, there is no dedicated legislation specifically for paternity leave.

- (c) In deliberating whether we should impose through legislation a compulsory requirement on employers to provide paternity leave, we have to first and foremost consider the actual circumstances of Hong Kong and carefully assess the possible impact of legislating for paternity leave on employers (especially small and medium sized enterprises which account for 98% of all enterprises in Hong Kong) and the economy as a whole. Besides, we have to examine various issues that may possibly emerge in the process of implementation, such as whether the child is born by marriage, whether the birth takes place in Hong Kong, how to verify the relationship between the employee and the baby, and so on. We need also to consider whether there is a wide consensus in the community on the matter. Meanwhile, we will continue to place the focus of our promotional efforts on family-friendly employment practices, including the provision of paternity leave, and actively listen to different points of view. Upon arriving at a concrete proposal, we will consult the Labour Advisory Board and the Panel on Manpower of the Legislative Council.

**Provision of Gender-sensitive Facilities in Public Toilets**

10. **MR FRED LI** (in Chinese): *President, the Food and Environmental Hygiene Department (FEHD) has applied the concept of gender mainstreaming and considered the distinctive needs of both sexes when planning public toilet facilities under the FEHD; since April 2004, the ratio of water closet compartments for female to those for male has been increased from 1.5:1 to 2:1. Moreover, the FEHD has indicated that after considering the different needs of both sexes, it will install racks, hangers, baby changing counters and emergency call bells in public toilets where possible for the convenience of users. In this connection, will the Government inform this Council:*

- (a) *whether the authorities will install babycare facilities in both male and female public toilets; if not, of the reasons for that;*
- (b) *of the number of public toilets (including male and female toilets) in the whole of Hong Kong in which facilities such as racks and baby changing counters cannot be installed, and the percentage of such number in the total number of public toilets in Hong Kong; the reasons for the authorities not being able to install such facilities, and whether they will carry out alteration works in such public toilets so as to install the aforesaid facilities; and*
- (c) *whether the authorities will list the aforesaid facilities as standard facilities for new public toilets; if not, of the reasons for that?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, one of the major tasks of the FEHD is to provide quality environmental hygiene services and facilities. In response to the rising expectations of the community over public toilets, the FEHD is committed to further enhance the hygiene, convenience, safety and comfort of these facilities.

In recent years, the FEHD has made continuous efforts to enhance the public toilet facilities under its management. The following new standards have generally been adopted, whenever circumstances permit, in planning for new public toilets, reprovisioning or refurbishing existing ones, and converting aqua privies into flushing toilets. These include:

- (i) pursuant to the government policy of incorporating gender mainstreaming in project design and to meet the needs of both genders, the FEHD has, since April 2004, increased the ratio of female to male toilet compartments from 1.5:1 to 2:1;
- (ii) since mid-2001, baby facilities (baby changing counters) and emergency call bells have been installed in male and female toilets, and coat hooks and racks for users to place their personal belongings have been provided inside toilet compartments; and
- (iii) since mid-2008, subject to the location and size of the public toilets, the FEHD has included the provision of a baby seat in one of the compartments in both the male and female toilets with a relevant signage affixed to the compartment doors.

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

- (a) The provision of baby changing counters and other facilities as well as the provision of a baby seat in one of the toilet compartments, as mentioned in part (ii) and (iii) above, are applicable to both male and female toilets.
- (b) and (c)

At present, among the 851 public toilets under the management of the FEHD, about 70% (that is, 595) are provided with racks for placing personal belongings, and about 33% (that is, 285) have baby facilities.

The FEHD has included baby facilities mentioned in part (ii) and (iii) above in the standard provision for new public toilets. In planning for new public toilets, reprovisioning or refurbishing existing ones and converting aqua privies into flushing toilets, the FEHD will provide racks, coat hooks, baby facilities and emergency call bells in both male and female toilets whenever circumstances permit. Existing public toilets without racks and baby facilities are mainly aqua privies yet to be converted into flushing toilets. Besides, there are some flushing toilets converted from aqua privies which cannot be provided with baby facilities due to site constraints.



**Diesel Vehicles**

11. **MS MIRIAM LAU** (in Chinese): *President, quite a number of members of the trade have indicated that in order to improve roadside air quality by reducing the concentrations of particulates and nitrogen oxides (NOx) in the air, the Government began to tighten the emission standards for vehicles as early as in 1997, and launched grant/concessionary schemes one after another for environment-friendly petrol private cars as well as liquefied petroleum gas (LPG) taxis and public light buses, to gradually replace diesel vehicles that emit large quantities of particulates and NOx; yet, members of the trade have pointed out that in recent years, some diesel private cars have already met the emission standards specified by the Government and have successfully been issued licences. In this connection, will the Government inform this Council:*

- (a) of the emission standards adopted in Hong Kong at present for diesel private cars, and whether any vehicle manufacturer has successfully manufactured diesel private cars which meet the standards set by the Government and have been granted approval for introduction into Hong Kong; and the number of diesel private cars which have been issued licences at present;*
- (b) whether it will include diesel private cars which meet the emission standards in the existing tax incentives scheme which encourages car owners to opt for environment-friendly petrol vehicles in order to improve air quality; if yes, of the details of the scheme; if not, the reasons for that; and*
- (c) given the frequent occurrence of stalling incidents involving LPG taxis in recent years, whether the Government will consider afresh the introduction of diesel taxis which have been improved to become more environment-friendly, so as to provide the market with an additional choice; if yes, of the details of the plan; if not, the reasons for that?*

**SECRETARY FOR THE ENVIRONMENT** (in Chinese): *President,*

- (a) Respirable suspended particulates (RSP) and NOx from diesel vehicles are the major sources of roadside air pollution in Hong*

Kong. To improve roadside air quality, the Environmental Protection Department has required that the emission performance of newly registered diesel private cars in respect of RSP and NO<sub>x</sub> should be on a par with their petrol counterparts since 1998. To achieve this requirement, we have adopted the United States California emission standards (which are the most stringent in the world) for newly registered diesel private cars.

Since 2009, some European vehicle manufacturers have put on the local market models of diesel private cars that meet the above standards. As at 31 December 2010, there were about 1 900 licensed diesel private cars, of which about 230 were newly registered in or after 2009.

- (b) The qualifying standards for environment-friendly petrol private cars include emission standards and fuel efficiency. Their hydrocarbons (HC) and NO<sub>x</sub> emissions must not exceed 50% of the upper limit of Euro IV emission standards, and their fuel efficiency must surpass that of petrol private cars in the same weight category by at least 40%.

The technology of controlling particulate and NO<sub>x</sub> emissions of petrol private cars is more advanced than that of their diesel counterparts. As for the three models of diesel private car currently available on the local market, they can comply with the emission requirements for newly registered diesel private cars. However, since there remains a considerable gap in emission level when compared with the qualifying standards of environment-friendly petrol private cars, the diesel private cars cannot comply with the relevant emission standards.

- (c) In connection with the LPG vehicle stalling incidents, the Government has conducted sampling checks on the quality of LPG since January 2010. The test results indicated that all LPG samples would not affect the performance of LPG vehicles. LPG vehicles can operate normally through regular maintenance.

Currently, the emission control performance of LPG vehicles far outstrips that of diesel vehicles. Therefore, the Government has no plan to reintroduce diesel taxis at the moment. We will continue to closely monitor the development of environment-friendly vehicles so as to facilitate the early introduction of environment-friendly taxis by the trade.

### **Age Requirements Under Different Welfare Schemes for Elderly**

12. **MR LEUNG KWOK-HUNG** (in Chinese): *President, quite a number of social workers, medical practitioners, elderly groups and specialist medical groups have complained to me that the current elderly policies of the Government are very confusing. The complaints have alleged that the normal retirement age for civil servants is 60; the age requirement for applying for the various public rental housing schemes of the Hong Kong Housing Authority that grant priority to elderly applicants (elderly housing schemes) is 60 or above; the age requirement for applying for the Senior Citizen Card and the Old Age Allowance issued or granted by the Social Welfare Department (SWD) is 65 or above; the age requirement for using the elderly healthcare vouchers is 70 or above; the minimum age requirement for some of the geriatric specialty services of the Hospital Authority (HA) is 70. The complainants have pointed out that different government departments adopt a different definition of old age. It seems that there is policy psychosis, and the public are perplexed by the inconsistencies. Some elderly people have pointed out that certain government departments may be deliberately exploiting the welfare of the elderly people, leading to the current situation where different government departments adopt different definitions of old age. In this connection, will the Government inform this Council:*

- (a) *of the definition of old age as adopted by the Government, whether it is 60, 65 or 70, and which government department(s) has/have adopted the correct definition of old age;*
- (b) *whether the Government will standardize the definition of old age adopted by different government departments so that they can co-ordinate with one another in the implementation of the various elderly policies, thereby ensuring that the elderly can spend their twilight years happily; if it will, when it will do so; if not, of the reasons for that;*

- (c) *whether the Government will immediately lower the minimum age requirement for applying for the SWD's Senior Citizen Card to 60, so that it can tie in with the retirement age for civil servants and the age requirement for application for elderly housing schemes; if it will, when it will do so; if not, of the reasons for that;*
- (d) *whether the Government will immediately lower the minimum age requirement for the beneficiaries of the elderly healthcare vouchers to 60, and request the HA to lower the minimum age requirement for some of its geriatric specialty services to 60, so as to tie in with the retirement age for civil servants and the age requirement for application for elderly housing schemes; if it will, when it will do so; if not, of the reasons for that; and*
- (e) *whether it has assessed if the resources allocated by the Government to elderly services are insufficient, which has resulted in different government departments having different understanding of the definition of old age; if the assessment outcome is in the affirmative, when additional resources will be allocated; if the assessment outcome is in the negative, of the reasons for that?*

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

(a), (b) and (e)

The Government's overall objective is to provide appropriate assistance and services for meeting the needs of our citizens, and ensure the proper use of public resources. As the aim and target recipients of different types of assistance and services vary, the difference in age requirement is understandable.

In fact, there is no uniform definition of "elders" internationally. For instance, the information provided by the World Health Organization shows that in the majority of industrialized countries, the age of 65 is the demarcation between elders and non-elders; in demographic statistics, the "elderly dependency ratio" is also defined as the number of persons aged 65 or above per 1 000 persons aged

between 15 and 64; yet the United Nations considers that, taking into account the generally shorter average life expectancy in developing countries, persons aged 60 or above may be taken as the elderly population in general.

- (c) The Senior Citizen Card provides a generally recognized proof of age for elders aged 65 or above to facilitate their access to concessions or priority services offered by government departments, public companies, and private and commercial establishments. The present eligibility age was set by the SWD having regard to the intentions and views of participating organizations. Although lowering the minimum age requirement for the Senior Citizen Card will increase the number of eligible applicants, this may affect the support of organizations which are participating or may participate in the Senior Citizen Card Scheme (the Scheme). This may not be in the interest of card holders. Taking into account the operation of the Scheme and the relevant factors above, we have no plan to change the eligibility criteria for the Senior Citizen Card for the time being.
- (d) The Government launched the three-year Elderly Health Care Voucher Pilot Scheme in January 2009, under which elders aged 70 or above are each offered healthcare vouchers of \$250 annually to subsidize their use of private primary healthcare services. Having completed the interim review of the Pilot Scheme, we propose to extend the Pilot Scheme for another three years, and double the value of the healthcare vouchers to \$500 per person per year without changing other rules of the Pilot Scheme (including the eligibility age). The Financial Secretary has, in the 2011-2012 Budget just announced, committed to allocating \$1 billion to implement these proposals.

The HA is providing services to the elderly through geriatric specialist service, geriatric day hospitals and other service programmes. Depending on service demand and capacity, the service targets in general are elders aged 65 or above. We must stress that all the HA services are provided according to the need of individual patients, and patients in different age groups will receive

appropriate services. The categorization of some services by age group is mainly for administrative purpose and to facilitate statistical analysis.

### **Revitalization of HOS Secondary Market**

13. **MR FREDERICK FUNG** (in Chinese): *President, since the approach of revitalizing the Home Ownership Scheme (HOS) Secondary Market was proposed in the 2010-2011 Budget, the authorities have introduced a number of revitalization measures for HOS, including the Premium Loan Guarantee Scheme (PLGS) launched in September last year by the Hong Kong Mortgage Corporation Limited (HKMC), which allows HOS owners to pay the premium by instalments, with a view to facilitating the turnover of HOS flats and increasing the supply of flats on the market; yet, it was reported in the press on 22 January this year that no application had been received under PLGS, thus casting doubt on the effectiveness of the revitalization measures. In this connection, will the Government inform this Council:*

- (a) *of the latest number of applications for PLGS and the number of enquiries made by HOS owners on PLGS; whether the authorities have assessed if there is a significant difference when comparing the present response of HOS owners to PLGS and the anticipated response; if such an assessment has been made, of the outcome, and whether they have looked into the reasons involved, whether it has revealed that the authorities, when exploring measures for revitalizing the HOS Secondary Market in the past, have not carefully considered and properly assessed the situation (such as failing to get hold of the facts that HOS owners are mostly occupiers and are not keen to sell their flats, and that the revitalization measures have limited effect on boosting the supply of HOS flats, and so on); and*
- (b) *given that there are comments that the revitalization measures have failed to yield satisfactory results, whether the authorities will consider conducting a comprehensive review of the revitalization measures for the HOS Secondary Market; whether they will consider introducing other enhancement measures, or even shelving PLGS*

*and resuming the construction of HOS flats to increase the supply of flats in the market, so as to assist the middle and lower classes in acquiring their homes; if not, of the reason for that?*

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

- (a) The HKMC announced the Premium Loan Guarantee Scheme (the Scheme) in September 2010 as one of the Government's measures to revitalize the HOS Secondary Market. Under the Scheme, the HKMC provides a guarantee arrangement so that banks can offer a premium loan for HOS owners who wish to settle their premium payment. Once the HOS owners obtain the loan and pay the premium to the Hong Kong Housing Authority (HA), their flats will be freed from alienation restrictions. The owners can then settle the premium loan by instalments.

As at 25 February 2011, five banks have participated in the Scheme and the HKMC is in discussion with two other interested banks to confirm their participation. The participating banks are preparing for the introduction of the premium loan. They will develop related mortgage products in accordance with their marketing and product promotion strategies, and will announce the launch of their products when they are ready. At this stage they have not entered the phase of accepting applications. According to the information provided by the HKMC, the enquiry hotline launched by the HKMC in September 2010 has received around 360 enquiries (as at 25 February 2011) from the public.

The Scheme is a market-based initiative. It is not designed to encourage the HOS flat owners to settle their premium payment or to dispose of their flats. It is a matter of personal choice for the HOS flat owners to decide whether to make an early settlement of the premium payment after taking into account their individual family circumstances. The Scheme aims to provide an additional platform for HOS owners in need to finance their premium payment to the HA. For example, some elderly households may wish to move to smaller flats upon departure of their children and some households may prefer moving to flats near to their place of work. There are

also some flat owners who may have purchased another home and wish to let out their flats to finance their premium payment through instalments by using the rental income. The Government will liaise with the HKMC to consider how to publicize the Scheme among HOS owners, for example, by distributing information leaflets to HOS flat owners, and providing more information on the website, and so on. The HKMC will also discuss with the banks to enhance publicity of the products.

- (b) Under the HOS Secondary Market Scheme launched in 1997, HOS flat owners are allowed to sell their flats to existing or prospective public rental housing (PRH) tenants without payment of premium. The PRH flats vacated by these tenants can then be reallocated to those in need. In 2010, the HA implemented a few measures to revitalize the HOS Secondary Market. In addition to the Scheme mentioned above, the HA extended the mortgage default guarantee period for HOS buyers to 30 years, and also streamlined the administrative arrangement and enhanced publicity. These measures have been in place for a relatively short period of time. We will continue to closely monitor their implementation.

Regarding the resumption of the HOS, some members of the public support it because they hope that there will be more affordable flats in the market. The Government understands their concern and aspiration and has learned from the experience of previous subsidized home ownership schemes. The Government has announced that, in collaboration with the Hong Kong Housing Society (HKHS), it has introduced the My Home Purchase Plan (MHP Plan) premised on the concept of "rent-and-buy". The MHP Plan will more effectively target at households with the ability to pay mortgages in the long run, but which cannot immediately afford the down payment in the face of short-term property price fluctuations, and to allow such potential home buyers some time to save up for their home purchase. Under the MHP Plan, the Government will provide land for the HKHS to build "no-frills" small and medium-sized flats for lease to eligible applicants at prevailing market rent. The tenancy period will be up to five years, within which the rent will not be adjusted. Within a specified time frame, the MHP Plan tenants may purchase a MHP Plan flat at prevailing



market price, or a flat in the private market. They will receive a Purchase Subsidy equivalent to half of the net rental they have paid during the tenancy period, and use it for part of the down payment.

In the long run, the Government will increase land supply in response to market demand so as to tackle the problem at source. In the next decade, the Government has set a target of making available land for the construction of an average of about 20 000 private residential flats each year. It is estimated that housing land to be made available in 2011-2012 will provide a total of 30 000 to 40 000 private residential flats. The Government will also put up for sale by tender five residential sites in 2011-2012, and restricting in the sale conditions their use for construction of about 3 000 small and medium-sized flats in total. This will help increase the supply of small and medium-sized flats. In addition, the West Rail Property Development Limited has redesigned six property developments above MTR stations along the West Rail in respect of which master layout plans and building plans have been approved. This will also help increase the supply of small and medium-sized flats.

The MHP Plan, together with the measures to increase housing land supply including housing land for small and medium-sized flats, as well as the initiatives to revitalize the HOS Secondary Market, will help increase the choice of accommodation available and thus cater for different housing needs. In general, the Government will provide people of different affordability with different levels of housing options. The first level is PRH provided for low-income families who cannot afford private rental accommodation. Above PRH is the second-hand HOS flats in the HOS Secondary Market where HOS owners may sell their flats to Green Form applicants without paying premium. The next levels are flats of lower prices (including HOS flats sold in the open market) in the private property market targeting the general public and the MHP Plan flats. In the private property sector, residential flats at various market prices are also available in both the primary and secondary markets to satisfy the diverse demands of buyers.

**Development of Large Scale International Outlet Malls in Hong Kong**

14. **MR PAUL TSE** (in Chinese): *President, I have learnt that in recent years, an international group operating large-scale outlet malls has been holding discussions with the Hong Kong SAR Government (SAR Government) to request the Government to allocate land in the vicinity of the Hong Kong International Airport at Chek Lap Kok for the development of a large-scale international outlet mall in order to attract visitors to Hong Kong and encourage spending by transit passengers through selling commodities of renowned brand names from various countries. Since 2008, the international group has discussed with the Commerce and Economic Development Bureau, the Transport and Housing Bureau, the Development Bureau and the Airport Authority on different occasions, yet there is no Policy Bureau in the SAR Government to centrally deal with the development of tourism infrastructure and attractions, and the international group has continued to knock the door but to no avail. In this connection, will the Government inform this Council:*

- (a) whether it has assessed the economic benefits (including the number of visitors and transit passengers to be attracted to spend money in Hong Kong) to be brought about by the aforesaid proposed development plan;*
- (b) which government department(s) is/are responsible for processing applications relating to the aforesaid development plan at present; of the progress and the reasons why no progress has been made after so many years;*
- (c) given that the AsiaWorld-Expo (AWE) has all along been criticized for being too far away from the town centre, which has led to its low utilization, whether the authorities have assessed if the development of the aforesaid outlet mall in the vicinity of the airport will actually help enhance the utilization of AWE and even the airport; and*
- (d) given that I have learnt that the management echelons of the various tourist attractions on Lantau Island are discussing the strengthening of co-operation among different attractions in the hope of producing a synergy effect, whether the Government will examine if the construction of a large-scale outlet mall in the vicinity of the airport*

*can boost the aforesaid synergy effect, and whether such a outlet mall will play a catalytic role in formulating specific plans for the development of tourism on Lantau Island; if it will so examine, of the time required; if not, the reasons for that?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Chinese): President, my reply to the various parts of the question from Mr Paul TSE is as follows:

(a) and (b)

The Tourism Commission is responsible for co-ordinating the development of tourism infrastructure in Hong Kong and making tourism policy. It maintains close communications with other Policy Bureaux and departments with a view to ensuring the smooth implementation of various tourism-related projects.

In the first half of 2009, an international group put forward a proposal of developing a large-scale outlet mall on the Airport Island to the HKSAR Government. We have proactively explored this proposal and convened cross-policy bureau meetings to study carefully the location and feasible options of developing a large-scale outlet mall at or near the airport.

The group originally proposed to develop the mall on a car park site adjacent to the AWE. Since part of the proposed site has been earmarked for accommodating essential airport operational facilities, the site is not available for use as a large-scale outlet mall. Given that Terminal 2 of the airport has sufficient supporting facilities, the Government has suggested the group to develop the mall there with a view to implementing the afore-mentioned proposal as soon as possible. However, the group insisted that they were only interested in developing a large-scale outlet mall on the car park site adjacent to the AWE.

As no suitable site could be found on the Airport Island, the Government replied to the group in August 2009, explaining why the

proposed site was not available. The reply mentioned that the Government would continue to search for a suitable site for the development of a large-scale outlet mall and the site would be granted through an open and competitive process once it was identified.

Regarding the economic benefits of the proposal from the international group, we are not in a position to make a detailed assessment in the absence of concrete details, such as the exact location and scale of the proposed mall as well as the types of products to be sold there.

- (c) The AWE is a large-scale convention and exhibition facility in Hong Kong. It is suitable for hosting different types of events such as large-scale trade fairs, conferences and concerts. Its target clientele mainly includes exhibitors and buyers from around the world, conference participants as well as concert spectators, and so on. In November 2010, over 900 000 people visited the AWE when the animated version of the "Riverside Scene at Qingming Festival" was on display there.

The AWE's location makes it very convenient for exhibitors and visitors to set off directly from the airport. There are also bus services connecting the AWE with the Mainland. During most of the AWE's event days, bus services between the AWE and Tung Chung as well as urban areas will be enhanced, while the MTR Corporation Limited will also provide concessionary fares for passengers travelling to the AWE by the Airport Express. The HKSAR Government and the Hong Kong Tourism Board (HKTb) have been proactively assisting the AWE in attracting more organizations to stage exhibitions there. The Hong Kong Trade Development Council is also actively exploring the feasibility of holding more new shows at the AWE. In fact, the AWE's single-storey, column-free and high-ceiling design makes it very suitable for the relevant trades to organize exhibitions with large-scale equipment. A successful example is the Asian Aerospace International Expo and Congress to be held again at the AWE in March this year.

On the other hand, a large-scale outlet mall is used for selling brand products from various parts of the world and mainly serves consumers and shoppers. Hence, its purpose and target clientele hugely differ from those of the AWE.

Though the development of a large-scale outlet mall near the airport could provide an additional leisure facility for the AWE users, this would not directly help enhance the utilization of the AWE because different organizations have different considerations while taking up rental space at the AWE. Whether the proposed mall could increase the utilization of the airport would depend on whether it could attract additional visitors to travel to Hong Kong by air specifically for visiting this mall.

- (d) The Government, the HKTB and management of various tourist attractions on Lantau have been maintaining close liaison. The management of these attractions have also been co-operating with each other with a view to attracting more visitors to Lantau. In November 2010, the Hong Kong Disneyland, Ngong Ping 360, Noah's Ark, the AWE and the Hong Kong International Airport jointly offered discounts on the occasion of the display of the animated version of the "Riverside Scene at Qingming Festival" at the AWE. Visitors with tickets to this exhibition could enjoy admission, dining and shopping discounts offered by these organizations. In addition, the Hong Kong Disneyland and Ngong Ping 360 have been frequently working with the tourism trade in developing tour packages.

The Tourism Commission is currently exploring with the management of various attractions on Lantau and the Islands District Council on how to further enhance the tourism appeal of Lantau. The main focus is on how to enhance co-operation in respect of promotion and improving transport connection, and does not involve developing any new infrastructural facilities such as a large-scale outlet mall near the airport. On the other hand, the HKTB will leverage on the characteristics of Lantau and other outlying islands in developing new tourism products and itineraries featuring various attractions so as to attract more family, vacation and business visitors. We welcome any proposals that could help promote

tourism development of Lantau and stand ready to explore feasible options with relevant organizations or people.

### **Platform Safety in MTR Stations**

15. **MR KAM NAI-WAI** (in Chinese): *President, regarding platform safety in railway stations of the MTR Corporation Limited (MTRCL), will the Government inform this Council:*

- (a) *whether it knows, in each of the past three years, the number of staff deployed by the MTRCL at station platforms during train service hours to assist in regulating passenger flows and advise passengers not to bump into or charge the train doors, with a breakdown by rail line, name of station, whether or not platform screen doors (PSDs) or automatic platform gates (APGs) are installed, as well as the place and time periods of such staff deployment; whether additional staff are deployed by the MTRCL during peak hours to maintain order at station platforms; if so, of the details (including the number of additional staff so deployed and the criteria and time periods for such deployment); if not, the reasons for that; whether the MTRCL has reviewed the adequacy of its existing manpower and the effectiveness of deploying staff to maintain order at platforms; if it has, of the details, if not, the reasons for that;*
- (b) *whether it knows, in each of the past three years, the number of MTRCL staff falling onto rail tracks while maintaining order, with a breakdown by rail line, name of station, whether or not PSDs or APGs are installed and the working hours of the staff; whether there are means to prevent staff working at platforms without PSDs or APGs from falling onto the tracks, and whether the effectiveness of such means has been reviewed; if so, of the details, if not, the reasons for that;*
- (c) *whether it knows if the MTRCL had compiled statistics in each of the past five years on delays in train service and other consequences caused by passengers falling onto rail tracks due to various reasons; if so, of the details; if not, the reasons for that; and*

- (d) *given that in his reply to a question raised by a Member of this Council on 9 June 2010, the Secretary for Transport and Housing indicated that a number of measures (such as installing platform gap fillers and yellow tactile strips in the gaps and along the edges of the platforms, installing illumination and flashing lights under the platforms and at the edge of the platforms respectively, installing CCTV systems at platforms, broadcasting announcements at platforms and in train compartments, as well as conducting education activities, and so on) had been taken by the MTRCL in order to prevent passengers from falling onto the tracks in stations where PSDs or APGs had not been installed, whether it knows:*
- (i) *if the MTRCL had reviewed the effectiveness of those measures and explored other more effective options in the past three years; if it had reviewed and explored, of the details; if not, the reasons for that; and*
- (ii) *if the MTRCL has put in place a mechanism to inspect and maintain such facilities on a regular basis; if it has, of the details and the resources (including the amount of expenditure) put in; if not, the reasons for that?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, for the various parts of the question, our reply is set out below:

- (a) All platforms of the various railway lines of the MTRCL are always manned by station staff during operating hours of the day. In general, during the morning and evening peak hours and at stations with busier traffic<sup>(1)</sup>, the passenger flow is heavier and the MTRCL will arrange more staff and platform assistants to assist with crowd control and maintain order. For the Light Rail, MTR staff patrol Light Rail stops regularly and maintain close communication with the operation control centre in order to provide assistance to passengers. During peak hours, the MTRCL also arranges platform

(1) Of the 84 MTR stations, platform assistants are already arranged for 73 busy stations, except Kwai Hing, Tai Wo Hau, Che Kung Temple, Shek Mun, Wu Kai Sha, Tung Chung, AsiaWorld-Expo, Sai Wan Ho, Shau Kei Wan and Chai Wan, LOHAS Park stations.

assistants at Light Rail stops with high passenger flow<sup>(2)</sup> to assist passengers in boarding and alighting Light Rail vehicles.

The major duties of station staff and platform assistants include: (i) reminding passengers to queue up and maintain order of waiting passengers before arrival of trains; (ii) reminding passengers to queue up if they are not standing in the waiting queue; (iii) preventing passengers from walking through queues, and making sure that they stand behind the yellow line; (iv) monitoring whether there is congestion of passengers and taking necessary actions to ease the congestion; and (v) assisting passengers in boarding and alighting trains, and preventing passengers from rushing into trains when train doors are closing.

The MTRCL will arrange station staff and platform assistants to assist with crowd control at platforms considering the needs of different railway lines and stations. Instead of being assigned to perform duty at a designated station, these station staff and platform assistants will be deployed according to the needs of different stations and time periods. In fact, the MTRCL has strengthened related manpower according to the overall need so as to provide better service to passengers. According to information provided by the MTRCL, over the past three years, the number of station staff and platform assistants performing duties at heavy and light rail platforms increased from 1 073 in 2008 to 1 118 in 2009 and 1 172 in 2010. The MTRCL conducts review on related staff establishment regularly and makes appropriate adjustments whenever necessary.

The MTRCL introduces new measures from time to time in order to strengthen passenger safety awareness when they travel on the MTR, and appeals to passengers to maintain good order. For example, since July 2010, during peak hours at MTR interchange stations<sup>(3)</sup>,

- (2) Including Town Centre, Tuen Mun, Ming Kum, Shek Pai, Choy Yee Bridge, Tai Hing (North), Tai Hing (South), Ngan Wai, Prime View, Affluence, Tuen Mun Hospital, Siu Hong, Lam Tei, Leung King, San Wai, Hung Shui Kiu, Hang Mei Tsuen, Tin Yiu, Locwood, Tin Shui, Chung Fu, Chestwood, Tin Heng, Tin Sau, Tin Yuet, Tin Wing, Ginza, Tin Tsz, Tin Shui Wai, Tai Tong Road and Yuen Long stops.
- (3) Including Tsim Sha Tsui, East Tsim Sha Tsui, Yau Ma Tei, Mong Kok, Prince Edward, Mei Foo, Lai King, Central, Admiralty, North Point, Quarry Bay, Yau Tong, Tiu Keng Leng, Hong Kong, Tsing Yi, Hung Hom, Kowloon Tong, Tai Wai, Nam Cheong, Yuen Long, Tin Shui Wai, Siu Hong and Tuen Mun stations.



platform assistants will hold up the "Stop" sign and activate the electronic whistle when train doors are about to close, in order to urge passengers not to attempt entering train compartments when train doors are closing. This measure will gradually be introduced to other stations of the MTR system, with a view to reminding passengers more effectively not to rush into train compartments when train doors are closing.

- (b) Over the past three years, no MTR staff fell onto track when performing crowd control duties. In fact, all station staff or platform assistants performing platform duties are required to attend the related training before carrying out platform duties. They also need to attend refresher courses every year. Contents of the courses emphasize that, when performing duties at platform without PSDs or APGs, station staff and platform assistants must stand behind the yellow line, and that ensuring the safety of passengers and that of their own is the first priority.

- (c) and (d)

Passengers fall onto the track for various reasons, including: (i) falling onto the track by accident (for example, under the influence of alcohol or medicine, due to sickness, and so on); (ii) suicides and attempted suicides; and (iii) trespasses onto the track (for example, passengers trying to retrieve items fallen onto the track, crossing the track to the platform on the other side, and so on).

In the past five years, there were 61 cases of train service delay of eight minutes or more as a result of passenger(s) fallen onto the track.

The design of platforms at stations of the existing railway system is safe. MTR is a railway system carrying 1.5 billion passenger trips annually. In the past three years, the number of reportable events<sup>(4)</sup> per million passengers carried is about 1.1 cases yearly. To raise the safety awareness of the passengers, the MTRCL has been

(4) Reportable events refer to the accidents and occurrences that are to be reported to the Government under the Mass Transit Railway Regulations (Cap. 556A).

organizing promotional campaigns from time to time. The MTRCL also reviews and makes new plans for such promotional campaigns every year. Regarding trespassing cases in the East Rail Line, the MTRCL installed additional notices indicating that entering tracks is forbidden at platforms of the East Rail Line in recent years.

As regards the relevant platform facilities, station staff inspect the related facilities on a daily basis to make sure that they are in good condition. The MTRCL also conducts regular maintenance of such facilities. Since the expenses for the maintenance works concerned are part of the overall maintenance expenses of stations, the MTRCL does not have breakdown for this individual item.

### **Six Priority Industries**

16. **DR LAM TAI-FAI** (in Chinese): *President, in his Policy Address delivered in 2009, the Chief Executive announced the development of six industries where Hong Kong enjoys clear advantages, including testing and certification, medical services, innovation and technology, cultural and creative industries, environmental industries and education services. The Chief Executive considered that those industries were crucial to the development of Hong Kong's economy and would propel Hong Kong towards a knowledge-based economy. In this connection, will the Government inform this Council:*

- (a) *whether it has completed the survey on the statistics on the six industries for 2009, and when the statistics will be released;*
- (b) *whether the Government has assessed if the one-year lag in the statistics to be released behind the market development will adversely affect the planning for the future development of the various industries; if it has assessed, of the details; and whether it will revise the time frame for releasing the statistics; if it will not revise, of the reasons for that;*
- (c) *whether the Government has roughly estimated the total amount of the overall direct contribution made by private enterprises in the six priority industries to the Gross Domestic Product as at the end of*

2010, and whether there was any growth as compared with that of the same period in 2009, with a breakdown by industry;

- (d) of the number of persons currently employed in each of the priority industries; the respective percentages of such numbers in the total workforce; among such employees, the respective proportions of those working in the public sector and those in private enterprises;
- (e) of the total amount of capital injected in each industry by the Government since its announcement of the development of the six priority industries, with a table listing the total amount, purposes and time of capital injection, whether foreign investments have been attracted, if so, of the details and, if not, the reasons for that;
- (f) given that the Government has reserved four sites for the development of private hospitals to tie in with the development of medical services, of the total number of Expressions of Interest (EOIs) received so far; the nature of the applicant organizations (whether they are property developers or purely healthcare institutions); among such organizations, how many of them will provide Chinese medicine service; and the timetable for granting the sites;
- (g) given that the Government has reserved five sites for the construction of private universities to tie in with the development of education services, and the Government's original plan was to invite interested organizations to submit EOIs for the site at the former Queen Hill's Camp in Fan Ling by the end of last year, of the reasons for the delay of the plan, and when the remaining four sites will be released;
- (h) of the details of the Government's study on allowing senior secondary students from the Mainland to take courses in Hong Kong, for example, short-term courses offered by degree-awarding higher education institutions and senior secondary classes of non-public schools in Hong Kong, and so on;

- (i) *given that to tie in with the development of testing and certification, the Mainland government allows eligible testing laboratories in Hong Kong to undertake testing of products for the China Compulsory Certification (CCC) System on a pilot basis for selected products processed in Hong Kong through Supplement VII to the Mainland/Hong Kong Closer Economic Partnership Arrangement (CEPA) signed in May last year, of the details of the implementation of such arrangement to date and the progress made by the Government in seeking mutual recognition between the Mainland and Hong Kong of qualifications in testing and certification;*
- (j) *whether the Government has examined the provision of more tax incentives to the small and medium enterprises (SMEs) engaged in innovation and technology and cultural and creative industries as a means to provide greater incentives to enterprises taking part in the development of these industries; if it has, of the details; if not, the reasons for that;*
- (k) *whether it has assessed the local job opportunities created by the various industries; whether overseas talents have been attracted to work in Hong Kong; if so, of the details; if not, the reasons for that; and*
- (l) *of the respective numbers of legislative amendments relating to the six priority industries proposed by the Government last year as well as those relating to the finance and real estate services; whether it has assessed if the Government places too much emphasis on the development of finance and real estate services and neglects diversified development of different industries; if it has assessed, of the details; if not, the reasons for that?*

**FINANCIAL SECRETARY** (in Chinese): President, the following is a consolidated reply based on inputs from the relevant Policy Bureaux:

- (a) The statistics on the economic contribution and employment situation of the Six Industries in 2009 were released through a press release issued on 23 February 2011.

- (b) The development of the Six Industries is a long-term plan. To formulate the development plan, the Government will take into consideration various factors, such as the views of the industries and whether the opportunities for co-operation with the Mainland and the Pearl River Delta (PRD) Region can be capitalized. Statistical data serve only as reference.
- (c) The Government does not produce any crude estimates on the direct contribution of the Six Industries to the Gross Domestic Product for 2010, and we do not have detailed information provided by the relevant business establishments.
- (d) The relevant statistics on the employment of each of the Six Industries in the private sector and their percentage shares to total employment in 2009 are set out at Annex. We have not kept data related to the employment of the Six Industries in the public sector.
- (e) The funding provided and other measures put forward by Government in support of development of the Six Industries are summarized as follows:

*Cultural and creative industries*

Regarding the promotion of the cultural industry, in 2010-2011, government spending in the arts and culture is estimated to be more than \$2.8 billion (excluding expenditure on capital works). To promote the local cultural industry, and to complement the development of the West Kowloon Cultural District, we have earmarked an additional recurrent expenditure of \$486 million from 2010-2011 to 2014-2015 for strengthening our cultural software.

Besides, we injected \$1.5 billion into the arts portion of the Arts and Sport Development Fund in July 2010. We plan to invite applications and will use the annual investment returns to support the long-term development of the arts in Hong Kong.

For creative industries, we set up the CreateHK dedicated office and established the \$300 million CreateSmart Initiative (CSI) in 2009 to

provide support to the creative industries. CSI aims at providing financial support to projects conducive to the development of creative industries in Hong Kong, with a view to promoting and speeding up the development of local creative industries so as to build Hong Kong into Asia's creative capital. In 2010-2011, a total of more than \$40 million has been granted under CSI.

CreateHK is also responsible for administering the DesignSmart Initiative (DSI) and the Film Development Fund (FDF) which have been established to support the design and film sectors respectively. In 2010-2011, projects funded by the DSI include conferences, seminars, workshops, exhibitions, design competitions and awards, training courses, design research and design-business collaboration projects. In 2010-2011, \$19 million has been granted under the DSI.

As regards FDF, we have granted more than \$41 million in 2010-2011 to projects and activities which contribute towards the development of the Hong Kong film industry, including financing in part small-to-medium budget film productions.

#### *Medical services*

We facilitate the development of medical industry through enhancing the support for hardware and software. On hardware, we have reserved four sites (in Wong Chuk Hang, Tseung Kwan O, Tai Po and Lantau) for private hospital development. As for software, we will continue to enhance the training and development of local healthcare professionals, and encourage exchange between local and overseas healthcare professionals with a view to further raising the service standards of our healthcare sector.

#### *Testing and Certification Industry*

In 2010-2011, the Government's expenditure on promoting testing and certification is about \$72.9 million, mainly to provide the industry with accreditation service, calibration service and information on international standards, as well as to provide

secretariat support for the Hong Kong Council for Testing and Certification (HKCTC).

To promote the development of the testing and certification industry, the Government allocated in 2010-2011 and 2011-2012 a total of \$20 million to support the work of the HKCTC in implementing its three-year development plan for the industry. The Government also allocated in 2010-2011 and 2011-2012 an additional funding of \$21 million to the Hong Kong Accreditation Service for hiring additional staff to enhance the provision of services to the industry.

### *Innovation and Technology*

In 2010-2011, the Government's expenditure on promoting innovation and technology is about \$1.1 billion, which is mainly for supporting the operation of research and development (R&D) centres, providing funding support to applied R&D projects under the Innovation and Technology Fund (ITF) and organizing activities to promote and publicize Hong Kong's innovation and technology development.

The Government launched the R&D Cash Rebate Scheme in April 2010 to encourage further collaboration between enterprises and public R&D institutions. Under this Scheme, enterprises conducting applied R&D projects may enjoy a cash rebate equivalent to 10% of their R&D investments. The Government has also decided to take forward the construction of the Science Park Phase 3, which will cost \$4.9 billion. It is expected that the project will be completed in phases between 2013 and 2016.

### *Environmental industries*

We have been promoting the development of environmental industries and a green economy through multi-pronged policies and initiatives. They include enhancing building energy efficiency and promoting the use of energy-saving household appliances by legislation, setting up the Pilot Green Transport Fund, making more use of electric vehicles, and taking forward other measures such as

expanding the list of products with green specifications for government procurement, piloting the use of new green materials in public works, encouraging scientific research on environmental protection and building environmental infrastructure. Total capital expenditure for environmental protection, conservation, and so on, in 2010-2011 is estimated at about \$4.7 billion.

To encourage the transport sector to test out green and low-carbon transport technology, the Government is setting up a \$300 million Pilot Green Transport Fund in March 2011. To encourage the public to take concrete actions for enhancing building energy efficiency, \$450 million has been allocated from the Environment and Conservation Fund to subsidize private building owners to carry out energy-cum-carbon audits and energy efficiency projects on a matching basis. We have allocated over \$93 million for a five-year Cleaner Production Partnership Programme to facilitate Hong Kong-owned factories in the PRD Region to adopt cleaner production technologies and practices, as well as facilitate the exchange of information on environmental technology and the promotion of environmental technology and services.

#### *Education services*

To promote the internationalization and diversification of our education services, we have allocated four greenfield sites for the building of international schools. As regards the self-financing post-secondary education, we have granted in total eight sites at the end of last year for the development of self-financing post-secondary programmes. We have also reserved a site at the former Queen Hill's Camp in the New Territories and invited EOIs from relevant organizations. Currently, the Start-up Loan Scheme has a total commitment of \$7 billion. We will consider increasing the commitment of the Start-up Loan Scheme to help institutions meet the costs of purpose-built accommodation when needed. We also have the \$100 million Quality Enhancement Grant Scheme to fund projects or measures that could enhance the quality of self-financing post-secondary education. In the 2010 Policy Address, the Chief Executive proposed to establish a Self-financing Post-secondary



Education Fund with a total commitment of \$2.5 billion for the development of self-financing post-secondary education. We plan to set up the Fund in the second half of this year.

- (f) The Government has reserved four sites for private hospital development. We invited the market to express their interest in developing the sites from late 2009 to March 2010. A total of 30 submissions have been received. Among them, 21 are from local parties, seven are from overseas parties and the remaining two are from joint partnership of local and overseas parties. Most of the submissions contain a hospital development plan and the proposed service scope in some of the submissions includes Chinese Medicine among other services.

We are considering the feedback from the market with a view to formulating suitable arrangements to dispose of the sites in phases from late 2011 or 2012.

- (g) At the end of last year, we invited EOI from relevant organizations for the site at the former Queen Hill's Camp as planned. We will take into account the responses received with a view to formulating the development plan, and invite eligible organizations to submit detailed education development proposal. In addition, we awarded two sites at the end of last year for the development of self-financing degree programmes. We plan to launch the site at Tseung Kwan O in 2011, and subject to the need of the post-secondary education sector, the site at Tai Wai as and when appropriate.
- (h) As regards the proposal of allowing senior secondary students from the Mainland to pursue studies in Hong Kong, including short-term courses offered by degree-awarding higher education institutions and senior secondary education at non-public schools in Hong Kong, the Education Bureau is now discussing with the relevant Mainland authorities the feasibility of the proposal.
- (i) Under Supplement VII to CEPA signed in May 2010, testing organizations in Hong Kong are allowed to undertake testing of

products for the CCC System on a pilot basis. Implementation details were announced in January 2011. Four types of products processed in Hong Kong are covered, namely toys, circuit installations, information technology equipment and lighting apparatus. It is hoped that the scope can be extended in future to provide our testing organizations with more opportunities to undertake testing in the Mainland and to facilitate trade between the two places.

- (j) Under the existing tax regime, all business operating expenses are now fully deductible for taxation purposes. Besides, we have provided tax incentives in specific areas to support the sustainable development of enterprises. For example, 100% tax deduction has been provided for capital expenditure incurred on R&D, purchase of "patent rights" and "rights to any know-how", purchase of eligible environmental protection facilities and environment-friendly vehicles. To promote wider application of intellectual property rights by enterprises, to encourage innovation and upgrading and to facilitate development of creative industries, we will introduce an amendment bill into the Legislative Council on 9 March 2011 to effect the proposal to allow tax deduction for capital expenditure incurred on the purchase of "copyrights", "registered designs" and "registered trade marks".

Hong Kong has all along maintained a simple tax regime with low tax rates and upheld the taxation principles of fairness and neutrality. Providing tax concessions to the SMEs of specific sectors or industries would violate the fairness principle of Hong Kong tax system.

Because of the low tax rate and generous tax concessions, only 80 000 corporations, accounting for 13% of registered corporations, paid profits tax in the year of assessment 2008-2009. The majority of the SMEs either pay very small amount of tax or need not pay any tax.

- (k) The data for compiling the persons engaged in the Six Industries are mainly sourced from surveys with establishments as the target respondents. Taking account of the data reporting burden of the establishments, we have not asked the establishments to provide detailed breakdown in local or overseas employed persons in the relevant surveys. The Government is committed to maintaining Hong Kong's competitive edge through continuous investment in new infrastructure, improving working procedures and reducing compliance costs, in order to create a more favourable business environment to attract investments from foreign enterprises to Hong Kong. The Government will continue to improve quality of life, in order to strengthen the attractiveness to foreign talents of working in Hong Kong.
- (l) Developing high value-added service industries is our long-term strategy. Our competitive advantage lies with our sound market system and Hong Kong people's wealth of knowledge in various areas. The Government will continue to assume the important role of market facilitation, and enhance the competitiveness of the four pillar industries, and to promote the development of the six industries where we enjoy clear advantages to facilitate diversification of our economy. The Government will continue to strengthen co-operation with Guangdong Province, Macao, Taiwan and other regions in various aspects to sharpen our competitive edge in the global market. The Government will also continue to invest in human capital, implement infrastructure projects, uphold the rule of law, and to further enhance the business environment.

Where necessary, we will introduce legislative amendments to facilitate the development of the economy and specific industries. In 2010, there was one legislative exercise each related to real estate industry, environmental industry and innovation and technology respectively; as well as five legislative exercises related to financial services. There was no legislative exercise related to the other priority industries.

Employment in the Six Industries<sup>(1)(2)</sup> in 2009

<i>Employment</i>		<i>Number</i>	<i>Percentage shares to total employment<sup>(3)</sup></i>
1.	Cultural and creative industries	188 250	5.4%
2.	Medical services	71 990	2.1%
3.	Education services	62 240	1.8%
4.	Innovation and technology <sup>(4)</sup>	27 470	0.8%
5.	Testing and certification services	12 610	0.4%
6.	Environmental industries	32 410	0.9%
Six Industries <sup>(5)</sup>		394 970	11.3%

## Notes:

- (1) This set of estimates reflects the direct contribution of the Six Industries in the private sector to employment in Hong Kong.
- (2) Strictly speaking, some of the Six Industries are service domains straddling different industries rather than individual industries. For example, innovation and technology can exist in any organizations and in any industries. But the term "industry" is still used to denote the aggregate of the economic activities concerned for the sake of simplicity and easy general understanding.
- (3) Figures for total employment refer to Composite Employment Estimates.
- (4) Since innovation and technology involves significant non-routine activities, persons engaged in these activities are measured by the volume of labour input to innovation and technology in full-time equivalent terms (in terms of man-years).
- (5) The above total for the Six Industries in the private sector is only a simple summation of the figures for individual industries. Users should note that there is some overlapping among the Six Industries.

Main data sources: Quarterly Survey of Employment and Vacancies, Survey of Innovation Activities, 2009 Survey of Testing and Certification Activities, Annual Survey of Economic Activities

### Minimum Level of Relevant Income for MPF Contributions

17. **MRS REGINA IP** (in Chinese): *President, the Provisional Minimum Wage Commission (PMWC) set the initial statutory minimum wage (SMW) rate*

at \$28 per hour which was endorsed by the Executive Council and passed by this Council, and will come into force on 1 May 2011. Members of the market have pointed out that, after the implementation of the Minimum Wage Ordinance (Cap. 608) (MWO), the monthly income of those employees currently earning \$4,750 to \$4,999 per month will probably increase to \$5,000 or above, that is, the minimum level of relevant income (Min RI) stipulated in the Mandatory Provident Fund Schemes Ordinance (Cap. 485) (MPFSO), and hence these employees will have to pay 5% of their monthly income (that is, \$250 or above) as contribution to the Mandatory Provident Fund (MPF), which will probably lead to a reduction in their actual income. In this connection, will the Government inform this Council:

- (a) of the number of employees whose current monthly income is below \$5,000 with a breakdown by age, sex, average number of dependents and amount of income (including those employees earning \$4,750 to \$4,999 per month);
- (b) of the number of employees, as estimated by the authorities, whose current monthly income is below \$5,000 and will increase to the Min RI stipulated in MPFSO after the minimum wage rate comes into force, and whether these employees' actual income will be reduced after making contribution to MPF; and
- (c) whether the authorities have studied to which level the existing Min RI stipulated in MPFSO has to be upwardly adjusted in order to address the issue of a possible reduction in the actual income of the employees whose current monthly income is \$4,750 to \$4,999, as a result of the implementation of MWO, as well as their timetable for adjusting the Min RI?

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): President, section 10A of the MPFSO provides that the Mandatory Provident Fund Schemes Authority (MPFA) must, not less than once in every four years, conduct a review of the Min RI and the maximum level of relevant income (Max RI) for the purpose of MPF mandatory contributions.

On Min RI, MPFSO provides that, without limiting the factors which the MPFA may consider, it must take into account "50 per cent of the monthly median employment earnings prevailing at the time of the review as compiled

from the General Household Survey conducted by the Census and Statistics Department". The MPFA conducted a review in July 2010 in accordance with MPFSO. Thereafter, the MPFA updated the review results based on the statistical data of Q3 2010. According to the updated review results, consideration may be given to increase Min RI to \$5,500.

If Min RI is set at \$5,500, the implementation of SMW will not give rise to any case of reduction in the take-home pay of individuals whose current monthly income is less than \$5,000 and do not need to make MPF contributions on account of the resultant increase of their monthly income to a level reaching or exceeding Min RI which would subject them to the requirement to make MPF contributions.

Our reply to the questions of Mrs Regina IP is as follows:

- (a) The number of employees whose monthly income is below \$5,000 as of Q3 2010:

By age

<i>Monthly Employment Earning (\$)</i>	<i>18 to 24</i>	<i>25 to 34</i>	<i>35 to 44</i>	<i>45 to 54</i>	<i>55 to 64</i>	<i>Total</i>
<4,750	33 200	15 100	32 900	51 500	28 400	161 200*
4,750-<5,000	900	300	900	1 800	2 200	6 100

By sex

<i>Monthly Employment Earning (\$)</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
<4,750	48 400	112 800	161 200
4,750-<5,000	2 400	3 700	6 100

Source: General Household Survey, Census and Statistics Department.

