

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 22 February 2012

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, G.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, J.P.

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, J.P.

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

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

MR YAU SHING-MU, J.P.  
SECRETARY FOR TRANSPORT AND HOUSING

THE HONOURABLE RAYMOND TAM CHI-YUEN, J.P.  
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 PERCY MA, ASSISTANT SECRETARY GENERAL

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

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

## 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>
Education (Amendment) Regulation 2012 .....	23/2012
Education (Exemption) (Private Schools Offering Non-Formal Curriculum) (Amendment) Order 2012.....	24/2012
Hong Kong Examinations and Assessment Authority Ordinance (Amendment of Schedule 1) Order 2012.....	25/2012
Protection of Children and Juveniles (Places of Refuge) (Amendment) Order 2012.....	26/2012
Guardianship of Minors (Amendment) Ordinance 2012 (Commencement) Notice .....	27/2012

## Other Papers

- No. 71 — Report of changes made to the approved Estimates of Expenditure during the third quarter of 2011-12  
Public Finance Ordinance: Section 8

- No. 72 — Li Po Chun Charitable Trust Fund  
Financial statements together with the Report of the  
Director of Audit and Report of the Trustee on the  
Administration of the Fund for the year ended 31 August  
2011

Report of the Bills Committee on Legislative Council (Amendment) Bill  
2011

## ADDRESSES

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

(Mr Frederick FUNG stood up)

**PRESIDENT** (in Cantonese): Mr Frederick FUNG, what is the problem?

**MR FREDERICK FUNG** (in Cantonese): President, as you have announced that you would consider participating in the Chief Executive election, may I ask if you should continue to chair the meeting when relevant issues may be discussed later?

**PRESIDENT** (in Cantonese): I thank Mr FUNG for his question. If I think that any issues on the Agenda are related to my public announcement that I would seriously consider participating in the Chief Executive election and I cannot handle them, I will leave the chair temporarily and the President's Deputy will take the chair.

**PRESIDENT** (in Cantonese): Mr TAM Yiu-chung will address the Council on the Bills Committee's Report on the Legislative Council (Amendment) Bill 2011.

**Report of the Bills Committee on Legislative Council (Amendment) Bill 2011**

**MR TAM YIU-CHUNG** (in Cantonese): President, in my capacity as Chairman of the Bills Committee on Legislative Council (Amendment) Bill 2011, I would like to present the report of the Bills Committee and briefly report on the deliberations of the Bills Committee.

The object of the Legislative Council (Amendment) Bill 2011 (the Bill) is to provide for the filling of any vacancy in the membership of the Legislative Council arising during the term of office of the Legislative Council in any Geographical Constituency or the District Council (second) functional constituency by a replacement mechanism in certain circumstances. The Bills Committee has had detailed discussions on issues such as the Bill's conformity with the Basic Law, the implementation details and the scope of the replacement mechanism proposed by the Administration.

Having considered the views of the Bills Committee, the Administration agreed to propose a number of Committee stage amendments to revise the proposed replacement mechanism. The Bills Committee received a briefing from the Administration on 4 July 2011 on the proposed revised replacement mechanism. Based on the revisions, a vacancy arising mid-term should first be filled by a candidate on the same list. If the vacancy was not filled, it would then be filled by the operation of the precedence list as proposed in the Bill.

While some members expressed support for the Administration's proposed revision, some other members expressed different views. Some members proposed that a Member who has resigned from office should be prohibited from standing in any by-elections. Some members remarked that the vacancy should be filled by the candidates on the same list of the Member who resigned. If the vacancy could not be filled by the candidates on the same list, a by-election should be held to fill the vacancy. Furthermore, some members considered that the proposed replacement mechanism should not apply to causal vacancies arising from death, serious illness or other involuntary circumstances. Members called on the Administration to provide more time to consider members' views and make use of the summer recess to conduct a public consultation exercise on relevant issues.

On 22 July 2011, the Administration released a Consultation Paper on Arrangements for Filling Vacancies in the Legislative Council and on 20 January



2012, the Administration published the Consultation Report on Arrangements for Filling Vacancies in the Legislative Council. The Administration has introduced a new bill to implement the latest proposal. In accordance with Rule 64 of the Rules of Procedure, the Secretary for Constitutional and Mainland Affairs would later announce that the Bill would be withdrawn upon resumption of the Second Reading debate on the Bill.

President, I so submit.

## ORAL ANSWERS TO QUESTIONS

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

### **Problem of Pregnant Mainland Women Giving Birth in Hong Kong**

1. **DR MARGARET NG** (in Cantonese): *President, at present, the SAR Government implements the same policy in respect of pregnant Mainland women whose spouses are permanent residents of Hong Kong ("singly non-permanent resident pregnant women") and those whose spouses are not permanent residents of Hong Kong ("doubly non-permanent resident pregnant women") giving birth in Hong Kong. There have been comments that children of "singly non-permanent resident pregnant women" are children born to Hong Kong people, and as indicated by the figures given by the Government in reply to a question of a Member of this Council in November 2009, the number of babies born in Hong Kong to "singly non-permanent resident pregnant women" in each of the years between 2002 and 2008 was some 7 000 to 9 000 which was not substantial, the hospitals in Hong Kong were able to cope with them, and therefore the SAR Government should deal with "singly non-permanent resident pregnant women" and "doubly non-permanent resident pregnant women" separately in formulating its policy on pregnant Mainland women giving birth in Hong Kong. In this connection, will the Government inform this Council:*

- (a) *of the number of babies born in Hong Kong to "singly non-permanent resident pregnant women" in each of the years between 2009 and 2011; and*

- (b) *whether the SAR Government will respectively formulate different policies on "singly non-permanent resident pregnant women" and "doubly non-permanent resident pregnant women" giving birth in Hong Kong (including measures regarding the two aspects of quotas for obstetric services in public and private hospitals as well as fees payable by non-local pregnant women using obstetric services in public hospitals, and so on); if it will, of the details; if not, the reasons for that?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, as far as obstetric services are concerned, it is the Government's policy to ensure that Hong Kong residents are given proper obstetric services as well as priority in the use of these services. The Administration is very concerned about the surge of demand for obstetric services in Hong Kong by non-local women (mainly from the Mainland) in recent years, which have caused tremendous pressure on the overall obstetric and neonatal care services and affected the provision of services to local women. To ensure that local pregnant women are given priority for obstetric services and neonatal care services, the Hospital Authority (HA) revised the obstetric services arrangements for non-local women in February 2007. The HA would reserve sufficient places in public hospitals for delivery by local women and public hospitals would only accept bookings from non-local women when spare service capacity is available.

In view of the increasing demand for obstetric services in Hong Kong by local women and the possible effects of the "Year of the Dragon", especially in this year, we have launched further measures in the middle of last year to limit the number of non-local pregnant women giving birth in Hong Kong in 2012 to 35 000. Public hospitals will provide 3 400 delivery places for non-local women in 2012. If the demand for obstetric services in public hospitals from local pregnant women increases, we will further reduce or cancel all the places for non-local women in order to cater for the service needs of local pregnant women. Once the service quotas are full, the HA will stop accepting bookings from non-local women. As for private hospitals providing obstetric services, they will also ensure that adequate quotas are reserved for local women, and consider reducing the number of bookings for deliveries by non-local women in 2012 having regard to their own circumstances. They would limit the overall quotas reserved for non-local women to around 31 000. We estimate that there will be

a nearly 20% decrease in the number of deliveries by non-local women in Hong Kong in 2012 as compared with 2011.

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

- (a) In 2009 and 2010, the numbers of live births born in Hong Kong to Mainland women whose spouses are permanent Hong Kong residents are 6 213 and 6 169 respectively, and the number for January to November 2011 is 5 745.
- (b) Hong Kong's healthcare system is provided primarily for Hong Kong residents. For both public and private healthcare services, local residents are the key targets of services. Our public healthcare services are heavily subsidized by the Government at an average rate of over 95%. It is necessary for the Administration to ensure that our public healthcare services can meet public demand and at the same time can sustain in the long term within the limited financial resources. Therefore, we need to draw up eligibility criteria for receiving the heavily subsidized public healthcare services and accord priority to taking care of the needs of Hong Kong residents. The provision of healthcare services for non-local residents should be limited to a level that can be supported by our healthcare system.

Following the recommendation of the Report of the Task Force on Population Policy released in 2003, eligibility for the heavily subsidized healthcare services is restricted to holders of Hong Kong Identity Card or children under 11 years of age who are Hong Kong residents (that is, Eligible Persons (EPs)). Non-Hong Kong residents who are the spouses or children of Hong Kong residents would be regarded as Non-eligible Persons (NEPs). These people and other non-Hong Kong residents are provided with public healthcare services in emergency situations and they may seek non-emergency public healthcare services when there is spare service capacity. However, the rates of charges applicable to NEPs will apply. Since the public healthcare services in Hong Kong are heavily subsidized by the Government, this arrangement can help ensure the rational use of public resources.

In addition, fees for public healthcare services are currently charged based on the status of the patients directly receiving the services (that is, depending on whether the patient is an EP or not) and no consideration is given to family relationship. As in the case of obstetric services, fees are charged based on the status of the pregnant women, and no consideration is given to whether their husbands are Hong Kong residents or not. Therefore, non-local women who are spouses of Hong Kong residents are required to pay charges applicable to NEPs when using the obstetric services in Hong Kong. At present, we have no plan to differentiate non-local women giving birth in Hong Kong into different categories for different treatment.

We understand that some Mainland spouses of Hong Kong residents would like to give birth in Hong Kong. They can register for public obstetric services when spare service capacity is available in public hospitals. We also encourage private hospitals to provide service first to Mainland pregnant women whose husbands are Hong Kong residents as far as possible, after they have accorded priority to serving local pregnant women, so that these Mainland pregnant women can choose to deliver in local private hospitals.

I would like to draw the attention of the Mainland spouses of Hong Kong residents who intend to deliver in Hong Kong that they are required to make prior booking at hospital before using our obstetric services. They are also required to undergo antenatal checkups by obstetricians in Hong Kong at an appropriate stage to assess if they are suitable to give birth in Hong Kong so that the pregnant women and their fetuses are not subject to risks associated with travels or other factors. We hope that the pregnant women would take their own safety and that of their babies as their prime consideration and avoid the dangerous behaviour of seeking emergency deliveries through Accident and Emergency departments shortly before labour without prior booking.

**DR MARGARET NG** (in Cantonese): *President, according to the main reply of the Secretary, the Government has admitted that we have the responsibility to*

*provide service first to "singly non-permanent resident pregnant women". As a matter of fact, in handling the booking confirmation certificates, the Government has administratively divided Mainland pregnant women into two categories, namely Mainland pregnant women whose spouses are permanent residents of Hong Kong and those whose spouses are not permanent residents of Hong Kong. As we can find from the main reply, the relevant numbers showed that the Government can definitely offer quotas to "singly non-permanent resident pregnant women" first. Why has the Secretary stated in his main reply that "we also encourage private hospitals to provide service first to Mainland pregnant women whose husbands are Hong Kong residents as far as possible, after they have accorded priority to serving local pregnant women"? How would the authorities encourage private hospitals to implement this measure? Public hospitals can take the initiative to implement this measure as the authorities have such say. The problem is whether the authorities would take action. Now that there is sufficient spare service capacity, why do the authorities not do so?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, we think that the 3 400 delivery places to be provided in public hospitals in 2012 are insufficient to cater for all "singly non-permanent resident pregnant women" who intend to give birth in Hong Kong. There is no mechanism for HA staff to verify the information on the husbands of these Mainland pregnant women. Very often, we can only get such information when they apply for birth certificate for their baby, and we cannot get hold of such information when these women register for services. Hence, while we sympathize with these Mainland pregnant women, they are still regarded as NEPs at this stage. If we make special arrangements for them, we would have to implement appropriate measures. At present, our priority is to cater for the needs of local pregnant women first.

As we can see, the local birth rate has continuously increased in recent years. We project that the number of babies born to local women in 2012 will be higher than those in the past few years.

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

**DR MARGARET NG** (in Cantonese): *President, I have cited this sentence from the main reply: "We also encourage private hospitals to provide service first to Mainland pregnant women whose husbands are Hong Kong residents as far as possible, after they have accorded priority to serving local pregnant women", and I ask the Secretary what specific methods have been put in place to encourage private hospitals to do so.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): *President, I have something to add on this point. Individual hospitals have certain quotas, and the hospitals will give these women priority if they think that their husbands are Hong Kong residents.*

**DR MARGARET NG** (in Cantonese): *President, the Secretary has not answered my supplementary question. How can the Government encourage private hospitals to do so?*

**PRESIDENT** (in Cantonese): *Secretary, can you elaborate on measures to encourage private hospitals?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): *President, I have reiterated that during our communications with private hospitals, we have already asked them to do so, and in fact they have already taken such measure.*

**MR ALAN LEONG** (in Cantonese): *President, I can hardly accept the Secretary's remark that he is unable to differentiate between "singly non-permanent resident pregnant women" and "doubly non-permanent resident pregnant women". There are marriage certificates, aren't there? I would leave Members to judge if the Secretary is really that incompetent.*

*President, I understand that the Secretary is now discussing with private hospitals the number of quotas for non-local pregnant women to give birth in Hong Kong in 2013 because the decision will be made by the Department of Health (DH). Will the Secretary consider asking the DH to completely stop*

*giving quotas to private hospitals for "doubly non-permanent resident pregnant women" in 2013, so as to release the resources now taken up by "doubly non-permanent resident pregnant women", and admit more local pregnant women who intend to but cannot be admitted to private hospitals; and subsequently public hospitals can have more delivery places for "singly non-permanent resident pregnant women"?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, let me first talk about the childbirth figures in Hong Kong. There were 88 495 newborn babies in 2010 and 95 418 in 2011. In 2012, we expect that the figure will be controlled below 90 000, the number may be close to 88 000 or even lower, which also include the babies born to non-local pregnant women.

Concerning the service capacity, we think that at present, the total service capacity of public and private hospitals can cater for some 80 000 pregnant women. Perhaps I should also give the number of pregnant women in Hong Kong in the past few years: there were 47 847 in 2010 and the number increased to 51 436 last year. The number is expected to increase further in 2012. Since there is spare service capacity after providing services to local pregnant women, we are ready to discuss with private hospitals to see how certain quotas can be provided to other pregnant women in an orderly and safe manner. However, we expect that the quotas would be smaller than those in 2012.

**MR CHAN HAK-KAN** (in Cantonese): *Let us consider the numbers: in each of the past three years, around 6 000 "singly non-permanent resident pregnant women" had given birth in Hong Kong. If public hospitals completely stop accepting bookings from "doubly non-permanent resident pregnant women", there will be many quotas for accepting bookings from "singly non-permanent resident pregnant women" after serving local pregnant women. Why is the Government not willing to give all the existing delivery places for 3 400 non-local pregnant women to "singly non-permanent resident pregnant women"? "Doubly non-permanent resident pregnant women" can deliver in public hospitals but "singly non-permanent resident pregnant women" cannot. As far as public resources are concerned, is that unfair to Hong Kong people?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, I have just said in my main reply that public resources are mainly used to take care of local patients and local pregnant women. As for non-local pregnant women, we have not made particular differentiation.

I have also said that, the quotas would not be enough even if all the quotas this year are given to "singly non-permanent resident pregnant women". We can only provide services to 3 400 "singly non-permanent resident pregnant women" this year and the number would become smaller in 2013.

There is another point we should take note of, public hospitals often need to handle some complicated issues that cannot be handled by private hospitals, such as pregnant women having complications or other dangerous situations during delivery. Private hospitals will very often transfer these pregnant women to public hospitals before delivery, and thus, we must reserve some delivery places.

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

**MR CHAN HAK-KAN** (in Cantonese): *The Secretary has not responded if it is unfair to Hong Kong people as public resources can be used on "doubly non-permanent resident pregnant women" but not "singly non-permanent resident pregnant women"?*

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

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, I have just explained clearly the definitions of non-eligible pregnant women or patients.

**MR RONNY TONG** (in Cantonese): *President, the Secretary has indicated in his reply that he has to abide by the basic principle that local resources should be used to meet local demands. Actually, that is not the case.*



*President, I have recently received many complaints from the professional sectors, especially the financial sector. Many people have come to Hong Kong from overseas countries for business and employment, and although they have lived in Hong Kong for many years, they cannot secure a booking of obstetric service when their wives are going to give birth in Hong Kong, as in the case of Hong Kong people. I have recently received a complaint from a member of the banking sector whose wife is going to give birth two months later but she has not secured a booking of obstetric service yet.*

*President, this situation would deter overseas talents coming to Hong Kong for business or employment. Does the SAR Government have any special measures for meeting the needs of local residents rather than rigidly drawing conclusions based on these dull figures?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, Mr Ronny TONG mentions the spouses of some foreigners who temporarily live and work in Hong Kong. If they give birth in Hong Kong, they can receive obstetric services at private hospitals. I know that there is still spare service capacity in all private hospitals. Certainly, during certain period of time or in certain months, some hospitals may not have sufficient beds for pregnant women. However, there are spare obstetric beds in other hospitals and we are helping these pregnant women to get such services.

Members should understand that Hong Kong has always maintained a very high standard of healthcare services, including obstetric services and the care of newborn babies. We must maintain a high international standard, and we encourage the public and private sectors to maintain professional standards. The obstetric services provided in either private hospitals or public hospitals should always be maintained at a professional level. However, since hospitals cannot take care of so many patients at any one time, we must set quotas at different levels. However, we have sufficient service capacity to cope with the quotas set for 2012.

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

**MR RONNY TONG** (in Cantonese): *The Secretary has not really answered my supplementary question.*

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

**MR RONNY TONG** (in Cantonese): *In my supplementary question, I ask if there are systems to help Hong Kong residents secure an obstetric bed. I would like to ask the Secretary if there is a triage or referral system under which Hong Kong residents who cannot secure an obstetric bed .....*

**PRESIDENT** (in Cantonese): Mr TONG, you can only repeat the part of your question that you think the Secretary has not answered.

**MR RONNY TONG** (in Cantonese): *I would like to ask the Secretary if there is a triage or referral system that can help Hong Kong residents secure an obstetric bed.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, currently, the HA has a system under which local pregnant women can be transferred to other hospital for delivery if their preferred hospital does not have enough obstetric beds. As regards private doctors, they belong to different networks or they have admission rights to admit their patients to certain hospitals. Hence, there are networks to offer help to patients.

**PRESIDENT** (in Cantonese): We have spent 21 minutes 30 seconds on this question. Although there are seven more Members waiting for their turns to ask questions, I can only allow one more Member to ask his supplementary question.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, I find Secretary Dr York CHOW's answer ludicrous. The Secretary cannot tell us why it is impossible to differentiate between "singly non-permanent resident pregnant*

women" and "doubly non-permanent resident pregnant women". What are the technical difficulties involved? I just want to ask the Secretary one thing; one thing only .....

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Ever since Donald TSANG has assumed office, I have staged around seven demonstrations with regard to the issue on "singly non-permanent resident pregnant women", and security personnel were ordered to push me on every occasion. Can I and the victims have another meeting with the Secretary? He just needs to explain to them why the Government with \$2,400 billion in hand has no mechanism to differentiate between the two; the difference is so obvious that even the blind can tell the difference. Can he promise me that he would not order security personnel to push us away and that he would sit down and have tea with them? I just want to ask this supplementary question, President.

**PRESIDENT** (in Cantonese): Please sit down.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, I know that Mr LEUNG and some other Members as well as some members of the public have assisted a group of "singly non-permanent resident pregnant women" and their husbands in conveying their views to us. We have contacted them and explained fully to the Members concerned the problems we are facing. I think they fully understand the Government's position and what we are prepared to do. In this connection, I believe there is nothing special that requires Mr LEUNG's meddling.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, I do not know what is meant by meddling. The Chinese Government always says that the United States is meddling in the affairs of China .....

**PRESIDENT** (in Cantonese): Mr LEUNG, I have to remind Members again that Members cannot have debates during the Question Time.

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... *No, I want to ask him what he means by meddling. I am a Legislative Council Member ..... all are guests being entertained ..... as in the Peking Opera "Sha Jia Bang". He is openly insulting .....*

**PRESIDENT** (in Cantonese): Mr LEUNG, please stop speaking and be seated.

**MR LEUNG KWOK-HUNG** (in Cantonese): ..... *what does meddling mean? That is the question I am asking. I want to pursue, what does meddling mean. Is a Legislative Council Member meddling in other people's affairs when he asks to have a meeting with the Secretary on behalf of the masses?*

**PRESIDENT** (in Cantonese): Please sit down immediately.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Has he eaten shark fin? If he does not have the time, I ask if he has time to meet with those victims. Why does he say that I am meddling?*

**PRESIDENT** (in Cantonese): Mr LEUNG, please stop speaking immediately and sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, is that fair? He has openly said that I am meddling. What does meddling mean?*

**PRESIDENT** (in Cantonese): Mr LEUNG, if you do not stop speaking and sit down, I will have to enforce the Rules of Procedure.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Justice exists in the minds of people. What does meddling mean?*

**PRESIDENT** (in Cantonese): You have already expressed your views, please sit down. Mr LEUNG, the Secretary has already given an answer. If you are not satisfied with the Secretary's answer or disagree with some of the remarks he made in the question and answer session, please follow up on other occasions. This oral question ends here. Second question.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, I have a gift for the Chief Executive because some reporters have constantly asked me questions about him .....*

**PRESIDENT** (in Cantonese): Mr LEUNG, you should now ask the second main question.

**MR LEUNG KWOK-HUNG** (in Cantonese): *..... "Why quit your post and join the last-minute pigsty race for the Chief Executive?"*

**PRESIDENT** (in Cantonese): Mr LEUNG, what you have just said has violated the Rules of Procedure. Please immediately put your question according to the text of the main question you submitted.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Can't I even do so? I will put my question then.*

### **Retrofitting of Noise Barriers in Hong Kong**

2. **MR LEUNG KWOK-HUNG** (in Cantonese): *President, I have received complaints from quite a number of residents in Chai Wan District, pointing out that due to the Government's delay in retrofitting noise barriers at the road*

*section near Neptune Terrace along Chai Wan Road, the residents nearby have been subjected to noise nuisance for many years. Regarding noise barrier retrofitting works, will the Government inform this Council?*

- (a) of the number of noise barrier retrofitting works carried out in Hong Kong by the Government last year; where and when such works were carried out; and whether it has set any order of priority for such works; if not, of the reasons for that;*
- (b) when the Government will retrofit noise barriers at the road section near the densely populated Neptune Terrace along Chai Wan Road where the noise level is as high as 75 decibels, and what mitigation measures are available at present to resolve the noise problem in the district immediately; and*
- (c) of the number of noise barrier retrofitting works to be carried out in Hong Kong by the Government in the next five years; and where and when such works will be carried out?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, thanks to Mr LEUNG Kwok-hung for his question.

To mitigate the noise impact of existing roads on neighbouring residents, it is the Government's policy to consider the implementation of direct engineering solutions, where practicable, by way of retrofitting of barriers and enclosures, or resurfacing with low noise material on existing roads with a traffic noise level exceeding the limit of 70 dB(A). Since 2001, eight road sections have been retrofitted with barriers or enclosures, and 53 road sections have been resurfaced with low noise surfacing material. My reply to the three parts of Mr LEUNG Kwok-hung's question is as follows:

- (a) In the light of the above policy, retrofitting of noise barriers was carried out on eight road sections in Hong Kong by the Government last year. The eight road sections include Tuen Mun Road at Tsuen Wan, Yau Kom Tau, Anglers' Beach, Sham Tseng, Tsing Lung Tau, and Castle Bay sections, and Fanling Highway at Po Shek Wo Road to MTR Fanling Station and MTR Fanling Station to Wo Hing Road*

sections. All works are expected to be completed by phases by 2014.

The Government will, as a general principle, accord priority to existing roads with the highest noise exposure and the largest numbers of residents affected. Moreover, when modification or extension works are carried out on individual road sections, we will take opportunity to retrofit noise barriers where practicable.

- (b) Regarding the noise barrier retrofit works of the section of Chai Wan Road near Neptune Terrace, through a feasibility study, the consultant engaged by the Highways Department (HyD) proposed semi-enclosure and cantilevered noise barriers, and relocating the bus stop nearby for the retrofitting of noise barriers. To update residents of Eastern District on the conceptual design and the related works of the noise barriers, the Environmental Protection Department (EPD) and the HyD have briefed the Eastern District Council on several occasions since December 2010. The latest update was provided on 2 February this year. The noise barrier retrofit works of the section of Chai Wan Road will follow the established mechanism of the Public Works Programme of the Government and the priority. The EPD and HyD will endeavour to follow up on the works according to the procedures of the Public Works Programme.

The HyD has considered the option of resurfacing the section of Chai Wan Road near Neptune Terrace with low noise material to mitigate noise impacts. However, given the relatively steep gradient of the road with frequent bus traffic, low noise surfacing material will wear easily and result in even more noise nuisance arising from the road. Low noise surfacing is therefore not a suitable option for this road section.

- (c) In the next five years, the Government will complete the noise barrier retrofit works which are underway on six sections of Tuen Mun Road and two sections of Fanling Highway. We are also preparing to commence the new noise barrier retrofit works on Tai Po Tai Wo Road near Po Nga Court. Moreover, we will continue

to start new noise barrier retrofit works in line with the progress of the Public Works Programme.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, taking measures without regard to changes in circumstances and trusting to chance and strokes of luck are bureaucratic tactics. Have you ever been to Chai Wan, Secretary Edward YAU? Residents living in the district asked me to let you hear the noise .....*

(Mr LEUNG Kwok-hung made noises with a chicken-like object)

**PRESIDENT** (in Cantonese): *Mr LEUNG, please continue with your supplementary question.*

**MR LEUNG KWOK-HUNG** (in Cantonese): *This is the noise level at 75 decibels (dB) (He kept making noises with the chicken-like object) ..... Let me tell you, the noise level is only 60 dB. Can you stand the noise? Mrs Regina IP is a Legislative Council Member of that geographical constituency. Ms Audrey EU is also returned from that major geographical constituency. They have put similar questions to you. I am just taking their place and put a question to you. Very simply, President .....*

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

**MR LEUNG KWOK-HUNG** (in Cantonese): *In part (b) of the main reply, the Secretary pointed out that given the steep gradient, it is not a suitable option to resurface the relevant section with sand. He just told us: sorry, Mr LEUNG, Ms EU and Mrs Regina IP, it is not a suitable option to resurface the relevant section with sand. Is that not a good proof that noise mitigation is necessary? The authorities had initiated a study on resurfacing the relevant section with sand, but then call it off because the method was found unsuitable. Should nothing be done then? Is there a waiting list? This approach is "notching the boat in search of the sword", meaning that a person cut a mark on the side of a boat to*



*indicate the place where his sword has dropped into the sea, thinking that he can find his lost sword later.*

*President, do you find this acceptable? You are also a Legislative Council Member representing that district.*

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

**MR LEUNG KWOK-HUNG** (in Cantonese): *I am asking the Secretary: After saying that resurfacing the road section with sand is not a suitable option, do the authorities intend to take any actions? In saying that the option of resurfacing with sand is not viable, it actually implies that improvements are needed. As that option is not viable, he just asks the residents to wait. Why can't he think of other options? Why can't he expedite the work? Is the Government currently lacking in money?*

*May I ask the Secretary, why residents of Neptune Terrace are being treated as if they are "second-class" citizens? Although a number of Members have raised similar questions and the Secretary has taken some measures, nothing has been accomplished. Now that he has come to the Council and once again being lambasted by me, can he just call it a day?*

**PRESIDENT** (in Cantonese): Mr LEUNG, if you have raised your supplementary question, please sit down and let the Secretary reply.

**MR LEUNG KWOK-HUNG** (in Cantonese): *No, honestly, "Why quit your post and join the last-minute pigsty race for the Chief Executive?"*

**PRESIDENT** (in Cantonese): Mr LEUNG, please be seated and let the Secretary reply.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Fine. I just want to make sure he has heard me.*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, thanks to Mr LEUNG Kwok-hung for his question. I understand that residents living in that district are like those who live in other urban districts in Hong Kong, they are often subject to noise nuisances caused by road traffic in the vicinity.

As I have pointed out in the main reply, we basically intend to mitigate noise impacts on the residents of Neptune Terrace by retrofitting noise barriers. For the relevant road section, we consider that the retrofitting of semi-enclosure and cantilevered noise barriers can protect about 150 households from noise nuisances. However, Members may have learnt from my main reply and previous discussions that noise mitigation measures involve a series of works projects and priorities have to be set. We are still unable to carry out the relevant works in the district.

Regarding Mr LEUNG's question on resurfacing the section with low noise material, we have conducted a study. Regrettably, unlike the other 53 road sections which have been tested, this section has a steep gradient with frequent bus traffic. Results of previous tests showed that resurfacing roads of steep gradient with low noise material may not have satisfactory results. This is because the rapid wear and tear of road surfaces will not only result in even more noise nuisances, but also cause road hazard. Therefore, low noise surfacing is not a suitable option for this section.

**MR LEUNG KWOK-HUNG** (in Cantonese): *He has not answered my supplementary question.*

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

**MR LEUNG KWOK-HUNG** (in Cantonese): *I am certainly aware of this. After reading part (b) of the main reply .....*

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

**MR LEUNG KWOK-HUNG** (in Cantonese): *I am not going to argue with the Secretary about the suitability of resurfacing the section with sand. And yet, the conduct of a study on resurfacing implied that there is an urgent need for improving the section concerned. However, nothing has been done after the resurfacing option is considered not suitable. I ask him for the reasons. Is it because we have no money or are there any other reasons? Knowing that resurfacing the section with sand is not viable, why does he not explore other options? When he returns to office and cannot open the door of his office, will he just give up? Will he not ask his secretary for a key?*

**PRESIDENT** (in Cantonese): Mr LEUNG, please stop expressing your opinions and sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): *I am not expressing opinions. This is common sense, buddy.*

**PRESIDENT** (in Cantonese): Mr LEUNG, please be seated. The Secretary has already replied.

**DR SAMSON TAM** (in Cantonese): *President, I also wish to follow up on this issue. The Secretary stated that resurfacing the section with low noise material will result in wear and tear. I am aware that everything is subject to wear and tear, the question is the rate of wear and tear. Given that there have been so many complaints, will the authorities first adopt this approach and carry out frequent maintenance should there be wear and tear? This is a short-term remedy, it is better than not taking any actions.*

*May I ask the Secretary, are there any data indicating how long these surfacing materials, which are vulnerable to wear and tear, will last?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I thank Mr Samson TAM for his opinion. Many highways have already been resurfaced with low noise material, and this has become a common design or construction method of road surfaces. Over the past few years, we have endeavoured to resurface non-highway sections with low noise material. As I have pointed out in the main reply, we have resurfaced 53 road sections with low noise material. While we will do whatever we can, we have also carried out some tests on steep roads — Members who have been to this section of Chai Wan Road may notice that this is a downhill section with bus stops — an engineer told me that the low noise material will wear easily with vehicles putting brakes on or buses lighting and alighting passengers frequently. Such wearing of material will result in rugged road surfaces and even surface scaling, and the loose debris may hit the passing vehicles or passers-by as vehicles drive past. Thus, this gives rise to two problems. First of all, it is the road safety issue, which is pretty worrying. Secondly, it is the rapid wear and tear within a short period of time. If I did not remember wrongly the figures which my colleagues told me, the material may wear within a couple of months. Vehicles running on such rugged surfaces will create even more serious noise nuisances. Therefore, there are indeed engineering difficulties which have deterred us from adopting such an approach.

**DR RAYMOND HO** (in Cantonese): *President, as the Secretary may be aware, I have stated time and again, at meetings of the Public Works Subcommittee, Panel on Transport, Panel on Environment or Panel on Development, that I dislike the measure of retrofitting noise barriers. The reasons are: first, they are not necessarily effective; and second, they are unsightly, and the field of vision and air flow may be affected. I would regard the retrofitting of noise barriers a so-called afterthought measure, which is a remedy made in the aftermath for imperfect planning. And yet, noise barriers have to be retrofitted anyway, but suitable locations should be identified. It would be most ideal if the retrofitting works can dovetail with the relevant project, or else the noise barriers will obstruct traffic.*

*Regarding our earlier discussion on the use of low noise material on retrofitting the relevant road section, I recall that the Secretary has briefed the relevant Legislative Council Panel that the effects were unsatisfactory after being tested on many road sections. There are also potential hazards as the loose sand may hurt passers-by or other vehicles. The use of low noise material may*

*have better result in highways, such as the Eastern Corridor. May I ask the Secretary, are there other new materials which have been used in other countries? It seems that new materials are cropping up all the time and have yet to be tested. I personally do not agree to using low noise surfacing material or retrofitting noise barriers. I prefer using new materials to resurface the road as a short-term solution. In the long run, apart from using new materials, consideration can also be made to move the bus stops further away to temporarily reduce the noise impacts .....*

**PRESIDENT** (in Cantonese): Dr HO, you have raised your supplementary question and please let the Secretary reply.

**DR RAYMOND HO** (in Cantonese): ..... *The major long-term solution is probably the retrofitting of noise barriers. Although this may not necessarily be the last resort, it is a possible option when no other options can be identified.*

**PRESIDENT** (in Cantonese): Dr HO, you asked the Secretary if he has explored the use of new materials. Secretary, please reply.

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I thank Dr HO for his opinion. Regarding the resurfacing materials, we have all along been conducting studies on their application. I do not have information about new materials in hand, but if the engineering sector learns of new developments with regard to resurfacing materials and such materials are applicable in Hong Kong, our engineering division will definitely test for their suitability for use.

**MISS TANYA CHAN** (in Cantonese): *President, just now the Secretary mentioned some reasons for wear and tear. Residents moved to Neptune Terrace in the 1990s, and they have been waiting since then. It was not until 2001 that the Government announced a timetable and put the road section in question on the waiting list for noise mitigation works. Today, 11 years from 2001, the mitigation work is still a measure in the indefinite future.*

*President, the wearing of materials mentioned by the Secretary in his earlier reply is mainly found in steep roads with bus stops and where vehicles frequently put brakes on. However, if my memory does not fail me, the section concerned is a two-way lane, with one going uphill and the other heading downhill. Both lanes may emanate noise. Will the resurfacing of one lane of the road with low noise material help mitigate the noise nuisances? After all, residents are greatly affected by the noise nuisances. We certainly understand that noise emanated from the downhill lane is greater, but will the authorities consider resurfacing one lane with low noise material first as an interim measure, so that the noise emanated from that lane can be reduced before considering the retrofitting of noise barriers?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I thank Miss Tanya CHAN for her suggestion. If she has been there, she may notice that the road section in question is in close proximity to Neptune Terrace, especially Block 2 and Block 3, and there is also a bus stop. Just now, I said that low noise material cannot be used in the relevant section for two engineering considerations. First, it is the wear and tear of the road surface. My colleagues just now told me that the wear and tear may occur in a couple of months. In other words, wear and tear is expected to occur a few months after resurfacing the relevant section with low noise material. So, how effective will that be?

Furthermore, the rugged road surface may also cause noise and other problems. Given that both the uphill and downhill lanes are of steep gradient, the abovementioned difficulties actually apply to both lanes.

**MR WONG KWOK-HING** (in Cantonese): *President, regarding the Government's reply, part (b) of the main reply stated that "The noise barrier retrofit works of the section of Chai Wan Road will follow the established mechanism of the Public Works Programme of the Government and the priority." Indeed, the crux of the issue is: how to enhance the transparency of the arrangement of improvement works. In fact, I have also received strong views from residents living on both sides of Chai Wan Road, saying that the Government's reply has failed to give them a timetable and the priority of works, as well as details about how the selection is made. If residents are asked to wait, how long should they wait? The Government should inform them of the*

*concrete timetable and the works which have been accorded top priority. What is more, will the Government consult Members of the Legislative Council?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, I thank Mr WONG Kwok-hing for his supplementary question. In my main reply, I have stated that such works will be accorded priority on a yearly basis in accordance with the established mechanism of the Public Works Programme. As I have said earlier, there are approximately 22 such works in the pipeline. What is the order of preference in general? Very simply, there are two major factors of consideration: First, the number of people affected. If more residents are affected, the urgency is greater. Second, the noise exposure. If the noise exposure of one place is higher than the other, it will be accorded a higher priority.

Furthermore, with regard to Public Works Programme, money is not the only concern. During a certain period of time, the manpower and resources required for handling the works project are limited. There are currently eight works underway and the ninth one has also been put to tender. In that case, there is a genuine need for us to prioritize various works projects.

**MR WONG KWOK-HING** (in Cantonese): *President .....*

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

**MR WONG KWOK-HING** (in Cantonese): *Yes, the Secretary has not answered about the timetable of the works concerning Chai Wan Road and whether Legislative Council Members will be consulted.*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, the timetable of public works projects will be set according to their priority. When a certain project is about to commence, we will follow the general procedures for public works projects and seek funding approval from the Legislative Council.

**MS AUDREY EU** (in Cantonese): *President, regarding the retrofitting of noise barriers next to Neptune Terrace, a similar question has been put by me in the past. When I asked the Secretary last time, the Neptune Terrace project has, in fact, been put in the pipeline for more than a decade. According to the explanation given by the Secretary in his previous reply, the design process had to start all over again due to some mistakes. We thought that the relevant project would then be put back to the pipeline. However, as stated in part (b) of the main reply, "the EPD and HyD will endeavour to follow up on the works according to the procedures of the Public Works Programme." No specific time frame has been given. In part (c) of the main question, the Government was asked where the noise barrier retrofitting works would be carried out in the next five years. As Members may be aware, in the next five years, the Government will complete noise barrier retrofit works in Tuen Mun and Fan Ling, but not Neptune Terrace. In other words, President, the noise barrier retrofit works in Neptune Terrace will not commence in the next five years.*

*Just now, the Secretary mentioned that the criteria for setting the priority are the number of people affected and the noise exposure. I wish to ask the Secretary one question: Is the period of subjecting to noise nuisances a considering factor in setting the priority of works? I would like to know, how long the residents of Neptune Terrace have been waiting and suffering from noise nuisances from the first day they moved in the premise till 2012. Among road sections which emanate noise exceeding 80 dB that noise mitigation measures are required, what is the priority of the Neptune Terrace project? How much longer shall residents have to wait? When will the project actually commence? President, the Secretary has been silent on these issues throughout the entire reply. The residents have been waiting for more than a decade but to no avail. Can the Secretary advise us when the retrofit works will be completed? No, when will it commence? President, I dare not ask when it will be completed.*

**PRESIDENT** (in Cantonese): Ms EU, please let the Secretary reply.

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): I thank Ms EU for her supplementary question. Firstly, as I have previously said in response to a similar question raised in the Legislative Council, we did have divergent views with the residents on how the noise problem should be addressed in respect of the design a few years ago. Yet, unlike what Ms Audrey EU has said, there are no



mistakes regarding the design. After liaising with the residents and upon further consultation, it turns out that the project to be implemented is of a much larger scale than originally intended.

Furthermore, as Members may be aware, our annual Public Works Programme will be set according to the priority of the public works projects. Among the 39 projects, eight has been completed and nine being underway, whereas the remaining 22 are still in the planning stage. They certainly include the works project of the section of Chai Wan Road near Neptune Terrace. As to which of these 22 public works projects will be accorded higher priority, the abovementioned criteria will be considered. I will strive to include as many works projects into the priority list by all means, and I also hope that the project under discussion will be carried out as early as possible.

**MS AUDREY EU** (in Cantonese): *President, he has not answered my supplementary question. Given that the Neptune Terrace project has been put in the pipeline for the longest period of time, what is its current ranking in the priority list? When will the project commence?*

**SECRETARY FOR THE ENVIRONMENT** (in Cantonese): President, frankly speaking, the Neptune Terrace project has not been accorded a high priority among the remaining 22 projects, in consideration of the number of people affected or the noise exposure. I notice that for some projects, thousands of households may be affected and they are exposed to a higher noise level than residents of Neptune Terrace. No matter what, we would try our best to get sufficient resources each year to carry out various works projects according to their priority.

**PRESIDENT** (in Cantonese): This Council has spent more than 23 minutes on this question. Third question.

### **Remarks on Hong Kong People Made by a Beijing Academic**

3. **MS CYD HO** (in Cantonese): *President, it has been reported that regarding the incident of a Mainland visitor being rebuked on the spot by a*

*member of the public of Hong Kong for eating and drinking in an MTR train compartment, KONG Qingdong, a Peking University professor, commented on a television programme that "if order is maintained by the legal system, it shows that people are lacking quality and self-consciousness, they will not behave well if they are not being flogged, and it all comes down to one word — cheap!", criticizing Hong Kong people for being fettered by the law and lacking humanistic qualities. It has also been reported that this incident revealed the difference in the spirit of the rule of law between the two places as well as the conflicts of culture and identity among community groups. In this connection, will the Government inform this Council:*

- (a) whether it knows if Prof KONG Qingdong has made other comments on Hong Kong people; if he has, of the details; after the aforesaid incident, whether other Mainland academics have made any remark on the words and deeds of Hong Kong people; if they have, who these academics are and to which tertiary institutions they belong;*
- (b) of the resources allocated by the SAR Government for publicizing Hong Kong's edge in the rule of law on the Mainland in the past 10 years; of the targets for such publicity other than the government officials and business sector, and whether tertiary institutions and the media were included; whether the authorities have assessed the effectiveness of such publicity; if they have, of the effectiveness; if not, whether the authorities will formulate work plan to follow up, and of the content of such plan; and*
- (c) whether the authorities will reiterate to the public the SAR Government's determination in upholding the rule of law, and of the actions to be taken for demonstrating such determination; how the authorities will make joint efforts with the MTR Corporation Limited (the MTRCL) to avoid recurrence of similar incidents; what specific work the authorities will undertake to resolve the conflicts of culture and identity between the people of Hong Kong and those on the Mainland?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, my reply to the three-part question is as follows:

- (a) It was stated in our written response to a similar question raised by a Member at the Legislative Council meeting of 15 February 2012 that we noticed that the comments made by a Peking University professor on a Mainland webcast television programme had aroused extensive responses in the Hong Kong community. The Hong Kong Special Administrative Region Government (HKSAR Government) respects and safeguards the freedom of speech and academic freedom. However, the relevant comments have gone beyond academic deliberations and are abusive. We certainly cannot endorse nor accept the outrageous comments made by that professor. Regarding whether other academics have commented on the people of Hong Kong, we have not paid special attention to this and will not keep count of and study the relevant individual comments made by them.
- (b) The HKSAR Government has all along been flexibly deploying resources to promote Hong Kong overseas and in the Mainland via the overseas and Mainland Offices of the HKSAR through different channels, including arranging outgoing visits by senior officials, speeches on open occasions (including tertiary institutes) and media interviews by them, and organizing various types of other promotional activities. These promotional efforts very often focus on the latest development of Hong Kong and its strengths in various aspects, including Hong Kong's legal system and the rule of law.

The HKSAR Government also invites guests from overseas and the Mainland to visit Hong Kong under the Sponsored Visitors Programme. These visitors will meet with government officials and representatives from different sectors of the community, so that they can personally observe the situation of Hong Kong.

Apart from these general promotion and publicity activities, the Department of Justice (DoJ) has been making much effort in promoting exchange and co-operation on legal matters with the Mainland authorities. Mainland legal officials may come to Hong Kong to receive training in common law under exchange programmes. Since its commencement in 1999, a total of 165 Mainland legal officials have completed the exchange programme by

2011. The DoJ has also engaged in co-operation arrangements with individual Justice Departments/Bureaux at the provincial and municipal levels whereby short term exchange programmes would be arranged on a reciprocal basis. The DoJ has also jointly organized promotional activities in the Mainland together with the Hong Kong legal professional bodies to promote Hong Kong's legal and arbitration services, such as the "Legal Services Forum" held in July 2010 in Shanghai (and the forum would be held again in the second half of this year). Moreover, visits to the DoJ were paid by officials and lawyers from the Mainland from time to time, and they were briefed on the work of the DoJ and the legal system of Hong Kong. The aforementioned exchanges could enhance mutual understanding of the respective legal systems, including Hong Kong's rule of law.

- (c) The rule of law, enshrined in our legal system and providing a secure environment for individuals and organizations, is undoubtedly a crucial factor in Hong Kong's success. The HKSAR Government's determination to uphold the rule of law in Hong Kong is beyond doubt.

The Mass Transit Railway By-laws (the MTR By-laws) regulates matters such as fares and tickets, conduct of passengers and activities of members of the public within the railway premises, and so on. When handling passengers' inappropriate behaviour, MTR staff will generally make verbal requests or issue written warnings depending on the seriousness of the situation. If the inappropriate behaviour is not rectified after repeated requests, MTR staff will collect relevant personal information from the passenger for initiating prosecution. MTR staff conduct patrols in stations and train compartments daily to perform related duties. The MTRCL encourages passengers to report to MTR staff as soon as possible in case they are disturbed by other passengers' behaviour for immediate handling.

In addition, in order to strengthen its efforts in combating fare evasion, enforcing MTR By-laws and to assist in the management of passenger flow in stations more effectively, the MTRCL set up the By-laws Inspection Unit (BIU) in April 2009, which consists of 29

staff with experience in disciplinary services and 74 contract security staff. The BIU, station staff, the Ticket Inspection Unit and the Railway District Police work hand-in-hand to maintain order in stations. Meanwhile, the MTRCL reminds passengers to be considerate and not to cause any inconvenience to other passengers through regular passenger education and promotional activities such as conducting courtesy and safety campaigns, as well as those through the media, in-train public announcements, passenger publications and promotional leaflets. The Government will continue to encourage the MTRCL to carry out relevant passenger education and promotional activities on a regular basis, with a view to reminding passengers to abide by the MTR By-laws.

Public education efforts are an integral part of the promotion efforts by respective parties of the Government. Among these parties, the Home Affairs Bureau has been collaborating with the Committee on the Promotion of Civic Education (CPCE) to promote civic education outside school. The CPCE promotes various core civic values such as respect, responsibility, care and love, social harmony, courtesy, inclusiveness, and so on, to members of the community through various channels such as sponsoring community organizations to organize activities, publications, promotional programmes, production of TV programmes, thematic workshops and exhibitions. The Home Affairs Bureau and the CPCE will continue to promote civic education through the above channels.

President, Hong Kong is a multi-cultural international city and a harmonious community with heterogeneous diversity. Local residents and incoming visitors may have diverse cultural background, ways of living and social systems. It is our common hope that all people can live together in harmony, with diversity and inclusiveness under the common values of mutual understanding and respect.

**MS CYD HO** (in Cantonese): *President, regarding the Government's determination to uphold the rule of law or otherwise, the Secretary's indication in part (c) of the main reply that its determination is "beyond doubt" cannot hide the*

*fact that the Government has taken the lead to trample the rule of law and incite discrimination against new immigrants. After the Court of Final Appeal made its judgment in 1999 confirming that the right of abode shall be enjoyed by Mainland children of Hong Kong residents, the Government had acted out of expediency in governance and lied to Hong Kong people with the claim that 1.67 million new immigrants would arrive to compete with local residents for jobs and welfare benefits; it has taken the lead to label the new immigrants. To date, the number of new immigrants who have come to Hong Kong has never reached that number. Has the Secretary ever reflected on the fact that the then misleading remarks are actually the bane of discrimination against certain social groups? Will he formally clarify to Hong Kong people and make a public apology for misleading them at that time?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, regarding the relevant court case and incidents mentioned by Ms Cyd HO, it is the usual practice of the SAR Government to act in accordance with the law after the Court had made its judgment on the relevant cases, and to give effect to various measures to be implemented under the new legal principles. When implementing its policies, the Government would of course assess the situation on the basis of various factors as well as objective information. Hence, I believe that first and foremost, we should make the assessment professionally on the basis of objective information. Secondly, if there are new principles in law or from the Court which necessitate any change or introduction of Government policies, we will definitely follow up in compliance.

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

**MS CYD HO** (in Cantonese): *In my supplementary question, I ask the Secretary whether he has done any reflection. Notwithstanding the reply just given by the Secretary who has distorted the facts, I specifically asked him whether he had reflected on the fact that the root of discrimination and conflicts among different groups had been planted then? From the reply he has just given, he might as well tell me outright that he was incapable of reflection.*

**PRESIDENT** (in Cantonese): Ms HO, you have already repeated your supplementary question. Let me see if the Secretary has anything to add.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, as I just mentioned in the main reply, the Administration — for instance, through the colleagues of the Home Affairs Bureau, the CPCE, the Equal Opportunities Commission (EOC), and so on — has all along strived to eradicate all forms of discrimination in society and promote the idea of harmonious co-existence among people of different backgrounds and cultures in society. We have been working in this area over the years, and will continue to strengthen our work in future.

**MR LEUNG KWOK-HUNG** (in Cantonese): *President, there is a Chinese saying "the scholar, who wrote a three-page agreement for buying a donkey, has not mentioned the word donkey", et cetera, et cetera. These are apt descriptions of Secretary's reply, it is all empty talk without any substance.*

*The Secretary said that he was not aware of the remarks made by Prof KONG Qingdong. But has he heard of Prof KONG Qingdong's naming Hong Kong people as "dogs" in his tirade? This is a well-known incident. Is the Secretary well aware of this incident? Has he followed this incident or expressed any views? I can provide the Secretary with a reply, which I want him to consider and relay to Prof KONG Qingdong ..... Prof KONG Qingdong called Hong Kong people "dogs" because they are dog-like for having lived under British colonial rule. My reply goes like this, of course, Prof KONG Qingdong is .....*

**PRESIDENT** (in Cantonese): Mr LEUNG, please refrain from making comments.

**MR LEUNG KWOK-HUNG** (in Cantonese): *..... justified in his comments .....*

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

**MR LEUNG KWOK-HUNG** (in Cantonese): *Yes, please let me state my reply, and see if the Secretary has followed the matter. I hope Prof KONG Qingdong can find out, among Members of the Standing Committee of the Political Bureau of the Central Committee of the Chinese Communist Party (CPC), or even members of the CPC Committees of provinces and municipalities, people who have emigrated to overseas countries because by his logic, these people are "dogs above the dogs".*

**PRESIDENT** (in Cantonese): Mr LEUNG, your comments have been quite lengthy, please ask your supplementary question.

**MR LEUNG KWOK-HUNG** (in Cantonese): *No, I hope the Secretary will answer Prof KONG Qingdong with this reply. If Hong Kong people are "dogs" for having to live under foreign rule against their will previously, then what are those people in high and powerful positions now who will do anything to buy properties in overseas countries? Are they "dogs above the dogs", or "dogs above the dogs above the dogs"? Hence, Prof KONG Qingdong should find, among Members of the Standing Committee of the Political Bureau of the CPC Central Committee .....*

**PRESIDENT** (in Cantonese): Mr LEUNG, you are making comments now, please sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): *..... the Political Bureau, and down to the CPC Committees of municipalities, all the "dogs"; he should castigate them first before telling us off.*

**PRESIDENT** (in Cantonese): Please sit down.



**MR LEUNG KWOK-HUNG** (in Cantonese): *Has Prof KONG Qingdong .....*

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

**MR LEUNG KWOK-HUNG** (in Cantonese): *..... ever thought about this? Has he ever thought of this reply?*

**PRESIDENT** (in Cantonese): Mr LEUNG, what you just said is not a supplementary question which requires an answer from the Secretary. Mr LEE Cheuk-yan, please ask your supplementary question.

**MR LEUNG KWOK-HUNG** (in Cantonese): *Then, has he thought about this?*

**PRESIDENT** (in Cantonese): Please sit down.

**MR LEUNG KWOK-HUNG** (in Cantonese): *He is an official of the imperial court, yet he sees nothing.*

**MR LEE CHEUK-YAN** (in Cantonese): *The figure of 1.67 million people has been mentioned in the supplementary question just now. I am calling on the Secretary to engage in some serious reflection because the final figure given recently is 80 000. There is such a huge discrepancy between 1.67 million and 80 000. They have already torn Hong Kong people and Mainlanders apart at that time. My supplementary question is also related to KONG Qingdong.*

*KONG Qingdong said Hong Kong people were "cheap", and called Hong Kong people "dogs", we are of course infuriated by these remarks, but he also said that the legal system of Hong Kong was redundant because the quality of the people was most important. Nonetheless, I think he has become a target of the autocratic rule of Communist China because he is now asked to "shut up", and his freedom of speech cannot be safeguarded due to the absence of rule of law in*

*China. I think Hong Kong people would like to have a good dialogue with KONG Qingdong. In the main reply, the Secretary stated that the SAR Government would often invite legal academics, scholars and officials from the Mainland to visit Hong Kong. I would like to ask the Secretary whether KONG Qingdong would be invited to visit Hong Kong and have more dialogue with Hong Kong people, so that he can understand the value of our legal system, as well as the importance of rule of law, academic freedom and freedom of expression, with the result that he will engage in some serious reflection and gain a true understanding of Hong Kong's situation? Will the Secretary, on behalf of the SAR Government, invite Prof KONG Qingdong to visit Hong Kong and have a dialogue with Hong Kong people?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, regarding the Sponsored Visitors Programme mentioned in the main reply, the Government usually makes plans annually for visitors to be invited the following year. According to the information I have, we have no plans at this stage to invite the said professor to visit Hong Kong.

**MR IP KWOK-HIM** (in Cantonese): *President, as reflected by the remarks of KONG Qingdong, it is indeed necessary to strengthen mutual understanding between the people of Hong Kong and the Mainland at both the official and unofficial level. At present, many Mainland students are studying in Hong Kong. Every year, many graduates will go back to the Mainland to either further their studies or work, while some will stay in Hong Kong to continue their studies or work. Under this circumstances, has the Government considered working in the direction of turning these Mainland students who stay in Hong Kong as folk ambassadors for promoting exchanges and deeper understanding between the two places? Will the Secretary work in this direction to promote deeper mutual understanding and better communication between the people of the two places? Will the Secretary take forward the relevant initiatives or introduce other plans?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, thanks to Mr IP Kwok-him for his supplementary question. I think a good suggestion has been made by Mr IP. When working

in my previous post, I had also visited The Hong Kong Institute of Education to conduct exchanges between Mainland students studying in Hong Kong. I recall that the Basic Law was the theme of the exchange activity that night, with the focus on the implementation of "one country, two systems" in Hong Kong. I had the opportunity to listen to their personal experience of living in the Mainland for many years, as well as their understanding of living in Hong Kong for some years.

From that exchange activity, my impression is that given their knowledge of the two places, these students have a good understanding of the different cultural backgrounds, social systems and living habits of the two places. Owing to the different cultural backgrounds and living habits of the two places, I think we need more people with knowledge of the two places — for example, these young people whom Mr IP mentioned just now — to be our "ambassadors", as I would call them, so as to facilitate communication between citizens of the two places. I think this is a very good suggestion. I will discuss the matter further with colleagues of the Education Bureau to examine whether more exchange opportunities would be provided so that they can act as a bridge. I think this will be helpful.

**DR RAYMOND HO** (in Cantonese): *President, hundreds of thousands of Mainland visitors come to Hong Kong every day for sight-seeing and shopping, and it takes time to resolve the cultural difference of the two places. Can tourism be a starting point in our quest for the most effective solution? For instance, given the large number of incoming tourists from the Mainland every day, is it possible to require tour guides to provide some basic information to the tourists before the tour begins? This suggestion is made because if only leaflets are distributed, the tourists may not read them. If tour guides are required to explain some basic rules to the tourists orally, such as no littering on the streets, the need to keep quiet in some venues, no eating inside MTR train compartments, and so on, such basic knowledge would be imparted to the hundreds of thousands of incoming tourists from the Mainland every day. Will the Secretary consider this suggestion?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, according to the information I have, I am aware that

consideration has been given by the Hong Kong Tourism Board (HKTB) to the different living habits between incoming tourists from the Mainland and local residents. Hence, the HKTB has now provided on its website a list of information to remind incoming tourists of the matters, as well as the relevant rules and regulations they should take note of during their stay in Hong Kong. For instance, it is clearly stated that smoking is prohibited in all indoor public places, eating and drinking are not allowed on most public transport in Hong Kong, littering or spitting is liable for a fixed penalty fine of \$1,500, and so on. The reminder ends on the note of "Please help to keep Hong Kong clean and beautiful!".

As far as I can see, comprehensive information presented in a courteous tone has been listed out in the website. I think incoming tourists from the Mainland who read the tips will find the information useful and consider this initiative from the HKTB a gentle reminder. Nonetheless, the HKTB will continue to monitor the situation closely. If necessary, consideration will be given to strengthening publicity and awareness in this regard when organizing promotional activities for visiting Hong Kong. For instance, regarding the general direction just outlined by Dr Raymond HO, I think we can relay the same to the HKTB for its consideration as to whether further initiatives can be taken in respect of tour guides. As the relevant information is already available on the website, can consideration be given as to whether more effective means are available to disseminate such information to incoming tourists? That is an issue worth considering.

**PRESIDENT** (in Cantonese): This Council has already spent nearly 21 minutes on this question. Fourth question.

### **Declaration of Interests by Members of Executive Council**

4. **MS EMILY LAU** (in Cantonese): *President, it was reported in the press at the end of last year that an Executive Council Member, who is also a Legislative Council Member, and his family members reduced holding of their assets in Hong Kong, including 13 residential units and seven lots, during the period from September to December last year. There were public comments expressing concerns whether the Executive Council Member reduced holding of*

*such assets because he had obtained inside information, arousing concerns among members of the public whether the authorities could ensure that Executive Council Members would not reap excessive profits because they had access to sensitive inside information. Furthermore, in 2010 when the Executive Council Member and his family members gained profits by way of "confirmor sale" prior to the launching of anti-speculation measures for residential properties by the authorities, public comments already suspected whether this was a result of his access to inside information, yet the authorities did not conduct any in-depth investigation into the matter. In this connection, will the executive authorities inform this Council:*

- (a) since the incident of the Executive Council Member and his family members gaining profits by way of "confirmor sale" in 2010, whether they have tightened the system of declaration of interests by Executive Council Members to enhance transparency and accountability;*
- (b) whether in the past three years when the Executive Council discussed sensitive issues such as housing and land, it had on the ground of conflict of interests prohibited any Member holding a large amount of properties and lots from obtaining the papers and participating in the discussions on such issues; if it had, of the details; and*
- (c) of the number of declarations of interests made by Executive Council Members to the Chief Executive and the Executive Council in the past three years because conflict of interests was involved; of the details of cases in which Executive Council Members had to declare their interests in relation to the issues of housing and land, as well as those in which they had withdrawn from the relevant discussions?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I shall answer the questions raised by Ms Emily LAU on behalf of the Administration.