Notes:

- \* The numbers may not add up to the total due to rounding.

Excluding foreign domestic helpers.

We do not have breakdown by the average number of dependents.

(b) and (c)

As explained above, if Min RI is increased to \$5,500, the take-home pay of individuals whose current monthly income is less than \$5,000 and do not need to make MPF contributions will not be reduced on account of their monthly income having been increased to a level reaching or exceeding Min RI after the implementation of SMW which would subject them to the requirement to make MPF contributions.

The Financial Services and the Treasury Bureau briefed the Legislative Council Panel on Financial Affairs on the abovementioned review results of the MPFA on 21 February 2011. We will take into account the views of various parties and seek to put forth the relevant legislative amendments to the Legislative Council in Q2, 2011.

### **Social Security Assistance Index of Prices**

18. **MR CHEUNG KWOK-CHE** (in Chinese): *President, the Social Security Assistance Index of Prices (SSAIP) is compiled monthly by the Census and Statistics Department (C&SD) on the basis of the expenditure pattern of households receiving the Comprehensive Social Security Assistance (CSSA) and the prices of the items of goods and services covered by the CSSA standard rates, and recommendations on the adjustment of CSSA standard rates are made annually by the Social Welfare Department (SWD) with reference to the price movements of SSAIP. In this connection, will the Government inform this Council:*

- (a) *what criteria the authorities adopted in the past 10 years for selecting the items of goods and services covered by SSAIP, which affected the adjustment of CSSA standard rates, and the respective weights of such items in SSAIP;*
- (b) *of the changes in the prices of the various items of goods and services covered by SSAIP in the past 10 years; and*
- (c) *whether a mechanism is currently in place to review the component items of SSAIP; if yes, of the details; if not, how the authorities*

*ensure that corresponding adjustments are made to SSAIP in accordance with changes in the needs of the grassroots' daily lives?*

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

(a) and (c)

The SSAIP is compiled by the C&SD on a monthly basis. It reflects the impact of price changes on the recipients of CSSA. Except items which are covered by CSSA special grants (for example, rent) or public services provided free to CSSA recipients (for example, medical services), items covered by the SSAIP are the same as those covered by other Consumer Price Indices compiled also by the C&SD. As such, the former would be adjusted only when there are changes to the latter.

That said, to maintain the purchasing power of CSSA payments, the expenditure weight of individual categories of goods and services covered by the SSAIP is updated every five years with reference to the findings of the Household Expenditure Survey (HES) on CSSA Households. This survey, targeting CSSA households, covers all domestic households with at least one member receiving the CSSA standard rate. It collects information on the expenditure of CSSA households on the commodities and services they consume; therefore is able to accurately reflect the expenditure pattern of CSSA households. The SWD is conducting the 2009-2010 round of the HES on CSSA Households in collaboration with the C&SD, and has completed the data collection work. Report preparation and the work for updating the expenditure weights of the SSAIP will take place between March and October this year.

The Administration reviews the standard payment rates under the CSSA Scheme and the rates of Social Security Allowance on an annual basis taking into account changes in the 12-month moving average of the SSAIP up to the end of October. The proposed adjustment will then be submitted to the Finance Committee of the Legislative Council for approval in December to take effect from the following February. In accordance with the above mechanism, the



SWD increased the payment rates concerned by 3.4% in February this year.

The 1999/2000-based and 2004/2005-based expenditure weights of the SSAIP are at Annex 1.

- (b) The rate of change of the price index of goods and services categories covered by the SSAIP in the past 10 years is at Annex 2.

## Annex 1

The 1999/2000-based and 2004/2005-based  
expenditure weights of the SSAIP

<i>Commodity/Service Section</i>	<i>1999/2000 (%)</i>		<i>2004/2005 (%)</i>	
Food	56.12	(39.15)	55.26	(36.78)
Meals bought away from home	20.31	(14.17)	19.11	(12.72)
Food (excluding meals bought away from home)	35.81	(24.98)	36.15	(24.06)
Electricity, gas and water	6.05	(4.22)	8.07	(5.37)
Alcoholic drinks and tobacco	3.09	(2.16)	2.59	(1.72)
Clothing and footwear	4.83	(3.37)	4.50	(3.00)
Durable goods	3.54	(2.46)	3.03	(2.02)
Miscellaneous goods	9.05	(6.32)	9.12	(6.07)
Transport	5.69	(3.97)	6.55	(4.36)
Miscellaneous services	11.63	(8.11)	10.88	(7.24)
All SSAIP commodity/service items	100.00	(69.76)	100.00	(66.57)
All commodity/service items not included in the SSAIP*		(30.24)		(33.43)
All commodity/service sections		(100.00)		(100.00)

Notes:

\* All housing and related expenditures are not included in the SSAIP.

Individual figures in the table may not add up to the total due to rounding.

Figures in brackets represent the corresponding proportions to the total expenditure on all commodities/services.

The rate of change of the price index of goods  
and services sections covered by the SSAIP

Commodity/ Service Section	Annual rate of change (%)										Rate of change as comparing Nov 2009 to Oct 2010 with Nov 1999 to Oct 2000 (%)
	Nov 2000 to Oct 2001	Nov 2001 to Oct 2002	Nov 2002 to Oct 2003	Nov 2003 to Oct 2004	Nov 2004 to Oct 2005	Nov 2005 to Oct 2006	Nov 2006 to Oct 2007	Nov 2007 to Oct 2008	Nov 2008 to Oct 2009	Nov 2009 to Oct 2010	
Food	-1.3	-2.4	-1.8	1.0	2.7	1.9	4.8	14.9	3.3	1.8	26.6
Meals bought away from home	-0.5	-1.5	-1.7	0.4	1.1	1.1	1.6	5.9	2.7	1.3	10.5
Food, excluding meals bought away from home	-1.7	-2.9	-1.9	1.4	3.7	2.3	6.4	19.4	3.6	2.0	35.1
Electricity, gas and water	-4.1	-3.4	-0.3	11.6	5.1	3.6	-2.2	-0.2	-48.5	62.5 <sup>(1)</sup>	-8.3
Alcoholic drinks and tobacco	2.7	3.3	0.2	-0.1	0.2	-3.9	-0.9	1.6	18.7	7.8	31.8
Clothing and footwear	-5.3	1.6	-4.0	6.2	2.6	1.0	4.3	3.2	2.6	2.6	15.3
Durable goods	-3.3	-3.0	-4.6	-0.5	-0.4	-3.8	-1.9	-0.2	-0.8	-1.4	-18.3
Miscellaneous goods	3.6	-0.3	-0.5	0.0	-0.1	-0.1	1.9	6.0	3.3	2.9	17.7
Transport	0.3	-0.5	-0.9	-1.1	0.6	0.6	-0.1	0.3	1.7	0.5	1.5
Miscellaneous services	1.7	-1.1	-1.9	-0.6	-0.1	0.2	0.1	1.0	-0.1	0.5	-0.2
All commodity/ service sections	-0.7	-1.7	-1.7	1.4	2.0	1.2	2.8	9.3	-0.6	4.1	16.6

Note:

- (1) A significant year-on-year increase was recorded for "electricity, gas and water" mainly because some households had used up the Government's one-off electricity charge subsidy.

**Review of Education System to Facilitate Nurturing of Athletes**

19. **MS EMILY LAU** (in Chinese): *President, while one of the learning goals of the school curriculum is to "lead a healthy lifestyle and develop an interest in and appreciation of aesthetic and physical activities", there have been comments that the education system of Hong Kong fails to dovetail with and facilitate the nurturing of elite athletes. In this connection, will the executive authorities inform this Council:*

- (a) whether they have received complaints from athletes and/or their parents that the education system lacks flexibility, hence poses obstacles to athletes in their studies; if so, of the number and contents of such complaints in the past three years;*
- (b) given that the education systems of some countries and regions are more flexible and facilitate athletes to strike a balance between studies and sport career, whether the authorities will carry out a focus study to compare the strengths and weaknesses of different education systems; if so, when the study will be carried out; if not, of the reasons for that; and*
- (c) whether they will make reference to overseas experience and conduct a comprehensive review of the education system of Hong Kong and make adjustments accordingly to dovetail with sports development; if not, of the reasons for that?*

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

- (a) We did not receive any complaints related to the abovementioned issue in the past three years.
- (b) and (c)

Our school curriculum provides all students with essential life-long learning experiences for whole-person development in the domains of ethics, intellect, physical development, social skills and aesthetics.

In physical education (PE), the curriculum is broad and balanced. It includes six strands, that is, motor and physical skills; health and fitness; sport-related values and attitudes; knowledge and practice of safety; knowledge of movement; and aesthetic sensitivity. We facilitate students' acquisition of physical skills, sports knowledge, as well as positive values and attitudes so that they would develop an active and healthy lifestyle. At the same time, we identify and nurture those with sporting potentials.

Schools also nurture sporting talents with reference to the three-tier operation mode of gifted education. Firstly at Level One, students are exposed to a diversity of physical activities through PE lessons. This enables them to recognize and develop their potentials and interests, as well as allows teachers to identify students' varied talents so as to differentiate teaching strategies to meet their needs, for example, through appropriate grouping with enrichment activities and extended learning opportunities. At Level Two, through pull-out (school-based) programmes such as interest groups and school team trainings, students receive systematic and professional training in selected sports outside regular classroom and participate in inter-schools sports competitions. At Level Three, off-site support is provided. Students with exceptional sporting potentials or performance are referred to related organizations where they would receive further professional training and be prepared to become elite athletes.

At present, the Hong Kong education system does not obstruct students with sporting potentials from being identified, receiving training, and taking part in competitions. Rather, school-based support measures (at the tertiary, secondary and primary levels) such as granting leave for students to undergo training and competitions, and providing them with extra assistance in academic studies, and so on, help elite athletes strike a balance between studies and sports development. We believe that schools have provided appropriate educational opportunities for athletes to develop their potentials and excel within a flexible teaching and learning environment. Furthermore, students representing Hong Kong may submit requests for special consideration when public examinations clash with

international sports competitions. The Hong Kong Examinations and Assessment Authority normally exempts them from taking the examination and assesses their performance using established mechanism. To give due recognition to students with outstanding achievements in sports, universities admit elite athletes through the Self Recommendation Scheme, School Principal's Nominations Scheme, Sports Scholarship Scheme, and so on.

We shall continue to make reference to the experience of other countries and review our work from time to time for improvement, in order to promote sports development among students.

### **Facilities and Courtesy Channels for VIPs at Ports of Entry in Macao and the Mainland**

20. **MR CHIM PUI-CHUNG** (in Chinese): *President, will the Government inform this Council whether it knows what types of documents and positions will enable their holders to use the VIP facilities and courtesy channels at ports of entry in the Macao SAR and the Mainland, and whether such persons include Members of the Legislative and Executive Councils of the Hong Kong SAR; if they are not included, of the reasons for that, and whether the Government will suggest to the authorities concerned in the Macao SAR and the Mainland that consideration be given to including Members of the Legislative and Executive Councils of the Hong Kong SAR?*

**CHIEF SECRETARY FOR ADMINISTRATION** (in Chinese): President, the Government does not have information on the operation of and the criteria for using the VIP facilities and courtesy channels at ports of entry in Macao and the Mainland. Whether or not to offer such facilities to visitors at their ports of entry fall under the purview of relevant authorities of Macao and the Mainland. For an official delegation of Members of the Legislative Council or Executive Council travelling to Macao or the Mainland, the organizing party can consider liaising with the relevant authorities in Macao or the Mainland to ascertain whether special immigration clearance at the relevant border control points can be provided.

**BILLS****First Reading of Bills**

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

**MANDATORY PROVIDENT FUND SCHEMES (AMENDMENT) BILL 2011**

**CLERK** (in Cantonese): Mandatory Provident Fund Schemes (Amendment) Bill 2011.

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

**Second Reading of Bills**

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

**MANDATORY PROVIDENT FUND SCHEMES (AMENDMENT) BILL 2011**

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, I move the Second Reading of the Mandatory Provident Fund Schemes (Amendment) Bill 2011 (the Bill).

Since its implementation in December 2000, the Mandatory Provident Fund System has provided the working population in Hong Kong an important channel to accumulate retirement savings. As at the end of last year, it has accumulated more than \$360 billion in assets for more than 2.4 million scheme members.

Currently, section 16 of the Mandatory Provident Fund Schemes Ordinance (MPFSO) provides that no part of accrued benefits derived from mandatory contributions (MC accrued benefits) in a registered Mandatory Provident Fund

scheme in respect of a scheme member shall be taken in execution of a judgment debt or be the subject of any charge, pledge, lien, mortgage, transfer, assignment or alienation by or on behalf of the scheme member, and any arrangement in violation of this requirement is void.

The Bill seeks to amend section 16 of the MPFSO to clarify that, in the event of bankruptcy of a scheme member, the right or entitlement of the scheme member to any MC accrued benefits in a registered scheme will not be taken away by the creditors of that scheme member. In other words, even if the scheme member is adjudicated bankrupt, he can still keep the MC accrued benefits for retirement.

President, the amendments proposed in the Bill are in line with the policy objective of assisting the working population to accumulate retirement savings and protecting the retirement lives of scheme members. I hope Honourable Members will support the Bill. Thank you.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Mandatory Provident Fund Schemes (Amendment) Bill 2011 be read the Second time.

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

## **MOTION FOR THE ADJOURNMENT OF THE COUNCIL**

**PRESIDENT** (in Cantonese): Motion for adjournment.

I have given permission under Rule 16(2) of the Rules of Procedure for Mr Jeffrey LAM to move, at today's Council meeting, a motion for adjournment for the purpose of debating the following issue: acts of violence against the Chief Executive and public officers.

Under Rule 16(2) of the Rules of Procedure, a motion for the adjournment of the Council may be moved with the permission of the President, if the

President is satisfied that the adjournment is for the purpose of discussing an issue of urgent public importance.

I consider the issue raised by Mr Jeffrey LAM to be of importance. As for the urgency of the issue, I accept Mr LAM's explanation that as some controversial questions, such as the Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010, will be debated in this Council meeting today, acts of violence of a more serious nature might occur inside and outside this Council if an adjournment debate is not conducted immediately today.

**PRESIDENT** (in Cantonese): The mover of the motion and other Members each may speak up to 15 minutes.

Members who wish to speak will please press the "Request to speak" button to indicate their wish.

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

**MR JEFFREY LAM** (in Cantonese): President, first of all, I have to thank you for granting me leave to propose this motion.

President, Hong Kong people are furious. We are also worried about Hong Kong's overall situation. Recently, there have been repeated attacks on government officials in this Chamber. The Chief Executive was also assaulted thrice when attending an opening ceremony yesterday. When I watched the television last night, I learnt that he went to the hospital for a checkup in the evening, and his left chest was injured, according to reports. Besides, I also observed that there were instances of disturbance or damage by protestors on the scene during the demonstration at that time. I consider all these as acts of violence, which also constitute a breach of the peace.

President, these acts of violence, which violate the core values of Hong Kong society and defy the rule of law in Hong Kong, are absolutely intolerable. My purpose of moving this adjournment debate today is to strongly condemn the acts of violence committed by some radicals against the executive and legislative authorities. In my opinion, not only has this undesirable trend worsened in



society and even in this Chamber, it has also spread to various strata of the community. It is necessary for us to address it squarely.

President, Hong Kong has all along been a place where the freedom of speech is respected and members of the public enjoy the right to peaceful demonstration. Even if Hong Kong people stage demonstrations to voice their discontent, they will still express their opinions by peaceful means. Although some people would express their views by radical means, the Government has all along adopted a highly tolerant attitude towards them. However, some radicals were not satisfied and they wanted more. First, they "hurled bananas", "flung hell bank notes" and "used swear words" in the Legislative Council. In fact, all these acts have become commonplace.

During a recent discussion held by a panel of the Legislative Council on the transport subsidy scheme, a Member threw several bottles one after another at the Secretary for Labour and Welfare, Matthew CHEUNG. On the day when the Budget was delivered, Members also threw a bitter melon, ginkgo, japonica, slippers and even flowers at the Financial Secretary, John TSANG. President, I am really worried. Will water melons, pineapples and even durians be hurled in the future? Should we wait until then to take actions? President, we must really address this issue squarely. We must not allow this trend to persist in this Council and the community.

I recall that when the Chief Executive entered the venue, prepared to make his speech, I saw some radicals on the television. It seemed that their actions were orchestrated to target the Chief Executive, to attack him from several directions. Such blatantly violent behaviour is not only disrespect to the Legislative Council, the Chief Executive and the SAR Government, it also produces a serious impact on the prestige in governance and, what is more, poses a challenge to the rule of law in Hong Kong as well as social order. May I ask whether the rule of law in Hong Kong has come to a point where government officials can be casually assaulted anywhere? Will the public at large not feel worried if even the personal safety of the Chief Executive cannot be assured? I believe even members of the public will feel gravely concerned about their personal safety. Should this undesirable trend towards violence continue to spread, members of the public will no longer respect human rights and the rule of law, thus doing serious harm to society as a whole. The consequences will be unimaginable.

President, I appreciate the voices of discontent expressed by some people in respect of the Budget, but they have chosen to express their discontent only by peaceful means. Even when the Financial Secretary attended the Walk for a Million event a couple of days ago, the demonstrators expressed their views by holding up signboards only without resorting to violence. Opposition and criticism is one thing, throwing rice with garoupa and corn at someone whom one dislikes is another. Some people use the Budget as an excuse to introduce Taiwan's mob politics into Hong Kong in order to challenge its authority.

In addition, these people resort to throwing objects, using swear words and quarrelling with a view to introducing Taiwan's mob politics into Hong Kong. I believe their actions were meant to draw the attention of the media and the public. Recently, I have also seen a female member of the Taiwanese parliament taken to hospital for treatment after being assaulted by a male member. I believe such things will not happen in our Council for the time being. Even though there will be pushing and shoving from time to time, do we want this Council to come to that pass? I do not. Neither do I think this is what the majority of Members want. We are rational; and our debates are based on facts. Violent politics is definitely the last thing Hong Kong people, who are passionate about peace, would wish to see. The vast majority of demonstrators in Hong Kong are fairly disciplined. They know how to respect the rights of other people when expressing their own ideas.

President, the violent acts of the demonstrators yesterday can absolutely not represent, or even run counter to, the mainstream value of Hong Kong people. In my opinion, acting in such a disorderly manner in front of the visiting Mainland officials attending the opening ceremony is an insult to civic rights and an attempt to thwart the promotion of democracy and human rights in China.

In addition to the spread of violent politics both inside and outside this Chamber, the Legislative Council and the Liaison Office of the Central People's Government have also been hit repeatedly. This time around, a brazen attack was launched on the Chief Executive. This will encourage and instigate young people to resolve problems with violence. What is more, rational expression of ideas will be replaced by raids. The harm done by violent politics is endless. Not only will the peace and rule of law be undermined, the social atmosphere will be corrupted, too. Furthermore, the freedom of speech will be affected, and the rational expression of dissenting views will be stifled.

President, this sort of violent acts has outraged Hong Kong people and triggered condemnation from all sectors of the community. The public at large will absolutely not tolerate Hong Kong being reduced to a place where mob politics prevails. In order to curb the spread of such an undesirable trend, I think the Administration must deal with these violent acts in accordance with the law. Furthermore, as a solemn venue where Legislative Council Members discuss politics and debate matters, the Legislative Council should expeditiously study measures to prevent the improper acts of Members by stepping up punishment and regulation of irregularities — I believe this problem has been addressed by the President and will be dealt with by our Committee on Rules of Procedure in due course — only in doing so can we ensure the smooth conduct of Council proceedings and the maintenance of the dignity of the Legislative Council.

President, I so submit.

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

"That this Council do now adjourn for the purpose of debating the following issue: acts of violence against the Chief Executive and public officers."

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

**SECRETARY FOR SECURITY** (in Cantonese): President, I have no opinions to express for the time being, but I will give a detailed response later.

**MR WONG KWOK-HING** (in Cantonese): President, I support your granting leave for Mr Jeffrey LAM to propose this urgent adjournment debate because the incident that occurred yesterday evening has actually brought Hong Kong into disrepute. Moreover, it has caused us to worry about acts of violence having begun to emerge in our society which was originally rather harmonious and rational. The occurrence of such acts is definitely not doing Hong Kong people any good. I strongly condemn such acts of violence.

This year, Mr LAU Wong-fat drew a sacred oracle log, and in retrospect, I find one of the lines in the oracle quite "interesting". The line reads, "威人威威不是威<sup>1</sup>". The expression "是威<sup>2</sup>" is not manifested in "demonstrations this way". We have the freedom and rights to express our opinions, aspirations and discontent in a peaceful, rational and non-violent manner. But at the same time, we must respect others' democracy and freedom and their right to express opinions. I think that they are relative. This is what we should expect from a civilized, democratic and free society.

Undoubtedly, regarding the problems in society nowadays, we have a lot of dissatisfaction, opinions and criticisms. However, we should express our views on the premise of respecting the rights and freedom of others through channels and within parameters permitted in law. Our way of expression should not damage social order and the social norm on which a consensus has been reached among us. Otherwise, we will become "威人威威不是威". Such an act is not an act of demonstration; it is only an uncivilized, violent and irrational act. If we are rational, we can naturally go anywhere without the need to resort to body language and physical actions.

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

Regarding the incident yesterday, I personally will not hold the young man responsible or blame him. Why is such a phenomenon found in society? In my personal opinion, if we are to blame someone, we should blame the order in the Legislative Council for having set a bad precedent recently.

Deputy President, I have recently attended some school activities, officiated some ceremonies, attended some award ceremonies as a guest, and participated in some activities organized by housing estates and kaifong organizations. Whenever incidents involving the throwing of objects or pushing and shoving in the Legislative Council had occurred, some kaifongs would say this to me, "Is there anything wrong with the Legislative Council? What a

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<sup>1</sup> "威人威威不是威" means to overpower others with might will not command respect from the overpowered.

<sup>2</sup> The expression "是威" is pronounced the same as "示威" in Cantonese which means demonstrations.

disgrace? If Honourable Members can behave so badly, how can I educate my children?" And then, those teachers would ask me how they could teach their students.

Such acts have actually set a very bad, most undesirable example. Whenever I faced the criticisms from kaifongs, teachers and students on these occasions, I would apologize openly to them in my capacity as a Member of the Legislative Council. In my opinion, the Legislative Council has already brought itself into disrepute and ruined its own reputation.

Why did such a scene and situation occur yesterday? When did such a trend begin? It all started with the throwing of objects in the Legislative Council and the false impression thus given that the "fruit grant" could be raised with the hurling of bananas and the willingness of the authorities concerned to introduce revisions in consequence to some pushing and shoving. This is the false impression given to the people now. The Legislative Council is the highest place where discussions are held. Members of this Council, though returned by different elections, are all representatives of the people. They should express their opinions and relay the voices of the people in this Chamber. There is no problem for Members to engage themselves in verbal battles and confrontations here. However, if they resort to verbal or physical violence, and adopt practices not permissible overseas ..... we can see similar incidents in such places as Taiwan. It will be very disappointing should such a situation occur in the Legislative Council in Hong Kong. However, the Legislative Council has not taken any steps to stop such violent, irrational, unruly and barbaric acts. Having worked in this Council for several years, I have seen increasing connivance of such acts. What I mean is that some people were left to do whatever they wished. At best, only a few more security guards would be arranged to be on the scene or Council meetings be adjourned. Sometimes, the person in question would be asked to leave the Chamber, though this was unusual. In such circumstances, the person behaving like this would definitely act even more recklessly and outrageously. The more reckless he was, the happier he would feel because he could then attract all the limelight. How nice it was! First, he could appear before cameras; second, he could gain publicity; and third, he would not need to stay in this Chamber. He would not care about other Members, who had to continue to sit here to listen to speeches. He could leave the Chamber and call it a day.

Through the television, radio and newspapers, our present acts of conniving at and encouraging this undesirable trend can certainly influence people in the community. This is why I absolutely will not blame the young man last evening. If I have to blame someone, it must be the Legislative Council. I have to ask our Members how they feel about such conduct. Some kaifongs I frequently came across pointed at my face and said, "Is there anything wrong with the Legislative Council for failing to behave properly? What is more, it can even turn a blind eye to these things. It would be better for the Legislative Council to behave properly than to discuss major events in Hong Kong." I felt very ashamed and helpless after hearing this. Why would this Council come to this pass? Members should ask, "Why would this Council come to this pass?"

Because of the connivance, the situation has become increasingly acute. Although the complaints lodged by government officials and members of the public have been referred to our Committee on Rules of Procedure for follow-up, I am very disappointed. Despite much discussion, nothing has been achieved. Despite much discussion, we are still talking nonsense. Nothing has been done to deal with this, and no measure whatsoever has been proposed. In my opinion, this is not what we should do in order to uphold the order of this Council and the freedom of speech of Members. When will our Council drum up the resolve to stop these incorrect acts? When will the acts in this Council become a good example?

Are Members aware that the phenomena in this Council have made it very difficult for teachers to teach their students? Some teachers have asked me this question: Can students' act of hurling chalks be allowed should Legislative Council Members continue to act in this manner? Students should be allowed to chat in classrooms because of our emphasis on freedom and democracy. Should interpretations be made in this manner? I believe democracy and freedom should not be interpreted in this way. Neither should we hope society to develop in this manner. Such acts and this kind of undesirable trend, if unchecked, will continue to intensify and become more barbaric. The more barbaric they become, the more they get out of line; and the more they get out of line, the more notoriety they will gain, and the more notorious they are, the more votes they can garner in elections. This is the reality, and this kind of acts has been fuelled as a result.

Hence, Deputy President, I think that the President and Members are duty-bound to make concerted efforts to stem such irrational, violent and barbaric acts. We should advocate some reasonable and sensible practices for compliance and the promotion of a reasonable and sensible norm in society, so that we can discuss politics and express opinions on an equal and fair platform. We really do not hope to see this undesirable trend developed in Hong Kong. Should this undesirable trend continue to develop in Hong Kong society, it will absolutely do us no good.

I very much hope to tell the public through this debate today that although the Legislative Council has yet to find a way to rectify these unreasonable and wrong acts, I as a Member of the Legislative Council do not approve of these acts. I think something should be done to deal with them, and this trend must not be allowed to spread. I think this is the attitude I should adopt. I also earnestly hope the Committee on Rules of Procedure can find a good solution to tackle this problem expeditiously.

Deputy President, I would also like to take this opportunity to tender apologies to all teachers, students and parents in the territory. In fact, the Legislative Council has really failed to set a good example. I hope all teachers and students in Hong Kong can use this phenomenon in the Legislative Council as a negative example to demonstrate to students how a democratic society and a civilized parliamentary assembly should act and guide students in making a good and correct choice *vis-à-vis* this negative example.

I also earnestly hope that the phenomenon last evening will not deteriorate. It is widely recognized around the world that one should fight for democracy and reasonable rights and interests by peaceful, rational and non-violent means. Not only should we follow this universally-recognized norm to take forward our fight, we should also act in a peaceful, rational and non-violent manner.

With these remarks, Deputy President, I support Mr Jeffery LAM's motion.

**MR WONG TING-KWONG** (in Cantonese): Deputy President, the motion moved by Mr Jeffrey LAM is most timely indeed. We detest acts of violence. If parents see their children doing that, what should they do? If teachers see their students resort to such acts of violence and improper manner, what should

they do? Hong Kong is a civilized society and we value democracy and freedom. But democracy and freedom is enjoyed by everyone, and a person's freedom cannot lead to the suffering of other people. The essence of democracy is not some people having all the say while others have no say at all. People should respect other people and more importantly, respect themselves.

Mr Donald TSANG is the Chief Executive of Hong Kong. In terms of administrative matters, regardless of whether Mr TSANG's performance is good or bad, he is the Chief Executive of Hong Kong. Hence we should respect him, even the minimum degree. We should do the same to every person. It is more so the case because he is the Chief Executive. Just what kind of attitude do you hold for Hong Kong and the People's Republic of China? If you have got any grievances, you can express them. And there are lots of avenues for you to do so. But you should never resort to violence. I do not think such acts can be regarded as brave in any sense of the adjective. They are the acts of a coward. In Hong Kong, I do not believe the evil can overcome the good. And where does this evil trend come from? It comes from people like us who are older. In this Chamber in particular, they have done some acts of violence and they take pride in them. They are happy about the hit rates in YouTube and the number of people who have watched the clips. I can say that most people watch those clips to see the deplorable things they did, instead of appreciating them. So I hope that from now on, there will never be any such acts of violence and evil trend both in this Chamber and in our society. I am sure the people of Hong Kong will condemn such improper conduct.

Besides, I think it is time we seriously discussed and studied the Rules of Procedure of this Council. It is vital that Council proceedings can be conducted smoothly and Members can discuss and deliberate on the affairs of Hong Kong in an amiable environment. This is not a grand theatre, it is a place for Members to deliberate on affairs of Hong Kong. I therefore hope that Members can respect both others and themselves. Thank you, Deputy President.

**DR PHILIP WONG** (in Cantonese): Deputy President, Members may recall that on the night this Council debated the Express Rail Link, when many Honourable colleagues and I left this Council in the midnight, someone attacked me by hurling a plastic bottle at me. Then some reporters asked me what I felt. I said it would not be so bad if I could help vent the grievances of some people. Very



soon afterwards Allen LEE phoned me and said, "Philip WONG, you are cool." Then many friends of mine said, "Philip WONG, are you encouraging people using violence to make their views known?" Of course, I am not. Hong Kong is a society marked by the rule of law and citizens enjoy the right to peaceful demonstration. But views should be expressed in a rational manner and public order must not be jeopardized. And no acts of violence should be done to injure anyone. It is one thing to make criticisms, but quite another to attack people. If people attack others, especially public officers, in such a blatant manner; or if they do the same on any occasion, including attacking people attending meetings of this Council, then they are tempting the law. Not only will this tarnish the reputation of Hong Kong as a place marked by the rule of law, but it will also do harm to social mores. The young people are encouraged to resort to acts of excessive violence to make their views known. If this is not condemned and if no sanction is imposed and no punishment is meted out according to law, the young people will be subject to undesirable influences and Hong Kong will no longer enjoy peace.

People from all sectors across the community are very concerned about the incident yesterday. I lend my full support to this Council in holding an adjournment debate on this incident. Moreover, I would like to point out that this Council is a solemn venue for deliberations on political affairs and to preserve the image of this Council, I think that studies should be conducted expeditiously on the Rules of Procedure and measures must be formulated to ensure the smooth conduct of Council proceedings and prevent the recurrence of any acts of violence. Thank you, Deputy President.

**MR ALBERT CHAN** (in Cantonese): Deputy President, Dr Philip WONG has just mentioned rational discussions. I do not know back then when he raised his middle finger at the crowd can be called a rational act. Talking about being rational, he just brushed off lightly his past act of provoking the crowd. But when the crowd has done any trivial act that is considered radical, he will make a stern condemnation in return.

Deputy President, in this Chamber when discussion is held on violence that targets people, I would think it is understandable when royalist Members come forth and level criticisms. However, I think that the Federation of Trade Unions (FTU) is the least qualified in talking about acts of violence. It is not qualified

to condemn acts of violence. This is because in the 1960s the FTU started what they called acts of resistance and they resulted in many people in Hong Kong, including civil servants and police officers, being injured or even killed. If the FTU really does not approve of violence, those Members of this Council from the FTU should bow and make a graceful exit and assume full responsibility for the injuries and deaths inflicted on Hong Kong people and the disorder caused in our society in the past.

It turns out that these things are indeed "cool". Deputy President, back in those days YEUNG Kwong started the acts of resistance but, to our great dismay, he was awarded the Grand Bauhinia Medal. These two people by the surname of TSANG whom we all know were at that time young and filled with the fire of patriotism, and now one of them is a Director of Bureau and the other is the President of the Legislative Council. Why can young people not go on with their resistance and even continue with their violence? Buddy, even people who engaged in resistance and violence can get a Grand Bauhinia Medal! Will the Government explain why this YEUNG Kwong who caused so many deaths among Hong Kong people, including police officers, is so highly commended by the SAR Government?

Therefore, the FTU should stop making a show here. What you should first condemn are those of you who wreaked such havoc in Hong Kong and caused so many police officers to die and rendered so many innocent children orphans.

Deputy President, about the so-called adjournment debate proposed today, I do not know if there are people who are eager to come to the defence of their masters. At a time when the facts have yet to be clarified, and in view of the fact that someone at the very top, that is, the Chief Executive, has reported to the police or gone to the hospital claiming that he was injured when someone bumped into him, these people just came forth at once and made their condemnation and proposed this debate.

This morning, I spent a lot of time watching carefully the video clip on that day from different angles. Information *prima facie* shows that the demonstrators did not come into any contact with the Chief Executive. As to what the facts really are, we would of course respect the judicial system and wait for the results of the investigation. However, before any results come out, these people have

put up a show and exerted their best to smear and oppress the relevant persons. These are shameless political acts. If anyone is considered as having broken the law and done any violent act and wounded any person, then you might as well arrest him and press charges against him. This applies also to what happens in this Chamber. If in this Chamber anyone commits any act that breaks the law and wounds people, you have my word that you should report to the police at once and arrest him. Do not just talk and do nothing. Are you afraid of calling in the police and make arrests? Since no one is hurt, what kind of violence are you talking about? Do you know what is meant by violence? Have you ever heard about the Japanese Red Army, the Black Panther Party and the Quebec independence movement? You do not know even the basics about political violence and you must not use any such names lightly, smearing and labelling people to the extreme.

These people have a set of political beliefs behind their acts of violence. The Japanese Red Army, for example, think that capitalism is corrupt and evil. The Marxists made the prime minister a hostage and captured the tycoons. The Black Panthers burned warehouses, tossed bombs at offices and assassinated FBI agents. They have a set of political beliefs behind them. If you want to suppress this kind of peaceful resistance that we practise in Hong Kong, as well as this kind of high-profile actions, you are only doing something to escalate violence in Hong Kong. I can issue a warning to Members. Never do I think that our action will not help make our society stable. These acts of ours will serve to vent the anger of the people. Many people will feel good after venting their spleens this way. If you want to suppress even actions like ours, the people will follow the so-called political beliefs of violence as practised by the Japanese Red Army and the Black Panthers. In the end, society will become all the more unstable.

Members should realize that there must be factors underlining all kinds of political acts. There are objective conditions and subjective judgments. Certain acts are not permitted or accepted in this Chamber and in the eyes of the orthodox or mainstream society. But it does not mean that aspirations do not exist in society. When you try to oppress the so-called heresies or any voice or act that you do not approve of, they will only turn underground. And the repercussions, social instability or even acts of greater violence that ensure would be far beyond your imagination.

The case is like those leftists in the bygone era. They were oppressed by the British Hong Kong Government, so they engaged in patriotic resistance on the occasion of the Cultural Revolution. At that time, the British Hong Kong Government did not care for and recognize what they did. The Heung To Middle School is now a mainstream school, but at that time it was not recognized, made an outcast of Hong Kong society. It was because of this that the leftists turned to violence.

All through these many years the British Hong Kong Government resorted to administrative means to absorb these social outcasts and talents. It absorbed people of divergent views into the establishment. By engaging in consultation exercises and absorbing these people through administrative means, the British Hong Kong Government managed to carve out interests in the establishment for people with divergent views. But after the reunification, the system has become totally different. Only those from the business sector or the pro-China group can get a share of the interests. All the other people are seen as dissidents and heretics. The fact that the post-1980s have so much anger and dissatisfaction is precisely because the manipulation of Hong Kong society by the giant consortia has aggravated the wealth gap. And as the collusion between business and the Government worsens, the people are living in dire straits.

The People's Republic of China under the rule of the Communist Party of China made a drastic change in the orientation of its national policies when it saw what had been happening in the Middle East lately. A couple of days ago, it announced that besides developing the economy, a more important issue on the agenda would be improving people's living. I do not know if the Financial Secretary had heeded this call and so he decided to hand out \$6,000 to every Hong Kong citizen. This is in great contrast to the reminder given by the Premier of China on many occasions to urge the Hong Kong Government to deal with the deep-rooted conflicts in Hong Kong which simply went over the heads of the officials.

Now some of the provinces on the Mainland have made it a goal to include the Gini Coefficient in their policy agenda. The Gini Coefficient this year is 0.4 or thereabouts. They plan to lower the Gini Coefficient to about 0.3 in a bid to address this wealth gap problem. What they are worried about are people's grievances and anger. An inept handling of issues of people's livelihood will lead to grievances and grievances to political instability. So do not think that

you will be making a significant achievement if you show your loyalty and your readiness to come to the defence of your masters. Such acts of yours will certainly win some applause, but I have to point out to Members that you must address the very source of conflict and wrath in society. If the problem is not addressed and if it is not ameliorated, then in future when you raise your middle finger again, you will not be greeted with a plastic bottle hurled into your face. I tell you, you will definitely not be greeted with a plastic bottle.

The root of grievance and anger in society is social injustice, the absence of a democratic system and the failure of public opinion to get any recognition. On the topic of today's adjournment debate, I know certainly the political implications behind it. You people might as well use all your power. You people have all the say and you can do anything you like. Things like administrative hegemony, authoritarianism and power are all on your side. More than half of the seats in the Legislative Council are controlled by the functional constituencies and the royalists. You can do whatever you like and amend the rules and regulations and arrest Yuk-man and me and send us to jail at any time. No matter how strict you will amend the rules and regulations, we will ..... the People's Power will certainly continue to use tactics and means of resistance both inside and outside this Council in order to manifest social justice and the deplorable state of this system, the collusion between business and the Government, as well as dictatorship in the system itself. So just bring it on, I am ready to fight!

**MR WONG YUK-MAN** (in Cantonese): Deputy President, this issue under discussion in this Council today is actually not in the least novel. The incident that occurred yesterday has offered an opportunity for it to be raised for discussion, to be followed by the tightening of the Rules of Procedure. Look at the people sitting in this Chamber now. A kind of people is missing, except the Chairman of the Democratic Party. Just take a look here. None of them is in the Chamber. So, don't worry. If you want to tighten the Rules of Procedures, you do stand a chance of succeeding. Even Ms Emily LAU has requested to change her seat.

The problem now is that you can make use of administrative means or the overwhelming power in this Council to suppress parliamentary resistance or even resistance put up outside this Council. This has to rely on the Security Bureau,

and they can succeed when the police strike harder. But even if you manage to suppress it, what kind of society will this society become? This warrants our thoughts.

There is no harm raising this for discussion, so that everybody can vent their feelings. I think there is no harm doing this. I remember that in the mid-1980s, when I was in Taiwan, I would always go to the Legislative Yuan to listen to the speeches made by those non-Kuomintang (KMT) Legislators. At that time, I admired three lawyers most, who subsequently became bigwigs, namely the Chairman of the Democratic Progressive Party (DPP), President of the Legislative Yuan, and so on. One of them even became the President of Taiwan. They are CHEN Shui-bian, HSIEH Chang-ting and SU Tseng-chang. These three Legislators were all lawyers well-versed in law, demonstrating very high standards of parliamentary deliberations on bills. CHEN Shui-bian was even a Legislator well-known for combating corruption and bureaucratic decadence and for uncovering cases of corruption. I always went to the Legislative Yuan to observe their delivery of speeches, and I also saw their physical conflicts. It was me who received JU Gao-jeng during his first visit to Hong Kong. He climbed up onto the desk, pointed a finger at the President of the Legislative Yuan and uttered some Taiwanese swear words to him. Subsequently, the opinions of the public and mainstream media were one-sided.

The remarks made by Mr WONG Kwok-hing earlier were also made by every one of the so-called "old thieves" in Taiwan's Legislative Yuan back in the mid-1980s, such as setting a bad example for children, how we could face the next generation, what image of the Legislative Yuan there was to speak of, how shameful we should feel, the need to tender apologies to parents, and so on. They made exactly the same remarks. He did not make such remarks by prior agreement. I bet Mr WONG Kwok-hing has not seen how those non-KMT Legislators argued and debated with those "old thieves" of the so-called ten-thousand-year-old parliament in putting up resistance in the mid-1980s in Taiwan. I think he has not seen it before. Why is it that Mr WONG Kwok-hing made exactly the same remarks as those of the "old thieves" in the Legislative Yuan in Taiwan in the mid-1980s? Those remarks, such as setting a bad example for children, compromising the image of the representative assembly, and that such acts of violence were intolerable and that the whole society would be thrown into disorder if things went on like that, resulted in the establishment of the DPP in 1986. In 2000 BC, the DPP came to power and then in 2008 BC, the DPP stepped down and the KMT took over. Taiwan

actually did not invent its parliamentary violence. In post-war Japan, there was one-party domination by the Liberal Democratic Party, which allowed no room for manoeuvre for small political parties in Japan and this was why they had to put up parliamentary resistance. Their kind of parliamentary resistance was utterly violent. Compared with those acts that we are here to condemn today, such as hurling water bottles and hell bank notes, there is indeed a sea of difference.

Fighting still prevails in the parliament of Korea nowadays. Why did that happen in Japan back in those years? Because there was violence of the majority in the parliament. Because there was the "voting troop". The government was all yours, and you were the majority in the parliament. So, they could do whatever they liked. They were also elected by the people, which was different from this Council of ours here, as only half of us are directly-elected. So, they also put up such resistance in the parliament.

Today, these so-called verbal violence or physical conflicts can often be found even in the parliaments of some democratic countries. But we have the Rules of Procedure (RoP) in this Council. Here, representatives of public opinions engaging in parliamentary resistance will be sentenced to the "capital punishment" of being expelled from this Chamber by a ruling of the President made in accordance with the RoP. What other amendments do you want to make? What about a salary cut? What about disqualifying a Member from office? The Basic Law has provided that a Member can be dismissed and sent away by a two-thirds majority vote. This can happen anytime with the help of the Democratic Party. This should not be a surprise at all. They do hold a two-thirds majority sway. Just take a look at the constitutional reform saga and you will know. So, we are always prepared for that, psychologically. This is no big deal to us. We are accountable only to public opinions, full stop. You can keep on doing it as you like, and we can do nothing to oppose it. If you want to get it passed, go ahead and get it passed.

Look here. Where have the democrats gone? The number of Members waiting to speak is zero. It does not matter if you target just the several of us. This is simple. My only fear is people outside this Council laying their hands on me. It does not matter if you lay your hands on me. Go get me in the election by all means.

Speaking of the RoP, I very much respect our great President. When being asked by reporters, he said that he would go by the RoP, and there is also the Committee on Rules of Procedure (CRoP). The CRoP can conduct studies and make proposals subject to the approval of this Council. Our great President said that if legal issues are involved, you can report to the police. If "Long Hair" hurled a plastic bottle at you and hurt you, you can call the police to put him under arrest, and in considering the sentence to be meted out, the Court will have its considerations, right? Why did "Long Hair" hurl a plastic bottle, or what harms were inflicted on you? Depending on the merits, he can be charged with common assault. Secretary, if he hurls a bottle, he should have thought that there would be a chance for him to be arrested if the bottle hit you, right? Why do you not say these? Is it that we do not have to be sanctioned by law?

There are two kinds of law. One is the law of justice, and the other is the law of injustice. The law of justice obliges compliance. For the law of injustice, civil disobedience means that compliance is not required. Martin Luther KING did that; so did GANDHI. Why should they comply with that law? For law passed by a tyranny or an administrative hegemonic government, they had to put up resistance against it. That is right. He did not abide by the law, but he had to go to jail. GANDHI said that he wanted to make the British prisons all crammed full of people. Was this not a way of resistance? He was prepared to go to jail. So, when he resorted to civil disobedience, he had to be sanctioned by law and under the law of injustice, he had to accept the sanctions imposed by law and was put behind bars. Then, after the imprisonment of many people, the law was amended. This is how there can be advancement of society as a whole, so why make such a fuss about it?

(THE PRESIDENT resumed the Chair)

So, our great President, you are in the Chamber now. Just now I was shining your boots. Legal issues should be resolved by legal means. If an act of violence committed by a Member of the Legislative Council in this Chamber involves the law, you will call in the police to put him under arrest. President, how wise you are! The President will take actions according to the Rules of Procedure. Could we be spared of being driven out? Could it be that after



throwing something in this Chamber, we can still sit here at ease? I will be expelled. To a Member, the heaviest penalty is not being able to attend the meeting of the Legislative Council, right? You can make amendments to the RoP, or if you think that expelling the Member in question still falls short of answering the severity of such conduct, you can propose that a Member's remuneration be cut when he has committed such an act for a few times, or that the Member should be barred from attending a certain number of meetings. Amendments can be made to this effect, and I have no objection.

As Mr Albert CHAN clearly explained earlier on, why is there public grievance in society? Why do the more radical Members of the Legislative Council create conflicts in this Council? There is a social basis for these to happen, buddy. He will lose in the next election. If his conduct is contemptible, as Mr WONG Ting-kwong said, he will lose in the next election, right? He surely will, unless all the voters are assumed to be dimwits.

In an advanced and open society with popular education, the voters have discerning eyes. Of course, their eyes may occasionally be blurred because some people have blurry faces, as blurry as that of the Democratic Party. So, will voters choose the Democratic Party again in the next election? The voters will have concerns. But some voters are clear because when they have chosen the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), they will not vote for WONG Yuk-man. The reason is very simple.

Let us look at the Jasmine Revolution which is taking place now. It is basically non-violent, with dynastic changes taking place overnight. It is basically non-violent. But it is because of the rebound of the administrative unit following the government's suppression that violence arose, right? Look at Tunisia. Not a lot of fatalities were caused, and dynastic changes took place overnight. Basically, this is entirely modelled on GANDHI's non-co-operation movement.

Hong Kong has not yet come to such a stage. The so-called democrats in Hong Kong are mostly cowards, aren't they? How can there be non-co-operation? What is the non-co-operation movement all about? It is just impossible to mobilize support. Secretary, in a relatively conservative society, there must not be boiling public discontents for society to remain relatively stable, right? But if public discontents are boiling, just as they are now — Let us not say that he has gone down on his knees, as I do not like putting it that way.

This is a major adjustment. If a policy announced in the morning turns out to be a mistake, what is wrong to revise it in the evening? There was just no other alternative, for an enormous political disaster had occurred. This enormous disaster has even implicated the pro-establishment camp. How can the DAB run in the election at the end of the year? If the Budget is not amended, how can they run in the election? It would be impossible for them to run in the election. This was why "Western District" intervened, or else how would he go down on his knees so quickly? But no matter whether it was because of intervention from "Western District" or coercion by the pro-establishment camp, there was still a social basis for this to happen. It was because of an extremely strong rebound of public opinions on the Budget that social stability was in jeopardy, resulting in that U-turn made abruptly. We all know the reasons only too well. So, we will not claim credit, saying that we have succeeded in fighting for this and that. In fact, we were the first to propose distributing cash handouts, but we will not make such shameless remarks. This is brought about entirely on a social basis, the basis of public opinions. Without the basis of public opinions, how could the DAB bargain with the Financial Secretary? Without this social basis, how would Beijing and the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region give their consent? This cannot be more obvious.

So, given this social basis and the basis of public opinions, people who spoke loudly or who always made physical gestures in this Chamber today all wish to put across a message. You can refuse to accept their way of expression, and you can hold that their way of expression has gone too far. But is the President blind? The President will enforce the RoP. If any person who is told to go away refuses to leave, he will be carried away, right? If society considers such acts intolerable, they will be condemned by society, right?

We have had the experience of being condemned by our allies. In 2009 during the delivery of the Budget speech, I went up to the desk trying to tear up the Budget. They were gravely shocked. The Civic Party and the Democratic Party convened a joint press conference to condemn us. It doesn't matter, does it? We are prepared to accept the consequences of our actions. But the problem is, if Mr Jeffrey LAM wants to make use of this incident — I mean the Chief Executive being attacked yesterday and then claiming to have sustained bodily injuries — and tries to escalate the issue to a higher level, I would think that this is extremely unwise.

We take exception to this act of violence causing injuries to other people. But the investigation has not drawn any clear conclusion on what happened at that time and if we just rely on the fact that the Chief Executive had his injuries examined at a hospital, claiming to have sustained injuries as if he is nuts — Had a shoe not been thrown at BUSH before? Had eggs not been hurled at CLINTON before? These are all instances of assault, aren't they? In fact, Donald TSANG's government or office should review — this may have nothing to do with you though — why there had been such loopholes in security.

I was also there yesterday, but when I saw that some people appeared to be poised to strike, I left as quickly as I could. It was because I was afraid of being dragged into this. "Long Hair", do you understand? I saw that they had many subordinates, and there were five to six of them. As this year marks the centenary of the 1911 Revolution and I have to speak on the topic of "The 1911 Revolution and Hong Kong" in 37 secondary schools lately, I wanted to look up some information from the exhibition. But when I knew that the Chief Executive would come, I was a bit nervous. So, I did not attend the opening ceremony. I think there is nothing wrong with this. When I saw "Long Hair" lead a group of subordinates to the venue, I knew that something was going to happen, buddy. I, of course, left as quickly as possible, in order not to get involved. But why could they get into the venue so easily? I saw that some places were cordoned off, but "Long Hair" was standing just two feet away from the stage. There seemed to be problems with security. This is actually what the Government needs to rethink and review, rather than using this incident as an excuse to play up things.

Buddy, let me tell you this. Think about this: In respect of whatever issue, and Chairman MAO said that in this world — The best thing that he ever said is this: There is no such thing as love or hatred without a reason or cause. Turbulence and stability are relative, not absolute. Stability and turbulence are relative, and it all depends on the ruling power. It is easy to maintain stability eternally. Democracy will lead to inefficiency, but democracy can protect human rights. There is always this dilemma. If the Security Bureau or the police sets up a roadblock in every street, Secretary, law and order will certainly be good, but human rights will be compromised, right? You have to strike a balance. You have to strike a balance between efficient administration and human rights. But how can this be achieved? You have to rely on a directly-elected government, a parliamentary assembly, a sound legal system, an open system for public opinions and free flow of information. Not any one of

these factors can work in isolation. First, there must be freedom of speech, there must be a democratic political system and judicial independence, and all these factors have to work together. In any society, turbulence and stability are relative. So, we certainly have to speak in this adjournment debate proposed by Mr Jeffrey LAM. Would we not be stupid in not rising to speak? Two of these three of us in this Chamber have spoken (*The buzzer sounded*) .....

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

**MR WONG YUK-MAN** (in Cantonese): "Long Hair" will speak next. The other democrats have not spoken, and this has nothing to do with me.

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

(Mr LEUNG Kwok-hung stood up)

**PRESIDENT** (in Cantonese): Mr LEUNG, have you pressed the button to request to speak?

**MR LEUNG KWOK-HUNG** (in Cantonese): No.

**PRESIDENT** (in Cantonese): Mrs Sophie LEUNG has pressed the button to request to speak. I now call upon her to speak.

**MRS SOPHIE LEUNG** (in Cantonese): President, I think Mr Jeffrey LAM has proposed this motion today in the hope of drawing our attention to this situation, especially as similar incidents have occurred in this Chamber of the Legislative Council many times. These incidents came as a shock not only to children. They sometimes came as a shock even to me, who is over 60 now. I would think: What is wrong? Why would these incidents happen? Most of us in this Chamber are gaining on age. Why can we not behave as persons of cultured disposition and discuss issues with composure? Why must there be such

squabblings and wranglings? I believe your parents at home must be in their 70s or 80s, or they may be on a swing in Heaven. They may also wonder why you have to be so agitated. Watch your health, and do not be so agitated anymore.

President, I have risen to speak today because two days ago a friend told me that his son, a Primary Three student, came home and told him about a classmate in school. He said that his classmate was very naughty, but he would still obey the instructions of all teachers except the English Language teacher — if this teacher is listening to me now, I hope he can come to me in person. This English Language teacher might have scolded this student before, which made this student feel embarrassed and so, this student was always at odds with the English Language teacher and he would stir up troubles in every lesson. This teacher, who is perhaps very gentle, had to spend half a lesson dealing with this student. The other students also told their parents about this.

My friend learned of this case from his son, not from the school. Some parents then reflected the case to the school, drawing the attention of the school to this student who appeared to be rather naughty. The headmaster, therefore, decided to observe the conduct of lessons in the classroom. Nothing happened during the first two English Language lessons but in the third English Language lesson, that student might think that the headmaster was just casually looking around and so, he stirred up troubles again, though less seriously. But the headmaster ultimately considered that the English Language teacher was incapable of keeping the class under control and decided to persuade that teacher to resign. The school then hired a sterner teacher to be the English Language teacher of this class and since then, all lessons have been conducted smoothly because this teacher is sterner.

President, I do not mean that we need a sterner person to take up the office of the President of the Legislative Council. But since Hong Kong is a civilized society and Hong Kong is regarded as the freest society all over the world, why would there be these incidents? Most Members in this Chamber are gaining on age. To me, it is fine if one's behaviour does not affect other people. But if our behaviour will cause this Primary Three student or other students to become disrespectful of their superiors, what will happen then? Should every teacher be very harsh and stern to their students? Honourable colleagues, what I have just told you is a real case.

I hope that colleagues who are concerned about education or everyone in this Chamber can think about this. I do not mean that what some colleagues have done here is wrong. They should be responsible for their own conduct. However, Members should understand that our words and actions are broadcast on television and also reported by other forms of media. What message should we put across to children?

I understand that Mr WONG Yuk-man said earlier that only the elderly people in the 1980s would make these remarks. It does not matter if he regards me as one of those elderly people or even "old thieves". Every person has to be responsible for his own conduct. I have to be responsible for my own conduct. Is it that votes have now become most important of all in Hong Kong and some people must, therefore, play to the gallery by all means in order to attract the attention of voters and hence secure their votes? If we really must do this in order to obtain votes, I would rather not have them. Let me say this once again. If we commit these acts in order to canvass for votes, are we misleading the public and misleading the voters? Are we pulling wool over the eyes of the public?

President, sometimes, the proposals or measures put forward by officials do leave a lot to be desired, but we still do not have to scold them in such a way. They are scolded for this, and they are scolded for that. Today, there is a report in *Next Magazine* criticizing that the Government had categorically refused to distribute cash handouts at first but then it is going to distribute cash handouts now. What should the Government do? Some members of the public have said to me, "You Members are sometimes like those fraudsters selling fake herbs on the street, as you can say just everything and take every opportunity to hoodwink the people." Is that a true description of us? We certainly hope that officials can keep closer tabs on public sentiments, and I appreciate the feeling of deep hatred. But sometimes, resort to verbal violence and even acts of violence is not a means to achieve the objective, unless there is an ulterior motive behind such languages or acts. I think we do need to reflect on whether or not we have an axe to grind.

With these remarks, President, I hope that Members can be gentler and respect other people in their words.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, it can be said that the adjournment debate proposed by Mr Jeffrey LAM is very timely, as it gives us an opportunity to practically review the various forms of violence in Hong Kong under this corrupt, small-circle election system.

People have accused me of using violence. I have told the press and you that I am definitely not afraid of violence, and I am prepared to receive sanctions of violence. Imprisonment is a form of violence. In prison, one has to get up and sleep according to a set schedule, and he cannot choose what to eat, right? This is violence. The police also exercise violence. They are paid to act against the public using collective and armed force to enforce the government's orders.

There is something known as the Legislative Council in Hong Kong, which is precisely a totem of violence. Among the people here, 50% of them are returned by election of "one person, one vote". Disregarding how they were accused of snatching votes, they have to have the mandate of voters in order to be here. Another 30% of them also have the mandate of voters, but the number of their voters was pathetically small. Is this a form of violence? I think this is 4 000% violence!

When a system allows a small number of people to manipulate the political authority, it is violence. This kind of violence has been condemned by the human race for at least three centuries. This kind of violence has been condemned by the bourgeoisie parliamentary system ever since its existence. Do people who talk about violence here today dare to respond to this?

Besides, the Chief Executive was elected by 800 people. This Chief Executive who was elected by 800 people can hold this Council in disrespect. The Chief Executive who was elected by 800 people has the greatest power. If it is not violence, what is it? Any force which defends this kind of corrupt system is violence!

I do not have your SMS number. During the Chinese New Year, I wanted to send you two short messages. The first one was about a poem by WANG Anshi, and I think some Members of this Council from the pan-democratic camp must have already received this message, which reads: "In the cheerful sounds of firecrackers, a new year has begun; with the warmth of the spring breeze, the

wine is more pleasant. The dazzling sun shines on thousands of households; on whose doors new couplets have replaced the old ones." It was during the Chinese New Year when the Jasmine Revolution broke out. I wanted to send you this message to remind you, Honourable President, and certain Members of this Council, those who can understand it, that this world has changed. It was a hint. It was during our Chinese New Year that their Jasmine Revolution blossomed.

After that, I wanted to send you another message, which reads, "The Communists disdain to conceal their views and aims. They openly declare that their ends can be attained only by the forcible overthrow of all existing social conditions. Let the ruling classes tremble at a Communist revolution. The proletarians have nothing to lose but their chains. They have a world to win. Working men of all countries, unite". Then, I added to it two sentences: "The revolution is dead! Long live the revolution!", which are all from Karl MARX. So, these are the two articles.

I will not advocate here today the practice of Communism and the use of violence to overthrow this Government. I know it is not achievable now. Let me tell you, only the violence referred to in the *Communist Manifesto* is violence, but what they regarded as violence was not violence at all. Here, in this Chamber, we only spoke loudly to government officials and expressed our disagreement. Besides, we did not really seek to cause them any physical harm. If I really intended to do so, why did I bother to do all these things? All I had to do was to give Michael SUEN a slap on the face when I met him in the elevator, and my purpose would be served. Why did I have to stage open protests here? If we really wanted to get rid of him and insult him physically, why did I have to do all these? I always bump into Ambrose LEE. Would it not be done with if I just gave him a punch? We have never ever advocated the use of violence to change the existing system. Therefore, this debate today is making a mountain out of a molehill.

Moreover, this article, written by the guru of the existing ruling party, the Communist Party, was entitled the *Communist Manifesto*, and the part I read out is extracted from the last paragraph of it, their "Bible". Will you condemn the violence of the Communist Party of China? Will you? Will you condemn its suppression of the Jasmine Revolution? Will you condemn its cracking down on the pro-democracy movement in 1989? Weren't those acts of violence?



Wasn't the use of tanks a form of violence? Was it? As you are so fond of condemnations, why did none of you dare condemn this kind of violence when the June 4 incident was discussed in this Council? Are you not fond of condemnations, claiming that you detest causing human misery and suffering? If you think the use of soft violence, invisible violence and hard violence to defend an electoral system which deprives the electoral right of the majority should be respected, what makes you qualified to talk about other forms of violence? What makes you qualified to discuss these? What makes you qualified to discuss other forms of violence?

Donald TSANG, were you ..... you were there, President, discussing the 1911 Revolution with the various heads of the Liaison Office. Was the 1911 Revolution a form of violence, President? Those people even talked about commemorating the 1911 Revolution. The 1911 Revolution was blatant violence, and it was a manifestation of violence to overthrow the Qing Dynasty with arms and ammunition! The 1911 Revolution broke out by accident. As the lists of Literary Society members within the New Army were discovered, these members could not but stage the Sheshan Uprising. Did you not honour violence? When you commemorated the 1911 Revolution, did you not honour violence? Why? Because the imperial government of the Qing Dynasty deserved being overthrown. In the face of this corrupt system, we have not advocated any revolution. This is already a huge favour we have done you, what else can you ask for?

It has never occurred to me that one can commemorate the 1911 Revolution without mentioning violence, and without mentioning that people can overthrow tyranny by force. Let me tell you, whichever part of the world these people come from, they are indeed too nice and too tolerant, right? They just let you do whatever you like. In the Jasmine Revolution, they only took to the streets and that was all. You, Hong Kong deputies to the National People's Congress (NPC), could still go to Beijing as planned. Being Hong Kong deputies to the NPC, you should go and take a look. Go to the Wangfujing Street for a look. See whether people from the Public Security Bureau would arrest you if you do not disclose your connections. It is the same for you, President. You are also a Hong Kong member of the National Committee of the Chinese People's Political Consultative Conference (CPPCC), so go and take a look there. Walk along the Wangfujing Street sometime this week and find out how that kind of violence feels. When you condemn violence ..... Get a feel of

the kind of violence done to the 1.3 billion people! Get a feel of the kind of violence done to the 6.9 million people who have the right to vote but cannot exercise their basic rights through elections!

President, I will not talk about parliamentary violence. Regarding this Council, I have already made my points. Let me tell you. As long as this corrupt system has not come to an end, the trifling violence all of you have been talking about will not come to an end! The more forceful violence, the so-called violence that all of you are so scared of, is not violence at all. We did not resort to violence during rallies on 1 July, but were you scared? The DAB even insulted those people. The DAB and CHAN Kam-lam even insulted those people, saying that they were incited. You said you are afraid of violence, but when violence was not used, were you scared? Article 23 is blatant violence, and it is the legal provision providing backing for the use of this kind of invisible violence and soft violence. Whoever said here that legislation should be enacted on Article 23 is not qualified to talk about violence!

President, it was the same for Donald TSANG and you yesterday, were you not ..... I do not know whether you were on the scene, but the most important point is your brother was on the stage commemorating the 1911 Revolution with a host of officials led by the head of the Liaison Office, PENG Qinghua. Why did the Chief Executive make a mountain out of a molehill? Yes, he did. The Chief Executive leisurely went to dinner after the clash. May I ask him whether it was because he had stuffed himself too much at the meal with the people from the Liaison Office and the Vice-Governor of Hubei Province that he felt some pains there after being slightly pushed? Did someone give him ill advice that such incidents should not be tolerated, and so he suddenly felt some pains, so serious that he had to report it to the police and claim in public that he felt some pains? Would BUSH do so? Would he stand in front of the microphone? As the head of a country, one should resign from this position if one is afraid of being waylaid by the public in a petition.

Perhaps, some people from the Liaison Office would say, "Hey, Chief Executive, how can you tolerate this? How can you attend meetings of the NPC and the CPPCC this way? This is the crux of the issue. Do you really think he feels some pains? The truth is some other people feel some pains.

While failing to deal with so many prevailing crises, this Chief Executive even came forward with a heavy political overtone after an incident in which he was allegedly injured and told the media that he would be the witness. Should he report it to the police, or should he not? I have never come across any head of a country who is so disgraceful, right? When the deputy chairman of the conservative party of a certain place with a boxing background had a dispute with someone, he simply gave that person a punch instead of coming forward to condemn the use of violence, buddy. The punch was thrown, buddy, and the person was hit, and it was done. I was having dinner there, and you were also there on the scene that day. I still remember warning him not to hit me. I said, "Do not hit me." Because I recognized him. As the leader of the Government, have you acted with the bearing of a leader? When the Budget prepared by your subordinate has aroused enormous grievances and resentment among the public, so much so that even the super royalists have come forth to say that it is not acceptable, was it really so surprising that people gave you some rice with grouper and corn and asked whether you had eaten it before when you visited the local communities? Do you think there would have been such chaos if you had taken it? When Donald TSANG finds some people waylaying him and petitioning him while visiting the local communities, will he order his people to beat them up? President, do not forget that yesterday marked the centenary of the 1911 Revolution, and so you have to talk about the Three People's Principles, at least hypocritically, buddy. Although the Three People's Principles were not crucial at the time the 1911 Revolution broke out, they were advocated by the Republic of China in the end.

Concerning the "People's power", how should those who suppress universal suffrage and respect tyranny be qualified to talk about the "People's power"? When it comes to the "People's livelihood", how should those who rob the poor to enrich the wealthy and engage in collusion between business and the Government be qualified to talk about the "People's livelihood"? I have already not taken "Nationalism" into account. What exactly is he talking about? Would Dr SUN Yat-sen do something like that? When he saw people staging a protest, would he ask his assistants to gag the people and then kick them and beat them up? Would he do so? Perhaps he would.

President, this is making a fuss out of nothing. The Chief Executive, shoved and embarrassed in front of some Beijing officials, leisurely reported the case to the police after dinner and told the media that he would be the witness. Even if he does not find it disgraceful, I consider it a disgrace. Donald TSANG,

you had better give an account of whom you had dinner with yesterday and whether your injury had been discussed. President, did you have dinner with him yesterday? If you did, tell us honestly, will you not? Come on, how could he still have the mood for dinner? I saw him yesterday, and I saw you, too. He claimed he was injured, but I did not see any injury on him. As for the swelling caused by abrasions, I cannot be held accountable for it (*The buzzer sounded*) ..... President, those people who condemn us for using violence .....

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

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

**MR ALBERT HO** (in Cantonese): President, in yesterday's incident, the Chief Executive was obviously slightly injured. All of us are concerned about it, and I hope the Chief Executive is fine. The incident yesterday has given rise to this adjournment debate today but, unexpectedly, the wording of this adjournment motion is "acts of violence against the Chief Executive and public officers". I think it has indeed gone a bit overboard. What grounds do we have to brand this incident as an act of violence against the Chief Executive or imply it to be such?

President, yesterday many of us watched the footage shown repeatedly on television and read the relevant reports in many newspapers. It is an indisputable fact that on the relevant occasion yesterday, a group of young people wanted to express some strong views. During the process, many of them wanted to get close to the Chief Executive, even though it would mean physical contacts with the police and security guards.

However, can we draw a conclusion, after such physical contacts, that the young people wanted to attack the Chief Executive with some of their acts, and that those acts were intentional acts of violence? President, the police can investigate these issues. If the Chief Executive thinks he was injured intentionally, he may report it to the police. However, President, it would be most inappropriate for anyone to try to brand this incident as an act of violence through this debate today.

Yesterday, the Chief Executive reported this incident to the police in a high profile and even made a public speech on television. It gave people the impression that he was trying to exert pressure on the law-enforcement agencies. This is also inappropriate. I would like to remind the Secretary for Security that when he gives his remarks later, he should refrain from casually branding this incident in any way, or he would risk interfering with the independent and fair investigation that should be carried out by the police, or even interfering with the fair and impartial judgment to be made by the Court, if prosecutions were instituted in the future.

Actually, President, leaders with the people's mandate in many democratic countries may often face such vigorous demonstrations and protests. They are only very common. Very often, they would only shrug them off with a smile. Therefore, many people said even President BUSH Junior, who is not very clever, was born with — not born with, but probably trained to act with — a sense of humor. After a shoe had been hurled at him, his immediate reaction was to comment on the size of the shoe. When another famous Prime Minister — I have forgotten his name — had an egg thrown at him, his immediate reaction was: "Why no beacon or ham? That egg will not do." These people did not only have this sense of humor to face what we call "trivialities", or what you may call "acts of violence", but also allow the public to vent their discontent through these minor acts of violence.

However, President, it does not mean that these acts would not bring any consequences. No matter how minor these acts of violence are, as everyone knows, they will carry consequences in law, and law-enforcement officers will take enforcement actions against them. However, one should not escalate them to the political level and make a fuss out of them to achieve other purposes. This is definitely inappropriate.

In a nutshell, I hope the police will not succumb to any pressure. When a person reports a case, be it the Chief Executive or whoever it is, they should conduct a fair investigation into the case to find out whether the young man who dashed forward actually had a clash with the Chief Executive. Did he really cause an injury to the Chief Executive? If he really bumped at the Chief Executive, did he do so intentionally or not? Or was the injury the result of a physical contact? We do not know, but we should ensure that such investigation is free from political interference.

President, the second point is that regarding the young people's ways of expression, I certainly understand them very well. I experienced all these 30 years ago — not 30 years, but some 30 to 40 years ago — I also went through this stage. I have no idea how many such clashes I have had. If not for my small build, I would have been easily grabbed. However, the person who was grabbed was very often the one next to me, who was 5 ft 9 in, as it was easier to grab him. Therefore, I could smartly escape. However, when we were studying at school, we had had many such clashes indeed, especially when we wanted to express our views but were obstructed in doing so for no sound reasons. We considered it most justified to find an opening to do so, and that was how these clashes came about. Therefore, I do not consider this incident very serious.

Certainly, however, it is true that we should carefully consider the consequences before doing any act. In particular, on important occasions and when some very important persons are about to walk past, one's act may easily make the law-enforcement officers nervous. When a person has performed any act which impresses as possibly posing a threat to the safety of these very important persons, he may be subject to some unnecessary treatment with excessive force. So, we should consider this point carefully.

Besides, very often when there is physical clashes, as I have told the young people, one would be in a much disadvantaged position if the other party are law-enforcement officers because they are protected by the law they are enforcing, and those who make any moves will be prosecuted for assaults on police officers. Even if they had not clashed with the Chief Executive this time, they might have clashed with the police officers. In that case, they may be prosecuted for assault on police officers. It is very common, and it happens all the time.

Therefore, unless those people who wish to express their strong emotions through actions intend to violate the law and think that it does not matter as they can consider themselves putting up civil disobedience, otherwise I very much hope that they can try by all means to express their views through means which will not lead to physical clashes. I think they can very often achieve their ends through such means. Regarding physical clashes which are regarded or branded as violent clashes or even acts of violence, I think it should be avoided by all means.

Actually, we have indeed come across many incidents like this throughout the constitutional development process in Hong Kong over the past few decades. Therefore, should we put the blame only on those agitated young people alone? This warrants thorough consideration. I may not approve of certain acts, but I know there are objective causes and background to them. Even when it comes to the issue of violence — certainly, in principle, we are very ..... or I may say that in principle, we oppose violence — however, as all of us know, violence may very often be involved. No matter how one abhors such unnecessary violence, it seems that certain violence is inevitably caused by some objective factors.

Let me cite an extreme example. Just as in the case of terrorism in the international community, no matter how hard we suppress it, and even though all of us agree that it should be suppressed, can the problem be solved by suppression? Frankly, the Western societies are reflecting on this question. Can terrorism be stopped simply by high-handed anti-terrorist measures alone? If there are people who are not afraid of death, can these problems be stopped this way? Many foreign policies of Western societies, particularly the Western society under the leadership of the United States, have made this point clear.

I may have digressed too far. Back to this subject, in Hong Kong, when Mr WONG Kwok-hing next to me shouted his voice hoarse, criticizing acts of violence that he considered detestable, I think he made two remarks ..... I do not know how he came to that conclusion, that is, how he made a logical connection, but he said those acts would give people a wrong impression that they would work, then he went on to say that just with the throwing of bananas, a cash handout of \$1,000 was given; and just after the clash, "candies" are handed out today, and the intended results have been achieved. Not just these ..... what does it mean? It means it gives people an impression that when pressurized, the Government will surrender, put erroneous policies right and give up some perverse decisions.

In that case, should the blame be borne by those who have succeeded in fighting for their causes? If they are warriors who have brought about changes, should they be blamed? Or should those stubborn government officials and the Government take the blame? Therefore, I consider this example cited by Mr WONG Kwok-hing ridiculous and laughable. He only criticized some people in the Legislative Council but not the Government, which is so stubborn that it refuses to heed public opinions. Here lies the biggest problem.

Therefore, President, I believe many people and Honourable colleagues who have spoken here today certainly do not want these conflicts to happen because such conflicts will affect the atmosphere of a rational and objective debate. However, as I said just now, and I believe I need not repeat, that when the Government is stubborn and when the deadlock cannot be broken, it is just natural that some people will react this way. If more and more people support such reactions, by resorting to clashes, or almost violence, or even real violence, I can tell you that it will come to a stage where more and more people will support such reactions, which may even become the mainstream. Therefore, why were certain acts of violence, including revolutions, praised and sanctified sometimes? Because under certain circumstances, these acts are indeed inevitable, and people may consider the consequences acceptable. They may even think that they have no alternative but to resort to such acts because the situation is indeed a deadlock.

Hence, back to this subject, if the Financial Secretary had heeded public opinions and actively responded to them earlier, rather than behaving the way he did during the past couple of days, that is, even though he knew there was such strong reactions among the public, when people asked him whether he knew how much it cost to buy a dish of rice with grouper and corn — actually the thrust of the question was on the price of goods — he even said he did not like grouper and corn. When he adopted such an attitude in his response to the public, can you imagine how furious the entire society, being the affected party, would be? Therefore, having said all this, I only wish to stress again that to solve this problem at root, the Government should genuinely reflect on itself. One has to be responsible for one's own acts. I cannot but agree to the point made by "Long Hair" and Mr Albert CHAN just now, that as they are elected Members, they have to face their electors, they also have to face the ruling of the President, and they have to bear their own responsibilities. In the most extreme case, if their acts in this Council constitute a criminal offence, they may have to face criminal liabilities. Therefore, I think if they have to face all these responsibilities, the Government has to think about one thing, and that is, if someone is prepared to take this risk and bear these responsibilities, does the Government maintain that we can still disregard such acts, thinking that the Government does not have to take any responsibility in this regard?

To date, I still think there is no need for us to amend the Rules of Procedures. Regarding certain acts, I do not approve of them, and neither will I engage in such acts. However, I cannot see why they will affect the effective



operation of this Council as a whole. The composition of this Council is unfair *per se*, and the crux of the problem lies in the reform of this Council. If the Chief Executive were elected by 800 000 voters, I think "Long Hair" would not have dared to make any comment, and the others would have stopped him and advised him to return to his seat.

I so submit.

**MR RONNY TONG** (in Cantonese): President, I definitely do not accept, nor do I approve of any form of violence. However, President, this is my moral judgment. President, your moral judgment may be different, and that of Dr Margaret NG may also be different. But this is not a forum on morality, rather, this is the legislature.

From the angle of politics, I believe those in politics only have to face two types of sanctions: One is legal sanction, and the other is the sanction of the electoral system. I do not think there is a third type. President, before entering this Chamber, I had thought about what to say on this subject but while listening to the speeches of Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man here ..... it was a pain to listen to them because their voices were very loud and even now, my ears are still buzzing, but my personal feelings about their voices aside, I think that when the three of them ..... first, they think that this debate is targeted at them and I do not think that this is too far-fetched. But since the three of them said openly that if they had violated the law, they would accept legal sanctions, in fact, there is actually no need to continue with this debate because what else can be more serious than legal sanctions? If something is permitted by the law, why should they be sanctioned?

President, I think Hong Kong is a ..... several days ago, someone said that the only praiseworthy merit of our society is that it upholds the rule of law. So long as the rule of law is respected and legal sanctions are accepted, I cannot see any other angle from which we can continue to criticize those in politics. President, certainly, if someone were to assault the Chief Executive with his elbow, then turned things around by denying having assaulted the Chief Executive and saying that it is the Chief Executive's elbow that bumped into his elbow and as a result, he is acquitted of the legal charges laid against him, we have to examine if there is any loophole or shortcoming in our legal system. If

someone says that this is his only way of expression, we can disagree, but so long as he is prepared to accept legal and political sanctions, I cannot see why we need to continue with the discussion on this issue.

President, regarding the second type of sanction, that is, the sanction of the electoral system, still less is this something that can be decided by several people or dozens of people in the legislature. All along, I have not forgotten the fact that Mr LEUNG Kwok-hung's conduct in the last-term Legislative Council was very different from that in this one. In the last term, he only spoke out but in this term, he even used his hands. But apart from this change, I also remember clearly that in the election in 2008, although he had adopted ways of expression not bound by the rules of this legislature, President, he was still returned with the highest number of votes in New Territories East. If they escalated their actions this time around and they were sanctioned and the Court even imposed the sanction of imprisonment, yet when 2008 came, voters still elected them, what then? Do we mean that even the voters have to be sanctioned altogether?

In this legislature, is there no other Member who once had to serve time? There is. We have an Honourable colleague who was once jailed but the sector to which he belongs still elected him. Do we have to discriminate against him? President, even with regard to someone who is not a Member, we should not look at rehabilitated people through tinted lenses. Quite the reverse, I think that if in 2008, the three gentlemen at our back were all returned with high numbers of votes to this legislature .....

(A Member reminded him that 2008 had passed)

Sorry, not 2008, rather, in 2012 — I wish we could travel back in time and it were still 2008, but I mean 2012 — if all of them were returned with high numbers of votes at that time, what then? Do all of us here have to give ourselves a slap on the face and ask why we have to behave like mean people here by discussing this issue? President, a long Agenda lies ahead for the meeting today, so do we have to spend so much time discussing this issue? President, putting aside the question of whether or not such behaviour is criminal, I think an even more important subject matter is: Why does this system force some people to adopt such an approach to express their views?

President, yesterday, when I was watching television, my first reaction was, "Isn't that going too far?" But then, on reflection, I thought that in the past six years, have I also not flown into tempers in this legislature? Have I ever pounded on the table and railed at officials? Have I ever pointed at them and upbraided them? President, I have. Each time, after upbraiding them, on returning home, I felt very ashamed. However, frankly — I am a very frank person — at that time, I did feel some sort of pleasure.

President, we are human beings and all people have emotions. On certain subject matters, in the face of an unfair and imbalanced system, it is futile to sit down and discuss with those people year after year, and now, they do not even bother to discuss with us. President, if you look at the incidents in the past few weeks, did Secretary Matthew CHEUNG and Financial Secretary John TSANG have to pay any heed to us? Even we are subjected to this kind of treatment, not to mention them, right? They do not even have any chance to have any dialogue, so how are they supposed to face their voters and how can they express their political beliefs?

I think we cannot criticize whether their set of beliefs is correct or not because this is very subjective. In our semi-democratic system, given that we still do not have a fully democratic system and under any electoral system, we should judge whether or not this kind of political beliefs has won any support by looking at the overall situation. If there is enough support for this kind of political beliefs, it can be advocated anywhere, provided that those people are prepared to accept legal sanctions. However, if they do not accept legal sanctions, we will not find this acceptable. President, if they say they are prepared to go to prison, from a lawyer's point of view, as it is said in English, "it's an open and shut case" because apart from legal sanctions, there is nothing else we can do. We can ask God to punish them, but it is something that will happen in the future and will not come into effect immediately.

President, I must admit that before I had entered the Chamber to listen to "Long Hair", "Yuk-man" and Mr Albert CHAN speak, I could not figure out one point, but now I can. I think we need not discuss this here. I agree that the Rules of Procedure (RoP) should not be revised easily. Of course, if our President or Honourable colleagues think that they have to improve the operation of the procedures, so that any disruption to the order will not render it impossible to carry on with the proceedings, we have to think of a way.

However, as it is, there are adequate provisions in the RoP to make it possible to resume a meeting, usually in five minutes, after a disruption or disorderly behaviour has occurred. These five minutes are the window that they have been striving for and it is on account of these five minutes that they were elected. I think that as Members, we cannot pass any moral judgment and decide that we should deny them even these five minutes. Of course, I hope that the proceedings of the legislature can be conducted smoothly but President, having regard to the need to respect people with different opinions and different ways of expression, I think that amending the Rules of Procedure lightly is not compatible with the core values of society.

President, I hope that my speech today will not offend people holding views different from mine. President, last night, I posted a couple of lines on my blog and they elicited a lot of different responses, including invectives. I believe that this is a pluralistic society and so far, this is still the core value that we take consolation in: We have different voices and these different voices can be expressed freely in this setting. Later on, our party leader may voice the views of the Civic Party on this issue, so I hope my comments will not be at odds with her views. I have said all this only to voice my personal feelings.

President, I do not think we need to spend too much time wrangling over this issue.

**MR TAM YIU-CHUNG** (in Cantonese): President, in the incident of violence that happened yesterday, the Chief Executive sustained an injury due to the jostling. Mr Jeffrey LAM was very angry and said to me a number of times that he wanted to move a motion of adjournment in this Council. I believe his aim is to condemn such incidents of violence and express his resentment towards them, hoping that society will not continue to develop in this direction, nor should the Council go on in this way.

However, in this debate that has lasted almost two hours, we have heard various voices in the Council and some of the speeches claimed that the incident that happened yesterday was no big deal and that we could just laugh and shrug it off as a trivial matter. Another claim was that officials were incompetent, so public anger was incited, while others claimed that with the absence of a democratic system in Hong Kong, such a situation would naturally occur.

Several Members also made some unacceptable claims in an attempt to legitimize the incidents of violence, making a great deal of misleading and confusing remarks and confusing black with white.

I think legitimizing violent behaviour is quite dangerous. Hong Kong is a society upholding the rule of law and I believe most Hong Kong people love peace dearly and wish for social harmony. Of course, often, people from various social sectors have to resort to such means as rallies, petitions and demonstrations to express the discontent or aspirations of individuals or groups, but I think the great majority of such actions are peaceful because the great majority of Hong Kong people are law-abiding and Hong Kong is a society upholding the rule of law. We must treasure this. If all the differences in society are resolved by acts of violence, this is quite dangerous to our next generation.

The same situation has also occurred in this Council. In the present Legislative Council, I have the honour of being the Chairman of the Committee on Rules of Procedure (CRoP). Whenever incidents of hurling bananas, knocking items off the table and throwing of various objects or disputes occurred, all of us would naturally think of amending the Rules of Procedure (RoP). It seems the Chief Secretary for Administration has also written to the President of the Legislative Council about this on seven or eight occasions and each time, the President would pass the letter to me and workers in the mass media would also pursue me to ask questions on why the RoP was not amended, as though I were condoning such behaviour.

However, Mr Jeffrey LAM, I think that there is one merit in conducting this debate today. In fact, it is not true that I, as the Chairman of the CRoP, am condoning such behaviour. Rather, we can consider carefully whether or not the conditions for amending the RoP are present in view of some of the speeches delivered just now. The representatives of some major political parties and groupings said that there was no problem with the RoP, so there was no need to make amendments, that the provisions were adequate for the purpose of regulation and since those violent behaviour only caused disruption for a few minutes, after watching, one could simply let it be and when one was feeling sleepy, it may even serve to wake us up, so this was no big deal.

From these remarks, it can be seen that it is not true that the Chairman of the CRoP has been lazy. In fact, the CRoP has had discussions on this. We

have discussed at least on two occasions whether or not there is a need to amend the RoP. One occasion was after the banana-hurling incident, which aroused the great resentment of many Members and among them is Mr IP Kwok-him, who is sitting to my left. He submitted a letter demanding that amendments be made to the RoP. However, he ended up being soundly upbraided in a meeting of the CRoP and other members did not extend any help. The final conclusion was, as I pointed out just now, that there was no need for amendment because they were Members elected by the people, so there was nothing they could do and that even making amendments may not be able to prevent the recurrence of such incidents, so no amendments were made.

Subsequently, on another occasion, some Members displayed too many publicity materials here and they blocked Members' lines of sight. How should this matter be dealt with? In the past, such a situation would not arise because Members would only display items to stress their points and stances only when expressing their views, and then they would put the items away, instead of making the Chamber look so messy. When the CRoP had a discussion on this, it carried out a consultation on whether or not the relevant rules should be tightened and asked its members to go back and consult their own political parties and groupings. Again, the response it got was that there was no need for amendment. As a result, it was business as usual and the *status quo* is maintained. Therefore, if it is asked why the CRoP does not try to make improvements, the answer is that although this matter has been considered from various angles, all has been in vain. I once asked the clerks to research on the overseas experience and approaches and they provided a lot of information but in the end, no consensus could be reached in the CRoP.

Recently, many Members said to me that this state of affairs could not go on and that amendments must be made to the RoP by tabling amendments proposals at Council meetings to see who would oppose them. We are now working on this, in the hope of making some recommendations in late March and really tabling them at Council meetings for discussion, so that Members can have the opportunity to make choices.

However, I believe Members will also understand that the reason for not being able to make amendments is the separate voting mechanism. The separate voting system is arguably a "double-bladed sword", so Members should not criticize it all the time. The reason for not being able to make amendments is that it is believed that under this "double-bladed sword" called separate voting, if

it is believed that the amendments cannot be passed in one of the groups, it will not be possible to make amendments. Therefore, separate voting is not always more favourable to a certain party and I believe we all understand the reasons. Often, I would explain to the mass media and in this course, they would all say that they understood but as soon as something happens, they would pursue me to ask questions again. This cycle goes on and on and it seems nothing can be done about it.

Recently, "Uncle SUEN" wrote to the President of the Legislative Council and me, so I am explaining this in detail here to let everyone understand the actual situation. However, since Mr Jeffrey LAM has moved this motion today, originally, I also hoped that the thinking of some people could be changed but it seems I will be disappointed because the message I got thus far is that there is no need to amend the RoP, that the rules and provisions are already adequate and that letting the disturbances go on for five minutes can solve the problem.

However, recently, Ms Emily LAU of the Democratic Party also found the situation unbearable and even made a request to change seats. I hope Members will understand that there is a limit to tolerance and that having come to this stage, Members must think carefully about whether or not we should go on in this way.

Recently, some Members of the British Parliament visited Hong Kong and when dining with them, I also talked about this situation. They were surprised and amazed by this situation, saying that such a situation in the Hong Kong legislature would not occur in the British Parliament and that at the most, only booing would occur. I said jokingly that this was sufficient proof of how democratic Hong Kong was, since it was fine to do just anything one liked in the Chamber. However, I believe this is not a situation that we would like to see, nor do I hope that we would white-wash unjustifiable occurrences.

It is hoped that as the highest-level representation of public opinion in Hong Kong, the Legislative Council can set an example in prohibiting such an irrational way of expressing demands through the destruction of social order by violence means and that this undesirable trend can be suppressed. Thank you, President.

**MR CHIM PUI-CHUNG** (in Cantonese): President, it is Members' instinct and duty to be fond of talking. As I was not well versed in issues involving people's livelihood, education and social welfare, I chose not to speak most of the time in our debates. Sometimes, when I took a taxi, the driver would say this to me, "Mr CHIM Pui-chung, you should speak more. Sometimes, your remarks would boost our spirit." (*Laughter*)

Regarding this question under debate today, President, I would like to express my views on this adjournment debate first. Regardless of Mr Jeffrey LAM's motive of proposing this debate, or whether he was merely grasping the opportunity or just being very smart, he was only enjoying and exercising Members' rights! Moreover, the President has also granted him leave to do so. So, what wrong has he done? Some Members have criticized him for being wrong in this and that way, but he was merely doing what he should do! He has caught a deer. Whether he can remove the horns from the deer is yet another matter. Hence, President, I support Members proposing any adjournment debates. Just as certain colleagues indicated to you in the past that certain issues were matters of great urgency, you also acceded to their requests at last, though I did not think so.

President, I will express my views on the issue of social violence. First of all, I will speak on some sort of global violence. We understand that many people have criticized Hong Kong for having no universal suffrage. However, if we look at some so-called democratic countries, such as the Philippines and Thailand, were the presidents or leaders of these two countries not returned by universal suffrage? However, when necessary, people's power and people's revolutions would be used as an excuse in the Philippines to overthrow the president returned by legitimate elections. Should such circumstances be regarded as alternative violence? Just now, certain colleagues said that there were two kinds of violence, namely legitimate and illegitimate violence. I do not agree with this. Violence is violence. Whoever gains power will describe it as people's power. For instance, we can see the Red Army and Yellow Army in Thailand. Had they not launched a counter attack on each other with a view to pulling the other party down the stage? This was precisely how the international community took advantage of people's power to overthrow regimes returned by legitimate elections. People of insight or people with ideologies and respecting democracy should absolutely not support this sort of disguised acts of violence and gain success in certain political campaigns by means of violence.



President, we can see that in the Middle East question lately, the problems of two of these three countries have already been resolved. However, the situation in one of the countries is still precarious. All these have actually been propelled directly and indirectly by the free force led by the United States. The United States Government may dislike me very much, saying that it has not done anything like that. However, Members can see that there will be reports very soon that the United States will deploy its fleets when people's power cannot overthrow the relevant regime.

President, the whole world can thus see what violent politics is. We cannot say that all countries in the world are right. Hong Kong has already made it clear that this was how its mode of election came into being. With the passage of time, one may change it slowly in future or overturn the present mode of election if one is capable or powerful. But personally, I will absolutely disagree should one curse the present mode of election before it is formally reformed, oppose all dissenting views or cling to the attitude that only his or her way of thinking is perfectly correct.

President, the second issue we mentioned concerns Hong Kong society. I cannot but agree with one point raised by some colleagues just now — As Hong Kong is governed by the rule of law, all actions and behaviour will be protected and, at the same time, sanctioned and regulated by law. Hence, any actions taken outside this Council will still be regulated and restrained by law.

As members of the public, we certainly hope that the law-enforcement authorities can uphold public interest and equality in rights and interests. Should anyone intend to or formally violate the law, I am convinced that our law-enforcement agencies will still have absolute power and conditions to uphold rights and interests protected under the law, whether the relevant person is the Chief Executive or the opposition.

Hence, I can only remind the Government not to protect and exempt certain offences or illegal behaviour or actions due to political pressure. This is what members of the public hope to see and what can currently be upheld in Hong Kong.

Hence, when such acts happen in society and when the task of enacting law falls upon us as Members of the Legislative Council, we must endeavour to do what we should do. Meanwhile, it is the duty of law-enforcement agencies in

society to ensure that members of the public enjoy equal rights and interests. Anyone intending to violate statutes and the laws of Hong Kong will definitely be sanctioned in the same manner. Regarding this matter, I am convinced that we as Members of this Council need not be too worried when the legislation has yet to reach our hands.

The third issue concerns the Legislative Council internally. President, when it comes to this issue, I have risen on several occasions requesting the President to protect and uphold the rights and interests of Members of this Council, so that we can enjoy equal protection. Personally, I absolutely disagree with some colleagues' act of infringing on the powers and rights of other colleagues. I also hope that you, President, can exercise the powers conferred on you by the RoP. I have also heard from television reports the feelings and views expressed by you before all people and the media in Hong Kong. I would like to take this opportunity to request you to exercise more stringently all the powers conferred on you by the RoP.

One of such powers is to protect all colleagues to ensure that they receive equal treatment. My purpose of not naming other Members just now was not to save a few minutes to allow certain Members to vent their behaviour and views. If all colleagues, that is, 60 of us, spend several minutes doing this, how many hours will be spent? President, the calculation is not difficult. Assuming that each Member spends five minutes doing so, given that five times six equals to 30, a total of 300 minutes will be spent. And upon conversion, it is equal to several hours. Under such circumstances, why could some Members enjoy such a privilege while we become third- or fourth-rated Members? While the President is first-rated, they are reduced to second- or third-rated. So, how can we be accountable for the undertakings made by us to our electors as well as the rest of the Hong Kong public?

This is why I disagreed when I heard some colleagues say this just now, "That is all. No amendment would be needed. This is the support and power given to them by their electors." I have once proclaimed to my colleagues, "You take care of your business, and I take care of mine. However, if you infringe on my right and interest or touch me, you have to bear the consequences." I was not threatening them; I was only exercising my right and expressing my wishes and views!

President, it really worked. Why? Since then, no one dared touch me. I am sitting here and I make it clear that should anyone throw anything and hit me, the amount of compensation I will claim may be astronomical. Are you saying that the rights and interests of Members of the Legislative Council must be protected and safeguarded? So, come on and try! If you touch me, and if my right and interest are infringed upon, I can impose my personal views on other colleagues in a similar manner. By then ..... more than a decade ago, a colleague wrote a newspaper article, saying that he had told his son should anything untoward happen to him, CHIM Pui-chung should be held responsible. Fortunately, he is still alive after more than a decade. Otherwise, I would have to bear all the consequences should anything untoward happen to him. This incident was reported by the press at the time. I had even reported this incident to the police station in Central when Mr John HUI Chiu-yin was still there.

President, this is why I made a special request for you to uphold Members' rights and interests and prevent Members from being threatened by any violence and acts of violence, which may otherwise turn some Members into third- or fourth-rated Members. Personally, I even think that the RoP should be reviewed as and when necessary. Honourable colleagues, the RoP can be reviewed; they are absolutely not sacrosanct. If they have inadequacies, we might as well review them. Our common goal and objective is to uphold the people's rights and interests in relation to enactment of legislation. We should endeavour to do what we should do and represent our constituencies and fight for them. Certainly, Members returned by geographical elections will serve more electors, whereas functional constituency Members serve fewer electors. However, there is absolutely no conflict between us as we make our representations and fight for our goals separately.

Concerning every act of Honourable colleagues in this Council, President, another issue is that the 60 Members of the present term or the 70 Members of the next are undeniably a handful of representative people in the community. All their acts, comments and actions can at least ..... although the two television stations are not the most popular, the proceedings of Council meetings are, after all, broadcast live and can be seen, appreciated and monitored by some Hong Kong people. Under such circumstances, some viewers and members of the public, especially young people, will actually form an opinion on and be inspired by our every move.

Undeniably, the comments and behaviour of colleagues in recent years have caused concern outside this Council. The impact on the education sector is the greatest because students will learn from their idols. Moreover, they receive the most direct guidance, inspiration and assistance from their idols. Therefore, parents very much hope that Members of this Council can guide and inspire young people under more acceptable circumstances. Of course, every one of us, both young and relatively mature, must be responsible for our own acts in society.

Finally, President, I certainly agree that votes can help monitor all the behaviour of Members, who must be accountable to their constituents as well as their votes. Under such circumstances, it is undeniable that Members must accept the baptism of elections. But in addition to this, I all the more hope that Members can respect one another in this Council. This is the most important point because Members should not impose on the thinking of others their own views and political inclinations. Hence, we have not introduced any amendments in this Council. We have intended to condemn all violent acts and thoughts in society. We even encourage colleagues to play a leading role in this respect. President, we have no intention to influence their political inclinations.

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

**MR CHEUNG MAN-KWONG** (in Cantonese): President, regarding the demonstration encountered by the Chief Executive yesterday, I hope a fair investigation can be conducted by the police and a ruling made by the Judiciary in accordance with the laws of Hong Kong. It is inappropriate for us to make any comments today. I believe Secretary Ambrose LEE understands this, too. Hong Kong is governed by the laws. One should not determine the nature of certain incidents arbitrarily. Moreover, it may not be appropriate for this Council to determine the nature of the incident in question by relying on viewing blurred television footage.

However, as a Member representing the education sector, I insist this Council should express its views in a peaceful and rational manner. As Legislative Council meetings are broadcast live, many schools use these meetings as teaching materials for Liberal Studies. Not only will students and teachers watch the proceedings of the meetings together, students will often be found

sitting in the public gallery on the upper floor observing the meetings. Hence, a peaceful and rational attitude is essential. Such an attitude is even regarded by schools as some sort of standard and model. For this reason, I disagree with the expression of our political views and advocacies in this Council by way of hurling bananas, throwing plastic bottles, sweeping everything off the table, or using foul language or insulting words. This is my personal value.

There is a Chinese saying that "do not do to others as you would not wish others done to yourself". Today, we may insult others freely. Similarly, we must face the humiliation by others, too. This will go on endlessly. Therefore, we must exercise restraint in this Council according to parliamentary rules.

I have once quoted LU Xun in commenting this situation, and that is "insults and threats are not combats". If one seeks to achieve his goal by means of insults and threats, even if he succeeds, he will only be answering violence with violence, not engaging in combats. However, I do understand that public grievances are indeed too deep, and this Council is indeed devoid of a democratic system. As a result, public discontent and anger can be turned into mainstream opinion in this Council, so great that it can affect the Government's policies and become a platform on which people's wishes can be realized. This has given rise to indignant and over-the-top behaviour.

Having said that, I still oppose the use of violence. The 4 June incident is a violent crackdown. Over the past 22 years, the people's campaign for vindicating the incident has been insisting on the peaceful, rational and non-violent principle. Over all these years, this force remains strong. It is thus evident that the peaceful, rational and non-violent force is the strongest among the majority public. This is also the case around the world. Furthermore, this was evident in history.

However, the Government should contemplate all these questions: Why has public sentiment in society become increasingly indignant? Why can indignant behaviour induce more resonance? Why can indignation point to conflicts and underlying crises in society? This is because there exist in Hong Kong an undemocratic parliamentary assembly and an executive-led government not required to be accountable to the people. The long-term suppression of public opinion by the Government has now given rise to reverberations and resistance. As a result, the Government suppresses democracy. The Government is indeed

the initiator of acts of violence. Therefore, we should be accountable, or even fundamentally accountable, to the indignant public sentiment today while criticizing the use of violence — I believe the use of violence should be criticized. We have jointly formed this Council and become part of this society. When the mainstream public opinion in this Council is negated frequently, unreasonably and ferociously; when the Government turns a blind eye to the people's aspirations and pursuits as if they do not exist, or if I put it crudely, when the Government chooses to do nothing until there are casualties or not to release money until it hears the word "Bauhinia", one must think carefully if the Government and this Council are the breeding ground for creating violence or triggering acts of violence.

In any case, I still have to say, however terrible the political environment is, however difficult democratization is, however rough the road of our cause is, and however slim the chance of success of our pursuit is, I still desperately hope and believe that the fights inside and outside this Council as well as those staged in society be conducted in a peaceful, rational and non-violent manner. Only in this reasonable manner can we realize our convictions and ideals.

Thank you, President.

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

**MR PAUL TSE** (in Cantonese): President, before delivering my prepared speech, I would like to respond to Mr Ronny TONG's speech when he is still in the Chamber. I really have great reservations about his speech just now. It seems that his bottomline is too low — he thinks there will be no problem as long as one is not violating the law and has the support of voters.

Let us take a look at Article 79 of the Basic Law, which sets out clearly that Members of the Legislative Council may be removed from their office under certain circumstances, including when they are in financial difficulties (such as bankruptcy) or have integrity problems (such as being censured for misbehaviour by a vote of two thirds of Members of this Council). It was precisely due to this provision that this Council had to deal with the case involving Mr KAM Nai-wai. Had he violated the law? Did he not get any votes from the electors? Why did

we not wait until the next Legislative Council election to allow voters to determine his future? Why did this Council pass a motion by a great majority to investigate him? Was it just a legal issue?

Furthermore, under Article 79(6) of the Basic Law, if a Member of the Legislative Council is convicted and sentenced to imprisonment for one month or more for a criminal offence, he may be removed from his office by a motion passed by two thirds of Members. Is it not double jeopardy? A Member sentenced to imprisonment for a criminal offence has already been subject to legal sanction, why should he be removed from his office? The reason is that in addition to legal requirements, this Council has moral requirements, including requirements on the integrity of government officials and Members of the Legislative Council. Otherwise, what is the purpose of the Basic Law? What is the purpose of the rules laid down by this Council? I really cannot help speaking out. I must point out that our requirements are not simply about violation of the law.

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

Mr TONG has also brought us another incorrect message, that people outside this Council seemed to support such acts of violence by citing Long Hair as an example — he scored a landslide victory and was elected into the Legislative Council in 2004 and re-elected in 2008. In other words, his behaviour was approved by the public, or else they would not have voted for him again. However, if we look at his votes, we will find that he got 60 925 votes in 2004, but 44 763 votes in 2008. As for the number of votes he will get in 2012, let us just wait and see.

Deputy President, under the existing mechanism, we have adopted a proportional representation system. Undeniably, this system has provided a certain degree of safeguard for differences in political ideologies. As a result, people with different political stances and backgrounds and from different parties and groupings can win under this system. However, every system has its merits and demerits. Under the proportional representation system, any violence advocate, anarchist or person who absolutely discriminates against racial or social values can secure a seat so long as he can get the support of 10% to 15 % of the

people. However, this is in no way representative of the mainstream values upheld by 85% of the people in society. Hence, Members of this Council who disapprove of such values should state their positions.

The saying that people with the support of the community and the public can act in an arbitrary and reckless manner has simply disregarded the remaining 85% of support rendered by the community and the public. Of course, our system has its merits, and shortcomings. For instance, there are frequent criticisms of the retention of functional constituencies. But similarly, 85% of the people may also ask why these scums, who have 15% of public support, can continue to exist. This is our system. Before it is changed, we can only accept this result.

Deputy President, the second point I wish to make is that we must tell clearly the difference between what is allowed inside and outside a parliament. To a certain extent, demonstrations or even physical acts are frequently found in democratic societies (even in societies in Europe and the United States). Even the presidents of major countries may also be the targets of shoe hurling or ink splashing. There are no problems. But these are societies outside parliaments. A certain degree of dignity must be maintained inside parliaments.