The main purpose of the system of declaration of interests for the Executive Council is to ensure that Executive Council Members are fair,

disinterested, impartial and unbiased in providing advice to the Chief Executive. Under the current system, Executive Council Members are required to declare their interests at specified intervals, so that members of the public as well as the Administration can monitor whether any Executive Council Member has obtained benefits in his/her official capacity, who has access to undisclosed information.

Specifically, all Executive Council Members are required to register their personal interests annually which mainly cover remunerated directorships of companies, remunerated employments, land and property owned in Hong Kong and overseas, ownership of more than 1% shares in the issued capital of a company, and so on. Any changes to their registrable interests should be reported within 14 days. All these information will be uploaded to the Executive Council website for public inspection.

Executive Council Members are also required to declare to the Chief Executive in confidence greater details of their financial interests including shareholdings (irrespective of the amount) in companies as well as futures and option contracts held. Any changes to the interests declared as well as any currency transactions exceeding HK\$200,000 should be reported within two trading days after their occurrence.

In addition, under the current system of declaration of interests, in case an Executive Council Member has material personal interests in an item to be considered by the Executive Council, he/she should withdraw from the discussion. This can effectively prevent him/her from obtaining benefits with the access to undisclosed information.

Ms Emily LAU asked about the so-called benefits from "confirmor sales" by an Executive Council Member in 2010. The Administration must make it very clear that after the incident was reported in the media, the Administration immediately launched an in-depth investigation to examine and analyse all details on property transactions declared by the Member, the discussions relating to land or property at the Executive Council meetings during the relevant period and the relevant documents. The analysis indicated that the property transactions did not constitute direct conflict of interests in the items discussed by the Executive Council and also there was no evidence to suggest that the Member had used the confidential information of the Executive Council for his personal interests. The Administration's findings were reported to the Legislative Council on

15 November 2010. The Chief Executive's Office wrote to Ms Emily LAU on the same day to explain the declaration system of the Executive Council and reported on the detailed examination and analysis.

Ms Emily LAU also pointed out that the Executive Council Member concerned reduced holding of certain land and property last year. The Administration again conducted an examination and found no evidence to suggest that the reduction of such assets was related to any confidential information obtained from the Executive Council meetings.

On the three specific questions raised by Ms Emily LAU, our reply is as follows:

- (a) The current reporting system is strict and effective. The Administration has examined the relevant requirements after the incident concerning the omission to declare interests in relation to properties in 2010 and considered it necessary to make the provisions clearer to avoid any misunderstanding. Since the technical issues involved are complicated, we need more time to conduct analysis and draft the provisions before consulting Executive Council Members. The Administration is at the final stage of its work and we plan to finish it before the end of the current-term Government.
- (b) I just pointed out in the reply that the main purpose of the system of declaration of interests is to ensure that the Executive Council Members can provide impartial advice to the Chief Executive. If a particular Member has direct and material interests in an item to be discussed by the Executive Council, he/she is required to withdraw from the discussion and would not be issued with relevant papers. Direct and material interests refer to:
  - (i) Significant personal pecuniary interests which might be materially affected by the decision of the Executive Council;
  - (ii) Directorship, partnership or advisory positions of companies which might be materially affected by the decision of the Executive Council;

- (iii) Professional positions held by the Executive Council Members in advising or representing any individual or association in connection with the item under discussion; and
- (iv) Other close or substantial interests which, if they are known publicly, might lead members of the public to consider that an Executive Council Member's advice might well have been motivated by or associated with his/her personal interest rather than by the duty to give impartial advice.

Based on the above principles, the amount of property or land owned by an Executive Council Member is not crucial in determining whether he/she should withdraw from any discussions. In the event that the Member has only one property but that may be materially affected by the Executive Council's decision, the Member is required to withdraw from the discussion.

- (c) Statistics on declaration of interests or withdrawal from discussions by the Executive Council Members in respect of specific items for discussion (including those relating to housing or land) at the Executive Council meetings are set out in the Annex.

Annex

2009-2011

Declaration of interests or withdrawal from discussions by Executive Council Members in respect of specific items for discussion at the Executive Council Meetings

	<i>Number of Meetings</i>	<i>Items for discussions</i>		<i>Declaration of Interests</i>			
		<i>Related to housing and land</i>	<i>Others</i>	<i>Related to housing and land</i>		<i>Others</i>	
				<i>Withdrawal from discussion not required</i>	<i>Withdrawal from discussion required</i>	<i>Withdrawal from discussion not required</i>	<i>Withdrawal from discussion required</i>
2009	35	74	150	117	21	116	7
2010	37	79	152	135	11	230	13
2011	37	75	172	112	11	318	15



**MS EMILY LAU** (in Cantonese): *President, the Secretary pointed out in the main reply that after the incident concerning the omission to declare interests in relation to properties by the Executive Council Member in 2010, the authorities had started examining the relevant requirements. In my main question, I asked whether the authorities would tighten the system of declaration of interests to enhance transparency and accountability. Yet, the Secretary has not responded to this part of my question. He only stated that it would be tightened slightly to avoid any misunderstanding on the part of Members in making the declarations. This simple task, which commenced in 2010, has been carried on till 2011 or 2012. However, according to the Secretary, it is hoped that the work would be completed before the end of the current-term Government and is subject to the consultation of Executive Council Members. It is definitely necessary to consult the views of the persons concerned. However, he has not mentioned whether the views of Members of the Legislative Council and the public will be consulted. If the problems lie in the system, why no amendment has been proposed after examining for almost two years? Why the public are not being consulted? The Secretary said that there were problems but what those problems were? What problems had arisen in the past two years? Are there still loopholes in the system?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): President, I would like to thank Ms LAU for her supplementary question. According to the information in hand, the work concerned is close to completion, and I believe a discussion will be held at the Executive Council very soon. After making further amendment, the authorities concerned will give a clear account to the Legislative Council and the public, this will surely be done.

Regarding the direction of the amendment, according to the information I have in hand, the direction of work is to make provisions of certain relatively general requirements more specific, so as to facilitate Executive Council Members to have a clear understanding of the required scope of declaration. This direction is in line with the proposal made by Ms LAU earlier in enhancing transparency and tightening the system of declaration of interests.

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

**MS EMILY LAU** (in Cantonese): *The Secretary has not answered the question about the problems encountered. The work started nearly two years ago, yet it has not yet been completed. Is it because of the opposition of Executive Council Members, or are there other problems?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): No Executive Council Member opposes the arrangement. As I have stated in the main reply, the major problems we encountered are of a technical nature, including the need to get assistance from legal experts in examining certain wordings, and to identify specific wordings that can aptly described the scopes and interests requiring declaration on the part of Executive Council Members, so that Members will be able to make more accurate declaration of interests. These are the directions of work. As I have pointed out in my reply to Ms LAU's supplementary question earlier, it is our target to complete the work within the term of the current Government, yet according to the information in hand, we should be able to give an account of the progress of work to the legislature and Members very soon.

**MR JAMES TO** (in Cantonese): *President, in the sixth paragraph of the main reply, the Government pointed out that after the incident involving the so-called benefits from "confirmor sales" by an Executive Council Member in 2010, the Government launched an in-depth investigation and the findings indicated that there was no problem.*

*President, my supplementary question is, first, the main reply which states that "The analysis indicated that the property transactions did not constitute direct conflict of interests in the items discussed by the Executive Council", is the Government implying that an indirect conflict of interests is involved? Second, was the so-called "in-depth investigation" a mandatory investigation or a statutory investigation, or just a general administrative enquiry? If it is just a general administrative enquiry, how can the public be convinced that there is no evidence indicating that the Executive Council Member concerned had not used the confidential information of the Executive Council for his personal interests? If a mandatory or statutory investigation had not been carried out, it is only natural to come to the conclusion as stated in the main reply that there was no*

*evidence indicating that the Member had used the information for his personal interests.*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): I believe colleagues in the Civil Service responsible for the investigation have definitely handled the case impartially. According to the information in hand, after the incident occurred in 2010, the responsible colleagues had exercised due diligence in carrying out the relevant investigations. The Executive Council Secretariat had made professional comparisons and studies on the items discussed, particularly those relating to housing and land, and the possession of property of the Executive Council Member during the period in question.

The Chief Executive's Office had, based on the investigation results, provided a reply to Ms LAU and had answered the queries of the public. Hence, I have no more information to add. The conclusion, as stated in the then reply, was that the incident did not constitute direct conflict of interests and there was no evidence suggesting that the Executive Council Member had used the information provided to gain profits.

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

**DEPUTY PRESIDENT** (in Cantonese): Mr TO, which part of your supplementary question has not been answered?

**MR JAMES TO** (in Cantonese): *The Secretary has not answered whether it was a mandatory investigation or a statutory investigation, or simply a general administrative enquiry. Does the earlier remark made by the Secretary suggest that it is indeed a general administrative enquiry?*

**DEPUTY PRESIDENT** (in Cantonese): Please be seated. Secretary, please provide additional information.

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Since the incident involved the requirement of Executive Council Members to declare interests every year and the operation of the declaration system, the investigation on the Executive Council Member concerned was carried out by the Executive Council Secretariat and colleagues in the Civil Service. The Secretariat had checked the papers and records of the meetings concerned and conducted an analysis and comparison on the property transactions carried out by that Executive Council Member, and a report was then submitted to the Chief Executive. The conclusion was mentioned in my main reply earlier.

**DR LAM TAI-FAI** (in Cantonese): *Deputy President, regarding the Executive Council Member, who is also a Legislative Council Member, mentioned in Ms Emily LAU's main question today, though she has not named the Member, I believe it is not Mr LAU Kong-wah, for Mr LAU Kong-wah would not have so many residential flats and lands.*

*Deputy President, may I ask the Secretary, how do western democratic countries require their cabinet members to declare interests and prevent them from using confidential or internal government information for personal gains; are such requirements more stringent or lenient than those imposed in Hong Kong? Will the Secretary provide some information or draw a comparison, so that I can have a better understanding.*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): First, I am sorry that I do not have in hand the information on the declaration systems for cabinet members of overseas government. If Dr LAM Tai-fai needs the information, I will ask colleagues from the relevant departments to find the relevant information after the meeting and report to Members later.

However, Deputy President, please allow me to give some information. In Hong Kong, arrangements have been put in place in three aspects to guard against these problems, which mainly include legal requirements, institutional arrangements and public monitoring. These measures are adopted to prevent Executive Council Members from making gains from non-disclosed information which they have obtained in their capacity as members.

In respect of legal requirements, if an Executive Council Member abuses his/her capacity to obtain confidential information for personal gains, he/she may violate the Prevention of Bribery Ordinance, commit an offence of market misconduct under the Securities and Futures Ordinance, or misconduct in public office under the common law.

As for institutional arrangements, I have explained in my reply that if a particular Member has direct and material interests in an item to be discussed by the Executive Council, he/she is required to withdraw from the discussion and would not be issued with relevant papers.

For the third aspect, that is public monitoring, all Executive Council Members are required to register their interests regularly which include property and land owned, and any changes to their declared interests should be reported. I have explained this in detail earlier. The content of the declaration will be uploaded to the Executive Council website for public inspection.

Moreover, all Executive Council Members are required to declare to the Chief Executive details of their financial interests at specific time and at regular intervals. This will also facilitate the monitoring work of the authorities.

Regarding institutional arrangements, I have mentioned this point in my reply to Ms Emily LAU's supplementary question earlier. Concerning the requirements on declaration of interest, the colleagues concerned are now working to make the provisions more specific, and I believe that the work will complete very soon. I do not have the information on overseas practice in hand, and I will inform Dr LAM Tai-fai later.

**DEPUTY PRESIDENT** (in Cantonese): Dr LAM, which part of your supplementary question has not been answered?

**DR LAM TAI-FAI** (in Cantonese): *Deputy President, though the Secretary .....*

**DEPUTY PRESIDENT** (in Cantonese): Which part has not the Secretary answered?

**DR LAM TAI-FAI** (in Cantonese): *I understand that the Secretary does not have the information in hand, yet I believe the Secretary can tell me whether our current requirements are more stringent or more lenient than those in western democratic countries. I believe the Secretary will definitely have some idea .....*

**DEPUTY PRESIDENT** (in Cantonese): Alright, Dr LAM. Secretary, will you respond to the question in this respect?

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Since I do not have the information in hand, I dare not answer this question hastily. I can only answer this question when I have the objective information. (Appendix I)

**MR PAUL CHAN** (in Cantonese): *Deputy President, my supplementary question is about the sixth paragraph of the main reply. It is said that after the incident of the so-called benefits from "confirmor sales" by an Executive Council Member was reported in the media, the authorities had launched an in-depth investigation to examine and analyse all details on property transaction declared by the Member. The findings of the authorities indicated that those property transactions did not constitute direct conflict of interests in the items discussed by the Executive Council.*

*Deputy President, my supplementary question is, did those transactions constitute indirect conflict of interest? When the authorities investigated, examined and analysed the transaction details, had it considered the incident from the perspective of constituting indirect conflict of interest? In declaring interest, are Executive Council Members required to make declaration of indirect interest? If this is the requirement, why the authorities have not considered the incident from this perspective in the investigation?*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Deputy President, the follow-up question from Mr Paul CHAN is similar to the one put forth by Mr James TO earlier. As I said earlier, the

authorities had announced the result of the investigation, and a reply letter was issued. I do not have any more information to add now.

However, in part (b) of the main reply, I have explained the direct and material interests in four aspects, including personal pecuniary interests; the provision of advice in directorship, partnership or professional positions; and other close or substantial interests, particularly when it may lead the public to consider that the views expressed by the Member concerned may be motivated by his/her personal interest. Material interests in these four aspects have been listed out in the main reply for Members' reference. I have nothing to add concerning the conclusion.

**DEPUTY PRESIDENT** (in Cantonese): Mr CHAN, which part of your supplementary question has not been answered?

**MR PAUL CHAN** (in Cantonese): *Deputy President, my supplementary question is straightforward. It is said in the main reply that the incident did not constitute direct conflict of interests, and I asked whether indirect conflict of interests is involved.*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): This is the conclusion of the investigation at the time. It is not appropriate for me to supplement this conclusion when I do not have the relevant information in hand.

**MS EMILY LAU** (in Cantonese): *Deputy President, regarding the question of whether an indirect conflict of interests is involved, will the Secretary give a written reply later, for Members want to know the answer. Deputy President, my supplementary question is also about the sixth paragraph of the main reply. By "in-depth investigation", it turns out that no mandatory powers were exercised, and the enquiry was simply asking some questions and examining some documents. This is similar to the investigation of the incident on the Hong Kong Baptist University — the incident mentioned in the following question to be asked by Mr LEE Wing-tat shortly.*

*Secretary, how many days had the in-depth investigation lasted? Had a report been drafted on the investigation, and could the report be made public? Since the authorities are now examining how the declaration system can be improved, and in the absence of an established mechanism, will the authorities stipulate clearly that mandatory investigation will be carried out in dealing with similar complains in future, and that the investigation report should be made public. I share the views of Mr Paul CHAN that it should stipulate clearly that declaration of indirect interests should also be made.*

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Deputy President, according to the information I have in hand, the reply letter to Ms LAU was issued on 15 November 2010, in response to her letter to the Chief Executive dated 28 September. From the dates of these two letters, there was a time lag of about one to two months, so I believe the in-depth investigation was conducted by the authorities during this period.

As I mentioned earlier, the conclusion of the investigation had been issued through the Chief Executive's Office at that time. As for other areas that are not included in the investigation report, I do not have anything to add.

**MS EMILY LAU** (in Cantonese): *My supplementary question is, whether the authorities will include a requirement in the review report to be completed to stipulate that mandatory investigation will be conducted in handling complaints in future, and that the investigation findings and report will be make public. Moreover, will the authorities address the issue on indirect conflicts of interests at the same time?*

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

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): All requirements under the system of declaration of interest seek to facilitate the Chief Executive to obtain fair, disinterested, impartial and unbiased advice on items discussed by the Executive Council. Certainly, if any Executive



Council Member is involved in conflicts of interests, the Chief Executive will definitely take corresponding follow-up actions in an impartial manner.

Let me add one more point, when we obtain the specific content under the declaration system as mentioned in the main reply, we will surely report to the legislature and the public.

**DEPUTY PRESIDENT** (in Cantonese): This Council has spent more than 23 minutes on this question. Fifth question.

### **Surveys on Popularity of 2012 Chief Executive Potential Candidates Conducted by Hong Kong Baptist University**

5. **MR LEE WING-TAT** (in Cantonese): *Deputy President, the HongCOMM Survey Lab of the School of Communication of the Hong Kong Baptist University (HKBU) conducted two telephone surveys on the popularity of the 2012 Chief Executive potential candidates in December 2011 and January 2012 respectively for its Hong Kong Media Transition Project. The way by which the January 2012 survey results were released has aroused concerns among members of the University, the media and the public. An Investigation Panel comprising staff members and an alumnus of the University was subsequently set up by the HKBU, and its report (the Report) was released on 6 February this year. It has been reported that: the Report failed to address the discontent among the teaching staff and students of the HKBU as well as the public; the Investigation Panel did not examine if there was any political interference and its findings were merely based on the one-sided story from the persons being investigated; and the investigation was not conducted in an open, fair and just manner and failed to address public concerns. In this connection, will the executive authorities inform this Council:*

- (a) *whether they will set up an independent investigation panel to thoroughly investigate the aforesaid incident; if not, whether there are specific and effective means to ensure that the academic and research institutes of tertiary institutions are not subject to external pressure or political interference, so as to prevent their teaching and research work from being influenced; and*

- (b) *how they ensure that teaching staff unions of tertiary institutions will not be subject to any pressure from the institutions concerned and can fully express their views when they criticize the management of the institutions, so as to protect academic freedom?*

**SECRETARY FOR EDUCATION** (in Cantonese): Deputy President,

- (a) Academic freedom is an important social value treasured by Hong Kong and is a cornerstone of our higher education sector. The HKSAR Government is vigilant in upholding academic freedom and institutional autonomy, as well as ensuring a free academic atmosphere, in strict accordance with the Basic Law, so that academics can pursue their research, surveys and scholarly activities in accordance with their own will and aptitude.

With regard to the public concern about the manner in which the HongCOMM Survey Lab of the School of Communication of HKBU announced the results of an opinion poll, I would like to point out that the incident is entirely within the HKBU's autonomy and hence an internal matter of the University. We note that the HKBU has set up an Investigation Panel comprising both internal and external members to investigate into the matter. The Panel has already completed its task and its report has been unanimously endorsed by the Council of the University.

Academic freedom is adequately safeguarded by the existing legal and institutional framework. Academic activities will not be affected by external pressure and political interference. Precisely out of the respect for academic freedom and institutional autonomy, and taking into account the fact that the HKBU has already investigated into the incident, the Government has no plan nor is appropriate to interfere in the HKBU's handling of this internal incident, including setting up an inquiry committee to look into the matter.

- (b) Institutions have autonomy in staff appointment matters.

Under the existing legislation and institutional framework, the staff of tertiary institutions may make use of a number of channels to voice their opinions. In general, they are represented in the Councils, Senates and various committees of the institutions by members elected by them.

Furthermore, Article 27 of the Basic Law provides that Hong Kong residents have "the right and freedom to form and join trade unions, and to strike". Similar to other employees in Hong Kong, the staff members of the institutions are protected by the Employment Ordinance, which provides that every employee has the right to form a trade union and take part in union activities. The Ordinance also stipulates that an employer must not prevent or deter an employee from exercising the right to take part in the activities of a trade union, or dismiss, penalize or discriminate against an employee for exercising such a right. Therefore, staff associations of the institutions, as well as their office bearers and members, are adequately protected by law in their freedom to express their views.

**MR LEE WING-TAT** (in Cantonese): *Deputy President, a number of similar incidents have happened in Hong Kong in the past 10-odd years. The first incident concerned Dr Robert CHUNG, whose research was inquired after (or interfered) by Mr Andrew LO, the Special Assistant of the former Chief Executive TUNG Chee-hwa. A judge was then appointed to conduct an investigation on the incident. Another incident concerned Mrs Fanny LAW, the Secretary's former colleague, and Mr IP Kin-yuen, a lecturer at the Hong Kong Institute of Education. Their different views over an academic research have led to Mr IP feeling pressurized. A judge was also appointed to conduct an investigation.*

*Hence, the Secretary should not say that the HKBU incident is the University's internal matter. We are not trying to interfere in the internal matters of the HKBU. Our concern is whether the Government, in handling important issues involving academic freedom, will apply the same principle as the one applied in handling the incidents of Dr Robert CHUNG and Mrs Fanny LAW and appoint an independent judge to conduct an investigation to defend academic freedom, so as to continue to safeguard academic freedom in Hong Kong and not subject to political and other forms of interference?*

**SECRETARY FOR EDUCATION** (in Cantonese): Deputy President, I think this incident is very different from the two past incidents. As Members may remember, the two past incidents mainly concerned an accusation that the Government had interfered in the academic freedom and internal matters of the institutions concerned. In this incident, however, the Government apparently was not involved in any way. This incident is mainly caused by malpractices in certain internal procedures and work details of the institution concerned. This issue has been clearly addressed in the Report, and an Investigation Panel has been set up by the institution to this end.

As pointed out in the main reply just now, the Investigation Panel comprised both internal and external members. To the best of my knowledge, the external members included experienced media professionals. Hence, in this regard, this incident is of a completely different nature and did not in any way involve the Government. Thus, as the institution had already handled the incident on its own initiative, it is not necessary for the Government to make a separate effort to tackle the incident.

**PROF PATRICK LAU** (in Cantonese): *Deputy President, may I ask the Secretary the sources of the research funding of the HongCOMM Survey Lab of the School of Communication of the HKBU; and whether the identity of the patron will have an influence on the survey projects to be conducted?*

**SECRETARY FOR EDUCATION** (in Cantonese): Deputy President, according to my understanding, the survey in question was not conducted with public money, but mainly with contributions solicited within the institution and from private donations. Hence, as far as I know, they did not use any external funding, apart from their own recurrent funding, to conduct the survey.

**DEPUTY PRESIDENT** (in Cantonese): Prof LAU, which part of your supplementary question has not been answered?

**PROF PATRICK LAU** (in Cantonese): *Deputy President, can I further ask a question on the source of funding?*

**DEPUTY PRESIDENT** (in Cantonese): The Secretary has already answered your question.

**PROF PATRICK LAU** (in Cantonese): *I know, but he did not say where the funding came from.*

**DEPUTY PRESIDENT** (in Cantonese): He might not have answered the question to your satisfaction.

**PROF PATRICK LAU** (in Cantonese): *He did not answer where the funding came from.*

**DEPUTY PRESIDENT** (in Cantonese): If you wish to ask another supplementary question, please press the "Request to speak" button.

**PROF PATRICK LAU** (in Cantonese): *This is not another supplementary question. I only wish to ask where the funding came from. This is a simple question, is it not?*

**DEPUTY PRESIDENT** (in Cantonese): Will you please press the "Request to speak" button for another turn.

**MS EMILY LAU** (in Cantonese): *Deputy President, the Secretary said that this incident is different from the incidents concerning the University of Hong Kong and the Hong Kong Institute of Education because those two incidents involved intervention by the Government, but this incident did not. However, the problem actually concerns political interference and intervention by an external party. Is the Secretary aware of that?*

*The investigation was indeed a "makeshift product". It was completed only in seven days without investigating any external parties at all. The Investigation Panel did not inquire any external parties, though these parties had*

*actually called to request information about the investigation. The investigation only covered parties within the institution and rushed into completion in seven days without exercising the mandatory power as stated in question four just now. Students, teachers, the public and people of other institutions are all shocked; yet only the authorities do not regard it as a matter of great concern.*

*Hence, is the Secretary really aware of what is going on? I believe he should at least know that many students and teachers find the investigation unacceptable. Today, someone even asked the Chairman of the HKBU Council to step down. Hence, do the authorities come to the Legislative Council today to answer our questions without trying to find out what is going on beforehand? The Secretary said that the incident concerned an internal procedure of the HKBU. Is he genuinely aware of what the problem is?*

**SECRETARY FOR EDUCATION** (in Cantonese): Deputy President, I have carefully studied the Report and found it rather thorough. They have taken the initiative to reach a conclusion on the incident and made a lot of criticism in the way in which the result of the survey was released and the survey report was handled. The detailed information has been included in the Report released by the Investigation Panel.

As regards the time spent on completing the Report, I hold that the matter of concern is not whether a complete report can be drafted within a short time, but whether the report can point out the crux of the problem. I believe that after reading the Report, Members will find that it has addressed the problems in detail.

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

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

**MS EMILY LAU** (in Cantonese): *I was talking about external intervention. Given that the Investigation Panel did not investigate or inquire into any external*

*parties, how can the Panel reach the conclusion that the matter was caused by problems related to internal procedure?*

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

**SECRETARY FOR EDUCATION** (in Cantonese): Deputy President, as the Administration did not participate in the investigation, I can only explain in terms of the content of the Report and I cannot supplement my view on why they have reached such a conclusion.

**DR RAYMOND HO** (in Cantonese): *Deputy President, first of all, I wish to declare that I am a member of the Advisory Committee of the HKBU's School of Chinese Medicine chaired by Dr KO Wing-man and I was a former Chairman of the Council of the City University of Hong Kong.*

*Here is my question for the Secretary. Regarding academic freedom in universities or tertiary institutions, we certainly wish that the Government would apply macro-management, rather than micro-management in this regard. However, how should a dividing line be drawn, so as to decide under which scenarios the Government should express its concern or set up an independent committee to conduct an investigation? How do the authorities prioritize matters of public concern? How should a dividing line be drawn?*

**SECRETARY FOR EDUCATION** (in Cantonese): Deputy President, regarding the definition of academic freedom, we have a set of ideas. The interpretation of academic freedom is a very complicated subject. Generally speaking, academic freedom includes both rights and obligations. In practice, the line should be drawn subject to a consensus fostered by public discussion.

In fact, for teaching staff, their interpretation of academic freedom is, in plain terms, the right to seek and disseminate the truth they believe in as well as the right to seek and publish unpopular truth without being penalized for doing so. This may as well provide a reference point for us in defining future problems similar to what Dr HO has said.

**MR LEE WING-TAT** (in Cantonese): *Deputy President, may I declare again that I have subscribed to the nomination of Mr Albert HO as a candidate in the Chief Executive Election.*

*I heard the Secretary say just now that he had carefully studied the Report and so did I. He found the Report comprehensive and thorough, saying that completing the Report in seven days did not necessarily mean that the Report was not up to par. I hope the Secretary has read all the news. It has been reported that a lady under Henry TANG's camp responsible for public relations allegedly phoned up staff of the School of Communication for enquiry and rumour has it that a newspaper has learnt about the lead long time ago. I have this question for the Secretary. He said just now that the investigation was comprehensive and thorough. Then, has the Report addressed these two pieces of information? I hope the Secretary does not treat Hong Kong people as idiots. The Secretary cannot make believe that the Report is comprehensive and thorough just by saying so. If the investigation has not even inquired after or substantiated whether such information are fundamental facts, then is the so-called "comprehensive and thorough" investigation nothing less than an investigation conducted by insiders on insiders, which is the Secretary's version of a comprehensive and thorough investigation?*

**SECRETARY FOR EDUCATION** (in Cantonese): Deputy President, by "comprehensive and thorough", I mean that the Report has covered the sequence of events, why there were blunders, why the survey result was prematurely released and the inadequacies in the way the result was announced. These items are accounted for in the Report as well as later in a detailed analysis made at a press conference held for the news media. I therefore hold that the incident had been well handled. As regards whether Mr Henry TANG's public-relations officer had made the enquiry, I do not know the details and I only learned from newspapers that the person concerned asked whether there was such a survey and the other party confirmed the fact. I believe this has nothing to do with academic freedom; as it was only an enquiry.

**MR LEE WING-TAT** (in Cantonese): *My supplementary is simple, as a Secretary, you stated in this Chamber that the Report is comprehensive and thorough, and I raised the issue that Mr Henry TANG's public-relations officer*



*had made a telephone enquiry, which had generated a lot of public suspicion. Has the investigation comprehensively and thoroughly addressed this incident? If not, how does the Secretary reach the conclusion that the Report is comprehensive and thorough?*

**SECRETARY FOR EDUCATION** (in Cantonese): Deputy President, I have nothing to supplement. I just want to say that the incident has been thoroughly investigated. As for other minor details, it is simply impossible to conduct a thorough investigation into every detail; if so, it is impossible to complete the investigation, given that there are so many matters in the world that should be looked into. No wonder he said that seven days is not enough.

**MS EMILY LAU** (in Cantonese): *Deputy President, the Secretary has hardly answered part (b) of the main reply, which asked the authorities how they ensured that teaching staff of tertiary institutions would not be subject to any pressure or even dismissal when they criticize the management of the institutions.*

*May I ask the Secretary whether he knows if tertiary institutions (including the HKBU) have any system for the appointment, dismissal and promotion of teaching staff, and such system is independent, open, fair and impartial and will not be manipulated by a handful of people who use it as a tool to penalize outspoken teaching staff whom they dislike?*

**SECRETARY FOR EDUCATION** (in Cantonese): Deputy President, tertiary institutions not only enjoy academic freedom, but also autonomy in aspects such as staff recruitment. There are similar requirements laid down in the University Grants Committee and these institutions. Institutional autonomy is expressed in several aspects, which mainly include the autonomy in selecting teaching staff and students, controlling curricula, academic freedom as well as freedom in accepting research projects. Hence, institutional autonomy also covers the appointment of teaching staff. Also, as I just mentioned, teaching staff who have accepted the appointment are entitled to free speech under the Basic Law and local legislation, thus ensuring that they will not be subject to interference for expressing their views and proposing opposing opinions.

**MS EMILY LAU** (in Cantonese): *The Secretary is not answering the question at all. His performance today is regrettable .....*

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

**MS EMILY LAU** (in Cantonese): *My question is about whether a system for the appointment, dismissal and promotion of teaching staff is available to handle their promotion and salary increment in an independent, open, fair and impartial manner, such that individual parties in high positions with power cannot manipulate the system to penalize outspoken staff. I believe the Secretary is unable to answer .....*

**DEPUTY PRESIDENT** (in Cantonese): Ms LAU, please sit down.

**MS EMILY LAU** (in Cantonese): *..... I believe the Secretary is unable to provide an answer today. I hope that he can provide a written reply.*

**DEPUTY PRESIDENT** (in Cantonese): Ms LAU, please sit down. Secretary, can you specifically answer Ms LAU whether there is such a system?

**SECRETARY FOR EDUCATION** (in Cantonese): Let me say it again that tertiary institutions enjoy autonomy. Hence, they have the autonomy to set up a system for addressing the issues just mentioned. As far as I understand, all tertiary institutions have set up their own system to deter people from dominating or manipulating in such cases.

**MS EMILY LAU** (in Cantonese): *I hope the Secretary can provide a written reply to tell us more about this system as I believe the Secretary does not have the information in hand now.*

**DEPUTY PRESIDENT** (in Cantonese): Secretary, can you gather information after the meeting to answer Ms Emily LAU's question?

**SECRETARY FOR EDUCATION** (in Cantonese): Deputy President, as we do not keep such information, I will write to these tertiary institutions for the information and then forward them to Members. (Appendix II)

**DEPUTY PRESIDENT** (in Cantonese): Secretary, please provide the information to Ms LAU as far as feasible. Last question seeking an oral reply.

### **Blasting Works for MTR West Island Line**

6. **MR CHEUNG HOK-MING** (in Cantonese): *Deputy President, after I raised a question last year concerning the safety of the tunnel blasting works for the Hong Kong section of Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL), I have recently received complaints one after another regarding the structural problems caused to nearby buildings by the underground blasting works for the West Island Line (WIL). In this connection, will the Government inform this Council:*

- (a) *whether it knows the total number of complaints received by the MTR Corporation Limited (MTRCL) as at 30 January this year about the problems caused to nearby buildings by the tunnel boring or blasting works for the new lines under construction, with a breakdown by railway line and district; among such complaints, the number of those which were referred to loss adjusters for investigation and the results of such investigations;*
- (b) *as I have learnt that while the MTRCL will conduct condition surveys for buildings before the commencement of works, quite a number of residents, building owners and owners' corporations are dissatisfied that the MTRCL has neither consulted them before conducting the condition surveys nor disclosed the results after completing the surveys, making it difficult for the affected parties to claim reasonable compensation in the future, whether the authorities will consider urging the MTRCL to enhance the transparency of its*

*condition surveys; apart from the referral by the MTRCL of complaint cases to the loss adjusters commissioned by the MTRCL itself for investigation, whether the authorities will consider assisting the affected parties who have financial difficulties and who are elderly in employing independent surveyors or loss adjusters to conduct objective evaluations and arbitration, or assisting the affected parties to conduct such evaluations through other means (for example, through the Buildings Department (BD)); if not, of the reasons for that; and*

- (c) *whether the authorities and the MTRCL have assessed the impact of the airflow and vibration, which are within the relevant statutory limits, generated by tunnel boring or blasting works on older buildings or buildings which are structurally more fragile; if they have, of the details; if not, whether they will consider conducting a comprehensive assessment so as to address public concerns?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Deputy President, over the past 30 years or so, the MTRCL has been building underground railway stations or tunnels by means of boring or blasting in densely-populated and built-up urban areas, accumulating considerable experience in this field. To comply with international practices and standards, the MTRCL will decide whether to build the tunnels and underground stations by boring or blasting after taking into account such factors as geological conditions, tunnel design and surrounding environment. Many of the existing underground railway stations and tunnels were built by boring or blasting. For instance, Tai Koo Station and North Point Station were built by blasting. The railway tunnel between Fortress Hill Station and Shau Kei Wan Station of the Island Line as well as Tai Lam Tunnel of the West Rail Line were also built by blasting. The Kowloon Southern Link was constructed by boring. It has been proven by experience that these construction methods will not affect the structural safety of nearby buildings.

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

- (a) Railway projects currently underway are the WIL, the Hong Kong section of XRL, the South Island Line (East) (SIL(E)) and the Kwun Tong Line Extension. Except the tunnel works of the Kwun Tong

Line Extension have not commenced, the other three railway projects are undergoing tunnel construction works now.

On public complaints concerning railway works affecting building structures, we have, as at 30 January 2012, received 119 complaints about the WIL project, 81 complaints about the Hong Kong section of the XRL project (complaints received involve locations in Yuen Long, Tsuen Wan, Sham Shui Po and Yau Tsim Mong areas), and two complaints about the SIL(E) project (all complaints involve locations in Southern District). As for the Kwun Tong Line Extension project, no complaint has been received so far. Among these complaints, 68 cases concerning the WIL and 41 cases concerning the Hong Kong section of the XRL were referred to loss adjusters. The loss adjusters have completed the investigation of these 109 cases, and have confirmed that the damage identified does not affect building safety.

- (b) To safeguard the interests of the owners and occupiers and for formulating the most suitable construction method and preventive procedures for implementation during the works, the MTRCL will engage professional surveyors to carry out "pre-construction building condition surveys" for nearby buildings and structures before the commencement of the works so as to record the conditions of the buildings in the vicinity of the works area. To conduct such surveys within the building boundary, the MTRCL has to obtain the prior consent of relevant owners and occupiers. The MTRCL will try its best to have the surveys conducted on the dates and at the times proposed by the occupiers.

As the survey reports contain the interior details of the flats involved, the MTRCL will pass the reports directly to the owners of the relevant flats upon their requests so as to protect their interests and privacy.

When complaints from residents on damage of their buildings are received, the MTRCL's staff members will first conduct a preliminary check with the residents. Depending on the complexity of individual cases, the MTRCL may refer the cases to a loss adjuster for assessment. The loss adjuster, employed by an

insurance company acting as a third party instead of engaging by the MTRCL, will assess the compensation claims independently in a professional and open manner. This well-established practice is commonly adopted locally and abroad for dealing with compensation claims on building damage. The loss adjuster will arrange to conduct site inspections with the relevant owners, the MTRCL and its contractors. If it is indicated in the assessment done by the independent loss adjuster that the damage identified is caused by the railway works, the MTRCL and its contractors will promptly discuss the repair arrangements with the relevant owners. The residents need not employ surveyors on their own for verification.

Alternatively, the residents can lodge their complaints to the BD. As the case may require, the BD will send its officers to conduct observation and detailed analysis for assessing the overall structural safety of the buildings concerned.

- (c) According to the Dangerous Goods Ordinance, the MTRCL need to obtain a licence for the use of explosives before carrying out blasting works. The MTRCL has to submit a "blasting assessment report" to the Mines Division of the Civil and Engineering Development Department for approval. The report covers, *inter alia*, the noise and vibration generated during blasting. The assessment on the impact of the works to nearby buildings and public facilities also forms part of the report so as to ensure structural safety of the buildings in the proximity. The MTRCL has in place a set of stringently controlled works procedures to be implemented during the construction period by eligible professionals engaged to ensure compliance with the requirements set out in the Buildings Ordinance and other relevant legislations.

The BD will also request the MTRCL to install sufficient monitoring points around the works site before the construction to monitor the airflow and vibration generated by the works. If nearby buildings are found to have been affected by the works, the MTRCL will have to take immediate and appropriate actions to prevent aggravation of the problems concerned. If necessary, the MTRCL will have to

cease the relevant works and submit a report including proposed mitigation measures to the BD for approval.

The MTRCL and its contractors will minimize the impact of the works to nearby communities as far as possible. The Highways Department, the MTRCL and its contractors have all along maintained close contact and communication with the residents concerned through such means as giving explanations to the residents, owners' committees, incorporated owners and local communities regarding their concerns and co-ordinating actions required; holding regular meetings of community liaison groups; publishing pamphlets on construction methods; and arranging site visit with relevant stakeholders to inspect the tunnel works and providing briefings of the works procedures and relevant safety measures by engineers.

**MR CHEUNG HOK-MING** (in Cantonese): *Deputy President, in part (a) of the main reply, the Secretary stated in paragraph two that "we have, as at January 30, 2012, received 119 complaints about the WIL project, 81 complaints about the Hong Kong section of the XRL project" and "two complaints about the SIL(E) project". These three figures add up to a total of 202 cases, how many of such cases have been dealt with? According to the main reply of the Secretary, 68 cases concerning the WIL and 41 cases concerning the Hong Kong section of the XRL were referred to loss adjusters. Yet, after deducting these 109 cases from the 202 cases, we still have 93 cases. Deputy President, I would like to ask the Secretary: with regard to the remaining 93 cases, are they being dealt with? Or does the authority consider that such cases do not have to be dealt with? If these cases are being dealt with, how long will it take to disclose the results after completion of action, so as to ease the worries of the residents?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Thanks to the Member for raising this supplementary question. The figures that he quoted are correct. Among the total of 202 cases, 109 of them were referred to loss adjusters for investigation. As for the remaining 93 cases, they have been dealt with; not by referring to loss adjusters, but resolved after communications among the staff of the MTRCL, the relevant parties and the complainants

concerned. The 109 cases mentioned above were referred to loss adjusters for investigation.

**MR KAM NAI-WAI** (in Cantonese): *Deputy President, just now, when the Secretary talked about the 109 cases which had been referred to loss adjusters, he said that "the damage identified does not affect building safety". I would like to ask the Secretary: if the damage identified in these 109 cases does not affect building safety, will the MTRCL be liable for repairing the damage and making compensation? Why does the MTRCL only provide the reports on "pre-construction building condition surveys" to the owners upon their request, instead of taking the initiative to provide such report before the commencement of works? Does he think that if the MTRCL had taken the initiative to provide the reports to the owners before works commencement, there would have been less mistrust between them?*

**DEPUTY PRESIDENT** (in Cantonese): Mr KAM, you have raised two supplementary questions. Do you want to ask if the MTRCL will make compensation?

**MR KAM NAI-WAI** (in Cantonese): *Deputy President, regarding the 109 cases mentioned in my supplementary question, the Secretary said that the damage identified in these cases did not affect building safety. Yet, the buildings concerned still have to be repaired. Will the MTRCL be liable for making compensation? Just now, I said that if the survey reports had been provided in advance ..... as the Secretary stated in part (b) of the main reply that .....*

**DEPUTY PRESIDENT** (in Cantonese): You are actually raising two supplementary questions.

**MR KAM NAI-WAI** (in Cantonese): *..... if the survey reports had been provided to the owners in advance instead of upon their requests, it could have reduced .....*



**DEPUTY PRESIDENT** (in Cantonese): Mr KAM, I would suggest that you first ask the first part of your supplementary question, that is, whether the MTRCL will be liable for repairs. After that, you may press the "Request to speak" button again, and I will let you ask the other part of your supplementary question.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Deputy President, as the investigation of the loss adjusters shows that the damage identified in the 109 cases mentioned above has nothing to do with the tunnel construction works of the MTRCL, it does not have to conduct repair works for the owners.

**MR TAM YIU-CHUNG** (in Cantonese): *Deputy President, I would like to tell the Secretary the situation of Yau Ma Hom Resite Village. I do not know if the Secretary is aware that there are more than 500 villagers and 100 village houses in that Village. The villagers have complained that there is no fixed time for the blasting works of the MTRCL, and the works may be carried out at any time between 7 am to 6 pm. What is more, these blasting works may be conducted suddenly. Although the MTRCL has agreed to notify the villagers by striking a gong, the villagers sometimes do not hear it. The irregular time intervals between the blasting works have caused great nuisances to the villagers.*

*The villagers have also complained that the vibration generated by the blasting works is rather strong. While the vibration may not be strong enough to cause structural problems of their houses, cracks sometimes appear. However, the MTRCL is only willing to take up some of the repair works. Apart from the above .....*

**DEPUTY PRESIDENT** (in Cantonese): Mr TAM, please ask the supplementary question.

**MR TAM YIU-CHUNG** (in Cantonese): *Is the Secretary aware of these cases, including the fact that Kwai Chung Village and Tai Pak Tin Village are also affected? Has he got such information?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Thanks to the Member for raising this question. According to my understanding, there are works in progress in Yau Ma Hom Resite Village mentioned by the Member, and we have specified the period of time in which works are allowed. Basically, works cannot be carried out at night.

There are different ways to notify residents nearby of the blasts before works commencement. Very often, workers will strike a gong in the site. However, as the site concerned is located in a village where dogs are abundant, striking a gong may make dogs bark. As a result, we notify residents by other means.

Generally speaking, the noise level of blasting works is similar to that of someone moving furniture on your upper floor, and the vibration level is same as that of a truck passing by. Therefore, we think it is unlikely that the vibration would cause any safety problems to building structure, though the noise and vibration levels may cause some nuisance to residents.

**DR RAYMOND HO** (in Cantonese): *Deputy President, railway projects are very complex because the upward and downward plate movements which affected Hong Kong in the past 10 million years have impacted our geology. Hence, the inspection of building foundations or structural problems should be the work of geotechnical engineers or structural engineers.*

*First of all, I have to declare that I belong to the engineering sector and represent 10 professions, including civil and structural engineers and geotechnical engineers. In the main reply, the Secretary has twice mentioned building surveys, inspections and proposed mitigation measures, and he also mentioned that surveyors would be engaged. Nevertheless, surveyors are not responsible for performing these tasks. As we have to inspect whether the geology and foundations have been affected now, structural engineers should be engaged to conduct structural inspection.*

*Can the Secretary inform the MTRCL that it should engage suitable professionals to conduct the inspection? Will the Secretary ask the MTRCL to rectify the situation?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Thanks to the Member for raising this question. Dr HO has mentioned two types of professionals in his supplementary question, but my main reply mainly focused on the survey of existing building conditions. Geotechnical engineers, as mentioned by Dr HO, are responsible for conducting geotechnical studies for sites and assessing the construction and structures of buildings nearby. The other type of professionals is surveyors. In order to protect the interests of both the MTRCL and owners, the MTRCL will engage surveyors to go inside the buildings, including common areas and individual flats, to record their internal conditions. These records will be compiled and sent to the owners for them to know about the structural conditions of their flats. In case there are any disputes in respect of the conditions of interior walls or structures, such records can be used for comparison. Therefore, the two types of professionals mentioned by Dr HO are indeed responsible for two different duties.

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

**DR RAYMOND HO** (in Cantonese): *Deputy President, the Secretary has actually misunderstood part of my supplementary question. I would like to declare that .....*

**DEPUTY PRESIDENT** (in Cantonese): Please state the part which you think the Secretary has misunderstood.

**DR RAYMOND HO** (in Cantonese): *..... I have not taken part in any of those three projects recently. I hope the Secretary would understand that it is the duty of structural engineers to assess whether the structure of a building has been affected and whether the building has an immediate risk of collapse, though it is unlikely to have such risk.*

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

(The Secretary shook his head to indicate that he had nothing to add)

**MR KAM NAI-WAI** (in Cantonese): *Deputy President, this question is related to my previous supplementary question. While the Secretary said that the MTRCL was proved to have no connection with the 109 cases after investigation, I would like to ask the Secretary: have the buildings in question been included in the surveys conducted earlier? Moreover, why the affected owners cannot be provided with such survey reports in advance? I mean providing them with the survey reports in advance instead of upon their requests.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Deputy President, we will specify the areas affected by tunnel boring and blasting works and, for the buildings in these areas, the MTRCL will deploy professionals to survey their existing conditions. Of course, we must obtain consent from flat owners before entering their flats. The surveys will also cover the common areas of buildings. Yet, we understand that not every owner is willing to let professionals enter his flat for survey. For those who are willing to do so, the professionals will discuss with them how the information and reports should be given to them afterwards. The owners can then rely on these reports to negotiate with the relevant companies and loss adjusters in case there is any complaint or dispute in the future.

**MR KAM NAI-WAI** (in Cantonese): *Deputy President, in my previous supplementary question, I asked how many cases among those 109 cases had got pre-construction survey records, and why such records were only provided to owners upon their requests but not in advance. Deputy President, my supplementary question was very clear. I do not know why the Secretary has given me an irrelevant answer.*

**DEPUTY PRESIDENT** (in Cantonese): Just now, you did not ask the Secretary the number of cases which had conducted pre-construction survey.

**MR KAM NAI-WAI** (in Cantonese): *I did, Deputy President, I did ask this question. I asked him how many cases among those 109 cases had conducted pre-construction survey. Deputy President, I asked this question clearly.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Deputy President, we have to go back to check the information and will report to the Council later. (Appendix III)

**MR KAM NAI-WAI** (in Cantonese): *I asked .....*

**DEPUTY PRESIDENT** (in Cantonese): The Secretary has said that he will go back to check the information as it is not available right now.

**MR KAM NAI-WAI** (in Cantonese): *No, Deputy President. My supplementary question is about why the reports cannot be provided to the owners in advance. In part (b) of the main reply, the Secretary stated in paragraph two that "the MTRCL will pass the reports directly to the owners of the relevant flats upon their requests". Why does the MTRCL not take the initiative but has to wait for the owners' requests? The MTRCL should provide reports to the owners after the survey, it should not wait for their requests*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Deputy President, just now I said that when the professionals of the MTRCL go inside a flat to survey its existing conditions, they will discuss with the owner how to give him the report. Consent is needed for submission of the completed report.

**DEPUTY PRESIDENT** (in Cantonese): This Council has spent more than 22 minutes on this question. Oral questions end here.

**WRITTEN ANSWERS TO QUESTIONS****Promoting Use of Automatic External Defibrillators**

7. **MRS SOPHIE LEUNG** (in Chinese): *President, according to the information of the Department of Health (DH), about 73 300 people were hospitalized and 6 414 died because of heart disease in 2009. Moreover, studies have revealed that the use of automatic external defibrillators (AEDs) within the first 10 minutes of heart attack (that is, sudden cardiac arrest) can increase the success rate of emergency rescue of patients suffering from heart attack; and quite a number of regions (for example, the United States and Taiwan, and so on) have also vigorously promoted the wider use of AEDs. In this connection, will the Government inform this Council:*

- (a) *whether the authorities have any policy to promote AEDs, encourage more private organizations to purchase AEDs, and enhance the public's knowledge of AEDs; and*
- (b) *whether the authorities will take the initiative to provide guidelines to recommend that AEDs and other first aid facilities should be installed at designated public places (for example, large shopping malls, stadiums, sports grounds and MTR stations, and so on)?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): *President, AEDs are devices used to perform cardiac resuscitation on patients. Medical and first-aid researches have shown that with the simultaneous use of an AED in the course of performing cardiopulmonary resuscitation (CPR) on a patient suffering from heart attack, the survival rate of the patient could be increased. At present, all ambulances of the Fire Services Department (FSD) are equipped with AEDs. The Hospital Authority has also acquired AEDs in the public hospitals and out-patient department/clinics for first aid treatment. Before using AEDs on patients, consideration must be given to the patients' prevailing circumstances and attention must be paid to the operation procedures. In this connection, anyone using AEDs must first receive training on first aid and operation of the device, and should send the patients to hospitals for further medical treatment as quickly as possible.*

(a) and (b)

The Government has all along promoted the public's awareness of first aid treatment for heart attack through various means. The FSD has provided free CPR and automated defibrillation training to the public since 2007 and encouraged institutions to install AEDs in public places. More than 7 200 people have received training provided by the FSD and acquired the two basic theories of the first aid skills and knowledge on the use of relevant device. People who have received training include staff of property management companies, airport security personnel, staff of residential care homes for the elderly, government staff, staff in the hotel industry, MTR staff, staff of theme parks, staff of media organizations, staff of large charitable organizations, scouts in Hong Kong, fire safety ambassadors and civilian staff of the FSD.

The DH organized 74 Basic Life Support Provider Courses covering the proper use of AEDs for 577 healthcare personnel in 2011 through its Professional Development and Quality Assurance Service. In addition, various organizations in Hong Kong also offer training courses on CPR and automated external defibrillation to the public. In 2011, Hong Kong St. John Ambulance organized 814 training courses on the use of AEDs for about 11 090 people, while Hong Kong Red Cross offered 139 relevant training courses in which a total of 845 people participated.

At present, AEDs have been installed at a number of places in the territory, including office buildings, theme parks, schools, large shopping malls, private housing estates, private clubhouses, commercial buildings and nursing homes. The Government will continue to raise the public's awareness of first aid treatment for heart attack through different channels.

### **Safety of Staircases**

8. **MS MIRIAM LAU** (in Chinese): *President, it has been reported that the safety standards for staircases in Hong Kong are outdated, and the Building (Planning) Regulations (Cap. 123F) (the Regulation), which regulate designs of staircases, have been in force since they were amended in 1997, during which*

*accidents of members of the public falling down on staircases occurred from time to time. It has also been reported that the safety standards for staircases in Hong Kong are based on those of the United Kingdom, yet the United Kingdom amended the standards in 2000 and 2010 respectively. In this connection, will the Government inform this Council:*

- (a) of the number of reports of accidents relating to staircases received by the authorities in the past three years, the locations of those accidents and the casualties caused;*
- (b) of the number of complaints received by the authorities in the past three years about designs of staircases failing to meet the safety standards, with a breakdown by the subject matter of complaints and the follow-up action of the authorities;*
- (c) of the existing safety standards for staircases in Hong Kong; how the standards compare with those of the advanced countries and cities in Europe and America, with a breakdown of the comparison results; and*
- (d) whether the authorities will conduct a comprehensive review of the existing standards for the designs and safety of staircases in Hong Kong; if they will, of the details; if not, the reasons for that?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, the design and construction of staircases in private buildings is subject to the control of the Buildings Ordinance (Cap. 123). Detailed design requirements for staircases are set out in the Regulation and the relevant Codes of Practice on fire safety. The design requirements seek to ensure that buildings are provided with staircases safe for serving as means of escape and access by firemen for rescue and firefighting. The Buildings Department (BD) has recently completed a consultancy study to review the existing Codes of Practice on fire safety so as to bring them in line with contemporary international standards. The study concluded, *inter alia*, that the safety standards for staircases in Hong Kong are comparable to those in other countries including the United Kingdom. The BD is also planning to conduct a consultancy study on a comprehensive review of the Regulation which is expected to commence in late 2012. The BD will strive to keep the design requirements under regular review to ensure that they keep up with the latest standards.



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

- (a) The BD does not keep statistics on the reports of accidents relating to staircases that it has received.
- (b) The BD has not received any complaints related to standard of design of staircases in the past three years.
- (c) Detailed design requirements for staircases are mainly set out in Regulation 39 and Division 7 of the Third Schedule of the Regulation, the Code of Practice for Fire Safety in Buildings 2011 as well as the Code of Practice for the Provision of Means of Escape in Case of Fire 1996. Depending on the use of the building and the function of the staircase, the requirements in terms of minimum tread width, maximum riser height and the number of steps in a flight of staircase may vary. A comparison of the key design requirements of staircases serving as means of escape in Hong Kong with those of other countries is set out in the table below, which illustrates that the current design standards in Hong Kong are comparable to overseas standards.

<i>Country/ City</i>	<i>Maximum number of risers per flight</i>	<i>Maximum dimension of risers<sup>(1)</sup> (mm)</i>	<i>Minimum dimension of treads<sup>(2)</sup> (mm)</i>
Hong Kong	16	175 (for internal staircase) 160 (for external staircase) 150 but minimum 75 (for schools) 150 (for places of public entertainment)	225 (for internal staircase) 280 (for external staircase) 250 (for schools) 280 (for places of public entertainment)
Singapore	18	175	225-250
United Kingdom	16	180-220	220-280
Australia	18	190	240-250
United States	21-36	180	280

Notes:

- (1) A riser is the vertical part of a step in a staircase. Generally speaking, the height of a riser should not exceed a certain maximum standard for the sake of safe access.
- (2) A tread is the horizontal part of a step in a staircase measured from the face of one riser to the face of the next riser. Generally speaking, the depth of a tread should reach a certain minimum standard for the sake of safe access.

- (d) The BD is planning to conduct a consultancy study on a comprehensive review of the Regulation which is expected to commence in late 2012. The study will cover, *inter alia*, the review on the standards of design and construction of staircases in buildings.

### **Illicit Cigarettes Seized by Customs and Excise Department**

9. **MR WONG TING-KWONG** (in Chinese): *President, the Government implemented a new requirement in August 2010 that an incoming passenger aged 18 or above can only bring into Hong Kong no more than 19 cigarettes. Further, the Government increased tobacco duty significantly by 41.5% early last year. In this connection, will the Government inform this Council:*

- (a) *of the number of declarations made to the Customs and Excise Department (C&ED) in accordance with the aforesaid new requirement since its implementation; and the number of times passengers were fined for failing to make declarations to the C&ED on bringing one cigarette in excess into Hong Kong;*
- (b) *since the increase in tobacco duty by 41.5%, of the quantity and value of the duty-not-paid cigarettes (illicit cigarettes), including counterfeit cigarettes, seized by the C&ED; how such figures compare with those in the past three years; and*
- (c) *of the number of persons arrested by the C&ED for selling or purchasing illicit cigarettes in the past three years, and the quantity and value of illicit cigarettes seized; the highest penalty imposed on the convicted persons, as well as the number of persons sentenced to such penalty?*

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

- (a) A total of 23 100 incoming passengers had made a declaration to Customs officers for bringing dutiable cigarettes in excess of the exempted quantities and had paid for the relevant duty since the

implementation of the new measure on 1 August 2010 to 31 January 2012. During the same period, a total of 10 passengers were compounded with a fine for bringing in one extra stick of cigarette without making a declaration to the C&ED.

- (b) The amounts and value of illicit cigarettes seized by the C&ED from local illicit cigarette activities in the past three years are as follows:

	2009	2010	2011
Illicit Cigarettes Seized (Sticks)	58 million	47 million	71 million
Value of Illicit Cigarettes Seized (\$)	107 million	90 million	168 million

Note:

About 40% of the seized illicit cigarettes are counterfeit.

- (c) The numbers of buyers and sellers arrested for involving in illicit cigarettes trade and the amounts of illicit cigarettes seized from such cases in the past three years are as follows:

	2009	2010	2011
Arrested Buyers (Number of persons)	207	367	268
Arrested Sellers (Number of persons)	696	473	505
Illicit Cigarettes Seized (Sticks)	6 million	5.8 million	17.3 million
Value of Illicit Cigarettes Seized (\$)	10.7 million	10.6 million	40.8 million

For the penalty on the buyers and sellers convicted for illicit cigarettes trade, the highest sentence for sellers was imprisonment of 18 months, and the highest fine was \$80,000; whereas the highest sentence for buyers was imprisonment of four months, and the highest fine was \$60,000.

### Public Vehicle Licence Fees

10. **MS STARRY LEE** (in Chinese): *President, while both public light buses (PLBs) and public buses are modes of public transport that are frequently used by the grassroots, there is a big gap between their vehicle licence fees (VLF) per*

*each passenger seat: the current VLF of PLBs is \$8,450, and is around \$530 per each passenger seat, which far exceeds that of public buses at \$50 per each passenger seat. In this connection, will the Government inform this Council:*

- (a) of the respective total amounts of VLFs of public buses, PLBs (red minibuses and green minibuses (GMBs)) and taxis paid to the Government in each of the past three years;*
- (b) of the respective criteria for determining the VLFs of such vehicles; when such criteria were formulated; the last time when such criteria were reviewed, and whether at present, the Government has any plan to conduct a review; if it has, of the details; if not, the reasons for that;*
- (c) in the past three years, of the number of GMB routes applying for fare increases and the details; the number of GMB routes that had been cancelled as well as the routes concerned; among such routes, the number of those that had been cancelled due to losses in business operations; and*
- (d) whether the Government will consider waiving or reducing the VLF of GMBs, so as to alleviate the operating difficulties encountered by the trade; if it will, of the details; if not, the reasons for that?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, the joint reply from the Transport and Housing Bureau and the Financial Services and the Treasury Bureau concerning the question raised is as follows:

- (a) Given the limitation of the design of the computer system of the Transport Department (TD), we can now only provide the respective total amounts of VLFs of public buses, PLBs and taxis received by the government from April 2010 onwards:

<i>Year</i>	<i>Public buses</i>	<i>PLBs</i>	<i>Taxis</i>
2010 (April to December)	\$19,537,247	\$9,157,790	\$30,307,045
2011	\$36,195,195	\$14,930,462	\$55,537,517

It will take some time to check the respective breakdown of the total amounts of VLFs from 2009 to just before April 2010. We will provide the full information later. (Appendix IV)

- (b) The Government will review the VLFs of different types of vehicle from time to time, taking into account relevant factors such as transport policy and public finance, and so on.
- (c) Details of the fare increase applications submitted by the GMB operators to the TD in the past three years are tabulated below:

<i>Year</i>	<i>Number of routes applied for fare increase</i>	<i>Results of fare increase applications and approved fare increase (in respect of full fare)</i>
2009	31	- 19 routes approved (increase ranges from \$0.2 to \$0.5);
		- 10 routes rejected;
		- Two routes withdrawn
2010	159	- 86 routes approved (increase ranges from \$0.1 to \$1.0);
		- 32 routes rejected;
		- 41 routes withdrawn
2011	330	- 192 routes approved (increase ranges from \$0.1 to \$1.8);
		- 22 routes rejected;
		- 26 routes withdrawn; 90 routes being processed

Between 2009 and 2011, a total of 12 GMB routes were cancelled. Among them, routes 10A, 10M, 30M and 33 in Kowloon and routes 43D, 97, 142, 406A and 801S in the New Territories were cancelled mainly because of rising costs and decreasing passenger demand. As for the remaining three GMB routes (routes 10A and 10B on Hong Kong Island and route 607S in the New Territories), they were cancelled after reorganization or amalgamation with other routes in the same package.