Why do so many colleagues, who are lawyers and barristers, have no doubts at all about why contempt of court is disallowed for the Court must be respected whereas Members can indiscriminately show contempt of the Legislative Council in this Chamber? Why? Can civil disobedience not be cited as a reason applicable to the Court, either? Is there any case to which Members can agree that the accused can hurl shoes at, or even assault, the judge? Will Members approve of such acts? Are the reasons not the same? As the Court is responsible for enforcing draconian laws, why can someone not hurl objects at the judge? Why do Members believe that a bottomline must be maintained in the Court? The reason is that there is a difference between what is allowed inside and outside a parliament as well as inside and outside the Court. The reason is so simple. Should Members wish to maintain the fine tradition, the rule of law and freedom, which have been upheld in Hong Kong over the years, we must respect our establishment, our Court and our assembly, or else we will ruin our own strength.



Deputy President, whenever we talk about soccer, we will think of following the example of the English Premier League. As for basketball, we would like to follow the example of the National Basketball Association. So, which countries should we follow when it comes to parliamentary culture? The answer is the United Kingdom and the United States, not Taiwan. We will not reason with people who only know Taiwanese politics. Instead of learning from the good, they have learnt from the bad. Why should we choose to learn the inferior democracy from the so-called democratic countries in Asia rather than the systems practised in the world's most outstanding place where democracy originates or the place regarded as the mother of democracy? Have incidents of this kind ever occurred in the United Kingdom? I hope the barristers in this Chamber can say a few words about this.

A good culture and foundation is hard to come by, but it can be easily destroyed. Over the years, Hong Kong has been fortunate to learn and develop a very good culture — the culture of the rule of law, court rules, and the parliamentary culture. Why did we choose to learn from the bad rather than the good after 1997?

Deputy President, I have only a vague memory of a book called *Tipping Point*, which I read many years ago. Therefore, I hope Members would correct me if my memory fails me. Of the two examples cited in the book, one is about the subway in New York. Over the years, the subway had been the breeding ground for crimes, why? As we all know, graffiti could be found all over the subway. Several years ago, a mayor came up with a solution by removing all the graffiti there and then imposing a strict ban on graffiti. Moreover, graffiti would be removed immediately once it was found. As a result, there were a sharp drop in crime rates, and a good law and order situation.

The second example concerns housing in slum areas, that is, the "Broken Window" theory. According to this theory, if the windows of some houses were broken by someone and no one paid any attention, the holes in the windows would give the impression that no one would care about the place. So, the problem could develop from a small one into a big one. Subsequently, some people suggested that the broken windows be fixed properly. As a result, the law and order situation of the district was improved because when other people saw the windows fixed, they knew that some people would care about and pay attention to the place, and that some people have bottomlines and would insist on

doing something. Should this Council allow our windows to have holes, our order and dignity will only deteriorate, and so will the community.

Deputy President, please allow me to respond to the remarks made by some colleagues earlier. The citing of Gandhi as an example by a number of colleagues is simply an insult to Gandhi. As we all know clearly, Gandhi respected and promoted non-violence, there is no need for me to elaborate. However, some Members even mentioned the Black Army, the Black Panther Party and the Red Army. Members want to turn Hong Kong into a society of this sort, don't they? Or do Members wish to pursue their goals by non-violent, peaceful and rational means?

Deputy President, some people said that colleagues from the Hong Kong Federation of Trade Unions were not qualified to criticize violence. They also said that Dr Philip WONG was not qualified to do so, because he had once erected his middle finger. However, the relevant organization and colleague had at least confessed that their values were wrong, or admitted at a certain stage that they had been compelled to do so because of the circumstances at that time. Yet some colleagues are now taking pleasure in what they have done. Moreover, they become increasingly addicted to it because 10% to 15% of the people in the community support them doing so. Values are very important. If some colleagues believe that they can secure votes only by raising their middle fingers, using foul language or committing crimes, this must be an extremely terrible society.

Deputy President, I wish to make one more point, which is about causal relations. There is a widespread saying that owing to social injustice, they have been compelled to act in that manner in order to improve the situation. Some people have even sung their own praises for hurling bananas, which has resulted in the relaxation of the restrictions on the "fruit grant". Some have even attributed the turn of events today to the incident that occurred yesterday in which the Chief Executive was pushed and bumped by someone. All these are examples of Sichuan dogs barking at the sun. In fact, we cannot change anything by relying on individuals to put up a show. There must be many people at the back making joint efforts to campaign, lobby, exert pressure and make persuasion. The change this time is one example.

Incidentally, it is indeed necessary for this Government to seriously do some soul-searching, including its present "U-turn" or "turnaround" to revise the

Budget. Why can the credit not be shared by Members who have participated in making an effort and proposing recommendations in a relatively fair manner? Why must the Government accord discriminatory treatment and put up such an obvious show? I have reservations about this because Members from different sectors have actually played a part in making the Government change its thinking. Moreover, members of the community have conveyed their views. This approach will only indirectly aggravate grievances. Even if changes are made, the Government can only slightly release the steam for the time being. However, the conflicts will intensify very quickly.

In this respect, I hope Members can reflect on themselves whether they can better and fairer while condemning the violent tendency. A democratic society, especially a modern democratic society, does not merely focus on whether there are enough votes, as this is just a very crude and vulgar system of democracy. Nowadays, conciliation and consultation are taken seriously by democratic societies. There is no need for a vote to be put on every occasion because whether or not a proposal can be passed should already be known before its tabling to the Council. Members can compromise. All policies can be fine-tuned or revised substantially. Some people are indeed furious with this mentality, which is typical of the bureaucratic system in the colonial period, and the attitude of turning a deaf ear to opinions and refusing to make any fine tuning. In this respect, we must conduct a review. Indeed, both parties should conduct a review.

Furthermore, some colleagues have criticized the Chief Executive for making a mountain out of a molehill. I think that there are bound to be displeasure and anger. However, the rules of the game in present-day society have already changed after 1997. The Government can no longer cling to the bureaucratic mentality. Facing Members of this Council and members of the public, the Government should adopt an attitude and poise of gradual adaptation while accepting the baptism of democratic society in a more open manner. For instance, there is actually no need to waste a lot of public money and the time of civil servants because of this trivial matter. Even if there are some minor injuries, I believe the injuries are much less serious than those suffered by tour guide "Ah Yung". There is simply no need for the matter to be handled in such a high profile. People might have given him high marks out of sympathy. However, his marks have on the contrary been deducted because he has chosen to act in that manner.

On the whole, Deputy President, I welcome this opportunity for us to debate this question. I also hope efforts can be made expeditiously to prevent some political parties from acting in such a hypocritical manner that they dare not utter a word expressing their opposition to violence, even if someone is pointing at their noses. After all, no one would like to see this Council head in an uncivilized direction. Therefore, we must cherish our excellent tradition. Without civilization (*The buzzer sounded*) .....

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

**MR PAUL TSE** (in Cantonese): ..... will there be democracy?

**DR PAN PEY-CHYOU** (in Cantonese): Deputy President, I think that it is a commendable act of Mr Jeffrey LAM in proposing this adjournment debate today. I have a very gentle character, but when I come across things which I do not feel like it or cannot tolerate, I would voice out. And I will insist on my perception of right and wrong. It is like the case some two years ago when Mr LEUNG Kwok-hung proposed an adjournment debate condemning the conflicts in the Middle East, that is, the suppression of Palestinian civilians by Israeli troops. As Members we should have a yardstick and we should distinguish right from wrong and we must not be callous to the dictates of our conscience and just speak out of our own political needs.

Members of this Council, political figures, and members of political parties alike, sometimes there is really a need to send some message across with the help of body language. I am an open person and at times it can be said that such action is a kind of performing arts. It is because gestures are magnified and exaggerated on the stage so that the spectators sitting far away can see them. It does not matter because it is meant to strike some message home. I recall that more than two years ago, I had praised Mr LEUNG Kwok-hung in the Council as a noble savage. This is what I mean. Because he used a very direct and primitive means to convey a strong message.

But I do not think I can describe Mr LEUNG with the same words today. In fact, I think his behaviour of late has gone beyond the bottomline acceptable to

me. Even if gestures or actions have to be used to convey any message, they must not cause harm to any innocent person. So if the security officers of this Council are injured in the course of maintaining order, I consider that unacceptable. I would also think that it is likewise unacceptable if any public officer should be injured in the head when something hard is thrown at him at a time when he is not concentrated or if his eyes are dim. Just how can we accept such things?

Hong Kong is a civilized society, and the public officers, though paid to do their job, have all been working with dedication. So even if Members may not approve of their performance, Members should not use this method to show their discontent or try to get more votes. What kind of world will it become if people use other people's blood to get more votes? So we just cannot put a wrong message across to the public, that what we are doing here is like what Confucius used to say, hypocrites. People would just say, "Well, more or less." There is no definite yes or no. Members should not act like this. If an issue relates to right or wrong, Members should say what they think is right or wrong. It does not matter if the public likes it or otherwise. Why should we do so? Because many people would pay attention to what we do and what we say. So if we cannot say out of our conviction what is right or wrong, this society would become very confused. What is a society marked by confusion like? What is a society without the rule of law or people keeping discipline and order like? Put simply, it is a jungle. What is the law of the jungle? It is the survival of the fittest. Those who are the most brutal will win. Those who do not mind shedding other people's blood will become the chief in the tribe. So does our society have to degrade to such a deplorable state?

On acts of violence in the parliamentary assembly, I have seen a lot of clips in YouTube recently. I find that there are many incidents of violence in parliamentary assemblies in the world. Some people are beaten and sent to hospital. When I watched these clips, I was glad that such things did not happen in Hong Kong because we are far more civilized. But with the events that have happened recently, especially after the beginning of this Session, I find that things are beginning to change. Things were hurled hard and loud. And every time they were aimed at a target. Had the target not dodged or somebody had intercepted the objects in time, the target would have been hit. This is much way over board. Would it happen next time that a number of people will come out and beat up the target? In that event, then the clip will certainly be uploaded

onto YouTube and all the people in the world will see what the parliamentary assembly in Hong Kong is like. Do we want to see that happen? By then, there may be people in Hong Kong who think that TV programmes here are too boring and they may be interested in knowing if there was a fight in the Legislative Council meeting on that day and who were wounded or which Members bled or which public officers had blood all over their face and were sent to the hospital. Do we really want things to develop to such a state?

I very much support Mr Paul TSE's remark, that we are in fact very fortunate in living in a cultured society with public order, that people from all walks of life, be they public officers or those in the private sector, all have a good sense of work ethics. Let me cite an example. During the SARS outbreak, we saw from the news reports that medical and nursing staff in many countries just fled when SARS broke out in the hospitals, but those medical and nursing staff of Hong Kong as well as the staff at the lower levels in the hospitals chose to stay and many of them got infected and died. Could they not run away as well? Could they not make up an excuse and take a sick leave? Many of them did not and they chose to stay. They knew very well their responsibility and it shows that the people of Hong Kong do have a high quality. It is commonly thought in society that fulfilling one's responsibility and doing one's job well are very important. It is likewise important to abide by the law. So even though there are thousands of marches and demonstrations in Hong Kong every year, an overwhelming majority of them are very peaceful. The police in enforcing the law — this is their job. Formerly when I took part in many of these marches, I often heard police officers advise the leaders not to go too far into the middle of the road. But when the leaders refused and said that they needed more room, the police officers would in most cases accommodate them. The protesters would have their way provided that they do not cause traffic congestion — would maintain a most cordial relation with demonstrators. They can talk and bargain. This is all done to enable the smooth conduct of the activity. I am really proud of Hong Kong, because the people are of such a high quality and they abide by the law.

However, there are also people who have criticized us for not being democratic enough. But which country in the world is 100% democratic? Most of those countries which are more successful have made gradual and slow progress on the road to democracy. They change according to their own conditions and thus increase the democratic element in their society. Often

times the process is very peaceful and it is completed through the local assemblies, institutions or some peaceful movement in society. Hong Kong actually has got the soil and space for us to do the same. And we do not have to rely on the opinion of others to verify this fact. We know from foreign comments and rankings that Hong Kong is a very liberal society. When we read the newspapers every day, we know that the Government is scolded all the time. It is all right if we use the harshest words against the Government — that is, to scold it until it drops dead. Well, I do not think I should use this expression in the Council. But this is really the fact. Newspapers are slamming the Government every day. It is rarely seen in any city or country in the world that the media can launch scathing attacks on the government like we do in Hong Kong.

I recall a number of years ago a British composer had written a song chiding the Prime Minister of Britain and the President of the United States. The person was banned and boycotted in the show business world. I am sure such things will never happen in Hong Kong because both Members and the public in Hong Kong can all criticize the Government freely, scold it or even point their fingers at it. The reason is our society believes that as long as you do not raise your fist and punch people, you can say what you like. And what people care is whether or not you can convince people with your arguments.

The judicial system in Hong Kong ranks the foremost among places in the world. It is very much independent. If our judicial system is not independent enough, why would the Government often lose in a judicial review? The result is that a reclamation project has to be given up and an underground tunnel is dug instead. In this way the most expensive method is used to build the Wan Chai Bypass. Why do things have to be done this way? It is because not only the Government has to abide by the law, the common people have to abide by the law. Everyone has to abide by the law. When the Government loses in a judicial review case, the result is that its hands are tied and it can do nothing. Honestly, Hong Kong is not a place where the powers of the officials are supreme. If Members have been to other places, they will know that the powers of officials in these places are far greater than those enjoyed by officials in Hong Kong.

I think that if people have got something to say or some views to express, or if they want some change, there are actually many methods which are

non-violent. I do not think we need to degrade to such a deplorable state. From what I saw yesterday, it might be that that young man was emotionally moved. But if he attacks people like that, I do not think most people in Hong Kong would approve of his action.

If people in Hong Kong are unhappy about anything, they might as well take to the streets several days later. There are many days this year when people take to the streets. I am sure if people are unhappy about anything, there is much room in Hong Kong for them to show their discontent and they can do so without resorting to violence. Moreover, they do not have to use any acts of violence at all. Who would want to live in a city or country filled with violence? Members can just pick any place against which the Security Bureau has issued a travel warning, go there and see for themselves. Then I am sure they will not do such acts in Hong Kong again.

What I want to say is, the speeches made by Members here do prove a point and, that is, humans are different from animals. The difference between the two is humans can speak. They can use language to express complicated ideas and emotions. But animals cannot do so. When a dog is unhappy, it will show its teeth and pose an expression that frightens you. If you are not taken a back, it will bite you. This is what sets humans apart from animals. It is because humans can make things change and express what they want through language and institutions. Do we want to become animals instead of humans? I hope that Honourable colleagues who believe in violence and those who are guided by the myth of violence can pause for a while and think. This is what I want to say.

**MR LEE CHEUK-YAN** (in Cantonese): Deputy President, I am sure no one in Hong Kong would approve of violence. But I think Mr Jeffrey LAM is merely shoe-shining in proposing the motion today. It is also a manifestation of double standards. Why did I say that he is shoe-shining? It is because on those many cases involving violence done by public officers to the common people in the past, why did he not condemn them? On this occasion, someone bumped into the Chief Executive and it is not known how the Chief Executive was bumped into, or perhaps I will use words which the Secretary for Security is fond of saying, that is, "an investigation is being conducted into the matter and no comments will be given." We really do not know what happened and so we



should not comment on the case. But what I feel most unhappy today is that Members seem to be very anxious and want to condemn people. But why do Members not care about the rights of the common people?

There is one incident which I remember very vividly and, that is, when dealing with the Choi Yuen Village case, we criticized the Government that the police had briefed out violence. Then police officers resorted to violence themselves. These are cases of violence done to the people. Why is no one talking about it? If you say that there are bruises in Donald TSANG's body on this occasion, then I can say in the case of the Goddess of Democracy statue being seized last year, my two hands became red and swollen because some people had pulled me so hard. The police had used violence on me.

Last week, I went to the Liaison Office of the Central People's Government in the HKSAR (LOCPG) to stage a protest against the arrest of some people by the Government. I wanted to go to the flower bed and lay down a bouquet of flowers — the bouquet was not laid on the property of the LOCPG but only on the flower bed. Some policemen pushed me and they were doing that from the other side of the mills barrier. I believe they were not trying to push me on purpose. But they did bump into me. Had there been no one shoring me up at my back, I would have dropped. Often we do not want to see such things happen, and I believe neither do the police. But on this occasion, people only said that the Chief Executive had been bumped into and people from the pro-establishment camp in Hong Kong all came forth. I think this is purely shoe-shining and no more. No one wants to see violence, but if Members do not want to see violence, the most important thing is to be fair and stop applying double standards. Members should condemn all acts of violence. If this is the case, then it can be said that all people are equal before the law. Now as we see it, not everyone is equal before the law. There are people who when bumped into by someone would set Members' nerves on their ends, whereas the general public does not feel quite the same.

I wish to talk here about a case of this kind of so-called violence by the general public. It is a pity that the Secretary for Transport and Housing is not here. Who am I talking about? He is called CHEUNG Sun-yau. He is a factory owner in Choi Yuen Village. Mr Andrew LEUNG, he is a factory owner. He used to work as a driver of a grab-mounted lorry. Out of work in 2007, he borrowed \$800,000 from a friend and bought a chicken farm in Choi Yuen Village. Then he started his recycling business. Things had been going

on fine since 2007. But when his land was resumed, just how much compensation he got? It was \$220,000. The MTR Corporation Limited (MTRCL) paid him \$150,000, saying that the compensation was like buying something from him, say hoardings. Altogether he got some \$300,000. But he was heavily in debt. His debts amounted to \$1 million. He was so distressed that the day before yesterday he drove a fork-lift truck into the hoardings and tried to remove them. This is what we do not want to see, for it is violence. But what about the violence he has been subjected to, that is, the kind of institutional violence that he is experiencing? He was cornered into a dead end and he was driven out of his business. He was heavily in debt, but the compensation he got was so small in amount. Who then will speak up for people who are victims of this kind of violence, that is, institutional violence?

So if we are really to talk about violence, then we should consider all the more the causes perpetrating these acts of violence. Now things are only what they appear to be, but what is behind all of these? It is institutional violence. As a matter of fact, this Council of ours could have given play to a function and that is, easing people's anger. This is because I think problems can be solved in this Council through negotiations with the Government. But this Council has failed this function. Why? It is apparent that the functional constituencies represent the institutional violence. If we cannot get rid of this kind of violence, public opinion will always be crippled. It can only have one half of the say while the other half is out of your control. And there is this separate voting system, so you can never have your way. When no one cares about these institutional problems, they will just pile up. I am sure that when problems pile up continuously, and given the oppression of the people by the officials, conflicts are bound to increase and so will violence. These are not things people would want to see, but when Members do not solve the problems at root but try to solve them on the surface, what then is the use of it?

So if violence is really to be condemned, I would think that the institution should be condemned first. This institution should be condemned for the vast number of cases of injustice created. All of these have made people furious. The institution should be condemned for its existence has denied the public their representation of opinions. And I think this is more important than condemning things that are superficial. Thank you, Deputy President.

**MS CYD HO** (in Cantonese): Deputy President, I am totally in favour of civil social actions that are peaceful, rational and non-violent. In 1999, we fought for the right of abode issue. On that occasion, many people came out and there were such great grievances and injustices. We protested against the Government for not complying with the judgment of the Court. Despite the great rage we had, we still urged the people to be peaceful, rational and non-violent. However, I was aware of the feelings of the members of the public when they found no avenue to vent their grievances and when officials did not see the point of arguments repeatedly presented and would only bend on having their ways. So if the rage has to be expressed by any physical action, the first thing that the Government should do is not to make arrests and put these people in jail. What the Government should do in the first place is to reflect on the situation and try to see why, despite such a vast law-enforcement machinery in the form of policemen, prisons and laws, these members of the public are dauntless and still come out to engage in physical clashes with others.

Yesterday in an official function, a young man dashed onto the stage. In fact, he had also sustained injuries of no small scale. As we saw it, the response of the Secretary for Home Affairs was stunning — he was really very agile considering his age and I must admit I cannot do it — he grabbed the young man at his waist from behind and soon the young man was forced down the stage. He hit some metal stands and his back might be seriously wounded. Why do people risk injury and contravention of the rules and possible prosecution or imprisonment to do such things?

If this Government only sees the common people breaking the rules but it does not engage in any self-reflection and mend its ways, and if it only bends on having its own will because it can fall back on the law-enforcement machinery, then this kind of rule-breaking behaviour will only increase all the more. Also, if Members in this Council see only other Members engage in some radical physical clashes but fail to see the strong arms of the Government making all those brutal and merciless acts in suppressing the people, I do not think we are qualified to condemn violence here today.

Deputy President, if Members pretend not to see the oppression of the people or hear the cries from their hearts, this kind of rule-breaking behaviour will only increase and in the end it will form a surging wave of non-co-operation movement and the Government will have a hard time dealing with it.

Although the wording of this motion only targets acts of violence against public officers and the Chief Executive, actually we can find that mention is made of the impact on the Rules of Procedure (RoP) of this Council. Acts causing an impact on the RoP are also seen as acts of violence. However, we should really make it clear that violence of the most fundamental nature in this Council, one which happens every day, is that this Council is formed by an undemocratic method. In this Council formed by an undemocratic method, the will of the majority is repelled and vetoed by those representatives of the minority. We should not just see a thorn in other people's eye but is blind to the pole and pillar in our own. I welcome this motion debate which aims at condemning violence, but I think that this debate should make us open up our eyes to the existence of greater institutional violence in society and that more ordinary members of the public are oppressed, instead of our Chief Executive and officials.

The kind of violence outside this Council is even more outrageous. The ordinary people are living like slaves because of policies marked by collusion between business and the Government. Many of the people in Hong Kong work more than 10 hours a day. They work like slaves. Some die of sheer over-fatigue. How are we to settle the scores because of this kind of violence? There are families with members living across the borders and for more than 10 years they have been living separately and cannot be united. They are forced to overstay in Hong Kong, breaking the law and are arrested and jailed. How should scores like these be settled? The Chief Executive urges that the people should make their views known in a peaceful and rational manner. Residents of the Choi Yuen Village have been making their views known in a peaceful and rational manner. But what kind of treatment have they been given? We see on the web that CHU Hoi-dick was thrown violently to the ground by outsourced workers of the Government. A villager voicing his views in defence of his home was pushed and he dropped in the fields. The villager was injured and he was bleeding. The policemen surrounded him and did not allow him to leave. He was not allowed to board the ambulance. What should we do about it? An elder of some villagers had died, and when the first three weeks after the deceased had yet to pass, the demolition team came and the old man's framed picture was carelessly put on the street. Can acts like these be called humane at all? Are they rational? Also, now the MTRCL is carrying out piling works just 10 m away from the doorsteps of the villagers. It says it is testing the piles. Three piles have been driven into the ground but today one of them has been removed. It says that piling has to be done again. This is violence in the form of noise and

it is aimed at forcing the villagers to move out. Has the Chief Executive ever asked the Housing and Transport Bureau and the MTRCL to put an end to this kind of violence, sit down and engage in a peaceful and rational discussion of the situation with the residents of Choi Yuen Village?

Why do we have two sets of standards and practices? When objects are hurled at some officials, they will make a high-profile condemnation in return. But when we see villagers treated to violence, no one will care about it. It is clear that the Government pretends to talk about lofty ideals of peace and reason because it can rely on the vast powers it has got. But it is lashing at and flogging the weak and the powerless. If Members know the difference between humans and animals, and if we know clearly the difference between the two, we should actually be having motion debates every day here to stop such acts of violence instead of just doing it today.

People who break rules ought to be punished. And if they commit criminal offences, they may even be jailed. But we have to ask this question: why are the people so enraged and why are they prepared to come out even though they may be punished and jailed? If this Government still fails to see this point, and if this Government still fails to search its soul, it is not qualified to govern Hong Kong.

**MR ALAN LEONG** (in Cantonese): Deputy President, on this question of whether or not this Government is qualified to govern Hong Kong, I think the people of Hong Kong will make a fair judgment. As a matter of fact, after the budget saga, I am sure many people will think that this Government is not only lacking in any ability to govern, but its will to govern is weak indeed.

Deputy President, first of all, I wish to state clearly on behalf of the Civic Party our stand on this adjournment motion proposed by Mr Jeffrey LAM. Certainly, the Civic Party cannot accept acts of violence in society. We hope that issues can be discussed in a peaceful and rational manner and that arguments and relevant data can be presented. But as we criticize acts of a radical nature, we must know why people act in such a radical manner and why they would want to use this means to realize and practise their freedom of expression. I am sure given the option, no one would prefer clashes, hitting the mills barriers, taking part in marches and chanting slogans. If there can be a mechanism within the

establishment which is truly mature, fair and just so that the people of Hong Kong can make their views known, I am sure they may not, or I can say that they will not, choose such radical acts of expression.

Deputy President, an Honourable colleague has raised a point earlier and that is, we can make an analogy and liken this Council to a court of law. And in a court of law, it will not allow its procedures or dignity to be subject to any challenge. First of all, I think that this kind of analogy is inappropriate. I also hope that discussions and results achieved in this Council can be like those in a Court. For if it is like in a Court, the party which has presented sound arguments can in theory win its case. Now when the people buy a flat, they are often cheated. For example, a flat of 600 sq ft may just have 480 sq ft, but even in this case, the people would consider it a blessing. When the people are cheated 100 sq ft of the floor area, they may have been cheated \$1 million because property prices are so high these days. So we have suggested legislating to regulate the sale of first-hand flats according to a formula. I am sure the President would recall that the Hong Kong Institute of Surveyors once provided a formula to us, but the suggestion was negated. Members from the labour sector know very well that issues raised in this Council, such as adding five more days to the labour holidays to bring them on par with the number of public holidays are often negated at separate voting. Even when we propose a motion to review the employment legislation to see if it is in keeping with the times is also negated.

Besides, members of the public can also see that someone can have 41 votes in the Legislative Council election because that person comes from a functional constituency with 40 organizations, groups and companies having appointed at the proxy for them. So why can someone have 41 votes while most members of the public can just have one vote? The people will get very dissatisfied. Therefore, if anyone compares this Council which is a political arena or a microcosm of society to a court of law, I think that it is totally inappropriate and any discussion stemming from it is meaningless.

So I think as we discuss this motion proposed by Mr LAM, and as we make ourselves clear that we do not want to use violence or excessively radical acts in approaching any social issues, we should know that there are many instances of inequality and injustice in society. I have just heard many Members talk about institutional violence or examining the issue from a wider or macro perspective,

such as citing the examples of Choi Yuen Village and the Express Rail Link in discussing violence in society. Actually, I think Members must still have a vivid memory of such examples, and I do not intend to repeat them here.

When Mr LAM spoke on the motion earlier, he mentioned that the overall situation then was very worrying. It was because some acts of violence had happened. However, from the perspective of the Civic Party, the most worrying thing is that the Government has deviated from public opinion in administration. It only favours those whom it thinks are close to it, and it listens to opinions selectively. And in this way it acts against public opinion. To our great surprise the Financial Secretary made a drastic U-turn today, from not handing out a single cent ..... at first he said that no money would be handed out, but now he is prepared to hand out money. Then he admitted that it is not correct to put money into MPF accounts and so he decided to hand out cash. Actually, if we see how over the past few days he had acted, I do not know if he is suffering from early psychosis or cannot find any good solution. He should not have done so. If he is a person of conviction, principle and logic, he could hardly have made such a change. So the first thing we have to worry about now is not those acts of violence directed at the Chief Executive and the officials. On the contrary, I am worried if this Government is running more and more counter to public opinion, or it is deviating from it. This is a very important point.

When we look at the situation in Hong Kong from this broad and macro perspective, we should adopt the same perspective when we discuss the issue of acts of violence before any complete and three-dimensional discussion can be held. Of course, we from the Civic Party have our own views, and we think we should be gentle and reasonable when debating with others in this Council.

Deputy President, you may not know if I do not tell you this. When I handed out leaflets on the streets, some kaifongs came up and said to me, "Mr Alan LEONG, you are too gentle. If you are so gentle, I do not think I will vote for you next time, for when you speak like this, the Government will never hear you. Some people succeeded in getting the Old Age Allowance raised to \$1,000 for me because they have thrown bananas. What have you done for me?"

I would feel a bit upset when I hear such comments on the street. Is our system really like the Court so that debates are held in which Members who are sensible, following all the rules and citing relevant data and presenting good

arguments will prevail? The answer is in most cases no. This is the crux of the problem. So as we discuss this issue, we should not make any one-sided comments and judgments.

On behalf of the Civic Party I have to point out that there are suspicions of a verdict passed before trial in the wording of the motion today. This is because the wording asserts that there are acts of violence directed against the Chief Executive and public officers. I believe it is premature to arrive at such a conclusion at this stage.

As many Honourable colleagues have pointed out, I am sure the Secretary for Security will also state later that the Chief Executive being a citizen of Hong Kong has the right to report to the police when he is under what he thinks to be a personal attack. And the police will investigate into the case as per the established procedures. I would think that it is more appropriate to discuss the matter when everything is made clearer. So if there is a judgment now that there are acts of violence targeting the Chief Executive, that would be a bit too premature.

Deputy President, finally, I would like to reiterate that no matter if it is inside or outside this Council, if in the design of our system, we can allow the expression of opinion in fair, just and peaceful circumstances by people of diverse opinions, this would provide the best incentive to stop or curb the use of radical acts in the expression of opinion. So we should make the design of the entire system fairer and impartial. In my opinion, this would be a more appropriate move to take. I so submit.

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

**DR PRISCILLA LEUNG** (in Cantonese): Deputy President, the key point of this topic under discussion today is not about how that young man should be punished or how he should be reprimanded, still less the question of going to jail — just as Mr LEUNG Kwok-hung exaggeratedly said, "Come and arrest me!" earlier on. I think the greatest merit of holding this adjournment debate today is that it enables us to immediately respond to an incident that just happened, while everyone will be interested in listening to the opinions expressed here.



I think we should rather set eyes on the representative assembly in Hong Kong and think about what kind of parliamentary culture we need, and in this society of Hong Kong, what kind of civilization we need, or perhaps we should more fundamentally look at our basic etiquette in getting along with people and dealing with things. Let me cite a simple example. I had once forgotten to pay attention and my mobile telephone made some noises here in this Chamber. The President then gave me a note reminding me to turn it off. This actually is a matter of etiquette, too, a manifestation of respect for people who are speaking in this Chamber. I very much respect these rules.

So, I think this issue should not be placed at a very high and significant level. Nor do I think that it carries a deep and profound meaning. Whenever these issues are discussed, Members will invariably put the blame on the political system. I, quite on the contrary, hope that the focus can be people-based. I understand that the young man must have felt discontented in resorting to this way of expression. I have been a parent myself and I understand this very well. It is like children playing with fire for the first time may not necessarily cause harm to other people, but if the child plays with fire again because he is not happy with someone in order to attract other people's attention, his grandparents may have to reprimand him, and this may even completely destroy his home eventually.

Some people are just the opposite, as they cause self-harm to themselves to vent their rage. I had talked to a friend who used to do this. At first, when her husband did not listen to her, she cut herself once and her husband immediately got round her and when the same happened the second time, she cut herself twice, and when that happened the third time, she even threw her children down onto the street and then jumped down from height. This is a matter of inclination. It depends on when we can tell that child, that young man or even that woman that their way of expression is inappropriate. If we do not let them know at the right time, they may take even more exaggerated actions. Let me cite an example which is heartrending to me. In the United States, a Korean youngster who was an environmentalist became more and more radical in his behaviour and this had ultimately driven him to hijacking with the use of a bomb. He was also dissatisfied with the system and this had gradually developed in him an increasingly radical way of expression.

When their behaviour may have gone unnoticed the first time, the second time and the third time that they committed it, many young people will slowly develop a habit and ultimately choose the most radical way of expression on the Internet. Therefore, they sometimes do not just harm other people in order to give vent to their rage. They sometimes even vent their rage by causing harm to themselves and even to their own children. Some people even choose to chop their husband to death. These people do have our sympathy, and how can we have the heart to punish and arrest them? But they think that resorting to such actions can attract the attention of the media.

(THE PRESIDENT resumed the Chair)

I remember a most tragic and pathetic tragedy in which a woman burned her two sons alive. When her husband came home and found out what happened, he even kicked the three corpses. This woman said in her last words that she wanted to arouse the attention of all the people of Hong Kong. Everyone thought that this woman was pitiable at that time and so, she should not be condemned anymore. I do not agree. She should be condemned for taking this approach to solve her problem. Otherwise, some people will follow her example.

Therefore, this has nothing to do with her husband (I do not know what problems there were in their family) but when this woman had taken this approach to attract attention and expressed dissatisfaction, I think we have the duty to point out the impropriety of her act at an appropriate time and in a timely manner, but we need moral courage to do so. This has nothing to do with the question of whether or not there is freedom. Nor is this a question of whether or not there is democracy.

Members who have had contacts with young people will find out that there are two kinds of youngsters nowadays. I have two sons who are also youngsters. I think I am very lucky, as they do not like "hurling bananas"; nor do they like this way of expression. I will sometimes share my feelings with them, too. As for the other kind of youngsters, they will hurl a mobile telephone at their mothers if their mothers do not accede to their demands. Have Members ever heard the complaints of some parents about their children saying this: "Even

Members of the Legislative Council do such a thing. I want to be a Member of the Legislative Council in future."? Can Members sense how helpless these parents are when they are saying this in tears? Some parents even said that they would go down on their knees to beg Members of the Legislative Council not to teach the next generation to do such things.

Members of the Legislative Council are considered useless now. The popularity of both the Government and the Legislative Council is low. The female bonesetter who treated me yesterday — she is never concerned about politics — said to me, "We really think that the Legislative Council is a Rubbish Council. Do not work so hard, for it is meaningless to do so."

The Legislative Council belongs to everyone. It does not just belong to one or two persons. Yet, we are here to rationalize these things, saying that it is all because the system is not good that he did this. I have no objection to what he did, as I absolutely do not agree that one should be jailed for doing that. If that happened, I would certainly raise my objection. But if you speak in support of such behaviour because there are faults in the system and therefore, you would allow him to do this continuously, I would absolutely oppose it.

We, being adults, are most concerned about our young people. I had been young, and I had been a youngster whose thinking was radical, too. We wrote up posters to raise discussion on such issues as gender equality, changing the academic structure from four to three years, and so on. I had been radical before, and I slept on the street every night to stage demonstrations. That said, I was different from these impolite and radical young people now. If you ask me for my view, I would say that I do not accept this way of expression.

Is it possible for the education of our next generation and our pursuit of democracy to be more attractive instead of being so annoying? When Members of the Legislative Council made speeches which are not pleasing to the ears, some people will make a hubbub of noises, as if turning this place into a market. In the pursuit for democracy, why do we not learn from the more refined places? Why should we be compared to South Korea, Japan and Taiwan? Let me tell Members this. I have many Taiwanese friends whom I have known since 1990. I saw how they joined the Legislative Yuan. They said to me, "Priscilla LEUNG, if you want to become famous, take off your high-heel and throw it and we guarantee that you will become famous all over the world." Do you want to

do that? That is easy. What harm will it do in such a small place as Hong Kong? But should we not ask ourselves instead what kind of parliamentary culture we would like to have and how civilized we would like Hong Kong society and our democratic system to become? I think this is very important. We must be responsible for what we said today. I do not mind if Members consider this system not perfect. We may fight for a better system in different ways, and I absolutely and totally respect this. I think this is just fine. But should we look at the moral quality of the next generation of our society? Some Members said that this is a place where we only talk about the rule of law or going to jail. I entirely take exception to this way of discussion. Why should we mention going to jail? What we are talking about now is quality and inherent character. In fact, Members of the Legislative Council are like teachers (let me stress that I refer to teachers), and other people are really watching us as to how we get along with people and deal with things.

I remember that when I first started teaching, my seniors mentioned three things to me, because young people will pay attention to each and every move we make. The Legislative Council is just the same, as young people and society also pay attention to each and every move made by the Legislative Council. Is this Council a Rubbish Council or a Council which commands respect from the people? First, we must love the people around us. If you look at them ..... I felt very sad yesterday. In fact, I agree with Ms Cyd HO that the young man may get hurt, too. Why did he take this approach? Did anyone advise him not to take this approach? Could he attract the attention of the media by other means of a higher level? Why should he take this so-called best approach of fighting and shouting? Can a more creative approach be taken?

Second, we must teach the young people. When a youngster made a mistake, we cannot say to him, "Oh yes, Mom has come home late today. Sorry, it is my fault. You played with fire. Sorry, this is my fault." Well, I may have done something wrong, or I do not have enough time. But if we see young people doing such a thing, we must teach them a lesson, or else there may be problems in future.

Third, show them. Other people are watching you as to what you do. Those young people may only be 11 or 12 years old, or eight or nine years old. Have you set a good example to them? I have no strong view on this, and Members can make their own choice. You can say that he was right in doing

that. I cannot say such a thing. At least I dare say that I do not like this approach. I do not wish to see this Council becoming like that. I all the more do not wish that many parents would say to me, "You Members of the Legislative Council return our children to us. Why have our children become like this?" I am not saying that we made them do it, just that the influence is imperceptible in many cases. During the prime time we can always watch on television footage of Members hurling objects, shouting at and accusing each other, and using foul language in the Legislative Council. Members can say whatever they like. When I first joined this Council I heard people say that Members can do whatever they like in the Legislative Council without having to bear any legal liability. When it comes to legal liability, what kinds of behaviour will really result in imprisonment? This is not going to happen, is it? This is what we all know, and this is also what we do not wish to see. Members will not be held legally responsible for saying anything, so why do we not say as much as we like? Does this have to do with your personal morality and integrity? Radical ideology can actually command respect too, and should we also think about this? Must we make everyone feel annoyed and disturbed? All these are facts.

Most people do not like this approach. Although I dare not say that this is absolute, most people really do not like this approach. We are among this majority, and I do not like this approach. I hope that the Legislative Council is a dignified and solemn representative assembly, and even though we have to take the Government to task, we must do so with quality. I hope that when our next generation takes over — we are not doing good enough — they can do a better job and they will not only rely on this approach of throwing objects. We are not doing good enough perhaps because we are inexperienced and not skillful enough. But at least we can ensure that the next generation will move on and we will feel honoured and take pride in this. It does not matter if we have different opinions. Take a look at the case of the United States. For over two centuries, opinions have never been the same, and their debates have also been spectacular. How far have we learnt from their experience? I do not know the answer, and I have more to say about our own experience. If certain Members find that your remarks implicate them, they will immediately make a hubbub of noises. I do not think this is by any standard a brilliant move.

Therefore, I hope that today's debate can be a spur to Members by prompting them to address this problem squarely. I am also a member of the Committee on Rules of Procedure. When I first joined this Council in 2008, I

had to face the question of whether or not the Rules of Procedure (RoP) should be amended. I was one of the members who bravely came forth at that time. I thought that if the President said that the RoP were inadequate, we should address the problem squarely. But frankly speaking, people mind their own business. I was a newcomer then and my words could hardly exert any influence, and so I have not put forward views for the past two years. I have acted as an onlooker, paying attention to the views of other Members and to when the impact of "minding one's own business" will fall on ourselves.

In fact, this is an issue which warrants our discussion. Let me say this once again. I absolutely do not agree that we should focus on the point that as those people have done something wrong, they can be arrested according to law. Do Members wish to see those young people jailed? Rather, we should protect them. It is because we want to protect them that we should immediately tell them that such behaviour is, in fact, most repulsive and that it will result in counter-effects. I all the more hope that the Government will not accede to their demand because they have adopted this approach, or else it would be like giving him an \$8,000-worth telephone as a gift when he cuts himself with a knife. The Government should never do this. Rather, they should be stopped from doing it. Even if their demand is justified, their demand still should not be acceded to. I think such an approach should not be encouraged. It should be condemned. So, the focus is not about who should be punished, and the question should not be escalated to be a person feeling discontented because such a system is lacking. The system can be discussed for 30 years, and it can be debated in the academia for a period of time. The demerits of the system of state representatives are still under discussion in the United States. However, there is just no turning back for moral development, civilization of society and the education of the next generation. Within three to four years, this generation will become adults who have this culture, and they will not ever return. We must not let those "post-2000s" say that they do not want to be like us. We should do better. We should make the Legislative Council a representative assembly in which people can take pride. Members should not be like ordinary people. When we walk into the market, we must not hope that other people just regard us as a little bit better than them. Even young people do not want others to see the way we debate here. Let me tell you that this is a fact, even though you do not wish to face it squarely. I always visit the district and I do feel depressed. This is why some people have told me that I should not spend so much time on this Council.

Can we put in a greater effort together? Let us not just talk about the system. The discussion to be held later concerning the constitutional reform is going to take a very long time. We should talk about parliamentary quality and parliamentary culture now. Thank you, President.

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

**DR LAM TAI-FAI** (in Cantonese): President, before I became a Member of this Council, it had never ever occurred to me that in this Chamber, there could be such tumultuous scenes as Members throwing things, using expletives and resorting to violence. I had really never thought of this. But being a Member of this Council is indeed an eye opener to me. It can also be considered a life experience, and having seen all these ploys, I would say that the past two years of my office as a Member of this Council are well worth the while. Certainly, as a Member of the Legislative Council and the Supervisor of a college — I must stress that I am the School Supervisor of Lam Tai Fai College — I absolutely do not approve of such acts of violence. Nor do I wish that young people and students will follow these acts of violence or use abusive words or phrases to insult other people.

Why? From my perspective, I think violence can never be a solution to problem. If this can be a solution, and if a problem can be solved by hurling an object to an official or scolding an official, I would be the first to scold K C CHAN. *(Laughter)* Not only would I hurl something at him, I would perhaps beat him up, hitting him on his chest and then on his back. If that could really work and if that could solve the problem, I would beat him black and blue. I know that this will not help at all and so, I will not follow suit by hitting him or throwing things at him. If I were to follow the way that "Long Hair", Mr LEUNG Kwok-hung, scolded our good Secretary Stephen LAM, such as calling him an "8+1"<sup>3</sup> official (I do not know if that word is allowed here), I would use the names of all kinds of animals to scold him, calling him a "chicken official", a "pig official" or a "dog official". I know that these abusives intended to insult the officials are not of any use. Even though I am furious and want to vent my anger, I may not resort to these ways of expression. I will only make an

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<sup>3</sup> In Chinese, the number "9" has the same pronunciation as that of "狗" (meaning a dog).

unrelenting effort to continuously champion for a cause and continuously do what I wish to do. I, therefore, do not agree to the use of violence and insulting languages to scold government officials.

Having said that, this is a very realistic society. Is there any region, country or territory in the world where there is no violence? Is there any place where there is no foul language? Every person in this Chamber today all knows foul words. The question is whether or not they will say them. I believe even the ladies know the pronunciation of swear words. The question is whether or not they will say it, whether or not they should say it, whether or not they wish to say it, or whether or not they can say it. So, different people have different levels of acceptance of violence and insulting language. Some people may give a thumbs-up to a Member throwing an object or hurling abuses at others, while some people may consider these acts useless and unwarranted. There are different levels of acceptance in society.

Of course, put it plainly, Mr WONG Yuk-man and his brothers may think that throwing objects may sometimes have its merits, such as catching the limelight or scaring the officials to the extent that they can only stammer out the reply. They sometimes even say that throwing objects can bring benefits as they can succeed in fighting for something for the public. From their perspective, they consider it right to do so.

Frankly speaking, he and his brothers are mature adults, unlikely to change. Their way of thinking, behaviour and character are not going to change, and it is impossible for us to change them, isn't it? As to whether something is right or not right, they have their own set of standards, while we have ours. For people who consider them wrong or who do not agree with them, it would be best to make them lose in the election, in which case they will not be able to return to this Council and the problem will hence be solved. Otherwise, they will employ the same means to serve their purpose. I think since this has already existed in the objective circumstances and if we do not agree to it, what should be done extrinsically to cope with it, in order to curb the spread of this situation?

President, as I look at you, I think you actually have a share of the responsibility, too. Whenever something happened, if, at the very beginning, they could be expelled or more proactive actions could be taken against them, perhaps this tendency would not have spread so seriously. Of course, your duty is to enforce the RoP and you cannot go beyond the scope of the RoP in dealing



with anything. This is why I think if we could discuss how the RoP could be amended or how this issue should be handled at the early stage, perhaps we do not have to discuss this issue today. I do not know if Mr Jeffrey LAM has the intention to shine any shoes, but I think this would have been unnecessary. I think it is because of various extrinsic reasons that this tendency has become increasingly prevalent and increasingly rampant.

Moreover, even though it is said that the RoP should not be discussed, I still wish to talk about it. This is like playing a game of football. Among these three brothers, Mr Albert CHAN and "Long Hair" do play football. In fact, violent scenes are frequently seen on a football pitch and of course, when there is an act of violence, the referee will expel the player by showing him a red card or a yellow card, but that is actually not the end of the story because after the match, the player in question may face the penalty of being suspended from subsequent matches. He can face the penalty of a life suspension or suspension from a certain number of matches. But this RoP is very interesting because the matter is settled once a Member is driven out of this Chamber. He can then come back the next day or the next hour, or in the second round of the meeting. I do not quite understand this. It means that the rules are useless. In the case of a football match, if a player is expelled and plays again the next day, will he not be playing foul again? "Long Hair" likes to play foul and he is often expelled. If he is suspended from the next game, he will not be able to play.

Therefore, I think if no amendment is made to the RoP, no matter what we say here, it is basically still not binding at all, and what is happening now will continue to happen. There is nothing else that I can say. If the rules are not amended, these three people — I see that they are smiling now — they simply will not observe the rules and they will only continue to commit these acts, and they will not stop unless there is a rule to stop them from doing so. No matter how they are condemned or targeted today, they will continue doing this, right? We just cannot tell all government officials to put on a suit of armour to fence off objects hurled at them.

If possible, it is most effective to change their seats. Their seats should be swapped with those of mine, "Uncle Fat" and Mr Timothy FOK. They would not be able to throw things in those seats and the problem might well be solved. Otherwise, if they sit in those three seats, they will continuously throw things at people.

What is the point I am trying to make today? First, I hope that colleagues in this Council can learn from me. Even though I have not yet succeeded in fighting for what I want from K C CHAN, I will not throw anything at him. "Long Hair", for some issues, we often have to handle them slowly and fight for them slowly, rather than resorting to violence rashly, because this can easily cause other people to follow suit, in which case this society and this world will be in chaos. If all of my students follow suit, teachers will not dare go to classes. If all the students throw things at the teacher, and if they hurl the scrub or chalk at the teacher even before the teacher comes in through the door, that cannot be tolerated in any case. I really do not know what else to say. I think the entire issue can be solved only by making amendments to the rules.

President, I so submit.

**MS MIRIAM LAU** (in Cantonese): President, Hong Kong is a free society, but definitely not an unruly one. Therefore, we are governed by laws and morals. While schools are governed by school rules, this Council is governed by the Rules of Procedures (RoP). Subject to these rules, Members and the public have every right to express their views in a sensible, reasonable and legal manner. However, especially in recent years, there have been relatively more demonstrations and protests, both inside and outside this Council, and some people have even resorted to acts of violence. Such incidents or acts have even turned into a trend and become more and more prevalent and drastic.

Recently, I have been visiting the local communities to talk to local residents, and in the past few weeks, in particular, I attended numerous spring receptions. On all these occasions, things which had happened in this Council were always the most popular subject of conversation. Some members of the public asked me why being a Member of this Council could be such an easy job. Just by throwing some objects, a Member could be removed by the President from the Chamber and have a day off. He said, as being a Member was such an easy job, he would also like to become one. Some kaifongs said they were indeed discontented with many things which had happened in this Council, and they asked me who they could complain to when they were discontented with certain acts of Members and how they could express their discontent. There have been more and more such comments these days.

This adjournment debate in this Council today was triggered by some acts outside this Council. Certainly, cases concerning these acts are being handled and investigated by the relevant enforcement departments, and so I am not in a position to comment on them. However, according to my observation, the acts outside this Council are cognate with those inside this Council. While the acts outside are supported by certain people in this Council, people outside can also support certain people inside this Council in resorting to even more drastic acts. Therefore, acts inside this Council and those outside are interactive. I shall leave aside acts outside this Council for the time being and only discuss the acts inside this Council today.

Regarding acts inside this Council, the most phenomenal of which is the throwing of bananas, or the hurling of plastic bottles, bitter gourds and joss money recently, many Honourable colleagues who resorted to such acts thought the Government had given in and made a U-turn because of their acts. Informed colleagues know very well that the Government did not make concessions or a U-turn because it yielded to these acts of violence. The throwing of bananas did not cause the Government to make any change in relation to the "fruit grant". The truth is many people had tendered advice to the Government behind the scene, and the Government made concessions or a U-turn because of a lot of acts, comments, lobbying, political pressure or the insufficient number of votes, rather than only because of someone's throwing of bananas.

Regarding the hurling of plastic bottles, you thought Secretary Matthew CHEUNG made a U-turn just because you had hurled a plastic bottle at him? If one is informed of and capable of analysing this incident, one will not overestimate one's importance, thinking that one's hurling of plastic bottles has achieved the relevant result. I think this is a terrible mistake.

Similarly, do you think the Financial Secretary revised the Budget because of what happened yesterday? This is also a terrible mistake. If you think this way, you may have insulted many members of the public who have expressed their views to the Government through peaceful, rational and non-violent means and made the Government change its mind. I think we have to make it clear that the truth is not what they think.

This is the 23rd year of my service in this Council. Over the years, I have succeeded in fighting for many causes. However, during the process, no

government officials or Honourable colleagues have ever seen me resorting to any act of violence, and I have not even raised my voice at all in delivering my speeches. I may use stiff words sometimes, but I will definitely not raise my voice by 30 decibels, to the agitation of Honourable colleagues. I definitely do not believe that government officials will be intimidated by acts of violence. We should insist on reasoning, appealing to people's sensibilities and continuously fighting for our causes. I believe these approaches still work in this Council, and I am still adopting these approaches to date. Members of the industry represented by me may from time to time stage some small-scale movements, such as lying underneath vehicles or besieging the Murray Building. Although I would always dissuade them from doing so, they would not listen to me sometimes. However, from my experience, these acts of violence have never caused the Government to change its mind or its policies. On the contrary, if we continue reasoning, appeal to people's sensibilities and insist on fighting for our causes, the Government will ultimately change its mind, and this was exactly how I succeeded in fighting for quite a lot of reasonable arrangements for the industry.