- (d) On a whole, in reviewing the VLFs of different types of vehicles, the Government will take into account relevant factors such as transport

policy and public finance, and so on. In fact, VLF has been maintained at the current level since 1991.

The TD has been implementing various measures to help the GMB trade improve their operating environment. These measures include encouraging the trade to explore sources of non-fare box revenue (such as advertisements on vehicle bodies or inside vehicle compartments) to increase their income. Furthermore, the TD will, as the case may require, examine with the GMB operators the proposals on rerouting or rationalization of GMB routes, introduction of short-haul or supplementary routes, adjustment in vehicle deployment and amendment to service timetables, if necessary, with a view to enhancing the competitiveness and efficiency of GMB services.

### **Acts of Contravention in Railway Premises**

11. **MR CHEUNG HOK-MING** (in Chinese): *President, recently, there were disputes among MTR passengers caused by passengers eating in the MTR train compartment. It has been reported that the MTR Corporation Limited (MTRCL) is negligent in enforcing the Mass Transit Railway By-laws (Cap. 556B) (the By-laws), and has neither provided adequate support for its front-line enforcement staff, nor put in sufficient publicity efforts in educating passengers to comply with the By-laws. In this connection, will the Government inform this Council if it knows:*

- (a) *besides reporting to MTR staff in person by passengers, whether other reporting means are available to enable passengers to notify MTR staff of incidents happened within MTR's paid areas which jeopardize passengers' safety or affect public hygiene; and*
- (b) *the daily aggregate train trips made by passenger trains on all MTR lines; the MTRCL's work on publicizing and educating passengers about compliance with the By-laws at present; whether the authorities will consider urging the MTRCL to step up its publicity and education efforts in future; if not, of the reasons for that?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, the reply to various parts of the question is as follows:

- (a) Should passengers find other passengers' inappropriate or nuisance behaviour affecting passenger safety and public hygiene, apart from contacting station staff directly, passengers can also call the MTR Hotline or respective station to promptly report the situation. The station telephone numbers are marked on the station entry gates and ticket issuing machines, and are uploaded to the MTR website. Moreover, passengers can also use the help lines located at platforms for direct contact with station staff. In case of emergencies, passengers can also dial "999" to reach government departments such as the Police and Fire Services Department.
- (b) Currently, the MTRCL operates more than 7 000 train trips every day on all its railway lines including Kwun Tong Line, Tsuen Wan Line, Island Line, Tseung Kwan O Line, Tung Chung Line, West Rail Line, East Rail Line, Ma On Shan Line, Airport Express, Disneyland Resort Line and Light Rail.

The MTRCL reminds passengers to be considerate and not to cause any inconvenience to other passengers through regular passenger education and promotional activities such as conducting courtesy and safety campaigns, as well as through the media, in-train public announcements, passenger publications and promotional leaflets. The Government will continue to encourage the MTRCL to carry out relevant passenger education and promotional activities on a regular basis, with a view to reminding passengers to abide by the By-laws.

### **Enhancing Land Supply by Reclamation**

12. **MR KAM NAI-WAI** (in Chinese): *President, the Government announced 25 proposed sites for reclamation outside the Victoria Harbour and consulted the public on the policy on developing land and enhancing land supply to meet, among others, the future needs for infrastructure and housing in Hong Kong. In this connection, will the Government inform this Council:*

- (a) *of the Hong Kong population projections for 2011 which were made by the authorities in 2000, 2002, 2004 and 2006; the discrepancies between such figures and the actual population in 2011; the reasons for the discrepancies, and whether they have conducted reviews and introduced improvement in respect of the discrepancies in such projections;*
- (b) *of the Hong Kong population projections for 2030 which were made by the authorities in 2000, 2002, 2004 and 2006; the respective differences in results between each projection and the one immediately preceding it, and the reasons for such differences;*
- (c) *of the respective percentages of permanent and non-permanent residents of Hong Kong in the population of 8.9 million people projected for 2039 by the authorities at present; the monitoring system and examination measures put in place by the Government to prevent over-development of land (including reclamation and over-development which cause unnecessary damages to the natural environment and ecology) due to serious errors in the estimation of future population;*
- (d) *of the area and percentage of developed land in the 1 100 sq km of land in Hong Kong at present; the respective numbers of the lots used for public and private housing as well as commercial, industrial and agricultural purposes, and their respective areas and percentages in the area of brownfield sites; the number of industrial and agricultural sites among them which may be developed into sites for housing or commercial purposes; among the greenfield sites, the respective areas of sites which are subject to the Country Parks Ordinance (Cap. 208) and the regulations for special areas, as well as respective percentages of such areas in the total land area in Hong Kong; the number of remaining greenfield sites which are not subject to the Country Parks Ordinance or the regulations for special areas, the respective percentages of the areas of such sites in the total land area in Hong Kong, and the possible purposes of development for such sites;*
- (e) *whether the authorities have conducted any comprehensive assessment of the land demand in Hong Kong, the territory-wide*



*land-use planning and the progress of land development, for example, development of long-abandoned quarries, idle government, rural and industrial sites (including former government quarters, vacant school premises and community facilities as well as expired short-term tenancy sites, and so on), as well as the remaining areas for development in Tung Chung, the new towns in the Northeast New Territories, North Lantau, Sham Tseng/Tsuen Wan and the frontier closed areas, and so on; if they have, of the details; if not, the reasons for that; whether they have studied the development of existing greenfield sites to enhance land supply; and*

- (f) *whether it has conducted any comprehensive study covering all aspects of society in Hong Kong on the various benefits and costs (for example, employment, economic activities, construction costs and environmental costs, and so on, arising from development projects) of reclamation vis-à-vis those of developing dry land, so as to compare the overall benefits and costs between the two approaches; if it has, of the details, and whether it will make public the outcome and information of the study?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, the Government is currently conducting a public engagement exercise on enhancing land supply strategy with a view to consulting the public on reclamation on an appropriate scale outside Victoria Harbour and rock cavern development and establishing the site selection criteria. During the consultation process, some opined that the preliminary site criteria were too abstract and sought specific examples of reclamation sites to facilitate public discussion. Having reviewed Hong Kong's shoreline and excluded severely constrained sites unsuitable for reclamation, we proposed 25 possible reclamation sites to facilitate the public's consideration of the site selection criteria from social, economic and environmental perspectives in accordance with the sustainability principle. To date, the Government has yet to reach a decision on the proposal for reclamation outside Victoria Harbour and the site selection criteria. The types and sites of reclamation are also subject to changes in the light of public opinion. In the next step, we will consider the public's views on reclamation, formulate the site selection criteria and identify possible sites before further consulting the public, and the local communities and organizations concerned. We aim to identify

about 10 reclamation sites for detailed feasibility study and further public consultation.

My reply to the various parts of the question, having consolidated the information provided by the Census and Statistics Department (C&SD), is as follows:

(a) and (b)

The C&SD published population projections in 2000, 2002, 2004 and 2007, using the base populations of 1999, 2001, 2003 and 2006 respectively. The differences between the projected 2011 population in these population projection series and the actual population figure in mid-2011, and between the current population projection for 2030 and the previous projections are tabulated as follows:

	<i>Population in mid-2011</i>		<i>Population in mid-2030</i>	
	<i>Projection figures</i>	<i>Differences with the actual figure<sup>(1)</sup></i>	<i>Projection figures</i>	<i>Differences with the preceding projections</i>
1999-based	7 610 000	+538 424 (7.6%)	- <sup>(2)</sup>	-
2001-based	7 527 700	+456 124 (6.5%)	8 679 200	-
2003-based	7 255 400	+183 824 (2.6%)	8 281 700	-397 500
2006-based	7 153 500	+81 924 (1.2%)	8 311 700	+30 000

Notes:

- (1) The actual population figure in mid-2011 is 7 071 576. The figure in bracket is the percentage between the difference and the actual figure.
- (2) The 1999-based population projections published in 2000 did not make any projection for 2030.

In compiling each series of population projections, the C&SD had taken into consideration the latest population, social and economic development conditions and the local trends in fertility, mortality and migration patterns. The differences between projections and the actual population were mainly due to unexpected changes in the trends of population, social and economic development of Hong Kong in different periods.

Since 2000, the C&SD has updated the population projections at intervals of two to three years, taking into account the latest population, social and economic development conditions. As shown in the information above, each successive update in population projections would further narrow the differences with the actual population figures.

- (c) In 2010, the C&SD projected on the basis of the latest 2009-based population data that the 2039 population would reach 8.89 million. In other words, our population is projected to grow at an average annual rate of 0.8% for the next 30 years, which is lower than the actual average annual growth rate of 1.1% for the past 30 years. This population projection has not differentiated between Hong Kong Permanent Residents and Hong Kong Non-permanent Residents.

Our population projection methodology, which is internationally approved, applies appropriate statistical projection methods and makes reference to the latest population, social and economic development conditions, the latest trends in fertility, mortality and migration patterns, and input from the relevant bureaux and departments on the various assumptions of the population projection exercise. Moreover, as mentioned in paragraphs (a) and (b) above, the C&SD will update the population figures according to the actual conditions from time to time to minimize errors in the population projections.

Implementing any developments, whether they be developments on land or reclamation projects, require a relatively long lead time for preparation work, including going through the statutory procedures, undertaking technical and environmental impact assessments and public consultation. At the preparatory stage, the projects are subject to continuous evaluation in the light of the latest conditions to assess their justifications and urgency. The projects would be planned and implemented in an orderly manner. As such, there would not be excessive development of land that would infringe the public interest and endanger the natural and ecological environment of Hong Kong.

- (d) The total land area of Hong Kong measures about 1 108 sq km, which can be divided into built-up and non-built-up land. The respective areas of the various sites mentioned in the question are as follows:

- (i) The built-up area measures about 263 sq km, representing 23.7% of the total land area in Hong Kong. There is no statistics on the number of land lots used for various purposes. Agricultural land is not classified as built-up land.

<i>Type of land use</i>	<i>Total Area (sq km)</i>	<i>% of the total built-up land</i>
Public and private housing	76	28.9%
Commercial	4	1.5%
Industrial	26	9.9%
Other ancillary facilities (for example, roads, railways, airports, open space, and government, institution and community facilities)	157	59.7%
Total	263	100.0%

- (ii) The non-built-up land measures about 845 sq km and accounts for about 76.3% of the total land area in Hong Kong.

<i>Type of land use</i>	<i>Total area (sq km)</i>	<i>% of the total land area in Hong Kong</i>
Agricultural land	68	6.2%
Country Parks and special areas subject to statutory control	508	45.8%
Remaining non-built-up land	269	24.3%
Total	845	76.3%

It is worth noting that the remaining non-built-up land is mainly wetland, wetland conservation areas, wetland buffer areas, water gathering grounds, hilly land, slopes and woodland, and so on, that cannot be or is not suitable for development and are subject to various development constraints. As far as the development of the agricultural lands is concerned, most of these lands are privately owned with fragmented ownership, and are lack of infrastructures.

To meet the demand for development, we have identified agricultural lands with higher potential for planning and development, including parts of the land in the North East New Territories New Development Areas (NDAs) and Hung Shui Kiu NDA. We will also actively explore other available land including the ex-quarry sites, green belt areas that are devegetated, deserted or formed, as well as deserted agricultural land.

- (e) Land demand is driven by population growth, economic development and public's aspiration for a better living environment. Population growth will increase demand of land for housing and public facilities. Economic development will increase the demand of land for commercial developments including offices and hotels. Improving the living environment, increasing open spaces and protecting the natural environment can only be materialized with more land. With regard to land supply, the Government has assessed the supply under the existing land supply options (including resumption, redevelopment, rezoning, re-use of ex-quarry sites). We have reviewed all projects under implementation and planning stages, including property development projects above railway stations, urban renewal projects, revitalization projects of industrial buildings, future land supply in the NDAs (including North East New Territories NDAs and Hung Shui Kiu NDA, the Kai Tak Development Area, Tung Chung and Tseung Kwan O) and rezoning of industrial sites, green belts and agricultural lands. Among these, the NDAs, rezoning of green belts and agricultural lands will involve the development of the currently non-built-up land, which are affected by the problems of land resumption, clearance, fragmented ownership, conservation of heritage, cultural and ecology, and so on. It is difficult to ensure timely and sufficient supply of land to meet the demand. Therefore, if we simply count on land development under the current land supply options, the long-term land demand of Hong Kong cannot be met and a land reserve can hardly be built up for Hong Kong.
- (f) We have conducted preliminary assessments on the impacts of reclamation and other land development options arising from the social, economic and environmental aspects, and have made a broad

analysis. On the economic aspect, rezoning, redevelopment and resumption are all market driven with a high degree of uncertainties, whereas reclamation is suitable for building up a land reserve to alleviate the impact brought by economic cycles and the uncertainties in the market. On the social aspect, rezoning, redevelopment and resumption will affect the existing community and economic activities which require decanting sites, whereas reclamation can provide the required land and solution space. On the environment aspect, redevelopment will generate public fill, whereas reclamation can effectively collect the public fill. The above information has been released in the public engagement activities and uploaded onto the website for the public engagement at <[www.landsupply.hk](http://www.landsupply.hk)>. As for the benefits and costs of specific reclamation and land development projects, the assessment can only be made after conducting detailed planning and engineering studies. There is no comprehensive study at this stage.

### **Trading Hours of Hong Kong Stock Exchange Market**

13. **MISS TANYA CHAN** (in Chinese): *President, some securities practitioners have recently relayed to me that after the Hong Kong Exchanges and Clearing Limited (HKEx) had changed the trading hours, not only was their lunch time shortened, but the administrative or other work done by them during the lunch break in the past was also seriously affected. Some securities practitioners have further pointed out that since they needed time to complete their work, they actually did not have time for meals during the lunch break. In this connection, will the Government inform this Council if it knows:*

- (a) *the number of views and complaints about the change in trading hours received by the regulatory authorities and the HKEx from members of the trade since the HKEx changed the trading hours; whether the regulatory authorities and the HKEx have followed up such views and complaints; if they have, the details; if not, the reasons for that;*
- (b) *whether the HKEx has conducted any assessment and review on the actual effectiveness of extending the trading hours; if it has, the*

*assessment and review outcomes; if not, whether the HKEx has already planned to conduct such a review; if there is a specific plan, the details; if there is no such plan, the reasons for that; and*

- (c) *given that the HKEx has indicated that the lunch break in the stock exchange market may be further shortened in the future, whether the HKEx has any plan at present to conduct consultation on such an arrangement or has even decided to implement the further extension of trading hours; if it has, the reasons for that?*

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

- (a) The HKEx has on many occasions met the representatives of the securities industry, including those of front-line staff and other market practitioners, to discuss the arrangement on the extension of trading hours and listen to their views. Recently, the HKEx has exchanged views with the industry again on 12 January and 9 February 2012. At the same time, the Government and the Securities and Futures Commission discuss with the industry on issues of their concerns from time to time and encourage the industry to enhance communication with the HKEx in order to address the industry's concerns. The HKEx noted that many financial institutions, including some brokerage firms and banks, provided one-hour lunch break for employees and advocated to the employers of brokerage firms to work out measures for their employees to alleviate their workload during lunch hours, for example, taking turns for lunch break.
- (b) Hong Kong is the international financial centre of China and our market is closely connected to the Mainland's. Almost 60% of our market capitalization and over 70% of our market turnover come from Mainland-related securities, while growing numbers of our derivative products, Exchange Traded Funds (ETFs) and structured products have Mainland-related securities as underlying assets. With the further opening up of the Mainland market and Hong Kong serving as an offshore Renminbi centre, inter-market trading

activities and the number of products cross-listed between the Hong Kong and Mainland markets are poised to increase. Such products will include Renminbi Qualified Foreign Institutional Investor products, ETFs with Hong Kong stocks as underlying traded in the Mainland, Renminbi ETFs with Mainland A shares as underlying to be traded in Hong Kong.

In view of the increasing importance of the Mainland financial market as well as the closer interconnections between the Hong Kong and Mainland markets, the extension of trading hours can allow the trading hours of our market to overlap squarely with those of the Mainland's so as to improve the price discovery function for Mainland-related securities traded in Hong Kong market with a view to promoting the development of cross-market products. On the other hand, it is a global trend to shorten or even remove the lunch break in the securities markets. For instance, Singapore Exchange has already removed their lunch break since August 2011. The extension of trading hours will help the Hong Kong market enhance its competitiveness by narrowing the gaps between its trading hours and those of its regional competitors.

- (c) The HKEx conducted a one-month public consultation in September 2010 on the extension of trading hours. We understand that the HKEx's Chief Executive had held discussions with seven trade bodies of the securities industry on the proposal and collected their views, including the trade bodies representing front-line staff, as well as other market practitioners, during the consultation period. A total of 556 submissions were received from a wide spectrum of respondents, including Exchange Participants, brokerage industry associations, listed companies and a related association, professional bodies, a banking industry association, other entities and individuals (including employees of brokerage firms). There was much support for changes to the lunch break, but responses were mixed with advocates for one-hour lunch break and 1.5 hours lunch break. There was also support for eliminating the lunch break altogether or no change.



After careful consideration of all the responses to its consultation paper and with the view to striving for a balance between the development of the Hong Kong financial market and the demand of some market practitioners, the HKEx Board discussed and decided to shorten the lunch break to one hour. In order to facilitate market practitioners to adjust to the revised trading schedule, a phased approach was adopted to change the trading hours. Since 7 March 2011, the lunch break has been shortened from two to 1.5 hours, in addition to the earlier opening of the morning continuous trading session by 30 minutes. The lunch break will become one hour commencing from 5 March 2012.

### **Development of Chinese Medicine Industry and Clinics**

14. **DR LAM TAI-FAI** (in Chinese): *President, some members of the Chinese medicine industry (CM industry) in Hong Kong have relayed to me that the CM industry has all along been developing slowly although in 1999, the Chinese Medicine Ordinance (CMO) (Cap. 549) was enacted and the Chinese Medicine Council of Hong Kong (CMCHK) was established by the Government, and that the Government has neither attached enough importance nor provided sufficient support to the CM industry. In this connection, will the Government inform this Council:*

- (a) whether it will consider setting up a dedicated committee to formulate policies on promoting the development of the CM industry; if it will, of the details; if not, the reasons for that;*
- (b) given that the Government has indicated that it is actively implementing the plan to establish 18 public Chinese medicine clinics (CMCs) in Hong Kong in phases, and that 16 CMCs have been established so far, when the authorities plan to set up the remaining two CMCs, and whether they will consider further increasing the number of CMCs; if not, of the reasons for that;*
- (c) given that the Government has indicated that while the current operating hours of various CMCs are subject to district needs with a view to facilitating patients to seek treatment as convenient as*

*possible under the premise of optimizing the use of resources, it does not have any plan at present to extend their operating hours, whether the authorities have conducted any study or investigation to ascertain if the operating hours of CMCs in various districts have already met district needs and facilitated patients to seek treatment as convenient as possible; if they have, of the details; if not, why they do not consider extending such operating hours to facilitate the public;*

- (d) given that the Government has announced that in addition to revamping existing medical facilities, the redevelopment of Kwong Wah Hospital will also strengthen the Chinese and Western medicines shared care services of the hospital (including Chinese medicine in-patient service), whether it knows the details of the initiatives of the hospital in this respect (including the respective numbers of beds and Chinese medicine practitioners (CMPs) of the Chinese medicine in-patient service), and if the Hospital Authority (HA) has any plan to extend these initiatives to other hospitals;*
- (e) whether it will reconsider studying the establishment of a public Chinese medicine hospital; if it will, of the details; if not, the reasons for that;*
- (f) whether it has assessed if the authorities' initiatives in the past decade were able to incorporate Chinese medicine into the public healthcare system proactively; if it has assessed, of the details; if not, the reasons for that;*
- (g) of the measures in place to facilitate sustainable career development of CMPs with a view to promoting the development of the CM industry;*
- (h) of the measures or policies currently in place to attract Chinese medicine experts from the Mainland to Hong Kong to nurture local talents and lift the professional standard of the CM industry in Hong Kong;*

- (i) *whether it will consider offering assistance (including creating special tax concessions in this respect) to small and medium-sized proprietary Chinese medicine manufacturers in terms of resources and financing to allay their burden in various aspects such as testing, research and development (R&D) and plant improvement, and so on, and to upgrade the quality of products; if it will, of the details; if not, the reasons for that;*
- (j) *given that some members of the industry have indicated that under the insurance coverage provided by insurance companies at present, the amounts of compensation granted for claims made in respect of fees for treatment by CMPs are generally lower than those granted for claims made in respect of fees for treatment by medical practitioners, whether the authorities know the reasons for that; if they do, of the details; if not, whether they will seek an in-depth understanding of the matter; and*
- (k) *given that Chinese medicine is outside the scope of medical benefits for civil service eligible persons at present, whether the authorities will consider including Chinese medicine in such scope so as to take the lead in promoting equality between CMPs and medical practitioners; if they will not, of the reasons for that?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, the Government has been adopting a multi-pronged approach based on the concept of "evidence-based medicine" to facilitate the development of the CM industry in Hong Kong.

The CMO was enacted in 1999 to establish a regulatory regime for Chinese medicine so as to further safeguard public health, recognize the professional status of CMPs and ensure the safety, quality and efficacy of Chinese medicines.

The Government has also taken proactive initiatives to help Hong Kong's Chinese medicine move towards internationalization and cultivate an environment conducive to the development of the CM industry. These initiatives include a research programme on the Hong Kong Chinese Materia Medica Standards launched by the Department of Health (DH) in 2002, to set

standards, in terms of safety and quality, for Chinese herbal medicines which are commonly used in Hong Kong. The development of safety and quality reference standards for Chinese medicines can help bring about improvements in the raw materials for proprietary Chinese medicines and boost public confidence in Chinese medicines. It can further solidify the foundation for research on Chinese medicines, facilitate alignment with international requirements and expedite the modernization and internationalization of Chinese medicines as well as facilitating the Chinese medicines trade.

In addition, the Government also actively provides professional support to the World Health Organization (WHO) on the development of traditional medicine, including international classification of traditional medicine and formulation of a strategy for traditional medicine for the next decade. The DH has taken the initiative to organize several meetings on international classification of traditional medicine in collaboration with the WHO. Through the WHO, the Government has strengthened its ties with the international network, and established an adverse event notification mechanism on Chinese medicine and enhanced its information exchanges and co-operation on regulation of herbal medicine with other regions.

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

- (a) The CMCHK, established under CMO in September 1999, is responsible for implementing various regulatory measures relating to Chinese medicine so as to maintain the standard of practice and the conduct of CMPs and Chinese medicines traders, promoting and ensuring the proper use of traditional Chinese medicine, and ensuring the safety, quality and efficacy of proprietary Chinese medicines. This statutory regulatory body comprises practising CMPs, members of the trade of Chinese medicines, academics, lay persons and government officials.

Besides, the Government set up a Committee on Research and Development of Chinese Medicine (the Committee) in December 2011. It is chaired by the Commissioner for Innovation and Technology with the objective to achieve greater effectiveness in co-ordinating the collaboration of various stakeholders in the Chinese medicine sector in promoting R&D and testing of Chinese

medicine to meet the future needs of Hong Kong. The Committee will act as a platform to gauge views from various stakeholders on Research and Development (R&D) of Chinese medicine in Hong Kong, formulate the broad direction in promoting R&D of Chinese medicine in Hong Kong, identify key areas of work, monitor progress and recommend areas of improvement where necessary. The Committee will facilitate sharing of R&D outcome and other collaboration among stakeholders to create synergy in R&D of Chinese medicine and to promote collaboration with organizations outside Hong Kong.

The Government has also set up a Steering Committee on Strategic Review on Healthcare Manpower Planning and Professional Development. The Steering Committee is chaired by the Secretary for Food and Health and held its first meeting in January 2012. The Steering Committee is tasked to conduct a strategic review of healthcare manpower planning and professional development in Hong Kong. The review will cover healthcare professionals in the 13 health professions currently subject to statutory regulation including CMPs. It will put forward recommendations on how to cope with anticipated demand for healthcare manpower, strengthen professional training and facilitate professional development having regard to the findings of the strategic review, with a view to ensuring the healthy and sustainable development of Hong Kong's healthcare system.

(b) and (c)

To promote the development of "evidence-based" Chinese medicine, the Government has been actively taking forward the plan to establish 18 public CMCs in the territory by phases. So far, we have set up 16 CMCs which are respectively located in Central and Western District, Wan Chai District, Eastern District, Southern District, Kwun Tong District, Wong Tai Sin District, Sham Shui Po District, Kowloon City District, Tsuen Wan District, Tai Po District, Sai Kung District (Tseung Kwan O), Yuen Long District, Tuen Mun District, Kwai Tsing District, North District and Sha Tin District. We will continue to identify suitable sites in the Yau Tsim Mong

District and Islands District for establishing the remaining two CMCs, so as to enhance Chinese medicine service in our public healthcare system. We are still taking forward the plan to establish public CMCs in the 18 districts in the territory and have no plan to further increase the number of public CMCs at this stage.

The service hours of CMCs depend on the demand of individual districts, with a view to facilitating patients to seek treatment as far as possible while effectively using resources. At present, CMCs are running smoothly and there is no plan to extend their service hours.

(d) to (f)

The long-term goal of the Government in promoting the development of Chinese medicine is to develop, through an evidence-based approach, a model of collaboration between Chinese and Western medical practitioners that can meet the actual circumstances and needs of Hong Kong.

In view of the increasing demand for Chinese medicine services from members of the public, the Government is actively incorporating Chinese medicine services into the public healthcare system on an incremental basis. Since 2003, the Government has established CMCs in 16 districts, and the remaining two CMCs will be set up as soon as possible to promote the development of the Chinese medicine services. The HA is now trying out different models of Chinese and Western medicines shared care services in more than 20 hospitals to combine the advantages of Chinese and Western medicine systems in the treatment of specific illnesses through enhancing communication between Chinese and Western medical practitioners so as to provide well-suited medical treatment to patients.

The Kwong Wah Hospital Redevelopment Project includes the development of Chinese medicine services with a major focus on the out-patient service, where conjoint consultations by a multi-disciplinary team (of CMPs and Western medical

practitioners) will be provided for patients. Apart from a larger scale of Chinese and Western medicines shared care services, Chinese medicine in-patient service will also be provided. The initial plan is to provide a Chinese and Western medicines shared ward with 56 beds. As there is still some time before the Project is completed, a review will be carried out on such issues as the number and establishment of CMPs, and whether proposed services will be further expanded when the Project is close to completion.

At present, the Government does not have any plan to establish Chinese medicine hospitals. Organizations interested in setting up private Chinese medicine hospitals are welcome to put forward their detailed proposals to the Government for consideration.

- (g) Chinese medicine practice has a long history in Hong Kong. Since the enactment of CMO in July 1999, Chinese medicine is officially put under statutory regulation and the statutory professional status of registered CMPs is established. CMO sets out the regulatory measures relating to CMPs and covers such matters as examination, registration and discipline. Moreover, CMO also specifies that upon renewal of practising certificates, registered CMPs must fulfil the requirements of continuing education in Chinese medicine as prescribed by the Chinese Medicine Practitioners Board under the CMCHK in order to update their professional knowledge and keep themselves abreast of the latest developments.

At present, three local universities have provided full-time degree courses on Chinese medicine. In the long run, the local education institutions could produce an adequate pool of high calibre professionals to support Hong Kong's development as an international centre for Chinese medicine.

Besides, the HA has been actively increasing the job and training opportunities for CMPs practising in public CMCs. Fresh graduates of local Chinese medicine degree programmes will be engaged as junior CMPs in the first year and as CMP trainees in the second and third years. Each public CMC is required to employ at least four part-time (or two full-time) senior CMPs and 12 junior

CMPs/CMP trainees, thereby enhancing the job and training opportunities for CMPs significantly.

To assist Chinese medicine graduates in attaching to the Chinese medicine hospitals or CMCs on the Mainland, the HA provided a Junior Scholarship in Chinese Medicine in July 2009 for CMPs with clinical experience of two years or more to further their study in renowned hospitals on the Mainland. The subjects for further study are selected according to the development trend and needs of Chinese medicine in Hong Kong. After completing the training, they need to return to Hong Kong to work in the public CMCs operated under the tripartite model among the HA, a non-government and a local university and assist in the promotion of Chinese medicine services. In addition, the HA has provided a Senior Scholarship in Chinese Medicine since April 2010. Local CMPs with aspiration to promote the development of teaching and research in Chinese medicine and in possession of substantial qualification and experience will be selected to further their study in the Mainland's hospitals. They need to provide training for CMPs after returning to Hong Kong.

As Chinese medicine services are becoming more prevalent in Hong Kong, the professional status of CMPs and their services have obtained broad-based recognition from the public in recent years, which contributes significantly to the career development of CMPs.

- (h) CMO provides for a system of limited registration of CMPs, as approved by the CMCHK, to facilitate the engagement of Chinese medicine experts in performing clinical teaching and research in Chinese medicine in the specified institutions. Chinese medicine experts on the Mainland may come to Hong Kong to conduct clinical research and educational work in specified local universities and scientific research institutions through a limited registration system, which can help further enhance the professional competence of local CMPs. At present, six local universities and scientific research institutions can make limited registration applications for the Chinese medicine experts they hire. These six institutions are the University of Hong Kong, The Chinese University of Hong Kong,



the Hong Kong Baptist University, The Hong Kong Polytechnic University, the City University of Hong Kong and the HA. Currently, there are 70 registered CMPs with limited registration in Hong Kong.

- (i) As for R&D, the Government provides funding support for local proprietary Chinese medicine manufacturers to carry out applied research projects relating to R&D and testing of Chinese medicine through various support programmes under the Innovation and Technology Fund. Among these programmes, the University-Industry Collaboration Programme aims to encourage enterprises to leverage on the expertise of the universities and carry out R&D projects jointly with them whereas the Small Entrepreneur Research Assistance Programme provides funding support for small and medium enterprises to carry out R&D projects on Chinese medicine so as to assist them in starting new businesses and conducting market validation. As for the General Support Programme under the Innovation and Technology Fund, it provides funding support for projects which can enhance and facilitate the development of CM industry such as conferences, exhibitions, seminars, workshops, promotional activities, research and surveys.

As to testing and laboratory technology support, representatives of the Chinese Medicines Board under the CMCHK and the DH often organize briefings and sharing sessions with the trade where necessary, and attend meetings of the Chinese medicines trade association from time to time so as to offer appropriate technical support to the trade. Relevant information is also available on the website of the CMCHK for reference by members of the trade.

- (j) According to our understanding, insurance companies currently make reference to the median medical fees in the market in determining the amount of reimbursement for medical fees. According to the findings of market research conducted by insurance companies, the median medical fees for Chinese medicine services are lower than those for Western medicine services. For this reason, the amount of reimbursement for Chinese medicine services is in general lower than that for Western medicine services.

Insurance companies will conduct market research on medical fees from time to time to ensure that the insurance coverage they provide can best meet the needs of the insurees. In case of special needs, insurees can also ask their insurance companies to enhance their protection by raising the amount of reimbursement for Chinese medicine services, but the amount of premium will also be adjusted accordingly.

- (k) According to the current provisions laid down in the Civil Service Regulations (CSRs), civil service eligible persons are entitled to free medical treatment and medical services, X-ray examinations and medicines, but only when these benefits are provided by the DH or the medical facilities of the HA. Civil service eligible persons are required to pay for the charges applicable to hospital maintenance, dentures and dental appliances as provided for in CSRs.

At present, there are no CMCs under the DH. As for CMCs under the HA, they are operated under a tripartite model under which the HA collaborates with a non-governmental organization and a local university for provision of services to patients at each CMC. Unlike the general out-patient clinics under the HA, these CMCs are operated on a self-financing basis. Hence the services provided at these CMCs fall outside the scope of medical benefits that civil service eligible persons are entitled to.

### **Oversale of Air Tickets by Airlines**

15. **MR PAUL TSE** (in Chinese): *President, in recent years, my Member's Office has from time to time received complaints from members of the public in Hong Kong against the oversale of air tickets by airlines, in particular the airline that has the largest market share in terms of air passenger volume in Hong Kong. The complainants alleged that they were notified of the unavailability of seats only upon arrival at the airport or shortly before boarding, and they were forced to negotiate with the staff members of the airline concerned at the airport, but the attitude of its staff members was usually very poor, and the airline concerned usually only undertook to upgrade their seats or offer one-night hotel stay as a compensation, without regard to delay in the itinerary of the passengers that*

*might have caused, as well as the financial loss suffered by and the inconvenience brought to the passengers. They were of the view that the airline concerned, because of its large market share, had ignored the rights and interests of those individual passengers who lacked bargaining power. They also queried that in an earlier incident of flight delay suspected to be caused by the oversale of air tickets by an airline, a celebrity in the catering industry brought along journalists to cover the process of his negotiation with the airline concerned at the scene and was subsequently offered compensation that was much higher than that in similar incidents. They criticized that this was no different from the hegemonic style of the two power companies which ignored the overall interest of the community and the public, and initially sought to make the maximum permitted return of 9.9% recently. In this connection, will the Government inform this Council:*

- (a) whether it knows the number of requests for assistance and complaints involving the oversale of air tickets by airlines received by government departments, the Travel Industry Council of Hong Kong and the Consumer Council (CC) in each of the past three years, as well as the details of such cases;*
- (b) whether it has designated any government department or established any procedure and mechanism to handle requests for assistance and enquiries involving the oversale of air tickets by airlines; further, whether it has publicized the relevant procedures and mechanisms; if it has, of the details; if not, the reasons for that;*
- (c) whether it has examined the impact of the oversale of air tickets by airlines on flight passengers and the passenger flight industry in Hong Kong; if it has, of the impact; if not, the reasons for that, and whether it can examine the issue as soon as possible; and*
- (d) given that the number of disputes between airlines (including those involving the airlines themselves or the travel agents that sell air tickets on behalf of airlines) and consumers over the oversale of air tickets has been on the rise, and that the authorities are currently examining the issue of reforming the regulatory framework of the tourism sector of Hong Kong, whether it will consider concurrently studying the introduction of a regulatory and co-ordination mechanism to handle the disputes between flight passengers and airlines; if it will, of the details; if not, the reasons for that; how it*

*will step up efforts in safeguarding consumer interest in the light of the aforesaid situations?*

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

- (a) The numbers of requests for assistance and complaints involving the oversale of air tickets by airlines received by the Civil Aviation Department (CAD) and the CC during 2009 to 2011 are set out below:

	2009	2010	2011
The CAD	1	1	1
The CC	6	9	10

As the Travel Industry Council of Hong Kong does not maintain record about cases for assistance and complaints involving the oversale of air tickets by airlines, it is not able to provide the requested information.

- (b) Passengers having consumer disputes with airlines may lodge a complaint with the CC. The CC generally helps the passengers and airlines discuss and resolve the disputes through mediation.
- (c) Airlines in general will provide flexibility to passengers by allowing them to make last minute changes to their itineraries after the purchase of air tickets. It is therefore not uncommon where passengers will not board the plane as scheduled after buying the air tickets. Airlines usually will take into account the situation of individual flights and past experience to estimate the "no-show rate" and allow overbooking of air tickets as appropriate. The arrangement facilitates passengers in need to travel to their destinations by taking up the seats that have been reserved but not checked in by other passengers. This arrangement also helps reduce the number of unused seats in each flight. In general, airlines will communicate with the affected passengers and provide necessary assistance and corresponding arrangements to minimize the inconvenience to the passengers concerned.

- (d) The Government's proposed establishment of an independent statutory regulatory body in the reform of the regulatory framework of the tourism sector focuses on regulating travel agents, tourist guides and tour escorts with a view to enhancing the quality of tourism services of Hong Kong. The services provided by airlines to passengers are based on commercial contracts entered into between the two parties, and are related to the operations of the airlines. Such matters do not necessarily have any consequential relationship with the regulatory framework of the tourism sector.

### **Work Incentive Transport Subsidy Scheme**

16. **MR FREDERICK FUNG** (in Chinese): *President, the Work Incentive Transport Subsidy Scheme (WITSS) has been accepting applications since October last year. The Government originally estimated that about 436 000 people would meet the eligibility criteria and assumed that half of them (that is, 218 000 people) would apply for the subsidy. The Government sought funding at an amount of \$4,805 million in respect of WITSS, and would employ 200 additional staff. In this connection, will the Government inform this Council:*

- (a) *of the number of applicants and the total amount of subsidy disbursed under WITSS so far, with a breakdown of the respective numbers of persons receiving subsidy at full rate (that is, \$600 per month) and half rate (that is, \$300 per month) by District Council districts; among these applicants, of the number of those who had submitted applications under the pilot Transport Support Scheme (TSS) which was introduced in 2007, and the percentage of such number in the total number of TSS applicants; further, of the number of additional staff employed and the administration cost involved in respect of WITSS so far;*
- (b) *as it has been reported that there were only 22 000 WITSS applications as at the middle of last month, which were far fewer than the Government's original estimation, whether the authorities have looked into and assessed the reasons for that, and whether they include factors such as the income thresholds being too low, the requirement of the household-based means test on applicants, the*

*cumbersome application procedures and the lack of publicity, and so on; how the authorities deal with expenses and manpower so wasted due to the wrong estimation of the number of applicants; whether they will formulate measures shortly to improve the situation that the number of applications is too low; if not, of the reasons for that;*

- (c) whether the authorities have received any enquiry or complaint from TSS recipients about the implementation of WITSS; if they have, of the number of enquiries or complaints received so far and their contents; of the means (including exercising discretion power, and so on) to assist those low-income earners who are not able to obtain the subsidy as the means test under WITSS is conducted on household basis; and*
- (d) whether the authorities will reconsider conducting a comprehensive review as soon as possible on the income thresholds and the basis of means test conducted under WITSS, and so on, so that WITSS can relieve genuinely the burden of travelling expenses on low-income employed persons?*

**SECRETARY FOR LABOUR AND WELFARE** (in Chinese): President, my reply to Mr Frederick FUNG's question is as follows:

- (a) By 20 February 2012, the Labour Department (LD) had received 24 308 applications involving 26 563 applicants, and 18 566 of them had been granted subsidy payment of \$63 million in total. The number of approved applicants broken down by District Council district is at Annex.

Of the 26 563 applicants, 8 412 live in the four districts covered by the TSS (that is, Tuen Mun, Yuen Long, North and Islands districts). Of these, 2 747 had been admitted to TSS, which is about 6.3% of all TSS admitted applicants.

To implement the WITSS, the LD is currently provided with an additional 260 staff. The monthly expense for their remuneration is about \$5.06 million.

- (b) The number of potential beneficiaries of the WITSS estimated by the Administration earlier was based on statistics of household income and working hours only. However, as the Census and Statistics Department did not have information on household assets, we were unable to tell how many of them could also meet the asset requirement of the scheme. Moreover, whether an eligible person would ultimately apply for the subsidy and when he/she would submit the application were subject to other personal factors. Therefore, the figure provided at the time was no more than a rough indication for reference, and was not the exact or target number of eligible persons or beneficiaries.

Since this is a brand new scheme and it allows applicants to claim subsidies for the preceding six to 12 months, in the initial period it is very difficult for us to predict the actual number of applications and the timing of their submission. Providing sufficient staffing resources at the initial stage was to ensure that the processing of applications would not be unduly delayed owing to inadequate manpower. We will review the manpower arrangement at an appropriate juncture having regard to the operational experience.

We just announced at the meeting of the Legislative Council Panel on Manpower on 16th this month that technical adjustments to the income and asset limits of the WITSS would be made with reference to the income data of the fourth quarter of 2011. The new limits will take effect from March this year.

- (c) By 20 February 2012, the LD had not received any complaint from TSS recipients about the implementation of the WITSS. At the same time, the LD had received about 44 000 enquiries about the WITSS. However, since those who made enquiries were not required to indicate whether they had joined TSS before, we do not have statistics in this regard.

The Government had carefully considered different suggestions when formulating the WITSS. It was decided that the means test should be conducted on a household basis because in this way the overall economic situation of the household could be fully taken into

account. This could help channel resources to households with greater needs, and would also be consistent with the arrangements for other standing government financial assistance schemes. The LD will process all applications in accordance with the eligibility criteria approved by the Legislative Council Finance Committee.

- (d) As mentioned in part (b) above, we have announced that the income and asset limits of the WITSS will be adjusted upwards starting from next month (March). We will also carry out a mid-term review as planned to take account of the operational experience in the first year, and conduct a comprehensive review after three years of operation.

Annex

### WITSS

Number of applicants who were granted the subsidy as at 20 February 2012  
with breakdown by District Council district

<i>District</i>	<i>Number of applicants granted the subsidy</i>			
	<i>Full-rate subsidy</i>	<i>Half-rate subsidy</i>	<i>Full-rate and half-rate subsidies*</i>	<i>Total</i>
Central and Western	109	4	6	119
Eastern	628	18	27	673
Southern	299	7	23	329
Wan Chai	71	0	5	76
Kowloon City	554	12	33	599
Kwun Tong	2 481	51	140	2 672
Sham Shui Po	1 249	29	85	1 363
Wong Tai Sin	1 196	35	80	1 311
Yau Tsim Mong	340	7	18	365
Islands	499	13	26	538
Kwai Tsing	1 900	41	93	2 034
North	870	10	41	921
Sai Kung	605	12	47	664
Sha Tin	1 168	33	66	1 267
Tai Po	457	5	23	485
Tsuen Wan	501	5	30	536



District	Number of applicants granted the subsidy			
	Full-rate subsidy	Half-rate subsidy	Full-rate and half-rate subsidies*	Total
Tuen Mun	1 936	32	95	2 063
Yuen Long	2 343	43	105	2 491
Outside Hong Kong	55	0	5	60
Total	17 261	357	948	18 566

Note:

\* Applicants were granted a mix of full-rate and half-rate subsidies for different months.

### **Ad Hoc Quotas for Cross-boundary Private Cars and Mainlanders Driving in Hong Kong**

17. **MR PAUL TSE** (in Chinese): *President, recently, the issue of whether Mainland citizens should be allowed to drive to Hong Kong under the trial scheme on one-off ad hoc quotas for Guangdong/Hong Kong cross-boundary private cars (hereinafter referred as "Self-drive Tour Scheme") has aroused much contention in Hong Kong. A lot of members of the public have voiced their opposition on the Internet, and the organization of a march in protest of the Scheme is brewing. In this connection, will the Government inform this Council:*

- (a) *of the driving licenses other than the driving licenses issued by the drivers' countries of origin that Mainland people and people of other nationalities (for example, European countries, the United States, and Canada, and so on, where left-hand drive is implemented) should possess as well as the eligibility criteria they should meet at present in order to drive legally in Hong Kong;*
- (b) *of the number of Mainland citizens who met the criteria set out in part (a) and were permitted to drive in Hong Kong in each of the past three years;*
- (c) *among the traffic accidents occurred in Hong Kong in the past three years, of the respective numbers of those involving Mainland drivers and drivers of other nationalities, together with a breakdown by the nationality of the drivers;*

- (d) *of the respective numbers of penalty tickets issued or prosecutions instituted by the law-enforcement authorities of Hong Kong against Mainland drivers and drivers of other nationalities for violation of traffic legislation in the past three years, together with a breakdown by category of the offences and type of traffic accidents involved (set out in table form);*
- (e) *of the number of vehicles that have obtained approval for regular quotas (commonly known as "cross-boundary vehicle licences") and are running in Hong Kong at present; among those vehicles, the respective numbers of those that are registered in Hong Kong and on the Mainland; whether they are required to meet certain technical specifications; if so, of the details; of the channels for submitting applications for "cross-boundary vehicle licences" for vehicles not registered in Hong Kong, not imported through manufacturers or importers, as well as for those vehicles registered in overseas countries and were used outside Hong Kong (for example, in Japan, the United States, Australia, and Europe); whether there is any difference between the vetting criteria for such applications and those for ordinary applications; if so, of the details; whether it knows which Mainland or Hong Kong government departments or authorities accept applications for "cross-boundary vehicle licences", and which Mainland or Hong Kong government departments or authorities have the authority to issue such licences; of the eligibility criteria for applying for "cross-boundary vehicle licences", and the application fees;*
- (f) *before deciding to implement the policy on allowing Mainland citizens to drive to Hong Kong under the Self-drive Tour Scheme, whether it had estimated the number of Mainland citizens driving to Hong Kong each year after the implementation of the policy; further, whether it had assessed if public consultation would be needed; if it had, of the result of the assessment, and if the assessment result was in the affirmative, whether it had conducted consultation; if no assessment had been made, whether it can immediately conduct such an assessment; and*

- (g) *whether it has considered setting up parking areas for Self-drive Tour Scheme vehicles in the vicinity of boundary control points to impose a restriction that Self-drive Tour Scheme vehicles may only park in such parking areas after entering Hong Kong, and the drivers may use feeder transport services to travel to the urban areas, so as to avoid the substantial impact of the Self-drive Tour Scheme on road usage, traffic order, enforcement of traffic regulations, insurance claims and air pollution, and so on, in Hong Kong?*

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

- (a) For overseas driving licence holders who wish to drive in Hong Kong, they may do so through one of the following means:
- (i) apply for a full driving licence by direct issue without test;
  - (ii) apply for a temporary driving licence; or
  - (iii) drive on strength of their valid overseas driving licence or international driving permit if they are visitors to Hong Kong (visitors mean that they arrive in Hong Kong other than to take up residence for a period not exceeding 12 months).

For an overseas driving licence holder who intends to apply for direct issue of full driving licence without test, he must fulfil the following criteria:

- (i) hold an overseas driving licence issued by one of the countries or places specified under the Fourth Schedule of the Road Traffic (Driving Licences) Regulations (Cap. 374B) (the Regulations);
- (ii) the overseas driving licence must be:
  - (1) valid or has not expired for more than three years; and

- (2) must be obtained through passing relevant driving test held in the issuing country or place.
- (iii) the driving entitlement(s) applied for must be equivalent to the class(es) of vehicles which the applicant is authorized to drive by the issuing country or place.
- (iv) satisfy any one of the requirements listed below:
  - (1) have resided in the overseas country or place of issue for a period of not less than six months during which the licence was issued;
  - (2) have held the licence for five years or more immediately prior to the application; or
  - (3) hold a passport or equivalent travel document of the country or place in which the licence was issued.

For visitors to Hong Kong who hold a non-Hong Kong driving licence not issued by one of the countries or places specified under the Fourth Schedule of the Regulations, they can apply for temporary driving licences in accordance with section 13 of the Regulations, and has to apply for a driving test within three months after the date of arrival in Hong Kong. If he fails in any part of the driving test, his temporary driving licence will be cancelled.

- (b) The People's Republic of China (PRC) is one of the recognized countries or places for direct issue of Hong Kong full driving licence. From 2009 to 2011, the numbers of Hong Kong full driving licence directly issued to applicants on the strength of PRC driving licence were as follows:

<i>Year</i>	<i>Number of Cases</i>
2009	13 660
2010	16 290
2011	19 680

According to section 13 of the Regulations, temporary driving licence is not applicable to valid non-Hong Kong driving licence issued by one of the countries or places specified under the Fourth Schedule. Therefore, temporary driving licence is not applicable to Mainland drivers who hold a valid driving licence issued by PRC.

Visitors to Hong Kong can drive in Hong Kong with their valid overseas driving licences or international driving permits without any registration procedures. Therefore, the Transport Department does not have the relevant records.

- (c) The Transport Department does not have figures of traffic accidents categorized by nationality of drivers (including whether they are holders of Hong Kong Identity Cards).
- (d) The Hong Kong Police does not have figures of traffic offence contravention and prosecution categorized by nationality of drivers (including whether they are holders of Hong Kong Identity Cards).
- (e) At present, cross-boundary vehicles are regulated under a quota system jointly administered by the Government of Hong Kong Special Administrative Region (HKSAR) and the Guangdong Provincial Government. These vehicles must have the Approval Notice issued by the Guangdong Public Security Department and closed road permit issued by the Transport Department, and have completed the formalities required by other Mainland authorities, before they could travel between Hong Kong and Guangdong.

According to the requirements of the Guangdong Provincial Government, the quotas for "Hong Kong private cars to enter and leave the Mainland" are mainly allocated to persons and enterprises with official or business needs to cross the boundary. At present, applicants for such quotas must be enterprises with investment of at least US\$1 million in the non-mountainous areas, or at least US\$0.4 million in the mountainous areas of Mainland, or Hong Kong residents who are deputies to the National and Provincial People's Congress, members of the National and Provincial Committee of the Chinese People's Political Consultative Conference, or people with other official appointments. Such

vehicles, including HKSAR Government vehicles and those Hong Kong private cars that meet the investment requirement of the Mainland, must be registered and licensed in Hong Kong. There are about 24 000 such vehicles at present.

Another type of cross-boundary vehicles are those belonging to the Mainland governments, departments directly under the Mainland authorities or some enterprise units. Such vehicles are issued with international circulation permits for use in Hong Kong. There are about 1 900 such vehicles.

For cross-boundary vehicles registered and licensed in Hong Kong, apart from the vehicle licence fees, the Transport Department shall, in accordance with section 49 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E), charge a fee for the issue of a closed road permit. The annual fee for a private car is HK\$540 (in the case of an application for a closed road permit valid for less than 12 months, a fee equal to one twelfth of the fee multiplied by the number of months for which the permit is sought, any part of a month counting as one month).

The Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) provides that a vehicle issued with an international circulation permit is required to comply with the vehicle construction requirements stipulated under the relevant Convention, for example, a good braking system, suitable illumination equipment and light signal, and so on. The vehicle construction and maintenance requirements as stipulated under Cap. 374A are not applicable to a vehicle brought temporarily into Hong Kong and used by virtue of an international circulation permit. For Mainland vehicles currently travelling to Hong Kong under the regular quota system, the Transport Department has adopted the same vehicle examination requirement as private cars in Hong Kong, that is, yearly examination after six years.

(f) and (g)

Arrangements for Mainland private cars to enter Hong Kong with ad hoc quotas fall under the second phase of the ad hoc quota trial

scheme for cross-boundary private cars (the Scheme). Experts of the governments of Guangdong and Hong Kong will further study and discuss the specific arrangements for the second phase of the Scheme when there is experience in smooth operation after implementing the first phase for a period of time.

The Administration introduced the idea of the Scheme to the Legislative Council as early as late 2008 in response to a question raised by Member of the Legislative Council. At the meeting of the Panel on Transport of the Legislative Council on 23 January 2009, we explained the overall situation of regulation of cross-boundary vehicles, the future direction of relaxation of the quota system for cross-boundary private cars, and reported the progress of discussion with the Guangdong authorities on the ad hoc quota trial scheme. The Scheme would be to relax the existing quota system for private cars in a highly regulated environment to allow some private cars to use the Shenzhen Bay Port to travel between the two places. It was already made clear at that time that we had reached preliminary agreement with the relevant Guangdong authorities to implement the proposal in two phases, starting with the issue of ad hoc quotas to Hong Kong private cars first, to be followed by Guangdong private cars at a later stage upon satisfactory implementation of the proposal for Hong Kong private cars. Members generally welcomed the proposal of issuing ad hoc quotas. Thereafter, Members have monitored progress by raising questions at the Legislative Council sittings.

In formulating the arrangements of the Scheme, we adhere to some principles, including:

- (i) exercising due care and launching a trial first to ascertain the effects;
- (ii) introducing the scheme under a highly regulated environment, with road safety and network capacity as the fundamental considerations and taking into account also impact on the environment;

- (iii) starting with a small number of quotas, which can be adjusted flexibly having regard to special circumstances; and
- (iv) requiring full details in all applications, which will be carefully vetted and properly screened.

In formulating the arrangements of the second phase of the Scheme, we will continue to adhere to the above principles, listen to the opinions of the Legislative Council and members of public, including opinions on other transport arrangements and control measures (for example, increasing parking areas), and do the job properly. Legislative amendments are required for implementing the second phase of the Scheme, to provide legal basis for issuing temporary licence/permit and collecting relevant fees. The Government and the Legislative Council can both serve as effective gatekeepers.

### **Provision of Meteorological Information by Hong Kong Observatory**

18. **MR FREDERICK FUNG** (in Chinese): *President, some members of the public have relayed to me that differences often exist between the temperatures recorded at the Hong Kong Observatory (HKO) Headquarters and those recorded at other weather stations in urban districts, and the temperatures recorded at the HKO Headquarters are not only unrepresentative but also fail to truly reflect the actual temperatures in most urban districts. For example, differences between the temperatures were as big as 2°C to 3°C during this Lunar New Year (22 to 29 January this year). Moreover, at present, the latest weather report, the short-range weather forecast and the seven-day weather forecast announced by the HKO are all based on the data recorded at the HKO Headquarters. In this connection, will the Government inform this Council:*

- (a) *of the respective differences between the daily highest and lowest temperatures recorded at various weather stations in urban districts (including Sham Shui Po, King's Park, Kowloon City, Wong Tai Sin, Kwun Tong and Happy Valley, and so on) and those recorded at the HKO Headquarters during this Lunar New Year; the biggest differences among the data on the lowest and highest temperatures collected at any one time; whether the HKO has looked into the*



*reasons for the differences between the temperatures; whether the HKO has in the past examined the impact of the development of the vicinity of the HKO Headquarters on the collection of weather data; if so, of the result;*

- (b) *given the differences between the temperatures recorded at the HKO Headquarters and those recorded at other weather stations in urban districts, whether the HKO has conducted studies to find out if there are also differences in other weather parameters (for example, relative humidity and air pressure, and so on); given that at present, a number of district weather stations do not provide weather data other than those on temperature, whether the HKO will consider setting up other meteorological instruments in various district weather stations to record such data, so as to truly and comprehensively reflect the weather conditions in various districts; and*
- (c) *whether the authorities will improve the existing practice of using the data of the HKO Headquarters as the basis for the latest weather report, the short-range weather forecast and the seven-day weather forecast (for example, considering methods such as adopting average or weighted data, and so on), so as to reflect more truly the weather information of urban districts; if not, of the reasons for that?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Chinese): President, our response to the enquiries raised by Mr Frederick FUNG is as follows:

- (a) and (c)

The temperature readings recorded at weather stations in various urban districts from 22 to 29 January this year are given in Annexes I and II.

According to the observations and analysis of the Observatory, not only would the weather data taken at different districts be affected by factors such as cloud dimension, wind speed and direction, and so

on, the geographical location of the weather station and its surrounding environment (including the degree of urbanization) might also have a bearing. The temperature measurements could well vary even within the urban areas.

Over the years, the Observatory has been using the weather data prevailing at its Headquarters in Tsim Sha Tsui as the baseline for its weather reports and forecasts. This practice is well understood and widely accepted by the general public. The Observatory has studied the impact of urban development on the weather data collected. It has caused a rise of less than 1°C in the average temperature recorded at the Observatory's Headquarters in recent years. Nevertheless, the impact of urban development would similarly arise even if we were to use the data of a weather station in another urban district as the baseline. Nor would the use of alternative statistical methods (such as those adopting the average readings across different stations) necessarily result in more representative figures.

To meet public demands for district-specific weather information, the Observatory disseminates weather data such as the temperature, relative humidity, wind speed and direction, and so on, recorded at individual weather stations throughout the territory via different channels (including the Internet website of the Observatory, smart phone applications, the media and telephone enquiry service, and so on). If the temperature in a certain region is expected to be different from that at its Headquarters by a relatively more significant margin, the Observatory will so remind the public.

- (b) The HKO monitors weather conditions across Hong Kong through a network of over 30 weather stations. Most of these stations provide a range of regional weather information, including temperature, wind speed and direction, rainfall and relative humidity, and so on. The Observatory will consider installing additional instruments at individual weather stations on a need basis. As regards the mean sea level pressure (hereafter referred to as air pressure), there is generally little variation from district to district. Nevertheless, information on air pressure from 12 weather stations is made available through the Observatory's website for interested parties.

## Annex I

Difference of daily maximum temperature recorded at  
the HKO Headquarters and selected urban weather stations (°C)

Date (2012)	HQs	King's Park		Sham Shui Po		Kowloon City		Wong Tai Sin		Kwun Tong		Happy Valley	
	Temperature	Temperature	Difference	Temperature	Difference	Temperature	Difference	Temperature	Difference	Temperature	Difference	Temperature	Difference
22 January	16.3	15.8	-0.5	16.7	0.4	15.6	-0.7	16.7	0.4	15.5	-0.8*	16.4	0.1
23 January	11.8	11.4	-0.4	10.8	-1.0	10.5	-1.3*	11.5	-0.3	10.6	-1.2	11.7	-0.1
24 January	12.2	11.9	-0.3	12.0	-0.2	11.7	-0.5	12.3	0.1	11.3	-0.9*	12.5	0.3
25 January	10.2	9.4	-0.8	9.1	-1.1	8.9	-1.3*	9.3	-0.9	9.1	-1.1	10.4	0.2
26 January	13.4	13.0	-0.4	13.7	0.3	13.1	-0.3	13.8	0.4	13.1	-0.3	13.9	0.5*
27 January	15.8	16.0	0.2	17.1	1.3*	15.9	0.1	16.9	1.1	15.8	0.0	16.9	1.1
28 January	20.0	21.6	1.6	22.6	2.6	21.9	1.9	23.5	3.5*	21.6	1.6	23.1	3.1
29 January	16.5	17.4	0.9	18.7	2.2*	18.1	1.6	18.7	2.2*	17.8	1.3	18.5	2.0

Note:

\* denotes the largest difference on the day

## Annex II

Difference of daily minimum temperature recorded at  
the HKO Headquarters and selected urban weather stations (°C)

Date (2012)	HQs	King's Park		Sham Shui Po		Kowloon City		Wong Tai Sin		Kwun Tong		Happy Valley	
	Temperature	Temperature	Difference	Temperature	Difference	Temperature	Difference	Temperature	Difference	Temperature	Difference	Temperature	Difference
22 January	10.6	9.6	-1.0	10.0	-0.6	9.0	-1.6*	9.6	-1.0	9.6	-1.0	10.9	0.3
23 January	9.4	8.4	-1.0	8.5	-0.9	7.8	-1.6*	8.6	-0.8	8.0	-1.4	9.8	0.4
24 January	8.9	8.2	-0.7	8.4	-0.5	7.2	-1.7*	7.7	-1.2	8.0	-0.9	9.4	0.5
25 January	7.4	6.9	-0.5	6.8	-0.6	6.3	-1.1*	6.7	-0.7	7.5	0.1	8.0	0.6
26 January	9.0	8.0	-1.0	8.0	-1.0	7.8	-1.2*	7.9	-1.1	7.9	-1.1	9.2	0.2
27 January	13.3	13.0	-0.3	13.6	0.3	13.0	-0.3	13.8	0.5*	13.0	-0.3	13.7	0.4
28 January	14.8	14.5	-0.3	14.8	0.0	14.3	-0.5	14.1	-0.7	14.3	-0.5	13.4	-1.4*
29 January	13.8	13.9	0.1	14.2	0.4	13.9	0.1	14.3	0.5*	14.2	0.4	13.6	-0.2

Note:

\* denotes the largest difference on the day

## Manpower and Staff Establishments of Dispensaries of Public Hospitals

19. **MRS REGINA IP** (in Chinese): *President, I have recently received complaints from members of the public about the long waiting time for collecting medicine from the dispensaries of public hospitals. A member of the public waited for two hours and 45 minutes before he could collect three sachets of*

ordinary cold medicine and a bottle of cough syrup. The member of the public said that according to his observation, the dispensary staff did not slacken their efforts or grumble about heavy workload, and the problem was not due to the staff, but the shortage of manpower. Regarding the allocation of sufficient manpower by the Hospital Authority (HA) to various dispensaries of public hospitals to address the issue of manpower shortage, and to cater the increasing demand of the public on public healthcare services, will the Government inform this Council:

- (a) whether it knows the current staff establishments of various dispensaries of public hospitals;
- (b) given the huge fiscal surpluses of the Government in recent years, whether the Government has any plan to allocate additional resources to the HA in order to increase the manpower of the dispensaries of public hospitals; if it has, of the details; and
- (c) whether it has any plan to increase the number of university places for training pharmacists, or admit from foreign countries pharmacists who meet the healthcare standards of Hong Kong; if it has, of the details?

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, the HA is committed to ensuring the efficiency of pharmaceutical and dispensing services. At present, the average waiting time of patients at the HA's specialist out-patient clinics for drug dispensing services is about 30 minutes to 45 minutes. During peak hours, the waiting time for drug dispensing services may be longer. However, cases in which patients have to wait for two hours or more are rare.

- (a) As at the end of 2011, the pharmacy manpower strength of the seven clusters under the HA is as follows:

<i>Clusters</i>	<i>Number of pharmacists</i>	<i>Number of dispensers</i>
Hong Kong East	48	122
Hong Kong West	49	108
Kowloon Central	47	124
Kowloon East	36	112
Kowloon West	100	236

<i>Clusters</i>	<i>Number of pharmacists</i>	<i>Number of dispensers</i>
New Territories East	56	167
New Territories West	39	116
Total	375	985

- (b) To enhance the quality of pharmaceutical services of public hospitals and improve medication safety for patients, the Government has allocated additional resources to the HA in recent years for enhancement of the pharmaceutical services of public hospitals and clinics, including increasing the number of pharmacists at general out-patient clinics. Over the past two years, the HA has recruited 140 additional pharmacy staff. In the coming year, the HA plans to recruit about 100 additional pharmacy staff. The HA will continue to deploy its manpower with flexibility and implement appropriate measures, taking into account the daily operational and service needs, with a view to providing the public with safe and reliable pharmaceutical services and efficient dispensing services.
- (c) Currently, the pharmacy programme of The Chinese University of Hong Kong is accredited by the Pharmacy and Poisons Board of Hong Kong (the Board) for training of pharmacists. Graduates of the programme can be registered as pharmacists in Hong Kong after completing one-year pharmacy internship training and passing the relevant assessment.

The University of Hong Kong launched a new Bachelor of Pharmacy programme in 2009 and is applying to the Board for accreditation of the programme. The accreditation process is at the final stage. If the programme is accredited by the Board, more than 50 graduates of the degree programmes on pharmacy offered by the two universities each year can be registered as pharmacists in Hong Kong after completing one-year pharmacy internship training and passing the assessment.

Apart from local graduates, those who have studied pharmacy outside Hong Kong can also enrol in the Pharmacist Registration Examination organized by the Board if they meet the following criteria:

- (i) have completed their tertiary education of not less than three full-time academic years, or equivalent, in pharmacy;
- (ii) have registered or be professionally qualified to be registered as a pharmacist in the country in which they have completed their education in pharmacy; and
- (iii) have had relevant pre-registration training and/or post-registration experience for an aggregate period of not less than one year in the country in which they have completed their education in pharmacy or in another country.

At present, the Pharmacist Registration Examination is held twice a year, in June and December respectively. There are three subjects in the Examination, namely "Pharmacy Legislation in Hong Kong", "Pharmacy Practice" and "Pharmacology". Applicants who have passed all three subjects can be registered as pharmacists in Hong Kong. The average passing rate for the three subjects is about 48% in 2011. In 2007-2011, nearly 300 overseas graduates passed the three subjects and were approved by the Board for registration as pharmacists in Hong Kong.

Currently, the recruitment and manpower supply of pharmacists is satisfactory relative to that of other grades in the public healthcare system. The HA will continue to ensure that there is sufficient manpower for the pharmaceutical and dispensing services and make appropriate arrangements in manpower planning and deployment to cope with the service needs.

### **Allocation of Public Rental Housing Flats**

20. **MR CHAN KAM-LAM** (in Chinese): *President, the rental flats in the public housing estates under the Hong Kong Housing Authority (HA) recovered by the HA are the major source of public rental housing (PRH) flats for allocation other than newly built flats. In this connection, will the Government inform this Council of:*

- (a) *the number of PRH flats recovered by the HA in each of the past three years, together with a breakdown by district (Urban, Extended Urban, the New Territories and Islands) and PRH flat type (one/two-person flat, three/four-person flat, five/six-person flat, and seven or more-person flat);*
- (b) *the respective numbers of PRH flats recovered and new flats built by the HA which were available for transfer application by tenants as well as allocation to Waiting List (WL) applicants and compassionate rehousing applicants in each of the past three years; and*
- (c) *the respective numbers of PRH flats recovered by the HA as a result of the original tenants transferring to other flats, receiving other forms of housing subsidy or being served a Notice to Quit in each of the past three years; and the respective numbers of such original tenants who paid 1.5 times rent, double rent and licence fee?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, apart from newly built PRH flats, the PRH flats recovered from existing PRH tenants by the HA are also a significant source of PRH supply. Our reply to the three parts of the question is as follows:

- (a) In the past three years (2008-2009, 2009-2010 and 2010-2011), the number of PRH flats recovered by the HA, breakdown by PRH WL District, were as follows:

<i>District</i>	<i>2008-2009</i>	<i>2009-2010</i>	<i>2010-2011</i>
Urban	7 660	7 260	7 650
Extended Urban	5 320	4 050	4 330
New Territories	5 570	3 620	4 420
Islands	60	60	70
Total	18 610	15 000	16 470

Note:

Breakdown may not add up to the total due to rounding to tens.

With a view to better utilizing the PRH resources, there are different allocation ranges for different types of PRH units of various sizes. For example, a two-bedroom unit of Harmony blocks can be allocated to four to six-person households. Therefore, the Housing Department (HD) does not have any breakdown on flats by categories as specified in the question.

- (b) In the past three years, the annual number of flats the HA allocated to sitting tenants' transfer; PRH WL applicants; and Compassionate Rehousing cases were as follows:

Allocation Category	Flats allocated in 2008-2009			Flats allocated in 2009-2010			Flats allocated in 2010-2011		
	New flat	Refurbished flat	Total	New flat	Refurbished flat	Total	New flat	Refurbished flat	Total
Transfer	3 510	5 470	8 980	2 270	5 640	7 910	960	5 130	6 090
PRH WL	14 200	10 400	24 600	11 790	9 080	20 880	7 250 <sup>#</sup>	8 650	15 900 <sup>#</sup>
Compassionate Rehousing	10	2 030	2 040	11	2 440	2 450	6	2 430	2 440

Note:

Breakdown may not add up to the total due to rounding to tens.

<sup>#</sup> As at end March 2011, there were 4 700 new flats being allocated to and preliminarily accepted by the WL applicants. Due to the fact that those flats were yet to be occupied within the concerned year, such flats were not included in the number of flats allocated in that year.

- (c) As mentioned above, the HA respectively recovered 18 610, 15 000 and 16 470 PRH flats in the past three years, among which the number of PRH tenants paying additional rent were as follows:

	PRH flats recovered from households paying additional rent		
	2008-2009	2009-2010	2010-2011
Households paying 1.5 times net rent plus rates	260	160	400
Households paying two times net rent plus rates	180	130	260
Households paying market rent/license fee	100	80	110
Total	540	360	770

Note:

Breakdown may not add up to the total due to rounding to tens.



PRH flats are recovered by the HA due to various reasons, such as PRH tenants purchasing flats under the Home Ownership Scheme, voluntary surrender by tenants, transfer and flats recovered from tenancy enforcement actions by the HD, and so on.

## **BILLS**

### **First Reading of Bills**

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

### **UNITED NATIONS (ANTI-TERRORISM MEASURES) (AMENDMENT) BILL 2012**

**CLERK** (in Cantonese): United Nations (Anti-Terrorism Measures) (Amendment) Bill 2012.

*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**

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

### **UNITED NATIONS (ANTI-TERRORISM MEASURES) (AMENDMENT) BILL 2012**

**SECRETARY FOR SECURITY** (in Cantonese): Deputy President, I move the Second Reading of the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2012 (the Bill).

We enacted the United Nations (Anti-Terrorism Measures) Ordinance (the Ordinance) and its Amendment Ordinance respectively in 2002 and 2004, in

order to give effect to the United Nations Security Council Resolution 1373 and address the Special Recommendations of the Financial Action Task Force on Money Laundering (FATF), as well as to discharge the international duties and obligations under other international conventions against terrorist activities. The Ordinance came into full operation on 1 January 2011.

In 2008, the FATF completed its Mutual Evaluation Report (the Report) on Hong Kong's compliance with the FATF's recommendations in countering money laundering and terrorist financing. The Report specifically pointed out that Hong Kong needs to review the Ordinance; in particular, we need to adopt legislative measures to expeditiously address several Key Recommendations. The legislative measures should seek to:

- (a) expressly criminalize acts of providing property (including funds and property of any other natures) for terrorists and terrorist associates or for performing terrorist acts;
- (b) amend the scope of "terrorist act" to cover intended coercion of an international organization; and
- (c) create a new offence for collecting property for individual terrorists or terrorist organizations in addition to criminalization of provision of property.

In order to fully implement the Key Recommendations in the FATF's Report, the Bill aims to amend the Ordinance in accordance with the three aforesaid aspects. The corresponding amendment proposals include:

- (a) repealing the definition of "funds" and replacing it by "property";
- (b) expanding the definition of "terrorist act" to cover acts to coerce international organizations;
- (c) amending the scope of prohibition on assistance for terrorists and terrorist organizations to cover the collection of property for such persons and organizations; and

- (d) making consequential amendments to the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance and the Rules of the High Court.

According to the FATF's procedures, Hong Kong is expected to have addressed the Key Recommendations in the Report within four years (that is, before June this year) after the launch of the Report in 2008, such that Hong Kong can then seek the FATF's approval for removing Hong Kong from the follow-up process. If Hong Kong fails to make substantial improvements within the specified time frame, and is thus unable to seek removal from the follow-up process in time, it is quite likely that the FATF will further apply enhanced scrutiny and monitoring on Hong Kong. In order to safeguard Hong Kong's status as an international financial centre, and taking into account that major trading partners of Hong Kong, including the United Kingdom, the United States, the Singapore, Canada, Australia, and so on, have already completed the legislation concerned to address the FATF's Key Recommendations, that is, they have already introduced the legislation or the legislative amendments concerned, it is of paramount importance that the Bill be passed expeditiously so as to reflect positively on Hong Kong when the FATF evaluates Hong Kong's status under its reviewing procedures. If not, any tightened scrutiny by the FATF on Hong Kong would seriously affect the competitiveness of Hong Kong *vis-a-vis* our trading competitors.

The Bill seeks to address the FATF's specific recommendations and discharge the international duties of Hong Kong in countering terrorism and the financing of terrorist activities, which will play a part in upholding Hong Kong's reputation as an international city and a financial centre, and is instrumental in strengthening co-operative efforts between Hong Kong and the international community in countering terrorism.

Deputy President, I so submit and urge for Members' support of the Bill.

**DEPUTY PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the United Nations (Anti-Terrorism Measures) (Amendment) Bill 2012 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.

**Resumption of Second Reading Debate on Bills — For the Purpose of Making an Announcement for the Withdrawal of the Bill**

**DEPUTY PRESIDENT** (in Cantonese): Resumption of Second Reading debate on the Bill. The Secretary for Constitutional and Mainland Affairs has given notice to resume the Second Reading debate on the Legislative Council (Amendment) Bill 2011 at the Legislative Council meeting today. The purpose is for making an announcement for the withdrawal of the Bill.

According to Rule 64(3) of the Rules of Procedure, no debate may arise on the address made by the Secretary for making an announcement for the withdrawal of the Bill.

**LEGISLATIVE COUNCIL (AMENDMENT) BILL 2011****Resumption of debate on Second Reading which was moved on 8 June 2011**

**SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): Deputy President, in January 2010, five Legislative Council Members returned by geographical constituencies (GCs) resigned and stood in the by-elections. The incident had led to considerable concern in the community. Following that incident, there was a large body of public opinion that the Government should examine ways to plug the loophole in order to prevent occurrence of similar incidents.

Against the above background, in May 2011 the Government proposed a replacement arrangement to fill any vacancy of a GC and the new District Council (second) functional constituency (DC (second) FC) of the Legislative Council, and subsequently introduced the Legislative Council (Amendment) Bill 2011 (the Bill). The Bill sought to amend the Legislative Council Ordinance to provide for the filling of any vacancy in the membership of the Legislative Council in any GC or the DC (second) FC by a replacement mechanism.

In examining the Bill, there was a large body of opinion that the Government should conduct a comprehensive public consultation on this important issue. The Bills Committee was also of the view that the Administration should provide more time to consider suggestions of the

Members. In response to the above, the Government decided not to resume the Second Reading debate of the Bill for voting at that time and published the Consultation Paper on Arrangements for Filling Vacancies in the Legislative Council on 22 July 2011 for a two-month public consultation. Subsequently, the Government published the Consultation Report on Arrangements for Filling Vacancies in the Legislative Council on 20 January 2012, which provides a summary of the views received during the public consultation period.

Having considered the views of Members of the Legislative Council and different sectors of the community expressed through various channels and means during the public consultation, we have proposed a latest proposal. A vacancy arising mid-term in a GC, the DC (second) FC or any other functional constituency under section 15 or section 72 of the Legislative Council Ordinance or Article 79 of the Basic Law would continue to be filled by a by-election. Electors could continue to exercise their right to vote. A Member who has voluntarily resigned from office under section 13 or section 14 of the Legislative Council Ordinance would be prohibited from standing in any by-elections in the same Legislative Council term within six months of his resignation.

We introduced the Legislative Council (Amendment) Bill 2012 into the Legislative Council to implement the abovementioned latest proposal on 8 February this year.

Since we have introduced the Legislative Council (Amendment) Bill 2012 to address the mischief arising from Members resigning at will in order to trigger by-elections in which they seek to stand, we will not further pursue the Bill. In accordance with the relevant procedures, I now withdraw the Bill. The withdrawal, as I would like to emphasize, is based on the following considerations:

- (a) the Government has introduced the Legislative Council (Amendment) Bill 2012 to address the relevant mischief;
- (b) the sole purpose of withdrawing the Bill is to adhere to the relevant technical procedures; and
- (c) the Bill is withdrawn in response to its unique circumstances and the withdrawal should not be regarded as a precedent.

I take this opportunity to thank Members, in particular members of the Bills Committee on Legislative Council (Amendment) Bill 2011, for their work in examining the Bill.

Deputy President, I move to resume the Second Reading debate on the Bill for its withdrawal.

## **MEMBERS' MOTIONS**

**DEPUTY PRESIDENT** (in Cantonese): There are three Members' motions today. The second and third ones are motions with no legislative effect.

First Member's motion: Proposed resolution under the Interpretation and General Clauses Ordinance to extend the period for amending six items of subsidiary legislation in relation to the Public Bus Services Ordinance, which were laid on the table of this Council on 1 February 2012.

I now call upon Dr Philip WONG to speak and move the motion.

## **PROPOSED RESOLUTION UNDER SECTION 34(4) OF THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE**

**DR PHILIP WONG** (in Cantonese): Deputy President, I move that the motion, as printed on the Agenda, be passed.

At the House Committee meeting held on 3 February 2012, Members agreed to form a subcommittee to study six items of subsidiary legislation which were laid on the table of the Legislative Council on 1 February 2012, namely, the Schedule of Routes (Citybus Limited) Order 2012, the Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2012, the Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2012, the Schedule of Routes (Long Win Bus Company Limited) Order 2012, the Schedule of Routes (New Lantao Bus Company (1973) Limited) Order 2012 and the Schedule of Routes (New World First Bus Services Limited) Order 2012. To give the Subcommittee sufficient time for deliberation and report to the House Committee the result of its deliberation, in my capacity as Chairman of the

Subcommittee, I propose to extend the period for amending these items of subsidiary legislation to 21 March 2012.

Deputy President, I implore Members to support this motion.

**Dr Philip WONG moved the following motion:**

"RESOLVED that in relation to the —

- (a) Schedule of Routes (Citybus Limited) Order 2012, published in the Gazette as Legal Notice No. 4 of 2012;
- (b) Schedule of Routes (Citybus Limited) (North Lantau and Chek Lap Kok Airport) Order 2012, published in the Gazette as Legal Notice No. 5 of 2012;
- (c) Schedule of Routes (Kowloon Motor Bus Company (1933) Limited) Order 2012, published in the Gazette as Legal Notice No. 6 of 2012;
- (d) Schedule of Routes (Long Win Bus Company Limited) Order 2012, published in the Gazette as Legal Notice No. 7 of 2012;
- (e) Schedule of Routes (New Lantao Bus Company (1973) Limited) Order 2012, published in the Gazette as Legal Notice No. 8 of 2012; and
- (f) Schedule of Routes (New World First Bus Services Limited) Order 2012, published in the Gazette as Legal Notice No. 9 of 2012,

and laid on the table of the Legislative Council on 1 February 2012, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 21 March 2012."

**DEPUTY PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Dr Philip WONG be passed.

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

(No Member indicated a wish to speak)

**DEPUTY PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Dr Philip WONG be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

**DEPUTY PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

**DEPUTY PRESIDENT** (in Cantonese): Two motions with no legislative effect. I have accepted the recommendations of the House Committee: that is, the movers of motions each may speak, including reply, for up to 15 minutes, and have another five minutes to speak on the amendments; the movers of amendments each may speak for up to 10 minutes; and other Members each may speak for up to seven minutes. I am obliged to direct any Member speaking in excess of the specified time to discontinue.



**DEPUTY PRESIDENT** (in Cantonese): First motion with no legislative effect: Reiterating Hong Kong's core values.

Members who wish to speak in the debate on the motion will please press the "Request to speak" button.

I now call upon Mr Ronny TONG to speak and move the motion.

### **REITERATING HONG KONG'S CORE VALUES**

**MR RONNY TONG** (in Cantonese): Deputy President, I move this motion today because I have strong feelings about the widespread talks about "dogs" and "locusts" in Hong Kong lately.

Although Hong Kong has a mere history of a hundred years or so, there are a number of indisputable facts which must not be neglected. Firstly, Hong Kong is a part of China and I believe it always will be. Secondly, while Hong Kong is a place where East meets West, the majority of Hong Kong people are Mainland immigrants. Deputy President, I was born in Hong Kong but my parents are Mainland immigrants. Even if your parents are not Mainland immigrants, your grandparents are probably Mainland immigrants.

Therefore, the China-Hong Kong relations are actually very intimate. I always have the impression that Hong Kong is a harmonious, caring and kind-hearted society. I wonder if people of my age can still remember, in the 1960s and 1970s, we went to great pains to find ways to send basic necessities, such as fuel, rice, oil, salt, luncheon meat, instant noodles and padded quilts to the Mainland. We had rendered meticulous care to our Mainland compatriots at that time. When has the exclusion sentiment developed in our society? Such confrontational and exclusion sentiments are not only directed at foreigners, but also at our Mainland compatriots.

Has our society changed? If it has, what are the causes? I have slept on this question for quite some time, but I still refuse to believe that the intrinsic nature of Hong Kong people has changed. In fact, the environment should be blamed for the conflicts and division between the two places. If I go further and ask who has created such an environment, I think the answer is pretty simple.

The SAR Government should be the culprit. I am not trying to shift the problem of public sentiment onto the Government, but the Government has neglected a very basic principle of governance, that is, resources of a place must be used on its local residents. This is the foremost principle.

Our colleague Dr Margaret NG raised a question this morning. If we read between the lines of the Secretary's reply, we are aware that he seemed to agree that Hong Kong's resources should be used to cater for local needs in the first place, whereas the needs of other people would only be catered when there are surplus resources. This is an indisputable fact and it is also the most fundamental obligation of a government. If the Government does not restrain foreigners in competing for our resources which are already insufficient to cater for local needs, an anti-foreign sentiment will gradually develop. As time passes, such dissatisfaction may be translated into xenophobic sentiments. If we do not vent such dissatisfaction and anger, the harm inflicted may be far-reaching. While foreigners may regard Hong Kong people as cold and heartless who repel them and the disadvantaged groups, Hong Kong people have a dislike of Mainlanders. That is why there are talks about "locusts" in Hong Kong lately. I reckon that not all Hong Kong people agree with this. Nor do I believe that the majority of Mainlanders will regard Hong Kong people as "dogs". And yet, the prevailing sentiment does reflect people's feeling at this moment, which may aggravate if it is not addressed.

Therefore, I propose this motion today to call on the Government to adopt three initiatives. Many people have a misunderstanding that this motion merely seeks to put forth the few measures which I am going to describe, rather than to address the conflicts and confrontational sentiments arising from the cultural differences between the two places. And yet, the essence of my motion is actually the latter rather than the former. The trigger point leading to confrontational sentiments between the two places is the SAR Government's ineffective governance. I will discuss the relevant problems when I go through my recommendations. Above all, we should tackle the problem at root.

Recently, the major issue which fans the confrontational sentiments between Hong Kong people and Mainlander is the problem arising from Mainland pregnant women giving birth in Hong Kong. In fact, the problem did not emerge last year, but can be traced back to a few years ago when Hong Kong recorded a falling birth rate. As such, the SAR Government thought that they

did not need to increase or could even reduce the resources deployed for obstetric services. With an upsurge in demand for obstetric services, the Government was caught unprepared and the demand could not be met. Statistics showed that before 2006, less than 10 000 "doubly non-permanent resident pregnant women" came to give birth in Hong Kong, but the number had increased sharply to 32 000 between 2006 and 2010. And yet, the number of obstetric beds has remained more or less the same so far.

Deputy President, you may recall that after I assumed office as a Legislative Council Member, I joined many Members from the New Territories East to fight incessantly for the provision of obstetric services in the Tseung Kwan O new town. The fight has gone on for many years. The Government initially responded that it was risky to establish an Obstetric department amid the low birth rate, but it subsequently admitted that the birth rate did justify the establishment of an Obstetric department. Yet, the lack of doctors has rendered this proposal impossible. This is a very good example illustrating that the Government is very short-sighted in meeting local demand and has not made comprehensive planning.

Let me repeat the figures which I have just mentioned. In response to a question raised by Dr Margaret NG this morning, the Secretary said that the Government has not endeavoured to distinguish how many of the 35 000 quotas set recently are allotted to "singly" or "doubly" non-permanent resident pregnant women. The figures provided by the Secretary this morning only showed that there is an average of 6 000 "singly" non-permanent resident pregnant women coming to Hong Kong in each of the past few years. While this number would not bring significant impact to Hong Kong, how can the remaining 30 000 quotas respond to local demands?

The major difference between "singly" and "doubly" non-permanent resident pregnant women is that the husbands of the former are Hong Kong residents. The Government is obliged to meet the needs of these Hong Kong residents. Yet, the case for "doubly" non-permanent resident pregnant women is different. Why do we have to maintain the 30 000 quotas for "doubly" non-permanent resident pregnant women? Such being the case, local residents cannot receive the healthcare services they are entitled to.

Deputy President, we hear different stories each day about how difficult it is to raise children. I guess you have also heard of such stories. First, there are insufficient beds for pregnant women, then there are insufficient school places for school children, and finally there are insufficient jobs for grown-ups. Is our society really that poor?

This morning, I mentioned that recently many professionals (especially those from the financial sector) complained to me that they were unable to secure a bed for delivery after they came to Hong Kong to set up their business or to work. While this international metropolis is supposed to attract talents, our facilities are nonetheless no better than those of the third world countries. How can we fortify our status as an international financial centre? I therefore sincerely request the Secretary to carefully consider immediately abolishing or significantly reducing the quotas reserved for "doubly non-permanent resident pregnant women" to give birth in Hong Kong, with a view to seriously respond to local needs. The major objective of this initiative is to respond to the needs of local residents in the first place, so as to mitigate the confrontational sentiments between Hong Kong people and Mainlanders.

Furthermore, I must point out that apart from pregnant women who fall under the quota system, we must not forget that there are still a large number of pregnant women gate-crashing into Hong Kong for delivery. Last year, there were more than 700 gate-crashing pregnant women. While they account for about 1% of pregnant women giving birth in Hong Kong, they have seriously impacted on our healthcare system as they often take up our accident and emergency services. While gate-crashing provides convenience for these pregnant women, it has caused serious resource mismatching to Hong Kong people.

Immigration measures have been introduced in different parts of the world to prevent foreigners from giving birth in their countries. Why does Hong Kong not follow suit when this is a common practice? I hope the Secretary for Security will give a response by telling us what viable measures can be put in place at once to prevent foreigners from using our limited healthcare resources.

Meanwhile, I must also talk about the self-drive tour plan. In my opinion, had there not been confrontational sentiments between people of the two places and the problems of gate-crashing pregnant women or "doubly non-permanent resident pregnant women" giving birth in Hong Kong, members of the public

would not have reacted so strongly against the self-drive tour plan. After all, the fundamental problem is that Hong Kong is a small place packed with vehicles. We respect the rule of law and have strong aspirations for environmental protection, but foreign drivers may not be able to adapt to our requirements in a short period of time. Therefore, I hope that the Government can immediately abolish the self-drive tour plan.

Thank you, Deputy President.

**Mr Ronny TONG moved the following motion: (Translation)**

"That, Hong Kong has always taken pride in its core values such as diversity, harmony, love for peace and kind-heartedness, etc., but a series of recent incidents involving 'doubly non-permanent resident pregnant women', self-drive tour, D&G and talks about 'locusts' and 'dogs', etc. have progressively intensified conflicts between mainlanders and Hong Kong people, and there are signs of gradual growth of China-Hong Kong confrontation and mutual animosity; in this connection, this Council urges the Government to expeditiously adopt the following contingency measures, so as to eliminate the confrontational sentiments between the masses on the Mainland and in Hong Kong, and address the problems arising from the cultural differences between the two places:

- (a) to allocate additional resources for improving obstetric services, suspend the quota for 'doubly non-permanent resident pregnant women', and accord priority to addressing the needs of local pregnant women;
- (b) to step up law enforcement and enhance entry restrictions to comprehensively block the entry of 'doubly non-permanent resident pregnant women'; and
- (c) to shelve the self-drive tour plan for mainlanders' vehicles."

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

**DEPUTY PRESIDENT** (in Cantonese): Seven Members will move amendments to this motion. This Council will now proceed to a joint debate on the motion and the seven amendments.

I will first call upon Mr James TO to speak, to be followed by Mr WONG Kwok-kin, Ms Cyd HO, Mr WONG Sing-chi, Mr CHAN Hak-kan, Dr LEUNG Ka-lau and Mr Albert CHAN respectively; but they may not move the amendments at this stage.

**MR JAMES TO** (in Cantonese): Deputy President, I am very happy lately as my wife gave birth to a baby who is now some three months old. It is precisely because of what my wife and I had gone through during the process that I understand the anxieties suffered by local pregnant woman for fear that they might not be able to secure obstetric beds and get the relevant services; I also understand the blow and frustration on the whole family, as well as the great dissatisfaction resulted.

The last thing we wish to see is that this motion would add oil to the fire and deepen the conflicts between Hong Kong and the Mainland. And yet, I think that we must make ourselves clear. Hong Kong people should have the priority and absolute priority to enjoy services provided in Hong Kong with our limited resources. This is the principle which all countries or regions — even if they are not international cities — will adopt.

Therefore, our suggestions are: Firstly, given that both public hospitals and public services can be controlled by the Government, I think the obstetric services provided by the public sector ..... Let me see — this is the Year of the Dragon, which is a good year — it is estimated that the number of local deliveries of babies may exceed some 50 000. In other words, the few thousand quotas which public hospitals reserved for "doubly non-permanent resident pregnant women" last year will be fully absorbed by local people this year. I therefore consider it perfectly justified for public hospitals to accept only bookings from local pregnant women or Hong Kong people's Mainland spouses. I even think that so long as we can cope — suppose the number of local deliveries slightly drops after the Year of the Dragon — a marginal share should be allowed so that local pregnant women can rest assured that they can receive better services. Even if the number of deliveries will drop by a few thousand (about 10%) next year, there

should not be any corresponding increase in the number of quota. Without any doubts, local pregnant women have the absolute priority to use services in public hospitals.

The second suggestion is concerned with private hospitals. If private hospitals project that, after catering for local needs, they still have spare capacity, I think they can allow people from the Mainland and the rest of the world — given that Hong Kong is an international city — to rationally use their service.

However, the question is: What if there is a projected shortfall in capacity? Then, even the middle class or people who wish to have deliveries in private hospitals will have grudges, because the speculative rise of hospital bed fees will cause great inconveniences to them and they may even have difficulties in booking the relevant services, hence giving rise to great anxieties.

How can the Government ensure that local people have the absolute priority to use the service in private hospitals? I consider it necessary to formulate comprehensive policies, agreements and even legislation in this regard. In case any irregularities are identified, such as cheatings or backdoor dealings, or making advance bookings under different names, I think severe punishments should be imposed. Private hospitals should announce the policy of prohibiting renowned doctors or obstetricians from reserving beds for deliveries or holding up quotas; and in case there are oppositions from some doctors, the private hospital concerned should disclose their names. The Government, on the other hand, should also urge the doctors not to do so, with a view to enhancing the transparency of operation. In that case, the middle management or the so-called agencies, for instance, who intend to use false names to secure quotas via renowned doctors, will not succeed or they may be subject to severe punishments. I consider this a very important arrangement.

Thirdly, how can the Government co-operate with the Mainland authorities and make concerted efforts to combat and intercept "doubly non-permanent resident pregnant women". Deputy President, I think the first step is to solicit help from the Mainland authorities, which is very important. Why? Because the intensive publicity to attract Mainland pregnant women to give birth in Hong Kong or the actual arrangements made in this regard were initially originated from the Mainland, which nonetheless falls outside our jurisprudence. Therefore, as a first step to combat such acts, the Central Government or the

provincial governments must be responsible. As Members may be aware of the saying, "the mountain is high and the emperor is far away". If the Central Government genuinely supports us, it should solemnly call on various provinces and municipalities, especially those near to Hong Kong along the coastline, to provide assistance to Hong Kong at the starting point — for the sake of Hong Kong's prosperity and stability, and avoid further deepening of conflicts between Hong Kong and the Mainland — by combating against any arrangement to enter Hong Kong by unofficial means, such as gate-crashing or making use of the back door channels.

In fact, a lot can be done by the Mainland to help Hong Kong. As a start, it is much easier for the Mainland to gather the relevant information, which is not only available on the Internet, but also via word-of-mouth publicity. Very often, Hong Kong reporters obtain information by "snaking" or conducting interviews through the Internet or telephones. If the Mainland enforcement authorities are willing to help us, they should be able to obtain the best first-hand information, and actions such as issuing warnings, interception and arrests can be initiated. What is more, some Mainland medical units may also obtain reliable intelligence, which would facilitate interception at the starting point.

Recently, there is a case in Hong Kong where a Mainlander has been convicted of the offence of "working without prior permission for a reward" in Hong Kong. And yet, this offence is rather technical in nature. As such, Mainland offenders can change the tactic by finding someone to accompany the Mainland pregnant women to the border points, and then arrange Hong Kong people — there should not be any problem in hiring Hong Kong people for the work — to take care of the pregnant women in Hong Kong. Certainly, Hong Kong people can work for a reward in Hong Kong. Besides, the high pay may make it an attractive job.

The extreme case is concerned with the overstaying of Mainland pregnant women in Hong Kong. Any Hong Kong person who works as a nanny, or is tasked to take care of pregnant women or perform other duties, will be charged for aiding and abetting non-local pregnant women to stay illegally in Hong Kong. As this is considered a more serious offence than that of a Mainlander working in Hong Kong, I guess the Mainland offenders may change their tactics. Should we not work in concert with the Mainland authorities and combat this problem, the problem may further aggravate.



The last point is that, after all, the thorough solution to this problem is to put an end to the right of abode issue. As we all know, what is the biggest motive for Mainlanders to give birth in Hong Kong? Is it purely for getting better healthcare services of Hong Kong? While this is possible, I wonder if, among the 30 000-odd "doubly non-permanent resident pregnant women" giving birth in Hong Kong, there is 10% coming to give birth in Hong Kong because of this factor. In fact, the two major reasons are: firstly, to escape from the punishment for breaching the One Child Policy; and secondly, to obtain Hong Kong's right of abode. Of course, they may not necessarily come to Hong Kong if they simply want to escape from the punishment for breaching the One Child Policy. They can choose Thailand, Singapore or anywhere else, and they should not have any difficulty in doing so. However, roughly speaking, if 50% — that is, some 10 000 pregnant women — come here to give birth for getting Hong Kong's right of abode, and so long as this incentive is not weakened, the future population growth of Hong Kong will go beyond the limit of future planning and the affordability of our population policy. I therefore hope that the Government will seriously consider how this incentive can be thoroughly removed.

I am half-pleased to say that a Mainland province has announced a policy that a child born to "doubly non-permanent resident pregnant women" in Hong Kong will still be considered as illegal child. In other words, government officials will still lose their jobs and ordinary citizens will still be fined for having illegal child. I am not going to discuss the breaching of the One Child Policy, but if the abovementioned policy can be strictly enforced (*The buzzer sounded*) .....

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

**MR JAMES TO** (in Cantonese): ..... it will help improve Hong Kong's situation.

**MR WONG KWOK-KIN** (in Cantonese): Deputy President, it has been 14 years since the reunification and the relations between Hong Kong and the Mainland have become more intimate over the past decade or so. The integration and interactions between the two places have been progressing

harmoniously and steadily. More and more Hong Kong people have recognized their status as a Chinese national. It is therefore pretty absurd that there are widespread reports of conflicts and cultural differences between the two places these days, 14 years after the reunification. I opine that the recent incidents are not simply caused by the differences in concept or value between Hong Kong and the Mainland, but originate from Hong Kong people's worries over their reduced share of the limited social resources and the differences in living habits between the masses of the two places. The conflict is further fuelled by the SAR Government's failure to address the relevant problems.

Deputy President, although the Government has to play the role of a regulator and controller of social resources, it has all along turned a blind eye to these problems. Nor has it done anything to stop Mainlanders, who are in no way related to Hong Kong, from coming to Hong Kong to share our limited public resources. Dissatisfaction intensifies as people feel that they can get less service. Some people think that Hong Kong people have been over-sensitive or they have a wrong impression. Yet, after all, this is how they feel.

Take the case of Mainland pregnant women giving birth in Hong Kong as an example. In 2002, only 1 250 "doubly non-permanent resident pregnant women" gave birth in Hong Kong, but the number has increased sharply to some 32 000 in 2010. These parents and their babies are not related to Hong Kong at all. However, not only has our Government explicitly or implicitly welcomed them on various occasions, some officials even remarked that these "doubly non-permanent resident babies" can supplement local population. As officials have not put themselves in Hong Kong people's shoes, their remarks have undoubtedly added fuel to the present conflicts. Worse still, the influx of pregnant women, who are non-Hong Kong residents, to give birth in Hong Kong has posed a serious burden on our healthcare system. Both public and private hospitals are currently lacking in manpower, hospital beds and facilities. Under this circumstance, obstetric services which are exclusively for Hong Kong people will decrease as a result. Local pregnant women are forced to compete with these "doubly non-permanent resident pregnant women" for services. Moreover, with the loopholes found in the policy on right of abode, many people are of the view that in the end, Hong Kong people will have to foot the bill for the provision of social welfare and education services arising from the influx of "doubly non-permanent resident pregnant women" giving birth in Hong Kong. These feelings have been translated into dissatisfaction with Mainlanders, and have thus

sparked the debates on "locusts" and stigmatization between the masses of the two places lately.

Deputy President, to resolve the problem of "doubly non-permanent resident pregnant women" giving birth in Hong Kong, the Government should expeditiously use administrative means to, for instance, abolish the quota system in public hospitals, while private hospitals should maintain a reasonable quota without prejudice to the services provided for other patients. For "doubly non-permanent resident pregnant women" who gatecrash the border points and the Accident and Emergency departments, the authorities should step up intercept effort by imposing harsher penalties, say, charging a higher fee or even banning their re-entry to Hong Kong within a certain period of time. Meanwhile, the authorities should rationalize the right of abode issue of "doubly non-permanent resident babies" on the premise that local people should be accorded priority to use Hong Kong's social resources. Only by so doing can the confrontation and conflicts between the two places be resolved.

Deputy President, another controversial issue mentioned in the original motion is the self-drive tour plan. First of all, I must point out that there are currently many cross-boundary vehicles. At present, about 20 000 private vehicles and 17 000 other commercial vehicles have obtained cross-boundary vehicle licences, and cross-boundary traffic at various control points has even exceeded 42 000 vehicle trips per day. Therefore, it can be seen that cross-boundary vehicular traffic is nothing new. The tour plan is actually a measure to promote economic and social exchanges between the two places. I remember that the relevant proposal had been openly discussed by the community in 2008.

(THE PRESIDENT resumed the Chair)

President, there has been frequent discussions of Hong Kong being marginalized in the community since the reunification, suggesting that Hong Kong has been marginalized by Mainland cities and has thus lost its edges. The fact is, however, it has all along been the wish of our nation to link up Hong Kong with the Mainland in various respects, so as to strengthen the linkages of the two places. This explains why we have projects such as the Express Rail

Link and the Hong Kong-Zhuhai-Macao Bridge. Unfortunately, when the projects were put to discussion in Hong Kong, they were postponed for certain reasons. Regarding the present self-drive tour plan, there were also views that the plan should be shelved in a broad-brush manner. I understand that the community and Hong Kong people have expressed various concerns over the inbound Mainland vehicles, such as overburdening of the roads, emission from vehicles and the driving attitude of drivers. And yet, these concerns can be addressed by the implementation of control measures, such as reducing the number of quotas; introducing the plan gradually by phases; restricting the entry of Mainland vehicles in certain areas and even requiring drivers of the two places to attend courses, or requiring vehicles to receive emission checks. Frankly, the preparatory work of the Government might lack transparency. I nonetheless think that the trial scheme has offered a good opportunity for the Government and the community to summarize the relevant experiences and consider if the plan is worth introducing. If we shelve the plan before it is put to trial, Hong Kong's role as a transportation hub will be affected in the long run. Furthermore, in the first phase, only Hong Kong vehicles are permitted to take northbound tours whereas Mainland vehicles are not allowed to come to Hong Kong. We can see how the plan goes. In this connection, we suggest that a trial run can be implemented in the first phase. Mainland vehicles will only be allowed to take southbound tours in the second phase when adequate facilities and support measures have been put in place. I notice that the Government has reiterated on various occasions that, firstly, the self-drive tour plan need not be reciprocal, meaning that the number of northbound Hong Kong vehicles does not equal to the number of southbound Mainland vehicles. Secondly, legislation must be enacted before the introduction of the second phase. In other words, the Legislative Council will be able to perform its gate-keeping role. Should we consider that serious problems have arisen in the first phase, we can immediately abort the plan.

President, given that people on the Mainland and in Hong Kong are all Chinese living on the same soil and drinking the same water, our basic thinking and tradition will not differ significantly. Given the vast territory of the nation, and the large population with different lifestyles and living habits, it is all too natural for us to have discord. I believe most Hong Kong people are accommodating and easy-going, and our civilization, fairness and rule of law are good role model for the Mainland. However, the Government should perform the gate-keeping role properly, and ensure that public resources are used by local

people and all foreigners will comply with our order and habits. Otherwise, dissatisfaction will continue to intensify and xenophobic sentiments will easily be stirred up in the community.

President, I so submit.

**MS CYD HO** (in Cantonese): President, speaking of safeguarding Hong Kong's core values, the Government has in fact not done much; worse still, it is inexcusably the culprit of destroying the core values. As I have said earlier during the Question and Answer Session, it was the Government which had taken the lead to disrupt the rule of law in 1999 by going against the judgment handed down by the Court of Final Appeal in accordance with the Basic Law. Worse still, it had also threatened Hong Kong people in the most anti-intellectual way.

The Census and Statistics (C&S) Department had asked Hong Kong people one question at that time — "How often do you take a taxi in one week?" The C&S Department then, based on the answer of the respondents, took out the same number of film rolls from a black bag. Based on the answer to the question "How often do you take a taxi in one week?", it projected the number of Mainland children of Hong Kong residents at that time. The inference was that one out of four male residents in Hong Kong had children in the Mainland. Let me ask the male Members now present at the meeting, how many children do you have in the Mainland? This absurd inference collapsed at once.

At that time, the Government threatened Hong Kong people by saying that immigrants from the Mainland had low education level and low working ability, they were so poor that they would seize the job opportunities of Hong Kong people. What is more, they accused that people on CSSA were lazy. It is actually the Government's vicious behaviour that has stirred up conflicts between masses on the Mainland and in Hong Kong for the first time, and created misgivings and hatred. The Government is the only one to be blamed.

Another wave of social conflicts was actually triggered by a lack of healthcare services. Take obstetric services as an example, Tseung Kwan O Hospital originally intended to set up its own Obstetric department, but the proposal was subsequently scrapped. Furthermore, the merging of hospitals has also resulted in a lack of obstetric services. We would not be aware of the large

number of "doubly non-permanent resident babies" born in Hong Kong if the media has not reported on the numerous cases of Hospital Authority (HA) patients defaulting payment. With the recent implementation of the Individual Visit Scheme, many agencies have made a fortune by taking advantage of the Government's promotion of the healthcare industries. This has boosted the birth rate of "doubly non-permanent resident babies" in Hong Kong.

If the conflicts arising from a lack of healthcare services can be addressed by money, why did we not do so? Why did we not resume the provision of obstetric services, especially when such shortfall has adversely affected local pregnant women and Hong Kong people's Mainland spouses? How can we foster harmony in a community when issues of life and death are not properly addressed? And yet, President, addressing this issue is not difficult at all. It is just a matter of money. How come the Government cannot resolve this problem when there is an annual surplus of tens of billions of dollars?

President, we understand that the coming of those "doubly non-permanent resident children" to Hong Kong might result in a shortfall of healthcare services, and subsequently a failure in education planning. Therefore, we must deal with the issue with great caution. First of all, we must perform proper gate-keeping in immigration control. In case we identify any pregnant women coming to Hong Kong not for family reasons, we should refuse their entry. Furthermore, the authorities should liaise with private hospitals and impose certain restrictions on their obstetric services. The Government should not rely on private hospitals to solve the problems arising from an increase or a change in population; it should not leave the healthcare market to make the decision. If this is the case, our Government is really incompetent.

In the long run, we must consult Hong Kong people when formulating the population policy. What kind of immigrants should we absorb when our population reaches as high as 8.9 million in 2039? Shall we attract immigrants who are young, having international vision and cultural values? These issues should be discussed among Hong Kong people.

President, regarding the self-drive tour plan, Mainland residents also dislike Hong Kong people in some ways. Why? Because the governments of the two places have kept highlighting the preferential treatments the Central Authorities granted to Hong Kong people. Hence, we should either abolish or

implement the self-drive tour plan on a reciprocal basis. If Hong Kong people can drive northbound to the Mainland, Mainland residents should also be allowed to drive southbound to Hong Kong.

And yet, as we are not ready for the tour plan, the first phase should not be introduced. I do not agree to introducing the first phase to allow Hong Kong people drive northbound to the Mainland. Before the environmental and legal issues are resolved, we should abort the self-drive tour plan and Hong Kong residents should not be entitled to such preferential treatment.

In many cases, discrimination actually originates from fear, the fear that the livelihood is not safeguarded. In 1999, the Government incited the poor to fight against the poor, and the grassroots to fight against the new immigrants. How come even the middle class feel worried today, 10 years later? This is because they have lost job security having undergone several financial turmoils; and they are now fully aware of the inadequacy of the social security system. The money they earned has been spent on mortgage or rental payment. Thus, although they earn a large sum of money, their living is not secured. Neither can Hong Kong's social system do much to help. As a result, people will easily translate these fears into accusations that the new immigrants have seized their resources. Why does the Government not stand out to clarify the situation? Very simply, it tries to shirk its responsibilities. The Government would rather stir up social conflicts than give a detailed explanation. Why does it not deploy resources to resolve such conflicts?

President, the authorities have also done nothing to safeguard Hong Kong's core values and promote such values to the Mainland. The pamphlet published by the Hong Kong Tourism Board only promotes Hong Kong as a gourmet and shopping paradise. Has any pamphlet quoted the speech made by Dr SUN Yat-sen in the University of Hong Kong to praise the social order of Hong Kong? Have you ever read about that? The pamphlets merely attract tourists to come for spending, but do not bother to tell the world the core values of Hong Kong, which are our pride.

Although the living habits of Hong Kong people and Mainlanders are different, we must properly explain to them the underlying reasons for Hong Kong residents' willingness to comply with the social order. We are not what KONG Qingdong has said, only know how to follow rules but lack humanistic

qualities. Why would we respond to the call of the MTR by walking on the left of an escalator and standing on the right? Although this is not a law, people are aware that whoever wishes to walk slowly will take the right side, leaving the left for those who wish to move faster. Why would we let passengers alight first before boarding the train? Because everyone knows that if we do not let passengers alight first, only a few passengers can board the train because the train compartment is still packed with people. However, President, not only Mainlanders neglect these rules, but many Hong Kong people also fail to show mutual respect by providing protection and convenience to other people. Therefore, apart from promoting externally the reasons for building social order and the spirit of respecting law and order, the Government should also promote internally the rationale for providing protection and convenience to other people.

In fact, Hong Kong used to tide over the difficulties with new immigrants together and would not discriminate them. A very simple example is that, in the past, the borders of Hong Kong were guarded by the British Forces for fear that Chinese policemen would let illegal immigrants sneak to the urban areas. When Hong Kong residents came across any illegal immigrants, they would make telephone calls for them, provide them with meals and even give them money for travelling to the urban areas. It can be said that people used to sail in the same boat. Although people from Shanghai and Guangzhou speak different dialects, they can still live harmoniously together. While many people look at this as a joke, it has nonetheless become a part of Hong Kong's culture, and enabled Hong Kong to evolve into a metropolis with diversified cultures.

Today, however, such conflict is again stirred up in the community. Let me repeat, the Government has an unshirkable responsibility for this and is indeed the major culprit. It should therefore make an official apology to members of the public as the remark made in those days concerning the 1.67 million people was totally threatening.

**MR WONG SING-CHI** (in Cantonese): President, when Members discuss Mr Ronny TONG's motion on "Reiterating Hong Kong's core values" today, they have mostly focused on safeguarding the needs of local pregnant women, as well as regulating the "doubly non-permanent resident pregnant women" and the self-drive tour plan, that is, the trial scheme on one-off ad hoc quotas for Guangdong/Hong Kong cross-boundary private cars. I have proposed some



amendments to the original motion, hoping that the Government will immediately shelve the self-drive tour plan, and fully consult the public on either the first or second phase of the scheme, so that it can be implemented after thorough discussion.

President, in fact, the self-drive tour plan is divided into two phases. In the first phase, Hong Kong vehicles can take northbound tour to the Mainland, and in the second phase, Guangdong vehicles can take southbound tour to Hong Kong. President, there has been widespread controversies over the plan in Hong Kong these days, and the discussion has even been escalated to conflicts between masses of the two places. While it is true that the plan does stir up conflicts between people of the two places, the issue concerned does not merely involve conflicts of the two places. Let me explain in detail.

On Sunday, thousands of people staged a protest against the self-drive tour plan. They worried that the implementation of the first phase will be immediately followed by the second phase. Yet, the Government has not said so. Rather, it stated that deliberation and legislation would be required for the second phase. On the other hand, it seems that many pro-establishment Members like Mr WONG Kwok-kin believe the plan is not reciprocal. Nonetheless, so far, the Government has not clarified that the plan is neither reciprocal nor mutually binding. It merely said that "binding" is not an appropriate word. In fact, the Government has not said explicitly that after Hong Kong vehicles have driven northbound, Mainland vehicles will not drive southbound in the end. It has not said so. Rather, it only reiterated that Mainland vehicles may come to Hong Kong under legislative control. In other words, there is still a chance that Mainland vehicles can come to Hong Kong.

President, I had talked about the self-drive tour plan at Radio Television Hong Kong (RTHK) and Phoenix Satellite TV in the past two days. During the discussion at RTHK, reporters, Mainland drivers and Hong Kong people who have driven in the Mainland were invited to recount their experiences about driving in Mainland highways. President, Hong Kong people's concern over the self-drive tour plan is the difference in the driving habits between people in Hong Kong and on the Mainland. Besides, the driving-related legislation in both places also differs greatly, with drivers having different driving attitude and habits. I recalled that during the radio programme at RTHK, a reporter and a driver said that they once witnessed a Mainland vehicle suddenly stopped in an

expressway and the following container truck bumped into it, and the two vehicles soon went into fire. I was stunned upon hearing that. I later asked many Mainland drivers about this kind of accident, and they said that this is not uncommon and occurs pretty frequently.

President, it would be too irresponsible for the Government to forcibly implement the first phase of the plan and let Hong Kong vehicles take northbound self-drive tour before the Mainland can fully address the abovementioned issues. We must not forget that most Hong Kong drivers have never driven on the Mainland before. How can the Government ensure the safety of these drivers? The Government invited applications in March and the plan will be implemented in April without going through any discussions. President, while it is important for Hong Kong people to have the right to drive northward, they must also ensure their own safety. There is no reason for the Government to let them arbitrarily take northbound self-drive tour. More should be done by the Government, or the community should have sufficient discussion, so that people understand the risks and problems involved before the implementation of the two phases of the plan.

One of the core values of Hong Kong is a sound legal system. Although there is still room for improvement for our legislation and a lot more can be done, we do have stringent and specific law enforcement. Enforcement on the Mainland is completely different from that of Hong Kong. Many Mainland drivers told me, knowing that they will not be caught, they simply do whatever they like. Contrarily, Hong Kong is a small place where people can monitor one another. Coupled with stringent law enforcement, local drivers dare not act recklessly and problems can therefore be addressed more easily. Yet, if Mainland vehicles are allowed to enter Hong Kong, and we cannot effectively enforce laws on them, the same problem of lack of stringent enforcement on the Mainland will emerge in Hong Kong. This is no good to Hong Kong as well. Therefore, I hope that the Government can listen carefully to people's views and not hastily implement the self-drive tour plan, either the first or the second phase.

President, there is another issue which does not only involve a difference in the culture of the two places, but also about the Government being self-contradictory. The Government stated in last year's Budget — on which Under Secretary YAU Shing-mu had an extended discussion with us — that due

to the excessive amount of vehicles in Hong Kong and the rapid growth rate, we have to increase the first registration tax to contain the number of vehicles.

As we have pointed out in the discussion, in order to contain the number of vehicles, we should not increase first registration tax, but should replace the old vehicles with the new ones. And yet, on the other hand, he said that for the sake of environmental protection, old vehicles should not be discarded at once. In other words, the Government must also ensure that Hong Kong vehicles comply with the environmental requirements. The question is, the emission standard of Mainland vehicles is completely different from that of Hong Kong.

Air pollution in Hong Kong has aggravated over the past year. In 2011, the Air Pollution Index (API) reading is high for 1 241 hours, but it has risen to 1 780 hours in January 2012. It should also be noted that vehicles running in Hong Kong during this period of time were mostly local vehicles. The Government has not even thought about the specific supporting facilities before introducing the plan to open Hong Kong to Mainland vehicles. It is believed that the number of hours with high API reading will further increase, but the Government has not considered these factors at all.

The standard motor vehicle fuels of most Mainland cities still remain at National III or National IV level, that is, the sulphur content falls between 150 to 50 parts per million (ppm), which is four to 14 times higher than that of Hong Kong. President, therefore, if the Government ..... I have yet to mention diesel fuel. In the Mainland, vehicles use diesel of National II and National III standards, with sulphur content falling between 500 ppm to 350 ppm, which is 35 to 50 times higher than that of Hong Kong. These problems are damaging to Hong Kong's environment and cause pollution. Why does the Government not face these problems seriously?

We note that the different driving habit of drivers of both places is mainly due to the differences in legislation. We have already put in place the direct issue of Mainland small vehicle and motorcycle driving licences for drivers in Guangdong and Hong Kong. According to the Government, there are currently some 2 000 such vehicles in Hong Kong and they have all been to Hong Kong before. Drives of these vehicles will not drive recklessly, they drive their cars to Hong Kong to provide specified services or perform certain official duties. As such, they will not drive recklessly in Hong Kong.

Nonetheless, drivers driving to Hong Kong under the self-drive tour plan on an one-off quota are not familiar with our legislation and driving habits. Driving on the right or left side of the road is already pretty confusing, and this may pose threats to Hong Kong people.

President, we are not criticizing Mainlanders. The fact is that we have yet to share many core values. In the Mainland, law enforcement and compliance, as well as the attitude of the people are actually stemmed from the uncivilized or undemocratic system, under which people cannot voice their views in many cases. Furthermore, the monitoring is ineffective, that is why there are problematic infant formula milk powder and food, and even the education and healthcare on the Mainland are not satisfactory; no wonder Mainlanders have to come to Hong Kong to get certain services.

And yet, so long as we are unable to receive this massive group of Mainlanders, the problem still exists. Therefore, it is hoped that the Government will think twice.*(The buzzer sounded)*

Thank you, President.

**MR CHAN HAK-KAN** (in Cantonese): President, while the subject of Mr Ronny TONG's motion today is Hong Kong's core values, it actually talks about the "doubly non-permanent resident pregnant women" and the self-drive tour plan. Thus, before I express my views on the core values, I would like to recount why so many Mainland pregnant women come to give birth in Hong Kong nowadays and why their children can automatically enjoy right of abode in Hong Kong after birth.

Recently, some colleagues blamed the "Individual Visit Scheme" policy for this problem. I find this remark misleading the public. As Members may be aware, the origin of this problem can be traced back to the CHONG Fung-yuen case in 2001. The entire community was stunned when the Court of Final Appeal (CFA) handed down its judgment at that time, and the Legislative Affairs Commission of the Standing Committee of the National People's Congress (NPCSC) also said the following day that CFA's judgment was inconsistent with the explanation made by the NPCSC on the NG Ka-ling case in 1999. At that time, a group of barristers (including Members who are now present at the

meeting) had strived very hard to stop the NPC from interpreting the Basic Law. They had even staged a "procession in black clothes", denouncing the interpretation of law as interfering with the affairs of Hong Kong and shaking the foundation of the rule of law in Hong Kong which has sustained for over a hundred years. Such acts have shaken Hong Kong people's confidence in the SAR Government and demonized the rights vested with the Basic Law by the NPCSC. Hence, the SAR Government dared not seek interpretation from the NPCSC anymore. The door of Hong Kong has therefore been left wide open and waves of Mainland pregnant women have been attracted to come to give birth in Hong Kong over the past few decades, which has given rise to a series of social problems.

Today, in the motion, Mr Ronny TONG urged the Government to proactively resolve the problem of "doubly non-permanent resident pregnant women". Coincidentally, the lawyer of the CHONG Fung-yuen case back then was Mr TONG's partisan. President, there was widespread discussion among the political circle about what is meant by "having shoulder and backbone" these days. If we look at the development since CHONG Fung-yuen's case, we can see that the Civic Party has endeavoured to change and set things right. Such courage is indeed commendable.

President, let me go back to Hong Kong's core values, which are seen by many people as the rule of law and free from corruption. I nonetheless consider that there are still many other values, just like as we grow up, we do not merely learn one or two subjects or absorb one or two nutrients. I opine that core values are the common viewpoints and philosophy shared by people, which may have a specific or unique culture. Culture needs no words or thinking, and can even be said to be inborn. Such quality, however, has pros and cons. Once we find that other people do not recognize our culture, we may accuse them and our rational thinking will easily be overwhelmed by our emotions. Hatred may emerge in the worst scenario. We have learned a lot of painful lessons in history which were resulted from hatred and cultural conflicts.