Although the relevant Honourable colleagues are not present in the Chamber, I still hope that they can listen to my well-intentioned advice outside, that in fighting for certain causes, one may succeed without necessarily resorting to violence.

Some Honourable colleagues mentioned just now that this Council, being different from the Court, needs not adopt the principles of the Court. However, I wish to remind Members that all Honourable colleagues have to bow upon entering the Chamber, just like entering a court room. Bowing upon entering a court room is a show of respect for the legal system and the Court as a place to handle disputes in accordance with the law. Although we do not hope that this Council will become a place for handling disputes, we hope it is a place for reasoning, a place where social policies are discussed and legislation is passed, and a place which we absolutely respect. Therefore, we should not allow Honourable colleagues to resort to violence and use it as a means to achieve their ends.

I am sympathetic towards Mr TAM Yiu-chung, who pointed out in his remarks just now that we can understand why it is so difficult to amend the RoP from the way the debate proceeded. Actually, the RoP have been in place for

years, and they have all along been here during the 22 to 23 years of my service in this Council. Certainly, major amendments were introduced during the reunification. What are the RoP based on? They are based on the ability of individual Members to exercise self-discipline, the mutual respect among them and their willingness to be responsible for their own acts. Therefore, the RoP do not specify which acts are allowed and which are not; which attire is allowed and which is not; which kind of placard can be placed here and which cannot because Members will be responsible for their own acts and respect each other.

In recent years, unfortunately, I have noticed that mutual respect among Members has become much weaker and Members' respect for government officials has even vanished. Under this circumstance, should we still rely on the RoP and Members' self-discipline and their willingness to be responsible for their own acts without examining the RoP? I believe it is high time we examined the RoP and included in them some provisions to enable the smoother operation of this Council.

As I said just now, I have been using peaceful, rational and non-violent means to fight for the rights and benefits of the industry of which I represent. We can see that it is more effective to use such means. When a million people took to the streets without causing any disturbances, the impact caused on the Government was great, and the adjustments made by the Government as a result were also widely supported. There are demonstrations and protests organized by various sectors outside this building every day, and there are often processions on Saturdays and Sundays. As long as the relevant causes are justified, we should insist on fighting for them. We support using this peaceful, rational and non-violent approach to fight for our rights and interests. We are proud of this approach and we definitely support adopting such an approach continuously. However, I do not agree to degrading the relevant acts to the point of violence. Actually, democracy cannot be achieved through violence or attacks on other people. We have to achieve democracy by reasoning and engaging in peaceful and rational discussions through the operation of this Council.

It is said that the Government has made a U-turn as a result of the acts of violence by Members of this Council or people outside this Council. As I said just now, the Government may have made the revisions because it was unable to secure enough votes or upon realizing that its justifications may not hold water after listening to various views.

Anyhow, from the recent incidents, the Government has received the message that it should conduct consultation when or before formulating any policies. Take the Budget as an example. We are not requesting the Government to announce all the details and conduct consultation on them beforehand. Rather, we request the Government to consult Members or organizations on the various aspects of the Budget through different channels, discuss with the general public and Members the concepts involved and listen to their views. If the Government can do so, I believe it will not have to make a volte-face at every turn after the relevant policies have been formulated, just as in the case of the landfills, the transport allowance and the Budget, which was indeed embarrassing.

To spare the Government of making such embarrassing U-turns again, I encourage and advise the Government to conduct consultation and listen to the public's opinions as much as possible in the course of policymaking in the future. It is only in this way that the policies formulated will be acceptable to the public. Even if amendments are subsequently required, the Government will only need to make minor amendments rather than substantial ones.

President, I so submit.

**MR ANDREW LEUNG** (in Cantonese): President, regarding this adjournment debate proposed by Mr Jeffrey LAM, actually I had dinner with him last night, and when we saw the televised footage, we were indeed very shocked. Certainly, the situation was very chaotic during the clash. It was a rare scene in Hong Kong, and the clash was directed at the Chief Executive this time. Some Members said Mr Jeffrey LAM must be shining shoes. However, this incident is only the fuse. Over the past week or so, there was the incident in which a plastic bottle was hurled at Secretary Matthew CHEUNG just in this Chamber; and last Wednesday, there was another incident in which objects were thrown at the Financial Secretary. Actually, such incidents did not happen just recently. I noticed that similar incidents have been occurring throughout my last two terms of service as a Member. For example, in the current term, we have seen "Long Hair" throwing bananas. At first, it was very smart of him to aim the bananas at the corner so that they would not hit the Chief Executive. After a number of such incidents had happened, however, more and more violence was employed. Now, objects may be hurled at government officials.

I think it is indeed an opportune time to discuss this issue. Actually, the Chief Secretary for Administration has written to this Council plenty of times requesting us to conduct a review, and we have also given a reply, saying that any such incidents may be reported to the police. However, does it mean that we hope the police will be called in to make arrests at every turn during Council meetings? Just now, some Members said these incidents would not be a problem, and it would do no harm to give him five minutes for the hullabaloo. However, there are now 60 of us, and if each Member spends five minutes on such, President, I believe you will then be in a very difficult position.

I think Ms Miriam LAU put it very well just now. We should respect ourselves, and most importantly, we should respect each other. We should adopt a high standard, rather than a low one, in conducting the business of this Council, rather than doing whatever we like. Therefore, I encouraged Mr LAM to propose this motion, and I am very glad that it was granted leave by the President, because this debate is timely.

Actually, Members may have learnt this morning that many members of the public had criticized yesterday's incident through phone-in programmes. Certainly, just like other Members, we do not wish to pass any judgment or urge the Government to arrest or impose heavy penalties on that young man because this is the duty of the judicial authorities. I heard a primary school principal, Miss SHIU, say she was very furious with the act of violence in question this time. She criticized it vehemently, saying that even if one was discontented, one should not resort to violence. Moreover, she also pointed out that the Chief Executive had displayed a sense of responsibility by delivering his speech as scheduled even after the clash, just as a teacher would still go to school even though he or she has fallen ill. Some members of the public said only a small number of people have provoked violence inside and outside this Council and used violence against government officials, while other people said the hit rates of the relevant websites were very high after the occurrence of this act of violence. That is, when the video was uploaded onto the relevant websites, many people would view it, and thus more incidents of violence would occur, and there would be no end to them.

Mr LEUNG Kwok-hung said although he might have raised his voice while speaking to government officials and participating in demonstrations, he did not mean to inflict any physical harm on them. He also said that being loud

does not mean that one is rude. Actually, that kind of loudness can be regarded as some sort of verbal violence, though it is certainly not against the law. Yet, there is clear evidence that he attacked government officials with objects, and Members also saw it here. Certainly, the relevant government official was very forgiving and did not make any complaint or report it to the police, just that the Chief Secretary for Administration considered it intolerable and wrote to you, President.

However, we must not advance various specious arguments and claim that there is a lack of justice and all that in Hong Kong. Actually, there are many channels for the free expression of views in Hong Kong, and as far as I know, there were at least over 5 000 processions and demonstrations last year — will the Secretary please correct me later if I am wrong. There are processions and demonstrations every day, and we can also see a few groups of people staging demonstrations outside this Council every day. It is very easy for them to do so, and they can meet with us, Members, easily and express various views in the press or through the numerous phone-in programmes. Actually, they have many opportunities to express their views on the Government's administration.

Last Wednesday, there were many repercussions in society after the announcement of the Budget. Actually, government officials could hear some of these problems, and so could we, Members. After hearing those problems, Members from the pro-establishment camp did not resort to violence by hurling plastic bottles at the Financial Secretary. Rather, we adopted a very proactive approach to deal with them by meeting with the Financial Secretary to relay to him the public's demand, which was that they hoped the Financial Secretary would revise the Budget in respect of the initiative concerning the \$6,000. Within a short period of just two to three days, we provided the Financial Secretary with some justifications and proposed measures. Now, he has taken on board our proposals and revised the relevant part of the Budget.

This is the so-called collective wisdom, and we have channels to express our views. As long as we can get together and engage in proper discussions, some achievements can be made. Even for the incident involving the hurling of plastic bottles at Secretary Matthew CHEUNG, we should also discuss it together to relay the public's views in order to deal with it properly. Therefore, I think the public have channels to express their views. Not only the pro-establishment camp but also the opposition camp or other Members may meet with government



officials. I think if Dr NG thinks that such channels are lacking, she should reflect on herself.

Regarding these incidents of violence, I heard Mr Albert HO say just now that these attacks were no big deal and could actually be shrugged off with a smile. I have done some research on previous incidents and found an incident involving Mr Albert HO. After the attack on him at a McDonald's in 2006, the Chairman of his political party openly condemned the incident. Yet, he said such incidents could be shrugged off with a smile and there was no cause for fear as they were no big deal. Actually, Mr LEE Cheuk-yan also had bananas hurled at him in Tuen Mun in a political event, and physical clashes were also involved. These incidents have been occurring, but as we do not want the situation to worsen, we have to voice our discontent.

Certainly, there are specious arguments that may support one resorting to violence when certain causes cannot be attained. Actually, I find Mr Ronny TONG's remarks just now most shocking. He said, "As long as we are prepared to accept legal sanctions, we are free to do whatever we want; and when people are prepared to accept such sanctions, they can do whatever they want, and if worst comes to worst, they will only end up in jail." Will such a parliamentary assembly and such a Hong Kong society be lovable? I strongly support Dr LAM Tai-fai. He said if this was permissible, he would be prepared to accept sanctions and be put to jail; and he would sacrifice himself for factory owners and beat up and kick Secretary Prof K C CHAN to make him accede to our demands. He considers it worthwhile. However, is it really permissible? It is not.

I hope Members can stay calm and rational in discussing issues in the Chamber rather than always resorting to violence. Actually, among the various Members, I admire Mr CHEUNG Man-kwong most for the speech he delivered. He represents the education sector and he said we should put across more positive messages to the younger generation. Actually, many Members from the opposition camp as well as I are parents. How will you teach your children? It is fine, you may set a bad example for the younger generation, but how will your children face society in the future? The society will become very awful in the future and people will resort to violence at every turn. I am very worried. There are 50 000 students in the Vocational Training Council (VTC) each year, and if this situation persists, Secretary, please get someone else to be the Chairman of the VTC. When something happens, the Chairman of the VTC

may have bananas thrown at him and he may be insulted. This simply should not be allowed.

I am also sympathetic towards Mr TAM Yiu-chung. Ms LAU mentioned just now that we must deal with the Rules of Procedures properly and conduct a review of it. We must not tolerate any attempt to resort to violence just because our rules are inadequate and there is a lack of democracy. Actually, a number of Members have also mentioned that in many places where democracy is practised, incidents of violence are even more serious than those in Hong Kong. The Court is now conducting a death inquest in respect of the hostage incident. Democracy is also practised in these places, but incidents of violence keep occurring. I hope Members will carefully consider how violence can be stopped. We should take the lead in stopping violence rather than making more justifications to allow these incidents of political violence to continue to occur. Thank you, President.

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

**MR LAU KONG-WAH** (in Cantonese): President, I watched the footage on television before I went to bed last night and this morning, I watched it again after getting up and it really made me feel very uneasy. I believe that when each member of the public watched the footage, they would ask immediately: Why did such things happen, what should be done in the future and how this kind of situations can be prevented? I believe this is a consensus among the Hong Kong public and they all share these thoughts.

However, when driving back to this Council this morning — I usually listen to the news report on Radio Television Hong Kong — the reports I heard were even more disquieting. Some Honourable colleagues and academics were interviewed in the programme and it seems their reaction to this kind of incidents was to play them down or merely blame them on the ineffective deployment made by the police or the so-called responsibility of society. Some even advanced the argument that the grievances of the public would surely lead to violence. To whitewash such incidents of violence is really a cause for concern. If we continue to condone this kind of violence and put make-up on them, it will only lead to the continued escalation of this kind of violent incidents.

Today, in the past few hours, we have also heard many Members put forward this kind of views and cite this kind of arguments. Some people said that the incident yesterday did not amount to violence, while others said that even if it was violence, it was justified because there were problems with the system. In fact, concerning these violent incidents outside the legislature, why is it necessary for Honourable colleagues in the legislature to play the role of spin doctors? Why do we have to put political make-up on this kind of violent political incidents? I cannot understand it at all.

Mr Andrew LEUNG said just now that our Honourable colleague, Mr Albert HO, was also the victim of a violent assault in the past. I remember clearly that at that time, I paid him a visit at the earliest opportunity and also came forth to condemn that violent incident at the earliest opportunity. Although the injuries in these two cases were different and the backgrounds were different, as Honourable colleagues and people in politics, we must come forth to condemn this kind of violent incidents at the earliest opportunity, no matter what political parties or groupings we belong to — such a course of action should be cross-party or trans-party in nature. However, having heard the speech given by Mr Albert HO today, I found it most regrettable and disappointing.

Concerning this kind of violent political incidents, no matter if the target is the Chief Executive, officials, Members or even ordinary members of the public, we should put aside all kinds of labels and whenever someone is injured or assaulted, we should voice our condemnation. However, today, I cannot hear such voices from the opposition.

Earlier on, Mr Andrew LEUNG also mentioned the incident in which Mr LEE Cheuk-yan was subjected to violent treatment back then. At that time, we also stated our condemnation and our action was the same. Sometimes, some Honourable colleagues, including me, also encountered some minor violent incidents, for example, criminal damage to banners or the main doors of our offices or receiving letters of intimidation, and so on, and we would also voice our condemnation of them. However, why is it that today, even though we have indeed witnessed some scenes of clash or violent incidents, some people are still not speaking out? Is it because the target of assault was the Chief Executive and you are the opposition or opponents, so you can turn a blind eye to it? Are you abandoning even the slightest bit of moral conscience?

Just now, Dr Priscilla LEUNG said that she had thought about this issue from the angle of parents, children, young people and even the next generation of society. We have also heard many similar voices in the local districts and they have struck a chord with me. If the legislature is like this, what is our next generation supposed to do?

President, let us do some recapping. Such violent incidents did not occur in the last-term Legislative Council. However, precisely due to the emergence of such an undesirable trend in society, right from the start of this term, the trend of violence has developed from bad to worse over the past few years and spread from the legislature to society. In the legislature, we can witness physical violence and verbal violence every day and we find them all unacceptable.

Just now, Mr TAM Yiu-chung said that even when the Committee on Rules of Procedure (CRoP) was convening meetings to discuss the relevant issues — this is the first time he disclosed this and I have not heard about them before — someone also rushed into the meeting room to rail at some Members. In fact, such incidents cannot be tolerated. How possibly could someone use verbal violence to cause disruption in the venue where the CRoP was holding discussions on the issue of violent behaviour? Is this not a kind of intimidation?

Just now, Mr LEUNG Kwok-hung, Mr WONG Yuk-man and Mr Albert CHAN kept speaking in defences of this kind of incidents and in their arguments, they even mentioned the Red Army and the purchase of arms and artillery. On this, I cannot help but ask these three Members one question: Do you want such violent incidents to escalate? Will you be happy only when you see bloodshed? In fact, I believe we do not wish to see such a situation. Therefore, when this kind of violent behaviour has developed to a certain stage, we should suppress and condemn together.

Such is the situation in the legislature. Sometimes, when I saw certain behaviour — in fact, all of us could see it and so could the Hong Kong public — such as knocking items off the table or chair; insulting officials and Members; using vulgar or foul language and throwing bananas and bottles, I would wonder whether I was in the Legislative Council or a triad society. It seems that one can have one's way simply by resorting to fierce language and behaviour. President, this is really domination by fierce people. If the legislature is dominated by fierce people, such a situation will also spread to society at large. Can one have

one's way simply by speaking and behaving in a ferocious manner? I think we should reflect on this issue properly.

I think it is most appropriate for Mr Jeffrey LAM to move this motion today. No matter how the outcome will be, all Members, be they popularly-elected ones or those returned by functional constituencies, should not make any distinction among themselves but should speak in one voice against such behaviour.

On the inability of the CRoP to make any headway in its discussion of the relevant issues on the last two occasions, I hope Mr TAM Yiu-chung will not feel frustrated. I hope all the more that members of the CRoP, including Dr Priscilla LEUNG, will cease to say that they are bystanders. She should form her own opinion. I am not sure if Mr CHEUNG Man-kwong is a member of the CRoP, but his comments just now were most aptly made. He condemned such violent behavior, saying that it was unacceptable. His position is very clear-cut. However, when it comes to the vote, and when the CRoP holds its discussions, can they also support the sanction of such behaviour with actual action, so as to correct certain behaviour? Otherwise, even though they have voiced their views today, when the CRoP holds discussions, it will not be able to reach a unanimous conclusion, the situation will continue and our next generation will be poisoned. Therefore, I call on Mr CHEUNG Man-kwong and the Democratic Party to think twice, since we hope that changes can be made.

Today, I read some reports in the mass media in which people from the opposition told reporters why amendments should not be proposed. They said that first, we were all in the same family and mutual accusations would undermine unity and second, if one is to come forth and say something, one would be chided by those people. Are fierce people really holding sway? Can they really do so? Therefore, I hope that Members would not label other people. We have to look clearly at what this is all about and must distinguish between right and wrong clearly.

However, the influence of such violent behaviour on young people can already be seen. President, we have heard a teacher talk about a real case in a local community, in which one of his students hurl a banana at him in class. When the teacher asked the student why he had done so, the student replied, "Legislative Council Members also do this.". This is a real case and I have only

got in touch with one teacher. Therefore, as the representative of teachers, should one not curb this undesirable trend?

President, often, young people have strong drive and a rebellious fire under their belt, and I think that this is perfectly understandable. All of us seated here were also once young. I can even say that in the course of developing democracy, we have to climb the learning curve to various degrees. Such universal values as freedom, democracy and human rights must blossom and come to fruition in Hong Kong. However, in view of the present developments, we should reflect on some matters, so that the flowers and fruits produced will be even more healthy and robust.

Recently, I went to a university to exchange views with a group of university students. I asked, "When we advocate personal rights, should we also advocate personal responsibilities. When we talk about our personal freedom, should we also consider other people's freedom?" Earlier on, Mr CHEUNG Man-kwong said, "Do unto others as you would have them do unto you." I believe that if those people who threw objects and engaged in clashes were given the same treatment, they would not like it. Even as we talk about democracy, is it also necessary for us to be inclusive? I think I can share my views with young people and also with all Honourable colleagues in the legislature. We should not apply double standards.

President, I hope that the motion today can also strike a chord with the Hong Kong public at large. They also feel very angry with this matter and find it intolerable. We have zero tolerance towards violence, no matter on what ground the violent behaviour is based. Today, if someone cannot hold himself back, in the future, this kind of things may also happen to him.

A long time ago, I had the occasion to chat with Mr WONG Yuk-man. I said to him, "You have trained a group of young people to stir up clashes. If one day, they hold views different from yours, they will also launch clashes against you." Such a situation has indeed arisen. For this reason, we must stick to this bottomline. I hope that Mr TAM Yiu-chung, as the Chairman of the CRoP, will continue to make efforts because if it is not possible to reach a consensus in the CRoP, it will not be possible to table the recommendations at Council meetings. Therefore, I hope very much that the CRoP can continue to hold discussions on this matter.

Concerning the assault on the Chief Executive, of course, we have to express our well wishes. However, just now, some Honourable colleagues directed some sarcastic remarks at him, and I think that was unnecessary. The Chief Executive is also a human being and no matter what Members think about his performance, he is still a human being. If someone has been subjected to a clash and assault, we should not direct any sarcasm at him because this motion is related to the Chief Executive and public officers and each of us seated here is a public officer. If the same thing happens to Members in future, what would they think?

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

**MR KAM NAI-WAI** (in Cantonese): President, I heard two Honourable colleagues talk about the issue of violent assaults and they equated the violent assault on Mr Albert HO of the Democratic Party back then with the violent assault on the Chief Executive yesterday.

I do not know how those two people who presented this argument could reach such a conclusion so quickly. Do you mean that you people in the royalist party have already held a meeting with the Secretary for Security or the Commissioner of Police and got hold of all the evidence to prove that the incident yesterday was a case of assault occasioning bodily harm and an incident of assault on the Chief Executive? Is that so? Mr LAU Kong-wah, why do you have to escalate the discussion to the political plane? I really do not quite understand it.

The stance of the Democratic Party is very clear. We condemn all acts of violence. However, how was the act yesterday actually like? I do not know those people in the League of Social Democrats (LSD) and, just like Mr LAU Kong-wah, I only watched the footage on television. I could only see someone who wanted to dash onto the stage, but I do not know if, in doing so, he wanted to express his opinions or what. Then, some security officers grabbed him and surrounded him, and he struggled somewhat. That was all. Is this already considered a violent assault?

Concerning these facts, may I ask Mr LAU Kong-wah according to what yardstick or standard did you pass your judgment? The police have just begun

their investigation, so how possibly can you know what actually transpired? Both you and I were not on the scene, that is, at the time when the Chief Executive purportedly sustained a bump that caused a bruise on his chest, you and I were not on the scene. What we could see was only a clip. Can we base our judgment just on it? I think this is not reasonable.

President, just now, some Honourable colleagues mentioned — since in the first half of this debate, I was at the Government Headquarters having a meeting with the victims of the Lehman Brothers minibonds incident — I heard Dr LAM Tai-fai say that if he could settle the issue concerning section 39E just by hitting Secretary Prof KC CHAN on the chest and then on the back, he would also do so. Even he would say such a thing, so is this permissible? In fact, I think all Members have their own style and even if it is possible to get things done by hitting Secretary Prof KC CHAN on the chest and then on the back, I still would not do so .....

(Dr LAM Tai-fai raised his hand)

**DR LAM TAI-FAI** (in Cantonese): President.

**PRESIDENT** (in Cantonese): Dr LAM, what is your point?

**DR LAM TAI-FAI** (in Cantonese): President, I wish to clarify. What I said was that I would not do so.

**PRESIDENT** (in Cantonese): Dr LAM, please sit down.

**MR KAM NAI-WAI** (in Cantonese): President, what I wanted to say is that there are things we would not do, but all Members have their own style.

Just now, an Honourable colleague asked who set the present trend. I think Members all know some very clear examples. The first instance was the increase in "fruit grant" some years ago, that is, the U-turn mentioned by Ms Miriam LAU earlier on. Indeed, after someone had thrown bananas, the Chief



Executive changed his policy on "fruit grant" from the original proposal of having to undergo a means test to not having to do so. The second one is related to the recent \$24 billion injection proposed in the Budget. After some Honourable colleagues had hurled bitter gourds or something, there is now also a U-turn. All these are the objective outcome.

Let me share a live example with Members. When I went to a centre for the elderly in a local community to discuss the issue of "fruit grant", an elderly person said to me, "Throwing bananas is really useful. After that, there is now no need to undergo a means test.". In fact, elderly people do not like to see instances of throwing bananas either, but after the throwing of bananas, this change occurred, so they have such an impression.

Recently, I organized two discussion forums on the Budget in the local communities and went to six locations to conduct signature campaigns in opposition to the Budget. Some members of the public who came to put their signatures down said to me that this Financial Secretary really deserved that treatment — this is how things stand. Members of the public do not like such incidents of hurling objects, but they told me this Financial Secretary really deserved that kind of treatment — this is how things stand. Why has such a situation occurred? The public do not like this kind of behavior, but they also think that the Government deserves that. In that case, what can they do? What kind of system is this? Have Members ever thought about the solutions to this problem?

Just now, Mr Andrew LEUNG said, "In the last couple of days, some 10 to 20 Members of the pro-establishment camp had met with the Financial Secretary and subsequently, the Financial Secretary then made some changes.". Honestly, it is beyond our imagination that he had the brazenness to say this kind of thing. Had there not been the concern for public livelihood, had there not been such a strong reaction in society over this incident, had there not been the opposition of the pro-democracy camp, does he think that the Financial Secretary would have paid any heed to them simply because they had had a meeting with him? This is just like Dr LAM Tai-fai, who wants to meet with Secretary Prof KC CHAN very much but all along, the latter has not paid any heed to him. If Dr LAM Tai-fai were able to turn the issue relating to section 39E into one that all members of the Hong Kong public would consider to be an outrage, Secretary Prof K C CHAN would then receive him and even beg him. It is as simple as that.

What actually is wrong with the Government? If the royalist camp say that they can make the Government change just by having discussions with the Government for a couple of days, I hope they will say to it that ..... in fact, we all know full well that this Government is lame. If they have the chance to attend the meetings of the National People's Congress and the Chinese People's Political Consultative Conference — I am not telling them to join the "jasmine" rallies — I call on these delegates and Deputies to tell "Grandpa" that the existing system in Hong Kong really does not work and that things cannot be like this on every occasion.

Frankly speaking, I can also imagine how hard a time Members of the royalist camp are having. Nowadays, on matters big and small, they can all make members of the Hong Kong public come forth to oppose them. Then, the Government has to make a U-turn and afterwards, they have to come forth and claim credit for it. In fact, is it necessary to change the entire system? Are there problems in the Government's collection of public opinions? We can all see Financial Secretary "Moustache TSANG" call on the public to express their views on television — I ask the Government not to produce this kind of Announcements of Public Interest anymore — but that is not a channel or method of collecting public opinions at all. We have all voiced our views, but what purpose has this served? You can ask the Members present today. Apart from the LSD, which has suggested handing out money, did any of us talk about the need to hand out money during meetings with the Financial Secretary in the past? We did not — it seems the New People's Party has raised it. Just now, I forgot the New People's Party.

In fact, mainstream society has not asked the Government to hand out money. However, the Financial Secretary proposed the injection of \$24 billion into MPF Schemes. But since he has forked out \$24 billion in this way, the reaction of the public was that he might as well hand out the money. This is what it is all about. What went wrong in the consultation process? Have Members ever reflected on this?

Second, concerning the existing political structure, of course, we in the pro-democracy camp demand that direct elections be introduced and hope that universal suffrage can be introduced as soon as possible. However, even if universal suffrage cannot be achieved in one stride, how should the ruling coalition, as the Government calls it, deal with this issue? It cannot make volte-face abruptly, looking as though nothing has happened, each time after all

members of the public and the pro-democracy camp have come forth to voice their opposition and after the royalist camp has also done the same, or come out to make an abrupt change of mind crestfallenly after a couple of days. Is this system designed to make Hong Kong society continue with such internal conflicts? Although we have yet to have democratic and universal suffrage, can the Government make changes to the system?

I do not know which official will respond on the Government's behalf, but be it Secretary Michael SUEN or Secretary Ambrose LEE, I hope the Government can think about this problem properly. It can no longer continue in this way, even though we all know full well that the term of this Government will end soon. Secretary Michael SUEN also once said that the Chief Executive had made it clear he would not introduce small-class teaching in primary schools and secondary schools, and that even if we were to lobby him for 10 000 years or 10 000 times, it would all be in vain as this policy was not included in his policy agenda. In other words, this matter will be left to the next Chief Executive.

However, no matter what, this Administration still has to while its time away until next March — which month is it? Is it June? — am not sure in which month the term of this Government will end but even if the change in Administration will only take place in the middle of next year, according to my understanding, one more budget will have to be presented, right? The present Government still has to present the next budget, so how is it going to handle that one? If it does not make changes to the system, the public will have no way out.

Earlier on, Mr Andrew LEUNG said that in Hong Kong, over 5 000 rallies were held each year, but were they useful? Just now, I heard Ms Miriam LAU say that back in that year, 1 million people took to the streets in opposition to the legislation on Article 23 and that rally was conducted very peacefully. I want to say to her that had the Government not withdrawn the legislation on Article 23, can you guess how society would have become? Even with 1 million people taking to the streets, the Government at that time still said that it wanted to proceed with the legislation on Article 23. Had the legislation really been enacted at that time, can you guess how society would have become?

The problem now is that young people do not have any way out. The legislature has reached a consensus on some issues long ago, for example, we demand that the Home Ownership Scheme (HOS) be revived, but the

Government is turning a deaf ear to this, so not even the slightest effort has been made in the Budget, nor has the HOS been revived. On Sunday, I had a meal with the residents of my neighbourhood at the Fung Ying Seen Koon. The price of the units in a certain housing estate in that district is as high as some \$4,000 or \$5,000 per sq ft and a 500-square-foot unit there is asking for more than \$2 million. If even the asking price of residential flats in Fan Ling is so high, how can young people buy a flat?

When I convened a residents' meeting in Western District — at that time, the Financial Secretary had not yet proposed handing out money — a resident in that neighbourhood, who was in his thirties, said to me, "Mr KAM, I earn about \$20,000 monthly, so I cannot apply for public rental housing. I now rent a 300-square-foot unit in Western District and the rent for it is as high as some \$9,000. I am not receiving Comprehensive Social Security Assistance, nor do I own any property, and the Government is not providing any assistance to me either. What can I do now?" This is how the grievance of the public comes about.

What I want to say is that under the existing system, many members of the public and many young people cannot find a way out. Therefore, the Government must make changes to the system. I wish to reiterate that the Democratic Party and I do not encourage or advocate violence. This point is very clear, and this line is drawn very clearly. We will not encourage our colleagues to throw objects or knock items off the table. Of course, when society reaches a certain tipping point — we are not whitewashing such behaviour — to some extent, this kind of behaviour will become a channel for venting frustrations. The public feel that they have no way out, so this Government deserves getting objects thrown at it, and this is how the public feel. I wish to tell the Government and Members of the pro-establishment camp that even if the throwing of objects is banned in the legislature, the problems will not be solved. Doing so cannot resolve the people's discontents with the Government currently. Of course, I hope Honourable colleagues can show mutual respect in their behavior but at the same time, if we hope that Hong Kong will fare well, we have to solve the problems starting with the system.

Thank you, President.

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

(Mr LEUNG Kwok-hung raised his hand)

**PRESIDENT** (in Cantonese): Mr LEUNG Kwok-hung, you have already spoken.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, are we not allowed to speak an unlimited number of times?

**PRESIDENT** (in Cantonese): In a debate on a motion of adjournment, each Member can speak only once and there is no such thing as speaking for an unlimited number of times.

Does any other Member wish to speak?

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, I declare that the time for Members to speak has ended. I now call on the Secretary for Security to speak on the motion.

**SECRETARY FOR SECURITY** (in Cantonese): President, all along, the SAR Government respects the right of the public to hold peaceful gatherings and rallies and express their opinions.

I believe the general public will agree that while the police facilitate the expression of views by people taking part in protests and rallies, they must also ensure public order and safety and strike a balance having regard to the rights and safety of other people using public places. When people taking part in rallies to present their demands, they must also observe the laws of Hong Kong and social order by conducting the rallies according to the principles of peacefulness and safety.

I believe we all know that yesterday, when the Chief Executive was attending a public function, he was raided by demonstrators and suffered some bumps into his body. Subsequently, he went to a hospital to receive an examination as he felt a pain. The SAR Government strongly condemns any form of violent behaviour.

When public order or safety is threatened or violent incidents have occurred, the police will surely take resolute and effective measures to maintain law and order. We definitely will not tolerate the occurrence of violence or criminal behaviour. The police are now following up this incident.

Here, I can state publicly to Legislative Council Members and members of the public that the police will surely investigate this incident fairly and impartially and deal with it in accordance with the law.

In fact, for some time, individual Legislative Council Members have displayed a trend of escalating their verbal and physical violence in the legislature. Unfortunately, this kind of violent political culture is now spreading to society at large.

Recently, an individual Member even threw objects at an official attending the meetings of the Legislative Council .....

(Mr LEUNG Kwok-hung stood up)

**PRESIDENT** (in Cantonese): Mr LEUNG, what is your point?

**MR LEUNG KWOK-HUNG** (in Cantonese): I want him to clarify.

**PRESIDENT** (in Cantonese): Secretary, please hold on.

**MR LEUNG KWOK-HUNG** (in Cantonese): He is the Secretary and he said .....

**PRESIDENT** (in Cantonese): Mr LEUNG, if you ask the Secretary to make a clarification, I have to ask him if he is willing to do so.

**SECRETARY FOR SECURITY** (in Cantonese): Recently, an individual Member even threw objects at an official attending the meetings of the Legislative Council .....

**PRESIDENT** (in Cantonese): Secretary, Mr LEUNG has asked you to make a clarification. Are you willing to do so?

**SECRETARY FOR SECURITY** (in Cantonese): President, I have made myself very clear. There is no need to clarify anything.

**PRESIDENT** (in Cantonese): In that case, please continue.

**SECRETARY FOR SECURITY** (in Cantonese): Recently, an individual Member even threw objects at an official attending the meetings of the Legislative Council. Such intimidating and violent behaviour is sufficient to cause bodily harm. To target at this kind of violent political culture, the Chief Secretary for Administration wrote to the President of the Legislative Council on 24 February this year to urge the President to deal with the relevant problems as soon as possible to ensure the personal safety of public officers attending the meetings of the Legislative Council. If the Legislative Council does not take effective actions, the SAR Government will consider referring the incidents that happened earlier on in the legislature to the relevant departments for follow-up .....

(Mr LEUNG Kwok-hung stood up again)

**MR LEUNG KWOK-HUNG** (in Cantonese): President, I really must ask him to clarify again.

**PRESIDENT** (in Cantonese): Mr LEUNG, please sit down. Your speaking time is already over.

**MR LEUNG KWOK-HUNG** (in Cantonese): He did not know that I ..... if he .....

**PRESIDENT** (in Cantonese): Mr LEUNG, please observe the Rules of Procedure. It is now the time for the Secretary to speak, so please sit down.

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

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

**MR LEUNG KWOK-HUNG** (in Cantonese): He talked about an individual Member. May I ask him to clarify which Member it is?

**PRESIDENT** (in Cantonese): Mr LEUNG, if you still do not sit down, I have no alternative but to ask you to leave the Chamber.

**MR LEUNG KWOK-HUNG** (in Cantonese): In that case, is he going to clarify? Does he accept my request for a clarification?

**PRESIDENT** (in Cantonese): Secretary, please continue.

**SECRETARY FOR SECURITY** (in Cantonese): President, as the Chief Secretary for Administration said this morning, we are particularly concerned about the extremely undesirable influence of such violent tactics on the younger generation. We understand that the Government's administration has room for constant improvement and it can respond to the demands of society in better



ways. However, we can by no means approve of the employment of physical clashes and even violent means to express demands.

The experience over the years indicates that the great majority of members of the public in society agree that demands have to be expressed in rational and peaceful ways. To respect others, and to reason with others are the generally recognized core values of Hong Kong society. This is also the fundamental trait of a civil society. If we condone violence, this is tantamount to tolerating the continual erosion of these core values.

The Chief Secretary for Administration has already made it very clear that this incident is not just a matter of personal safety, but a question of society having to defend its bottomline and its values firmly, as well as a question of what kind of society we hope Hong Kong will become. For the sake of Hong Kong and the next generation, we call on the Legislative Council and society to join hands in arresting this undesirable trend as soon as possible. Otherwise, the rule of law in Hong Kong will be shaken, thus damaging our civilized image and international reputation, in addition to causing an extremely bad influence on young people, giving them the wrong impression that violent means are acceptable and can solve problems.

President, I shall stop here.

**PRESIDENT** (in Cantonese): I now put the question to you. I must remind Members that if this motion on adjournment is agreed to, I must declare the meeting adjourned in accordance with the Rules of Procedure. In that case, the meeting shall not proceed and continue to deal with the remaining business on the Agenda.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the meeting do now adjourn. Will those in favour please raise their hands?

(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 not agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion negatived.

## **BILLS**

### **Second Reading of Bills**

#### **Resumption of Second Reading Debate on Bills**

**PRESIDENT** (in Cantonese): We now resume the Second Reading debate on the Chief Executive Election (Amendment) Bill 2010.

### **CHIEF EXECUTIVE ELECTION (AMENDMENT) BILL 2010**

#### **Resumption of debate on Second Reading which was moved on 15 December 2010**

**PRESIDENT** (in Cantonese): Mr TAM Yiu-chung, Chairman of the Bills Committee on the above Bill, will address the Council on the Committee's Report.

**MR TAM YIU-CHUNG** (in Cantonese): President, in my capacity as Chairman of the Bills Committee on Chief Executive Election (Amendment) Bill 2010 (the Bills Committee), I report on the major deliberations of the Bills Committee on the Chief Executive Election (Amendment) Bill 2010 (the Bill).

The Bills Committee has discussed in detail the arrangement for the allocation of the 400 new seats to the four sectors of the Election Committee (EC). According to the Administration's proposals in the Bill, for the first three sectors, the number of seats allocated to the existing 32 subsectors will be

increased generally by proportion according to the existing distribution of seats. As for the fourth sector, among the 100 new seats, 75 will be allocated to elected District Council (DC) members, 10 to Legislative Council Members, 10 to members of the Chinese People's Political Consultative Conference (CPPCC) and five to the Heung Yee Kuk.

Some members of the Bills Committee were of the view that the Administration should broaden the electorate base of the EC subsectors. In order to make the EC more broadly representative and enhance its democratic elements, they proposed that the Administration should arrange for including in the EC representatives from other sectors of the community currently not covered by the EC. Moreover, all of the 100 new seats in the fourth sector of the EC should be allocated to elected DC members.

Furthermore, some members of the Bills Committee pointed out that the Administration's proposal of allocating the new EC seats by proportion according to the existing distribution of seats would result in great disparity in voting weight. Dr Margaret NG will move Committee stage amendments (CSAs) to the effect that new seats should be allocated in proportion to the size of the electorate of the various subsectors.

According to the Administration's stance, the composition of the four sectors of the current EC is broadly representative and consistent with the principle of balanced participation. It is therefore considered appropriate to allocate the additional seats by proportion according to the existing distribution of seats. The Administration had considered proposals of adding new subsectors to the EC. However, the community is unlikely to reach a consensus at this stage on the proposals as a broad range of different organizations are covered. Moreover, the allocation of 75 new seats in the fourth sector to elected DC members who have public mandate would significantly enhance the democratic elements of the EC.

As for the fourth sector of the EC, the Administration has proposed that the current voting system for the EC subsectors, that is, the bloc voting system, be retained for the two DC subsectors. Some members have expressed concern that this would enable dominant political parties with the most elected DC members to pocket most of the seats. Dr Margaret NG will move CSAs to the effect that the "multiple-seat, single-vote" system be adopted for the DC subsectors.

The Administration has proposed that from February 2012 when the new term of the EC commences, 10 "Special Member" seats would be created temporarily in the fourth sector to make up the difference of 10 seats until the number of Legislative Council seats increases from 60 to 70 in October 2012. In addition to the allocation of four seats to the Hong Kong, Kowloon and New Territories DC subsectors, the remaining six seats will be allocated to members of the CPPCC and the Heung Yee Kuk. Some members considered that the "Special Member" seats should be opened up to persons from different backgrounds. Dr Margaret NG will also move a CSA to allocate all the 10 seats to elected DC members.

The Administration has explained that with the proposed increase of the membership of the EC from 800 to 1 200, the Administration has the responsibility to make a proposal to fill all the 10 vacancies as far as practicable when the EC is established in February 2012. It is the Administration's view that with the increase in the number of elected DC members in the EC from the current 42 to 117 and the allocation of four "Special Member" seats to the DC subsectors, the proportion of the number of elected DC members in EC is significant.

President, during the deliberations of the Bill, a Member pointed out that under the existing voting system for the Chief Executive election, a candidate who had obtained more than half of the total number of valid votes cast would be returned in a Chief Executive election. Members expressed concern about the legitimacy of the Chief Executive-elect.

The Administration has agreed to propose a CSA to provide that a candidate shall only be elected as Chief Executive if the candidate obtains more than 600 valid votes, that is, 50% of the votes of all EC members.

Next, President, I will express my personal views and those of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) on the Bill.

I recall that at the end of June last year, the 2012 constitutional reform package was passed smoothly after a series of marathon debates lasting several days in this Chamber. As a result, Hong Kong's constitutional development, that has embroiled Hong Kong society for a long time, finally achieved a

breakthrough development, thereby laying a milestone for democratization in Hong Kong. It is precisely for the purpose of giving effect to the relevant details of this milestone that a vote will be put on the Amendment Bills on the Chief Executive and Legislative Council elections today.

The DAB agrees with and support in principle the Bill proposed by the SAR Government and the relevant CSAs. First of all, the Bill seeks to allocate 75 additional EC seats to elected DC members, so that the number of seats for elected DC members in the EC will be raised to 117. As a result, the DC subsector will become the largest subsector in the EC. Moreover, it is required that only elected DC members can become members of that subsector. Not only can this upgrade the functions and status of elected DC members, there will also be more public opinion representatives in the EC to echo people's voices, thereby enhancing the legitimacy and accountability of the EC.

Furthermore, the SAR Government will propose a CSA to the vote counting system for the Chief Executive election to specifically require that a candidate for the next-term Chief Executive must gain support from more than half of the EC members, that is, 601 votes, before he can be considered validly elected. Otherwise, a second round of election will be held until a candidate has obtained more than half of the support votes. Despite the fact that since the establishment of the SAR, no Chief Executive candidate had been elected smoothly without obtaining support from half of the EC members, the relevant CSA introduced by the SAR Government can pre-empt embarrassment and help enhance the legitimacy of the next-term Chief Executive and his team. Therefore, the DAB expresses support for this arrangement.

The DAB will not support the series of CSAs proposed by Dr Margaret NG because we consider their contents unsuitable and unnecessary. I so submit.

**MR ALBERT HO** (in Cantonese): President, today, we will discuss and vote on the passage of two Bills related to constitutional reform. I would like to give a consolidated speech on some of the ideas or views of the Democratic Party on these two Bills in order to state its stance.

President, in June last year, a motion on amending the Annexes to the Basic Law was passed by a two-thirds majority in this Council to enable the

enactment of legislation to carry out the 2012 constitutional reform. The Democratic Party voted in favour of the proposal at that time to express its support. The decision was made on the basis of an agreement reached on the 2012 constitutional reform package after discussions between the Government, the Democratic Party and some Members of the democratic camp. According to the agreement, the Government is willing to make major compromises, including the acceptance of a revised constitutional reform package. As we all know, in addition to increasing five directly elected seats, a major revision will be made to the election method for the proposed five newly created DC Functional Constituency (DCFC) seats with a view to substantially broadening the originally proposed electorate base from 400-odd elected DC members to more than 4.2 million ordinary registered electors, provided that they do not enjoy voting rights in traditional functional constituencies (FCs). The consequence is that all people in Hong Kong can enjoy a voting right of casting two ballots, one in direct geographical constituency (GC) elections and another in the FC election. Of course, I must emphasize that the voting right in the FC election is still extremely unfair, as the 4.2 million members of the public can elect only five seats, whereas the remaining 30 traditional FC seats will be elected by only 200 000 people.

President, the passage of the 2012 constitutional reform package has certainly given rise to a controversy in society, including certain or even intense disputes within the democratic camp. Over the past eight months, the Democratic Party has engaged in ongoing self-reflection as well as exchanges and discussions with various sectors of the community for the sake of elaborating on our long-held convictions. We believe we have gained the understanding and support of more people. Even now, the Democratic Party remain convinced that we have made an important and correct choice, that is, to accept the Government's compromises on the 2012 constitutional reform package to enable us to take one step forward in 2012.

This revised constitutional reform package has in general pushed forward Hong Kong's constitutional reform by one step. Although this step is limited and not substantial, it will in general produce a major impact on and bring change to our future political development. For this reason, the democratic camp and people from all walks of life who are campaigning for democracy should continue with their efforts on the basis of the 2012 constitutional reform. In the future, we shall fight for the implementation of the election of the Chief Executive and all Members of the Legislative Council by universal suffrage in 2017 and 2020

respectively; ensure that all the elections by universal suffrage are genuine and consistent with the international community's definition of universal suffrage; abolish FCs of all forms, and ensure that the Chief Executive election will not be subject to any unreasonable restrictions with respect to nomination and standing for election. To achieve our goal, we have to fight for the enactment of legislation in one go to give effect to these arrangements to prevent the community from being constantly embroiled in a deadlock of disputes over the constitutional reform issues.

President, the two Bills relating to the discussion and voting being conducted in this Council today are meant to give effect to the 2012 revised constitutional reform package which has been agreed and accepted by the Government. The contents, details or fundamental principles were — actually, I should have said fundamental principles, as the expression of "details" is not too accurate — elaborated by Donald TSANG in a public speech on 21 June last year, which is the basis on which the Democratic Party agreed to support the 2012 constitutional reform package. As for the enactment of legislation today, I think that the legislation is broadly in line with the undertakings made by Chief Executive Donald TSANG in his speech delivered on 21 June and within the framework of the revised package agreed and supported by Members at that time. Therefore, the Democratic Party will vote in support of the resumed Second Reading of the Bill as well as the Third Reading of the Bill later on.

However, as regards the specific provisions in the Bill, we think that the Government should be able to accept, and I shall also fight for, more open and advanced options and arrangements. We will support some amendments with a view to making improvements to this package, though at the end of the day, the amendments must be compatible with the fundamental spirit and principles of the agreement endorsed at that time with respect to the revised package. Perhaps I should cite a couple of amendments for the purpose of stating our position. First of all, if the amendments proposed by the Government are reasonable, including the vote counting method, namely, the requirement that the candidate elected must have obtained more than half of the votes, and so on, I would consider these relatively reasonable proposals as an improvement. Therefore, the Democratic Party will render its support.

Insofar as the subsectors for the purpose of election are concerned, we will not oppose certain technical CSAs, such as those involving changes in the names

of some corporate voters. However, regarding certain subsectors, we will cast dissenting votes if some corporate voters are added arbitrarily while the inclusion of some other corporate voters is rejected unreasonably. One such example is the information technology FC. We will explain this later.

On behalf of the Civic Party, Dr Margaret NG has proposed a series of CSAs. We will support all of her CSAs but one, that is, to return the five new DCFC seats from five constituencies instead of the whole territory as a single constituency, because all the CSAs are meant to further broaden the electorate base to enable the system, albeit unreasonable, to become relatively reasonable. Of course, I am only implying that more people will be given opportunities in a reasonable manner to stand for election during the transitional period of 2012. I believe Dr Margaret NG is well aware of this, too. We understand her position that, despite the improvements to the traditional FC seats and their election method, we do not hope to see this situation remain on a long-term basis. We are absolutely clear that all these must be abolished before 2020. It is on this basis that we support the many CSAs proposed by Dr Margaret NG to the traditional FCs.

As for the election methods, such as the CSAs to the method of electing the Chief Executive, we also consider them reasonable. So, I will not discuss them in detail here. Generally speaking, there is only one CSA we cannot support, that is, to change from one single GC to five GCs for the return of new DCFC seats. This has nothing to do with differences in fundamental beliefs or principles. It is because we think that the participation of 3.2 million people throughout Hong Kong in an election or in electing Members of the Legislative Council carries some special significance. A significant political impact will thus be produced, too. Such a major election can be described as a valuable experience for Hong Kong people to familiarize themselves with the election of the Chief Executive by universal suffrage in 2017, so that everyone can familiarize themselves with the relevant operation. Even for our proposed Legislative Council elections, we also hope that there will be a territory-wide list. Of course, it is very clear that this list will be targeted at universal suffrage, not FCs. Hence, we hope the list we see in the future is a territory-wide list which is not subject to nomination restrictions and unreasonable restrictions on standing in election, so as to give Hong Kong people opportunities to gain experience and understand the operation of the elections. We also believe, if such elections were held in the future, and if the Members returned were able to command the



mandate and appointment of numerous electors, they would definitely not resist the abolition of unreasonable restrictions on nomination and standing for election, thereby turning the relevant elections into part of universal suffrage. Therefore, we hope that in the major FC elections to be held in the coming years, we can turn them into geographical direct elections naturally. This is what we have to fight for in the days to come.

Of course, while lobbying the Government to support these election methods, many of us share the view that the outcome of electing candidates from a long list will, after all, not be lopsided. I believe this was one of the considerations of the relevant persons who finally concluded that it was worthwhile to make compromises. This is a very long list, not absolutely a zero-sum game. If we roughly divide Members into the establishment and democratic camps, I believe the election outcome can reflect the support gained by them respectively. Many people worry that a lopsided situation will arise if the whole territory is divided into five constituencies. When we lobbied the relevant persons, including the Government, at that time for their support, I believe this point raised by us could already help allay their misgivings. Therefore, we still believe we should continue to support this proposal.

All in all, President, insofar as the 2012 package is concerned, regardless of the number of CSAs which can be passed, whether what will be passed is the Government's original package, the extent to which Members consider improvements and progress have been made, or there is still some dissatisfaction among Members with the situation, this is just a transitional package. In the days to come and in the fight for our goal in the future, we believe our responsibility will become even bigger. We firmly believe that we have to continue to argue in this Council with the Government on just grounds. Outside this Council, it is all the more necessary for various political parties and groupings supporting the implementation of a democratic political system to join force with various sectors of the community to conduct sustained campaigns in the community in pursuit of this goal. It is very important to do so.

Meanwhile, I also hope the Central Government and the SAR Government can, as indicated earlier, really establish a platform to communicate and talk with representatives of various political parties in this Council, including representatives of the various political parties in the pan-democratic camp, with a view to making an effort to reaching a consensus. I hope a review of enacting

legislation in one go can be conducted for the purpose of completing the roadmap leading to ultimate universal suffrage. I consider it very important to do so.

With these remarks, I state clearly that the Democratic Party supports the debate today on the resumed Second Reading of the Bill as well as most of the CSAs.

**MR JEFFREY LAM** (in Cantonese): President, I still recall the dramatic changes in the political situation and ups and downs in Hong Kong during the last two weeks in June last year, with different sectors of the community and the hearts of the public at large being affected by the two packages relating to the 2012 constitutional reform. In the end, two significant motions on the Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 in relation to Hong Kong's future and the decision to taking the first step in constitutional development were passed by a two-third majority of all Members of the Legislative Council, thus signalling a ray of hope for the constitutional impasse lasting for years in Hong Kong.

With the passage of eight months, the last two steps of the "five-step mechanism" for amending the two methods have already been taken, including the giving of consent by the Chief Executive to the motion passed by the Legislative Council and the report to the Standing Committee of the National People's Congress of the amendments to Annexes I and II to the Basic Law for approval and the record. It is on this premise that Hong Kong is moving steadily forward on the road to constitutional reform. The debates today on the Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010 imply that this last procedure of enacting legislation in Hong Kong is also near the end. Let us just wait and see what "good movies" will be shown on the political stage and what changes will be made to the political situation in Hong Kong. However, I hope the good movies will not only be interesting, they should also have a happy ending that the vast majority of Hong Kong people would be pleased to see.