It has been 14 years since the reunification and Hong Kong people are actually living in a pretty conflicting environment. On the one hand, we witness our nations develop constantly, which is indeed the common aspiration of Hong Kong people and we, as Chinese, also take pride in our stronger nation. On the other hand, the role of Hong Kong has changed from supporting the nation's

reform and open up policy to gradually sharing the fruit of the nation's economic development. While it is all too natural for Hong Kong to support the nation's development from a rational perspective, a sense of jealousy has developed emotionally and left a bitter taste. It is such rational and emotional feelings that have given rise to the conflicts of identity between Chinese people and Hong Kong people. Worse still, it has even buried a "cultural land mine" underground. In case any issue — be it the "doubly non-permanent resident pregnant women", the self-drive tour plan or the D&G incident — triggers the abovementioned land mine, conflicts may easily arise.

Although "cultural land mines" have been buried underground, we do have ways to clear them. I do not agree to permanently or completely detach the identities of Chinese people and Hong Kong people, which is no good to any party. Rather, we should face the truth that the living habits of people in Hong Kong and on the Mainland are different, which may inevitably give rise to conflicts in the course of contacts and exchanges in the short run. We have already seen clearly the effects of cultural conflicts between the two places in Hong Kong, and we are worried that such conflicts will increase with time. And yet, this is an irreversible trend in view of the frequent contacts between the masses in Hong Kong and on the Mainland. If we stop the interaction between the two places amid the recent cultural conflicts, we are merely "trimming the toes to fit the shoes". The proper way of dealing the problem is to face, tackle and resolve it.

The self-drive tour plan, for instance, is a policy to strengthen and facilitate the exchanges of the two places. When the scheme was proposed in 2008, no strong voices had been heard either in the community or during the discussions of the Legislative Council. This Council did express concerns over the issue, such as concerns over road safety and capacity and environmental considerations, but no strong opposition had been raised. Therefore, when colleagues of certain political parties proposed to shelve the self-drive tour plan, they should consider and review why they failed to identify the problems when the motion was discussed in 2008, and why we have put all the blame on the Administration. In fact, this Council has to take the blame as well.

President, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) did hear people's voices and understand their concerns. Thus, a more pragmatic approach is to implement the first phase according to the

actual situation, and subsequently conclude our experiences and obtain a consensus in society before deciding whether or not to launch the second phase of the scheme. Given that Mr Ronny TONG's original motion and the amendments proposed by Mr James TO, Ms Cyd HO, Mr WONG Sing-chi, Dr LEUNG Ka-lau and Mr Albert CHAN all requested to shelve the self-drive tour plan, the DAB will therefore vote against them.

For the issue relating to the "doubly non-permanent resident pregnant women" giving birth in Hong Kong, I believe all political parties have the same stance, and that is, whatever measures the Government implements, priority should be given to serve local pregnant women. In fact, the DAB has already stated our stance when we follow up on the issue relating to the "doubly non-permanent resident pregnant women". We have also put forth various concrete proposals to the Government, which include urging public hospitals to stop receiving the "doubly non-permanent resident pregnant women"; increasing the manpower of enforcement officers at border control points, and imposing heavier penalties on pregnant women who rush to Accident and Emergency departments for delivery.

In my amendment, I have specifically included the suggestion of combating agencies. Although we notice that the Court has imposed an imprisonment sentence in the first case against an agency arranging Mainland pregnant women to give birth in Hong Kong, the mere imprisonment of 10 months does not serve any deterrent effect. What is more, the defendant in the case only acted on his own. We consider that the Government should make greater efforts to combat those large or chain agencies.

The existence of these agencies has, to a large extent, served as a catalyst to attracting the "doubly non-permanent resident pregnant women" to give birth in Hong Kong. To address this problem, the Government has introduced the "seven strokes" of Secretary Dr York CHOW and the "four strokes" of Chief Executive Donald TSANG. However, the problem of "doubly non-permanent resident pregnant women" giving birth in Hong Kong has not been mitigated. There is still an influx of these pregnant women coming to give birth in Hong Kong. Therefore, we consider it necessary for the Government to step up and expeditiously review certain existing policies and administrative measures. Once the administrative measures are proved ineffective, the Government should

seriously consider seeking interpretation of the Basic Law by the NPC, so as to resolve the problem at root.

President, I so submit.

**DR LEUNG KA-LAU** (in Cantonese): President, I did not pay special attention to the contents of this motion on "Reiterating Hong Kong's core values" at first. It was not until last week when I read the motion wording in detail that I noticed that its main focus was the problem on "doubly non-permanent resident pregnant women", that is, the major conflict between Mainlanders and Hong Kong people which arises as a result of problems in the local healthcare system. Regarding the content of Mr Ronny TONG's original motion, I think the proposals therein will only intensify the conflicts and lead to polarization, instead of safeguarding Hong Kong's core values. Hence, I do not support the original motion and the other amendments in principle.

For me as a doctor, my core value is that I will take care of any patient who comes to me for treatment regardless of his wealth, age or ethnicity. That is our core value as medical doctors. We do not have to make any choice unless under very exceptional and compelling circumstances. However, Mr Ronny TONG's motion and other amendments suggest that we should differentiate between users, such that some people will be given priority in obtaining certain services while some people will be prohibited from obtaining these services. Is our current situation really so appalling that we must make such a decision?

Statistically, the total number of live births born in Hong Kong to both local women and Mainland women was about 88 000 last year. Views have been expressed in the community and from the concern groups on Hong Kong's obstetrics and gynaecology services that this number has overburdened the obstetrics and gynaecology services in Hong Kong's healthcare system, and a breaking point has been reached. Given the grave situation, it is necessary to restrict the number of Mainland pregnant women who are allowed to give birth in Hong Kong. Nonetheless, past statistics showed that a large number of babies were also born in late 1980's: 71 000 in 1986, 70 000 in 1987, and the number even increased to some 75 000 in 1988 which was the Year of the Dragon. Compared to those levels, the 88 000 live births last year only represent an increase of some 10 000 in number, or about more than 10%.



What is the increase in manpower then? According to the data I have reviewed, for instance, there were only some 380 obstetric beds in Hong Kong in 1988. That number has now increased to some 800. In other words, the number of obstetric beds has doubled over the years. In terms of manpower, there were only about 5 700 doctors in Hong Kong in 1988, but last year, that number has increased to some 12 400, or more than doubled.

What about the situation in public hospitals? Last year, the total number of live births born in public hospitals to both local women and Mainland women was 42 000. Is that a substantial increase when compared to the past? No, it is not. The number of live births in public hospitals was some 46 000 in 1995, and last year's figure actually represents a reduction. Apart from the number of live births, is it true that, as claimed by many people, there is a drastic increase in manpower requirement for other obstetric services due to higher demand of service quality in society? I have also reviewed the relevant statistics, and found that in 2000, the number of obstetrics out-patient attendances was 280 000 in 2000, and the number of last year has been reduced to 250 000. Judging from these figures alone, I really do not understand why there is the view that our existing service capacity cannot cope with demand.

There are views in the community that local pregnant women cannot secure obstetric beds. But can anyone give me an example of a local pregnant woman being not provided with an obstetric bed? When I heard the same claim in a phone-in programme last week, I asked the host to give me an actual example of a local pregnant woman who was unable to find an obstetric bed. He was speechless.

Nonetheless, I have also received complaints from some pregnant women, they preferred to give birth in a particular hospital but the quota of that hospital was already full. While another hospital nearby still had quotas for obstetric services, they did not like the service of that hospital. In other words, these women do have a choice; just that the hospital was not their preferred choice. Moreover, there are cases in which pregnant women go to medical centres with obstetric and gynecology doctors, but they specifically ask for female doctors and not male doctors. If their choice is limited to female doctors, it is quite normal that they must wait longer.

Let us consider this question carefully. While it is correct from both the emotional and rational perspectives that local pregnant women should be given priority for obstetric services, what is the definition of "priority"? To what extent should this "priority" be? For instance, in terms of their choice of doctors or hospitals, there must be a time when a particular hospital which still has delivery places available or a particular doctor who still has the capacity to take on new cases. What is after all the public's expectation to give priority to local pregnant women? There are many interesting suggestions in the original motion as well as the amendments which might not have been thoroughly considered. Regarding the requirement for public hospitals to only accept local pregnant women, for example, if visitors from the United Kingdom or the United States who have been staying in Hong Kong for seven months suddenly need to seek obstetric services from public or private hospitals, should the Government take care of them? If these persons are provided with obstetric services while visitors from the Mainland are not, would it be discriminatory? Moreover, given the large number of foreign domestic helpers from the Philippines, they might need to seek obstetric services from public hospitals should they become pregnant inadvertently. What is the rationale for providing obstetric services to pregnant women from the Philippines, but not to those from the Mainland?

The crux of the problem is the entitlement of children born to Mainland women to the right of abode in Hong Kong, rather than the capacity of local healthcare services. Given their eligibility to apply for Hong Kong permanent identity cards, these children will impact on Hong Kong's medical services, education, housing, and so on, in the long-run. Hence, as stated in my proposed amendment, I consider that these problems must be resolved from the perspective of an issue concerning immigration policy arising out of the restriction imposed by the Basic Law, rather than an issue concerning healthcare services.

Under the existing Basic Law, children born to Mainlanders in Hong Kong are entitled to the right of abode in Hong Kong automatically. If, instead of changing this policy, we tackle other issues which are insignificant, the problem will remain unresolved. Hence, I suggest that we must tackle the problem from the Basic Law, no matter how difficult it is. Regardless of the means to be adopted, a long-term and fundamental solution to the problem lies with the Basic Law. Hence, I hope Members will understand that if we can resolve the problem within the scope of the Basic Law, the number of Mainland women giving birth in Hong Kong will naturally be reduced. If they still want to come

to give birth in Hong Kong, we as doctors can adhere to our core values and give them the same treatment without any differentiation, regardless of their wealth, nationality or ethnicity.

I would like to raise another point. Many suggestions have been made as regards the act of Mainland pregnant women who "gatecrash the Accident and Emergency (A&E) departments" to give birth. Actually, I do not quite agree to use the expression "gatecrash A&E departments", which is both derogatory and discriminatory. I would use expressions such as "without advance booking" or "unscheduled" to describe these situations of Mainland pregnant women seeking emergency medical care from A&E departments. I hope Members would understand that in terms of provision of healthcare services, many Hong Kong people with non-urgent condition also seek medical care from A&E departments. Yet these patients with non-urgent condition who seek medical care from A&E departments will not be penalized. How can we differentiate between patients who do so deliberately and *bona fide* patients in need of emergency medical care from A&E departments? Hence, I think the relevant suggestions are in breach of medical ethics.

All in all, a long-term and fundamental solution to the problem lies with the Basic Law, rather than imposing restrictions on the provision of healthcare services. Thank you, President.

**MR ALBERT CHAN** (in Cantonese): President, if we are to talk about core values, I think this motion will become very abstract, for persons belonging to different groups, strata or hierarchies in society will have their own interpretation. Let us look at the situation in Hong Kong today — the former Chief Secretary for Administration built a superb "underground palace" during his term of office; and the incumbent Chief Executive wilfully took trips on luxurious private yachts and jets when he was about to retire, and for the luxurious yacht trip, he probably just paid the fare of a ferry ride.

Regarding our universities, the famous Faculty of Medicine of the University of Hong Kong even changed its name after accepting a donation of \$1 billion from some big consortium. Regarding the construction of buildings, a flat at the so-called podium floor is actually on the ground level. Although members of the democratic camp claim themselves to be democratic, they support

and participate in the small-circle election. A certain person who claimed that he opposed to "handing out cash" announced various relief measures worth some \$80 billion in the budget, with persons who are more well-off getting more benefits, whereas the "N noughts" have not benefitted at all. President, this is the reflection of the values of Hong Kong, a society manipulated by powerful people with high social status.

Hence, when it comes to the values of Hong Kong, I sometimes heard people sign in resignation when this topic was discussed. I think the values held by Hong Kong people or the values that we grew up with might have been washed away completely by the black rainstorm on 1 July 1997. I do not know if there is anything left. Thereafter, we witnessed the interpretation of the Basic Law made by the Standing Committee of the National People's Congress, and the two Chief Executives who only begged from the Central Authorities for alms; they completely lost the spirit of self-reliance and perseverance, or the heart to "bite the bullet", that were instilled by our parents when we were young.

Nowadays, with the prevalence of power abuse for personal gain, a person only concerns about "siding with the right group"; once he has done so, he will have nothing to worry about for the rest of his life because he can prosper with the right network of people. I am a great fan of LAU Siu-kai, who wrote a book 20-odd years ago, in which he analysed the common phenomenon in Hong Kong society where people build up influences through the right network of people for the ultimate objective of gaining benefits.

Let us recall the behaviour and acts of the powerful and the rich in Hong Kong. For example, some staff members of universities had involved in housing allowance fraud, and some had abused the relationships or powers of office to get monetary benefits and had embezzled money from the university.

I was told that notwithstanding the sizable "underground palace" of Henry TANG, similar cases of unauthorized building works are prevalent throughout the Mid-levels, as well as the prestigious residential neighbourhood of Kowloon Tong. President, those are the core values of Hong Kong.

So long as our political system remains unchanged, economic activities would still be manipulated by big consortia, how then can the real social conditions be reflected in politics and economies. The political and economic

manipulations are straightjackets, restricting cultural and social developments, and giving rise to problems related to cultural and ethical values. Hence, so long as universal suffrage elections are not implemented in Hong Kong, our economy will be manipulated by developer hegemony and financial hegemony. The problems with Hong Kong's values as I outlined above will persist.

Why do we not have people like AUNG SAN Suu Kyi in Hong Kong? Those who shout out loud eventually go to the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region to lick someone's boots. Why do we not have people like CHEN Tianhua who committed suicide by jumping into the sea for the sake of China's future and democracy; and sacrificed himself for people's well-being?

If the situation of Hong Kong persists, we will only keep on nurturing those so-called "smart Hong Kong guys" who are expert in "taking the right course". A case in point is Mr CHAN Hak-kan who has acted smartly just now to take advantage of the situation. I have known him for years, and he is now an expert in taking advantage of the situation after being a Member of the Legislative Council for only four years. Just now, he cashed in on the Civic Party, and his move was really "smart". That is truly the "smart" value of Hong Kong. He is a "smart Hong Kong guy" for he has joined the Democratic Alliance for the Betterment and Progress of Hong Kong. He has taken the opportunity to cash in on the Civic Party, and he did not speak out for justice and democracy. That is the value of Hong Kong.

President, the main theme of my amendment — I hope Dr LEUNG Ka-lau will listen carefully — is that, as advocated by People Power, the problem should be resolved by enacting local legislation. Our demand is simply that we should have control over persons entering Hong Kong. Our suggestion is not that pregnant women should be prohibited from entering Hong Kong, but that they should apply for permission to give birth in Hong Kong. The Administration can set quotas, say 20 000 annually, for "doubly non-permanent resident pregnant women" to give birth in Hong Kong. But the vetting and approval authority shall rest with the Hong Kong Government.

As a matter of fact, many countries, places and cities around the world have such autonomous control. Only the Government of Hong Kong has relinquished such control and left the matter entirely to the discretion of Mainland

Government. That is absurd and ridiculous. It is the hope of every place or government to check and control the mobility of its residents. However, Hong Kong does not have such power of control. The system of household or residential registration is practiced in each municipal government of Mainland China, who is empowered to control their own population. However, Hong Kong has completely relinquished this power.

In view of such shortcoming, we very much hope that the situation of "doubly non-permanent resident pregnant women" giving birth in Hong Kong will be checked, so that we can regain control over our population policy to enable reasonable regulation of the number of pregnant women admitted to both public and private hospitals. By controlling the number of pregnant women coming to give birth in Hong Kong, a reasonable balance between the demand and supply of services provided by hospitals (including both public and private hospitals) will be achieved. This can also help alleviate the worry of healthcare personnel and doctors. Hence, I hope Members will support my amendment.

Thank you, President.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, thanks to Mr Ronny TONG for proposing today's motion. Recently, the issue of Mainland pregnant women coming to give birth in Hong Kong, and various incidents involving China-Hong Kong conflicts have aroused widespread discussion in the community. While the reasons for such controversies are many-fold, one reason is that Hong Kong people are gravely worried about the service capacity as well as the standard of the local healthcare system. Of course, many conflicts are caused as a result of cultural difference between the two places.

I think Hong Kong people will all agree that Hong Kong is an international city inhabited by people from different parts of the world. New immigrants, albeit from the Mainland or other parts of the world, come to work, study or settle in Hong Kong because they are lured by the opportunities here, as well as our way of living. Many visitors come to spend their vacation in Hong Kong because of our reputation as the Pearl of the Orient.

In fact, many Hong Kong residents, as well as their parents or grandparents, were born in the Mainland. They had come to settle and develop in Hong Kong, and make Hong Kong their home at different times and through different channels. Since the reunification in 1997, the relationship between Hong Kong and the Mainland has become even closer, with many people had come to settle in Hong Kong in an orderly manner for the purpose of family reunion. Over time, these people have integrated into our society and made various contributions to Hong Kong.

In the international metropolis of Hong Kong, local people and people from different cultures, ethnicities and backgrounds can work together in a diverse yet inclusive environment through mutual understanding and respect under the principle of harmonious co-existence. It is the embodiment of Hong Kong people's bearing and experience accumulated over the years, as well as our quality and inner worth that we have always been proud of. I hope and believe that these core values of Hong Kong people can stand the test of conflicts and difficulties.

Faced with the conflicts caused as a result of Mainland pregnant women coming to give birth in Hong Kong, the Government understands very well the worries and dissatisfaction of Hong Kong people, and actions are being taken to tackle the problem from various aspects. I will first of all explain the Government's policies as well as ongoing measures in relation to obstetric services mentioned in the motion. Later on, the Secretary for Security and the Secretary for Transport and Housing will speak in relation to other policies mentioned in the motion respectively.

The Administration is very concerned about the surge of demand for obstetric services in Hong Kong by non-local women, which have caused tremendous pressure on the overall obstetric and neonatal care services. We will strive to ensure that adequate obstetric and neonatal care services are available in Hong Kong. Moreover, the first and foremost priority should be given to local patients and pregnant women for healthcare resources of both public and private hospitals. As such, the number of deliveries by non-local pregnant women should be limited with regard to the capacity of our healthcare system and arranged in an orderly and planned manner.

In this regard, we have gradually implemented various measures put forward in the middle of last year to ensure that adequate obstetric and neonatal care services are available in Hong Kong, and local pregnant women are given priority for obstetric services.

Non-local pregnant women who intend to have deliveries in Hong Kong should undergo antenatal checkups by obstetricians in Hong Kong at an appropriate stage to assess if they are suitable to give birth in the territory, so that the pregnant women and their fetuses will not be subject to risks associated with travels or other factors. In this connection, the Hong Kong College of Obstetricians and Gynaecologists had issued professional guidelines on the projection of high-risk pregnancy in September 2011. The Department of Health has also standardized the "Certificate on confirmed antenatal and delivery booking" for issuance by public and private hospitals to pregnant women who are suitable to give birth in Hong Kong. The Certificate also enables the Administration to monitor the utilization of delivery places. The Hong Kong Government has complete control over these aspects.

Furthermore, in mid-2011, we have limited the number of non-local pregnant women giving birth in Hong Kong in 2012 to 35 000, including 3 400 delivery places for non-local women in the Hospital Authority (HA) hospitals and around 31 000 delivery places in private hospitals as per their agreement.

With the introduction of the relevant measures, it is expected that the number of deliveries by non-local women in Hong Kong in 2012 will decrease by some 20% as compared with 2011, so that adequate capacity can be made available in both public and private hospitals to cope with the demand of local pregnant women. There is also a 9% increase in the number of deliveries by local pregnant women at the HA hospitals in 2011.

In the long run, we will strive to maintain the sustainable development of obstetric and pediatric services in Hong Kong, and continue to provide a high standard of professional services to the people. In this connection, we will continue our discussions with public and private hospitals which provide obstetric services, so that measures can be taken jointly to limit the number of non-local pregnant women giving birth in Hong Kong to a level that can be supported by the healthcare system, with regard to the capacity of our overall obstetric and neonatal intensive care services. Later on, we will discuss with public and



private hospitals the number of delivery places for non-local women in Hong Kong in 2013.

I will now invite the Secretary for Security and the Secretary for Transport and Housing to speak on other policies mentioned in the motion respectively. I will respond further after listening to the views of Members on the motion and the amendments. Thank you, President.

**SECRETARY FOR SECURITY** (in Cantonese): President, I will briefly explain the immigration control measures targeting non-local pregnant women who come to give birth in Hong Kong without advance booking of obstetric services.

In order to ensure that local pregnant women would be provided with priority and proper obstetric services and restrict the number of non-local pregnant women giving birth in Hong Kong to a level that can be supported by Hong Kong's healthcare system, starting from 1 February 2007, non-local pregnant women who come to give birth in Hong Kong must, upon entry, produce the booking confirmation certificates issued by public or private hospitals in Hong Kong. Those who fail to do so may be denied entry.

Specifically, for the purpose of deterring non-local pregnant women without advance booking from gate-crashing, the Immigration Department (ImmD) will continue to identify and intercept non-local pregnant women at an advanced stage of pregnancy (that is, those who have been pregnant for 28 weeks or above) at all immigration control points with the assistance of healthcare personnel arranged by the Department of Health (DH). In the process, the ImmD will request non-local pregnant women to produce the certificates on confirmed delivery booking issued by Hong Kong hospitals. For cases where the booking arrangement for admission cannot be confirmed, or cases with dubious purpose of entry, the ImmD may refuse entry and repatriate the pregnant women concerned immediately. Since 2007, more than 200 000 Mainland pregnant women have been questioned by ImmD staff upon entry and more than 10 000 have been refused entry.

Starting from mid-December 2011, the ImmD would send information on Mainland pregnant women who have been refused entry to the relevant Mainland

authorities and seek their assistance in follow-up, so as to prevent these repatriated pregnant women from risking their safety again to seek entry to Hong Kong shortly before delivery.

As a matter of fact, even when non-local women less than 28 weeks in pregnancy are intercepted, ImmD staff may also refuse entry if there is any doubt about their purpose of entry. Moreover, various departments will join hands to strengthen enforcement and expedite the prosecution as well as the repatriation of pregnant women who have overstayed. From October to December 2011, the ImmD has prosecuted more than 100 Mainland pregnant women who have overstayed to give birth in Hong Kong. All these prosecution cases are successful.

In order to make the interception of non-local pregnant women more effective, the ImmD has deployed additional manpower and adopted targeted measures to step up intercepting actions against non-local pregnant women at major control points. The DH will also deploy an additional 18 health surveillance assistants to major land boundary control points to assist the ImmD in screening pregnant women. Meanwhile, the DH will continue to work closely with the ImmD, and will deploy more healthcare personnel to support the intercepting actions of the ImmD, taking into consideration the actual circumstances.

According to information obtained from investigation, the ImmD notes that more than half of the Mainland pregnant women who gave birth in Hong Kong without advance booking entered Hong Kong in cross-boundary private cars. The ImmD has already collaborated with other departments to carry out vigorous checks on passenger vehicles at various control points. The relevant departments will, base on the intelligence collected and data analysis, implement targeted measures for interception and conduct raids to step up random checks on suspicious cross-boundary vehicles. At the same time, the police will send information on non-compliant cross-boundary vehicles for carriage of passengers, in particular Mainland pregnant women without advance booking, to the Mainland authorities for follow-up as appropriate.

We also notice that some agencies or agents may have helped arrange Mainland pregnant women to enter Hong Kong for delivery without advance booking. To combat this situation, various departments of the Government will

collaborate with the relevant Mainland authorities to crack down on non-compliant agencies or agents. If such agencies or agents have assisted, abetted, incited or induced any Mainland pregnant woman to commit any crime, including obtaining the qualification for entry through illegal means, illegal entry, overstay, breaching any condition of stay, and so on, they are guilty of committing the same crime, and are liable for criminal prosecution.

Recently, on 13 February, a Mainland agent who has assisted Mainland pregnant women to give birth in Hong Kong was sentenced to 10 months' imprisonment by a local court for breach of condition of stay and making false representation to the ImmD. The ImmD and the police will closely monitor the operation of these agencies and agents. Once any illegal activities are detected, enforcement actions will be taken in accordance with law.

Thank you, President.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, the Ad Hoc Quota Trial Scheme for Cross-boundary Private Cars (the Scheme) serves not only to further facilitate the economic, social and cultural exchanges between Guangdong and Hong Kong, but also improve the existing cross-boundary private car quota system to cater for the need of private car owners who are not eligible for regular quotas now. Premised on the existing system, the Scheme is not a novel idea.

Actually, private cars under the cross-boundary quota system have always been able to travel between Guangdong and Hong Kong. More than 20 000 private cars in Hong Kong can travel across the boundary to the Mainland, but such permits are not granted to ordinary citizens as special requirements are imposed, for instance, the applicant's investment in the Mainland has to reach a certain amount. In the Mainland, only about 2 000 vehicles can travel across the boundary to Hong Kong. Views have been expressed in the past that given the frequent exchanges between Guangdong and Hong Kong, the current regular quotas cannot meet the demands of people in the two places for greater choice and convenience in the modes of cross-boundary transport. Hence, the Government had suggested that the existing private car quota system can be relaxed under a highly regulated environment, allowing some private cars to

travel between the two places with ad hoc quotas via the Shenzhen Bay Port on a trial basis.

The Scheme has been in the pipeline for years. Back in the end of 2008, we had already explained the general idea to the Legislative Council. At the meeting of the Panel on Transport in 2009, we explained to members the current control regime for cross-boundary vehicles and the future direction for relaxing the private car quota system, and reported the progress regarding our discussions with the Guangdong Provincial Government on the Scheme. We stated at that time that we had reached preliminary agreement with the relevant Guangdong authorities to pursue the proposed Scheme in two phases, starting with the issue of ad hoc quotas to Hong Kong private cars first, to be followed by Guangdong private cars at a later stage upon satisfactory implementation of the first phase. Members generally welcomed the proposal to issue ad hoc quotas and advised that proper support measures should be formulated. Members of the Legislative Council have subsequently followed up on the progress of the Scheme by raising a number of questions at Council meetings and when examining the budgets.

We understand the public's grave concern about the Scheme lately, particularly the arrangements for the second phase of the Scheme to allow Guangdong private cars to enter Hong Kong. Today's motion and the amendments are mainly focused on the second phase of the Scheme. I hope that through this meeting, I can explain clearly the arrangements for the first phase of the Scheme to be implemented in March, as well as our position on the second phase of the Scheme, so as to clear the misunderstanding and worries.

First of all, I must make it clear that the first phase of the Scheme to be implemented in March only involves allowing qualified owners of Hong Kong private cars to apply for ad hoc quotas to drive their own cars to enter Guangdong; it does not involve Guangdong private cars entering Hong Kong.

In formulating the arrangements of the Scheme, we adhere to some principles, including:

- (a) exercising due care and by launching a trial scheme first to ascertain the effects;

- (b) introducing the scheme under a highly regulated environment, with road safety and network capacity as the fundamental considerations and taking into account the impact on the environment;
- (c) starting with a small number of quotas, which can be adjusted flexibly having regard to special circumstances; and
- (d) requiring full details in all the applications which will be carefully vetted and properly screened.

The Government is also aware that the public's major concerns are focused in several areas, including the different driving cultures of drivers in the two places, the likely impact caused by the increasing number of Guangdong vehicles on the road capacity as well as the environment of Hong Kong, and so on. I have to emphasize that the arrangement for Guangdong private cars entering Hong Kong only falls under the second phase of the Scheme. Experts of the two governments will further study and discuss the specific arrangements for the second phase of the Scheme when there is experience in smooth operation after implementing the first phase for a period of time. There is no concrete timetable for the second phase at this time. When formulating the arrangements for the second phase, we will of course fully listen to the views of the Legislative Council and the public.

As we had explained to members at the special meeting of the Panel on Transport of the Legislative Council last week, legislative amendments would be involved in the second phase of the Scheme, and we must properly address the views expressed in society, including considerations in road safety, driving cultures and environmental impact before the proposal to be introduced by the Government then has the support of the Legislative Council. Hence, both the Government and the Legislative Council will perform their respective gate-keeping roles properly.

In fact, we know that many citizens want to have the opportunity to conduct self-drive tour in the Guangdong Province. To shelve the entire Scheme is to totally reject this measure intended to facilitate the public. I want to emphasize once again that the Scheme is only conducted on a trial basis, and it is not yet an established policy. After implementation of the first phase of the Scheme, the Government will definitely monitor the situation carefully. We will

only discuss the specific arrangements for the second phase of the Scheme with the Guangdong Provincial Government and then present the relevant legislative amendments to the Legislative Council when there is experience in smooth operation. In view of the above reasons, I implore Members to oppose today's motion and its amendments which propose to shelve the self-drive tour plan for Mainlanders' vehicles or the entire trial scheme.

After listening to the views of Members, I will respond accordingly. Thank you, President.

**MR TAM YIU-CHUNG** (in Cantonese): President, the recent spate of incidents in Hong Kong, such as "doubly non-permanent resident pregnant women" giving birth in Hong Kong and vying for our social resources, have triggered off the bitter war of words between netizens in the Mainland and Hong Kong over the so-called talks about "locust", as well as Hong Kong people's concern about the impact of the cross-boundary self-drive tour on road safety and environmental pollution. These incidents have more or less intensified the negative sentiments of Hong Kong people, which create emotions of repulsion and isolation subconsciously.

These problems are mainly caused by Hong Kong people's concern about the effective allocation of resources. Given the different economic and cultural backgrounds of the two places, it is unavoidable that misunderstandings and conflicts will arise in the course of exchanges between the masses of the two sides. Moreover, some political parties and persons with ulterior motives have deliberately exaggerated our differences and sensationalized the relevant issues, trying to create opposition and division between Mainlanders and Hong Kong people.

The Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) considers that we should not, for fear of intensifying the negative emotions of individual persons, or being terrified by some sensational reports, trim the toes to fit the shoe and steer away from the direction of integration and future development of the two places; either should we deny the benefits brought by closer integration between the two places. To alleviate the worries of Hong Kong people, the Administration should implement effective policies and measures to ensure proper allocation of resources, so that the interests of Hong

Kong people will not be affected. The Administration should also approach the issue in a proactive manner by stepping up publicity and education to clear the misunderstandings and differences.

The motion proposed by Mr Ronny TONG touches on the disputes of "doubly non-permanent resident pregnant women" giving birth in Hong Kong, as well as the implementation of the self-drive tour plan. Recently, these two hot topics have aroused much tension between the people of the two places. The former issue is related to worries of Hong Kong people about the impact on our resources, while the latter issue involves the misunderstanding and differences between Hong Kong people and Mainlanders.

We all know very well the serious impact of "doubly non-permanent resident pregnant women" giving birth in Hong Kong on the territory. However, the relevant problems were not caused overnight. Just now, my fellow party member Mr CHAN Hak-kan has spoken about his views, but he was criticized by Mr Albert CHAN as "taking advantage of the situation". As far as I am concerned, the DAB seldom "takes advantage of the situation" at the expense of others. On the contrary, we are always being criticized for bundling many issues together. I think Mr CHAN Hak-kan was just speaking the truth. And I will repeat once again that the crux of the problem lies with the ruling made by the Court of Final Appeal in the CHONG Fung-yuen case in 2001 that children born to "doubly non-permanent resident pregnant women" have the right of abode in Hong Kong. Without doubt, according to the legislative intent behind Article 24(2) of the Basic Law, as well as the Interpretation by the Standing Committee of the National People's Congress (NPCSC) of this provision of the Basic Law in 1999, children born to "doubly non-permanent resident pregnant women" do not have the right of abode in Hong Kong. However, when making its judgment on the CHONG Fung-yuen case, the Court of Final Appeal had not taken the relevant questions into consideration. Moreover, the then SAR Government was under pressure from some legal professionals, namely the core members of the Civic Party now, and had not sought an interpretation from the NPCSC on the relevant provisions of the Basic Law to plug the loopholes. Since then, the situation has gone out of control.

Around 2006 and 2007, "doubly non-permanent resident pregnant women" giving birth in Hong Kong has gradually become a fad. Perhaps in an attempt to cool down public sentiment and dissatisfaction on the problem, or divert attention

to the Government's inadequate allocation of resources on gynecology and obstetric services, the then Chairman of the Civic Party, Ms Audrey EU, wrote an article in *Ming Pao* entitled "Turning burden to asset". In that article, she stressed that while "doubly non-permanent resident pregnant women" giving birth in Hong Kong would not create too much of a problem, it could actually help alleviate the problem of ageing population in Hong Kong. The SAR Government should allocate additional resources on various support measures required.

Nonetheless, facts speak louder than words. The political party which sang praises previously for "doubly non-permanent resident pregnant women" giving birth in Hong Kong is now "repentant" and reverses its stance drastically to demand for a restriction on "doubly non-permanent resident pregnant women" giving birth in Hong Kong, or even tries to divert attention again to those policies and initiatives which aim at promoting exchanges between the two places, such as the Individual Visit Scheme. Such a feat of confounding right and wrong is really amazing.

The DAB does not oppose imposing additional administrative measures to reduce the impact of "doubly non-permanent resident pregnant women" giving birth in Hong Kong. Nonetheless, as the saying goes, only the one who tied the bell on the tiger can take it off. In order to resolve the problem of "doubly non-permanent resident pregnant women" giving birth in Hong Kong once and for all, we must address the question of whether children born to "doubly non-permanent resident pregnant women" have the right of abode in Hong Kong. In this connection, the DAB considers that in case the problem of "doubly non-permanent resident pregnant women" giving birth in Hong Kong cannot be resolved by the current and future administrative measures, the SAR Government should seek an interpretation from the NPCSC of the relevant provisions of the Basic Law, so as to further clarify that children born to "doubly non-permanent resident pregnant women" do not have the right of abode in Hong Kong. That is the only way to resolve the problem once and for all.

Separately, there is currently much dispute over the self-drive tour plan in the community, as people are extremely worried about its implementation. The DAB fully understands and identifies with such worries. However, as the exchanges between Hong Kong and the Mainland become more frequent, it is the wish of many Hong Kong people that additional measures can be implemented by



the governments of the two places to facilitate exchanges, one of which is the self-drive tour plan. Since the relevant scheme was first studied in 2008, many voices of support had been expressed in the community as well as the Legislative Council. As the Secretary said just now, the scheme is now only on the trial stage. We hope that the first phase of the scheme can bring convenience to Hong Kong people as they can conduct self-drive tour in the Mainland. Regarding the proposal to allow Mainland drivers to enter Hong Kong, proper consultation and studies should be undertaken first. We can consider the matter further when a consensus is forged in the community with proper management measures formulated and the problems in relation to road network capacity and traffic regulations resolved. There is no need to shelve the scheme.

**DR RAYMOND HO** (in Cantonese): President, Hong Kong's success stems from the willingness of the community to accept different things and embrace different cultures. All along, Chinese and Western cultures have co-existed with mutual acceptance in Hong Kong. In addition, Hong Kong is an extrovert economy and tourists are generally greeted with warm welcome. As Hong Kong is a diversity society, the public have all along respected the rights of others, they observe public order and perform their civic duties. More importantly, xenophobic sentiments are not the mainstream of society.

Regarding the recent conflicts between Mainlanders and Hong Kong people, I think such a development is highly unfortunate. In fact, many problems are caused by the different cultures and living habits of the two places. Many acts which we consider uncivilized, for instance, jumping the queue, littering or ignoring the rights of other users, are not deemed as improper by some Mainlanders. These differences can be resolved through rational communication and enhanced public education, rather than mutual recriminations. At one time, when Hong Kong people visited other countries or emigrated to other countries, their behaviour might not be agreeable to the local people. However, through self-observation and kind alerts by the locals, the occurrence of such incidents has been reduced.

Another point worth mentioning is that the reciprocal act of calling people of the other place "locusts" or "dogs". This is in itself highly uncivilized, which should absolutely not be encouraged and supported. The inhabitants of each community have different qualities, and this holds true for both the Mainland and

Hong Kong. I always travel by public transport, mostly on the MTR. It is not difficult to find individual Hong Kong people eating in MTR train compartments, spitting or littering in public places, and so on. Hence, we should not tar with the same brush. Squabbles arising out of hasty generalizations will only rip the two places apart and intensify their conflicts, which can only bring harm and not benefit to the people of both places.

Lately, issues concerning Mainlanders, such as "doubly non-permanent resident pregnant women" giving birth in Hong Kong and the self-drive tour plan, have come under the spotlight, and this is quite natural. As healthcare resources in both the public and private sector are taken up by "doubly non-permanent resident pregnant women" from the Mainland giving birth in Hong Kong, this has adversely impacted local pregnant women. This is an issue which should be urgently dealt with by the relevant authorities. In its judgment in the CHONG Fung-yuen case in 2001, the Court of Final Appeal acknowledged that children born to Mainland residents in Hong Kong had the right of abode in Hong Kong. It is out of this consideration that some Mainlanders who are non Hong Kong residents resort to every means to give birth in Hong Kong, in the hope that their children can acquire the right of abode in Hong Kong. Many people in the community have requested to amend the Basic Law or seek an interpretation from the Standing Committee of the National People's Congress (NPCSC) in order to terminate this trend. Of course, it is unrealistic to amend the Basic Law, but the SAR Government should expeditiously seek an interpretation from the NPCSC on the relevant provisions of the Basic Law. After all, the NPCSC making an interpretation of the Basic Law is not a great scourge. Nonetheless, before a consensus is forged on the relevant proposals in the community, Hong Kong must act in accordance with the current laws to give the right of abode to children born to "doubly non-permanent resident parents" in Hong Kong.

In order to safeguard the rights of local pregnant women, the Government must step up immigration control against "doubly non-permanent resident pregnant women", and in particular, enhanced the prosecution against agents assisting such women. In addition, the Government should also co-operate with the relevant Mainland authorities to intercept "doubly non-permanent resident pregnant women" intending to enter Hong Kong to give birth.

Regarding the self-drive tour plan, it should be the proper way forward in the long term given that the inevitable trend of economic and social integration

between the two places, not to mention that the Framework Agreement on Hong Kong/Guangdong Co-operation had already been signed. Owing to the substantial difference between the existing transport systems of the Mainland and Hong Kong, it is not an opportune time to implement the self-drive tour plan, particularly taking into account factors such as road safety and environmental protection. Different driving habits and behaviour of drivers of the two places, especially the difference between right-hand drive and left-hand drive, can create great potential safety risks. Besides, the use of lower-grade petrol will also aggravate the problem of roadside air pollution in Hong Kong. Hence, I think the relevant plan, in particular the second phase which allows Mainlanders to drive their own vehicles to Hong Kong freely, should not be implemented hastily without in-depth study, comprehensive consultation and proper design.

President, I think we should resolve the recent conflicts between the two places with a rational attitude and through candid communication, so as to bring out the pluralistic quality of Hong Kong, underline the spirit of mutual inclusiveness, and showcase the charisma of our civilized societies. I so submit. Thank you, President.

**DR PRISCILLA LEUNG** (in Cantonese): President, when I first read Mr Ronny TONG's motion, I was somewhat puzzled because the subject and contents were perhaps contradictory. Members will definitely support the subject of the motion as "core values" are mentioned, and I certainly support the values such as diversity, harmony, love for peace and kind-heartedness, and so on. However, the concrete suggestions which follow definitely do not tally with the subject as well as preamble of the motion. Hence, I must listen to Mr Ronny TONG's reply to the views of other Honourable colleagues and see if he has anything to supplement.

I think the theme of today's debate is not Hong Kong's core values; instead, it is the three concrete suggestions made in the motion, one of which is the self-drive tour plan which is the talk of the town at the moment. Facing the so-called conflicts between the two places, I would first of all hope that the masses of the two places can avoid making radical statements which will further incite the people of the opposite side, and heighten their antagonistic sentiments against each other. I think such a situation should be avoided at all cost.

In addition, we must approach the matter cautiously by considering and respecting the position as well as feelings of the opposite side. Hence, in respect of the self-drive tour plan, I think we must consider the matter under the principles of fairness, impartiality and equality. I note that in the relevant discussions in the community, people who are against the self-drive tour plan invariably consider it acceptable only to "go up north" but not "come down south". I think such a stance hurts the feelings of Mainlanders very much. Hence, my principle is that access should be opened up for both sides, or else further discussion is required before the plan to open up access can be implemented gradually in a reasonable manner when there is general demand in society.

More people are of the view that Hong Kong people worry about the driving culture in the Mainland. In fact, I also worry Hong Kong people driving into the Mainland under the first phase of the scheme. Members may recall that in a well-known case about a year ago, the cold-blooded acts of a Hong Kong driver had infuriated the masses on the Mainland. The said driver has already been given a suspended death sentence by a Mainland court.

What are the problems reflected in this incident? Firstly, Hong Kong drivers who drive to the Mainland must first of all understand the laws and regulations in the Mainland. The said driver is now seeking my help. Honestly, he has never thought that his act of careless driving would incur a suspended death sentence. Secondly, serious traffic incident could happen if the driver is not familiar with the driving culture in the Mainland. We also highly respect the lives of Mainlanders. Hence, I think the relevant scheme, regardless of the first or second phase, should not be implemented merely for sake of convenience. As far as I know, in some traffic incidents, most of the drivers involved are not professional drivers. At present, most Hong Kong drivers who are holders of both Hong Kong and Mainland driving licences are professional drivers who can adapt to both the left-hand and right-hand drive, whereas drivers involved in traffic incidents are mostly the so-called ordinary drivers. Accidents can easily happen with these holiday drivers; and sometimes such accidents can be fatal, ending in death of the whole family.

I once have some good friends ..... As far as I can recall, four friends of mine in the legal profession were killed in traffic incidents which happened within five years. Hence, this is not a simple question. Should we allow these

ordinary drivers to drive to Hong Kong now? I think this is a deep-rooted question. While we allow drivers to drive to the Mainland, should we require them to pass a stringent test, or should they be exempted from any test? I think we should not treat the matter lightly because the road safety of the two places must also be safeguarded.

At the same time, we must take into consideration that Hong Kong people indeed have negative feelings about this policy. While people are mostly against Mainlanders take southbound self-drive tour to Hong Kong, I think we should also respect the Mainland. Hence, I consider that further consultation by the Administration is required. At this stage, I have no set view as to whether this arrangement should be shelved indefinitely or otherwise. As a matter of fact, I have many friends who really want to go on a self-drive tour to the Mainland when they are on vacation. Of course, they may not have considered the proposal thoroughly, such as after getting the permit, are they familiar with the road conditions in the Mainland, or what would happen should an accident occur. Members of the public who opt for this arrangement should voice their views during the consultation. Moreover, the number of vehicles under the scheme should be the same for both sides. Let me make this point clear to drivers who want to "go up north", if we managed to strive for vehicles in Hong Kong "going up north", vehicles in the Mainland should also be allowed to "come down south". Only this arrangement accords to the principles of reciprocity, equality and impartiality.

Hence, in this regard, I think consultation must first be conducted. I believe the proposal of self-drive tour is suggested out of good intention. Albeit the good intention, it may not necessarily bring about good results. At this stage, I prefer to "go slowly in order to yield satisfactory results", as the Chinese saying goes. The Administration should slow down its pace and conduct public consultation first, so that people can have a better understanding of the details of the self-drive tour plan before its actual implementation. In addition, the Administration should formulate concrete plans for the implementation of the scheme, rather than simply say that only 50 quotas will be allowed under the trial scheme per day for the time being. People with then query whether the daily quotas will be increased from 50 to 1 000 immediately after the trial scheme.

To avoid sensationalizing the incident, I think we should focus on issues about road safety in discussing the self-drive tour plan; we should not "elevate the

incident to the higher level of political struggle", or highly politicize the matter, or claiming that the Hong Kong Government is "shoe-shining". I think this is not the right approach, and we should not deliberately stir up feelings of animosity of Hong Kong people against Mainlanders. Mainland drivers have lately taken actions as they consider that Hong Kong people discriminate against them. If we really want the matter to settle satisfactorily, and the people of the two places to live in harmony, we should not repeatedly claim that this incident involves "black box operation" of the governments of the two places. I think this claim is not true. We should focus on the nature of the matter, which is road safety. At the same time, we should consider, with great sincerity and an open mind, how and when better arrangements for the self-drive tour plan between Mainland and Hong Kong can be implemented.

President, I so submit.

**MR CHEUNG KWOK-CHE** (in Cantonese): President, the motion proposed by Mr Ronny TONG today is about "Reiterating Hong Kong's core values" which focuses on the conflicts between Mainlanders and Hong Kong people arising out of previous incidents involving "doubly non-permanent resident pregnant women", self-drive tour, D&G and talks about "locusts" and "dogs". Mr TONG's motion touches on core values such as diversity, harmony, love for peace and kind-heartedness, and so on, but the list of Hong Kong's core values of course does not end there; there are at least the values such as justice, equality, freedom, and the rule of law. In the above incidents, the Hong Kong Government either reacts slowly or silently, which is disappointing. I am worried that if the matter is not dealt with properly, not only will the SAR Government meet its Waterloo, but the hard-won core values of Hong Kong will lose lustre, and Hong Kong society will be fraught with endless disputes thereafter.

In the many incidents mentioned above, the issue involving "doubly non-permanent resident pregnant women" is probably the triggering point of conflicts between the two sides. Of course, there is also the incident of Mainlanders coming to Hong Kong, scrambling for infant formula. Other incidents such as the D&G incident and talks about "locusts" and "dogs" are in fact expressions of collective negative sentiments of Hong Kong people.

The CHONG Fung-yuen case in 2001 has affirmed that "doubly non-permanent resident babies" are entitled to permanent resident status. More than a decade has since passed. I still recall that after Donald TSANG became the Chief Executive in 2005, he encouraged Hong Kong people to give birth to more babies. In his mind, the Government obviously had some so-called "corresponding" measures. His thinking could be summarized as follows: Given Hong Kong's low fertility rate, Hong Kong people should be encouraged to give birth to more babies; incidentally, a large number of Mainland pregnant women have come to give birth in Hong Kong after the CHONG Fung-yuen case, and this could increase the population and relieve our ageing population. To the Government, this "population policy" is swift, smart and swell, and perhaps, Donald TSANG was quite smug with himself. Moreover, the Administration introduced the complementary measure of developing the healthcare industry as one of the six major industries by promoting the development of private hospitals to spur economic development and relieve the pressures on public healthcare services. Mainland pregnant women giving birth in Hong Kong has actually become a big business. I have reasons to believe that the birth of more than 30 000 "doubly non-permanent resident babies" every year is something that the Government has long predicted.

If "doubly non-permanent resident pregnant women" is the triggering point, the problem should be tackled from this origin. In fact, the number of Mainland pregnant women coming to Hong Kong to giving birth is not unlimited. The Government allocates a fixed number of quotas for Mainland pregnant women giving birth in Hong Kong every year on a first-come-first-served basis. Expecting Mainland mothers must first obtain a certificate on confirmed delivery booking issued by Hong Kong hospitals. As their due date approaches, they can enter Hong Kong by producing the certificate, and deliver their babies at the hospital of their booking. Once the annual quota of delivery places for Mainland pregnant women set by the Government is full, no certificate will be issued. Hence, it is actually possible to control the number of pregnant women giving birth in Hong Kong. As for Mainland pregnant women who seek to enter Hong Kong without advance booking, their number is actually unsubstantial. It is relatively easy to intercept these pregnant women if the Immigration Department can be more vigilant at the control points. In fact, it is clear that the matter depends entirely on the attitude of the Mainland authorities. Hong Kong's obstetric services will no longer be impacted so seriously if the Mainland

authorities stop allowing "doubly non-permanent resident pregnant women" to give birth in Hong Kong.

The existing restriction imposed by the Government on public hospitals will only "kill the innocents", as Hong Kong families separated in the two places (that is, the wives of Hong Kong residents are still applying to live in Hong Kong) are likewise affected. As announced by the Government last week, four public hospitals will not accept booking of non-local pregnant women next year, while the quota of the remaining four hospitals will be reduced to below 3 000 in total. This has dealt another blow to these families. We can see that such measures are more unfair to the "singly non-permanent resident pregnant women" than the "doubly non-permanent resident pregnant women". In fact, "doubly" or "singly" non-permanent resident pregnant women can easily be differentiated with a remark in the certificate stating whether the spouse of the pregnant woman concerned is a Hong Kong resident or not. Out of the 40 000-odd Mainland pregnant women giving birth in Hong Kong last year, "singly non-permanent resident pregnant women" only accounted for about 10%. The tremendous pressures on Hong Kong's obstetric services will be relieved immediately once the processing of applications from "doubly non-permanent resident pregnant women" is suspended.

Nonetheless, as the entire healthcare industry chain can be disrupted by such an initiative, the Government must seriously consider the after effects. The rapid expansion of private hospitals in the past few years has caused a brain drain from public hospitals, and the private healthcare sector has become larger as a result. The disruption of the healthcare industry chain is indeed a problem which the Government must address. Nonetheless, the existing competition between Hong Kong people and Mainlanders for resources has created other problems, such as the dangerous act of gate-crashing shortly before labour which poses potential risks for the mother and her fetus, illegal agents, illegal accommodation for pregnant women, and so on. Given that the conflicts between the people of the two places have already emerged and may continue to escalate, I think the Government must "take away the firewood from under the cauldron" by immediately asking the Mainland authorities to stop issuing quotas for "doubly non-permanent resident pregnant women" to come to Hong Kong. In the past, private hospitals have taken advantage of public hospitals by sending babies in critical condition to the Accident and Emergency departments of public



hospitals for treatment. The private hospitals must accept responsibility and take remedial actions for such irresponsible actions.

President, I concur with the views Dr Margaret NG expressed in her article published last week about "Population Policy and Legal Framework". As she pointed out, incidents involving scrambling for infant formula, closure of old shops in Causeway Bay, rising property prices, "doubly non-permanent resident pregnant women", as well as the D&G incident, and so on, have prompted Hong Kong people to demand for restrictions on the number of Mainlanders entering Hong Kong. In taking administrative measures to control the number of Mainlanders entering Hong Kong for sightseeing or stay, as well as in formulating the population policy to handle the status of permanent residence, we must act in accordance with the "legal framework", that is, our power should fall within the scope of powers conferred on the SAR Government by the Basic Law. For example, the definition of "permanent residents of Hong Kong" is given under Article 24 of the Basic Law, which specifies that "permanent residents of Hong Kong" shall have the right of abode in Hong Kong and be free from entry restrictions. Through today's discussion on the motion "Reiterating Hong Kong's core values", we hope to remind the Government that it should bear in mind the important values of democracy, rule of law, justice, human rights and equality when handling issues involving "doubly non-permanent resident pregnant women", D&G, as well as the highly controversial self-drive tour plan.

With these remarks, President, I support the motion.

**MR CHEUNG HOK-MING** (in Cantonese): President, diversity and harmony are the greatest values of Hong Kong, such that different views can be freely expressed in society. Recently, some Hong Kong people who are dissatisfied with the behaviour of a small group of Mainlanders have vented their dissatisfaction through internet groups, press statements, protest marches, and so on. All these well testify the invaluable freedom of expression found in Hong Kong society. Meanwhile, these social phenomena represent the various demands made by people against previous governance mistakes of the Administration. Unfortunately, the Administration's slow reaction has led to the continuous fermentation of the matter and triggered off feelings of discontent. There are signs of stigmatization in society, such that Mainlanders in Hong Kong are regarded as people who affect the quality of life in Hong Kong. If this ethos

continues, it will not only impact on the core social values we have been proud of, but will also lead to Hong Kong's isolation which is detrimental to our long-term development.

Regarding the demand made by Mr Ronny TONG in the original motion, as well as the amendment to "shelve the self-drive tour plan for Mainlanders' vehicles", I have reservation about the term "shelve". When pondering on the matter, we must first ask ourselves, have we made a categorical assumption about Mainland vehicles coming to Hong Kong, that is, have we assumed that Mainland drivers on self-drive tour to Hong Kong are all reckless road ragers? If the answer is in the affirmative, we have already fallen into the mental framework of "stigmatization", and this is not beneficial to the balanced development of our society. If the answer is in the negative, I believe that we can resolve the series of questions arising from self-drive tour, such as vehicle insurance, emission, congestion, law enforcement, and so on, through a public consensus forged in society, as well as detailed arrangements to be worked out through proper discussions by the administrative authorities in the two places.

Guangdong and Hong Kong are not pioneers in cross-boundary self-drive tours. Many countries around the world, such as the United Kingdom and France, the United States and Canada, as well as Singapore and Malaysia, have gained years of experience in the implementation of cross-border self-drive tours. As shown by their experiences, such an initiative will definitely bring about more benefits than negative impacts for both countries so long as adequate preparation has been made. Two years ago, China has entered into an agreement with Vietnam in relation to cross-border self-drive tours. Within the first 11 months of implementation, 700 000 self-drive tourists have travelled to Vietnam under the scheme, bringing out economic benefits to Vietnam through various consumption spending. I believe that it will be a major trend for greater co-operation between ASEAN countries and China in respect of self-drive tour schemes.

Moreover, the trial scheme on one-off ad hoc quotas for Guangdong/Hong Kong cross-boundary private cars (trial self-drive tour scheme) has been in the pipeline for years. Members may still recall that the matter has previously been discussed by the Panel on Transport of the Legislative Council many times, and Members have generally indicated support for the scheme. Recently, voices are suddenly heard in the community that the trial self-drive tour scheme should be

shelved. To a great extent, this is an over-reaction as a result of the previous policy blunders made by the Government. Coupled with the great differences in cultures and values between the masses of the two places, as well as the differences between Hong Kong and the Mainland in respect of driving rules and driving habits, the worry felt by the people is quite understandable. The trial self-drive tour scheme will be implemented in two phases. In the first phase, qualified Hong Kong vehicles granted with quotas under the scheme will be allowed to enter Guangdong for a short stay of several days. The second phase of the trial scheme involving Mainland vehicles will only be pursued after successful implementation of the first phase. To allay public concern, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) requests that the Administration should conduct a review expeditiously after the implementation of the first phase of the trial self-drive tour scheme. The second phase of the scheme should only be implemented after the views of Hong Kong people are consulted and a consensus is forged in community.

In addition, we consider that apart from forging consensus, the Administration should carefully assess the capacity of boundary control points and road networks in Hong Kong prior to the implementation of the second phase of the scheme, so that the number of quotas will be set on the basis of such assessments. When vetting the relevant applications, the Administration must impose stringent emission standards on the inbound vehicles and ensure that the Mainland drivers are qualified and hold good driving record. I believe that so long as the Administration can ensure proper gate-keeping beforehand, accidents caused by self-drive tour vehicles can be prevented effectively, and public concern can be alleviated.

I also hope that the Government will carefully consider the proposal made by the DAB repeatedly for the development of a bridgehead economy, that is, to set up a leisure shopping area in the landing point of the Hong Kong-Zhuhai-Macao Bridge (HKZMB), so as to attract vehicles of the two places to cross the boundary via the HKZMB. Under our proposal, a parking lot should be provided within the bridgehead economy area, so that Mainland visitors on self-drive tours can spend in the bridgehead economy area after parking their vehicles, or interchange with local transport modes and utilize the comprehensive railway network to continue with their tours. By complementing the self-drive tour plan with the bridgehead economy, it will not only help increase the volume of vehicular traffic for the HKZMB tremendously as well as the revenue for the

operator in future, but also avoid various problems created by a large number of self-drive vehicles entering the city area, such as increased traffic load and emissions, as well as the differences in traffic rules and regulations of the two places.

President, the DAB urges the Administration to make proper preparations for the first phase of the trial self-drive tour scheme, and to make a decision for the implementation of the second phase of the scheme after experiences gained, so as to ensure public confidence on the scheme and avoid causing further disputes in the community.

I so submit.

**MR LEE CHEUK-YAN** (in Cantonese): President, Mr Ronny TONG's motion actually comprises three parts: first, Hong Kong's core values; second, the issue of "doubly non-permanent resident pregnant women"; and third, the self-drive tour plan. First of all, the Labour Party is really worried about some recent remarks. We think that Hong Kong's core values definitely include freedom of speech, diversity, harmony, rule of law, justice and democracy. These are the core values shared by Hong Kong people who have always been proud that Hong Kong is an international city. The civilization of an international city can be manifested in how we treat people from foreign places and how we handle issues involving people from foreign places. The sense of values of all Hong Kong people has thus been reflected.

I strongly dislike calling Mainland people "locusts". It is true that some of their behaviour may not be pleasing; for example, some of them may eat inside the area of the MTR, and they may have uncivilized behaviours such as spitting, jumping the queue, and so on. No matter how displeasing we are, should we try to change them with our core values? Sometimes, they do not observe the rules, queuing is an example. I learn that the first task of staff in Disneyland is to ask Mainlanders to queue up, and eventually they have to do so. Sometimes, staff in Disneyland have to handle disputes among Mainlanders and ease the tension. We can try to influence them with our rule of law and civilized behaviours; we need not label them as "locusts". The word "locusts" gives people an impression that they have come to Hong Kong to seek advantages. In fact, we should not generally consider all Mainlanders as such.

Certainly, for "doubly non-permanent resident pregnant women", they are evidently coming to Hong Kong to seek advantages. However, the Government should bear the greatest responsibility because it has all along failed to tackle the issue properly. If the Government had properly handled the conflicts between Hong Kong people and Mainlanders, the negative sentiments would not be easily aroused, and we can really influence our compatriots on the Mainland with our core values and civilized behaviours.

If Mainland people want to come to Hong Kong and integrate into the community, they must accept these civilized values. This should be the right approach, but the Government has not adopted this approach; instead it has instigated conflicts. The "doubly non-permanent resident pregnant women" issue is one of the confrontations stirred up by the authorities. Since the Government has not handled this issue, public hospitals are packed with patients. Thus, many local and Mainland pregnant women cannot obtain service in public hospital, and on the other hand, the charges of private hospitals have surged to very high levels. Under this circumstance, people think that the influx of "doubly non-permanent resident pregnant women" has caused a shortage of obstetric beds. Nevertheless, the Government has not solved this specific problem; instead, it has tried to shrink its responsibility in a very foolish way.

First, the authorities have said very foolishly that children born to Mainland people in Hong Kong will become new blood in Hong Kong. How do we know they will become new blood in Hong Kong? We are not even sure if they will come back to Hong Kong in the future, and they have not made any commitments for Hong Kong. Having said that, I also oppose the saying that they will certainly become our burden, as we cannot ascertain if they will come back to Hong Kong. Maybe none of them will come back or some of them will only come back to Hong Kong many years later; and another problem will emerge as our overall welfare and education planning will be disrupted. If we cannot solve this problem, conflicts will definitely precipitate in the future. All in all, everybody knows that the saying that these children are new blood in Hong Kong is not true.

Next, the authorities think that the problem is solved when they have settled with private hospitals the issue of service quota. That is actually not the case. Even if the authorities have solved the quota issue with private hospitals, local pregnant women may still not be able to secure obstetric beds, for the charges have soared. Even if there are still some obstetric beds after the quotas

have been used, the charges may become even higher as there are demands. Hence, if the problem is not adequately solved, the consequences may be dire.

The position of the Labour Party has been clear, that is, the Government should adopt administrative measures as soon as possible to intercept Mainland pregnant women from entering Hong Kong. The Immigration Department should refuse the entry of Mainland pregnant women, even though they have made advance bookings. And eventually, the whole quota system for private hospitals should be scrapped. In our view, public hospitals should provide service to local pregnant women and the Mainland spouses of Hong Kong residents. The Government has failed to handle this issue in the past and it has all along discriminated against the Mainland spouses of Hong Kong residents. Secretary Dr York CHOW has just said that he sympathized with these women. Buddy, we do not need his sympathy, we just hope that he could practically resolve this issue. Although the Chief Executive had promised to follow up this issue before, he had not honoured his promise. If local pregnant women and the Mainland spouses of Hong Kong residents think that the problems of healthcare and obstetric services have been solved, they will feel at ease and the tension can be relieved.

Regarding the proposal to amend the Basic Law, in fact, many provisions of the Basic Law, especially the part on people's livelihood, should be amended. The issue that we are now discussing is not the most important issue to be solved by amending the Basic Law, but the Labour Party will not object to considering the proposed amendments. Nonetheless, if the basic rights of some people will be deprived after amending the Basic Law, the Labour Party will have reservation. Furthermore, the amendment of the Basic Law should be premised on the promotion of democracy in Hong Kong rather than the deprivation of rights. The "doubly non-permanent resident pregnant women" issue can actually be resolved through administrative measures.

Lastly, I would like to spend the little time left to talk about the Labour Party's position on the self-drive tour plan. May I ask the Government not to deceive itself and others, thinking that in the first phase, Hong Kong vehicles can make self-drive tour to the Mainland, and Mainland vehicles can only make self-drive tour to Hong Kong in the second phase. Once Hong Kong vehicles are allowed to make self-drive tour to the Mainland, the same permission should be granted to Mainland vehicles. Such being the case, the whole plan may as

well be scrapped. If only Hong Kong vehicles are allowed to go to the Mainland on self-drive tour, and there are views on the reciprocal arrangement, we should give up the implementation of this plan. Hence, we oppose the self-drive tour plan and we think that even the first phase trial scheme should not be implemented.

Thank you, President.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, like many other Members, when I first read the subject of Mr Ronny TONG's motion: "Reiterating Hong Kong's core values", I think that we are going to discuss freedom of speech and of assembly, the spirit of the rule of law and so on, because these values have recently been challenged in Hong Kong. So, I think that this motion must be about reiterating these core values.

Unexpectedly, the contents of the motion are about different things. Upon closer examination, I find that it is stated in the motion that Hong Kong has always taken pride in its core values such as diversity, harmony, love for peace and kind-heartedness and so on, but a series of recent incidents involving "doubly non-permanent resident pregnant women", self-drive tour, D&G and talks about "locusts" and "dogs" and so on have progressively intensified conflicts between Mainlanders and Hong Kong people. It is also stated that "there are signs of gradual growth of China-Hong Kong confrontation and mutual animosity". I have especially noticed that Mr Ronny TONG has used the word "signs". Fortunately, he has not used the word "phenomena" because the problem will be serious if the animosity phenomenon has emerged. If there is animosity, there will certainly be many conflicts, which I believe all of us would not want to see. Thus, Mr Ronny TONG has been particularly careful in using the word "signs". He actually wants to tell the Government that there are such signs and that it should not allow these signs to develop into phenomena; by then, it would be difficult to solve the problems.

Regrettably, after listening to the responses given by the three Secretaries, I found that they seem to take the "signs" lightly, and do not consider them as problems. They also think that such problems can be resolved very easily under the existing policies. Has it come to their mind that these problems are indeed very serious? If we do not face these problems seriously, those phenomena will

definitely emerge, and I believe that people on the Mainland and in Hong Kong would not want to see that happen. Unfortunately, it seems that our Government has allowed the problems to intensify it has not tried to find any solutions.

Why do I say so? Regarding the self-drive tour plan, Under Secretary YAU Shing-mu has kept saying that it does not matter if we have divergent views, he hopes that we will make the first step, and after review and consultation, the scheme will only be implemented when a consensus has been reached. This will not be the case, once you have started a scheme, you have to carry it through. There is no reason for the scheme to end abruptly after its commencement. If the scheme has commenced, and it ends abruptly, how can government officials get out of the predicament? Though they will soon step down from office, they cannot, as government officials, act like that. There is a mutual agreement, how can the plan be changed midway? The scheme starts off with one-way arrangement, though originally, it intends to be two-way arrangement, but somehow, it turns out to be one-way arrangement. Such arrangement is not possible. While the authorities talk about a trial scheme, what are the criteria for assessment? Nothing has been said on this point. Under what circumstances will the scheme be suspended? The authorities will not give comments, it also say that improvements will be made when inadequacies are found in the course of implementation of the trial scheme. The Secretary has kept making such comments in his previous speech.

Has the Government identified the cause of the conflicts? When the many problems faced by Hong Kong people cannot be resolved, the imposition of more problems will intensify the conflicts. President, why do I say so? I recall that, in 2011, Secretary Eva CHENG — it was in 2010 — she mentioned about the increasing traffic flow in Hong Kong and the extremely serious situation. At the debate on motor vehicle first registration tax (FRT), she stated that "Apart from the proposal to increase the FRT to contain private car growth, the Government has all along adopted a multi-pronged approach to improve traffic condition, taking into account the actual situation. The relevant measures include integrating transport and land use planning to reduce the public's reliance on road-based transport; actively pursuing the policy of having the public transport system as the main transport mode and encouraging the public to make use of the efficient mass transit system and other public transport services; implementing appropriate traffic management schemes; developing intelligent transport systems; harnessing area traffic control systems, expanding our road network, and



so on". She added, "We must stress that if the rapid rise in the number of private cars is unchecked, it will be futile even if more traffic improvement measures are introduced". President, she made the above remarks just a year or two ago. But now she unexpectedly announced that more vehicles would be allowed to enter Hong Kong despite the serious the traffic congestion problems. The Government has now introduced this plan without first solving the existing problems. What then is the purpose of commencing the Express Rail Link development project approved earlier? The authorities have indicated that the development project seeks to solve the traffic problems. Yet, there is a sudden U-turn, and the traffic flow is going to increase further. That is why the public are furious. People are already discontented with the increase in the FRT, and the reason for the increase is to solve the traffic congestion problems. Now the authorities are going to allow Mainland vehicles to enter Hong Kong even though the traffic congestion problems have yet to be solved.

I agree that the "doubly non-permanent resident pregnant women" issue is not a healthcare issue. Dr LEUNG Ka-lau said at the beginning of his speech that this is a healthcare issue. In fact, this is not a healthcare issue. The issue can be resolved very easily. Building more private hospitals is not really a problem because private hospitals are making profits. However, the issue is related to the population policy, the effective management of the overall population development, as well as how social facilities can support the development of population and how harmony can be attained. Unfortunately, the authorities have so far not made good progress in respect of healthcare, education and social welfare, thus the implementation of a "doubly non-permanent resident pregnant women" policy will lead to serious consequences. The authorities have not addressed this issue. In their view, if priority of service is given to local pregnant women, and other pregnant women can receive services in private hospitals, the problem can then be solved. This is not the case. Moreover, why the authorities cannot distinguish Mainland pregnant women whose spouses are Hong Kong residents from those whose spouses are not Hong Kong residents? As Mr LEE Cheuk-yan has said, the authorities only express "sympathy", does it mean anything? How much money do these women need to pay for obstetric service? Have the authorities considered how hard their entire pregnancy and delivery processes are? They have been granted approval to come to Hong Kong, but the authorities have completely ignored them and claimed that it is difficult to make the differentiation. This is simply a joke. How come the authorities can

distinguish the spouses of civil servants, why they cannot distinguish the spouses of Hong Kong residents? This is simply a lie. The whole Government is simply messy and has not made good planning, hence deepening the social contradictions and giving rise to the so-called animosity phenomenon. The Government should bear the greatest responsibility for this mess.

**DR PAN PEY-CHYOU** (in Cantonese): President, the conflicts between Hong Kong people and Mainlanders have intensified in recent months. As we have observed, the wrangle has started from reproving each other on the Internet to shouting abuses in the street, with each party holding to their own views. The latest disputes centred on "doubly non-permanent resident pregnant women" who "gate-crash" into Hong Kong for delivery; Mainland pregnant women taking up obstetric beds in public and private hospitals; Mainland individual visitors scrambling to buy daily necessities in Hong Kong and eating on the MTR train compartment; and D&G discriminating against Hong Kong people, and so on. People on both sides engaged in a battle of words, with a strong sense of antagonism. These conflicts have affected Hong Kong people's way of living and core values.

President, Hong Kong has developed from a quiet fishing port more than a century ago to become a cosmopolitan city, in which four generations of Hong Kong people have been nurtured. Hong Kong people have always taken pride in being law-abiding, well-behaved, public-spirited, and accommodating. We have developed our unique core values. Owing to our long-term exchanges with western societies, we have largely incorporated the western concept of values in developing our own values. Thus, most Hong Kong people are more tolerant of and accommodating to the behaviours of westerners, though their behaviours may differ from ours. On the contrary, when facing the Mainland compatriots, due to historical factors and our difference in social systems, habits and customs, many Hong Kong people naturally think that we are ill-adapted to the behaviours of our Mainland compatriots.

Apart from the cultural and historical factors mentioned above, the cause of China-Hong Kong conflicts is also due to the market factor, that is, uneven supply and demand. Hong Kong is a very small place with only 7 million people; whereas the Mainland has a population of 1.3 billion. Due to the rapid economic development in the Mainland, there is a high-speed growth in national

income and increasing demand for quality goods and services. With the implementation of the Individual Visit Scheme, Mainland visitors with extremely high spending power have suddenly surged to Hong Kong, bringing about a rapid expansion of the local market.

Even though the spending power of Mainland visitors have brought many business opportunities to Hong Kong and have created a large number of jobs in the retail, catering and services sectors, some serious side effects have also emerged. The huge demand has suddenly pushed up commodity prices. For instance, the rents of some prime location shops have increased by more than 100% last year, resulting in rising operating costs of many small and medium enterprises. The prices of residential flats have also surged because many Mainlanders purchase properties in Hong Kong. For example, a small flat of 400 to 500 sq ft was sold for \$3 million to \$5 million, making it impossible for ordinary people in Hong Kong to buy their own flats.

What is most disturbing to Hong Kong people is that the rising prices are not only restricted to properties and luxurious products, but also our daily necessities. For example, the bulk purchase of milk powder and other daily necessities by Mainlanders has directly affected our daily needs, leading to tight market supply and demand. This has further intensified the contradictions between the two places.

The Government has to bear great responsibility for the situation today. Over the past decade or so, senior government officials have been thinking of ways to invigorate our economy, so as to tide over the two economic crises. However, they are not well prepared to solve the problems that may arise after the invigoration of our economy, and they only rashly seek solutions after the problems have emerged.

President, I trust that the integration of China and Hong Kong is a general trend. There will be increasing social and economic exchanges and the relationship between China and Hong Kong will become closer and closer. The problem is how we can resolve the animosity between the two places. As a doctor, I always believe that prevention is better than cure. There is a saying that goes, "bend the chimney and remove the fuel to prevent a possible fire". Taking precautions before it is too late is always far better than being scorched and burned. I think the Government must introduce short-term measures and

systems to ease and resolve the imminent disputes, so as to safeguard the livelihood of Hong Kong people. Also, it must conduct policy studies on long-term issues such as the harmonious integration between Hong Kong and China, and work out proposals for implementation. If the Hong Kong Government cannot resolve the problems on its own, it should request for the Central Government's co-ordination and then discuss these issues with the local governments in the Mainland, with a view to seeking solution and prevention, and addressing these issues together.

President, Hong Kong people cherish our unique core values. While we appreciate the merits of China-Hong Kong co-operation, we also understand the worries of the public. Some Honourable colleagues have emphasized our core values in their speech, probably because of their Greater Hong Kong mindset, thinking that our core values as superior to those of the Mainlanders. In fact, people in various parts of the Mainland also have their core values and they do cherish such values. Objectively speaking, people on both sides have inadequacies, why should we not complement one another? We should be more understanding, show more respect and tolerance.

I so submit.

**MR WONG YUK-MAN** (in Cantonese): President, the motion subject today is "Reiterating Hong Kong's core values" but the original motion and the amendments are irrelevant to the subject. The core values mentioned by Mr Ronny TONG, such as diversity, harmony, love for peace and kind-heartedness, are somewhat different from my concept of core values.

When talking of diversity, harmony, love for peace and kind-heartedness, he also mentioned issues such as "doubly non-permanent resident pregnant women" and the self-drive tour plan; I am really perplexed. However, Honourable colleagues have discussed the China-Hong Kong contradictions along this direction. In fact, if our discussion is to be relevant to the subject of this motion debate, we should be talking about the division or confrontation between Hong Kong people and Mainlanders. As Members of the Legislative Council, we have no choice, and we are forced to express our views. Yet, our speech has to be relevant to the subject, not "relevant" to the core values as exemplified by him, but "relevant" to the core values in a broader sense.

On the issue of "doubly non-permanent resident pregnant women", the People Power stated our position on 3 February and had convened a press conference, yet the press coverage was limited. We have recently proposed a private bill, subject to the approval of the President. We request for legislation, not to target against the right of abode in Hong Kong, but to adopt administrative and legal measures to stop Mainland pregnant women from entering Hong Kong for delivery. According to the Basic Law or the ruling of the Court of Final Appeal, all children born to "doubly non-permanent resident pregnant women" in Hong Kong have the right of abode. All disputes should be resolved by the Court; it is as simple as that.

As regards China-Hong Kong confrontation and the ethnic division, this is a separate issue. The discussion will inevitably touch upon the authoritarian political system of one-party dictatorship, the reason why people still have not identified with the Mainland even though Hong Kong has returned to the Motherland for more than a decade. Some Mainland people have recently asked me: the Central Government has treated Hong Kong very well after the reunification for more than a decade, why do people still not identify with the Mainland?

Another Mainlander has pointed out, among the people all over the world waiting for emigration to other countries, Chinese people outnumber all others, because all senior officials in China have arranged their children to study overseas. When senior officials in the Mainland are at odds with their country, how can the Central Authorities expect Hong Kong people to pay allegiance to the Mainland? Just examine yourself honestly and you can understand this simple truth. We can basically answer the above questions with our common sense.

To refresh your memory, I would like to talk about how we defended our core values in those years. In 2003, 500 000 people took to the streets to defend our core values. It is clear enough that those actions to topple TUNG and oppose the enactment of laws to give effect to Article 23 of the Basic Law really defended Hong Kong's core values. Albert CHENG and I constantly advocated that people should take to the streets in 2003; thus, we were forced to take ourselves off the air in 2004.

Although Honourable colleagues might have different views on the fact that we were forced to take ourselves off the air, a group of academics from eight

major institutions — 400 professors, lecturers and fellows — published a co-signatory advertisement in newspapers at that time, expressing their concerns for the fact that we were forced to take off the air. As written in a paragraph of the statement, freedom of speech is an important pillar of a civilized society. The public freedom in Hong Kong is not easy to come by. Today, a red light is lit in respect of the freedom of expression in the SAR and we can definitely not turn a blind eye. We will not be silenced under pressure from autocratic power. On the contrary, we will uphold the principles of integrity and justice, and continue to cry out against injustice in a rational manner. We will make continuous efforts for the bright future of Hong Kong together with people who love freedom, democracy and justice. This is one of the paragraphs of the co-signatory declaration of 400 academics from eight major institutions.

Moreover, Prof Anthony CHEUNG from the Department of Public and Social Administration of the City University of Hong Kong, Albert LAI from the Conservancy Association (the Vice-Chairman of the Civic Party today) and CHUA Hoi-wai, Business Director of the Hong Kong Council of Social Service initiated a co-signatory statement and collected the signatures of the middle class, professionals and the staff of non-profit-making organizations, and the statement was published in some newspapers in Hong Kong. As stated in the declaration, in view of the deteriorating governance and increasing public frustration, we are extremely worried. It is also stated that the dovetailing of the advantages of Hong Kong and modern civilization depends on our core values. Owing to the time constraint, I will not quote from the statement any more. The full text of the statement has been included in my article which will be uploaded to the Internet for perusal by those who are interested.

The biggest problems in Hong Kong include power dominance, the stifling of people's voices and the apathy of Hong Kong people. The current affairs commentator, NG Chi-sum, is constantly denounced by the Communist Party mouthpiece. Professor Ming SING from The Hong Kong University of Science and Technology is constantly criticized by *Wen Wei Po* and *Tai Kung Pao* and continuously criticized by some forum writers from the Communist Party because he supports five-district referendum and opposes the "hijacking" replacement mechanism. Robert CHUNG is also constantly criticized by others because of the public opinion poll on the identity recognition of Hong Kong people. All these acts have chilling effects. Some have turned a blind eye to such practices

as they think that they are not implicated. That is something that made us even more worried.

NG Chi-sum expressed his personal feelings on 30 December last year when he hosted the "Free Phone" radio programme for the last time: we have only commented on and conducted studies on social and political issues in our normal positions and we have not expected that we would be treated this way. We have freedom of speech and academic freedom while leftist newspapers also have freedom of speech. Nevertheless, we know that there are policy directions behind leftist newspapers and their remarks have clear goals. There is a political force to promote the propositions from the state apparatus ..... Leftist newspapers have dealt unprecedented and overwhelming blows to these people, which caused shock and awe.

We have a price to pay for defending our core values. Sometimes, I feel ridiculous talking about core values in this unjust legislature, especially when the Chief Executive candidates are now making mutual recriminations. One Chief Executive candidate from the democratic camp once commented that the small-circle election which involved "mud wrestling" was really absurd. Yet, he is now participating in this absurd small-circle election. Do Honourable colleagues think that the democratic camp is absurd? Why should we talk about core values? Supporting a constitutional reform, having negotiations with the Communist Party behind closed doors, opposing five-district referendum, drawing a clear distinction between fellow allies (*The buzzer sounded*) .....

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

**MR WONG YUK-MAN** (in Cantonese): ..... breaking off with and not "embracing" WONG Yuk-man; what core values are these?

**DR MARGARET NG** (in Cantonese): President, law compliance is a core value of Hong Kong people. As frequent political movements in the past had made life very difficult for people on the Mainland, many of them came to Hong Kong, and our sound systems had won their respect. Hong Kong has given them a lot

of opportunities, enabling them to benefit from our economic development and can live and work in peace and contentment. This is because we uphold the rule of law and everyone abides by the law. The situation remains the same today, according to our observation — members of my sector have also told me — more and more Mainland agencies and organizations have instituted legal proceedings in Hong Kong. They would rather institute legal proceedings in Hong Kong in the event of disputes because they have confidence in the rule of law in Hong Kong. Therefore, the core value of law compliance has brought about social stability as well as economic prosperity.

Under the rule of law, all parties to disputes can present arguments and seek the Court's judgment according to the law. The judgments given by the Court should be respected by the parties. That is the system implemented in Hong Kong. President, the Basic Law is the most important legal basis in Hong Kong after the reunification, and it is the origin of all lawful powers and legislation. Honestly, I feel a bit tired and I wonder why some political parties have endlessly attacked the Basic Law. They have not only attacked the Basic Law and they have also attacked the solicitors and barristers who defended the Basic Law and fought for people's rights under the Basic Law. They even said that the CHONG Fung-yuen case is the culprit and they have continuously trampled on the Court. I would like to tell Honourable colleagues that trampling on our legal system and the rule of law is unfavourable to our society, as well as our economic development.

President, I have not been involved in the CHONG Fung-yuen case but I have been involved in other right of abode cases to a certain extent; for example, I have been involved in the early stages of the NG Ka-ling case. NG Ka-ling is an ordinary person, what is wrong with her fighting for the recognition of her permanent resident status under the Basic Law? What is wrong with defending her case? What is wrong with the Court making a judgment on the basis of the legal principles under the Basic Law? The CHONG Fung-yuen case was initiated according to Article 24(2)(1) of the Basic Law, which states that permanent residents of Hong Kong include "Chinese citizens born in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region". As the parents of CHONG Fung-yuen are Chinese citizens, he is naturally a permanent resident of Hong Kong because he is born in Hong Kong. His repatriation violates the Basic Law. What is wrong with arguing strongly in court on just grounds? At that time, the Government Counsel raised a different



view, stating that the provisions of the Basic Law could not be taken as the standard and the Court ought to give a judgment according to the relevant views of the Preparatory Committee of the Hong Kong Special Administrative Region. Eventually, the Court gave a judgment against the Government according to the legal principles under the Basic Law and it gave a judgment in favour of baby CHONG Fung-yuen — an ordinary person; what was wrong with that? Why have Honourable colleagues constantly attacked the Court?

President, the Government is a bad loser. The Court of Final Appeal handed down a judgment against the Government and stated that an interpretation of the Basic Law was not needed for the CHONG Fung-yuen case. The Government had not sought an interpretation of the Basic Law at the time but it has subsequently remarked that this case was actually the root of so many problems. The Government can take various actions after the Court's judgment — it can amend the law or take administrative measures if it prefers — it has not taken such actions and instead it has politicized the legal issues. In the NG Ka-ling case, in preparing for seeking an interpretation of the Basic Law, the Government told us there would be an influx of new arrivals, 1.67 million people, who would deplete all our resources. Hence, there have been talks about "locusts" in Hong Kong since the 1990s. The current talks about "locusts" can be traced to that time. However, I must say that, all immigrants, no matter when they came to Hong Kong, once they settled down here, they become a member of our community. People from the Mainland, Taiwan and foreign countries are all members of our community.

President, when you were a university student, there was a university doctor called Solomon BARD. He migrated from Poland to Siberian and then to Harbin and Shanghai, and he finally settled down in Hong Kong. People of all races and from all places are members of our community. Nevertheless, in order to create the circumstances which necessitate the seeking of an interpretation of the Basic Law, the Government conveyed the message that new arrivals would snatch our resources. That is why our society has been divided since then.

Mr Ronny TONG has mentioned two kinds of talks in his motion. The talk about "locusts" is about new immigrants coming to Hong Kong to get our resources, and the talk about "Hong Kong people are dogs" is discriminatory in nature. Why are there such talks? It is because the Government's policy has not treated everyone fairly, and the Government has failed to ensure that Hong

Kong people can enjoy their legitimate rights. Thus, people can only initiate self-help movements to exert pressure and to voice out their discontent. No matter what Honourable colleagues have said today, what matters most is the Government's attitude. All surveys have come to the same conclusion that the Government has made a mistake. I hope that through this debate, the Government can be aware of the importance of fair and equal treatment to all people. This is the only solution to the problem.

Thank you, President.

**MR IP WAI-MING** (in Cantonese): President, many Honourable colleagues have expressed their views on this issue. I sometimes ask myself what attributes are regarded as core values. A number of Honourable colleagues have talked about a lot of attributes, including law compliance and freedom of speech. No matter when these attributes have been defined as core values, we think that these values such as law compliance or queuing — many have said that Hong Kong people like queuing — are closely related to the allocation of resources. When can we proudly say that Hong Kong people are law abiding or highly disciplined?

President, if we review some documentaries or historical documents, we will find that the material resources were relatively scarce between the 1950s and the early 1970s. How was public order in Hong Kong at that time? Corruption was prevalent as reflected in many movies; would anybody claim that law compliance was a core value? I think anybody who claimed that law compliance was a core value of Hong Kong people in the 1950s and the 1960s would be jeered at.

I was born in the mid-1960s, President. I still have a deep impression that, in the early or mid-1970s when I was small, Hong Kong people did not queue up orderly to board the bus. I remember clearly that people rushed to get on the bus when it stopped at the bus stop, they would not consciously queue up for boarding like we do nowadays. If we watch old Cantonese movies or documentaries, we can have a clear picture of the situation at that time.

President, in my view, whether people abide by the law or observe public order actually reflects whether social resources are sufficient and whether the Government has allocated resources appropriately. From the late 1970s to the

early 1980s, our economy gradually took off and our resources became increasingly abundant. People also started to understand that abiding the law or rules was advantageous to all and conducive to economic development. I trust it had something to do with the availability of resources. As Dr PAN has just said, if there were problems with the allocation of resources at the time, the public might have different reactions.

More often than not, we do not want to blame the Government; we just want to ask the Government, in implementing policy such as operating healthcare services as an industry, has it considered how the availability of healthcare services to people from other places would affect local people in getting such service. If a couple respond to the Chief Executive's call and intend to have these children — quite a number of Hong Kong people have plans to have children in recent years — but they soon find that they cannot secure a delivery place in hospital, you can image how infuriated they would be.

The crux of our present discussion on "doubly non-permanent resident pregnant women" is not about whether they have thinned out our resources, but whether the Government has clearly considered if there is an appropriate allocation of resources in implementing the policy, so as to ensure that our resources would still be available to local people. Otherwise, the confrontation between people in the two places will intensify. We will be talking nonsense if we ask them to rationally analyse and comment on the issue. All in all, the Government has not made enough efforts. As we have always said, if the Government intends to make up the shortfall of our population with children born to "doubly non-permanent resident pregnant women", it should consider carefully the maximum number that we can accept, and how Hong Kong people would not be affected.

President, I think that we should not exaggerate the conflicts between Hong Kong people and Mainlanders. Honestly speaking, we have often heard about conflicts among Mainlanders from different provinces, and sometimes there may be serious physical confrontations. This is inevitable as people from different provinces have different languages and habits. Yet, if we regard each other as Chinese people, I believe it would be easier to solve the problem.

President, I have seen a movie "Her Fatal Ways" many years ago which ridiculed the behaviours of our Mainland compatriots. What I appreciated most

is the self-analysis by the Madame officer from the Mainland in the movie, she said that speaking loudly was a way to protect oneself. I believe most of our Mainland compatriots are as kind-hearted as the Madame officer. I trust that with mutual respect, we can resolve the problem. The Government should make more efforts to put the interchanges between the two places back in the right track again; it should promote exchanges and understanding between the two places, with a view to resolving the present predicament of China-Hong Kong confrontation.

Thank you, President.

**MR ALAN LEONG** (in Cantonese): President, we all know that Hong Kong is a city of immigrants. Numerous people from overseas countries and the Mainland have settled down in Hong Kong in the past decades. People have always got along peacefully with each other and they would not speak ill of each other or verbally insult people belonging to other races.

What are the problems in our society in recent years? Local pregnant women do not have hospital beds for delivery, there are long queues at Maternal and Child Health Centres and children are fighting for school places. In the end, we feel that even our basic personal safety will be threatened because the Government will force the implementation of the self-drive tour plan for Mainlanders' vehicles. So, people are forced to stand out and protest, and direct against outsiders who have utilized our resources. The xenophobia sentiment is getting out of control.

Members of the Civic Party working on regional development have recently collected people's signatures on the street, with the objective of appealing to the Government to stop accepting the bookings of "doubly non-permanent resident pregnant women" and stop implementing the self-drive tour plan. Some 60 000 signatures were respectively collected within two weeks. As soon as members of the Civic Party set up a counter on the street, people started queuing up to sign, which reflected how infuriated they were. One day when I was collecting signatures on the street, a girl in school uniform passed by and signed her name. After that, she asked me if she could also sign for their parents because they were also infuriated.

As the China-Hong Kong confrontation has turned white-hot, the Civic Party conducted a telephone opinion poll from 13 to 20 February and interviewed more than 1 400 people. According to the findings of the opinion poll, 74% of the interviewees considered that the Government should bear the heaviest responsibility for the intensified China-Hong Kong confrontation because of "doubly non-permanent resident pregnant women" and the self-drive tour plan. When asked if they agreed that the SAR Government had ignored the cultural differences between the two places in promoting the co-operation between the Mainland and Hong Kong, 60% of the interviewees concurred with such view. Besides, 64% of the interviewees agreed that our society upheld diversity, harmony, love for peace and kind-heartedness.

President, we can understand why people, even those pushing baby carriages, have frequently taken to the streets. They have become victims of the failing government policies. For many years, the Population Policy Steering Committee led by Henry TANG has not proposed any suggestions, plans or recommendations on our population policy. As a result, there is an increasing number of "doubly non-permanent resident pregnant women" in Hong Kong, leading to a shortage of obstetric beds and medical manpower, an acute demand for services at Maternal and Child Health Centres, and the fight for school places in North District.

Under Article 22 of the Basic Law, "For entry into the Hong Kong Special Administrative Region, people from other parts of China must apply for approval. Among them, the number of persons who enter the Region for the purpose of settlement shall be determined by the competent authorities of the Central People's Government after consulting the government of the Region". However, since the reunification, the SAR Government seems reluctant to exercise its right to grant approval for the entry of people into Hong Kong; which is connected with our resource planning. Thus, Hong Kong has accepted bookings for delivery by all pregnant women who have come to Hong Kong under the Individual Visit Scheme.

While the "doubly non-permanent resident pregnant women" issue has yet to be resolved, we suddenly learnt that the Government would secretly implement the self-drive tour plan without conducting public consultation. Though the Legislative Council has yet to receive any formal document on the details of the

plan, applications can be filed on 30 March. Owing to the completely different traffic regulations and driving culture in China and Hong Kong, the free entry of Mainland vehicles into Hong Kong may make Hong Kong people worry about issues such as under-insurance and environmental pollution, as well as "doubly non-permanent resident pregnant women" coming directly to Hong Kong in Mainland vehicles under this plan.

President, seeing that public sentiments were enraged, the Government said that only Phase I of the self-drive tour plan will be implemented for the time being, and Phase II may not necessarily be implemented in Hong Kong. Though the Government has disclosed limited information, we learn from the Framework Agreement on Hong Kong Guangdong Co-operation that the self-drive tour plan will not be implemented in two phases. It is stated that the focus of the work is to accelerate the preparatory work for the implementation of the Ad Hoc Quota Trial Scheme for Cross-boundary Private Cars, and Shenzhen Bay Port will be the testing point for the trial scheme to be implemented in March 2012, and gradual arrangements will be made to perfect the scheme. Is the Transport and Housing Bureau saying different things during negotiations with the Central Authorities and when it gives an account to Hong Kong people? If that is not the case, both Phase I and Phase II should be implemented under the Framework Agreement on Hong Kong Guangdong Co-operation.

President, to avoid intensifying the conflicts between Mainlanders and Hong Kong people, the Civic Party once again urges the Government to take certain actions. For example, it should perfect its population policy, suspend allowing "doubly non-permanent resident pregnant women" to come to Hong Kong, and give priority to local pregnant women and "singly non-permanent resident pregnant women". It should also immediately announce the shelving of the self-drive tour plan and that it would only consider implementing this plan after comprehensive consultation, so as to prevent mismatching and uneven distribution of resources, which may give rise to ethnic conflicts.

Years ago, when national leaders said that "one country, two systems" should be implemented in Hong Kong, it reflected that there were huge differences between Hong Kong and the Mainland in the political, economic and cultural aspects. I hope the SAR Government and the Central Government would not avoid such differences. They should enable people in both places to

get along on the basis of mutual understanding and accommodation. Suppressing dissident views in Hong Kong (*The buzzer sounded*) ..... can never achieve harmony.

President, I so submit.

**MR LEUNG KWOK-HUNG** (in Cantonese): The so-called "core values" are just fooling people. Given the different interest groups in our society, how can the same core values be imposed upon people from different social classes? Hong Kong people have different understanding of these core values which are not expressed in writing. In Hong Kong, we do not have the Declaration of Human Rights or the Charter before the Constitution — there is a preamble to the Constitution of China — the laws have been hastily written. It is thus often necessary to seek an interpretation of the legislative intent. This is just like a person who has a head but without legs or who has legs but without a head. The meaning is really ambiguous. When the laws have been hastily written, anyone who is empowered to interpret the laws will be in an advantageous position and these are the so-called core values of rulers. What can we do when we do not have the Declaration of Human Rights, the Charter of Human Rights, the Communist Manifesto or the Constitution of China? We have to find out who is more powerful and the core values as understood by him should be taken as the standards.

It seems that Hong Kong people have not defined in words what core values are. However, I believe you can clearly remember the 1 July march in 2003 which resulted in the resignation of some people. More than 500 000 people took to the streets to express their views. They opposed Article 23 of the Basic Law and "small circle" elections, and they wanted to overthrow TUNG Chee-hwa. In 1989, you also played a part in supporting the patriotic democratic movements of China. People took to the streets to display their strength and took actions to express their views; were these core values? Although the masses have not expressed their views in writing, they have declared their views through continuous actions such as demonstrations and protests. Did this Council respond to the two incidents mentioned above which could well reflect our core values? Actually, this Council is the place where such core values are being crushed. There are 30 Members returned by "small circle" elections and they constantly crush the core values of Hong Kong people.

What is the core value of this Council? Mr George ORWELL has written that "All animals are equal, but some animals are more equal than others". That is the core value of this Council. Another core value of this Council is, as written by Mr George ORWELL in his political novel *Nineteen Eighty-Four*, "War is peace, freedom is slavery, and ignorance is strength".

President, is there justice when the Government has \$2,400 billion while the poor and helpless old people are in abject poverty and those living in "sub-divided units" and people who work hard all day do not have a roof over their head and cannot have a place to settle down and establish a family? Justice is the basis of all core values; democracy puts justice into practice; the rule of law is the basis for the implementation of the principle of justice; and diversity enables justice to be upheld at different levels. Has this Council, including you, ever put these values into practice? You regard ignorance as power; I have repeatedly asked if you are a member of the Chinese Communist Party, but you just muddle through. Is that right? You just said that you do not know, and you have not answered "yes" or "no". Is that a core value? It is a core value to call a spade a spade; thus, you should answer "yes" if you are a member of the Chinese Communist Party and "no" if you are not. Right?

This morning when I talked about Mr KONG Qingdong's comment about "dog", I have already said that "ignorance is strength, freedom is slavery, war is peace". We are called "dogs" because we have been under the rules of people from a different race for too long. Why have the sons and daughters of members of the Standing Committee of the Central Political Bureau of the Chinese Communist Party, the Politburo, the Central Committee, the Provincial Party Committee and the Municipal Committee queued up to become citizens of the imperialist countries? Mr KONG Qingdong said that Hong Kong people are dogs; can he "catch dogs" on the Mainland first? So many Mainland people have queued up to become citizens of foreign countries and "become dogs". We have no choice but to become Chinese people after the reunification but these Chinese people have chosen to become foreign nationals. Mr KONG Qingdong is the worst scholar as he only knows how to criticize the common people but he dares not criticize the rich and powerful.

President, there are no core values in Hong Kong. The core values of Hong Kong people have changed along with the changes in the current situation and the decay of the regime. It will be a painful task to put core values together



under such circumstances. People have been forced to take to the streets to express their views when the situation has become intolerable. Their voices were too soft to be heard at the very beginning. I have been criticized for throwing things here. Do people dare criticize when 500 000 people take to the streets and throw things?

Hong Kong people's core values have consistently been crushed and ravaged by a corrupt system. People are patriotic but they do not love the party, they want freedom but not slavery, they want justice but not collusion between government and business, they want universal suffrage rights but not a replacement mechanism; all these appeals have been distorted. President, the core values can only be maintained under a fair system. I would like to say once again that I hope you would not participate in the Chief Executive election because shamelessness is a prerequisite for a Chief Executive candidate. I know that you are not that shameless; hence, it is pointless for you to get involved.

Thank you, President.

**MS MIRIAM LAU** (in Cantonese): President, there is a recent trend of intensifying confrontation between Hong Kong people and Mainlanders. As the saying goes, "three feet of ice does not result from one day of cold weather". As our compatriots in the Mainland have more chances to come to Hong Kong in the past few years, the differences between them and local people in terms of habits and culture have become more obvious and there have actually been hidden conflicts between people of the two places. The "doubly non-permanent resident pregnant women" issue which has recently become highly controversial is just the trigger point, which further intensifies the disputes between people in the two places.

We agree that some urgent measures must be taken to alleviate the pressure from the "doubly non-permanent resident pregnant women" issue. Administrative measures such as suspending the quota for "doubly non-permanent resident pregnant women" and according priority to addressing the needs of local pregnant women can be considered. In particular, given the Year of the Dragon effect this year, there will certainly be a higher birth rate in Hong Kong; public and private hospitals may have difficulties in having to take

care of the needs of local and Mainland pregnant women giving birth in Hong Kong.

I would like to say that suspending the quota or implementing other administrative measures are just stopgap measures. Even if all "doubly non-permanent resident pregnant women" cannot apply to come to Hong Kong to give birth, so long as babies born in Hong Kong to "doubly non-permanent resident pregnant women" continue to have permanent resident status, Mainland pregnant women will be urged to come to Hong Kong by all means, and there will still be endless cases of Mainland pregnant women giving birth in Hong Kong, gate-crashing into Hong Kong and the Accident and Emergency (A&E) departments.

The Chief Executive has announced "TSANG's four strokes" earlier for enhancing the interception of "doubly non-permanent resident pregnant women" who have not made advanced bookings; as a result, there has been a minor reduction in the number of "doubly non-permanent resident pregnant women" gate-crashing the A&E departments and the intermediaries have slightly restrained themselves. However, there is a saying that goes, "the law is strong, but the out-laws are 10 times stronger". The intermediaries have changed their approaches to cope with the situation. For example, they have abetted Mainland pregnant women to come to Hong Kong for delivery via Southeast Asia or they have arranged "doubly non-permanent resident pregnant women" to join tour groups to Hong Kong. The problem can obviously not be solved by administrative measures alone. Can the Government perform a vigorous gate-keeping role at all times after it has taken administrative measures? This is doubtful. Can the persistence of these administrative measures be effectively maintained in the long run? This is also a very big question.

The Liberal Party opines that the most thorough solution is for the SAR Government to immediately stop granting permanent resident status to the babies born to "doubly non-permanent resident pregnant women". In August 1996, the Preparatory Committee for the Hong Kong Special Administrative Region already stated explicitly that the legislative intent of Article 24(2)(1) of the Basic Law was that the parents or one parent of the children born in Hong Kong should have lawfully and ordinarily resided in Hong Kong. For this reason, babies born to "doubly non-permanent resident pregnant women" should not have the right of abode in Hong Kong.

When Standing Committee of the National People's Congress (NPCSC) interpreted the NG Ka-ling case in 1999, it also stated that the legislative intent of Article 24(2)(1) of the Basic Law had been reflected in the above document of the Preparatory Committee. In the CHONG Fung-yuen case in July 2001, it was stated that babies born to "doubly non-permanent resident pregnant women" could have the right of abode in Hong Kong. The Legislative Affairs Commission of the NPC stated the following day that the judgment was not completely consistent with the interpretation of the NPCSC. Thus, it would be consistent with the legislative intent of the Basic Law if the Government stops granting the right of abode in Hong Kong to the babies born to "doubly non-permanent resident pregnant women".

The SAR Government may have to meet some legal challenges after it has done so. This precisely brings the problem back to the local judicial system, which would allow the Court to re-examine the controversies. I hope that the "doubly non-permanent resident pregnant women" issue could be permanently resolved this way.

President, the focus of the confrontation between Hong Kong people and Mainlanders has recently shifted to the self-drive tour plan, and the Liberal Party also made a petition against the self-drive tour plan last Sunday. We deeply understand that the public lack confidence in the driving attitudes of Mainland drivers. There are many other worrying issues such as the completely different driving cultures in the Mainland and Hong Kong, the differences between cars with the steering wheel on the right-hand side and those with the steering wheel on the left-hand side, and Mainland people's insufficient understanding of the traffic regulations, road designs, signs and marks in Hong Kong.

Furthermore, the traffic congestion problem in Hong Kong has all along been very serious; Mainland vehicles will really put huge pressure on our road load if they can enter Hong Kong under the self-drive tour plan. The Liberal Party is of the view that, the plan for the southward movement of vehicles from the north should not begin unless these worries can be adequately addressed and the community can reach a consensus. We are pleased that point (c) in the original motion of Mr Ronny TONG is the same as the demand of the Liberal Party for shelving the self-drive tour plan for Mainlanders' vehicles, but, the motion has not opposed the northward movement of vehicles from Hong Kong.

I hope that other Members from the Civic Party would support Mr Ronny TONG's motion.

President, the order of the original motion is rather odd because the first half is about serious China-Hong Kong contradictions and the need to address the problems arising from the cultural differences between the two places. The Liberal Party strongly agrees with this part but there is no causal relationship between the demand and the solutions proposed in the second half, which appears somewhat contradictory. I have heard from some Honourable colleagues that, the proposals, if they are made, may intensify the contradictions and confrontation between the two places. Since the two parts are actually connected, the order of the motion is seemingly far-fetched. Anyway, we support both parts and we agree that the contradictions should be addressed and we also support the measures proposed. Hence, we do not oppose the original motion.

Apart from addressing such issues as "doubly non-permanent resident pregnant women" and the self-drive tour plan, we think the SAR Government must enhance co-operation with the Mainland Government, strengthen Mainland individual visitors' understanding of local culture, life and habits, and develop more relevant publicity and education programmes, so as to promote mutual understanding and resolve contradictions. We cannot agree with Mr WONG Sing-chi because he opposes the self-drive tour plan and deprives Hong Kong people of the right to drive northward to China.

President, I so submit.

**MR CHIM PUI-CHUNG** (in Cantonese): President, the use of the word "reiterating" in the subject of the motion debate today implies that the issue has been debated and discussed before and we are going to discuss that again today.

President, as I have always said, Hong Kong lacks resources, and I think the major core value of Hong Kong is our enterprising spirit. In the 1940s of the last century, after the liberation of China by the Chinese Communist Party, Hong Kong had turned into an international city within a short period of time. Since then, many people from China had moved to Hong Kong. Some of them came from the northern provinces, especially Shanghai, bringing with them capital,

technologies and equipment; while people who came to Hong Kong from areas in Guangdong and Fujian were in abject poverty. Today, Hong Kong has become a well-known international city because of our core values such as self-help and helping other people, self-respect and respect for others, as well as the enterprising spirit. Of course, there are many other objective factors.

President, we understand that Hong Kong has always been a city of immigrants. People come to Hong Kong due to events that happened around us and some Hong Kong people have emigrated overseas following the riot in 1967 and the 4 June incident in 1989. At present, people from many advanced countries around the world such as Canada, the United States and Australia have moved and settled in Hong Kong. Hong Kong people must understand that Hong Kong can be described as our home and also the home of some Chinese people, as well as of people from other regions who have not moved to Hong Kong. People can emigrate elsewhere if they have adequate means and consider that the living environment in other regions and countries are better. We must understand that Hong Kong lost a great opportunity; if we were able to acquire Shenzhen in the past, the situation in Hong Kong will be exceedingly favourable today. Yet, things that happened one day or one minute before became history, and we can only conduct reviews.

President, we must find out how Hong Kong can give play to our core values in the future. Under normal circumstances, our population must be expanded to more than 10 million to enable us to get a foothold among international cities and compete with other places. Concerning the expansion of our population, I remember that the Chief Executive had once encouraged each family to have three children. If suitable arrangements can be made for our population to expand beyond 10 million, the representativeness and status of Hong Kong would be different.

President, we naturally need sufficient land to cope with population growth. In the past decades, we obtained valuable land through reclamation but the reclamation projects were piecemeal in nature and there was a lack of overall planning. In the coming 20 to 30 years, there is a need to expand the reclamation works around the Lantau Island. I also call upon environmentalists to understand and support the future development of Hong Kong; while making appeals for environmental protection, they must take into consideration the development of Hong Kong in more significant areas.

President, an Honourable colleague has just said that the law is another core value of Hong Kong. It cannot be denied that some laws of Hong Kong are also observed in the Mainland and other places of the world. As the legislature is one of the branches of the government under the separation of powers in Hong Kong, this proves that the law is also a core value of Hong Kong. However, when we consider some court cases such the Nina KUNG case, the judgment of the Court of Final Appeal is very different from the decision of the Court of First Instance. We are not challenging the law though it is untrue that we do not have the right to criticize the law. We hope that a better job can be done in the legal area, so that countries around the world would have more confidence in our laws.

President, I also understand that every day, there are 150 Mainland new arrivals in Hong Kong; on this basis, there will be 54 750 arrivals in Hong Kong each year, and this is one of policies in Hong Kong. Regarding Hong Kong's core values, we firmly believe that we should take advantage of the talents and develop our own strengths, so that the community can give play to our excellent conditions, thereby reducing other arguments. Hence, the Government has a major responsibility to balance the interests of people from various sectors.

I so submit, President.

**MR CHAN KIN-POR** (in Cantonese): President, Hong Kong has all along been a melting pot of diversified cultures which allows people of different nationalities and religions to live peacefully. In fact, the cultural integration that we have here does not limit to the integration of Eastern and Western cultures. In the early 20th century, when there were waves of migration to Hong Kong, immigrants from the Mainland integrated into our society quickly. They became our new workforce and had made great contribution to Hong Kong's economic development. At that time, Hong Kong was full of opportunities and everybody was working hard for their future. While arguments, or even conflicts, were inevitable among different groups, mutual understanding had helped solve many problems peacefully.

However, since the reunification, we have to face problems such as economic downturn, fewer chances for upward social mobility, and intensified social conflicts, the spirit of mutual understanding that we used to advocate has

been weakening. Apart from the conflicts between Mainlanders and Hong Kong people, there are also many internal conflicts in the community. People are getting more hostile to those with different political views or from a different social stratum.

In recent years, the Mainland has experienced a rapid growth in economy, giving rise to an increasing number of rich people. These people generally like to come to Hong Kong to buy luxury goods, make investments or do businesses. Some may even migrate to Hong Kong. Therefore, it is unavoidable for people of the two places to have more contacts. However, with more and more Mainlanders coming to Hong Kong, the significant cultural differences between the two places have precipitated cultural conflicts. In the Internet world which facilitates the dissemination of information, these conflicts will easily spread. Recently, there have been a number of arguments between the two places.

In the past, with the implementation of civic education and the inclusion policy of the Government, Hong Kong was able to develop a pluralistic culture and build up an inclusive society which allowed different groups in Hong Kong to live in harmony. Of course, the situation has changed. The SAR Government, which can only deal with local affairs, has a greater constraint in handling the current social conflicts which involve Mainlanders. Nevertheless, I think problems can be solved at root. In recent years, the inclusion policy and civic education of Hong Kong seems to have emphasized more on the issues of ethnic minority and persons with disabilities. The Government should introduce a new objective to promote the inclusion of Mainlanders and work on this direction.

On the other hand, we should formulate a specific population policy as soon as possible. With a specific policy principle, we can develop a set of concrete and comprehensive directions of work to address the issues of new arrivals and "doubly non-permanent resident pregnant women". At present, many conflicts arise because we do not know how to deal with certain issues, including how to implement complementary measures. Take the issue of "doubly non-permanent resident pregnant women" as an example, we do not know how many children will come to live in Hong Kong in the future and how the healthcare and education policies will be adjusted accordingly. Therefore, it is natural for local people to worry about getting less welfare benefits.

Moreover, I think that our deep-rooted conflicts and imbalanced economic structure are the main root causes of social grievances. If these grievances are not resolved, social conflicts will not stop. In my view, the grievances against our own society have fuelled the conflicts between people of the two places. Hence, the next government should put the establishment of a harmony society and the restructuring of our economy at the top of its agenda.

As for the problem of "doubly non-permanent resident pregnant women", it has already caused great trouble to our society. We all know that the crux of the problem lies in the permanent right of abode of "doubly non-permanent resident babies". Unless we can withdraw this right, this problem can never be solved. Some Members have suggested amending the Basic Law to plug the loophole. I agree that it is an effective solution, but we will have to spend a lot of time to discuss this suggestion and go through the mechanism for amending the Basic Law. Therefore, I personally support solving this problem by seeking an interpretation of the Basic Law from the National People's Congress.

As regards the self-drive tour, on the whole, there is no problem with the first phase of this scheme. However, the implementation of the second phase warrants a second thought. Basically, self-drive tours are not necessary to Mainland drivers because Hong Kong is a small place with lots of people, frequent traffic diversion, insufficient parking spaces and serious traffic congestion. It is actually quite inconvenient for Mainlanders to drive in Hong Kong. This initiative may also increase the traffic load of Hong Kong. As Hong Kong has a well-established transportation network which allows visitors to travel around conveniently, I do not think there is any need to introduce the second phase of the scheme.

Lastly, I would like to say that the integration between the Mainland and Hong Kong is irresistible. When the people of these two places have more frequent contact, it is inevitable for them to have conflicts because they have different life styles and cultures. It will be very unrealistic for us to wish that we can obtain huge economic benefits from such contact on the one hand and oppose to the visits of Mainlanders on the other. I hope that both the Hong Kong people and Mainlanders can foster their mutual understanding and learn how to get along with each other.

I so submit.



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

**MS AUDREY EU** (in Cantonese): President, Mr Paul TSE lets me speak first. Mr Alan LEONG, our party leader, has stated in his earlier speech that the Civic Party conducted a telephone poll in February and called up 1 400 respondents. The subject of the poll is relevant to the motion moved by Mr Ronny TONG today.

I would like to first respond to Mr WONG Yuk-man's question. He asked whether the Civic Party is only concerned about the four values stated in the motion, which are diversity, harmony, love for peace and kind-heartedness. The answer is definitely no, but we want to focus on these core values today because they are related to many recent conflicts between Hong Kong and the Mainland. Among the 1 400 successful telephone calls, 60% of the respondents agreed that the core values of Hong Kong should include diversity, harmony, love for peace and kind-heartedness. This result is by no means surprising. What surprised us is that when we asked these 1 400 respondents if they agreed to the saying that Mainlanders are "locusts", 49%, which is about half of them, agreed or highly agreed.

When they were asked if the Government should bear the greatest responsibility for the conflicts, particularly the arguments over "doubly non-permanent resident pregnant women" and the self-drive tour initiative, the result this time is not that surprising. More than 70% of the respondents agreed that the responsibility definitely lay on the Government and these arguments had intensified the conflicts between the two places.

President, the Civic Party has all along attached great importance to these issues. Soon after I became a Member, I moved a motion, in which I stated that in legislating against racial discrimination, new arrivals from the Mainland should also be protected from discrimination. President, at that time, you were still a Member and the Chairman of the Democratic Alliance for the Betterment and Progress of Hong Kong. As you may remember, you also agreed that the legislation should cover these new arrivals, and the motion was subsequently passed. Regrettably, the Government later changed its mind and held that Mainlanders should not be considered as a different race. While as a social group, Mainlanders are clearly different, but the Government considered that they

should not be included in the legislation. The Civic Party has all along considered that there should be an element of tolerance and these issues should be taken positively.

Just now, when Mr TAM Yiu-chung gave his speech, he referred to the article that I wrote in 2006 titled "*Turning the Burden into Asset*" and he criticized the viewpoints therein. After reading the article again, I really do not see what the problem is. In this article, I pointed out that there were 19 538 Mainland pregnant women giving birth in Hong Kong in 2005. This figure was worth noting. At that time, there were many criticisms saying that Mainland pregnant women did not pay for the medical services after delivery. In view of this, I said that we should take this issue positively, and the SAR Government had to bear responsibility, because according to the Basic Law and the Court judgment, Hong Kong-born babies were Hong Kong permanent residents even if both their parents were non-permanent residents, and in this connection, the SAR Government should conduct surveys to find out whether these "Hong Kong people" would come to Hong Kong, when they would come to Hong Kong, as well as the implications on resources, the population policy and demographic structure. We should have forward planning and I had expounded this view in the article "*Turning the Burden into Asset*". This view is absolutely positive and correct. When I read this article again today, I still think the views expressed are correct. I do not understand why Mr TAM Yiu-chung criticized this article.

President, when the number of Mainland pregnant women to give birth in Hong Kong increased from the then 19 000 to over 40 000 last year, and the number is expected to increase further due to the effect of the Dragon Year; and when the local resources are insufficient to meet the needs, problems certainly arise which warrant our reconsideration. Should our administrative measures or government policy be revised? This is why the Civic Party said, Enough! We cannot cope anymore. We should stop allocating quotas to "doubly non-permanent resident pregnant women". We must first meet the local needs because local pregnant women and Mainland children of Hong Kong residents are not well taken care of.

However, we find that government policies are often contradictory. For example, the Government promotes medical industry when Hong Kong is clearly in short supply of healthcare personnel; private hospitals then go all out to receive "doubly non-permanent resident pregnant women" who can afford their services.

Moreover, while the Government says that it is its policy to facilitate family reunion, it does not consider Mainland wives of Hong Kong residents as locals and ignore their need for family reunion. It is particularly peculiar for the Government to consider only the Mainland wives of civil servants as Hong Kong people but not the Mainland wives of those who are not civil servants. The Government held the same view when answering questions this morning. Actually, it is easy to identify Mainland pregnant women whose spouses are Hong Kong residents; they should be treated differently because their needs are the needs of local people. Their babies, if born in Hong Kong, will become Hong Kong permanent residents. I do not understand why the Government holds a view which contradicts its family reunion policy.

The increase of the first registration tax for motor vehicles last year is another example showing the inconsistency of policies. At first, the Government said that the traffic in Hong Kong would be slowed down by a few minutes if there were too many private cars. The Legislative Council then passed this tax increase proposal. Yet, the Government now tells us that it has to launch the self-drive tour scheme without giving any sound reasons. After the completion of the first phase, the Government will review its effectiveness and consider introducing the second phase. This scheme again contradicts government policies.

While we cannot be rigid and refuse to make changes, the changes should not be too frequent. We must consider the actual circumstances in adjusting policies. This is why Mr Ronny TONG, Member of the Civic Party, proposed this motion debate today. We do not want the conflicts between Hong Kong and the Mainland to be intensified by government policies. The proposals in part (a) and part (b) of the motion will work well in the current situation. On the contrary, the existing government policies hinder China-Hong Kong integration and challenge our established core values. We hope that the Government can wake up before it is too late. Thank you, President.

**MR PAUL CHAN** (in Cantonese): President, Mr Ronny TONG has stated in the first sentence of his motion that the core values of Hong Kong include diversity, harmony, love for peace and kind-heartedness. With regard to the specific points raised in the motion, I think this premise is certainly beyond doubt.

But what are the core values of Hong Kong? We may have different answers to this question when we debate on different subjects in the Council. The core values may include the rule of law, democracy, human rights, integrity, freedom of the press, freedom of speech, "one country, two systems", and so on. Yet, in this motion debate, I think we need not argue what our core values are. Instead, we should urge the Government to try solving the problem of "doubly non-permanent resident pregnant women" caused by the arguments over the right of abode in Hong Kong, as well as settling the row about the ill-consulted self-drive tour scheme.

Early last month, when the Legislative Council debated on a motion concerning the population policy, I had already spoken on how the problem of "doubly non-permanent resident babies" had hit our public and private healthcare systems, as well as how the population policy should be formulated. Therefore, I do not want to talk about these issues again today.

Instead, I would like to focus on an issue arisen from the problem of "doubly non-permanent resident babies", that is, the interpretation or the amendment of the Basic Law. Today, Mr James TO, Mr CHAN Hak-kan and Dr LEUNG Ka-lau have suggested addressing the problem of "doubly non-permanent resident babies" by conducting a study on amending Article 24 of the Basic Law or seeking an interpretation of Article 24 of the Basic Law from the Standing Committee of the National People's Congress (NPCSC).

Regarding these suggestions, I have looked up some information and found that the mechanism for amending the Basic Law had been discussed as early as the first term of the Legislative Council, and the discussion with the Government had lasted for almost eight years. During the discussion, the Government provided a rough timetable for devising the mechanism for amending the Basic Law in mid-1999 upon request.

Subsequently, in 2005, the Government said that, after years of detailed study and discussion with the relevant authorities in the Central Government, the Central Government was of the view that the Basic Law, being the constitutional law of the HKSAR, was the legal safeguard for ensuring the implementation of the basic policies of "one country, two systems" and for maintaining the long term prosperity and stability of Hong Kong; its provisions should therefore be maintained and should not be amended lightly. The Central Government also

held that as the Basic Law had been implemented smoothly since its enactment, there was no need to amend it. The discussion on the mechanism for amending the Basic Law had then stopped.

President, Mr TO and Dr LEUNG have suggested to study amending Article 24 of the Basic Law. Nevertheless, this suggestion does not only involve the amendment of one article but the reopening of discussion on the mechanism for amending the Basic Law. From the previous discussion of the Legislative Council, we expect the discussion, if reopened, would last for quite a long period of time. Therefore, this suggestion can hardly solve the pressing problem of "doubly non-permanent resident babies". Yet, as the wording used by the two Members is "study amending" Article 24 of the Basic Law, I think the Government should be more open to different views and conduct more studies to prepare for the needs which may arise in the future.

Mr CHAN Hak-kan has suggested that "in the event that all administrative measures fail to effectively resolve the problem of 'doubly non-permanent resident pregnant women' giving birth in Hong Kong, to seek interpretation of the Basic Law by the Standing Committee of the National People's Congress (NPCSC), so as to resolve the problem at root".

President, after the Food and Health Bureau announced last April that there would be seven measures to tackle the problem of Mainland pregnant women flocking to Hong Kong for delivery, the Chief Executive stated early this year that there would be four new measures to stop Mainland pregnant women from rushing across the border to give birth. Given that these measures have been implemented for only a short time and their effectiveness is yet to know, when can this pressing problem which we all care about be solved?