President, I have looked up roughly the debates conducted that day on the constitutional reform package. Members who spoke in the debates, whether they supported or opposed the package, whether they were directly elected Members or FC Members, and whether they belonged to the establishment or the

pan-democratic camp, had all made impassionate speeches, presented clear-cut arguments, upheld their convictions and expressed their own ideas. Even though with the passage of half a year, I believe they will still remember what they said that day and there will not be major changes in their fundamental position on the constitutional reform package.

We can easily see that many of the Members who spoke in support of the constitutional reform package shared the view that the passage of the package would enable Hong Kong to take the first step on the road to democracy, and this step represented the concerted efforts of the Central Government, the SAR Government, all sectors in the community, and some moderate democrats. This was the result of frank and rational communication and mutual understanding and accommodation among the parties concerned. I recall that in this Council, there were more than 46 votes in support of the passage of these two packages. This once again proves that politics is the product of pragmatism, rationality and compromise, and it also shows which party represents the attitude of the majority of Hong Kong people towards constitutional reform, and that Members cannot merely rely on "raising their voices" or "throwing objects" to achieve anything.

President, after the passage of these two packages today on introducing legislative amendments in Hong Kong, the new-term Chief Executive and Legislative Council Members to be returned in 2012 will see a broadening of their representativeness and popular mandate. Of course, the passage of these two packages of amendment proposals is by no means a "one-step accomplishment". But, after all, these two packages of amendment proposals are progressive. This is evident to all and there can be no gainsaying it. Although different political parties and groupings returned by election and Members from different sectors have their own positions and views, we as members of the representative system of government must respect the beliefs of Members belonging to different political parties and groupings as well as their freedom of speech. We should all act in the overall interest of the development of Hong Kong and seek common grounds while preserving differences. After the addition of 10 representatives of public opinion to this Council, we hope we can do more for Hong Kong people and make more constructive suggestions. If there is anything the Government has not done properly, we should urge the officials to make improvements and corrections; if there is anything the Government has done satisfactorily, we should give the officials some due credit. We must not find fault with everything. Nevertheless, judging from the present

situation and with so many elections to be conducted in the next year, I believe no one will praise the Government. I only hope that Members can adopt a pragmatic attitude and act in the interest of the public. It is the belief of many people that accusations, condemnations and acts of opposition for their own sake are not helpful, and the Government's administration will not run at all smoothly as a result of this. In the end, the 7 million people in Hong Kong will suffer.

President, the CSAs proposed by the Government to the Chief Executive Election (Amendment) Bill 2010 this time around have given rise to disputes during the deliberations of the Bills Committee on a number of issues, such as the nomination threshold for the EC, the allocation of seats among the four sectors, and the candidature, nomination and voting of the DC subsectors election. In this respect, we in the Economic Synergy support the Government's proposed CSAs. We think that the relevant arrangements are in line with the principles of balanced participation and gradual and orderly progress.

President, I so submit.

**DR MARGARET NG** (in Cantonese): President, popular and equal elections are universal values. They are the strong aspirations of the people of Hong Kong and constitutional rights which they are supposed to enjoy under the Basic Law. Hence it is only right that we should put into practice dual universal suffrage as soon as possible.

I do not think I need to elaborate on these principles now. However, I hope to emphasize one point and that is, constitutional reform is a factor of the utmost importance when it comes to the question of whether the governance by the Hong Kong SAR Government can bring or maintain prosperity and stability in Hong Kong. Mr Jeffrey LAM said earlier that we had to be pragmatic. All along I have been very worried because we are not able to take forward any genuine constitutional reform.

President, during the 19th century, the leader of the Conservative Party in Britain was Robert PEEL. Why did he support democratization and constitutional reform? He was by no means a fighter for democracy as such, nor was he a supporter of beliefs in democracy. But he thought that his country had come to such a stage that if the constitutional system was not open, his country

would be unable to achieve any good governance, and if there was no good governance, there would certainly be social disorder. So he advocated among the Tories that his party and the government should lend their support to reform and liberalization.

The red light has been lit for a long time in the governance of the SAR. Earlier this morning, President, we had an urgent adjournment debate and many Members said that they were very worried about the political conditions and society in Hong Kong, for there seemed to be more and more people who resorted to violence and it appeared as if there was a trend of anger prevailing in society. This shows that some factors of social unrest have developed and governance is beginning to crumble. The most obvious example is the budget. All along budgets are products of careful consideration of voices from all sectors and what is best for Hong Kong from an angle of governance. The budgets are accepted by society once they are delivered. Even if the people are not entirely satisfied with a budget, they would not oppose it strongly. I have been a Member of this Council for more than 10 years and this is the first time I have ever seen a budget opposed so violently by all the people of Hong Kong. Moreover, due to the fierce opposition of the budget the Financial Secretary has made very drastic changes in great haste. We do not know what the results of these changes are. As to whether the revised budget can really satisfy the demands of Hong Kong people and whether they would be happy about it, we simply do not know.

President, can the Hong Kong SAR be governed in this way? Would it help in enhancing our competitiveness and making people's life better? Why is that so? Actually, the system makes the policies. These policies stem from our system. It is not that a budget or two have got problems or that one or two officials are not doing a good job. If we really want to know if this system is a good one or otherwise, we need only look at what Chief Executive is returned under such a system.

LEE Yee pointed out in the editorial of *The Apple Daily* today that under the system of selecting the Chief Executive in Hong Kong, if a person can get the trust of the Central Authorities and some giant consortia and the business sector, he can become the Chief Executive, even if he is not backed up by public opinion. For a person who used to have the support of public opinion initially, as he gains the confidence of the Central Authorities, he would lose the support of the masses. This is because he would strive to please the Central Authorities in

everything he does or he may harm the people as he tries to defend the interest of the minority.

President, we can see that after Mr TUNG Chee-hwa had assumed the office of the first Chief Executive, there were great grievances among the people. His popularity sank to the nadir when he was elected for the second term. But he still got the nominations from 700 members of the EC and so he became an uncontested candidate. In fact, there was no possibility for another candidate to run in the race. Finally, two years after the great march on 1 July 2003, he stepped down because of an alleged pain in his leg.

It happened again that Donald TSANG was preordained by the Central Authorities as the Chief Executive of the SAR. At that time, his popularity rating was very high. President, it was close to 80%. Now what is his popularity rating? Why is that so? It is because a Chief Executive returned under the present system only has to please the Central Authorities, and those who have direct relations with the Central Authorities and can communicate with them direct. This is the most important thing for him. As to whether he can hear the voices of the people or fulfil their wishes, these are not important to him.

Of course, this system does not only include the Chief Executive himself, there is also the EC which returns the Chief Executive. It is also founded on the functional constituencies (FCs). In the Legislative Council, more than half of the Members are returned by direct elections while the other half are returned by FCs. In this way, the problem is magnified. In other words, even if the Chief Executive is unpopular with the people, provided the solid votes from the FCs of this Council lend him their support, he can ride every storm and climb every mountain. Policies formed under this system will aggravate social unrest if they are easily passed despite opposition from the people and disapproval shown in public opinion.

So Hong Kong is in a very dangerous position when the problem has reached such an extent. President, this is the reason why I am so worried. This is not a question of human rights or constitutional rights alone, but one of governance. Is our Government able to improve the people's lot? Can it get the trust of the people? Can it continue to govern the territory? Or has the Government become so dictatorial that it refuses to listen to the voice of the people?

President, the Basic Law guarantees dual universal suffrage in Hong Kong. But we are fettered by the National People's Congress (NPC). This is most regrettable. The NPC does not allow us to have dual universal suffrage in 2012. Not only are dual elections by universal suffrage made impossible, but there is also no change whatsoever that will truly lead to dual universal suffrage. In fact, the NPC simply neglects the arrangements mentioned in the Basic Law, that is, there should be development towards universal suffrage in accordance with the practical situation in Hong Kong. If this step we take now is so small, when 2020 comes, how can we achieve any dual universal suffrage in the real sense? It is practically impossible.

President, we cannot help but ask, as conditions in Hong Kong are so urgent, what in fact are we waiting for? We want to have a real constitutional reform. What else are we waiting for? We want to march to genuine dual universal suffrage. What else are we waiting for? With respect to local legislation, even if the Standing Committee of the NPC has made a decision, there is still room for local legislation. There are a lot of things that do not require reference to Annexes I and II and they are decided by local legislation instead. There is still large room for us to do that.

But how much reform do the Bill on the election of the Chief Executive and the Bill on the election of the Legislative Council have brought us? Frankly, it is minimal. The Bills have totally disregarded the room for local legislation and the reform proposed cannot deal with the problem of the danger in governance which I have just talked about. When we have a Chief Executive preordained in this manner and when he has got an entourage of accountable officials like these, there is no way policies can be taken forward because the entire Government lacks in solidarity. We can see in the Bill on Chief Executive election that the EC is tilted to the establishment and those with vested interest. This present tilt is even more serious because some seats will be added according to the existing proportions. It can really be considered a retrogression. In the Bill on the Legislative Council, only five seats or "super seats" are added to the FC elections for District Councils (DC) (second) FC. Would that truly change the FCs or the unfairness in the forming of the Legislative Council? The most shocking thing is that the authorities have made it clear that the traditional FCs will not be changed. And these traditional FCs are precisely the cause of extreme injustice in this Council and the factor

accounting for the most unjust policies. But these traditional FCs are not to be changed. So the instability factor will only magnify.

President, FCs not only enable some people to enjoy privileges and in some subsectors, some people may have more than one seat. As a matter of fact, this is not the end to the problem. As corporate votes are used and there is no transparency in these corporate votes, there is no way other people can know what kind of people is included in these corporates or how these votes are manipulated. Moreover, if the number of voters is very small, it would be easy to manipulate. In other words, this is not just a question of privileges. It is because given the right kind of FC seats and enough number of such seats, plus the support of the Central Authorities and the SAR Government, or a combination of the two, the Council will fall easy prey to manipulation. When that happens, no matter how loud the voices of those Members returned by popular elections are, some motions will never be passed while some motions will be passed in any case. So such a situation must be changed. But no arrangement is made under this exercise of local legislation to shatter this kind of monopolization and control.

President, during the debate on the constitutional reform package, the Civic Party made its position very clearly. We oppose the constitutional reform package. We do not think that any increase in the number of seats or people will increase the democratic element. As a matter of fact, we take strong exception to this expression of "increasing the democratic element". We think that the proposal is a retrogressive step and it is especially so because no one has ever mentioned that the right to election can be divided into the right to nominate, the right to run in elections and the right to vote. Eligible voters who have the right to vote should have the right to nominate and take part in elections. This is the first time that such a split is proposed and this is to me great damage done.

Therefore, we will propose 60 CSAs today. The main idea is to effect change in the following three aspects. First, we want to effect an arrangement which has got the support of 80% of all the people in Hong Kong and that is, to replace all the corporate votes in the traditional FC seats by individual votes, and that applies to both directors in these corporates or those working in these subsectors. Admittedly, this cannot make these traditional FCs become truly fair, but at least those working in these subsectors concerned can vote. Why can only employers vote? Can it be said that employers in the banking sector are the



banking sector itself while the staff working in the banking sector do not belong to the banking sector? For this reason, we have to change this situation. However, this can only break part of the monopolization. We have to effect the second change and that is, to reunite the election right which has been split into three as one right. The third change is to set up a ceiling on nominations in the EC for the Chief Executive and try to put right this excessively tilted situation a little so that more people can run in the race for the Chief Executive office. The amendments we proposed in respect of the above three major areas are in fact meant to manifest public opinions.

Incidentally, the *Hong Kong Economic Journal* has published an article today co-signed by some academics and some of the details in the proposed amendments, actually, have all been proposed by the Civic Party before. The only revision proposed which is not mentioned relates to the subsectors in the EC. We have never suggested that corporate votes should be abolished, but I believe in working in that direction (*The buzzer sounded*) ..... I am glad that discussions can be conducted in this Council today. Thank you, President.

**MR RONNY TONG** (in Cantonese): President, the Bill today actually represents an interim achievement of the hard work done by some Members of the democratic camp and I over the one and a half years past. So I should be speaking in an excited and relaxed mood, but on the contrary, my heart is stone heavy when I speak now. Because the price we have paid for this Bill is much too heavy indeed. This Bill not only highlights some of the fundamental differences between me and the Civic Party in tactics in the fight for universal suffrage but also the divergence in the political line of the democratic camp for the first time since the reunification, or for the past 20 years.

President, I hope to talk briefly about my position on this Bill and all the amendments. President, I am not trying to explain away my own position, but I think that I am duty-bound to give an account to the Civic Party and those who support me.

President, I am a simple person. I believe I am a tolerant person, too. I do not agree with certain political figures who merely shout empty slogans, but I can accept them with reluctance. I do not agree with certain political figures

who are after momentary applauses or applauses from a handful of people, though I can also accept them with reluctance. But I cannot convince myself to accept certain political figures who hold double standards. They do not command any respect from me.

I think in the whole course of this fight for universal suffrage, up till last year, the goals and tactics of the entire democratic camp had remained the same throughout. As at last year, there were two directions or tactics which the democratic camp had in the fight for universal suffrage. The first was to rely on mass movements to increase the political chips. The second was to fight for universal suffrage within the establishment or its framework. I must say that it is for the latter that I took the plunge into politics. I am not a person who can mobilize the masses. I am different from Mr LEUNG Kwok-hung and Mr WONG Yuk-man. I have a lower expectation for myself in that respect.

This was no divergence until last year. These two directions are mutually complementary. And for myself, they are like working both inside and outside, and this is the best way to fight for universal suffrage. If we only rely on mass movements, it is doubtful if those in power would give in. Or if we just engage in a dialogue with the pro-establishment camp or in a dialogue with those in power in the establishment, or reason with them, can we achieve anything? I do not believe we can by taking these two approaches.

Unfortunately, there were different views within the democratic camp last year. Some democrats thought that fighting for universal suffrage within the establishment was giving up mass movements and hence betraying the cause of democracy. This is much to be regretted. Up to the present moment, whenever mention is made of issues in connection with constitutional reform or universal suffrage, I can see that the Democratic Party is cursed and condemned. I am lucky that no one does that to me. President, this is because I am a small potato, and it does not matter if I am cursed or not.

But we can find the existence of double standards in such conflicts. President, what are the double standards? That is, there is no contradiction *per se* in the two different ways to fight for universal suffrage and if it is said that fighting for universal suffrage within the establishment should not be done and this betrays the principles of democracy, I would accept it and I respect this view. Or when some people think that mass movements are useless and it would only

work when the fight is carried out in the Council, I would also accept and respect such a view. But I find most difficult to accept, nor can I give any respect to, the stance of claiming on the one hand that the fight should not be carried out in the establishment while trying to fight for it in the establishment. President, put simply, with respect to this Bill on constitutional reform, I think that, honestly, there are three basic conditions or a framework from which I do not think I can free myself.

The first framework is the decision made by the Standing Committee of the National People's Congress (NPCSC) in 2007. The second framework is that this is not a proposal for universal suffrage in the ultimate sense, but it is only a midway proposal. The third framework is that the criteria which we use to accept or reject this midway proposal are not whether it can comply with the principle of ultimate universal suffrage, for if this is the case, then it would not be a midway proposal. So this is not tenable in logic. With respect to this framework, I would think that the consideration must be whether the direction to take would be in line with the roadmap or direction to universal suffrage to which I agree or think is practicable. It is because if it is not the ultimate proposal but only an interim one, then we have to make clear what the direction we are heading is. So if Members do not have any roadmap in mind but only reject this Bill, I think it cannot be acceptable.

President, the problems evolving from these three frameworks are in fact problems of a fundamental nature. I must state clearly once again that no one who strives for democracy would be happy with the decision made by the NPCSC. It can even be said to be unacceptable. But if you say that you accept this proposal, then you should strive to further the development of democracy within this framework. You cannot say that you accept this framework, but you also want to realize the principles of ultimate democracy in 2012. President, if some people say that they do not accept the decision of the NPCSC, I would respect their view, but I hope that they can explain to their voters about it. They do not have to explain to Ronny TONG. I hope they can explain to their voters how they want to override this decision and once this is done, how they would convince the Council and the SAR Government and the Central Government to accept realizing a constitutional reform proposal in 2012 which is consistent with the principles of universal suffrage or the principles of universal suffrage in the ultimate sense.

So, I can hardly accept double standards. That is to say, people who on the one hand say that they accept the decision by the NPCSC while on the other make another proposal which is against the NPCSC decision, not explaining how the framework can be bypassed and how other people can be convinced to accept the idea that overriding the decision will work and can achieve some results.

President, the second point is most apparent to me, and that is, it is only a midway proposal. So we cannot look at this midway proposal through the tinted glasses of an ultimate proposal on universal suffrage, and then say that certain parts in it do not comply with the principles of universal suffrage. We all know simple truths like all mothers are women and who would want to be bald if he has got hair? This is obviously a midway proposal and if we use the principles of universal suffrage to measure its credibility, what is the point? What would it be if it is not an application of double standards?

Third, irrespective of the changes proposed by Members, I would hope that such changes would follow a full roadmap and run towards the ultimate proposal in an orderly manner. Of course, the existence of a roadmap does not mean that it can be realized. I fully accept this idea. But if you think that this roadmap will not work, I hope you can propose another roadmap and tell me how the same goals can be reached.

President, on this roadmap — I am referring to the roadmap proposed by the Alliance for Universal Suffrage. This is because I fail to see any other roadmap proposed by other people from the democratic camp. The key idea of this roadmap is about how the FCs can be replaced. If you ask the FCs to commit suicide, will they do it? Are they prepared to kill themselves? Can you ask them to kill themselves? So after 2007, I spent a lot of efforts trying to persuade all the people so that they could sit down and come up with a proposal on ultimate universal suffrage. At that time, we had arrived at an initial consensus, and that is, the proportional representation system for geographical constituencies should be used to replace FCs. This model would be a proposal on universal suffrage closest to the FCs while it is not FCs. I insist that this is the road to universal suffrage that we should take. Of course, I would also accept any other method which can convince Honourable colleagues from the FCs to give up their seats voluntarily or be forced to do so. You may raise the idea that the experience of Libya be considered. This could be done and I

respect it. Only that you cannot say on the one hand that the Libyan experience should be learnt, but on the other hand you carry on your fight in the establishment. This is because such a goal could be realized even in Libya. Right? It has come true in Egypt. Right? No one can rule out such a possibility.

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

Deputy President, the difficulties that we have to face are not simply those we have to face, but also those that the democratic camp has to face. Can we put aside our position and think, if we look at things with a broader vision, actually, all things can exist side by side. It does not necessarily have to be only your ideas are always right. I would not think that only my ideas are right either, or that those of the Democratic Party are always right. But when there are no other options, we have to make do. I do not think that making do will mean giving up my pledge to strive for universal suffrage or my determination to achieve it.

Deputy President, with respect to the speech I make today, I know that my colleagues sitting to my right would feel very dissatisfied. I can sense it. Deputy President, I do not expect them to understand me. This is because, insofar as I am concerned, I got involved in politics before I began to form a party. I took the plunge into politics because I wanted to fight for universal suffrage. This is my only goal. Or else I would not be standing here. Honestly, did I feel good during the past six years? I am sure all those who have been Members would know, even Mr Paul TSE who has been a Member for just two years will know what it is like to be a Member. It does not feel good to be one. Then what am I after? I really do not know what I am after. My wife asked me only yesterday what I was doing that for and why I was still considering running in the 2012 election. Actually, I do not have to think about it. Why should I? Deputy President, if you understand my view on this, you will understand why, despite the huge difference in opinion between the Civic Party and me, I am still standing here.

**MS LI FUNG-YING** (in Cantonese): Deputy President, as the Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010 both involve the electoral arrangements for 2012, I am therefore stating my views and stance on these two Bills together.

In July last year, when the Chief Secretary invited Members of this Council to express their views on the electoral arrangements for 2012, I had already made my stand known. Today, I will vote according to that stand on the amendments introduced by the Administration and other Members. With respect to the electoral arrangements for the Chief Executive Election in 2012, about the difference of 10 seats which arises when the seats of this Council has not yet increased from 60 seats to 70, I have suggested to the Chief Secretary that the method of returning the seats of the new FCs in the Legislative Council can be adopted, whereby members of DCs returned by popular elections can be nominated by Members of the Legislative Council and then returned by all the people of Hong Kong on a "one-person, one-vote" basis. Therefore, I would support the amendments proposed according to this principle.

About the electoral arrangements for the Legislative Council Election in 2012, I pointed out last year that the candidates for the newly-added five FCs must be popularly returned by members of the DCs currently in office and they should be nominated by 10 incumbent popularly returned DC members. Then they shall be elected by voters across Hong Kong who are not entitled to vote in the other FC elections. This is the basis which determines whether or not I will support each one of the amendments. As to whether the new FCs should adopt the method of one constituency only, I suggested last year that the seats for the new FCs should be returned by a number of large constituencies. Those large constituencies should be delineated according to the number of voters and the principle of easy demarcation. As there are about 620 000 voters on Hong Kong Island, they can be allocated one seat. Kowloon East and New Territories East can have two seats and they have an electorate base of about 1.36 million. Two seats can be given to Kowloon West and New Territories West where there are 1.38 million voters. As I already made my comments and suggestions on the arrangements for these two elections last year, they will be used as reference for my decision on whether or not I will lend my support to each of the amendments.

Thank you, Deputy President. I so submit.

**MR WONG YUK-MAN** (in Cantonese): Deputy President, between the spring and summer of 2010 and 21 years after the 4 June tragedy, the Democratic Party, the biggest political party in the democratic camp having led the political resistance campaign for two decades, engaged in dark-room negotiations with the Communist Party of China (CPC) without the people's mandate. As its bottomline receded further and further, it eventually reached an agreement with the CPC privately to give support to a bogus constitutional reform package, plunging Hong Kong's political democratization into a muddy swamp.

With the Democratic Party giving support to the constitutional reform package, the Government and the "reactionary camp" acted against the trend. The outcome is irreversible. The outcome is that today, we can only debate the minute details of the relevant Bills: Should the seats of the Election Committee (EC) be allocated by proportion according to the existing distribution of seats in various sectors or should they be allocated according to the number of voters? Before the forming of the Legislative Council in 2012, should those 10 unoccupied EC seats be allocated to members of the Chinese People's Political Consultative Conference and Heung Yee Kuk or should all these seats go to the directly-elected District Council (DC) Members? Should the DC subsectors election be conducted by the "bloc vote system" or "multiple-seat, single-vote" system? I am afraid that these discussions carry little essence, still less significance.

Had the Democratic Party not engaged in dark-room negotiations with the CPC and the constitutional reform package was hence negated, the debate on the political system would not have to remain stagnant for 10 years, and there would still be room for struggle and imagination. Had the Democratic Party not opposed the *de facto* referendum in five geographical constituencies in exchange for dark-room negotiations but supported the holding of a *de facto* referendum, the new pro-democracy movement would have been an unprecedented victory. Today, we all see that the Jasmine Revolution is spreading across the world, and Hong Kong should not have degenerated into a state of the so-called "path dependence" which can only lead to a bogus universal suffrage according to the principle of gradual and orderly progress.

On this path of political resistance, we expect to see people turning tail in the face of danger and people giving up the light for darkness, and there are even more opportunists pretending to be obedient after getting what they want. But

when the Democratic Party which had walked this path of political resistance for two decades has acted against faith and righteousness, and blurred the objective of Hong Kong people in fighting for democracy, many supporters of democracy are outraged. In the foreseeable future, the development of a democratic political system will be like reaching a dead end with no way out, to be followed by the collapse of the so-called pan-democratic camp.

The late Mr SZETO Wah, a leading advocate of referendum, turned into a standard-bearer who opposed referendum and supported the constitutional reform package, ruining his integrity in his twilight years. But those in the higher echelons of the Democratic Party do not feel the slightest bit of shame as they, by riding on the SZETO Wah bandwagon, continue to deceive the voters under the disguise of democrats.

While Mr SZETO Wah did not live long enough to accomplish his mission, all I wish is that he can rest in peace in the arms of our Lord, and I have not made a final judgment on this elder after his death. But here, I have to cite the articles written by two men. The first article entitled 《司徒華的執着與追求》 (SZETO Wah's perseverance and aspirations) was written by Mr KOO Tak-ming, and in one of the paragraphs, he wrote this: "At the end of last year, the CPC-endorsed Duoweinews.com in America published a commentary saying this: 'Historical issues were the cause of the awkward relationship between the CPC and SZETO Wah. There was actually no unbreakable knot between them and so, the CPC should not completely negate the historical achievements made by him.' At that time, a journalist of *Ming Pao* pen-named LI Sin-chi (李先知) questioned, 'Are there people trying to convey a message to the Central Authorities for SZETO Wah with the purpose of seeking a posthumous commendation for him?' Before his death, SZETO Wah had repeatedly reneged on his promise at all costs, leading the Democratic Party to betray their faith and changing side to attack the democratic camp in Hong Kong, which finally enabled CPC's autocratic constitutional reform to be passed by the Legislative Council. What he did has obviously answered LI Sin-chi's question." (end of quote) This comment has indeed hit the nail on the head.

The other article was written by Mr NI Kuang and I quote, "I do not know Mr SZETO Wah very well, and I am quite baffled as to why he had recently reneged on promises that he repeatedly made before and turned to work with the establishment instead. It is a general rule not to badmouth the deceased. There



have been too many people putting in a good word for him and I do not see a need to join their chorus. Just that when Donald TSANG highly praised him by saying that much was owed to his unfailing efforts, we were left dumbfounded. How appropriately his praises are sung! I think of a saying by LENIN who said to the effect that when you are praised by your enemy, you have perhaps committed some sort of follies. Perhaps he had not treated the pro-establishment camp as an enemy at all. For all his life he had engaged in education and he is said to have made most significant contribution to education in Hong Kong. But in my impression, education in Hong Kong has long given cause for much criticism, though the reasons have yet to be ascertained. The success of the pro-democracy movement relies on the efforts of thousands or tens of thousands of participants. We can never enter the grand hall of democracy if we do not shake off the myth of "leaders"! This is my personal view. I am not asking other people to agree with me. So, please, don't come to bother me."

During this darkest period in the history of democratization in Hong Kong, although the majority of the people are ignorant and innocent, there are still a few who are clear-headed.

Dr Margaret NG of the Civic Party will propose a number of amendments today. Except for the amendment which allows the Chief Executive to have political affiliation, Mr Albert CHAN and I will abstain on all the other amendments. The reason is simple. Since the Democratic Party offered an olive branch to the CPC, the details of the constitutional reform have actually come to a dead end. While we could have voted down the constitutional reform package when one third of the Members exercised the vetoing right, but when it comes to voting down the Bill or amendments introduced by the Government in relation to the constitutional reform, can this Council do anything fruitful?

Fighting for democracy inside this "birdcage democracy" is merely whitewashing the system of small-circle election. To think that real democracy can be achieved by relying solely on "birdcage democracy" is more obviously tantamount to self-refuting. If an unfair and unjust system could naturally lead to an outcome of justice, it would have been unnecessary to mobilize people's power to promote "*de facto* referendum in five geographical constituencies".

Dr Margaret NG has worked very hard and proposed a number of amendments, hoping that these details of the devil can be revised. But these

amendments will all be voted down. The writing is already on the wall. This is the result of the lamest political system in Hong Kong. So, we feel very helpless. In fact, many of her amendments are technical in nature, and it would be more desirable if these adjustments could be made. For example, the amendment of setting an upper limit of nominations can prevent certain people from sweeping all the nominations, which would otherwise make it impossible for other people to secure nominations. I have read each of these amendments carefully, and I appreciate her intention.

In my latter speech, I will explain in detail my views on the amendments proposed by Dr Margaret NG and the Government. This speech that I am giving today is meant only to give a general comment. I have written down in this script all the main points. I will give a copy to the Secretary, the President and Dr Margaret NG later on.

Most of those people pretending to be obedient and seeking to feather their own nests by trickery are likely to sacrifice their principles for personal gains. We have seen too many of them. Since it is the goal of the Democratic Party to fight for democracy and freedom, how can it side with the tyrants to do evil? Righteousness and unrighteousness cannot be equally yoked together. This is a cardinal principle of right and wrong, right?

While we are speaking here, Members from the Democratic Party have all left this Chamber. It does not matter. What I have said is, of course, not pleasing to their ears. But I have written an article of several thousand words. This historical literature will be kept as a record in history. What I am saying now is broadcast live on television and it will then become a popular hit on the Internet. Yes, we do intend to make a statement. If you support the constitutional reform, let me see your statement. I have sent someone to bring a book to me but he has not arrived yet. This book entitled 《人民最大 —— 五區公投實錄》 (The people are in charge — a true record of *de facto* referendum in five geographical constituencies) has 300 pages between its covers. Secretary, I have also given you a copy of it. This is a statement. You can disagree with it, but have you got any statement? The situation now is a mess. You did not bargain with them over the major principle but now, you are talking to them about the minute details, arguing that the proposed threshold is too high for the candidates in the DCFC and suggesting the lowering of the threshold from

15 to 10 nominations. Why did you not expressly state this point when you promised to support the constitutional reform package at the outset?

The People Power has recently produced a short film entitled "民主黨出賣選民系列" (Series of the Democratic Party's betrayal of the people), comprising a total of 52 episodes. One of them is very interesting. No commentary is added to it, and it only shows what Members of the Democratic Party had said to go back on their past promises, all in their own words. Members can watch it on the Internet. As I still have time, let me cite a few paragraphs here: "I have also suggested that the threshold must not be set at too high a level, and it would be best to set it at 10 seats, so that all political parties can take part in it. If an excessively high threshold is set in the papers to be released in a couple of months, which would give many people the impression that this is a scam meant only to benefit certain political parties, I would, as I have said, admit my mistake and step down immediately.". This was a paragraph extracted from the speech made by Ms Emily LAU, Vice Chairman of the Democratic Party, during the debate on the constitutional reform package in the Legislative Council on 23 June 2010.

The next paragraph that I am going to cite is taken from a publicity pamphlet of Ms Emily LAU. It says, "In respect of the election of the five new DCFC seats in the Legislative Council in 2012, candidates should be nominated by no more than 10 DC members. The less the number of nominations, the better, for this will enable more people to run in the election."

Then, I have to cite the remarks made by Mr Albert HO, Chairman of the Democratic Party, in City Forum. He said, to this effect, "I cannot see why the Government should propose a threshold of 15 nominations after the end of consultation — it refers to the number of nominations that candidates are required to obtain in the election of the new DCFC — This is entirely not necessary. I suggest that various political parties, including the Liberal Party, the Hong Kong Association for Democracy and the People's Livelihood (ADPL) or the DAB should jointly propose lowering the threshold to 10 nominations and put forward an amendment to this effect together, in order to call on the Government to accept a relatively reasonable threshold which is neither too high nor too low." These were the remarks made by Mr Albert HO in City Forum which was shown on television at noon on 30 October 2010. While he said this at noon, he said another thing in the afternoon. In the afternoon, Mr Albert HO was interviewed

by INT News Channel and what did he say? He said, to this effect, "As I have just said, even if 15 nominations are required, I think the two camps will still reach an agreement to support competent candidates to run in the election by all means." He said that it should be 10 at noon, but then he said 15 in the afternoon. This is really something.

Here are again the remarks made by the Chairman of the Democratic Party, Mr Albert HO. He said, to this effect, "I certainly understand that 3.2 million voters are a great number, and even if a dollar or two are spent on each voter, it would easily reach the limit — that is, the election expense limit of \$6 million — and I can understand this. As we all know, many political parties are very much grass-roots and it is indeed difficult for them to afford this amount of money. Even if they do not spend as much as the limit allows, \$4 million or \$4.5 million is still a huge amount of money. I think the only problem that needs to be addressed is that this upper limit of \$6 million should be lowered a bit. Second, the Government should identify specific ways to provide subsidies." This is what Mr Albert HO said in City Forum shown on television at noon on 30 October 2010. He said another thing in the afternoon: "Concerning this election expense limit of \$6 million, is it really too much? I would not say so, as it means spending something more than a dollar on each vote and the expense to be incurred is expected. If there will be several geographical constituencies, the amount of election expense will be less, and this will be better. But if the election will be held in the territory as one single geographical constituency, that would not violate the principle of democracy either, and we have already anticipated this possibility."

He said different things even during the same day. If I go on any further, I would be losing my mind. Go and watch it on the Internet. It is a live show, and all these were said very clearly. This is why all the people from the Democratic Party are all gone as I am speaking here. All of them are gone. There is not even one Member of the Democratic Party in the Chamber now. Mr Albert HO has ridiculed our political resistance, telling us to work on a revolution. He works on no revolution; he does not even put up resistance at all. How can they be qualified to talk about the threshold now?

During the Chinese New Year this year, Radio Television Hong Kong arranged for a group of "post-80s" or "post-90s" to draw a lot at the Che Kung Temple for an oracle on the fate of Hong Kong's political parties this year. The oracle on the lot drawn is very accurate and I find this really amazing. Although

I am a follower of Christ, I think Che Kung's oracle is most accurate. A No. 69 lot (a middle lot) was drawn for the Democratic Party, and what does it say? Let me read it out to Members: "The real seems to be fake while the fake seems to be real; Who knows why the fake becomes the real; The mortals can never tell the real from the fake; How indistinguishable between the real and the fake.". The interpretation of the message is this: A muddled-headed person mistaking a thief for his father and mistaking precious timber for firewood must now wake up before it is too late. Is this not mystical? So, I will give this speech of mine today this title: The Democratic Party mistakes a thief for its father; Hong Kong people must now wake up before it is too late. I have followed the oracle of this lot in writing out this speech.

In September 2010, Power Voters was officially founded with the objective of attacking the Democratic Party and the ADPL while vowing to make those political parties which are traitors of democracy "repay their debts of votes in votes". In October 2010, the NeoDemocrats was officially founded, professing their opposition against the Democratic Party's position on the 2010 constitutional reform package. In February 2011, WONG Yuk-man, Mr Albert CHAN and hundreds of comrades who left the League of Social Democrats, together with Power Voters, the Frontier and the pan-blue camp, founded the People Power, pledging to follow the spirit of "*de facto* referendum in five geographical constituencies" and fight on to reach a further milestone in the new pro-democracy movement. Thank you, Deputy President.

**DR RAYMOND HO** (in Cantonese): Deputy President, in accordance with the Constitution of the People's Republic of China, the Basic Law of the Hong Kong Special Administrative Region (SAR) was enacted by the National People's Congress to prescribe the systems to be practised in the SAR. It is clearly stipulated in the Basic Law that the ultimate aim is the implementation of universal suffrage. The Basic Law is the mini-constitution of Hong Kong and it overrides local laws. In respect of the method for selecting the Chief Executive, under Article 45 of the Basic Law, the method for selecting the Chief Executive shall be specified in the light of the actual situation in the SAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures. In the light of the actual situation and in accordance with the principle of gradual and orderly progress, the method for selecting the Chief

Executive is being enhanced in terms of representativeness. The first-term Chief Executive of the SAR was elected by a Selection Committee constituted under the Basic Law, comprising 400 members from various sectors in the community. The subsequent Chief Executives were elected by an Election Committee (EC) comprising 800 members from various sectors in the community.

To further facilitate the implementation of universal suffrage, we have, in accordance with the provisions of the Basic Law on gradual and orderly progress, completed the relevant procedures of the "five-step mechanism" for constitutional reform. First, the Chief Executive put forward proposals on the constitutional reform, and produced a report after extensively consulting the people of Hong Kong. Then, the SAR Government submitted the report to the Standing Committee of the National People's Congress (NPCSC) for a decision. After examining the report, the NPCSC made the "2007 Decision of the Standing Committee of the National People's Congress" which includes the following main points: The election of the Chief Executive and the election of all Members of the Legislative Council may be implemented by universal suffrage in 2017 and after 2017, but the election of the fourth Chief Executive in 2012 and the election of the fifth-term Legislative Council in 2012 shall not be implemented by universal suffrage, and appropriate amendments may be made to the two electoral methods in 2012 in accordance with the provisions of Articles 45 and 68, and those of Annexes I and II to the Basic Law. On 24 and 25 June 2010, this Council passed by a two-thirds majority the motions put forth by the Government concerning the draft amendments to the two electoral methods for 2012. The Chief Executive gave consent to the draft amendments on 29 June 2010 and subsequently reported to the NPCSC. On 28 August 2010, the NPCSC approved and recorded the amendments to Annex I and Annex II to the Basic Law respectively.

After completing the relevant procedures of the "five-step mechanism", Hong Kong is gradually moving towards the goal of electing the Chief Executive by universal suffrage. Of course, those people who hope to achieve dual universal suffrage in one step may disagree, but to the majority of the people who are rational in striving for universal suffrage, they will agree that since a timetable for implementing universal suffrage is provided, it is now time to take forward the relevant arrangements. The Chief Executive Election (Amendment) Bill 2010 precisely serves to give effect to the relevant electoral arrangements by way of legislation.

According to the Administration's proposals in the Chief Executive Election (Amendment) Bill 2010, for the first three sectors, the number of seats allocated to the existing 32 subsectors will be increased generally by proportion according to the existing distribution of seats, and the number of members in each EC sector will be increased to 300. For the fourth sector (that is, the political sector), the new seats will be allocated to several categories of people. The proposal to increase the number of EC members from 800 to 1 200 is consistent with the principle of gradual and orderly progress. It will help broaden the representativeness of the EC and enhance the democratic element of the election of the Chief Executive.

In respect of the arrangement for the nomination of candidates for a Chief Executive election, the Government proposed that the current nomination threshold should remain unchanged at the ratio of one-eighth of the total membership of EC (that is, 150 members). In this connection, I have proposed that the nomination threshold be set at 100 members. As regards the upper limit of the number of subscribers, I think it is more desirable to set it at 200 subscribers. This can enable more people eligible for candidature in a Chief Executive election to obtain nominations, thereby creating more favourable conditions for the election of the Chief Executive by universal suffrage in 2017. Regrettably, these proposals are not accepted by the Administration.

Under the existing voting system for the Chief Executive election, a candidate who has obtained more than half of the total number of valid votes cast shall be returned in a Chief Executive election. After the discussion of the Bills Committee, the SAR Government has agreed to propose an amendment to the effect that a candidate shall only be returned as the Chief Executive if the candidate obtains more than 600 valid votes under an election with one candidate only and a contested election respectively. I think the proposed amendment will help enhance the legitimacy of the Chief Executive-elect. This effect would be even more significant if an upper limit can be set for the number of subscribers.

Deputy President, the Chief Executive Election (Amendment) Bill 2010 will provide the relevant legal basis for the arrangements for the Chief Executive election in 2012. With these remarks, I support the resumed Second Reading of the Bill. Thank you, Deputy President.

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

**MR ALBERT CHAN** (in Cantonese): Deputy President, this piece of legislation under discussion and to be passed is an important one concerning a major constitutional reform or important changes to the political system of Hong Kong. However, the indifference and apathy of the relevant Members and the people, both inside and outside this Council, is indeed appalling and saddening.

Regarding major political issues, from the district administration of the DCs introduced by the Hong Kong Government to constitutional reforms, and from the British-Hong Kong era to the post-reunification period, the people and Members have never been so indifferent. What the people's indifference reflects is not so much their lack of concern about these issues, but their feeling of helplessness. The manipulation by the strong and powerful dictatorial communist regime behind the scene on the one hand and the eager enlistment of the relevant Members from the pro-democracy camp as "lackeys" among the communists on the other have brought the struggle to a standstill.

Since the debate on direct elections in 1988, when various issues were discussed in this Council, the participation and voices both inside and outside this Council have never been so weak that one may even say they cannot be heard of at all. Deputy President, I am much saddened by this phenomenon because it definitely should not occur at this time after the people of Hong Kong have been fighting for democracy for several decades. However, we will not give up because of this, and the struggle both inside and outside this Council must continue.

Certainly, after the Democratic Party has joined the communists and the bogus constitutional reform package has been passed by a two-thirds majority of all the Members of the Legislative Council, it can be said that the taking forward of any constitutional reform within the political system will be absolutely out of the question in the couple of decades ahead. With the five-step mechanism of the constitutional reform, each step would mean stronger control and manipulation. This has already made it absolutely impossible for any voice and aspiration of the public to be fully represented in the Chamber. In particular, under the systems of functional constituencies (FCs) and separate voting, any meaningful, major reform is out of the question. Such reforms will only be possible if the communists change their stance or step down, so that the democratic reform as a whole will not be impeded. But this surely cannot be achieved by the force in the Chamber.



Deputy President, it can be said that the democratic movement of Hong Kong will plunge into a bitter winter in the coming decade or two. Many members of the public do not quite understand the gravity of the problem, particularly after the Democratic Party has joined the communists and the bogus constitutional reform has been passed by a two-thirds majority of all the Members. To date, with the exception of certain critics and individuals who take a keen interest in politics, the vast majority of the Hong Kong public still do not quite understand why we have repeatedly criticized the Democratic Party for joining the communists. It seems that they still do not quite understand the serious implication of the passage of the bogus constitutional reform package by a two-thirds majority of all the Members. They do not understand why, when the Legislative Council election and the Chief Executive election will remain available, the democratic political system has come to a critical stage of life and death. I wish to take this opportunity to elaborate again and give an account to the public on why the passage of the bogus constitutional reform package by a two-thirds majority of all the Members will seriously impede the constitutional development in the coming decade or two.

As Members may recall, a similar package proposed by Donald TSANG years ago was voted down, and the Government continued to operate without any changes in the end. However, the Basic Law requires that a constitutional reform package be re-introduced into the Legislative Council so that amendments can be made and reforms can be carried out. Back then, particularly during the Sino-British talks or before the reunification, the mutual understanding was that major changes should take place in 2007 and 2008.

Certainly, history has proved that Hong Kong people have been deceived, kept in the dark or misled. Probably after the change of leadership, the new leaders did not accept the previous undertaking, and thus the democratic rights and interests of Hong Kong people were once again sacrificed. However, the exercise of the one-third minority veto right to press the Government or the Central Authorities to make certain concessions was the only battlefield where the Government might be forced to make meaningful constitutional reforms. If the package was voted down again, a constitutional crisis would arise because the previous package had already been voted down. If the relevant package was voted down again in 2010, the Government would face a political crisis and may be compelled to resign or dissolve the Legislative Council and replace it with a new one.

Certainly, the final decision rests with the people. However, how would a feeble Chief Executive dare to dissolve the Legislative Council? Therefore, one has to compel the Government to accept a meaningful reform, as Mr Ronny TONG put it just now, by adopting a two-pronged approach inside and outside the Council, that is, to deal with the issue through the mass movement and through negotiations within the parliamentary assembly. To deal with the issue through negotiations, we must make use of the one-third minority veto right to compel the Government to put forward a specific package acceptable to the public. Regrettably, however, the Democratic Party reached an agreement with the CPC by secret politics and accepted this bogus constitutional reform package. This gave rise to two major problems. First, when they negotiated with the communists, Secretary Stephen LAM was also kept in the dark, right? Perhaps even Chief Executive Donald TSANG did not know the details initially, and he was probably not awakened to the fact that the Democratic Party had already reached a final agreement with certain people from the Central Authorities until he was told, and so the SAR Government had no choice but to accept this agreement reached between the Central Authorities and the Democratic Party.

However, what is more surprising was that when the Democratic Party accepted this bogus constitutional reform package of the Central Authorities, not many details were disclosed, or a specific or clear understanding and consensus was not reached. So, when amendments to the relevant legislation were introduced, the Democratic Party suddenly proposed amendments to and criticized certain details and stances as if it was disillusioned, or it might just be a great show of pretences. Regarding these criticisms and discussions, should you not have discussed them in detail while you were engaged in secret politics? Are you putting on a pretence or trying to keep on deceiving the people of Hong Kong, or were you so naïve and silly at the beginning as to be convinced by the crafty tongue of the communists and thus accepted this bogus constitutional reform package?

As a whole, therefore, when you accepted such a secret political deal, you had already betrayed the public and acted against the political undertakings you had made back then. I have criticized this plenty of times in the Chamber, and I am not going to repeat myself today. Therefore, many people of Hong Kong do not quite understand the implication of accepting this bogus constitutional reform package. However, according to the current development and situation, the Hong Kong Government may basically mark time in the next 10 years or so in

constitutional development, and the FCs will exist ever after. Changes and reforms to corporate votes will be appallingly slow, and this parliamentary system which is inherently controlled by groups with vested interest and FCs will basically remain unchanged. Certainly, one may say that candidates for the Chief Executive election will be nominated by the EC and elected on the basis of "one person, one vote" in the future. However, the final nominations will be made by the EC which is controlled by the communists, and the public will not have any real choice. Therefore, the people of Hong Kong will continue to be deprived of their democratic rights for over a decade. As for future development, the public cannot rely on political parties and groupings in this Council to press forward any meaningful initiatives.

Therefore, in the days to come, as in the developments in the Middle East, we have to rely on the people's effort. Mr Ronny TONG spoke at great length just now on the so-called two-pronged approach, that negotiations and mass movements would complement each other rather than contradicting each other. On the surface, he seems to have a point there, but the ultimate question is what his values are. He did not mention them at all. In the final analysis, do you believe in the people or the dictatorial political regime? This is the crux of the matter. When you accepted secret politics, prepared to engage in private negotiations with the communists, thereby depriving the public of their right to information, you disrespected the people's fundamental rights and distrusted democracy. You do not even know these fundamentals of politics, yet you claimed that you are a simple person. If you are simple and naïve, you should study some political theories and read more extensively to understand what is meant by democratic politics. When you believe in the dictatorial regime of the communists and secret politics, how can you claim to support democracy?

Therefore, sometimes it is indeed saddening to find that people who used to share the pursuit of democracy have made an impact on such a major decision because they have confused such simple political concepts and fundamental beliefs. This is a matter of fundamental principle rather than a matter of strategy. If you trust the people, you will surely choose to leave the decision to the people in the end; but if you cling to the powerful, you will just continue to act like a fawning dog and a lackey, begging for mercy! It is as simple as that, and one should refrain from claiming that the two of them are complementary. Before any major decision is made, you may try both options, that is, you may discuss with the people and the dictators at the same time. However, when a

decision and a choice are called for, you cannot say that you have to discuss with a particular side, while other people may discuss with the other side. When you abandon the people and cling to the powerful, you have betrayed the people.

So, I call on all of you, particularly those who think they support democracy, to acquire a better understanding of the fundamental beliefs and concepts of democracy and refrain from distorting the truth. Mr WONG Yuk-man always puts it this way: one cannot be a prostitute on the one hand and enjoy the honour of chastity on the other. How can this be possible? Many people from the pro-democracy camp are like this. On the one hand, they pretend to be democratic, (*The buzzer sounded*) ..... and on the other, they act submissively in order to receive gains within the establishment, and they also ask the Government to appoint them to certain positions. If you cling to the powerful, you will betray the public in the end.

Hence, Deputy President, all the motions proposed by the Government this time will be passed, while all the amendments proposed by Dr Margaret NG will be negated in the end. Once again, this shows the horrible face of this Chamber, the groups with vested interest and the power of this dictatorial regime. Therefore, the people must grasp the right to fight for democratic politics in their hands, and the people of Hong Kong should come forward and follow the example of the Jasmine Revolution in the Middle East. We should not cling to the powerful anymore, and neither should certain people with vested interest be relied on to fight for the fundamental rights on the people's behalf. The Jasmine Revolution will definitely take place in Hong Kong (*The buzzer sounded*) .....

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

**MR ALBERT CHAN** (in Cantonese): ..... and it will definitely succeed one day .....

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

**MR ALAN LEONG** (in Cantonese): Deputy President, when this Council discussed the constitutional reform package at the end of June last year, the Civic Party voted against it. The Civic Party already gave a clear account on the reasons for that in the speeches delivered then.

In 2007, the NPCSC — according to the Chief Executive's interpretation — undertook that there would be selection of the Chief Executive by universal suffrage in 2017 and election of all Members of the Legislative Council by universal suffrage in 2020. Therefore, in June last year, the Civic Party examined whether the two elections in 2012, according to the design proposed in the constitutional reform package, would be just one step away from returning the Chief Executive by universal suffrage and two steps away from returning all Members of the Legislative Council by universal suffrage. According to the situation back then, the public opinion poll conducted at that time would yield two results. The first one was the people of Hong Kong considered, for the first time after the reunification, that the Central People's Government would be to blame if the constitutional reform package was not passed.

The other trend shown by the public opinion poll back then was that given the nosedive of Chief Executive Donald TSANG's popularity, if we insisted on maintaining the tension and requiring Beijing to provide a roadmap, the Civic Party held that such a roadmap would be much clearer. Certainly, this is already history, Deputy President. However, if someone asked whether people with this stance have adopted double standards, we have to think about how these double standards came about.

Mr Ronny TONG mentioned just now that the NPCSC made a decision in 2007. Did those people who opposed the constitutional reform package do so because of this decision? Certainly not. The Civic Party also put forward a package on how to return all Members of the Legislative Council by universal suffrage in 2012, 2016 and 2020, and we also put forth a package on how to return the Chief Executive by universal suffrage in 2012 and 2017. We carefully designed these two packages and fully respected the decision made by the NPCSC in 2007. Therefore, there is no question of double standards on the part of those who opposed this package back then.

Mr Ronny TONG also mentioned another condition just now. Obviously, this is an interim package but not the ultimate one. Therefore, we should not

assess the 2012 electoral arrangements against the target or standard of the ultimate universal suffrage model.

Deputy President, as I said just now, if there will be genuine popular and equal elections in 2017 and 2020, should we not have the right to examine whether the 2012 electoral arrangements can help us move to be one step from returning the Chief Executive by universal suffrage and two steps from returning all Members of the Legislative Council by universal suffrage? Back then, that is, in June last year, we were already very doubtful about it, and now that we have studied the Blue Bills, we are all the more certain that it is impossible.