Meanwhile, there are different views on whether it should be the Government or the Court of Final Appeal (CFA) to seek the interpretation of the Basic Law from the NPCSC. In my view, as both the Government and the CFA had sought such interpretation before, we should, first of all, identify the root cause of the problem of "doubly non-permanent resident pregnant women" and try to solve this problem at root. We should not blame each other for having a different view on the possible solutions. This will only complicate the problem and provoke unnecessary conflicts. I hope the Government can devise policies

to deal with the problem of "doubly non-permanent resident pregnant women" instead of adopting delaying tactics or turning a blind to this problem.

As for Mr Albert CHAN's suggestion of amending the Immigration Ordinance, I notice that Prof Johannes CHAN, Dean of the Law Faculty of the University of Hong Kong, has made a similar suggestion. He suggests following the current practice under the Inland Revenue Ordinance or that adopted for the Comprehensive Social Security Assistance, that is, to stipulate that "doubly non-permanent resident babies" will automatically lose their right of abode in Hong Kong after they have been absent from Hong Kong for more than 180 days in each of the specified years.

I am not sure whether this method will create other legal problems or whether it can completely solve the problem of "doubly non-permanent resident babies". Yet, I hope that the Government can study different proposals expeditiously and thoroughly to come up with some well-justified and practicable solutions for the discussion by the society and the Council, so that the problem which annoys Hong Kong people so much can be solved as soon as possible.

President, I so submit.

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

**MR PAUL TSE** (in Cantonese): President, harmony, love for peace and kind-heartedness are actually abstract concepts that can be used in all kinds of discussions. It would therefore be better for us to focus our discussions on the problems under discussion today, namely the so-called "doubly non-permanent resident pregnant women" and self-drive tour plan.

Just now Dr Margaret NG has raised a number of questions in this regard, asking why something cannot be done or why she cannot fight for the rights of some people. In response to these "why" questions, I would like to say in passing that I fully agree to Dr NG's questions. The answer is "she can". However, for questions involving major public interests or values, I am afraid that it is appropriate to deal with them by way of legal proceedings. Before retirement, former Chief Justice Mr Andrew LI had said on various public and

private occasions that Hong Kong had too many political problems at present. Since some people do not have confidence in or are dissatisfied about the existing political system, they have turned to legal proceedings to resolve social problems. This has not only led to an upsurge of court cases, but also forced judges to handle cases which are not supposed to be dealt with by the Court in accordance with the wordings or principles of the legal provisions, or the common law principles which Hong Kong has upheld and practiced. However, it is possible that the case concerned should not be judged on the common law principles alone, as it might involve major constitutional conflicts between China and Hong Kong, including the provisions of the Basic Law. Some cases might involve the constitutional and legal issues between China and Hong Kong, and must be considered as a whole. Sometimes, some case might even involve issues which the legislature has to consider during the enactment of law, such as seeking interpretation of the law. These are pretty complicated issues and should not be dealt with by one single court in Hong Kong, based merely on the common law principles. I believe this is precisely where the conflicts arise.

President, I wish to focus on the suggestion of the Civic Party. Apart from values such as harmony, love for peace and kind-heartedness, it would be better for our core values to include the spirits of the rule of law and love others as self. After all, they all come down to one thing, and that is, policies. As far as I understand, the Civic Party has lost plenty of its political bargaining chips in the case on the right of abode in Hong Kong of foreign domestic helpers. It might wish to win back some chips on the issues relating to the "doubly non-permanent resident pregnant women" and self-drive tour plan. Mr Alan LEONG, for instance, has stressed time and again that tens of thousands of people have signed to indicate their support in the signature campaigns.

I am genuinely disappointed as the Civic Party is supposed to be a reasonable rather than a slogan-chanting party. What is more, it should be fair to others. I do not mind Members expressing their views in the debate, but they should speak fairly. I am afraid that the views expressed by the Civic Party this morning during the discussion on the self-drive tour plan, for instance, are not fair enough. The Government did not implement the trial scheme "secretly". Rather, discussions have been held since 2008. Given that the Civic Party has so many Legislative Council Members, they should be well aware of the scheme. It is actually substituting concepts by accusing the Government of "secretly" implementing the scheme at the last moment. President, I understand that

politics is politics. However, if any person, especially the middle class or reasonable persons, still has hopes in the Civic Party, he or she may wish that it would fight on, though a loser in the end. It should have "backbone and shoulder". It would be undesirable to put all the blames on the Government by chanting slogans.

President, I also have reservation about the self-drive tour plan. Although I have stressed time and again that Members should look at the issue in an impartial manner, politics is politics and opportunity is opportunity, I am afraid that this not the opportune time for implementing the self-drive tour plan and the Government should review the implementation timetable. No doubt, review should be carried out for the most proper policy being implemented at an inappropriate time.

However, President, let us look back at some facts. This morning, I asked the Secretary a question about the data relating to the self-drive tour plan. It turns out that the outcome is just as I have expected, and my prediction is proved to be correct. In fact, it can be said that since the reunification, there has been at least an average of 15 000 Mainland driving licence holders coming to Hong Kong to apply for the direct issuance of Hong Kong driving licences each year, who may subsequently drive in Hong Kong. Hong Kong should have issued more than 20 000 such licences since the reunification. Whenever the licence holders are in Hong Kong, they can drive with the vehicles borrowed from friends or through rental. Furthermore, there are more than 24 000 vehicles holding licences of both places and 1 900 vehicles with directly issued licences. All these vehicles are actually running on the roads of Hong Kong. Such vehicles and people have already existed. If we compare this against the self-drive tour plan under discussion, especially the proposal of vehicles taking northbound, we may notice that despite repeated highlights of the danger behind this plan, but as some colleagues have pointed out, unrealistic data has been used to baffle people like what the Secretary once did, who kept stressing the 1.67 million people.

For the self-drive tour plan, the proposal of vehicles taking southbound to Hong Kong is not comparable with that of vehicles taking northbound to the Mainland. As I have said earlier, if the implementation of the northbound proposal is considered difficult, careful consideration should be made to the proposal of vehicles taking southbound to Hong Kong.



However, President, another point I wish to make is that sometimes reciprocity may not apply. For instance, reciprocity does not apply to the "Individual Visit Scheme". In some places, like Singapore, an open-sky policy has been adopted to boost the aviation industry. The sky is opened purely on a unilateral basis in the hope of attracting more planes to land and transit in Singapore. This is operated on a selective basis. If the Mainland Government or the Guangdong Provincial Government considers that northbound vehicles driving to the Mainland under the self-drive tour plan is beneficial to the local economy, we cannot say that the plan is unfair to the Mainland even in the absence of reciprocity. Therefore, all principles or values, including those under discussion today, must be balanced and should not go too far.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Mr Ronny TONG, you may now speak on the seven amendments. The speaking time limit is five minutes.

**MR RONNY TONG** (in Cantonese): President, the Chamber of the Legislative Council is actually an arena of political struggles. It turns out that the present topic, which I consider as pretty neutral and relating to people's livelihood, has given rise to great political struggles. Members have all achieved their purposes by stating and incorporating their political philosophies into the present discussion.

President, this approach gives no cause for criticism because when a topic is raised for discussion, I do hope that it can be explored from different perspectives. And yet, the speeches of some colleagues have actually departed from this topic.

In the amendment, Mr CHAN Hak-kan proposed to "seek interpretation of the Basic Law by the Standing Committee of the National People's Congress (NPCSC)". However, in his speech, he stated five years before the Civic Party was formed, that some people from the legal sector had initiated legal

proceedings and led to the judgment on the CHONG Fung-yuen case. It seems that he had put the blame of the relevant judgment on me.

President, what surprises me is that no matter how wrong the Civic Party is, there should not be "extermination of its nine agnates".

I am baffled that Mr CHAN Hak-kan, being an experienced politician who has been a Legislative Council Member for four years, still does not have a good knowledge of Hong Kong's judicial system. Did lawyers make the judgment? Judges of the courts are duty-bound to make judgments. If this is the case, what does this judgment have to do with the legal justifications made by a lawyer when he was fighting for his client in a lawsuit? Why did he consider the judgment handed down on the CHONG Fung-yuen case an exposition of the political stance of the Civic Party? His act is really baffling.

What is more surprising is that he said the problem can be resolved by seeking interpretation of the Basic Law by the NPCSC. I wonder if Mr CHAN Hak-kan has read the Basic Law. If not, there is one in the drawer which he can read. Article 24(2)(1) of the Basic Law clearly specifies that "Chinese citizens born in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region" can enjoy the right of abode on Hong Kong. What kind of interpretation does he intend to seek for such simple wordings?

President, when I proposed this motion, I certainly did not expect the Democratic Alliance for the Betterment and Progress of Hong Kong would stand by the people of Hong Kong. And yet, it is unacceptable for them to make criticisms and even accusations about this motion with such remarks.

President, in the other amendments, Members have made minute revisions in different ways following the same direction. President, we consider that the majority of the amendments do not have any problem. I have considered incorporating Dr LEUNG Ka-lau's amendment into my original motion, but I did not do so in the end. His amendment urges the authorities to "amend the Race Discrimination Ordinance to broaden the definition of 'race', so as to ensure that Mainland Chinese coming to Hong Kong are subject to no discrimination".

President, I do consider this a very important topic, but noting that we have had fierce debate on the amendment of the Race Discrimination Ordinance, I

finally consider it inappropriate to incorporate the proposal into my motion. Furthermore, this proposal might lead to another fierce or thorough debate. I nonetheless wish to praise Dr LEUNG Ka-lau for expressing his concern over the discriminatory mentality of Hong Kong people.

President, we originally have reservation about Mr Albert CHAN's amendment as we are not sure how the Immigration Ordinance would be amended to address the current problem. President, it is beyond our imagination.

And yet, we finally agree that his direction is correct. The SAR Government should exhaust all possible administrative measures and even amend local laws to enable local pregnant women to enjoy Hong Kong's healthcare resources and services. This is definitely the correct direction and is undisputable, and there is no reason for opposition if we can achieve our purpose by amending local laws. Therefore, in the end, we consider Mr Albert CHAN's amendment acceptable.

President, our colleagues have disputes about the "core values of Hong Kong". Mr WONG Yuk-man, for instance, seems to think that procession is one of Hong Kong's core values, which even overrides harmony and love. And yet, this is his personal view.*(The buzzer sounded)*

President, last of all, I hope that colleagues will support the original motion and the amendments.

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, I have heard very clearly Members' views on the trial scheme on one-off ad hoc quotas for Guangdong/Hong Kong cross-boundary private cars (the trial scheme). I wish to make a brief response to a few points.

First of all, I must reiterate that the Government's transport policies of using railway as the backbone and relying on public transportation have remained unchanged. This also applies to the policy to contain the overall vehicle growth. The implementation of the trial scheme does not go against these two major policies because it is highly regulated, and vehicles are not allowed to move in and out freely at will.

Out of the 600 000 motor vehicles in Hong Kong or over 20 million vehicles in the Guangdong Province, the quotas for vehicles with permitted entry into each other's land is determined premised on major principles such as the capacity for loadings of the roads concerned and the environment of both places. Thus, the number must be pretty small. The daily quota of our northbound trial scheme is 50 vehicles.

The trial scheme of this cross-boundary quota system seeks to provide an alternative for the convenience of Hong Kong people. If they have a choice, they may choose to take northbound self-drive tour. We believe having the right to choose is also one of the core values of Hong Kong.

Secondly, as a number of Members who have joined the Panel on Transport have said earlier, the SAR Government has started to examine this trial scheme a few years ago, and there have been discussions within the Legislative Council and the community. The specific arrangements of the northbound self-drive tours were laid down after careful considerations. This is a true fact. Even though this is just a trial scheme, the Government has reported to the Legislative Council its discussion with the Guangdong authorities about the implementation framework of the trial scheme right at start. This is absolutely not "black-box operation" or absence of consultation as some people have accused.

We stated at that time that we had reached preliminary agreement with the Guangdong Government to pursue the trial scheme in two phases, starting with the issue of ad hoc quotas to Hong Kong private cars first, to be followed by Guangdong private cars at a later stage upon satisfactory implementation of the first phase. In fact, members generally welcomed the proposal to issue one-off ad hoc quotas at that time.

Based on this understanding, we began to liaise with the Guangdong authorities about the implementation details, and suggested that the trial scheme be included in the Framework Agreement on Hong Kong/Guangdong Co-operation (Framework Agreement). In the relevant part on the trial scheme in the Framework Agreement, it is also stated that the trial scheme should be pursued on the basis of sufficient justifications. Over the years, Members of the Legislative Council have followed up on the progress of the trial scheme by raising a number of questions.

The Government has subsequently reported the progress of the trial scheme in the Hong Kong/Guangdong Co-operation Joint Conference. After the Government announced at the 14th Plenary of the Hong Kong/Guangdong Co-operation Joint Conference (HKGDCJC) in August 2011 that the first phase of the scheme would be implemented in March 2012, members of the public have reacted positively in general. Subsequently, the Government reiterated the implementation timetable of the first phase of the trial scheme at the 17th Working Meeting of the HKGDCJC in January 2012.

We agree with Mr CHAN Hak-kan that the "trial" was implemented to prepare the community and the Government for the scheme. No matter how perfect the supporting facilities are at the design stage, trial must be carried out to test the effect, and to gauge the adaptability of drivers and road users. Thus, we should start with a small number of quotas as trial.

Notwithstanding that, over the past few weeks, we have heard many people expressing concern about the second phase of the trial scheme. We appreciate their concerns and would definitely take them into consideration. A Member suggested the necessity of reciprocity and relaxation given that the one-off ad hoc quotas are issued by both places. We nonetheless do not agree with this.

As the Government has pointed out when it briefed the Legislative Council on the trial scheme in 1999, the ad hoc quotas issued under the one-off ad hoc trial system may not be reciprocal. Rather, they will consider objective factors such as the implication of vehicular flow on road safety, transportation and the environment. In fact, out of the 20 000-odd vehicles travelling between Hong Kong and the Mainland, only about 2 000 are Mainland vehicles. It can therefore be seen that when the Government decided on the quotas to be issued, consideration has been made to the road network, transportation and the environment of the two places.

I believe the general public and Members are now very clear that the first phase of the trial scheme to be implemented in March only applies to qualified owners of non-commercial Hong Kong private cars with five seats or less. As I have said earlier, during the initial stage of implementation, there will only be 50 quotas each day, whereas the second phase does not have a concrete implementation timetable. Experts of the two governments will proceed to the specific arrangements of the second phase of the trial scheme when there is

experience in smooth operation after implementing the first phase for a period of time.

Some Members and organizations have expressed grave concern about the second phase of the trial scheme, and even requested the Government to shelve the trail scheme, including that of the first phase. As we have reiterated, the entire trial scheme seeks to benefit and facilitate members of the public. Before implementing the second phase, legislative amendment should be made with the support of the Legislative Council. I completely agree with a Member's remarks that the proposal put forth by the Government must address people's concern before it can get the support of the Legislative Council and secure the approval of the relevant legislative amendments. Therefore, both the Government and the Legislative Council will properly perform their gate-keeping role.

Furthermore, just now many Members have expressed concern over the safety of Hong Kong private cars drivers taking northbound self-drive tour under the first phase. I would like to stress that even the first phase of Hong Kong vehicles going northward, it is introduced on a trial basis and on a small scale. Similar to the self-drive tour experiences which Hong Kong people have in other places, they should gain a good understanding of the traffic rules, road system and driving culture of the places concerned.

To enable them to gain a good understanding, we will proactively remind drivers of the two places, through promotion and education, the things to note while driving, so as to avoid any accident. The Transport Department (TD) will publish detailed application guideline of the trial scheme for public information. The application guideline will depict the arrangements for self-drive in Guangdong Province, provide information on tips and frequently-asked questions for drivers, as well as information which may facilitate them. It is hoped that these additional information may help drivers be well-prepared for their self-drive tours.

A video has also been produced by the TD to introduce the driving route to the Shenzhen Bay Port and the clearance procedures at the boundary control point. Apart from calling on drivers to familiarize themselves by all means with the transport laws and rules and the relevant transport knowledge before setting off, we will consider with the Guangdong authorities to provide more information

for Hong Kong drivers to familiarize with the transport condition and rules of the Mainland.

In fact, we are aware that some Hong Kong driving schools and vehicle associations have organized training courses on driving on the Mainland, which includes lectures and on-road training. We have liaised with these organizations and encouraged them to organize more driving courses for the two places so that interested drivers may learn and understand more about the similarities and differences of driving in the two places.

Last of all, we call on Members again to oppose today's motion which requests the shelving of the self-drive tour plan and the entire trial scheme. From the perspective of long-term development, the cross-boundary quota system must be implemented under a highly regulated environment, in consideration of the actual conditions of the two places. It is a pragmatic approach to first implement the first phase of the trial scheme, which can then serve as valuable experiences for the second phase and provide an objective basis for further discussion before a concrete timetable is set for the second phase.

Thank you, President.

**SECRETARY FOR SECURITY** (in Cantonese): President, I thank Members for their views and suggestions on the motion. Now, I am going to make a consolidated response regarding the enhanced interceptive measures or enforcement.

A Member suggested that the Government should step up enforcement to intercept Mainland pregnant women crossing the border to give birth in Hong Kong. Generally speaking, if non-local pregnant women come to Hong Kong for delivery by legal means and in accordance with the law, they do not violate the Immigration Ordinance. However, some Mainland pregnant women may have secured their admissibility by illegal means, or involved in immigration offences such as illegal entry and overstaying. Once convicted, they will be subject to criminal liability.

Furthermore, as I have mentioned in my opening speech, corporate or individual intermediaries aiding Mainland pregnant women to illegally give birth

in Hong Kong might be involved in aiding, abetting, counselling or procuring the commission by Mainland pregnant women of any offence, which include securing admissibility by illegal means, illegal entry, overstaying or breaching the condition of stay, and shall be guilty of the like offence and subject to criminal liability.

On the other hand, since cross-boundary hire-car must obtain the hire-car quotas issued by the governments of Hong Kong and Guangdong before they can be hired for the carriage of passengers for reward, therefore it will be an offence for any cross-boundary vehicle or driver to drive pregnant women to Hong Kong. Our enforcement authorities will exchange intelligence with the Mainland authorities and join hands to combat such problems.

A Member suggested the Government should amend the local laws to regulate the deliveries of Mainland pregnant women in Hong Kong. In fact, the existing Immigration Ordinance and other relevant ordinances, including the Road Traffic Ordinance which regulates the illegal carriage of passengers for reward, as well as ordinances providing for offences against the aiding and abetting of corporate or individual intermediaries, have imposed regulations and penalties on the offenders. These legislation have not only given full force and effect, but have also provided various enforcement departments with sufficient power to perform their duties. The recent case in which an intermediary was successfully convicted has immediately exerted a substantial deterrent effect. We will keep abreast with the times, and continue to curtail illicit activities through stringent enforcement actions and maintain close liaison with the Mainland authorities. We will also adopt effective measures to further deter Mainland pregnant women who do not have booking confirmation certificates.

Members have engaged in heated debates on the right of abode of "doubly non-permanent resident children" born in Hong Kong. A Member has indicated his support for the Government or the Court to seek interpretation of or even amend the Basic Law. The Basic Law is a constitutional document of the SAR and should not be amended arbitrarily. In fact, both the legal sector and the entire community have expressed strong and divergent voices on proposals such as amending the Basic Law or seeking interpretation of the Basic Law. We must carefully consider these proposals and should not act hastily.



President, as I have said in the opening speech, the Government has introduced a series of administrative measures to stop Mainland pregnant women without booking confirmation certificates from entering Hong Kong to give birth. The number of Mainland pregnant women "gate-crashing" the Accident and Emergency departments for delivery has decreased significantly in recent months. This proves that the measures have started to take effect. We will closely monitor the situation and consider stepping up the relevant measures to tackle the problem when necessary.

Here, I would like to thank Members again for proposing and speaking on this motion. We will actively consider Members' views.

President, I so submit.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, first of all, I would like to thank all the Members who have participated in this motion debate. I am going to respond to the views expressed by Members.

When Members spoke, they requested that local patients and local pregnant women should be given the first and foremost priority is using the healthcare resources of both public and private hospitals. This actually ties in with the objective of the Government. When I spoke earlier, I have explained to Members measures implemented to restrict the number of non-local pregnant women giving birth in Hong Kong. After the implementation of the measures, it is estimated that the number of Mainland pregnant women giving birth in Hong Kong in 2012 will be nearly 20% lower than that of 2011.

Apart from restricting the number of non-local pregnant women, the Food and Health Bureau has also introduced other pre-natal and check-up measures to ensure the safety of all pregnant women giving birth in Hong Kong and that of the new-born babies, so as to ensure the sustainable development of our quality and professional obstetric and pediatric services.

After setting limits to the number of non-local pregnant women giving birth in Hong Kong, the number of non-local pregnant women delivering in the Accident and Emergency (A&E) departments has been increasing. To deter pregnant women from seeking emergency deliveries through the A&E

departments shortly before labour, thereby posing a higher risk to mothers, babies and healthcare staff, the Chief Executive announced four measures during the Question and Answer Session at the Legislative Council on 19 January, which include:

- (a) Focusing on Mainland pregnant women with no delivery booking, we will join hands with the Mainland Government to clamp down on intermediaries and cross-boundary vehicles that assist such women in gaining entry, and to prevent those pregnant women who have been repatriated from running the risks of re-attempting to get through immigration for entry.
- (b) Stepping up the interception of non-local pregnant women and healthcare manpower support at immigration control points, so as to repatriate those pregnant women attempting to bypass the booking system to the Mainland as expeditiously as possible.
- (c) The Home Affairs Department will step up measures on banning unlicensed hostels, including the active adoption of undercover operations, close liaison with property management companies and the Estate Agents Authority, and the clamping down of illegal activities at the various segments, so as to make it more difficult for Mainland pregnant women who have gained entry to get illegal dwellings. The Housing Department will likewise step up inspections and publicity, with a view to preventing the illegal use of public housing rental units. We also encourage members of the public to report cases of suspected irregularities.
- (d) The Hospital Authority (HA) will review the fees for non-local pregnant women giving birth at the A&E departments, so as to minimize misuses of A&E services.

The relevant government departments and the HA are proactively implementing these measures. Regarding measures of immigration control, the Secretary for Security has just made a detailed response.

Here, I have to remind local doctors: if they co-operate with the corporate intermediaries in an improper and unprofessional manner with reckless disregard

for the safety of pregnant women and their babies for the sake of profit, such as providing false records or proof of antenatal attendance to any non-local pregnant woman, making false statement of the expected date of delivery, unnecessarily arranging early caesareans for the sake of bed availability, and so on, they may be subject to disciplinary action for breach of the Code of Professional Conduct for the Guidance of Registered Medical Practitioners as stipulated by the Medical Council of Hong Kong. Local obstetricians are obliged to give detailed explanations to all pregnant women about the various risks involved, such as the risk involved in emergency delivery without antenatal attendance, and help them make proper arrangements for deliveries.

Private hospitals should also put in place a mechanism to disqualify a doctor from working or practicing in the relevant hospitals when he/she is found to have violated the relevant code of practice. To our understanding, there is no collaborative relationship between local private hospitals and any agencies providing services to Mainland women delivering in Hong Kong.

In the face of higher demand for services, the HA will put in more resources to enhance the obstetric and neonatal intensive care services. This year, the HA will increase the number of neonatal intensive care beds by 10% in five hospital clusters. Also, in view of the manpower situation of the obstetric and neonatal intensive care services, the HA will grant extra salary increment to midwives to improve retention of staff, and beef up the training of healthcare staff in obstetrics and gynaecology departments. From this year onwards, the number of places of midwifery training will be increased from 80 to 100.

In regard to maternal and child health services, with the increasing number of newborn babies, the demand for such services also increases. We will allocate more resources to cater for the need. The Fanling Maternal and Child Health Centre, for instance, will expand, whereas the Hung Hom Maternal and Child Health Centre will relocate and expand as well. We will continue to closely monitor the situation and take appropriate measures, with a view to ensuring that Hong Kong-born children can continue to enjoy quality and professional services.

To tackle these problems, we have introduced a series of administrative measures, which have started to take effect. We will closely monitor the latest

developments, and if necessary, we will sustain the measures or introduce new measures to deal with the problems.

Going back to today's topic, President, Hong Kong is a multi-cultural international city. We uphold freedom, respect the rule of law, think highly of fairness, pursue justice, passionate for integrity, diversity, harmony, mutual respect, compliance with the rules and uphold the hospitality culture. These are the common core values of Hong Kong people; such values are also the requirements we imposed on ourselves and on others. They are the attributes which we should display in our daily lives.

Hong Kong is a unique city in the region and in the nation. If we have confidence in ourselves and continue to exemplify these virtues and our love to Hong Kong, we can definitely impress our visitors. For those who just stay for a short visit or those who settle in Hong Kong, they will treasure these fantastic attributes and integrate into our culture.

Thank you, President.

**PRESIDENT** (in Cantonese): Mr James TO, you may now move your amendment to the motion.

**MR JAMES TO** (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

**Mr James TO moved the following amendment: (Translation)**

"To add ", as an international city," after "That"; to delete ", suspend the quota for 'doubly non-permanent resident pregnant women', and accord priority to addressing the needs of local pregnant women;" after "improving obstetric services" and substitute with "in public hospitals, and require public hospitals to only accept advance bookings of delivery care services by local pregnant women and Hong Kong people's mainland spouses; (b) to reduce private hospitals' admission quota for mainland pregnant women, and request private hospitals to accord priority to local pregnant women and Hong Kong people's mainland spouses in providing

delivery care services;"; to delete the original "(b)" and substitute with "(c)"; to delete "and" after "enforcement" and substitute with ","; to delete "to comprehensively block the entry of 'doubly non-permanent resident pregnant women'; and" after "restrictions" and substitute with ", and strengthen liaison and co-operation with various relevant mainland departments, so as to stop mainland pregnant women without advance booking of obstetric services from coming to Hong Kong to give birth; (d) focusing on the situation where the right of abode in Hong Kong enjoyed by children born in Hong Kong to 'doubly non-permanent resident pregnant women' has led to large numbers of 'doubly non-permanent resident pregnant women' giving birth in Hong Kong, to study amending Article 24 of the Basis Law; and"; and to delete the original "(c)" and substitute with "(e)".

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr James TO to Mr Ronny TONG's motion, be passed.

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

(Members raised hands)

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

(Members raised hands)

Mr James TO rose to claim a division.

**PRESIDENT** (in Cantonese): Mr James TO has claimed a division. The division bell will ring for five 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 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, Mr LAU Wong-fat, Mr Timothy FOK, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr CHAN Kin-por, Dr LEUNG Ka-lau and Mr IP Kwok-him voted against the amendment.

Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Paul CHAN, Mr IP Wai-ming, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG and Mr LEUNG Kwok-hung 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 Dr Priscilla LEUNG voted against the amendment.

Mr WONG Kwok-hing, Mr WONG Kwok-kin, Mr Albert CHAN and Mr WONG Yuk-man abstained.

THE PRESIDENT Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, four were in favour of the amendment, 10 against it and eight abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 14 were in favour of the amendment, seven against it and four 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.

**MS MIRIAM LAU** (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Reiterating Hong Kong's core values" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

I order that in the event of further divisions being claimed in respect of the motion on "Reiterating Hong Kong's core values" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

**PRESIDENT** (in Cantonese): Mr WONG Kwok-kin, you may now move your amendment.

**MR WONG KWOK-KIN** (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

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

"To add ", while" after "That"; to delete "but" after "kind-heartedness, etc."; to delete "China-Hong Kong confrontation and" after "gradual growth of" and substitute with "confrontation,"; to add "and stigmatization" after "animosity"; to delete "adopt the following contingency measures, so as to" after "expeditiously"; to delete "on the Mainland and in Hong Kong, and" after "the masses" and substitute with "in the two places,"; to add ", foster a moderate social atmosphere of mutual respect, mutual understanding and mutual accommodation between the masses of the two sides, and adopt proactive measures in response to the recent incidents of concern to Hong Kong people, so as to ensure that while the two places integrate and interflow, local residents can still enjoy adequate and priority use of public resources and maintain their original ways of life; the relevant measures should include" after "between the two places"; to delete ", and accord priority" after "for 'doubly non-permanent resident pregnant women'" and substitute with "to give birth in public hospitals, and limit the number of 'doubly non-permanent resident pregnant women' admitted by private hospitals to a reasonable level, so as to ensure that priority is accorded"; to add "; and to impose deterrent penalties on 'doubly non-permanent resident pregnant



women' who rush to accident and emergency departments with no advance booking, such as imposing a surcharge and forbidding their re-entry within a certain period of time, so as to ensure that no additional burden is imposed on the services of accident and emergency departments" after "local pregnant women"; to add "and overstaying" after "block the entry"; to delete "shelve" after "(c) to" and substitute with "ensure that"; to delete "plan" after "the self-drive tour" and substitute with "scheme"; and to add "to travel to Hong Kong (i.e. phase two of the trial scheme on one-off ad hoc quotas for cross-boundary private cars) is implemented only with adequate preparation and public support; at the same time, in implementing the self-drive tour scheme for the two places, to formulate a series of measures to perfect the relevant arrangements, including requiring drivers participating in the scheme to complete driving courses, perfecting the insurance and liability arrangements for incidents under the scheme, and conducting emission tests on vehicles participating in the scheme, etc., so that members of the public on the Mainland and in Hong Kong can eventually drive between the two places without any worry" immediately before the full stop."

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

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

(Members raised their hands)

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

(Members raised their hands)

Mr James TO rose to claim a division.

**PRESIDENT** (in Cantonese): Mr James TO has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Mrs Sophie LEUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted for the amendment.

Dr Raymond HO, Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Prof Patrick LAU, Dr LEUNG Ka-lau and Mr CHEUNG Kwok-che voted against the amendment.

Geographical Constituencies:

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG and Mr WONG Kwok-kin voted for the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi and Mr Alan LEONG voted against the amendment.

Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, 15 were in favour of the amendment and seven against it; while among the Members returned by geographical constituencies through direct elections, 26 were present, nine were in favour of the amendment, 13 against it and three 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.

**PRESIDENT** (in Cantonese): Ms Cyd HO, you may move your amendment.

**MS CYD HO** (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

**Ms Cyd HO moved the following amendment: (Translation)**

"To add ", as" after "That"; to delete ", and accord priority to addressing the needs of local pregnant women" after "for 'doubly non-permanent resident pregnant women'" and substitute with "before fully consulting Hong Kong people on the formulation of a population policy, so as to ensure the provision of adequate obstetric services for local pregnant women and mainland pregnant women whose spouses are Hong Kong permanent residents"; to delete "and" after "resident pregnant women"; and to add "; and (d) while promoting tourism visits to Hong Kong on the Mainland, to introduce Hong Kong's social order and spirit of the rule of law to mainland residents, and promote to them Hong Kong's experience in areas such as political participation, administrative management, economic development, social diversity as well as cultural innovation, etc" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Ms Cyd HO to Mr Ronny TONG's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Ms Cyd HO rose to claim a division.

**PRESIDENT** (in Cantonese): Ms Cyd HO has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Ms Miriam LAU, Mr Tommy CHEUNG, Dr Joseph LEE, Mr CHEUNG Kwok-che and Mr Paul TSE voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Mr LAU Wong-fat, Mr Timothy FOK, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr CHAN

Kin-por, Dr LEUNG Ka-lau, Mr IP Kwok-him and Dr Samson TAM voted against the amendment.

Ms LI Fung-ying, Mr Paul CHAN, Mr IP Wai-ming and Dr PAN Pey-chyou abstained.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Dr Priscilla LEUNG, Mr WONG Sing-chi, Mr Alan LEONG and Mr LEUNG Kwok-hung voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE and Mr CHAN Hak-kan voted against the amendment.

Mr WONG Kwok-hing, Mr WONG Kwok-kin, Mr Albert CHAN and Mr WONG Yuk-man abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, seven were in favour of the amendment, 11 against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 14 were in favour of the amendment, six against it and four 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.

**PRESIDENT** (in Cantonese): Mr WONG Sing-chi, you may move your amendment.

**MR WONG SING-CHI** (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

**Mr WONG Sing-chi moved the following amendment: (Translation)**

"To add ", as" after "That"; and to delete "self-drive tour plan for mainlanders' vehicles" immediately before the full stop and substitute with "trial scheme on one-off ad hoc quotas for Guangdong/Hong Kong cross-boundary private cars (the self-drive tour scheme), and fully consult the public on the scheme"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr WONG Sing-chi to Mr Ronny TONG's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Sing-chi rose to claim a division.

**PRESIDENT** (in Cantonese): Mr WONG Sing-chi has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Mr CHEUNG Kwok-che and Mr Paul TSE voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Tommy CHEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr IP Kwok-him and Dr Samson TAM voted against the amendment.

Ms LI Fung-ying, Mr Paul CHAN, Mr IP Wai-ming and Dr PAN Pey-chyou abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Dr Priscilla LEUNG, Mr WONG Sing-chi and Mr Alan LEONG voted for the amendment.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE and Mr CHAN Hak-kan voted against the amendment.

Mr WONG Kwok-hing, Mr WONG Kwok-kin, Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, five were in favour of the amendment, 13 against it and four abstained; while among the Members returned by geographical constituencies through direct elections, 26 were present, 14 were in favour of the amendment, six against it and five 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.

**PRESIDENT** (in Cantonese): Mr CHAN Hak-kan, you may move your amendment.

**MR CHAN HAK-KAN** (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

**Mr CHAN Hak-kan moved the following amendment: (Translation)**

"To add ", as" after "That"; to delete "China-Hong Kong" after "gradual growth of"; to add "among some people" after "animosity"; to delete "on the Mainland and in Hong Kong" after "the masses" and substitute with "in the two places"; to delete "; and" after "of 'doubly non-permanent resident pregnant women'" and substitute with ", and to impose penalties on 'doubly non-permanent resident pregnant women' who rush to accident and emergency departments for delivery; (c) to strengthen co-operation with the Mainland for combating agencies which assist in providing falsified documents, provide falsified information, or engage in abetting and assisting mainland pregnant women in concealing their pregnancy for evading inspections at border crossings; (d) in the event that all administrative measures fail to effectively resolve the problem of 'doubly non-permanent resident pregnant women' giving birth in Hong Kong, to seek interpretation of the Basic Law by the Standing Committee of the National People's Congress, so as to resolve the problem at root; and"; to delete the original "(c)" and substitute with "(e)"; and to delete "to shelve the self-drive tour plan for mainlanders' vehicles" immediately before the full stop and substitute with "to expeditiously conduct a review after the implementation of the first phase of the Guangdong/Hong Kong cross-boundary self-drive scheme, and to decide whether to launch the



second phase of the scheme after seeking Hong Kong people's views and obtaining a consensus in society".

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHAN Hak-kan to Mr Ronny TONG's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Ronny TONG rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Ronny TONG has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Tommy CHEUNG, Mr WONG Ting-kwong, Mr CHIM

Pui-chung, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted for the amendment.

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che and Dr Samson TAM voted against the amendment.

Ms LI Fung-ying abstained.

Geographical Constituencies:

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG and Mr WONG Kwok-kin voted for the amendment.

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man voted against the amendment.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, 15 were in favour of the amendment, six against it and one abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, eight were in favour of the amendment and 16 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

**PRESIDENT** (in Cantonese): Dr LEUNG Ka-lau, you may move your amendment.

**DR LEUNG KA-LAU** (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

**Dr LEUNG Ka-lau moved the following amendment: (Translation)**

"To add "all along," after "That"; to delete "contingency" after "following"; to delete "(a) to allocate additional resources for improving obstetric services, suspend the quota for 'doubly non-permanent resident pregnant women', and accord priority to addressing the needs of local pregnant women; (b) to step up law enforcement and enhance entry restrictions to comprehensively block the entry of 'doubly non-permanent resident pregnant women'; and" after "places:"; to delete the original "(c)" and substitute with "(a)"; and to add "; (b) to study amending Article 24 of the Basic Law to avoid the automatic entitlement to the right of abode in Hong Kong by Hong Kong-born children whose parents are both non-permanent Hong Kong resident Chinese citizens, so that the Government can formulate its own policy on mainlanders coming to Hong Kong for settlement; (c) to assess the demands arising from population growth in the next 30 years, project the numbers of mainland immigrants that Hong Kong can accommodate in the long run, thereby making plans for social resources; (d) to amend the Race Discrimination Ordinance to broaden the definition of 'race', so as to ensure that mainland Chinese coming to Hong Kong are subject to no discrimination, thus enabling the Ordinance to have a wider ambit while closely following the requirements of the relevant international convention; and (e) to enhance civic education so that the community can resolve China-Hong Kong conflicts in a rational manner" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Dr LEUNG Ka-lau to Mr Ronny TONG's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr IP Kwok-him rose to claim a division.

**PRESIDENT** (in Cantonese): Mr IP Kwok-him has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che and Mr Paul TSE voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Mr LAU Wong-fat, Mr Timothy FOK, Mr WONG Ting-kwong, Prof Patrick LAU, Mr CHAN Kin-por and Mr IP Kwok-him voted against the amendment.

Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr CHIM Pui-chung, Mr Paul CHAN, Mr IP Wai-ming, Dr PAN Pey-chyou and Dr Samson TAM abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG and Mr LEUNG Kwok-hung voted for the amendment.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan and Dr Priscilla LEUNG voted against the amendment.

Mr WONG Kwok-hing, Mr WONG Kwok-kin, Mr Albert CHAN and Mr WONG Yuk-man abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, six were in favour of the amendment, eight against it and eight abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 14 were in favour of the amendment, six against it and four 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.

**PRESIDENT** (in Cantonese): Mr Albert CHAN, you may move your amendment.

**MR ALBERT CHAN** (in Cantonese): President, I move that Mr Ronny TONG's motion be amended.

**Mr Albert CHAN moved the following amendment: (Translation)**

"To delete "suspend the quota for 'doubly non-permanent resident pregnant women'" after "improving obstetric services," and substitute with "resolve the problem of 'doubly non-permanent resident pregnant women' by

enacting local legislation"; and to delete "to step up law enforcement and enhance entry restrictions" after "(b)" and substitute with "by amending the Immigration Ordinance (Cap. 115),".

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr Albert CHAN to Mr Ronny TONG's motion, be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che and Mr Paul TSE voted for the amendment.

Dr Raymond HO, Mrs Sophie LEUNG, Mr LAU Wong-fat, Mr Timothy FOK, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Kwok-him and Dr Samson TAM voted against the amendment.

Ms Miriam LAU, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr IP Wai-ming and Dr PAN Pey-chyou abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Dr Priscilla LEUNG, Mr WONG Sing-chi, Mr Alan LEONG, Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE and Mr CHAN Hak-kan voted against the amendment.

Mr WONG Kwok-hing, Mr WONG Kwok-kin and Mr LEUNG Kwok-hung abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, six were in favour of the amendment, 11 against it and five abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 16 were in favour of the amendment, five against it and three 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.

**PRESIDENT** (in Cantonese): As Mr Ronny TONG has used up his speaking time, he may not reply.

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

**PRESIDENT** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr IP Kwok-him rose to claim a division.

**PRESIDENT** (in Cantonese): Mr IP Kwok-him has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr Margaret NG, Mr CHEUNG Man-kwong, Ms Miriam LAU, Mr Tommy CHEUNG, Dr Joseph LEE, Mr CHEUNG Kwok-che and Mr Paul TSE voted for the motion.



Dr Raymond HO, Mrs Sophie LEUNG, Mr LAU Wong-fat, Mr Timothy FOK, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LEUNG Ka-lau, Mr IP Kwok-him and Dr Samson TAM voted against the motion.

Ms LI Fung-ying, Mr CHIM Pui-chung, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming and Dr PAN Pey-chyou abstained.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Dr Priscilla LEUNG, Mr WONG Sing-chi, Mr Alan LEONG and Mr LEUNG Kwok-hung voted for the motion.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr CHEUNG Hok-ming, Ms Starry LEE and Mr CHAN Hak-kan voted against the motion.

Mr WONG Kwok-hing, Mr WONG Kwok-kin, Mr Albert CHAN and Mr WONG Yuk-man abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 22 were present, seven were in favour of the motion, nine against it and six abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, 15 were in favour of the motion, five against it and four abstained. 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 negatived.

**PRESIDENT** (in Cantonese): Second motion with no legislative effect: Strengthening the support for persons suffering from dementia and their carers.

Members who wish to speak in the debate on the motion will please press the "Request to speak" button.

I now call upon Dr PAN Pey-chyou to speak and move the motion.

### **STRENGTHENING THE SUPPORT FOR PERSONS SUFFERING FROM DEMENTIA AND THEIR CARERS**

**DR PAN PEY-CHYOU** (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

I believe many colleagues may find the term "dementia" in the motion title today unfamiliar. However, if Members know that dementia is only a new term applicable to diseases formerly known as the Alzheimer's Disease (癡呆症), the loss of mental ability (失智症) and brain degeneration (腦退化症), Members may find this a familiar subject.

Before I go further into the discussion, I would like to tell Members the story of one of my patients.

I will call this elderly patient Uncle CHEUNG. Members sharing the surname CHEUNG in the Chamber need not worry, I am not hinting about any one of you in any way. Uncle CHEUNG is now 75 years old and he lives in a private property unit. Two years ago, his wife noticed that he had become increasingly forgetful, and he often lost his things. He had once got lost when he went out and was only found with the assistance of the police. Later, his son brought him to consult a general practitioner, and the doctor said, "People get old, there is no treatment for this". Life went on for some time. In the past couple of months, Uncle CHEUNG often complained that his neighbours sneaked into his house to steal things when he was out or when he was asleep. He could not sleep well at night and kept waking up to look for things. Neither could his wife get any sleep. He became increasingly irritable towards his wife. He became self-centered and selfish, and did not take others' advice. His son had to take him to the doctor again. This time, the doctor referred him to a public

hospital for psychiatric treatment, yet he had to wait for nearly a year for treatment. Uncle CHEUNG has some savings, but recently, his family members found that he can no longer manage his money. His son wants to make an endorsement arrangement for his father's bank account, so that he can manage the account for his father. However, Uncle CHEUNG refuses the suggestion bluntly and said that his son tries to deceive him for his money. Uncle CHEUNG suffers from prostatic hypertrophy and has much difficulty in urination. However, he adamantly refuses to undergo any operation and insists that he is fine and does not have any disease.

This is just a common case, yet we may notice the many problems reflected in the case.

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

The first problem, Uncle CHEUNG failed to get proper treatment at the initial stage. As a result, he missed the chance of identifying or prescribing the right treatment to prevent the deterioration of his diseases; he missed the chance to receive treatment to improve his cognitive ability; and he missed the chance to make arrangement for the future when he still has the ability to understand and manage most of the daily affairs at the early stage of the disease.

The second problem, when the condition of the patient deteriorates, many psychiatric and behavioural problems will very often emerge, which will endanger the safety of the patient and bring anxieties to people living with the patient; the carer of the patient will also be under heavy pressure. In the case of Uncle CHEUNG, his wife, who is also of senior age, takes care of him. More often than not, carers also suffer from ill health and they may need to be under other people's care in future.

The third problem is the shortage of specialist services. Although the patient in the aforesaid case needs specialist service, he has to wait for a considerably long period of time. The family members of Uncle CHEUNG may have the financial means to arrange him to seek consultation from specialists in the private sector, so as to provide immediate care. However, many grass-roots families cannot afford to seek private consultation. Besides, elderly people who

are in poor health may have to visit out-patient clinics four to five times a month; as such, the patients and their family members will be exhausted.

The fourth problem is about the bottleneck of service. As in the case of Uncle CHEUNG, before proper diagnosis is made, family members usually do not know what community services are available to help the patient; hence, they simply feel helpless.

The fifth problem is that dementia patients will gradually loss the ability to look after themselves, in both financial and health aspects. It is hard for them to make effective decisions. One day, they may even loss the ability to make an effective will.

According to the studies of local academics, there are about 70 000 dementia patients like Uncle CHEUNG in the community, and the number does not include elders living in residential care homes for the elderly and hospitals. If the elders in residential care homes are also counted, the total number of dementia patients will be close to 100 000. They may live for as long as 10 years from the time they develop the disease till they pass away. With population ageing, the number of dementia patients is expected to increase by various folds. It is estimated that by 2036, there will be close to 290 000 dementia patients in Hong Kong. This is a rather alarming figure. Hence, it is no exaggeration to describe dementia as a time bomb in the ageing society in Hong Kong. It is exactly out of this concern that I propose a motion debate to be held today at this Council on a single disease. Since this issue involves considerable practical problems, I will adopt an approach slightly different from the routine practice.

In fact, the Government has not been indifferent to dementia. In 1999, the Government started granting Dementia Supplement to subvented residential care homes. The amount of Supplement is linked to the number of dementia patients residing in the residential care homes. The Supplement granted enable residential care homes to recruit professional staff to provide additional care to dementia patients and arrange training activities for them. Later, the Government expanded the scope of subsidy of the Supplement to cover private residential care homes participating in the "Enhanced Brought Place Scheme".

Last year, the Government expanded the scope of the Supplement further to cover day care centres for the elderly. According to the 2012-2013 Budget submitted by the Financial Secretary to the Legislative Council early this month, the provision for the Dementia Supplement will again be increased substantially by \$137 million, which will bring the total provision of the Supplement to about \$200 million a year. This is the figure I have in hand, if it is incorrect, will the two Directors of Bureaux correct me. The Supplement allows eligible residential care homes and day care centres to employ sufficient professional staff to take care of dementia patients.

Moreover, the Government has allocated funds from the Lotteries Fund to enable residential care homes and day care centres to improve their facilities, so as to enhance the capacity of these centres in taking care of the elderly who are mentally disturbed.

In the area of healthcare services, the Government has progressively increased the psychogeriatric outreach services provided by the Hospital Authority, and the services have been expanded to include most subvented and private residential care homes for the elderly. Regarding the outreach services of psychogeriatric and geriatric medicine, comprehensive consultation services, in terms of physical and psychological treatment, have been provided to elders living in residential care homes; certainly consultation and treatment of dementia patients are also provided.

All the above measures should be regarded as positive, as some dementia patients can really be benefited and the heavy burden of some of their family members can be alleviated. However, have the two Secretaries in the Chamber ever thought of why dementia patients in general still have a sense of isolation and helplessness? Why is Uncle CHEUNG's case so common or even a considered to be a mainstream phenomenon?

Deputy President, as a common saying goes, "Money isn't everything but without money you have nothing". This saying is also true if it is put the other way round, that is, "Though without money you have nothing, you can't get everything with money." In the case of services for dementia patients, if there is no money, we surely cannot provide the services; yet even with money, we may not necessarily be able to provide suitable services for the patients. With

money, can services provided definitely be beneficial to patients and their family members? The answer is in the negative.

In my view, the greatest problem at present is the lack of an overall strategy for society as a whole to address this growing problem of dementia. We have to put together experts and stakeholders from various sectors to discuss the issue, so that we can understand the needs of dementia patients and their family members, and identify ways to satisfy such needs and facilitate them to make use of the existing services. We should also examine new service modes to provide further assistance to patients, ways to provide quality services at affordable costs to society as a whole, ways to mobilize volunteers to serve dementia patients, and ways to satisfy the service demand from the large number of patients and their family members as a result of ageing. After discussion, we should foster a consensus, and then formulate strategies and action plans for formulating a blueprint for future development. At present, this task should top the agenda.

Now, let us go back to the case of Uncle CHEUNG. First, how can Uncle CHEUNG get treatment at an earlier time? To enable Uncle CHEUNG to receive early treatment, public education must be enhanced, so as to raise the alertness of Uncle CHEUNG and his family members, and they will seek consultation when symptoms first appear. Professionals in the primary care services should also have better understanding of dementia and be able to diagnose and treat simple cases.

At present, doctors providing primary healthcare services lack the support of social workers. As they cannot refer their patients to services provided by medical professionals like community nurses and occupational therapists, their treatment of dementia, a disease with wide-ranging effects, has been greatly undermined. In other words, assistance has to be provided at the primary healthcare level, so as to enable doctors to provide front-line treatment and care.

Second, how should we help Uncle CHEUNG's wife cope with the heavy burden of caring Uncle CHEUNG? Honestly, other family members of Uncle CHEUNG may share the burden of caring. However, if the Government provides allowance to carers, other family members of Uncle CHEUNG, such as his daughter, may quit her job to take care of him. Apart from financial assistance, mental support is also important. As people stricken by the same

grief will understand each other better, carers group will be a good channel for mutual support in addition to the assistance from medical professionals. No matter which mode of support is provided, support is of great importance to carers.

Third, the waiting time for specialist service in public hospital is too long. Naturally, this reflects the keen demand for specialist services from the public and the need to increase the supply of services. However, I think this also reflects the inadequacy of primary healthcare services in meeting public aspirations, which has prompted the public to seek a higher level service. In the present case, the condition of Uncle CHEUNG is relatively complicated and inevitably, he has to be referred to psychogeriatric specialist for treatment. Yet, if a relatively comprehensive network of primary care services has been put in place, Uncle CHEUNG may continue to receive treatment at primary healthcare centres when his condition becomes stable, thus releasing the capacity of specialist out-patient services for more needy patients.

Fourth, at present, while a lot of community services are provided for the elderly, not all dementia patients are elders. There are some younger patients around the age of 40. Indeed, it is quite difficult for these younger patients to get suitable services, for they are different from persons with disabilities, as well as ex-mental patients. Hence, they are stuck in the middle of nowhere now.

As for the elderly persons like Uncle CHEUNG, their situations are no better. It is true that many elders with dementia may stay in general day care centres, yet some patients may not be able to use these services provided for elders with general disabilities. I have seen many family members making all efforts to persuade elderly dementia patients to stay in day care centres. However, when these patients visit those centres, they will turn away at first glance, saying, "People here are all wheelchair-bound, how can I stay with them?" Hence, it is most important to provide suitable services for elderly dementia patients.

Finally, it is about the legal aspect. Before dementia patients lost their ability to make decision, they can complete many procedures under the law. However, not many people will take these procedures, so the authorities should reinforce public education in this respect.

In conclusion, dementia is a disease affecting a large number of patients and has wide-ranging effects, so it should not be taken as a common disease. Since there is no way to prevent this disease, we should face and cope with this disease with a more positive and proactive attitude (*The buzzer sounded*) .....

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

**DR PAN PEY-CHYOU** (in Cantonese): I so submit.

**Dr PAN Pey-chyou moved the following motion: (Translation)**

"That dementia (also known as '腦退化症' or '癡呆症' in the Chinese rendition) is a disease suffered by many people and it has wide-ranging effects and exerts heavy caring pressure on their family members; although the Chief Executive had respectively mentioned in the Policy Addresses for 2010-11 and 2011-12 that the services for persons suffering from dementia would be improved and increased, the situation has not shown any concrete improvements; with population ageing, the number of persons suffering from dementia in Hong Kong has continued to increase, but the Government all along lacks a long-term and comprehensive policy, and the support and resources provided are not sufficient to cope with the relevant demand, thus making such persons unable to receive appropriate treatment and care; in this connection, this Council urges the Government to:

- (a) co-ordinate the complementarity and collaboration between healthcare and welfare services, and formulate an inter-departmental, long-term and comprehensive policy to address the problem of dementia;
- (b) provide timely diagnosis, assessment, treatment and follow-up services for persons suffering from dementia, and set up dedicated day care and support centres for such persons so as to enable those persons in need to receive appropriate care;



- (c) immediately increase the service quota of residential care homes for the elderly and day care centres for the elderly as well as extend their service hours and increase their manpower, so as to shorten the waiting time of users;
- (d) introduce a carer allowance and emotional counselling services to strengthen the financial and mental support for family members and carers of persons suffering from dementia;
- (e) when designing residential care homes, take account of users' needs and devise facilities convenient to persons suffering from dementia;
- (f) establish a database on persons suffering from dementia to facilitate more in-depth studies and statistical analyses on the conditions of such patients, and promptly assist them in receiving appropriate help when necessary;
- (g) provide training to the relevant professionals to enhance their professional knowledge of treating, diagnosing and handling, etc. persons suffering from dementia; and
- (h) enhance education for the whole community in relation to dementia with a view to detecting persons suffering from dementia in the community at an early stage, facilitating early treatment of the disease and easing patients' conditions."

**DEPUTY PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Dr PAN Pey-chyou be passed.

**DEPUTY PRESIDENT** (in Cantonese): Three Members will move amendments to this motion. This Council will now proceed to a joint debate on the motion and the three amendments.

I will first call upon Mr WONG Sing-chi to speak, to be followed by Dr Joseph LEE and Mr Alan LEONG respectively; but they may not move the amendments at this stage.

**MR WONG SING-CHI** (in Cantonese): Deputy President, the Democratic Party supports Dr PAN Pey-chyou's motion, and the amendments from Dr Joseph LEE and Mr Alan LEONG. We always support the Government in stepping up its support for dementia patients and their carers. The Democratic Party has been urging the Government to put in extra efforts in this respect through proposing various motions.

Many civic organizations are extremely concerned about the conditions of dementia patients and their family members, and many organizations have expressed their views about the existing services for dementia patients, including the lack of rehabilitation services for dementia patients at day care centres. Moreover, due to the long waiting time for services and the complicated application procedures, many patients cannot receive timely services. Furthermore, the social awareness of dementia is inadequate. As the Government has not provided in-depth education in the community, family members fail to detect problems at the early stage and take follow-up actions. At the same time, under the current application system for long-term care services, all patients are put on the same waiting list, and the assessment is based on the physical condition but not the cognitive ability of the elderly, hence dementia patients have to wait for a long time. Besides, staff at residential care homes do not have the knowledge about taking care of dementia patients. More often than not, though dementia patients live in residential care homes, their carers do not feel relieved as many other problems may arise. Since carers have to take care of the patients around the clock, they feel stressful and are under heavy psychological burden, which will affect their physical and mental well-being. Moreover, regarding the overall services, civic organizations consider the resources provided by the Government insufficient and lacking in comprehensive community support services, in particular, financial support. Also, the authorities have failed to address the needs of dementia patients below the age of 65, and at present, the services provided at day care centres fail to cope with the practical needs.

Deputy President, many civic organizations consider that the Government has not given adequate support to the medical sector in diagnosing dementia. The Hong Kong Polytechnic University conducted a survey between December 2010 and January 2011, and questionnaires were sent to members of the Hong Kong Medical Association to find out the knowledge of medical practitioners on dementia, their attitudes towards dementia patients and their method of treatment.

Among the respondents, 55.8% were private medical practitioners. According to the findings of the survey, 60% of the respondents did not mind treating dementia patients, but only 30% of them were confident of diagnosing dementia, and only 21.7% of the respondents were confident of handling dementia patients. It is evident that the support for the medical sector is inadequate. Besides, the public do not have adequate knowledge about dementia, thus they cannot detect early symptoms of dementia and have delayed in seeking consultation. At the same time, medical practitioners may not have diagnosed the condition, which will further delay the treatment. As aptly described by people of the Mainland, in handling dementia patients, improvement is needed in many aspects in Hong Kong.

According to the World Alzheimer Report 2011, it was estimated that over 70% of the world's 36 million people with dementia have yet to receive a diagnosis, and therefore do not have access to treatment. The Chairman of the Hong Kong Alzheimer's Disease Association, Dr WU Yee-ming, indicated that about 90% of patients in Hong Kong have not been diagnosed, which is similar to the rate in low-income countries, and this is unacceptable. Hong Kong, despite being an affluent place with abundance of resources, fails to provide proper care to the large number of dementia patients. Hence, we hope that the Government will enhance the knowledge of the medical and health sector and the public on dementia, so that patients can receive timely treatment.

Apart from dementia patients, problems faced by carers cannot be overlooked. According to the estimates of certain geriatricians of the Hong Kong Association of Gerontology (HKAG), there are about 86 000 dementia patients living with their families, and each patient is taken care of by at least one family member. Since most dementia patients cannot perform daily activities on their own, and some may even have behavioural problems, carers usually have to take care of them around the clock. As such, carers are under considerable pressure. Other medical practitioners from the HKAG have also pointed out that some family members have thought of committing suicide in the face of the tremendous pressure, and less than 5% of the family members have been referred to psychiatric services due to emotional problems. The situation is worthy of concern.

Carers are under long-term pressure. After consolidating the findings of studies in Hong Kong and the United Kingdom, it is concluded that the

percentage of family members suffering from depression is as high as 60%, which is even higher than terminal lung cancer patients. Among them, 70% indicated that they are under psychological pressure and 50% have emotional disturbances. This group of people is ageing at a speed four times faster than other average persons. Their immune system is poorer and their response in vaccine efficacy is 50% lower than average persons. Hence, carers of dementia patients are indeed under tremendous pressure, even to the extent of affecting their own health. Since many carers are the spouses of the patients, they are relatively old and their physical conditions are more vulnerable to deteriorate, their mortality rate is 63% higher than persons of the same age who are not carers. However, one third of the carers have not sought any assistance. We can imagine the difficulties faced by carers and how they struggle in the midst of helplessness most of the time.

The Government has not faced these problems squarely. I see no sincerity in the Government in caring the carers of dementia patients; neither do I see any practical commitments made. To solve these problems, we adamantly urge the Government to provide assistance to carers in terms of the various measures provided at present. I add, in my amendment, the proposal to "set up and subsidize day care, assessment and support centres providing services specifically for persons suffering from dementia", hoping that persons suffering from dementia can get early diagnosis and suitable treatment, and their family members can get adequate support, so as to relieve the pressure of carers.

To conclude, we consider that the Government should enhance the existing support for dementia patients and their carers. I hope the Government will make additional efforts to show concern to both the patients and their carers, so that Hong Kong can lead the world forward in this aspect and persons in need will be provided with proper services.

Deputy President, I so submit.

**DR JOSEPH LEE** (in Cantonese): Deputy President, the motion debate proposed by Dr PAN Pey-chyou today is very meaningful. Why? For the number of persons suffering from brain degeneration or the number of elders suffering from dementia has been on the increase. As Dr PAN Pey-chyou said earlier, to be fair, the Government has put in resources in this respect in the past

few years. However, are such resources adequate? In formulating the policies on resource allocation, has the Government taken into consideration the needs of demented elders? I would like to give some background information.

According to a study conducted by the Department of Psychiatry of the Faculty of Medicine of The Chinese University of Hong Kong, some 9% of the elderly aged 70 or above suffer from brain degeneration. Proportionally, it means that currently there are about 80 000 to 90 000 elderly persons suffering from dementia. According to the estimate of the Census and Statistics Department, in 2019, there will be some 800 000 persons in Hong Kong aged 70. In other words, by 2019, a relatively large number of elderly persons may suffer from dementia.