If the authorities have any intention to allow the people of Hong Kong to implement genuine universal suffrage, regarding the electoral arrangements for the Chief Executive, at least they should have considered whether the representativeness and coverage of the subsectors of the EC should be enhanced and whether the weight of votes among sectors or within individual sectors was proportional. In other words, the authorities should have rationalized the relevant arrangements. It is only in this way that we can proceed smoothly to the next step. However, we cannot see such a design. Among the 10 additional seats of the Legislative Council, five of them will be FC seats. We also heard some government officials and Elsie LEUNG, Deputy Director of the Basic Law Committee, say that it would be an FC. Will the right to nominate and the right to stand for election under the right of election in respect of this FC still be vested tightly in the hands of people with vested interest and the people in power, as predicted by us in June when we opposed the package, while we will only have the right to vote? We already made it very clear in June when we opposed this package that we were worried that this arrangement would stay forever. Should this be the case, genuine popular and equal elections will be out of the question.

However, the existing design proposed in the Blue Bill has indeed aroused this concern because this super DCFC from which the five additional seats will be returned is indeed different from the 30 existing FCs. It will be more difficult to change the design of this super DCFC so that the right to nominate, the right to stand for election and the right to vote will be returned to the people of Hong Kong than transforming the 30 existing FCs. Therefore, in discussing whether there is a question of double standards, should we regard it as an interim package rather than the ultimate one? It begs this question: How can we make this

interim package only one step from the ultimate goal of returning the Chief Executive by universal suffrage and two steps from returning all Members of the Legislative Council by universal suffrage?

If even those Members or people who support this package would have nothing to say about this, how exactly can this so-called "path dependence" give Hong Kong people the hope that genuine popular and equal elections will be implemented in 2017 and 2020? Some Members who have spoken just now said the democratic movement in Hong Kong could become lack of target and focus in the coming decade. This was exactly the issue raised by them.

Therefore, I cannot see why commenting on the existing interim package against the ultimate goal, requirement or target will give rise to the issue of double standards. Actually, there has been only one standard throughout. Even if I accept that the existing package is only an interim one, I have not heard so far of any clear account on how this package can facilitate the moving onto the next step to achieve the goal of implementing universal suffrage in 2017 and 2020. I have not heard so far of any such clear discussions, and this was also why the Civic Party was unable to support the constitutional reform package in June last year.

As for the third point, that is, the third condition, mentioned by Mr Ronny TONG just now, we should not consider whether it complies with the principle of ultimate universal suffrage. Rather, we should consider whether it will enable us to move in the direction of universal suffrage. As I said earlier in response to the second condition, if no clear account can be given, how can the voting, design and arrangements proposed in the Blue Bills concerning the 2012 elections be taken as the basis for moving forward so that the returning of the Chief Executive by universal suffrage in 2017 will be one step away and the returning of all Members of the Legislative Council by universal suffrage in 2020 will be two steps away? How can we say that this package is moving in the direction of genuine popular and equal elections and the "unification of the three rights", that is, the right to nominate, the right to stand for election and the right to vote? If we cannot say that, then there is no question of the so-called double standards because there has been only one standard throughout: whether elections based on the principle of universal and equal suffrage can be implemented and whether the three components of the right of election can be unified.

Deputy President, Dr Margret NG has proposed 60 amendments on behalf of the Civic Party today. Regarding the Chief Executive Election (Amendment) Bill, we still remember that in the constitutional reform package concerning the election of the Chief Executive introduced by the Government in 2005, it was proposed that all DC members should be included in the EC for the third-term Chief Executive. Back then, it was proposed that the membership of the EC should be expanded to 1 600 — Deputy President, you may also remember this — 300 members from the business and financial, professional, labour and religious sectors respectively and 700 members from the political sector. This was the proposed arrangement back then. Under the present constitutional reform package, it is proposed that there will be 1 200 members in the EC for the fourth-term Chief Executive, representing a decrease of 400 members. There will be 300 members from the business and financial, professional, labour and religious sectors respectively, the same as that proposed in the 2005 package, but there will only be 300 members from the political sector, and not all DC members will be included.

We will give an in-depth account on why a bloc vote system is problematic when we discuss the provisions in detail later. Certainly, the Civic Party's stance on this Bill is that the number of EC members under this package has decreased compared with that proposed five years ago, and the democratic element has been reduced rather than enhanced. Undoubtedly, this package is retrogressive. Although the Civic Party does not agree to this retrogressive constitutional reform package and its direction, we cannot turn a blind eye to the attempt of the privileged class to enhance the influence of their privileges through the details of the local legislation. Therefore, the 60 amendments proposed by Dr Margaret NG on behalf of the Civic Party seek to remedy and improve this constitutional reform package to reduce the influence of the privileged class.

As for the Chief Executive Election (Amendment) Bill, I believe the Deputy President knows very well that the electoral system and path of reform of the Legislative Council are already stipulated in the Basic Law. The number of seats was increased from 20 in 1998 to 24 in 2000 and 30 in 2004; and FC seats are to be replaced by seats returned by geographical direct elections. However, the present constitutional reform package has not introduced any change to the methods of returning traditional FC seats, but has proposed to add five new FC seats instead. The Civic Party holds that this arrangement will render the Legislative Council even more peculiar, and it will be more difficult for such a



path of constitutional reform to lead to the destination of full-scale universal suffrage. Although the Civic Party does not support this constitutional reform package, we still hope that by amending some provisions of the relevant local legislation, the influence of traditional FCs will be reduced and room for public participation will be increased, thereby minimizing monopolization by the privileged.

When Dr Margaret NG moves the host of amendments on behalf of the Civic Party later, I believe there will be a more in-depth, detailed discussion. I so submit.

**MS EMILY LAU** (in Cantonese): Deputy President, I speak in support of the resumed Second Reading of the Bill. Just now, Mr Albert HO has stated the position of the Democratic Party on our behalf and I mainly wish to say that last year, we supported these two proposals because we hoped that a small step forward could be taken. At that time, we could see that many members of the public were feeling very frustrated and unhappy. If the Bill were negated once again, as in 2005, not only would nothing happen in the next five years, I believe in 2017 or 2020, that is, the time mentioned by the Central Government, even bogus universal suffrage would not materialize.

Each step was dictated by circumstances. The Central Authorities were willing to make changes — all of us know that they were changes, Deputy President, and at that time, a lot of people were changing — and they were forced to do so because the whole situation dictated it.

I believe that to the Democratic Party, the most important thing is the addition of these 10 seats. We understand that some people do not agree with this and we also respect their views. However, as Mr Albert HO said just now, we think that it is worthwhile to fight for these 10 seats.

Someone who subsequently joined the Democratic Party explained why he agreed to this. He made an analogy: If someone owes you \$100,000 and no matter how hard you try to recover the money from him, he will not repay it but suddenly, he says, "I will give you \$2,000.". The debtor says, "How can I accept \$2,000?" However, later on, he says further, "Let me give you some \$10,000.". Some people would suggest that the debtor take that sum of money

first. There is no guarantee of what would happen in future. In other words, each step and each turn of event is dictated by circumstances.

Therefore, we hope that in the elections next year or in November this year, a large number of members of the public will take part in them and many political parties and groups will also take part in them because they all know that the DCs will play an even more important role. Next year, many people will be nominated to run in the elections of the DCs. Deputy President, to use a colloquial expression, this is to "infuse the market with vitality". We hope that more people will take part and cast their votes to heighten the public's yearning for universal suffrage. Be it jasmine or bauhinia, I believe the public will surely make it bloom.

Therefore, we hope the public will know that next year, "one person, two votes" will be introduced. Some people do not want to have two votes and the authorities will also make arrangements for them to opt out because foisting something on them would not bring about happiness. But I believe many members of the public want them and I hope all the more that they will vote actively. Therefore, the Democratic Party and I both support the decision made last year.

Since the time available then was not quite sufficient, we could not explain adequately to the public and that was regrettable. However, I have had many opportunities to explain clearly to the public. I know that some teachers are very displeased. However, I have visited innumerable schools to give speeches and speak to teachers and students. While some people may not be pleased after listening to me, others did understand the point after listening to me. I hope that teachers can also look into this matter in depth and that they can understand the point and lend their support.

If the same difficult situation arises again, Deputy President, I will do the same so long as I think doing so serves Hong Kong's public interest. However, of course, we do not wish to see similar situations arise, and we also hope that the Central Authorities would not have to change their mind only on the last few days. We hope that all people can state their positions more clearly. As Mr Albert HO said just now, we hope all the more that all such matters can be dealt with in one go, instead of being embroiled in another round of arguments a few years later.

In fact, many members of the public are not feeling at ease now, Deputy President, because they do not believe that the elections in 2017 and 2020 will be genuine universal suffrage. However, when the Secretary for Justice, Mr WONG Yan-lung, talked about these five FC seats in a press conference, some people — it may not be you, Deputy President — some people became agitated and even opposed them vehemently. They said, "How come? That thing is not universal suffrage?"

However, the Secretary for Justice disagreed, saying that the public could only vote but not nominate, nor could they run in the elections. In the future, if the authorities float another proposal of letting them vote — at present, it is also suggested that all members of the Hong Kong public be allowed to return the one for the banking sector and the one for the education sector. But that is not universal suffrage. Both the Democratic Party and I would not agree with such "optimization" of the existing FCs.

As Mr Albert HO pointed out just now, we think that introducing these five additional seats is a transitional proposal. We hope that next time, we can really return most of the seats in popular and equal geographical elections. The FCs — to quote a remark that has been made by authorities many times — should then end what can be described as a shameful historical mission.

Just now, Mr HO also said that the pro-democracy camp had proposed that in the universal suffrage to be held in future, Hong Kong should be divided into two parts, that is, direct elections in geographical constituencies and the adoption of the list proportional representation system to cover all members of the Hong Kong public. I hope very much to see such a development one day. We are now taking one small step and hopefully, we are moving in the right direction.

Do we have any confidence? I dare not say so because we are facing a totalitarian regime. We can see that in North Africa and the Middle East, people are making such heroic sacrifices but still, they may not be able to attain the goal of democracy, Deputy President. We will make our utmost efforts, but we also have to look at how Hong Kong people want to walk this path because we are representatives of public opinion. However, I believe many members of the public hope very much that they and their children can see universal suffrage very soon in their lifetime.

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

**MR WONG KWOK-HING** (in Cantonese): Deputy President, I wish to give a very brief speech. I support the two Bills. Although my colleagues will propose some amendments to the Legislative Council (Amendment) Bill 2010, we support the direction of the Bill. I wish to take this opportunity to point out to the Government that at the first meeting on these two Bills, I already pointed out that I hoped the Government could learn a lesson from the "by-elections and *de facto* referendum in five geographical constituencies" last year and the waste of public funds by considering plugging this loophole with amendments to the Legislative Council (Amendment) Bill 2010.

Deputy President, I remember that on that day, when the Secretary responded to my queries, he said that he would attach weight and urgency to this matter, that the Government may not be able to solve this problem in this Bill but the authorities would surely solve this problem. If I understand him correctly, I take the response of the Secretary on that day to mean that the Government will deal with this problem earnestly and solemnly. I also take the response of the authorities to be a promise. If it is not, I ask the Secretary to respond later. Therefore, I hope very much that after the passage of these two Bills, the Government will not stop here. In the remaining 10-odd months, the authorities must study how this loophole can be plugged to prevent it from being exploited for the conduct of a *de faction* referendum or universal suffrage, thus wasting taxpayers' money for nothing.

As far as I can remember, the referendum last year cost a total of \$163 billion and if I were wrong, I hope the Secretary would correct me. I think taxpayers' money should not be wasted but should be treasured. Members elected by the public should be answerable to their voters. I think the Government should assume its responsibility by considering in earnest how this loophole can be plugged. There may be some difficulty in doing so but it does not mean that the Government can refrain from finding a way or considering plugging this loophole, thereby shirking its responsibility. If there is any difficulty, the Government can also table its policy paper to the Legislative Council for discussion, since only the Government has the power to propose amendments to laws. I also wish to take this opportunity to urge the SAR Government to take this problem seriously, rather than leaving it to the next

Government. Although there are only about a dozen of months left in the tenure of this Government, it can still fulfil its responsibility on this issue. Therefore, I wish to take this opportunity to urge the SAR Government and the Secretary to make some effort in plugging the loophole.

In future, there will be "super-DC seats", as they are commonly referred to, in the Legislative Council. If Members who won these seats want to organize a referendum, they need only resign and if they can still run in the by-election again, what are we supposed to do? This will really be a problem. In that event, there is no need to get five constituencies involved and only the resignation of one person will trigger a territory-wide by-election, so this is a big problem. Therefore, I hope the Government will attach importance to and deal with this problem solemnly.

I so submit. Thank you, Deputy President.

**MR LEE WING-TAT** (in Cantonese): Deputy President, today, we are discussing the constitutional system. This morning, I read an impressive article in the *Hong Kong Economic Journal*. I wonder if the Secretary has the time to read this article written by Prof Richard WONG carefully. The articles of Prof WONG are usually related to economic matters but this long article published in the *Hong Kong Economic Journal* today talks about the causes of the Jasmine Revolution in the Middle East and North Africa. I read it with great interest because, to my understanding, many revolutions or regime changes in history were extremely difficult to predict.

In the article written by Prof WONG and published today, a suggestion very similar to my observation is made, that is, the so-called "surprise element". From the French Revolution to the Russian Revolution, through the so-called "wave of change cascading through Eastern Europe", that is, the change of regimes in Eastern Europe in 1989, to the Iranian Revolution and the recent revolutions in North Africa and the Middle East, intelligence agencies throughout the world all said that they had had no prior knowledge of them. Even for the people in the countries concerned, if you ask them half a year or a year afterwards if they knew that revolutions might break out in their countries, in fact, most of them had no idea.

After reading the article, I felt happy for half a day because in the course of developing democracy and replacing the totalitarian regime of a country, the people living in it often feel very stifled. Just imagine our compatriots on the Mainland. Civil rights activists only have to take a stroll outside the McDonald's on Wangfujing in Beijing for them to be dispersed. Before these civil rights activists could do anything, they were already arrested, so the pressure they are subjected to is far greater than that of Hong Kong people.

Why was I happy for half a day after reading the article? Because no totalitarian regime or anyone holding the powers knows what will happen in the coming month or half a year. They think that they can keep tabs on the actual situation but realize only after the event that they are out of sync with the situation.

Of course, no bloody revolution would break out in Hong Kong, nor do I wish to see any. However, even if we do not use such words as "regime change", the reforms or actual changes in the political system of the Government are sometimes beyond what the designers or those playing a part in the design of the political system can envisage. The latest example happened also this morning. When the Financial Secretary released his Budget here last Wednesday, how possibly could he foresee that within 10 days, such a drastic change would occur after he has held out for less than one week? Therefore, sometimes, the voices and forces of the people work.

I wish to point out one thing. Many aspects of the design of our constitutional system are actually intended to achieve certain results, one of them being good governance. Recently, I have had the occasion to meet with some former senior officials or people who have served in the Government for a long time and I asked one of the gentlemen a question. Concerning the election of the Chief Executive in 2017, I think there will certainly be some restrictions and it is certain that the candidates will not be nominated by 100 members of the public, then be voted on by all voters in Hong Kong, still less can we hope that they can be nominated by 10 000 members of the public, then be voted on by all voters in Hong Kong. That will surely be an election with a restrictive nomination procedure but still, the Chief Executive-elect will be returned by several hundred members of the public and from the angle of political science, he can still be considered to have some mandate. In view of this, I asked this person with great experience in politics what would happen in 2017. Would

there be someone with the strong mandate of the public to administer society and Hong Kong properly? He said that there would not be, that there would still be a multitude of problems and it would be just as messy. I asked him further, "If, at that time, the Government identifies some people in politics to form a cabinet, as it has done with the Secretaries at present, can it achieve good governance?" He said, "Ah Tat, this will not happen and there are only three words for this — a ragtag army."

In fact, this observation is the same as mine and it means that through some diluted mode of universal suffrage, it will actually be very difficult to achieve quality governance of society. Secretary Stephen LAM and I have many differences in views and it can be said that our beliefs are diametrically opposed. Still, we have known each other for many years and I know that actually, he too fully understands the difficulties in administering Hong Kong. The greatest difficulty is that even if the Government gets its mandate in 2017, it will only be a half-backed mandate rather than the outcome of a completely free choice of the people, so the people will not feel that it is a Government of the people.

(THE PRESIDENT resumed the Chair)

In that case, what developments will there be? I believe that when public opinions conflict more and more intensely with the Government, this will result in a series of consequences and even the inability to administer. As a result, the Central Government will find that the state of affairs does not bode well and consequently, it will be forced to make a choice that it has been unwilling to make, that is, to introduce genuine universal suffrage.

Take a look at the rulers in the Middle East and North Africa, in fact, they did not want to make the choices that they have now made. The former leader of Tunisia did not want to flee from his country, the President of Egypt, Husni MUBARAK, did not want to leave either and Muammar GADAFI is still clinging on to his seat, even claiming that he is still loved and supported by his people but at a certain stage, he will have no choice. Therefore, people holding the powers should opt for more preferable options that are in line with mainstream opinion before the moment when it is most difficult to make a decision comes. Sometimes, "being forced to" is the least preferable and

extremely humiliating course of action. I only wish to offer a piece of advice to Secretary LAM and I do not know if he would heed it. I wish to point out that when public opinion has reached such a stage, the options available will only make those people holding the powers feel humiliated. Even though they may not fall from power, the problem will still be quite thorny.

The second point I wish to raise is that I have stated openly that I have never regretted our move of supporting the constitutional reform last year. As a member of the pro-democracy camp, I have taken part in the democratic movement for two or three decades, perhaps for three decades already. In fact, having come to a certain stage, there will be various choices in strategy. If someone asks me today whether our choice or the choice made by other friends in the pan-democratic camp is better, I believe our choice is better but perhaps we can make a judgment only 10 or 15 years later. Moreover, this judgment will not be a purely scientific one. I had an education in science and what science means is that when something is repeated in the same conditions, the same results can be obtained. Take heating water as an example, under the same atmospheric pressure, if we heat water to 100°C, the water boils and no matter if we repeat this once, 10 times or a hundred times, the result is the same. However, history will not repeat itself and after conditions have changed and after we have made a choice, the ensuing political development will not be like the situation before 2010. Therefore, this political experiment will not give rise to the situation in the past and all we can do is only to make predictions and analyses.

I trust the people, so if I think that the political system is a reasonable and clearly democratized one, I will give my support to it. Of course, if I had the ability to mobilize 1 million or 5 million people to demand the immediate implementation of universal suffrage, I would have done so. However, I admit that at present, such a condition does not exist in Hong Kong society. This kind of condition or demand has not yet arisen and there may be many reasons for this, one of them being the acceptance of this proposal by some members of the public to a certain degree in the belief that it is clearly progressive, even though it does not represent radical progress achieved in one leap.

For this reason, when I chose to support and took part in deciding the party line of the Democratic Party, when I was considering what I called "the choice of the pathway", I had my own view, that is, after the public had a taste of democratic universal suffrage, they would never go back. I believe the changes



in 2017 will be greater than those in 2012 because by then, the public will have had a taste of electing the heads of the Government. Although that will only be an election with restrictions on nomination, after a taste of democracy and having tried once, it will be very difficult to roll things back.

Some friends may say that had we not made this decision, in future, perhaps there would be even greater progress in democracy, but this kind of hypothetical debate is unnecessary. In one of the articles written by Prof LUI Tai-lok that I read last year, it is said that so far, no one supporting this proposal has attempted to prohibit or prevent people who prefer other more preferable proposals that will bring even greater progress from mobilizing the public on this account. In other words, the Democratic Party did not prohibit other people in the pan-democratic camp from mobilizing 100 000, 500 000 or 1 million people to campaign for a proposal that is better than the one passed on 23 June 2010. The question is: I believe in the 10 additional seats introduced in 2010, five of the seats are directly-elected ones and the other five are *de facto* directly-elected ones, even if you think that you can campaign for a proposal that is actually better than this one, you must do a self-examination to see if the public's pulse and yours are the same and if they have the same demand, so that they will take to the streets together with you to bring about this crowning achievement. If they are unwilling to do so, you have to ask yourself why they are unwilling to follow you. In the final analysis, we are not campaigning for democracy as though we were building castles in the air.

President, the third point that I wish to raise is that I have never considered the introduction of 10 additional seats a retrogressive proposal. Of course, it is not a thorough-going proposal because it is not full universal suffrage. However, five of the seats are returned by genuine direct elections. As to the other five seats, I believe from the beginning that they amount to *de facto* direct elections. The restrictions are indeed unfair to some small political parties and even to some DC members who are all on their own, but for political groups that play a part in politics, generally speaking, they will have the opportunity to take part. In other words, all those DC members who are returned by all members of the Hong Kong public and belong to special FCs, that is, generally speaking, all people in the political spectrum, will be able to take part in the elections. It is said and also true that the elections in the United States are very free. However, from a certain perspective, it is also very difficult to run in elections in the United States for a lot of spending is required. I have just been interviewed by a

secondary student and I said that under our system, even people like me, who do not want to accept donations from the business sector, can still run in elections without such donations because I only need to raise several hundred thousand dollars. In the United States, although it is claimed that the elections are genuinely free and the requirements on election expenses are very open, there are still quite a lot of restrictions. Without raising several million US dollars, it is not possible to run in the elections of Senators and without raising US\$10 million or US\$20 million, it is very difficult to be elected a Senator, so one has to be supported by an enormous election purse.

Therefore, up to now, I still disagree with the analysis of some people in the pan-democratic camp who say that these five seats returned from among DC members represent retrogression in democracy. I think that after these Members are elected by all members of the Hong Kong public, some political effect that cannot be assessed now may arise. We mentioned this effect in our open letter addressed to all members of the Hong Kong public on the last occasion. A Legislative Council Member returned with a great popular mandate will have unprecedented legitimacy and some people even think that this will be a rehearsal for some political groups to take part in the Chief Executive Election in 2017. However, the Democratic Party will not be among them because we do not have the capability to take part in the Chief Executive Election in 2017. This kind of actual practice in politics will surely give rise to certain changes and these changes may be just as unpredictable now as the changes now occurring in the Middle East and North Africa currently.

President, in the local legislative exercise on this occasion, as a member of the Democratic Party, I think that the more liberal the relevant requirements are, the better. When drawing up various details, the adoption of the principle of greater liberalization and enabling more people to participate is always better than the imposition of numerous restrictions. In my personal opinion, the legislative proposals of the Government cannot meet a number of my requirements but as our Chairman said, this is within the scope of the proposals made by the Democratic Party during its negotiations with the Government before giving its support to the constitutional reform proposals last year, so we will support some of the Government's proposals and most of the Civic Party's amendments.

Thank you, President.

**MS MIRIAM LAU** (in Cantonese): President, the constitutional reform package, which was supported by us, was passed in the Legislative Council in June last year and reported to the National People's Congress (NPC) in August for the record, thereby completing the "five-step mechanism" required for the purpose of constitutional reform and laying a new milestone in Hong Kong's constitutional system. The current procedure is the last stage in enacting local legislation.

The resumed Second Reading today of the Chief Executive Election (Amendment) Bill 2010 (the Bill) which is concerned with the details of and arrangements for the Chief Executive Election in 2012, that is, the transitional package for the election of the Chief Executive by universal suffrage in 2017, has its special significance.

Undeniably, there is room for enhancement in the arrangements with respect to the election of the Chief Executive in 2012. For instance, we consider that the representativeness and legitimacy of the Election Committee (EC) can be further enhanced by, for instance, including new subsectors to broaden its electorate base. During the consultation, the Liberal Party conducted numerous discussions with the Secretary in the hope that he could consider the inclusion of some forgotten sectors in the EC. I wish to mention here that the estate agency industry, which has more than 28 000 practitioners, earnestly hopes to be included as one of the FCs. Even when they learnt that this dream could definitely not be realized, they still hoped that they could have a certain degree of participation in the EC. This is what they have been fighting for over the years, and they still insist on pursuing it. Certainly, other sectors, such as the small and medium enterprises, the women's sector, ethnic minorities, and so on, have also expressed a great desire for inclusion in the EC.

However, the Secretary has cited excuses and the explanation that the coverage of these new sectors is very extensive because of the scattered and numerous organizations. The Secretary also holds that it is impossible for a consensus to be reached in the community at this stage. Of course, I will not take the complexity in this respect lightly. However, I strongly criticized the Secretary at that time and condemned the Government for its laziness. Should the Government or the Secretary feel offended, my apologies here. However, I sincerely hope that the system can be improved.

After all, under Article 45 of the Basic Law, the EC has to be replaced with a broadly representative nominating committee before the Chief Executive can be truly elected by universal suffrage.

If the EC in 2012 can still ..... actually, since the reunification, the EC has only increased its membership without trying to make any effort to make it broadly representative. This is why I criticized the Government and the Secretary for being lazy. Certainly, I will not ignore the complexity involved and, therefore, I understand that the Government needs time to get this done.

Although time may not be adequate for the entire process from consultation to enactment of legislation, the problem is that the Government would blame it on inadequate time and great complexity whenever these issues were discussed. Such being the case, can the Government not start work earlier? For instance, we are going to pass the relevant Bill today. Insofar as the arrangements for 2016 are concerned, we might need to start work in 2016 for the election of the Chief Executive by universal suffrage in 2017. By then, will the Government tell me again the matter is too complicated and time is running out? It will then be meaningless for me to criticize the Government again for being lazy. Now, it is already 2011. I already started reminding the Secretary last year to start the relevant work. With so many years to go, the Secretary can definitely resolve the problem however complicated it is. However, it can never be resolved without the Secretary taking the first step to resolve it. Neither can it be resolved in 2016 or 2017. I very much hope that the Secretary can listen to these words from the bottom of my heart and commence work in this respect immediately.

We also think that there is room for enhancement in another area, that is, replacing the corporate votes for the subsectors with director, executive or individual votes in order to broaden the electorate base. This is what the Liberal Party has been fighting for over the years. The purpose is to ensure that when the Chief Executive is to be returned by universal suffrage in the future, the EC can truly be replaced with a broadly representative nominating committee, as expressly stipulated in the Basic Law, for the nomination of candidates for the Chief Executive election.

However, like the inclusion of certain sectors in the EC, the authorities concerned will make the same excuse again, with the Secretary saying that the

matter is very complicated and that it will take a lot of time to study if the scope of the subsectors is to be broadened. Despite years of campaign by the Liberal Party, the Government has not done anything over the years. When something comes to the doorstep, the authorities will say that there is no time or the matter is too complicated. I hope such criticisms ..... the Secretary will not give the Liberal Party this excuse again when preparations are to be made for enacting legislation or electoral arrangements for the election of the next-term Chief Executive.

Of course, it is still unknown as to whether I will still be here by then. But the Liberal Party will still be here. I hope the Secretary will not cite this excuse again. Actually, there is adequate time. We have already reminded the Secretary over the years. Now, I have to remind the Secretary again.

Despite my criticism of the Bill, saying that it should have room for enhancement, the Secretary has still not put time to good use to enhance it. But, generally speaking, the Bill is broadly in line with the Liberal Party's aspiration and the principle of gradual and orderly progress. For instance, under the Bill, the membership of the EC will be increased to our proposed lower limit of 1 200; the new seats will be increased by proportion according to the original seats in the four major sectors, thereby giving regard to the principle of balanced participation; and the democratic element will be increased through the inclusion of up to 121 seats for elected DC members.

In a nutshell, with the spirit of seeking common grounds while preserving differences, we support the resumed Second Reading of the Bill to make proper preparations to take forward the Chief Executive Election in 2012 in a gradual and orderly manner in accordance with the NPC decision.

Nevertheless, regarding those CSAs which have substantially deviated from the spirit of the NPC decision, we will debate them later during the Committee stage. It is difficult for the Liberal Party to render support to those CSAs should they affect the principle of balanced participation. Later, the Liberal Party will speak on the relevant CSAs and elaborate on our position.

Thank you, President.

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

(No Member indicated a wish to speak)

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

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, on 15 December last year the SAR Government introduced the Chief Executive Election (Amendment) Bill 2010 and the Legislative Council (Amendment) Bill 2010 to the Legislative Council for examination. The relevant Bills Committee has completed its deliberation on the two Bills. I am grateful to Mr TAM Yiu-chung, the Chairman of the Bills Committee, Mr Jeffrey LAM, the Vice-Chairman of the Bills Committee, and Members of the Bills Committee for their effort and valuable comments.

As I stated in introducing the Bill, with respect to the method of selecting the Chief Executive in 2012, according to the amendment to Annex I to the Basic Law, the Election Committee (EC) will be expanded according to the principle of balanced participation. The number of EC members will be increased from 800 at present to 1 200, with 100 persons to be added to each of the four subsectors.

The Administration has made the following key recommendations in the Bill:

- (i) For the first three sectors, the number of seats allocated to the existing 32 subsectors will be increased generally by proportion according to the existing distribution of seats;
- (ii) For the fourth sector, among the 100 new seats, 75 will be allocated to the elected District Council (DC) members, 10 to Legislative Council Members, 10 to members of the Chinese People's Political Consultative Conference (CPPCC) and five to the Heung Yee Kuk (HYK);

- (iii) The current arrangement shall be adopted to group the DCs into two subsectors, that is, one for the urban area and the other for the New Territories. A total of 117 seats will be allocated to the DC subsectors. The current voting system will continue to be in use. From now on only elected DC members can register as voters in the DC subsectors and they can nominate candidates or be nominated as candidates;
- (iv) From February 2012 when the new term of the EC commences, 10 "Special Member" seats will be created temporarily to make up for the difference of 10 seats until the number of Legislative Council seats increases from 60 to 70 in October 2012. Four seats of "Special Member" will be allocated to members of the CPPCC, two to the HYK, two to Hong Kong and Kowloon DCs and two to New Territories DCs; and
- (v) In line with the development of the registration system for Chinese medicine practitioners (CMPs), we propose that registered CMPs should be allowed to be eligible for registration as voters in the Chinese Medicine subsector.

President, these recommendations will increase the number of people from all walks of life who can take part in the election of the EC and will be helpful to maintaining the principle of balanced participation.

In response to the recommendation made by the Bills Committee, we agree to make some amendments to the Bill. I will introduce the relevant amendments later at the Committee stage. Now I will brief Members again on a number of amendments which are relatively more important.

In order to increase the representativeness of the Chief Executive-elect, we have briefed Members in the meeting of the Bills Committee on 29 January regarding the proposed revision of the voting system for Chief Executive election. After discussions with the Bills Committee, we now propose to amend the Chief Executive Election Ordinance to stipulate that in circumstances of only one candidate and with competition, the candidate shall only be elected if he obtains more 600 of the valid votes. Other relevant amendments are also proposed.

Given the view that agencies of overseas governments should not be eligible for registration as voters in the Legislative Council FCs, we have proposed to add new provisions to the Legislative Council (Amendment) Bill 2010 to specify that consular posts under the Consular Relations Ordinance and international organizations under the International Organizations (Privileges and Immunities) Ordinance and the International Organizations and Diplomatic Privileges Ordinance will no longer be eligible to be registered as a corporate elector.

We have explained to Members in the Bills Committee that with respect to the subsectors of the EC which share the same electoral base as the FCs for the Legislative Council, the amendments to the Legislative Council Ordinance mentioned by me will also apply to the relevant subsectors, for example, Commercial First and Commercial Second. We have also considered those subsectors which do not have any corresponding electoral base as Legislative Council FCs or which are different from them. There are corporate electors in these subsectors, that is, The Hong Kong Chinese Enterprises Association, the Employers' Federation of Hong Kong, and the three subsectors in the social welfare sector. In view of the nature of these subsectors, we think that the chances of foreign government agencies taking part in such subsectors are very slim. However, for the sake of the integrity of the law, we now propose to add new provisions to specify that overseas government agencies are not eligible to be registered as corporate electors in any subsector.

President, apart from these amendments, the Administration will move other amendments to deal with matters like change of names and other amendments of a technical nature. The Bills Committee has considered all the amendments and indicated it will not oppose these amendments.

President, this is the first time since the reunification that the Hong Kong SAR can move forward on the path to democracy according to the stipulations in the Basic Law by amending the method for the selection of the Chief Executive. After the passage of this Bill, the number of members in the EC will be increased from the present 800 persons to 1 200 persons, thereby meeting the requirement of gradual and orderly progress while providing room for more participation by people from all sectors across the community in the Chief Executive election.

Pursuant to the Decision of the Standing Committee of the National People's Congress (NPCSC) in 2007, the fifth Chief Executive of the Hong Kong



SAR may be returned by universal suffrage in 2017. The Decision of the NPCSC also states that according to the stipulations of the Basic Law, when the Chief Executive of the Hong Kong SAR is to be returned by universal suffrage, a broadly representative nominating committee should be formed. The nominating committee may be formed by making reference to the existing requirements for the EC. The nominating committee shall nominate a certain number of candidates for the office of the Chief Executive according to democratic procedures and the Chief Executive is to be elected by universal suffrage by all eligible voters in the SAR. The elect shall be reported to the Central People's Government for appointment.

In our opinion, the increase in the number of members of the EC from 800 to 1 200 as proposed in the Bill would be conducive to transforming the EC into the nominating committee for the election by universal suffrage of the Chief Executive in 2017. As for the arrangements for implementing universal suffrage, the fourth Chief Executive and the fifth Legislative Council will during the period from 2012 to 2017 handle jointly proposals on the selection of the Chief Executive by universal suffrage in 2017.

President, many Members have made significant speeches today and before I conclude, I wish to respond to a number of issues raised.

First of all, Mr WONG Kwok-hing is very much concerned that the community has strong views on the five Members of the Legislative Council who wilfully resigned last year and triggered by-elections for the sake of the so-called "referendum", thereby wasting public money. I can reiterate to Members of this Council that the SAR Government attaches great importance to this issue and addresses the issue squarely. We are conducting a study within the Government and will make relevant recommendations on the issue within the current term and to enact legislation to deal with it. We will report to Members when the study is completed.

Also, although Ms Miriam LAU is now not in the Chamber, President, I would like to speak to her again through you that I respect her views and those from the Liberal Party very much. I would not be offended by any of the views she has presented. Certain sectors or groups such as the estate agents sector, women's organizations and ethnic minorities may wish to join the FCs for Legislative Council elections or the subsectors in the EC. I appreciate very much their enthusiasm in these matters, but I wish to explain to them that the

question now is not whether there is sufficient time to undertake any relevant study, only that the development of the political system in Hong Kong has come to a certain point, that is, the coverage of different FCs — traditional FCs and subsectors in the EC — has become broad enough. At this stage, if we were to pick certain subsectors and bring them into the electoral system, it would be difficult to do so. Conversely, as we have done in the FC sectors, we have broadened the electorate base to more than 3 million registered voters. In this way, our electoral system can be made more open and democratic. So I wish to say to Ms Miriam LAU that times are changing and we will not consider adding any traditional FCs. Also, it would not be appropriate for us to increase certain EC subsectors.

I appreciate very much the attention paid by Members to the developments in democracy all over the world. Mr LEE Wing-tat made special mention of the "Jasmine Revolution". He speaks with a romantic air. But as I look back at the road to democracy in Hong Kong, I am convinced that we are really living in a blessed land. In handling matters concerning constitutional development, we find that there have been certainly controversies over the past 20 years or so. And at certain points in time, these controversies did see some intensification, but why are we still saying that Hong Kong is a blessed land? Because even though no consensus was reached in 2005 on the taking forward of constitutional reform, we have not stopped. In 2007 and after widespread consultation and discussion in the community, the Chief Executive acted according to his election pledge and reported to the Central Authorities. The NPCSC made a Decision in December 2007. Now we have a clear timetable for universal suffrage. In 2017 the Chief Executive can be returned by universal suffrage and then in 2020, all Members of the Legislative Council can be returned by universal suffrage. With this timetable for universal suffrage as the basis, the discussions held over the past two to three years on the constitutional system were marked by less surface tension. This provided the conditions for the reaching of a consensus last year, such that this important and crucial step of "one person, two votes" with respect to constitutional reform in 2012 could be made. With this timetable for universal suffrage and with "one person, two votes", there will certainly be hope in our progress to democracy. So we are confident that within the next seven to 10 years, Hong Kong can achieve universal suffrage in an orderly manner. There is no need for us to make any drastic and sudden change. We can act according to the Basic Law and achieve universal suffrage in a gradual and orderly manner while taking into account the practical conditions in Hong Kong.

Therefore, I am very grateful for the support given by various political parties and groupings, including those from the pro-establishment camp and the pan-democratic camp, to the constitutional reform package for 2012. This has enabled our constitutional system to move forward. However, I also respect very much those political parties and groupings as well as Members who did not support the 2012 constitutional reform package at that time. Today Members from different political parties and groupings have proposed dozens of amendments. We can discuss and debate these amendments.

Generally speaking, ever since the 2012 constitutional reform package was passed in June last year, I believe there are certain points that are very important to the people of Hong Kong. First, we can see that in 2012 there will be progress in democracy in real terms. From then on every person will have two votes, one for district elections and one for FC elections. This is a very important improvement from the past in which FC Members were returned by only about 230 000 registered voters.

Second, the people of Hong Kong can see that the constitutional reform procedures as laid down in the Basic Law are practicable. This five-step mechanism in constitutional reform was completed by the Government last year.

First, the people of Hong Kong can also see that in our society and both inside and outside the Legislative Council, a consensus can be reached on the issue of constitutional reform which is really a difficult and important issue. After a consensus is reached, there can also be common views shared between Hong Kong and the Central Authorities on how the progress to democracy in Hong Kong can be pushed forward. So with respect to putting into practice the selection of the Chief Executive by universal suffrage in 2017 and returning Members to the Legislative Council by universal suffrage in 2020, we are more confident as better conditions for these elections are now in place.

President, we implore Members to support the Second Reading of the Chief Executive Election (Amendment) Bill 2010 and, in the forthcoming Committee stage, also support the amendments introduced by the Administration. After the Third Reading of the Bill, we will move the resumption of the Second Reading of the Legislative Council (Amendment) Bill 2010.

President, I so submit.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the Chief Executive Election (Amendment) Bill 2010 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)

Dr Margaret NG rose to claim a division.

**PRESIDENT** (in Cantonese): Dr Margaret NG has claimed a division. The division bell will ring for three minutes.

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

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

Mr Albert HO, Dr Raymond HO, Mr Fred LI, Mr CHEUNG Man-kwong, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Miriam LAU, Ms Emily LAU, Mr Timothy FOK, Mr TAM Yiu-chung, Ms LI Fung-ying, Mr Frederick FUNG, Mr WONG Kwok-hing, Mr LEE Wing-tat, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr KAM Nai-wai, Dr LAM Tai-fai, Mr CHAN Hak-kan, Mr Paul CHAN, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr WONG Kwok-kin, Mr IP Wai-ming, Mr IP Kwok-him, Mrs Regina IP, Dr PAN Pey-chyou and Dr Samson TAM voted for the motion.

Mr LEE Cheuk-yan, Dr Margaret NG, Ms Audrey EU, Ms Cyd HO, Mr CHEUNG Kwok-che, Mr Alan LEONG, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted against the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that there were 45 Members present, 35 were in favour of the motion and nine against it. Since the question was agreed by a majority of the Members present, he therefore declared that the motion was passed.

**CLERK** (in Cantonese): Chief Executive Election (Amendment) Bill 2010.

Council went into Committee.

### **Committee Stage**

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

### **CHIEF EXECUTIVE ELECTION (AMENDMENT) BILL 2010**

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Chief Executive Election (Amendment) Bill 2010.

**CLERK** (in Cantonese): Clauses 2, 4 and 8 to 14.

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

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clauses 2, 4 and 8 to 14 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 1 and 7.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I move the amendments to clauses 1 and 7. As I explained in the resumed Second Reading debate earlier on, in the interest ensuring the integrity of the Ordinance, we propose to add a new clause 7(5) to the Chief Executive Election (Amendment) Bill 2010 (the Bill) to provide expressly that consular posts as prescribed in the Consular Relations Ordinance, and international organizations under the International Organizations (Privileges and Immunities) Ordinance and International Organizations and Diplomatic Privileges Ordinance are not eligible to be registered as corporate electors in any Election Committee (EC) subsector, including those subsectors which do not have a corresponding FC or have an electorate base different from that of the FC, namely, the Hong Kong Chinese Enterprises Association subsector, Employers' Federation of Hong Kong subsector and Social Welfare subsector.

To enable arrangements to be made for the holding of EC subsectors election in 2011, the new provision as mentioned above has to come into operation on the day on which the Ordinance is published in the Gazette. In this connection, we propose that clauses 1(2) and (3) be amended to the effect that

this new provision shall come into operation on the day on which the Ordinance is published in the Gazette.

Moreover, in respect of the 2011 District Council (DC) subsector election, we have proposed the arrangement of automatic registration of voters, so that there will be no need for the newly elected DC members to apply for registration. At the suggestion of the Bills Committee, we now propose an amendment to clause 7(3) of the Bill, so that under the proposed sections 12(11)(g) and (h) of the Schedule to the Ordinance, "registered or applies to be registered" will be changed to "eligible to be registered". This will help take forward the arrangement for automatic registration of voters.

We have explained these amendments to the Bills Committee. The Bills Committee has no objection to these amendments. We hope that Members can support these amendments.

*Proposed amendments*

**Clause 1 (see Annex I)**

**Clause 7 (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 Constitutional and Mainland Affairs 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 1 and 7 as amended.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clauses 1 and 7 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.

**CLERK** (in Cantonese): Clause 3.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has given notice to move an amendment to clause 3 to amend the amendment proposed in the Bill in respect of section 16 of the Chief Executive Election Ordinance.

**DR MARGARET NG** (in Cantonese): Chairman, the Chief Executive Election (Amendment) Bill 2010 (the Bill) has provided for a nomination threshold of 150 subscribers for a Chief Executive election but no upper limit for the number of subscribers has been set. The purpose of my amendment is to provide for an upper limit for nominations at 165 subscribers.



Why should an upper limit for nominations be set? In fact, it is not awkward at all to set an upper limit, as the number of nominations is capped in all elections now. I remember that when the number of nominations was not capped in elections in the past, there was a case in which a candidate, in order to secure more nominations, invited over 10 000 people to nominate him. Later, an upper limit is set for the number of nominations in all elections.

Why do we need to specifically set an upper limit for the number of nominations obtained by a candidate in a Chief Executive election? It is because the Election Committee (EC) has a very small membership. Besides, there is a very special arrangement for the Chief Executive election which requires the gazettal of the subscribers of candidates for a Chief Executive election, but the names of subscribers who nominated candidates for other elections can only be found in the Registration and Electoral Office. Such being the case, if the Central Authorities have preordained a candidate for a Chief Executive election, members of the EC may fall over each other to nominate this candidate and as a result, the election may only have just one candidate. That would still be disgraceful even though it is a small-circle election, as it would give people the impression that the entire election process is not in the least solemn and that the election is conducted in form only, and it would also encourage flattery and fawning. For this reason, I consider it necessary to set an upper limit for the number of subscribers.

The proposed cap of 165 subscribers, which is actually 110% of the nomination threshold of 150 subscribers, is, I think, most reasonable. The number of EC members will be increased to 1 200, and setting this upper limit will give more people greater chances of obtaining nominations. Mr WONG Yuk-man said earlier that he did not support the setting of this upper limit for nominations, and he gave me a copy of the script of his speech. He questioned whether the setting of an upper limit really has merits. When Mr Alan LEONG ran in the Chief Executive election back then, Donald TSANG obtained 641 nominations whereas Mr Alan LEONG had 132. Even if the number of nominations was capped, he could at most obtained only dozens of votes more and still could not win.

This is neither our intention nor objective. We do not intend to put in place a system tailor-made for anybody. We think that even though it is a small-circle election, it should still be a contested election. Indeed, when Mr

Alan LEONG ran in the election back then, it was already very difficult to identify 130 democrats who were EC members, because the design enabled the pro-establishment camp to entirely gain an upper hand while the democratic camp was at a disadvantage. Moreover, some democrats, such as WONG Yuk-man, considered the small-circle election despicable and were unwilling to or even disdained to take part in it. With a nomination threshold of 150 subscribers in the next election, there is not much hope for us even to obtain enough "entry tickets". So, Chairman, setting an upper limit for the number of subscribers is not meant to enable the pan-democrats or anyone from any political party or grouping to contest the Chief Executive election. We consider that setting this upper limit will enable more people to take part in the election.

Chairman, another point is that making a nomination and polling are two different matters. Nominations are made openly, as the names of the subscribers have to be published in the Gazette, but polling is confidential, as the voter has to put his or her ballot into the ballot box and the confidentiality of the ballot box is sacred. In the last election, for instance, Donald TSANG obtained 641 nominations and if only 640 voters voted for him, there would definitely be people trying to find out who did not vote for him. So, if the number of subscribers is not capped, the conduct of secret ballot whereby the names of the voters are not disclosed would be rendered meaningless.

If an upper limit is set for the number of nominations, there will be more candidates contesting an election. In order to win in the election, the candidates have to vie for the votes of EC members, and in order to vie for the votes of EC members, they must carry out electioneering work. The electioneering process will be open in one way or another, and even though the public do not have the right to vote, they are still kept posted of the developments. As in the case of Mr Alan LEONG challenging the Chief Executive in the last election, although the public did not have the right to vote, the two candidates were still compelled to make public their election platforms in order to secure votes from EC members. It means that not only the Chief Executive has to give explanations to the public, EC members also have to give explanations to all the people. EC members have to explain to all the people what they have done in the EC. If, during the process of electioneering, a certain candidate whose platform is obviously not welcomed by the public can still secure the support of many EC members, we would have to question why these EC members have done so. Chairman, these are also the reasons for setting an upper limit for nominations.

The Administration has proposed an amendment to provide that in a Chief Executive election with only one candidate, the candidate has to obtain more than half of the votes of all EC members in order to be elected. Chairman, it may perhaps carry some meaning to require a candidate to obtain more than half of the votes of all EC members in order to be elected if the election is contested. I think if there is only one candidate in an election, and if the nominations for him from EC members are overwhelming, the inclusion of this requirement is merely hypocritical and a window-dressing gesture.

Chairman, as I said just this morning, some academics have signed a joint petition to support the setting of an upper limit for nominations. Two days ago, one of the academics who signed the petition, Prof SING Ming, and I talked about the issue of capping the number of nominations. He did not support setting an upper limit initially, for he was concerned that this would encourage too many people to run in an election and would result in too many political parties. He did not see a need for Hong Kong to have so many political parties and so, it would be best not to cap the number of nominations. But after I had explained to him the unique circumstances of Hong Kong, Prof SING Ming expressed support for my view, and the position expressed by these academics today is supportive of the setting of an upper limit for the number of subscribers.

Chairman, I hope that other Members will also support my amendment. Thank you.

*Proposed amendment*

**Clause 3 (Annex I)**

**CHAIRMAN** (in Cantonese): Members may now debate the original provision and the amendment jointly.

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

**MR IP KWOK-HIM** (in Cantonese): Chairman, the DAB does not support Dr Margaret NG's amendment on setting an upper limit for the number of nominations obtained by a candidate in a Chief Executive election. We consider it unnecessary to set an upper limit. In fact, the process of soliciting nominations is in itself a manifestation of competition in an election. Anyone who intends to run in the election should solicit as many nominations as possible, so that the number of his nominations can reach or surpass the nomination threshold. So, soliciting nominations is in itself a healthy competition. To ensure that the election is competitive, no upper limit should be set for the number of nominations. Besides, we must also ensure that the entire process of nomination is fair and impartial, and this is most important.

When we look up information on other countries or territories worldwide, we can find that a small number of them have set an upper limit for the number of nominations obtained by candidates. True enough, an upper limit is set for candidates for a Legislative Council election. As Dr Margaret NG said earlier, there was indeed a case in which a candidate had obtained the signatures of over 10 000 subscribers and as a result, the Government had to spend a great deal of time verifying these nominations one by one. Finally, it was found that many of the nominations were not made by registered voters, thus wasting considerable efforts made by the Government for nothing. This is why an upper limit has been set for the number of nominations in a Legislative Council election. The Chief Executive Election (Amendment) Bill 2010 (the Bill) proposes to increase the number of EC members to 1 200. If the EC will be comprised of 1 200 members, it should not involve too much administrative work in verifying the eligibility of the subscribers and so, such work will not create pressure on the Government.

Dr Margaret NG mentioned in particular that as the subscribers of a candidate for a Chief Executive election have to be made public, EC members who wish to curry favour with a certain candidate can nominate this candidate. This is a conclusion drawn by Dr Margaret NG from her logic. But let us consider another scenario using the same way of thinking, that is, if a certain candidate has obtained 400 nominations but secured 600 or even 800 votes in the election, there can be another interpretation suggesting that those 800 people have been forced to vote. Therefore, it may be conducive to monitoring to make public the names of subscribers.

From this we can see that there are two sides of the same coin. I believe that the EC, which is returned by election, will certainly be responsible to their voters and they will exercise their right to nominate and their right to vote appropriately and prudently. Therefore, the DAB does not support this amendment. Thank you, Chairman.

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

(No Member indicated a wish to speak)

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I will give a response now. Dr Margaret NG would like to encourage more aspiring people to take part in a Chief Executive election, thereby enhancing the competitiveness of the election. I very much appreciate this point. Generally speaking, the Government agrees to this goal. The third Chief Executive Election in 2007 had two candidates. Although we had not reached the stage of electing the Chief Executive by universal suffrage, the public could watch on television a debate between the two candidates, similar to that between presidential candidates in foreign countries. The two candidates had fully explained to the people of Hong Kong their political platforms and aspirations for governance.

Chairman, we propose to increase the number of members of the EC from 800 to 1 200 and set the nomination threshold at one eighth of the total membership of the EC, which means that the number of nominations required will be revised from 100 to 150. This, I believe, is a reasonable arrangement. Chairman, we expect that members of different parties and groupings and people of different backgrounds will continue to fully participate in the election of these 30-odd subsectors. I also believe that the pan-democrats will have certain influence in various sectors, particularly the second sector (that is, the professions) or the third sector (such as the education and social services sectors), and their participation will not be any less than it is now.

Therefore, the SAR Government is confident that the fourth Chief Executive Election to be held in 2012 will be a contested election. We have also studied Annex I to the Basic Law. Members of the EC who are responsible for

electing the Chief Executive have the right and the chance to make a nomination. Annex I provides for the lowest limit of 150 nominations from EC members, but no upper limit has been stipulated. So, it is indeed open to question as to whether or not the amendment proposed by Dr Margaret NG today is in line with Annex I to the Basic Law.

Chairman, the SAR Government hopes and believes that the Chief Executive Election in 2012 will be a contested election.

**DR MARGARET NG** (in Cantonese): Chairman, I wish to respond to Mr IP Kwok-him. What he has just said is exactly my concern, as he has advanced the election contest to the stage of seeking nominations. In other words, the stage where the candidates seek nominations (or "entry tickets", so to speak) is already part of the contest. It would be best for a candidate to secure as many nominations from members of the EC as possible, so that his or her rivals will be eliminated as a result of not securing enough nominations. This will precisely turn a secret polling into an open polling, which is what we do not wish to see.

Chairman, the Secretary said just now that the election would be a contested election. If we believe the reports in the press and if even the former President of this Council may run in the election, there will be at least three candidates contesting the election. In that case, it is all the more necessary to set an upper limit for the number of subscribers. Those three candidates all appear to be supported or preordained by the Central Authorities. If the number of nominations is not capped, it may be utterly difficult for another candidate to come forth to challenge them. So, this is not only a question of whether or not there is competition. This is also a question of who is competing with who. If there will only be Secretary Stephen LAM and Chief Secretary for Administration Henry TANG contesting the election, I think an overwhelming majority of Hong Kong people will not consider the election a genuinely contested one. For this reason, I think it is all the more necessary to set an upper limit for the number of subscribers in the next Chief Executive election.

The Secretary has a weird theory. We have actually heard of this theory before. He said that each EC member has the right of nomination, that is, the right to nominate, and that if an EC member is unable to exercise his right of

nomination, it would mean depriving him of this right. This is so laughable. Chairman, in respect of the Legal Functional Constituency (FC), the upper limit for nominations is 10 subscribers, and a candidate whose nominations exceed this limit even by one subscriber will not be accepted. My FC has almost 6 000 constituents, which is a very small number. If each of them is entitled to the right of nomination and rigidly required to exercise this right, it means that each of them has to nominate a candidate. This simply will not happen. The right of nomination means that a person has the right to nominate, but it does not mean that he must exercise this right. With regard to this theory, I have not heard of it for a long time, though I did hear of it in the past Chief Executive elections. I hope the Secretary will elucidate this weird theory later on.

Chairman, generally speaking, I think setting an upper limit for the number of nominations will bring benefits only. I implore Members to support my amendment, so that even though the Chief Executive election is a small-circle election, it will have a higher degree of transparency and become a truly contested election.

Chairman, please forgive me for dwelling on this a bit further. Members may think that since this has already been agreed to, it is unnecessary to further spend time discussing it. But on many issues, there has to be discussion before improvement can be made. Chairman, what actually is our objective in doing this? To achieve an objective, it often takes a tortuous process. We hope to arouse more public concern about the Chief Executive election. We hope to enhance the accountability of the Chief Executive who is not returned by the people and achieve a higher degree of transparency. I hope Members can support any amendment which can help achieve these objectives. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Dr Margaret NG be passed. 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)

Dr Margaret NG rose to claim a division.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has claimed a division. The division bell will ring for three minutes.

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

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

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE and Mr CHEUNG Kwok-che voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Abraham SHEK, Ms LI Fung-ying, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the amendment.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Ms Emily LAU, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr KAM Nai-wai, Ms Cyd HO, Mr Alan LEONG and Miss Tanya CHAN voted for the amendment.



Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendment.

THE CHAIRMAN, Mr Jasper TSANG, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present, four were in favour of the amendment and 17 against it; while among the Members returned by geographical constituencies through direct elections, 19 were present, 11 were in favour of the amendment and seven against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negated.

**MS MIRIAM LAU** (in Cantonese): Chairman, I move that in the event of further divisions being claimed in respect of the remaining clauses of the Chief Executive Election (Amendment) Bill 2010 or any amendment thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

**CHAIRMAN** (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Miriam LAU be passed.

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

**DR MARGARET NG** (in Cantonese): Chairman, normally, when it comes to the examination of an amendment to a Bill, I do not agree to shortening the voting time from three minutes to one minute. As this Bill is very complex, Members may need some time for consideration. Besides, many Members ..... I understand that if Members cannot return to this Chamber in time to vote, it would instead be favourable to me. However, I do not wish to see this happen because the enactment of legislation is a solemn process, and once the Chairman

adopted the one-minute rule, no changes could be made subsequently, which means that voting shall invariably start after the bell has been rung for one minute. Therefore, Chairman, I think it is inappropriate to adopt this arrangement.

Generally, I will support this motion moved by Ms Miriam LAU, but insofar as this Bill is concerned, especially as it is a controversial and complex Bill which does have a bearing on the constitutional system, I hope that the one-minute rule will not apply. Thank you, Chairman.

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

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): If not, I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr Albert HO rose to claim a division.

**CHAIRMAN** (in Cantonese): Mr Albert HO has claimed a division. The division bell will ring for three minutes.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr LAU Wong-fat, Ms Miriam LAU, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Dr LAM Tai-fai, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted for the motion.

Dr Margaret NG, Mr CHEUNG Man-kwong, Mr Abraham SHEK, Ms LI Fung-ying, Mr Paul CHAN, Mr CHAN Kin-por and Mr CHEUNG Kwok-che voted against the motion.

Geographical Constituencies:

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan and Mr WONG Kwok-kin voted for the motion.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mrs Regina IP, Mr Alan LEONG, Miss Tanya CHAN and Mr Albert CHAN voted against the motion.

THE CHAIRMAN, Mr Jasper TSANG, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 21 were present, 14 were in favour of the motion and seven against it; while among the Members returned by geographical constituencies through direct elections, 23 were present, seven were in favour of the motion and

15 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negated.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clause 3 stand part of the Bill.

**CHAIRMAN** (in Cantonese): 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): Clause 5.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has given notice to move amendments to subclauses (3), (4) and (6) to (34) of clause 5 to amend the amendments proposed in the Bill in respect of tables 1 to 3 in section 2 of the Schedule to the Chief Executive Election Ordinance.

**DR MARGARET NG** (in Cantonese): Chairman, clause 5 in page C1717 of the Blue Bill seeks to allocate the 400 additional seats of the EC such that the number of seats for each sector will be increased by 100, and the number of seats for each subsector will be increased according to the original proportion.

Under my amendments, the additional seats are not allocated according to the existing distribution of seats but by proportion according to the number of

registered electors. Therefore, the numbers of additional seats for different subsectors under my proposal are different from those proposed by the Government.

My principle is that as the existing allocation of seats is unfair and disproportionate, if the numbers of seats for different subsectors are increased by the existing inappropriate proportion, the result will be even worse. I have prepared a table and distributed it to the media, so that everyone can see my point.

First of all, the information on the number of registered electors is provided by the authorities. My approach is to take the numbers of registered electors of the subsectors and examine them as proportions of the total number of registered electors, and then work out the numbers of additional seats. Let me cite an example. In the Financial subsector, there are 127 registered corporate electors in total, representing 0.48% of the registered electors in the first sector. This subsector is now allocated with 12 seats, which is actually disproportionately large in number. However, the Government intends to increase the number of its seats by six to become 18. The Civic Party thinks the number of seats for this subsector should not be increased and should remain at 12. Another example is that in the Education subsector of the second sector, there are 80 463 individual electors, representing 42.96% of the total number of electors of the entire sector. However, there are at present only 20 EC members from this subsector, which is seriously disproportionate. The Government proposed to increase its number of seats by only 10 to become 30, which is disproportionate to the number of seats of other subsectors. My amendments seek to require the Government to increase the relevant number of seats by 43 to become 63.

As for the third sector, the Agriculture and Fisheries subsector has 160 registered corporate electors, representing 1.03% of the total number of registered electors in the sector. However, this subsector is even allocated with 40 seats, and the Government still proposed to increase it by 20 to become 60. However, according to our calculation method, this subsector should only be allocated with 41 seats, and therefore it should only be allocated with one additional seat. In the same sector, the numbers of corporate electors and individual electors of the Social Welfare subsector add up to a total of 12 537, representing 80.59% of the total number of electors in the sector. However, it is only allocated with 40 seats, and same as the Agriculture and Fisheries subsector, the Government also proposed to increase its seats by 20 to become 60. According to our calculation

method, its number of seats should be increased by 81 to become 120. The numbers in brackets in my amendments to clause 5 are all worked out in this way.

Chairman, these amendments will make the original distribution which was heavily tilted to one side better balanced. However, even after this, the distribution is still seriously imbalanced, though relatively less so. Nevertheless, I can tell Members that the numbers of additional seats are proposed in accordance with this principle. It is not true that more additional seats are proposed for the Social Welfare subsector because it may be supportive of the pro-democracy camp while less additional seats are proposed for other subsectors because they are not supportive of the pro-democracy camp. This is not how I came up with this proposal. Rather, the numbers of additional seats are proposed in accordance with the relevant principle.

After the increase, if the 1 200 EC seats were allocated according to the Government's proposal, one would find that the proportion of seats between those subsectors which are more pro-establishment and conservative and inclined towards the commercial and industrial sectors, and those subsectors which tend to support democracy will be some 900 seats to some 200 seats. Under the re-allocation proposed by the Civic Party, the distribution is still tilted to one side, but the proportion will be some 800 seats to some 300 seats. In other words, it is less tilted and it is possible that two candidates can be nominated, with the nomination threshold of 150 EC members. Therefore, this approach will enable more democratic candidates to have a better chance of standing in the election.

Chairman, the amendment as a whole seeks to make the arrangements fairer and more reasonable. I hope this approach will be supported by Members of this Council.

*Proposed amendment*

**Clause 5 (See Annex I)**

**CHAIRMAN** (in Cantonese): Members may now debate the original provision and the amendment jointly.

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

**MR IP KWOK-HIM** (in Cantonese): Chairman, regarding Dr Margaret NG's proposal of allocating the 400 EC seats by proportion according to the numbers of electors of the subsectors, the DAB does not support the amendment. After listening to Dr Margaret NG's remarks just now, we can see that if her proposal is adopted, a possible situation is that subsectors with a large number of electors will take up most EC seats or even monopolize the EC, creating another unfair situation.

At present, there are views, as some Members also pointed out just now, that while there are only 160 representatives from the Agriculture and Fisheries subsector, which is a very small number, the numbers of representatives from some other subsectors are very large. For example, there are 12 000 electors in the Social Welfare subsector. However, I think this substantial difference is caused by various situations. The amendment proposed by the Government only seeks to increase the number of seats of the relevant subsector from the current 40 to 60. Actually, the 160 representatives from the Agriculture and Fisheries subsector are corporate electors, but those from the Social Welfare subsector are individual electors. Therefore, the concept underlying this amendment will obviously give rise to another unfair situation.

Actually, fairness is a very complicated concept, and different people may have different ideas about it. However, from the angle of fairness, we should not allow the strong to bully the weak, or the majority to suppress the minority. I consider this unacceptable.

Take the United Nations as an example. China has a population of 1.3 billion, and Liechtenstein, a country in Europe, has a population of only 30 000. In the United Nations, however, both of them have only one vote. This shows China does not have more votes than other countries because it has a larger population. I therefore consider it unfair to use these figures as the only basis for decision. Thus, the DAB will not support the amendment. Thank you, Chairman.

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

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, just now Mr IP Kwok-him said fairness is a very complicated concept. I think he does not have this concept at all, and small-circle elections are simply unfair. However, I also agree to the point that Dr Margaret NG is actually trying to make something unfair more complicated, in the hope that it will be fairer, but it is still unfair.

The crux of the matter is that small-circle elections are unfair, just that the number of members will now be increased from 800 to 1 200. It is actually inbreeding, but the only difference is how this inbreeding is conducted. The mode of breeding proposed by Dr Margaret NG is breeding according to the proportion of electors, while their proposed approach is breeding according to subsectors. However, this mode of breeding ..... the more I talk about it, the more I want to talk about the issue of morality.

I think the woe of Hong Kong is that we still have to discuss how to rationalize small-circle elections even now. Mr IP Kwok-him even talked about the United Nations in the same context. He even likened each subsector to a state. So, Hong Kong is now practising a federal system, and each subsector is a state, and Hong Kong is governed by the federal government.

Actually, the electoral method for selecting the Chief Executive is an electoral method for people with vested interest. Therefore, the politics of Hong Kong will never be able to untie this knot, and the Chief Executive will always be distanced from public sentiments. This is actually a structural problem. Thank you, Chairman.

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

(No Member indicated a wish to speak)

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I have listened attentively to the speeches of Dr Margaret NG and the few Members. I wish to reiterate that when designing the various subsectors of the EC, we have carefully considered the composition of the 1 200 members. As for the EC comprising 800 members, we included people from different sectors back then because of their contribution to Hong Kong in various



aspects such as the economy and people's livelihood. When we increase the number of EC members from 800 to 1 200 now, we should indeed maintain the principle of balanced participation.

Chairman, I understand very well that Dr Margaret NG has her own line of logic. However, I also wish to point out that when such legislation is reviewed, there are always different groupings and organizations which would like to join the EC. A consensus can be reached more easily if the additional seats are allocated according to the existing distribution.

Chairman, I also wish to point out that we expect to implement universal suffrage for the Chief Executive Election in 2017, and we also hope the EC will be transformed into the nominating committee at that time. When universal suffrage for the Chief Executive is implemented, there will be two stages: first, the nominating committee will nominate certain candidates for the Chief Executive election, and then those candidates will have to face the several million registered electors in Hong Kong. What is next? These candidates will have to secure the support of different sectors and then the support of all registered electors in Hong Kong. The so-called balanced participation of subsectors means that at present a candidate has to secure the support of different sectors before he/she can be elected the Chief Executive, while in the future a person has to secure the support of different sectors before he/she can become a candidate for the Chief Executive election. Therefore, we have to judge at this stage whether the various subsectors have made contribution to Hong Kong society. If they have, we have to allocate the EC seats by proportion according to the original distribution. We consider this approach more appropriate.

**DR MARGARET NG** (in Cantonese): Chairman, the opposition raised by Mr IP Kwok-him was very interesting. He said my attempt to slightly reduce the extent of tilt to one side will result in monopolization of the EC by subsectors with more electors. While I have not accused him of monopolization, he accused me of such outrageously. Actually, it is the Chief Executive election which is monopolized by certain subsectors.

Mr IP Kwok-him also said it was unfair to compare the Agriculture and Fisheries subsector with the Social Welfare subsector because the former, with corporate electors, are bound to have less votes; while the latter, with individual electors, are bound to have more votes. Actually, I strongly encourage members

of the agriculture and fisheries industry to register as individual electors. During the scrutiny process of the Bill, Mr WONG Yung-kan also mentioned the sector to which he belongs. He said there were more than 160 organizations in his industry, and 6 000 members of his industry have a fishing vessel licence. Perhaps I may have got the figures wrong, but anyway the number of people with a fishing vessel licence or the number of those who are engaged in the fisheries industry and fish trade add up to a few thousand. Therefore, I strongly encourage Mr WONG Yung-kan to work on the early change of his subsector into one with individual electors. I will surely allocate more seats to his subsector. No problem at all.

However, on the one hand, they wish to register as corporate electors, so that there is no transparency, and they can engage in black-box operation and no one will know what they are doing; and on the other, they wish to occupy more seats in the EC. I think this is not right. They can decide between the two for themselves, but they cannot expect to keep their votes in the hands of a small number of people, so that they can have control over them, and to take up a greater proportion of seats at the same time. Mr LEE Cheuk-yan said the whole thing is immoral, and I agree with him. However, I have no intention at all to rationalize the EC, the EC members and the electoral method for selecting the Chief Executive. I think no one will consider them reasonable.

That said, I hope Members will examine carefully the number of seats secured by various individuals and sectors, as it will highlight the unreasonable nature of the system. No matter how it is revised, and even if it will become less unreasonable, it will remain unreasonable in the end. However, if we do not do so, everyone will only have a very vague and faint idea. Just as in the case of our request for the abolition of functional constituencies (FCs), we have to, first of all, enable the public to understand what FCs are. We have to unveil all the details so that people will understand how FCs operate in this Council and what role they will play in the Chief Executive election. I very much agree with the Secretary that careful consideration has been given in relation to subsectors, but what he meant by careful consideration is how the effect of monopolization can be achieved.

The Secretary also advanced the same arguments of economic contribution and balanced participation. Certainly, I also heard that the FCs account for a total of 90% of the GPD of Hong Kong. However, some people have queried

whether the organizations of these FCs only represent bosses and heads of consortia. Does it mean that contribution to the GPD is only made by these people but not their employees? I very much agree with some academics that the EC should not have been made up of these subsectors in the first place, and all corporate votes should be abolished. If time allows, even if universal suffrage cannot be achieved now and there is still a very long way to go, we should put an end to this unfairness, and the Legislative Council ..... in the Bill to be discussed later, we will propose replacing corporate votes by individual votes. The same should be done to the EC seats, and this is a more desirable approach. Therefore, I feel really bad in front of the public as I can only work within this frame. Actually, I am already overjoyed that this issue can be discussed.

Chairman, the Secretary also raised another point. He said balanced participation is very important because the EC will become the nominating committee in the future. The EC will not vanish tomorrow. You will design the nominating committee in such a meticulous way that it will be formed on the basis of the so-called balanced participation, which in effect is monopolization of interests by certain subsectors. May I ask whom the future nominating committee intends to nominate? We would also like to know. Will there be a referendum, as in the case of the current "super-DC" seats? However, nominations can only be made after a screening process, right? Does the so-called balanced participation you mentioned mean that nominations will be made by the monopolized EC, while electors will actually have no choice?

Therefore, Chairman, based on the reasons mentioned by the Secretary — rather than only on basis of the reasons cited by me, as I have only proposed some minor amendments — we all the more have a reason of principle to change the existing composition and allocation of seats of the EC. The amendment proposed today only effects some minor changes. When the public realize that changes should and could be made, they will make more thorough changes.

Thank you, Chairman. I hope all Members will support my amendment.

**MR RONNY TONG** (in Cantonese): Chairman, I think any discussion attempting to rationalize small-circle elections is futile and misleading because there is only one standard, that is, whether or not an electoral system lives up to the principles of universal suffrage. If it can, I will accept it but if not, no matter

how it is revised, it is still not an electoral principle that lives up to the principles of universal suffrage.

In the same vein, I think that by the same criterion, will the so-called "super-DC members" serve to rationalize FCs? I think they will not, nor is it a criterion worthy of discussion.

Chairman, let me talk about this briefly as I do not want to waste time. Concerning the various amendments relating to the Election Committee (EC) of the Chief Executive, I think they deserve our support. Why? Because in society, and also in Beijing and the SAR Government, there is a view and consensus holding that since we have an Executive Council, in order to avoid making excessive changes and given the tight time frame, the consensus is to turn the existing EC into the nominating committee.

This being so, the direction in which we are moving is to make the nominating committee conform as closely to principles of democracy as possible, no matter if there is any roadmap. Given this, if we can secure one step forward, we should move one step forward and if we can secure two tomorrow, we should then take two steps forward. As I said just now, whether or not the system will be rationalized is totally outside our scope of consideration. Therefore, I believe that this amendment should be supported.

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

(No Member indicated a wish to speak)

**CHAIRMAN** (in Cantonese): Secretary, do you wish to speak again?

(The Secretary for Constitutional and Mainland Affairs shook his head to indicate that he did not wish to speak again)

**CHAIRMAN** (in Cantonese): Dr Margaret NG, do you wish to speak again?

**DR MARGARET NG** (in Cantonese): I thank Mr Ronny TONG for his support. I strongly agree with two points. This is not a question of rationalization. If something is unfair, even though you cannot make it completely fair, you still have to make it not so unfair. This is not rationalization, only that it will be less unfair. Thank you.

In addition, another point is related to the direction, that is, what your direction is. You may not be able to change everything but if the direction is wrong, even if one has not made any serious mistake in this step, you will still make a serious mistake in the next because you are heading in the wrong direction. If your direction is correct, even if the step taken now may deviate a little bit from it, you will still be on the right track in the next one. Therefore, the second reason for our opposition to the "super-DC" seats is the fragmentation of the right to vote. Therefore, Chairman, I again urge Members to support my amendment.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Dr Margaret NG be passed. 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)

Dr Margaret NG rose to claim a division.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has claimed a division. The division bell will ring for three minutes.

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

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

Functional Constituencies:

Mr CHEUNG Man-kwong, Dr Joseph LEE and Mr CHEUNG Kwok-che voted for the amendment.

Dr Raymond HO, Dr Margaret NG, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the amendment.

Mr Paul TSE abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr Alan LEONG and Miss Tanya CHAN voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Mr WONG Kwok-kin and Mrs Regina IP voted against the amendment.

THE CHAIRMAN, Mr Jasper TSANG, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 24 were present, three were in favour of the amendment, 20 against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 13 were in favour of the amendment and eight against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has given notice to move amendments to subclauses (36), (37), (39) and (41) of clause 5 to amend the amendments proposed in the Bill in respect of table 4 in section 2 of the Schedule to the Chief Executive Election Ordinance.

**DR MARGARET NG** (in Cantonese): Chairman, first of all, I notice that the voting results just now show that I have voted against my own amendment. I do not know if this is because I pressed the wrong button or there is some other reason. I have to put on record that I certainly support the amendment moved by myself.

Chairman, I move the amendments to subclauses (36), (37), (39) and (41) of clause 5 in respect of table 4 in section 2 of the Schedule to the Chief Executive Election Ordinance. In fact, they are still related to the composition of the EC. At present, the fourth sector covers the so-called political sector and currently, the number of seats allocated to deputies to the National People's Congress, Hong Kong members of the Chinese People's Political Consultative Conference (CPPCC) and representatives of the Heung Yee Kuk is disproportionately large, therefore, we want to follow the same principle through by allocating all new seats to elected DC members, as they are the largest in number.

Chairman, since the principle is the same, I am not going to elaborate further. I hope Members will support my amendment. Thank you.

*Proposed amendment***Clause 5 (See Annex I)**

**CHAIRMAN** (in Cantonese): Members may now debate the original provisions and the amendments jointly.

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

**MR IP KWOK-HIM** (in Cantonese): Chairman, concerning Dr Margaret NG's amendment, as I said earlier on, it relates to the allocation of all 10 "Special Member" seats in the fourth sector of the EC to DC members. This is due to the articulation of the Legislative Council election and the Chief Executive election. Here, I wish to raise one point in particular. As a FC representative of DCs in the Legislative Council, of course, I will be pleased to see the DCs assume a more prominent role in the constitution, but I find this amendment to be rather strange.

Originally, I did not intend to speak and I had nothing in particular to share with Members. I am speaking now because were it other political parties that moved this amendment, I would not find this strange at all, but I find it strange that the Civic Party should have moved this amendment. Why? Because in June last year, when the Legislative Council voted on the constitutional reform proposals, the Civic Party opposed the DC revised package. The Vice Chairman of the Party, Mr Albert LAI, published an article in the press to criticize the DC revised package. Since I am a representative of the DCs, of course, I paid great attention to this. He said that the evils were hidden in the details of this package, one of them being that the DC would divide the political booty among them and sell the nominations in their hands at a good price.

According to this claim of the Civic Party, DC members are untrustworthy. It only follows that the Civic Party should oppose the participation of DC members in the EC for the Chief Executive election but it turned out the opposite is the case. Dr Margaret NG of the Civic Party, in moving the amendment, seeks to increase the weight of DCs in the EC, so it is contradictory to the arguments of the Civic Party in criticizing the revised package. Of course, some



people have said that they often find these people to be preaching one thing but practising quite another.

If we look at the Government's proposal to increase the number of seats for DC members in the relevant sector of the EC from 42 at present to 117, coupled with the four "Special Member" seats, the number will increase to 121, so DC members will have adequate representation in the EC. If the number of seats is further increased according to the Civic Party's amendment, the total will reach 142 seats and it will exceed that of any other subsector significantly. In view of this, we oppose this amendment.

Thank you, Chairman.

**CHAIRMAN** (in Cantonese): The amendment moved by Dr Margaret NG is not related to the "Special Member" seats but to the allocation of seats in the fourth sector.

Does any other Member wish to speak?

(No Member indicated a wish to speak)

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, concerning the 100 new seats in the fourth sector, we all agree that 10 of them should be reserved for the next Legislative Council because the number of Legislative Council Members will be increased from 60 to 70, so there should not be any problem with this allocation. However, regarding how the remaining 90 seats should be allocated, of course, I know that there have been some discussions both inside and outside the legislature.

The issue now is whether these 90 seats should all be allocated to the DC subsector or only some of them should be allocated to it. I wish to point out that I hope Members will understand that three quarters of the additional 100 seats, that is, 75 new seats will be allocated to DC members, so this proportion is already quite high. In order to uphold the principle of balanced participation, 10 of the remaining 15 seats will be allocated to members of the CPPCC and five to

the Heung Yee Kuk. This is proportionate to the original numbers of seats for the Heung Yee Kuk and the CPPCC. Generally speaking, this can preserve the continued participation of various subsectors in the fourth sector. We believe that on the whole, the principle of balanced participation can be upheld.

**DR MARGARET NG** (in Cantonese): Mr IP Kwok-him has given a personal demonstration of the principle of "what is supported by the enemies will certainly be opposed by us". I believe, in terms of proportion, DC members are the greatest in number and they have the closest links with Hong Kong. If seats are allocated according to the principle of electorate base, all the seats should be given to DC members. As a matter of fact, the Civic Party thinks that all the elected DC members should be in this EC instead of only half of them being selected from among a total of several hundred members. This is odd enough.

Since Mr IP Kwok-him represents the DC members, he can give his full support to my view and he will certainly refute Albert LAI's view that DC members are waiting for a good price to sell their nominations. He should congratulate us for taking the move to mend our ways. Originally, Albert LAI has reservations about DC members, but now he does not have any such reservations. He wants to give all the new seats to them. I think they would be very happy about it. Now when I attach such great importance to DC members, Mr IP chided us instead. Then is he against Albert LAI? Albert LAI was only saying what he thought, but this is a place where votes are cast and there are solid powers. Is Mr IP going to violate the principles? I have always put the interest of the public before everything else, but Mr IP believes that this is a matter of the interest of his sector. Then for the sake of the interest of his sector and that of the public, Mr IP should agree to my amendment.

Therefore, I think Mr IP Kwok-him had better mend his ways instead since making a U-turn is the in thing these days. Why does Mr IP not change his mind and support my amendment? I believe all DC members will certainly lend their support to Mr IP. As for the criticism levelled at Albert LAI, it was actually done to the wrong person. It is because what Albert LAI talked about is that the revised package is not acceptable as he does not agree to this kind of election in which the right is divided into three parts and that elections should be held according to this method. What he said has nothing to do with the

distribution of seats in the EC for the election of the Chief Executive. As for the idea of balanced participation repeatedly cited by the Secretary, apart from urging Members to support my amendment, I do not think I have anything to add.

Thank you.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That the amendment moved by Dr Margaret NG be passed. 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)

Dr Margaret NG rose to claim a division.

**CHAIRMAN** (in Cantonese): Dr Margaret NG has claimed a division. The division bell will ring for three minutes.

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

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

**CHAIRMAN** (in Cantonese): Mr WONG Ting-kwong, how did you vote just now?

**MR WONG TING-KWONG** (in Cantonese): I voted against the amendment.

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE and Mr CHEUNG Kwok-che voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Ms LI Fung-ying, Mr Jeffrey LAM, Mr Andrew LEUNG, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Kwok-him and Mr Paul TSE voted against the amendment.

Mr IP Wai-ming and Dr PAN Pey-chyou abstained.

Mr WONG Ting-kwong did not cast any vote.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr James TO, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr Alan LEONG and Miss Tanya CHAN voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan and Mrs Regina IP voted against the amendment.

Mr WONG Kwok-kin abstained.

THE CHAIRMAN, Mr Jasper TSANG, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present, four were in favour of the amendment, 16 against it and two abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, 13 were in favour of the amendment, seven against it and one abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**CHAIRMAN** (in Cantonese): Secretary for Constitutional and Mainland Affairs, you may now move the amendment to clause 5.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Chairman, I move that clause 5(42) be amended. Since one of the groups in the Chinese medicine subsector has changed its name, we propose an amendment to clause 5(42) to reflect the relevant change. The relevant amendment was explained at the meeting of the Bills Committee on 20 January and Members expressed no objection to this technical amendment. I implore Members to support this amendment.

*Proposed amendment*

**Clause 5 (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 amendment moved by the Secretary for Constitutional and Mainland Affairs 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 amendment passed.

**CLERK** (in Cantonese): Clause 5 as amended.

**CHAIRMAN** (in Cantonese): I now put the question to you and that is: That clause 5 as amended stand part of the Bill.

**CHAIRMAN** (in Cantonese): 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.

### **SUSPENSION OF MEETING**

**PRESIDENT** (in Cantonese): I now suspend the meeting until 9.00 pm tomorrow.

*Suspended accordingly at one minute to Ten o'clock.*

## Annex I

## Chief Executive Election (Amendment) Bill 2010

## Committee Stage

Amendments to be moved by the Secretary for Constitutional and Mainland Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
1(2)	By deleting “7,” and substituting “7(1), (2), (3) and (4).”
1(3)	By deleting “7,” and substituting “7(1), (2), (3) and (4).”
New	<p>By adding immediately before clause 3—</p> <p style="padding-left: 40px;"><b>“2A. Section 11 amended (Fixing new polling date under certain circumstances)</b></p> <p style="padding-left: 80px;">Section 11(2)(b)—</p> <p style="padding-left: 120px;"><b>Repeal</b></p> <p style="padding-left: 160px;">“or (1)”</p> <p style="padding-left: 120px;"><b>Substitute</b></p> <p style="padding-left: 160px;">“, (1) or (3).”.</p>
New	<p>By adding—</p> <p style="padding-left: 40px;"><b>“3A. Section 22 amended (Termination of election proceedings)</b></p> <p style="padding-left: 80px;">After section 22(2)—</p> <p style="padding-left: 120px;"><b>Add</b></p> <p style="padding-left: 160px;">“(3) If—</p> <p style="padding-left: 200px;">(a) at the close of nominations 2 or more candidates are validly nominated; and</p> <p style="padding-left: 200px;">(b) a poll is conducted under section 24</p>

and, under section 27(2A), no candidate is returned at the election,

the Returning Officer must—

- (c) publicly declare that no candidate is returned at the election;
- (d) publish the declaration and the result of the poll in the Gazette; and
- (e) by a public declaration, terminate the proceedings for the election.”.

**3B. Section 26A amended (System of voting: only one candidate)**

- (1) Section 26A(3)—

**Repeal**

“half of the total number of valid votes cast in the poll, he shall be”

**Substitute**

“600, the candidate is”.

- (2) Section 26A(4)—

**Repeal**

“half of the total number of valid votes cast in the poll, he shall not be”

**Substitute**

“600, the candidate is not”.

**3C. Section 27 amended (System of voting: contested election)**

- (1) Before section 27(1)—

**Add**

“(1A) This section applies to an election in which at the close of nominations 2 or more candidates are validly nominated.”.

- (2) Section 27(1)—



**Repeal**

“half of the total number of valid votes cast in any round of voting, he shall be”

**Substitute**

“600 votes in any round of voting, the candidate is”.

- (3) Section 27(2)—

**Repeal**

everything after paragraph (b)

**Substitute**

“a single round of voting must be conducted for the 2 candidates.”.

- (4) After section 27(2)—

**Add**

“(2A) If in a round of voting conducted under subsection (2), no candidate obtains more than 600 votes, no candidate is returned at the election and section 22(3) applies.”.

- (5) Section 27(3)(b)(ii)(A)—

**Repeal**

“he does not obtain more than half of the total number of valid votes cast”

**Substitute**

“the candidate does not obtain more than 600 votes”.

- (6) Section 27(4)(b)(ii)(A)—

**Repeal**

“he does not obtain more than half of the total number of valid votes cast”

**Substitute**

“the candidate does not obtain more than 600 votes”.”.

5(42) In the proposed paragraph (1)(j), by deleting “Hong Kong Chinese

Overseas Physician Association” and substituting “Hong Kong Chinese Medicine Practitioners Association Limited”.

- 7(3) (a) In the proposed section 12(11)(g), by deleting “registered or applies” and substituting “eligible”.
- (b) In the proposed section 12(11)(h), by deleting “registered or applies” and substituting “eligible”.

7 By adding—

“(5) The Schedule, after section 12(20)—

**Add**

- “(21) A consular post to which any privilege or immunity is accorded under the Consular Relations Ordinance (Cap. 557) is not eligible to be registered as a voter for any subsector.
- (22) An organization to which section 2 of the International Organizations and Diplomatic Privileges Ordinance (Cap. 190) applies or an international organization defined in section 2 of the International Organizations (Privileges and Immunities) Ordinance (Cap. 558) is not eligible to be registered as a voter for any subsector.”.

## Chief Executive Election (Amendment) Bill 2010

## Committee Stage

Amendments to be moved by Dr. the Honourable Margaret NG

<u>Clause</u>	<u>Amendment Proposed</u>
3 [NEGATIVED]	By adding “and not more than 165 members” after “150 members”.
New [NOT PROCEEDED WITH]	By adding— <p style="text-align: center;"><b>“3A. Section 31 repealed (Winning candidate to declare he is not a member of political party)</b></p> <p style="text-align: center;">Section 31—  <b>Repeal the section.”.</b></p>
5(3) [NEGATIVED]	By deleting “17” and substituting “41”.
5(4) [NEGATIVED]	By deleting “18” and substituting “16”.
5(6) [NEGATIVED]	By deleting “16” and substituting “12”.
5 [NEGATIVED]	By deleting subclause (7).
5(8) [NEGATIVED]	By deleting “18” and substituting “14”.
5(9) [NEGATIVED]	By deleting “16” and substituting “12”.
5 [NEGATIVED]	By deleting subclause (10).
5(11) [NEGATIVED]	By deleting “18” and substituting “17”.
5(12) [NEGATIVED]	By deleting “18” and substituting “15”.
5(13) [NEGATIVED]	By deleting “18” and substituting “15”.
5(14) [NEGATIVED]	By deleting “18” and substituting “13”.

- 5(15)  
[NEGATIVED] By deleting “18” and substituting “15”.
- 5(16)  
[NEGATIVED] By deleting “18” and substituting “26”.
- 5(17)  
[NEGATIVED] By deleting “18” and substituting “16”.
- 5(18)  
[NEGATIVED] By deleting “ “18” ” and substituting “ “13” ”.
- 5(19)  
[NEGATIVED] By deleting “18” and substituting “34”.
- 5(20)  
[NEGATIVED] By deleting “30” and substituting “32”.
- 5(21)  
[NEGATIVED] By deleting “30” and substituting “23”.
- 5(22)  
[NEGATIVED] By deleting “30” and substituting “22”.
- 5(23)  
[NEGATIVED] By deleting “30” and substituting “63”.
- 5(24)  
[NEGATIVED] By deleting “30” and substituting “24”.
- 5(25)  
[NEGATIVED] By deleting “30” and substituting “40”.
- 5(26)  
[NEGATIVED] By deleting “30” and substituting “24”.
- 5(27)  
[NEGATIVED] By deleting “30” and substituting “23”.
- 5(28)  
[NEGATIVED] By deleting “30” and substituting “23”.
- 5(29)  
[NEGATIVED] By deleting “30” and substituting “26”.
- 5(30)  
[NEGATIVED] By deleting “60” and substituting “41”.
- 5(31)  
[NEGATIVED] By deleting “60” and substituting “43”.
- 5  
[NEGATIVED] By deleting subclause (32).
- 5(33)  
[NEGATIVED] By deleting “60” and substituting “122”.

- 5(34)  
[NEGATIVED]  
By deleting “60” and substituting “54”.
- 5  
[NEGATIVED]  
By deleting subclause (36).
- 5  
[NEGATIVED]  
By deleting subclause (37).
- 5(39)  
[NEGATIVED]  
By deleting “57” and substituting “66”.
- 5(41)  
[NEGATIVED]  
By deleting “60” and substituting “66”.
- 6  
[NEGATIVED]  
By deleting the proposed section 2A and substituting—  
**“2A. Special membership arrangement for 2012**  
 (1) Despite section 2, this section has effect.  
 (2) In the subsector ordinary election to elect the members of the Election Committee assigned to the Hong Kong and Kowloon District Councils subsector for the term of office of the Election Committee commencing on 1 February 2012—  
 (a) if the number of validly nominated candidates exceeds 66 but does not exceed 71, subsection (6) applies to all those candidates who are not returned at the election because—  
 (i) they do not obtain as many votes as the elected candidates; or  
 (ii) lots are drawn under section 29(6) and the lot does not fall on them;  
 (b) if the number of validly nominated candidates exceeds 71, subsection (6) applies, subject to subsection (4), to the 2 candidates who—  
 (i) are not returned at the election because of the reasons specified in paragraph (a)(i) or (ii); and  
 (ii) obtain the greatest number of votes among the candidates who are not so returned.  
 (3) In the subsector ordinary election to elect the members of the Election Committee assigned to the New Territories District Councils subsector for the term of

office of the Election Committee commencing on 1 February 2012—

- (a) if the number of validly nominated candidates exceeds 66 but does not exceed 71, subsection (6) applies to all those candidates who are not returned at the election because—
    - (i) they do not obtain as many votes as the elected candidates; or
    - (ii) lots are drawn under section 29(6) and the lot does not fall on them;
  - (b) if the number of validly nominated candidates exceeds 71, subsection (6) applies, subject to subsection (4), to the 2 candidates who—
    - (i) are not returned at the election because of the reasons specified in paragraph (a)(i) or (ii); and
    - (ii) obtain the greatest number of votes among the candidates who are not so returned.
- (4) If due to equality of votes it is impracticable to determine under subsection (2)(b)(ii) or (3)(b)(ii) any one or more candidates to whom subsection (6) applies, the Returning Officer must determine the result by drawing lots and subsection (6) applies to the candidate on whom the lot falls.
- (5) Subsection (6) does not apply unless at the time of the subsector ordinary election the Legislative Council Ordinance (Cap. 542) provides that the fifth term of the Legislative Council constituted in 2012 is to have 70 members, whether or not the provision has come into operation.
- (6) During the period in which this subsection applies to a person, the person is for all purposes a member of the Election Committee.
- (7) If subsection (6) applies to a person—
  - (a) the person is deemed, for the purposes of sections 35 and 39, to be duly elected as a member of the Election Committee at a subsector election; and
  - (b) the application of subsection (6) to the person is

- deemed, for the purposes of section 39, to be the result of a subsector election.
- (8) To avoid doubt, a person to whom subsection (6) applies is regarded as an unsuccessful candidate for the purposes of section 5 of the Election Committee (Subscribers and Election Deposit for Nomination) Regulation (Cap. 569 sub. leg. C).
- (9) Subsection (6) ceases to apply to a person on the date on which the term of office of the fifth term of the Legislative Council commences under the Legislative Council Ordinance (Cap. 542) in 2012.
- (10) Despite subsection (13), on subsection (6) ceasing to apply to a person under subsection (9), the Electoral Registration Officer must—
- (a) strike out the name and other relevant particulars of the person from the final register of members of the Election Committee that is in effect under section 43 on the date referred to in subsection (9); and
  - (b) publish in accordance with the EAC Regulations a notice that the name and particulars have been so removed.
- (11) During the period in which subsection (6) applies to any persons under subsection (2), item 5 of Table 4 in section 2 has effect as if the number “66” in column 4 is substituted by the number “71”.
- (12) During the period in which subsection (6) applies to any persons under subsection (3), item 6 of Table 4 in section 2 has effect as if the number “66” in column 4 is substituted by the number “71”.
- (13) This section expires on the date referred to in subsection (9).
- (14) Despite subsection (13), if—
- (a) an appeal is lodged under section 39 to question the deemed election of a person under subsection (7); and
  - (b) when this section expires under subsection (13), the appeal is pending,

subsection (7) continues to have effect until the withdrawal or final disposal of the appeal as if it had not expired.”.

New

NEGATIVED

By adding—

**“10A. Schedule, section 29 amended (System of voting and counting of votes)**

The Schedule, section 29(2)—

**Repeal**

everything after “At a subsector ordinary election”

**Substitute**

“(except for the Hong Kong and Kowloon District Councils and New Territories District Councils subsectors), a voter may vote for as many candidates as, but not more than the number of members allocated to the subsector concerned. As for the Hong Kong and Kowloon District Councils and New Territories District Councils subsectors, a voter is entitled to cast a single vote for one candidate.”.”.



**Appendix I****WRITTEN ANSWER****Written answer by the Secretary for Development to Prof Patrick LAU's supplementary question to Question 1**

As regards whether the Administration had carried out any comprehensive planning for business districts, as the Financial Secretary has pointed out in the 2011-2012 Budget Speech, in order to enhance Hong Kong's competitiveness, the Government must maintain a steady and adequate supply of Grade A offices and strive to develop new high-grade office clusters through land use planning, urban design, area improvement and the provision of better transport networks. As for commercial buildings, the land available for sale next year includes sites that will provide a floor area of 600 000 sq m for commercial/business use. The Administration will continue to put up for sale Government land for development into commercial buildings, and will continue to identify more suitable sites for commercial development.

On the demand and supply of land, major land use requirements were examined comprehensively in the "Hong Kong 2030: Planning Vision and Strategy Study" and appropriate planning measures were recommended to support economic growth in the long run. After extensive consultation and in-depth study, the Study has emphasized the importance of maintaining a steady and adequate supply of Grade A offices so as to sustain Hong Kong as a leading financial centre and regional business hub. Based on the recommendations of the Study, we will continue to consolidate and enhance the existing Central Business District (CBD), while exploring new quality office nodes outside the CBD. Concrete recommendations include freeing up government accommodation not requiring a prime location and development new office clusters at strategic locations in the metro areas such as Kai Tak and West Kowloon. The demand for other general business use including non-prime offices and traditional industry/warehouse uses will be tackled through revitalization of old industrial areas and development of other office clusters outside prime locations.

Through the push of urban planning, mass transit system and market forces, a few new office nodes are emerging in the metro areas such as Quarry Bay and Kowloon East. The development of government offices at Quarry Bay has

**WRITTEN ANSWER** — *Continued*

catalyzed office development in the area. Industrial sites at Quarry Bay have been gradually transformed into office use, a number of which are for Grade A offices. Besides, to facilitate business development, we introduced the "Other Specified Uses" annotated "Business" (OU(B)) zone in 2001. Many "industrial" sites in Kowloon East (including Kowloon Bay and Kwun Tong) have been rezoned as "OU(B)" to allow greater flexibility of land use so as to facilitate office use in the industrial space. The area is being transformed from a predominantly industrial area into a thriving business district. The office node in Kowloon East will achieve synergy with the planned new office cluster in neighbouring Kai Tak, providing high-grade offices outside the CBD.

In the long run, transport infrastructure will continue to facilitate office decentralization. As mentioned above, we will develop Kai Tak into another quality office node to take advantage of the location of a station of the Shatin to Central Link. The Kai Tak Government Offices, expected to be completed in 2015, will speed up development of commercial office space at this brand new node. The South Island Line (East), which is scheduled for completion in 2015, will facilitate redevelopment of industrial buildings in Wong Chuk Hang for office use. The development above the terminus of the Guangzhou-Shenzhen-Hong Kong Express Rail Link located in West Kowloon has also been designated as quality office space.

We will keep in view the demand and supply of office stock, and will continue to promote office supply to address demand through proactive land use planning and other relevant initiatives.

**Appendix II****WRITTEN ANSWER****Written answer by the Secretary for Financial Services and the Treasury to Mr CHAN Kam-lam's supplementary question to Question 1**

As regards the proposed Kai Tak Government Offices (KTGO) project, the Government plans to construct a new government office building in the Kai Tak Development Area to provide office accommodation of about 33 000 sq m Net Operational Floor Area (NOFA). Some 14 000 sq m NOFA of the proposed KTGO will be used to reprovision government offices currently accommodated at the Trade and Industry Department Tower in Mong Kok, while the remaining 19 000 sq m will be used for setting up a new community hall and relocating government offices now housed in leased premises in other districts (mainly in Southeast Kowloon).

The KTGO will be constructed by a design-and-build contractor. As tender assessment of the project is now in progress, information about the design of the project is not available.

The Government plans to seek funding for the project from the Finance Committee in the next Legislative Session. Subject to funding approval, construction of the KTGO is expected to commence in 2012 at the earliest with a view to completion by 2015.

**Appendix III****WRITTEN ANSWER****Written answer by the Secretary for Development to Mr Abraham SHEK's supplementary question to Question 1**

As regards whether the Government would reconsider redeveloping the Central Market while preserving the integrity of the Central Market as a heritage at the same time, so that there could be additional office space of 1 million sq ft in Central, in his 2009-2010 Policy Address, the Chief Executive set out the policy initiative of "Conserving Central" to strike a balance between economic development and cultural conservation. The Government has since mapped out a comprehensive strategy for the seven government projects under the theme of "Conserving Central" and rendered support for the eighth which is Sheng Kung Hui's revitalization of its building cluster at Lower Albert Road. The revitalization of the Central Market is one of the seven government projects. In October 2009, the Government removed the Central Market site from the Application List and at the same time announced the plan to hand it over to the Urban Renewal Authority (URA) for revitalization purpose. The vision is to turn the existing Central Market building and the space above it into an "urban oasis" to improve the air quality in the district as well as to provide an additional leisure place rarely found in this busy area for white collar workers, locals and tourists.

To follow up on the announcement in the Policy Address, the URA set up the Central Oasis Community Advisory Committee (COCAC) in December 2009 to seek public views on revitalizing the Central Market. In the ensuing territory-wide opinion survey conducted by the COCAC through face-to-face interviews and online questionnaire, it was confirmed that the general public welcome the initiative and look forward to a green space suitable for cultural and arts events, and restaurants with local characteristics, with commercial elements kept to a minimum, at the revitalized Central Market. These public views were also echoed by professionals (for example, please see the attached letter to the *SCMP* editor from Prof Edward NG of The Chinese University of Hong Kong) and the local community of the Central and Western District attending subsequent workshops on the revitalization of the Central Market. To encourage further public participation, roving exhibitions around the territory were arranged

**WRITTEN ANSWER** — *Continued*

throughout April 2011 to collect public views on four design concepts created by four architectural consultants engaged by the URA. We are pleased to note that very active and enthusiastic response was received. The Administration therefore has no plans to sell the Central Market site for redevelopment into office space use.

Seperately, we are acutely conscious of the growing demand for office space, particularly in the Central Business District. The Development Bureau is adopting a multi-pronged approach to address this problem which was discussed at the Seminar on Office Development in Hong Kong hosted by the Development Bureau on 12 March 2011. Video records of the various presentations at the seminar, including those by the Secretary for Development and the Director of Planning, can be found at the Development Bureau's website at <[www.devb.gov.hk](http://www.devb.gov.hk)>.

**WRITTEN ANSWER** — *Continued*

Letter to the *SCMP* editor from Prof Edward NG of The Chinese University of Hong Kong (extracted from page 12 of the *SCMP* on 20 April 2011)

**Grade A office  
will create heat  
island effect**

Architect Oren Tatcher's argument suggesting not turning a concrete block into an urban oasis, but instead turning it into a bigger block, completely misses the point ("You can't turn a concrete block into an urban oasis", April 12).

I am sure by now most people can recognise the phrase "urban heat island".

A recent study by Professor Emily Chan of Chinese University's public health department attributes an increase of heat stress related mortality of 1.8 per cent for every degree beyond 28.2 degrees Celsius.

The urban climatic map that the Planning Department has published indicates that the areas around Central Market are experiencing a daytime urban heat island temperature of four to five degrees beyond the norm.

Scientifically, we all know what is causing it — bulky buildings forming walls blocking the needed air ventilation; podiums that occupy the whole site leaving no air volume around them; man-made materials that increase the thermal capacity of the urban environment and the lack of urban greenery.

An oasis exists in a desert not next to a park.

As an urban designer, one should try to improve the environment where it is most needed.

When examining the urban climatic map more closely, it is evident that a few areas in urban Hong Kong are problematic.

The Central/Sheung Wan area, that measures roughly one kilometre by one kilometre, is in need of mitigation measures.

Providing green spaces is an effective strategy. In the vicinity, Central Market, Central Police Station and Hollywood Road Police Married Quarters are the only remaining large open spaces yet to be filled. They must all be preserved.

Ask an old lady pushing the cart, making a living under the sun on the street if she wishes to see yet another Grade A tower with blank glazed facades filling the only remaining gap on this portion of Queen's Road Central. I am sure she will tell you a story closer to memory.

It would be more humane for her to be able to take a moment to rest and take refuge from the hot and scorching sun of a Hong Kong summer in an oasis (fake or not).

If she tried to do that in a Grade A office block, she would probably be kicked out by the security guards.

Of course, none of that matters if, as members of the architectural profession, we can afford to dream about architectural philosophy and enjoy a cup of cappuccino behind the glazed blank facades of the Grade A office towers.

Yes, I can agree that you cannot turn a concrete block "easily" into an urban oasis, but that does not mean you should instead build office towers of whatever grade.

We already have too many of these buildings. Let us give life a chance in this area and think about making money elsewhere. Professor Edward Ng,  
School of Architecture,  
Chinese University of Hong Kong

**Appendix IV****WRITTEN ANSWER****Written answer by the Secretary for Financial Services and the Treasury to Dr Raymond HO's supplementary question to Question 1**

As regards the timetable on plans to relocate government departments to industrial buildings in the near future, the Development Bureau is making preparation for the purchase and conversion of an industrial building for relocating the New Territories West Regional Office of the Water Supplies Department and setting up of a Water Conservation Education Centre. With the endorsement of the project by the Public Works Subcommittee in May this year, the Development Bureau will seek funding approval from the Finance Committee in June. The Government will, in the light of the experience gained from the project, review the suitability of converting industrial buildings as government offices or facilities.