Just now, Mr WONG Sing-chi said that the rate of elderly persons diagnosed with dementia was low. Why? Let us look at the number of follow-up cases handled by the Psychiatry Units of the Hospital Authority (HA). In 2010, the number of follow-up cases was around 11 000 to 12 000. What about other patients? Probably they have not sought consultation and treatment; some elderly persons have not been detected that they suffer from dementia and hence they have not sought consultation; and some elderly persons have not been correctly diagnosed. In many cases, the demented elders live in the community and are being taken care of by others, yet, the follow-up services are inadequate, that is, follow-up services in terms of treatment. There are no statistics regarding follow-up care services.

According to the statistics, in 2009-2010, only 4 000 patients suffering from brain degeneration lived in residential care homes for the elderly. Though not all such patients have to live in residential homes, the number of such patients in residential care homes is only around 4 000, what about the other patients? They live in the community. Certainly, they do not live alone in the community, they live with family members.

A study also indicated that, by 2050, the number of dementia patients worldwide is expected to increase to nearly 115 million. Of course, we are not discussing the global situation but the situation in Hong Kong. What about Hong Kong? The study projected that by 2050, about 280 000 persons aged 60 or above may suffer from brain degeneration. The figure is indeed alarming.

Surely, by 2050, we will perish. However, according to the information stated earlier, the number of dementia patients will be increasing.

Some colleagues mentioned earlier that the Government has implemented policies and put in resources to take care of these patients. Yet, is it adequate? At present, the Government has provided supplement for patients suffering from brain degeneration, however, only the 4 000 patients residing in residential care homes, but not other patients, can benefit. How long does a patient need to wait for a place in day care centres? If the patient requires residential care, the waiting time is 24 months; if the patient requires day care, the waiting time is seven months; and for home care services, the waiting time is two months. However, dementia patients are on the same waiting list as other patients, without making any differentiation. The HA has provided services for dementia patients, but are such services adequate? As I said earlier, presently, the HA only handles some 10 000 follow-up cases.

Based on the above information, I conclude that the Government has not formulated specific policy or earmarked resources to meet the specific needs of dementia patients, and we thus put forth some amendments. In my amendment, I propose that subsidized day care centres for dementia patients should be set up. As indicated by the information from the Jockey Club Centre for Positive Ageing, there are only six day care centres in Hong Kong which take care of brain degeneration patients. At present, there are about 80 000 people suffering from brain degeneration, yet there are only six day care centres providing care services for them. Do you think that is adequate? Certainly, not every patient needs care services at day care centres. However, the objective of setting up day care centre is to enable elders with various degree of brain degeneration to cope with the disease gradually and to alleviate the burden of their family members. Obviously, the allocation of resources is not target-oriented. The Government has not allocated specific resource for such purpose. At present, there are no separate waiting lists for people with or without brain degeneration to get a place in one of the 59 day care centres in Hong Kong. If persons suffering from brain degeneration are put on the same waiting list with other elders, the waiting time will be extended, which means resources are not used properly. Hence, I propose in the amendment the setting up of dedicated day care centres for dementia patients.

The second point in my amendment is to set up residential care homes dedicated for elders with brain degeneration. It seems that this practice has not been adopted at present. At present, persons suffering from brain degeneration and aged above 65 or 70 will live with other elderly persons in residential care homes. The situation is far from satisfactory as people suffering from various degrees of brain degeneration may require different levels of care. If the Government earmarks resources to set up residential care homes specifically for brain degeneration patients, their physical, psychological and rehabilitation needs can be catered for. Furthermore, their domestic environment can also be improved. These residential care homes will be specifically designed to cater for the various conditions of brain degeneration patients, hence more effective assistance can be provided to these patients, both at their early or terminal stage, so that they can cope with the disease more easily. Certainly, to the family members of these patients, these centres will offer a good option.

However, if the Government indicates that these centres may not be built immediately, what can be done? In fact, the authorities may designate certain areas in existing residential care homes or day care centres for brain degeneration patients as a buffer. This is the second point mentioned in my amendment.

The third point in my amendment is about carers. As mentioned by Mr WONG Sing-chi earlier, there are in fact some 80 000 patients living with their families in the community. As such, family members should have some basic understanding about brain degeneration, they should acquire the basic skills in taking care of the patients at home, and they need emotional guidance in releasing the pressure arising from caring the patient. Hence, we hope that the Government will consider introducing the carer empowerment programme and establish integrated community support services, so that these carers may take care of the patients more effectively.

According to a survey, there are various degrees of brain degeneration and the condition of patients varies with their ages. The survey indicates that 98% of the respondents expressed the difficulties in caring brain degeneration patients with good mobility. Why? Since these patients can move around freely and they may have the propensity to violence, carers may have difficulty in handling certain scenarios. On the contrary, it is interesting to note that some 80% of the respondents consider it easier to take care of brain degeneration patients with no mobility, that is, bed-ridden. This reflects the importance of the carer

empowerment programme, under which family members of patients will be provided with different types of care and lessons in a more proper manner. It is an important point, and I have thus included it in my amendment.

Another point mentioned in my amendment is that there should be purpose-built residential care homes for these patients, as different caring modes are required for different patients. A common symptom for early stage of brain degeneration is short-term memory loss. The patients may forget whether or not they have taken breakfasts, lunches or dinners. They may stammer when they talk to others and fail to find the right words to express themselves. In the intermediate stage, the patients will have emotional problems. They become emotionally unstable and increasingly irritable. Since they can move around, they will scold and even hit others. At the final stage, they can no longer recognize people, they loss bladder and bowel control and are required to be cared by others. These are the symptoms of brain degeneration at various stages of development. Hence, if the Government has to set up residential care homes dedicated for the caring of brain degeneration patients, various degrees of care services have to be provided to cater for their needs at different conditions. This is the key point in my amendment which is extremely important.

Finally, it is about brain health. In view of the increasing number of patients suffering from brain degeneration, the Government should step up its efforts in promoting education on brain health, so that the public would know the importance of brain health, the prevention of brain degeneration, the need for immediate treatment should there be symptoms of brain degeneration, and the proper care for these patients. In this way, the burden of family members in taking care of the patients can be alleviated.

With these remarks, Deputy President, I propose my amendment.

**MR ALAN LEONG** (in Cantonese): Deputy President, last December, the Civic Party and some carers of dementia patients convened a press conference and put forth a number of proposals to support dementia patients and their carers. Today, I am glad to see that the original motion proposed by Dr PAN Pey-chyou has included most of the proposals put forth by the Civic Party. Hence, I have only added several proposals in my amendment. I would like to use my speaking time to expound on these additional proposals.



As the population in Hong Kong ages, the number of dementia patients will be on the rise. In 2006, the Department of Health (DH) and the Department of Psychiatry of the Faculty of Medicine of The Chinese University of Hong Kong conducted a study, indicating that about 9.3% of people aged 70 or above in Hong Kong suffered from dementia. On the basis of the number of people aged 70 or above in Hong Kong in 2009, which was about 678 000, it was projected that there are now about 63 000 demented elders living in the community.

According to the projection of the Census and Statistics Department, the number of people aged 70 or above will reach 830 000 by 2019. Based on the incidence rate mentioned earlier, there will be about 77 000 demented elders aged 70 or above living in the community.

Deputy President, it has been pointed out by experts that among the 36 million dementia patients worldwide, over 75% have yet to be diagnosed. In the case of Hong Kong, the DH also knows about the situation, for the Department had conducted a study with a university and projected that only about 10% of patients in Hong Kong have been diagnosed. More often than not, the poor memory of elders is taken as normal at the beginning, and coupled with the fact that elders tend to conceal their illness and avoid treatment, these patients may miss the opportunity to get timely treatment, which renders it impossible to slow down the worsening process.

In view of the increasing number of patients and the general delay in diagnosis, the Government should brook no delay in implementing targeted measures.

Carers of these patients have to handle all kinds of problems and cope with the pressure every day. This reminds me of the 2009 Nobel laureate, Prof Charles KAO. His wife loves him so much and takes care of him. They have moved to the United States, so that Prof KAO can receive better medication and treatment, as well as more comprehensive care; even the air there is fresher. We are glad to see that the Professor and his wife always carry a broad smile on their faces.

I believe many carers, like Madame HUANG Meiyun, dearly love their elderly companion or parents. However, when a grass-roots family living hand to mouth or even a middle-class family is struck by dementia, the family

members of the patients have to face financial pressure in addition to psychological pressure. The helplessness generates from the fear of an unknown future is imaginable.

Some time ago, a charity organization organized the "Election of Outstanding Carers of Dementia Patients". I am deeply impressed by one of the award winners. Three of the parents of the award-winning couple have unfortunately suffered from dementia. Since they both have to work, they have to take care of the daily life of the three demented elders and arrange their medication and treatment before and after work. They manage the task very well and are thus granted the award.

I believe many carers love their family members, but not every carer have the physical strength and financial means to cope with the caring tasks. Families with two elderly dementia patients are facing even greater problems, and no further elaboration are needed for Members to understand the plight. Hence, the Civic Party considers that support must be provided to dementia patients and their carers.

At present, the only support provided by the Government for dementia patients is the Dementia Supplement (Supplement) for residential care homes, which allows residential care homes to recruit additional professional staff to provide care and arrange training activities for elderly dementia patients. However, in 2009-2010, only 3 962 persons had benefited from this Supplement.

Assistance from the Government for these patients and their carers is obviously inadequate. Apart from the Supplement mentioned above, no other supporting services, including dedicated support centres, are provided separately and specifically for dementia patients and their carers. Neither has the Government offered sufficient courses for carers to acquire knowledge about dementia.

Moreover, existing measures for dementia patients fail to offer genuine help to dementia patients and their carers. For instance, there is an acute shortage of places in subsidized residential care homes and nursing homes, and the Telephone Nursing Consultation Service provided by the Hospital Authority (HA) has failed to provide effective assistance.

At present, the Government has provided a total of about 26 000 subsidized residential care places for the elderly, and about 2 200 subsidized nursing home places. However, according to the figures provided by the Government, as at the end of September 2010, there were 20 328 elderly persons waiting for subsidized residential home places and 6 535 waiting for subsidized nursing home places. The average waiting time for a subsidized residential home place is 24 months, and that for a subsidized nursing home place is 43 months. The figures speak volume about the shortage of places in meeting the existing demand. With the increase in residential care places, more elderly persons in need will receive professional care, sparing them from avoidable injuries resulting from the lack of care.

As such, the Civic Party proposes that the Government should increase the subsidized places in residential care homes and nursing homes as soon as possible to allow elderly in need to take residence at the earliest possible time.

Due to the acute shortage of places, a majority of dementia patients have to stay home and be taken care of by their family members. Hence, day care support centres are extremely important to carers. However, at present, none of the day care centres in Hong Kong is specialized in supporting dementia patients.

Moreover, since many dementia patients suffer from mobility impairment, it is utterly impractical to require carers to make strenuous efforts to travel all the way and change different means of transport to seek assistance, this is particularly so for grass-roots families.

Hence, the Civic Party proposes to set up support centres for dementia patients in the 18 districts to provide counselling, emotional support and referral services, and so on; assist and support carers in respect of their needs for long-term care; provide health education and organize social functions and recreational activities, so as to enable the patients and carers to stay in touch with the community.

Deputy President, these support centres may also provide respite services, so that carers may be spared some time to handle other affairs or have some rest, thereby alleviating their pressure.

Moreover, the Government should establish outreach service teams comprising medical practitioners, community nurses and social workers to pay regular visits to patients (particularly demented elders who live alone and families with two demented elders) receiving home care and follow up their conditions. Moreover, the outreach service teams will keep contacts with dementia patients proactively, so as to expeditiously provide appropriate assistance to patients and carers in need.

Finally, since dementia patients may also suffer from other disease or even chronic diseases, yet no integrated clinic is provided under the HA, patients must seek consultation from different hospital departments, and their carers may find it difficult to cope with the arrangements. Hence, the Civic Party proposes that the HA should set up integrated clinics with multidisciplinary services to provide appropriate integrated treatment proposals, so as to cope with the different needs of patients at different times.

I speak on behalf of the Civic Party in support of the original motion and all the amendments.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Deputy President, first, I would like to thank Dr PAN Pey-chyou for proposing the motion on "Strengthening the support for persons suffering from dementia and their carers", as well as Mr WONG Sing-chi, Dr Joseph LEE and Mr Alan LEONG for their amendments.

In this part of my speech, I will first give an account of the existing medical services provided by the Government for dementia patients. Then, the Secretary for Labour and Welfare will talk about the elderly care services provided by the Government. After listening to speeches from Members, we will respond to Members in the concluding speeches.

The subject of the motion debate today is "dementia" in English, which is translated as "認知障礙症" (the literal meaning is cognitive impairment) in Chinese in the original motion. We notice that the disease is also translated as "腦退化症" (the literal meaning is brain degeneration) and "失智症" (the literal meaning is loss of mental ability). As for the Chinese name for "dementia", a consensus in the medical profession has yet to be reached.

As the Chinese term "老人癡呆症" (the literal meaning is senile dementia) has been used for a long time and is well accepted, it will be more convenient for healthcare practitioners to communicate with patients and their family members by using this term. Hence, the Government and the Hospital Authority (HA) have no plan to adopt other Chinese translation as the official medical term of this disease in the professional context for the time being.

However, we will keep close watch on the consensus of the medical sector and draw reference from the name adopted by international medical associations. We will consider whether it is necessary to use another name which can reflect the pathological symptoms on the one hand, and facilitate the communication and exchanges among the public, the medical sector and international organizations on the other.

In the motion debate today, we will use the Chinese term "老人癡呆症" for "dementia", and I think Members need not debate about this term deliberately at the present stage.

Dementia is a brain disease syndrome, the medical term for the concurrence of several specific symptoms. The symptoms of dementia include the decline in memory and cognitive functions; the patients may have disturbing behaviours, delusion or hallucination and other symptoms, and their characters and behaviours may also have changed.

Dementia has many different causes, which can mainly be classified into three categories: Alzheimer's Disease, Vascular Dementia and dementia of other causes.

Alzheimer's Disease is the commonest form of dementia, yet causes of this disease are unclear at present, and patients will experience a progressive deterioration.

Vascular Dementia is caused by strokes or vascular diseases, originating from the damage of the brain, and patients will usually experience relatively acute deterioration.

As for other types of dementia, they may be caused by malnutrition, thyroid dysfunction and drug poisoning, and so on. The conditions of these

patients may be alleviated by medication. Under certain circumstances, dementia may be caused by other diseases, such as Parkinson Disease or AIDS.

At present, the medical sector has not yet identified any treatment that can completely cure or effectively prevent dementia. Like other diseases, early awareness of the symptoms and early consultation are most important in treating dementia. The current medical direction in treatment is to slow down the progression of the disease and improve the quality of life of patients by means of medications and cognitive and rehabilitation training.

The multidisciplinary and cross-sector medical team under the HA has been providing comprehensive and continuous medical services to dementia patients. The HA will decide the required treatment, as well as the rehabilitation and care services for the patients through a series of professional tests and assessments. Patients will be referred to specialist clinics for geriatric and psychogeriatric follow-up treatment according to the severity of their conditions.

Since many dementia patients are not hospitalized and reside in the community or in residential care homes for the elderly, we are aware of the growing importance of community support for dementia patients and their carers. As such, the HA has provided psychogeriatric outreach services and community geriatric assessment services, which include formulating treatment programme for dementia patients residing in residential care homes, monitoring the rehabilitation progress of patients and paying regular visits to residential care homes to follow up the condition of patients.

Moreover, the Visiting Health Teams of the Elderly Health Service under the Department of Health will pay regular district visits to provide education and training to family members and carers of dementia patients to enrich their knowledge about dementia patients.

In view of the ageing trend of the population, we expect that the number of dementia patients will continue to rise. The relevant authorities of the Government will continue to closely examine the existing medical services, work hard to reinforce the co-operation between the medical and welfare sectors, and maintain close liaison with various service providers and organizations with a view to providing more customized support to dementia patients through the multi-pronged approach.

Deputy President, I so submit. The Secretary for Labour and Welfare will give an account of the elderly care support provided by the Government to dementia patients and their carers. After listening to the views expressed by Members on the motion and amendments, we will then give our responses.

Thank you, Deputy President.

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Deputy President, first of all, I would like to thank Dr PAN Pey-chyou for proposing the motion on "Strengthening the support for persons suffering from dementia and their carers", as well as Mr WONG Sing-chi, Dr Joseph LEE and Mr Alan LEONG for their amendments.

Just now, the Secretary for Food and Health has briefed Members about the medical service support provided by the Government to dementia patients. I would like to point out that the Government also attaches great importance to their long-term care services. All the Policy Bureaux and departments concerned, including the Labour and Welfare Bureau, the Social Welfare Department (SWD), the Food and Health Bureau and the Department of Health, have all along maintained close co-operation with the Hospital Authority, other welfare organizations and professional groups to provide various kinds of care services to dementia patients.

Demented elders, like other elderly persons, may apply for the series of elderly care services subsidized by the Government, including residential care services, day care centres and door-to-door home care services. These services are provided in the mode of integrated and continuous care to cater for the caring needs of service users at different stages. Given the special situation of dementia patients, the SWD has adopted special measure to step up the support for them, such as granting service providers with the Dementia Patients Supplement and assisting service providers in improving their facilities and training their staff, as well as providing support services to carers of dementia patients.

In the days to come, we will examine the various services provided from time to time, ensuring that dementia patients are provided with appropriate care.

Deputy President, I so submit. After listening to the views of Members, I will give a detailed response. Thank you.

**MR WONG KWOK-HING** (in Cantonese): Deputy President, I would like to thank Dr PAN Pey-chyou for proposing this motion, for one of my family member was a dementia patient.

Today, before the meeting started, the Dementia Carer Alliance had made a petition outside the Legislative Council. Their petition letter, which is vivid and substantial, has spoken out my heart. Now, I am going to read out the heading of the six requests raised in the letter, and I hope the Government will listen.

First, they hope that the Government will formulate policies on dementia care. Second, day care centres dedicated for dementia should be set up to support the patients and their families. Third, support and carer allowance should be provided to carers. Fourth, professional training and development should be provided. Fifth, support and co-operation between the medical and welfare sectors should be enhanced, so that dementia patients can receive early professional intervention and family members can receive support. Sixth, community education should be reinforced. The six points are indeed basic and humble requests. The speeches from the two Directors of Bureaux earlier, particularly that of Secretary Mathew CHEUNG, seem to imply that the Government has been doing a good job in providing care in this aspect and the problem has been addressed. However, is this really the case? I do not think so. Certainly, I cannot read out all the contents in this three-page letter.

Deputy President, based on my personal feelings and experience, I will talk about the responsibilities of the Government, as well as the follow-up and remedial measures that should be taken to help dementia patients (or known as brain degeneration or loss of mental ability), their carers and family members.

There was a movie titled Summer Snow, starred by Mr Rou CHIAO and Ms Josephine SIAO, which described the predicament of a dementia patient and the experience of his carer and family members. I was deeply moved when I watched the movie, as it had spoken out my heart. My father passed away many years ago. In his late years, he was diagnosed with dementia, but his physique was still strong, he had good appetite and he slept well. The only complaint was the pain at his kneel cap which made climbing stairs difficult for him. However, his brain degenerated speedily. Soon, he could not differentiate between day and night, and he became disoriented in time. He would eat after he woke up, and then forgot whether or not he had eaten. Under such circumstances, my



mother could hardly communicate with him and did not know how to take care of him. I have to express my deep gratitude to our foreign domestic helper for her devoted assistance. However, since we lacked the knowledge and skills, we did not know how to communicate with my father and take care of him. We had considered sending him to a hospital, but since his body was functioning well, the refused to admit him.

I think family members and carers of the patients are desperately in need of support under such circumstances. However, has adequate support been provided? Has timely support been provided? I think the support is inadequate. Eventually, we had no alternatives but to send our father to a well-equipped elderly home through the referral of a private doctor. In our view, that elderly home was quite good, yet it turned out that the care workers did not have knowledge about the disease and they did not know how to handle my father, particularly when he woke up in the middle of the night and caused disturbance to others. The care workers then tied him to his bed, which was indeed inhumane. My father surely would not give in, and he yelled that he wanted to go home. Some residents living next to my father gave him some drugs to make him sleep. So whenever he woke up and shouted in the middle of the night, he would be given some sleep-inducing drugs. This was how they handle the case.

Are the community support and education for care workers provided by the Government fairly inadequate? It seems to be the case from the incident above. Hence, I think the Government must work very hard to enhance the support in this aspect.

Members proposing the amendments earlier have put forth very good suggestions. According to the letter from the Alliance, there are now over 100 000 dementia patients in Hong Kong, and by 2036, which is 24 years later, the number of such patients will increase to 290 000. In other words, 290 000 families will be facing this problem. How should the Government handle the problem and provide support? Even if all patients are sent to hospitals or elderly homes, the problem cannot be solved. As such, community care is greatly important.

My mother was utterly fatigued both mentally and physically in taking care of my father. As depicted in this letter, carers could not even take a rest or a day

off. One night, my father was found lying on the floor of the washroom, maybe he bumped into something and fainted, and eventually he passed away. After the death of my father, my mother did not live long, for she was exhausted in taking care of my father. She was diagnosed with cancer not long after my father's death, and passed away after some time. Hence, I think society should face the problem of dementia seriously. The Alliance proposes that the Government should formulate comprehensive policies (*The buzzer sounded*) .....

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

**MR WONG KWOK-HING** (in Cantonese): ..... I hope the Government will seriously consider the proposals.

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

**MR CHEUNG KWOK-CHE** (in Cantonese): Deputy President, I believe Members may still remember that the Panel on Welfare Services and the Panel on Health Services of the Legislative Council held a joint meeting on 5 December last year, to discuss the support for elderly persons suffering from dementia (also known as "失智症" (loss of mental ability) in the Chinese rendition) and their carers. Over 10 organizations, academics and experts attended the meeting and joined in the discussions. Frankly speaking, the two-hour discussion obviously could not cover all the issues. As stated by the sector, with population ageing, the number of elderly people suffering from dementia has been on the increase. At the above meeting, Prof Helen CHIU of The Chinese University of Hong Kong pointed out that the Government's announcement of 63 000 elderly people aged over 70 in the community suffering from dementia had seriously underestimated the actual situation, because the figure only covered people with a mild degree of dementia, while patients with moderate to severe degree of dementia and hospitalized dementia patients were not included. The actual number should be around 110 000, and it is expected to increase to 290 000 in 2036. It is a well known fact that suitable training helps defer degeneration on the part of patients; and it is also a well known fact that support services for elderly dementia patients and their carers are seriously inadequate. In fact, only

the Government is not aware of such situation. As regards the details of the inadequacy, an investigation conducted by The Hong Kong Polytechnic University in 2009 revealed that a total of 35 000 patients needed day care centre and respite services, but only less than 0.3% of them could enjoy such services. The grave severity of the situation is well reflected.

Deputy President, let me recapped the development. In April 1999, the Government, in response to the request of the sector, introduced three-year pilot care services for dementia patients in six residential care homes and day care centres for the elderly. The Government claimed that such care units would provide the demented elders with suitable training. In February 2000, the next year, the Government told the Panel on Welfare Services in beautiful words that it supported all the recommendations of the Report of the Working Group on Dementia of the Elderly Commission, and had been actively considering and implementing measures to take these recommendations forward, including the establishment of more dementia care units. At a meeting of the Panel on Welfare Services in November 2010, we once again asked about the progress in implementing the recommendations that were raised 10 years ago, and the Government simply stalled us off by saying that "no sites can be found". Such a reply certainly triggered criticisms from Members on that day. Ten years had been wasted by such an irresponsible government. President, I often criticize the SAR Government for capping welfare expenditures, initiating marketization and refusing to make welfare planning since the reunification; my criticisms are not made arbitrarily. Various examples have revealed that the Government is apathetic to the difficulties faced by the public in their lives and shirks its responsibility for providing services. The issue of services for demented elders is only the tip of an iceberg. I once again appeal to Members who care about social welfare in Hong Kong to insist on implementing the "mechanism for long-term social welfare planning" advocated by the sector. We should not let the Government beat about the bush by discussing individual services haphazardly.

(THE PRESIDENT resumed the Chair)

In the Budget this year, the Government further proposed increasing recurrent funding by \$137 million to allow dementia units to have more resources for engaging paramedical staff and social workers. The amount of funding

sounds astonishing, but once again, it is obviously a case of "a cow's head does not match with a horse's mouth". With a lack of sites for the provision of services and an insufficient supply of professionals like occupational therapists, physiotherapists, speech therapists and nurses, even if the Government has increased funding by \$200 million or \$300 million, a large proportion of such funding would ultimately return to the public coffers and they will only be used when the Government gives "cash handouts" the following year. President, due to time constraint, I am in no mood to further refute the Government's unconvincing tactics.

The eight concrete measures proposed in Dr PAN Pey-chyou's motion are undoubtedly targeted at the pressing problems of the existing services. They aimed at addressing the concerns of the public. I basically agree to these eight proposed measures, but as far as extensiveness and long-term perspectives are concerned, I still have to make some more comments, including:

First, inter-departmental co-ordination must be headed by the Chief Secretary for Administration, so as to break down inter-departmental barriers, avoid procrastination and avoid missing the opportune time for implementation. A concrete action plan must be formulated from the macro perspective of population policy, including policy on dementia patients.

Second, additional service centres for demented elders should be set up, and sites should be reserved at the stage of land planning; and, in respect of the strengthening and expansion of dedicated services, memory clinics and outreach elderly health service teams should be included, and the services of psychogeriatric day care centers should be strengthened.

Third, in respect of short-term measures, in addition to the increase of service quota, manpower and service time, long-term planning should be formulated and subject to regular reviews and updating; an example being the well-established mode of five-year rolling service planning for the social welfare sector that was abruptly abandoned in 1998.

Fourth, the introduction of a carer allowance and dedicated counselling services has actually been proposed by the sector for many years. In addition, subsidies should be provided to service organizations, and render help to families of demented elders in establishing self-help organizations.

Fifth, when designing residential care homes, flats, public places and other facilities, the Government must take into consideration the needs of demented elders, so as to enable them to stay in the community.

Sixth, the assessment tool named Minimum Data Set-Home Care needs to be reviewed and revised for enhancing assessment effect, and data must be properly used for strengthening services and planning.

Seventh, the Government needs to strengthen the training of front-line staff, develop systematic courses, and set the relevant manpower establishment and qualification ladder, so as to stabilize service teams.

Eighth, an appropriate Chinese name for the disease should be introduced and promoted; proposed names like "失智症" (loss of mental ability), "認知障礙症" (cognitive impairment) and "腦退化症" (brain degeneration) are currently used in the community; names that can reduce labelling effect and encourage community harmony should be used.

President, let me reiterate, the key to meet the service needs arising from population ageing is to first formulate a real set of population policies, rectify the inadequacies in social welfare, and formulate a long-term planning mechanism.

I so submit and support the motion.

**MR CHAN HAK-KAN** (in Cantonese): President, two years ago, Prof Charles KAO, the former Vice-chancellor and President of The Chinese University of Hong Kong, was diagnosed with dementia. This news had aroused grave concern in different sectors of the society. We then started to pay attention to this disease, but we still do not know much about it. I would like to cite an example. Previously, my office had received a request from an old lady seeking assistance. She asked us to help her find her missing husband. How did he get lost? We were told that he had joined a picnic organized by a district organization and he wandered off during the time for free activities. As he did not return home the whole night, the old lady came to us for help.

Fortunately, her husband later returned home after we had been searching for him for the whole night. When we asked him how he got lost, he said that,

all of a sudden, he forgot where he lived and how to return home. It was lucky that he finally remembered his address and managed to go home. After a series of check-ups and assessments, he was diagnosed as having dementia.

When we talk about dementia, we generally think that the patients have a poor memory. As a matter of fact, they do not only have memory problems. When their conditions get worse, they will gradually lose their language or cognitive ability, become emotionally unstable and lose interest to their surroundings. Yet, dementia does not only affect the patient himself, it will also exert great pressure to his family members.

Today, I would like to thank Dr PAN Pey-chyou for proposing this motion as it reminds the public and the Council that we should continue to show concern about dementia. I would like to first speak on the medical and supporting services provided to the patients by the Government.

At present, demented elders will, upon confirmation by doctors and assessment of their conditions, be referred to the geriatric unit and the psychiatric unit for specialist treatment. The Hospital Authority (HA) is now following up the cases of some 10 000 patients with varying degree of dementia. Unlike other brain or mental diseases, dementia is mainly caused by brain cell damage which leads to brain degeneration. The condition of dementia patients will only get worse, and the treatments can only slow down but not cure their brain degeneration. In view of this, I suggest that the Government should provide resources for conducting researches on dementia, particularly when our society is facing an ageing population, with the number of dementia patients expected to increase. The Administration should also consider setting up special treatment and care centers to give these patients proper diagnoses and treatments.

President, the provision of treatment is only the first step. The provision of long term care services to patients with dementia is more important. Currently, the community geriatric assessment teams and psychogeriatric outreach teams under the HA are responsible for providing such care services to patients referred by the HA. The notion behind these services is similar to that of providing mental patients with community care.

(The microphone of Mr CHAN Hak-kan was not working)

**PRESIDENT** (in Cantonese): Mr CHAN, please wait a moment. The steward is taking another microphone for you.

**MR CHAN HAK-KAN** (in Cantonese): President, as I have just said, dementia patients who are in more serious condition require intensive care around the clock. Living in Residential Care Homes for the Elderly (RCHEs) is a reluctant choice. In the policy addresses for the last two years, the Chief Executive stated that he would increase the supply of RCHE places under the Enhanced Bought Place Scheme and allocate additional resources for hiring professional care workers. However, the waiting time for RCHE places is still very long; in respect of the care for dementia patients, the facilities of RCHEs and the care provided by care workers are yet to improve. I hope that the Administration can increase supplements for day care centres for the elderly and provide more day care places. With these short-term measures, elders will not have to keep waiting.

Previously, I had attended an exhibition organized by a non-profit organization which taught family members of dementia patients how to make use of some small props at home, such as stickers, cards or signs of different colors to help the patients distinguish different objects and instructions. They may also use this method to communicate with the patients so as to help them adapt to their lives.

From this, we can see that family members of dementia patients have to put in a lot of thoughts to take care of the patients. They have to learn a lot of skills so as to lead a normal life with the patients. Therefore, the Administration must not overlook their needs, in addition to providing training to care workers of RCHEs. I hope that the Government can provide talks and teaching kits to teach carers how to take care of the patients. It should also ease their pressure by giving them emotional support.

President, I so submit. I support the original motion and all relevant amendments.

**MR IP WAI-MING** (in Cantonese): President, today, I speak to support Dr PAN's motion. Just now, my colleague, Mr WONG Kwok-hing, talked about

the problems that his family had once faced. I believe that all families with demented elders also face the same problems. After all, while the Government is aware of these problems, it has provided little support to the patients and their families. To dementia patients, community care and support are as important as medical care. Meanwhile, their carers are also in great need of support.

According to the figures provided by the Jockey Club Centre for Positive Ageing, an organization which is concerned about dementia, the number of dementia patients is on the rise in recent years. One out of 10 elders is suffering from dementia, with the incidence rate increases with age. Currently, 30% of elders aged above 85 are dementia patients. As our population is ageing, the number of patients is expected to increase. This trend will have wide impact on patients' families and our society.

With a rising number of patients, the number of carers will definitely increase. Given that our community care and support services are inadequate, the burden of care mainly falls on family members and carers of the patients. In our view, these carers are generally in need of three types of support and assistance. First of all, knowledge support. Very often, family members and carers do not know how to take care of dementia patients because the patients not only become forgetful, their emotion and habits may also change in the early stage. Even those who are experienced in elderly care may sometimes find the care duties difficult. In order to meet this need, in recent years, the Government has allocated additional resources to support and train elderly care workers through the provision of Dementia Supplement. However, for ordinary families, particularly grass-roots families, the Government should step up its publicity efforts to teach people the necessary knowledge and skills for taking care of dementia patients.

Secondly, emotional support. Dementia patients may have emotional problems. While patients may not be bothered by their emotional responses for too long, their carers are persistently under great pressure for taking care of them. Many carers in the community have difficulty in handling this pressure. I think many of our colleagues here have received this kind of complaints before. They do not know how to pour out their troubles. Some may just hide their feelings and psychological pressure, suppressing them in their hearts. We do not think it is good for them, and the Government should provide them with more emotional support services or set up mutual help groups for them to support each other.



Thirdly, financial support. We had, on different occasions, including the meetings of the Panel on Welfare Services and the Legislative Council, asked the Government to provide financial support to these carers in the form of subsidy. As they have to spend a lot of time taking care of dementia patients, many of them cannot afford to work. How can they live on without income? Besides, as an ageing population implies that we may have more people with dementia in the future, the number of carers is expected to increase accordingly. We therefore hold that the Government should provide subsidies to carers so that they can have some financial support when looking after dementia patients.

The Government should expeditiously formulate a carer support policy, which includes the provision of subsidies to carers. This is what we have been calling for all along but the Government has not given us any positive response. We do not think the provision of community care vouchers for the elderly, a scheme which the Government is working on now, can ease the financial pressure of carers. We hope that the Secretary can reconsider providing subsidies to the carers of elders suffering from dementia or other diseases so as to help them keep their mind on their care duties.

President, I so submit.

**MR LEE CHEUK-YAN** (in Cantonese): President, every time when we discuss subjects on social welfare or healthcare services, the core issue remains the same, that is, whether there are any long-term planning and commitment. In each of these debates, we are actually discussing the same core issue repeatedly. While we are discussing the support for dementia patients today, we may discuss the support for people with disabilities tomorrow and the general support measures for the elderly the day after tomorrow. In every discussion on these similar topics, the core issue is always whether the Government is willing to make long-term plans for social and healthcare services. It is true that the existing services have to be improved. What is more, in view of our social development and ageing population, a long-term commitment is needed so that improvement can be made in the long run. However, will the Government make this commitment? Or does it just try to excuse itself from blame by making some stopgap and piecemeal efforts whenever problems arise, and claims that it has made efforts to solve the problem.

I am really tired of these debates. All the discussions with the Government on similar subjects will go like this: the Government gives a lengthy account on its achievements, and we on the other hand, elaborate at length many of the deficiencies in its services. After discussion, the Administration will continue to behave in the same way, without making any forward planning. It will still be mean and propose only some one-off relief measures in the Budget. Over the years, the Government has spent \$200 billion on these one-off measures; but whenever our discussion touches on long-term planning, it will insist on the principle that any increase in its budgeted expenditure must be in line with the economic growth. For example, if there is an economic growth of 4% to 5%, the government expenditure will increase by 5% to 6% in the Budget. It will never consider factors like an increase in demand, the need of service improvement and how a long-term commitment should be made.

Let us come back to today's subject. There are actually two problems with regard to this subject. Just now, Members have mentioned many figures, including that there are now 63 000 demented elders. If we count in those who stay in elderly homes and hospitals, the number will mount to 110 000. What is more astonishing is that there will be 290 000 demented elders in 2036. When the number of such elders is rising year after year, has the Government made any corresponding plans? Has the Government increased the number of places in day care centres and elderly homes accordingly? The answers are in the negative.

Because of the continuous shortage of places in elderly homes, elders who died while waiting for admission have outnumbered those who were allocated with a place in elderly homes. Worse still, day care services for the elderly will have to be cut down. Recently, the Government has played a dirty trick by introducing the so-called community care service vouchers for the elderly. Based on the fees for day care and home care services for the elderly, which are now \$7,500 and \$3,500 respectively, the Government set the voucher value in between at \$5,000. It then encourages service providers to provide services in a mixed mode, but who will bother to do so? This initiative will just reduce the usage of day care services for the elderly since the voucher value is \$5,000 only. In fact, the Government is trying to save money by reducing its future commitment to these day care services.

As the population is ageing, the Government has not considered how to improve, increase or plan our elderly services. Instead, it puts its mind on how to cut down its services as it does not want to make any long-term commitment to this heavy burden. From the Government's perspective, the provision of services is a burden; from our perspective, it is a duty that a benevolent society owes to the elderly. We are so disappointed to see that the Government and the Secretary only gave us some factual accounts just now. They did not tell us whether they had developed any plans for the ageing population, and these plans should be about increasing instead of reducing its services. This is the first big problem.

Secondly, the Government will certainly argue that it has provided supplements to all elderly homes which have dementia patients. In addition, it has provided supplements under the Enhanced Bought Place Scheme and to day care centres for the elderly. However, what is the purpose of these supplements? They are used for providing additional training to existing staff so that they can take up more duties. This is what the supplements are meant for. They are not used for increasing manpower. A big problem has thus arisen. As the Government provides a small amount of supplement in every aspect, with the number of staff remains unchanged, the same manpower will then have to provide all subsidized services. Is there an increase in manpower? If so, I will be more relieved. Yet, if the manpower has been increased, the relevant subsidies should not be called "supplements". The Government should have drawn up a plan to take care of a larger number of demented elders, under which the staffing arrangement of elderly homes and care centres would have been revised to provide sufficient manpower for serving a certain number of demented elders. Can the Government provide us with some relevant figures? In this regard, I hope that the Secretary can increase manpower for these services.

Lastly, regarding the provision of carer support subsidy mentioned in many previous debates, as mentioned by other Members, it is exhausting to take care of demented elders. I have a relative diagnosed with this disease. I find it difficult to know whether he is telling me the truth or what he is thinking. Talking to him often makes me dizzy. As it is tiring to be a carer, I hope that the Secretary can provide carers with subsidies. Indeed, apart from the carers of dementia patients, those who take care of people with disabilities or chronic illness should also be given financial support. Nevertheless, we do not have this

kind of mechanism right now. I hope that the Secretary can tell us when the Government will offer a carer support subsidy.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, a few Members have just mentioned different Chinese renditions for the term dementia, such as "失智症" (the literal meaning is loss of mental ability), "認知障礙症" (the literal meaning is cognitive impairment) and "老人癡呆症" (the literal meaning is senile dementia) and Secretary Dr York CHOW has explained in great length why the Government has not changed the official Chinese rendition of dementia and it has continued to use "老人癡呆症". He said that the medical profession has various opinions and it is hard to arrive at a unified name because studies have still been conducted on the disease.

I am not a member of the medical profession; I do not quite understand the arguments and I cannot make any comment, but I think that there must be special reasons why Secretary Dr York CHOW and Secretary Matthew CHEUNG have not changed the official Chinese rendition of dementia.

If the official Chinese rendition of dementia is "老人癡呆症", people suffering from the disease will certainly be provided with elderly services and they will not be given special treatment, which is the most important problem. Regardless of the age of the patients, so long as they are suffering from dementia, arrangements will be made for their admission to residential care homes for the elderly (RCHEs) or day care centres for the elderly, and they will not receive any specialized treatment. However, the community's views are just the opposite. Not only elderly people suffer from dementia, an increasing number of younger patients, who may not necessarily be aged over 65, also suffer from the disease. That is a very serious problem.

To avoid deepening the problem, the Government has just regarded it as a problem of the elderly and it has not really considered how many people in Hong Kong are suffering from dementia. President, this Council has discussed this issue many times and we have asked the Secretary for the related figures on every occasion. The public can just continue to make estimations as the Secretary has failed to provide these figures. Mr CHEUNG Kwok-che has just quoted the remark made by Professor Helen CHIU of The Chinese University of Hong Kong. The Government has stated that there are 63 000 dementia patients aged

over 70 in the community but she criticized that the Government has seriously underestimated the situation because the number should be much larger, and it should approximately be 110 000. Mr LEE Cheuk-yan has just said that the number of such patients will reach 290 000 by 2036.

There are reasons why the Government has intentionally declined to change the name. It wants to avoid in-depth study on the number of patients and it also wants to avoid using resources to handle this issue. I think this is the essence of the problem.

No matter whether the Chinese rendition is "失智症" or "認知障礙症", this disease is not simply a common geriatric disease but a disease that needs specialized care. If arrangements are made for dementia patients and other elderly people having common geriatric diseases to be admitted to the same RCHE, this would actually affect the quality of service of the RCHE. Hence, people expect the Government to establish a new name for the disease, and seriously consider providing these patients with specialized care; in particular, it should establish specialized care centres to help these patients.

In fact, Hong Kong did very well in this respect more than 10 years ago, and professionals from Taiwan and Singapore had come here to learn from our experience. However, the Government completely stopped operating such centres in 2003. As a result, the services currently provided in Hong Kong are lagging behind other places in the Asia-Pacific Region. I am not sure what Secretary Dr York CHOW thinks; does he think that this would make the Government feel shameful?

I think the present situation would not be that bad if we have continued to adopt and develop the previous practice. Even if the Government has stopped operating these centres, the relevant services are provided by more than 10 centres operated by the private sector. This reflects that there are such needs in the market.

It is a great pity that these centres have high charges and their services are not affordable by ordinary people. It is extremely miserable that the grassroots cannot use such services. They have to rely on RCHEs operated by the Government but they do not know how long they have to wait. Probably because their conditions may not be very serious or because of other reasons,

some patients are not admitted to RCHEs and they have to rely on their family members to take care of them. That is a tough task because carers of these patients need specialized training. What can they do now when the Government has not provided them with specialized training?

Thus, we are not arguing about the name of the disease today. The most important point is that, if we cannot give the disease a proper name, there will not be a formal policy for these patients, and effective and well recognized centres will not be properly established to take care of them.

Mr LEE Cheuk-yan has just talked about vouchers. The patients should undergo assessment before being issued vouchers but it may not be possible to confirm by assessment that the patients are suffering from dementia in cases of early-stage dementia. If the patients fail the assessment, they will not be cared for and their conditions may deteriorate. This will put heavier burden on the family members taking care of them and impose pressure on the existing elderly services, which is not desirable.

Hence, the Government should establish a specialist clinic for this disease. Besides training professionals, it should also establish care centres and teach family members how they can help patients go through difficulties. The Government cannot say that the name will not be changed because the study has not been completed, so the patients are still provided with elderly services. This approach is completely wrong, and I hope that the Secretary would give the disease its proper name as soon as possible with a view to solving the problem.

I so submit, President.

**MR RONNY TONG** (in Cantonese): President, some have said that the family members of dementia patients but not the patients suffer the greatest pain. I agree with them to a certain extent because I have two family members suffering from this disease. It is painful to see the irreversible changes of the patients each day.

President, it is painful for dementia patients are unable to identify their family members, they do not know the way home and they do not know how to respond, and it is more painful when they have changes in temperament, throw

things, curse, beat and even bite people. They will not stop eating because they have forgotten whether they have eaten or not, or they will stop eating because they have forgotten that they are hungry.

President, it is even more painful for the family members of the patients if they are unable or incapable of taking care of the patients. There is a recent movie "Memories of Tomorrow" about how a husband diagnosed with dementia helplessly faced his disappearing memory of his wife. There is a very touching dialogue in the movie: even if your memory is gone one day and you forget me, I will still hold your hand and walk slowly with you.

It is not that difficult for our society to support these patients or reduce the suffering of their family members. But, we may not feel the urgency because the same has not happened to us.

President, there is an earlier report about an old couple who have been married for more than 70 years. The husband is 100 years old and the wife is 95 years old, and even the daughter taking care of them is 59 years old. An incredible thing is that they have waited for two years since 2009 for admission to residential care homes for the elderly. They have finally been notified that their applications are successful. However, the nightmare is that the Government said that the wife is unsuitable for admission to a residential care home for the elderly because she is suffering from dementia. The couple will be separated because only the husband is suitable for admission to a residential care home for the elderly. The Government is asking this couple who have lived together for more than 70 years to be separated. They have to be separated as they cannot take care of one another. What kind of government policy is that? What kind of social welfare is that?

President, when I visited this couple, their daughter told us in tears that a newspaper tried to redress their grievances on her behalf. A government representative called her on that day, telling her that funds had been raised and arrangements could be made for her mother's admission to a private residential care home for the elderly. Nevertheless, we all know that the situation of private residential care homes for the elderly is often worse than that of public ones. A more important point is how long can the charges be paid on her behalf?

President, how can social welfare in Hong Kong become so heartless and inhumane? As many Honourable colleagues have said, HUANG Mei-yun, the wife of Charles KAO, only realized after her husband has been diagnosed with dementia that the related services and knowledge in Hong Kong are so insufficient. As I have just said, the symptoms are irreversible and there is no cure. The patients can only take medication and be taken care of, but the medication can only slow down their degeneration but not improve their conditions. In other words, they need to take medication forever but the medication is often quite expensive. In fact, the financial burden is frequently too heavy for the grassroots. President, can you imagine how you will feel if you are from the grass-roots level and cannot receive any assistance from society?

How much would family members of dementia patients suffer? We need not talk too much as a few Honourable colleagues have already given the detailed description and they have also talked about improvements. Yet, a major and fundamental problem that the two Directors of Bureaux should tell us is that how the Government can make greater efforts. I especially hope that Secretary Matthew CHEUNG would respond to the problem faced by Mr NG. This old man is already 100 years old and his wife is 95 years old; how much longer would they need the Government's assistance?

I sincerely hope that the SAR Government would be more humane, and look squarely at these problems. Thank you, President.

**PROF PATRICK LAU** (in Cantonese): President, according to the latest census, the elderly population has increased from 740 000 in 2001 to 940 000 in 2011, and its proportion in the total population has increased from 11% a decade ago to 13%. The Census and Statistics Department has projected that the proportion of elderly people in the total population will reach 28% in 2039, that is, there will be one elderly person out of every four persons. An ageing population further aggravates the demand for residential care. The Government must plan early and build more residential care homes for the elderly to meet the future needs of the community.

As we all know, as people get older, the easier it is for them to have varying degrees of dementia symptoms. I support the motion because it is indeed necessary to strengthen support for these patients in view that our population is ageing.



Dr PAN Pey-chyou, Mr WONG Sing-chi and Dr Joseph LEE are front-line healthcare and social work professionals and I agree with their professional views on the care of these patients.

From my perspective as an architect, I would like to share with Honourable colleagues my experience in designing residential care homes. I can also arrange visits to residential care homes for the elderly designed by me. For example, a residential care home for the elderly in Tuen Mun has facilities to cater for use by the blind, patients suffering from varying degrees of dementia and elderly residents because different patients have different requirements for support facilities.

I would like to declare that I have provided architectural designs for many residential care homes, including care and attention homes for the blind, persons suffering from dementia and people with special needs, as well as homes for the elderly.

In Hong Kong, the biggest problem in constructing residential care home for people with special needs is insufficient space. The residential care homes can only be seven-storey high at most. In this densely-populated city, the residential care homes have to arrange patients suffering from dementia to live in different floors; and we also need to set aside a lot of places and install different facilities for doctors to examine residents and provide consultation on a regular basis.

For fire safety reasons, buildings taller than seven storeys are not permitted to be used as residential care homes. We need a larger site to build residential care homes, but as land is scarce in Hong Kong and we cannot have residential care homes established in high buildings, they can only be established in shopping malls of several storeys high and in some old tenement buildings where the living environment is actually unsuitable for elderly people.

Residential care homes need a lot of space and there are special requirements with regard to the design and facilities. For example, places inside the residential care homes should be accessible by wheelchair users because many residents suffer from mobility impairment. It is most important to have toilets provided in bedrooms so that residents need not go too far. In many residential care homes, toilets are too far away from the bedrooms, and this has given rise to serious problems. Furthermore, if too many people live in one

room, it will be very noisy, but if too few people share a room, they may not be able to take care of each other. This is a very demanding task indeed.

For some people with disabilities such as the visually impaired, we need to have signs with Braille and clear signs with big characters. On floors for elders with mild dementia, we can install handrails with simple patterns such as heart-shaped, square and diamond patterns, to help them find the way back to their rooms.

Since elders suffering from varying degrees of disabilities or dementia have some common needs, these homes currently have "universal designs" to facilitate their use.

Apart from hardware, software is also very important as mentioned by many Members. Through my contacts with many residential care homes, I know that many staff members are needed to take care of demented elders who require special care.

Yet, some members of the sector have told me that residential care homes for elders requiring special care have long-term manpower shortage problem, and sometimes, even if there are residential places, they cannot admit elders.

Some factors must be taken into consideration when providing services, such as the needs of family members to take care of the residents. To facilitate frequent visits of demented elders by their family members, the residential care homes must be located in the vicinity of urban areas. If transportation is not convenient, the Government should consider providing accommodation to the family members of the residents, so as to encourage them to take care of their loved ones on weekdays and holidays.

Hence, the Government must take the lead to make appropriate plans for the sites of residential care homes in order to provide a range of services and facilities.

Actually, elderly people are just like small children; they may behave like small children and they need tender love and care. Thus, their carers must be very patient and make great efforts.

I concur with the views of the Working Group on Dementia on the formulation of a comprehensive policy: first, including dementia in the agenda of our population policy; second, earmarking sites for the construction of more care centres; third, providing financial assistance to encourage ageing at home; fourth, making reference to overseas practices and formulating blueprints and guidelines for the designs of housing, residential care homes and public areas specifically for dementia patients.

Public education is most important and I support enhancing public awareness of dementia and encouraging more people to participate in volunteer services. In particular, government officials present and Members should take the lead and try to understand how to take care of these patients. Appropriate policies can only be made when they really understand the practical needs of such patients. Thank you, President.

**MR LEUNG KWOK-HUNG** (in Cantonese): President, the term "老人癡呆症" (the literal meaning is senile dementia) or what we now call dementia "認知障礙症" (the literally meaning is cognitive impairment) is certainly very common. At least I know five persons who have symptoms of the disease. The first person does not know that a large underground cavity had been excavated at his own basement. The second person often held meetings with the first person and is the former boss of the first person. The second person is even more forgetful, he does not remember what he had eaten, where he took the food, whether he had paid for his yacht-ride and how much he had paid. The next person on the list has forgotten the name of his partner, he forgets what he had done and what he had said to the other party, thus the Government has to disclose the information to refresh their memories. This person is "Mr Wolfman". There is another person, he said that he would venture into a pit of shit to experience and make public how stinky it could be, but the pit of shit was filled with so much stinky shit that he had shit all over. Nevertheless, he insisted on staying there, not finding the shit stinky. This person is an elderly who has declared his intention of standing for the coterie election. The last person is a potential sufferer of this disease who has forgotten how many political parties he has joined and whether the political party is legal in Hong Kong .....

**PRESIDENT** (in Cantonese): Mr LEUNG, are you sure that your speech is centred on the theme of the motion debate?

**MR LEUNG KWOK-HUNG** (in Cantonese): These five dementia patients are more than obvious to people of Hong Kong. The disease which they have is curable. Mr LEUNG Yiu-chung and Mr Ronny TONG are in fact very foolish as to say that the disease is incurable. They can be cured of the disease in three months after the Chief Executive Election is held. These five senile persons are indeed a typical representative of the disease.

President, we now know that the Chinese rendition of this disease is "認知障礙症" (cognitive impairment), instead of "老人癡呆症" (senile dementia), which carries a stigmatized effect, because the patients may not necessarily be old. Changing the Chinese rendition has led to a better public understanding of the disease, but has the Government increased funding to tally with this international standard? The two Secretaries are here. A number of Members hold the same view that the authorities should take pity on the elderly. Public expenditures earmarked for healthcare and social welfare this year only totalled at less than 5% of the Gross National Product. What do you plan to do? The elderly have long suffered under the implementation of the Drug Formulary. Cataract is a major disease of the elderly. In this regard, the situation has slightly improved because the Government has allocated some fund for the operation. We asked you to dish out more, if not all, cash to the poor, but you refused. Just think, if you take back the 2-odd million dollars earmarked for the middle-class, you would have money enough to solve most of the problems. The total expenditure incurred by the two Policy Bureaux together only amounts to \$80-odd billion. Are you demented? This Government is indeed demented. We asked you to dish out \$8,000 for every citizen, but you refused. We asked you to increase the allocation so as to improve the situation once and for all rather than making minor patchwork improvement, but you again refused. What can be done then? Secretary York CHOW, look at me and stop dozing off. Were you out of your mind when you asked me earlier not to meddle in your affair? Does this Council allow Members to meddle in other people's affair? I am not meddling in your affair. I am only fighting for the weak and eliminating mediocre officials. Someone did meddle in .....

**PRESIDENT** (in Cantonese): Mr LEUNG, please speak on the motion.

(Mr Albert CHAN rose)

**MR ALBERT CHAN** (in Cantonese): President .....

**PRESIDENT** (in Cantonese): Mr CHAN, what is your question?

**MR ALBERT CHAN** (in Cantonese): ..... Will Mr LEUNG Kwok-hung please clarify whether he was raising a question or making a statement when he said that the Secretary was out of his mind just now. Can he clarify this point?

**PRESIDENT** (in Cantonese): Mr LEUNG, please continue.

**MR LEUNG KWOK-HUNG** (in Cantonese): Secretary, are you out of your mind? This is what I said. *(Laughter)* Someone did meddle in an affair. The policemen under TSANG Wai-hung have meddled in someone's video camera. This is an example of meddling in the freedom of the press.

President, indeed, I need to clarify. You said earlier that I should pursue my question on other occasions and I am now doing so. The Secretary is now present and he said that I had meddled in his affair. Buddy, how could Members meddle in other people's affairs? Are Members supposed to discuss every issue and handle all matters? Can Members handle the "noise" problem? Secretary, you truly need to have a body check. Buddy ..... You should check whether you have dementia.

**PRESIDENT** (in Cantonese): Mr LEUNG, our motion debate is on "Strengthening the support for persons suffering from dementia and their carers". Please speak on the motion.

**MR LEUNG KWOK-HUNG** (in Cantonese): You are right. The Secretary truly needs special medical attention. He truly has dementia. How could a Member meddle in his affairs? He said that there was nothing that required Mr LEUNG to intervene. What a joke! I have almost laughed my head off.

President, the Chief Executive has befriended the tycoons. While the grassroots can only eat "vegetarian-shark's fin" soup, giving relish to the shark's fin-like vermicelli with a dash of mustard added to it, the Chief Executive has been eating so much genuine shark's fin soup that he does not treasure the food at all. President, people often say that we oppose the Functional Constituency (FC) election. I no longer oppose it. I oppose the FC which is topsy-turvy. There are so many socially-disadvantaged people, is there a Member in this Chamber who represents them? The electorate of Agriculture and Fisheries sector or the Real Estate sector is small. Nevertheless, they are represented by a Member with almost 100 electors under him. What are these FC Members doing? If they truly wish to strike a balance among the interests of various stakeholders, they should allow more socially-disadvantaged people to enter this Council. If they have done so, I would not need to meddle in. The socially disadvantaged should be given a better platform, such that they can stop to be the weakest link in the chain. If these Members have done so, we may consider positively about the FCs.

President, I truly hope ..... I have nothing special to say to you, except asking you: why quit your post and join the last-minute pigsty race for the Chief Executive? As the Government has already degenerated into such a state, only those who have stayed there for so long do not notice that they themselves stink and only those who wish to show that people other than themselves are unjust will be proved that their candidacy..... The rot itself has turned the election into an object of ridicule.*(The buzzer sounded)*

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

**MR WONG YUK-MAN** (in Cantonese): President, people in Hong Kong are ageing. Information shows that dementia patients will increase from 110 000 people in 2010 to 290 000 people in 2036, and the number of carers will also increase accordingly. Thus, if family members of the dementia patients are

included, the number of people affected by this disease will definitely far exceed 290 000 people.

As the Government has turned a blind eye to the far-fetching impact of dementia, there is a poor progress in the diagnosis, healthcare and community support of dementia patients in Hong Kong. This is something obvious to all. According to the Hong Kong College of Psychiatrists, there is an urgent need to increase funding for day care centres specifically for dementia patients. At present, it takes at least nine months, if not longer, to wait for a place in self-subsistent day care centres for demented people. Some demented elders cannot afford this type of self-subsistent services. It is thus evident that services for demented people are severely inadequate. According to the result of a research conducted by the Public Policy Research Institute of The Hong Kong Polytechnic University in 2009, about 35 000 dementia patients in Hong Kong needed day care centre service and respite services. Yet, less than 0.3% of the demented people are now provided with such services. Secretary Matthew CHEUNG may later quote other data and he will definitely pull off another great speech.

Dementia involves an extensive policy purview, but two particular issues warrant our attention, that is, day care centres and the prevention of dementia.

First, it is the need to provide more day care centres and enhance their facilities. Recognizing the mobility needs of demented elders, the Government has stated in a policy paper that it had enhanced the spatial standard for day care centres. The size of the physiotherapy room and dining/activity room is increased to provide space for setting up a multi-sensory area for training of demented elders. This new Schedule of Accommodation has been adopted since October 2010 in the planning of new and reprovisioned centres. All such information is available for reference.

Moreover, the Government has indicated that resources had been allocated to improve the facilities at residential care homes for the elderly and day care centres/units for the elderly. These include over \$30 million in 2009 for purchasing bed monitoring systems, anti-wandering systems, facilities for multi-sensory therapy, and so on. However, the problem is that places in residential care homes and nursing homes for the elderly are seriously inadequate.

In the past few years, I have repeatedly pursued this subject with Secretary Matthew CHEUNG, but every time he just mumbled something.

In the Budget this year, the Government would rather waive \$11.7 billion of rates for property owners and reduce profits tax and salaries tax than taking care of the elderly. Yesterday, 1 400 elderly people protested at the entrance of the Legislative Council, but still the Government turned a deaf ear to their requests and the news media did not report the protest either. Why did the news media not report the protest? I later found out the reason. It is because the news media have deployed all their manpower to cover the news of the few Chief Executive hopefuls, including our President, as he is also a probable Chief Executive candidate. The news media have fallen from grace to such an extent.

There were over 1 000 elderly people. Adding their age together, they amount to some 80 000 years of age. Secretary, you later have to answer me whether you know that 1 000-odd elderly people protested at the entrance of the Legislative Council to denounce the Government yesterday. As a Director of a Policy Bureau, do you know that there were 1 000-odd elderly people outside the Legislative Council yesterday? Are you aware of that? Mr LEUNG Kwok-hung asked just now whether the Directors of Bureaux were out of their mind. They are not out of their mind, but they have lost their mind. They are "a group of duffers gathering together". President, I did not say who, and I cannot help them if they admit it themselves.

Many organizations have pointed out more than once that such facilities are seriously inadequate. In many overseas countries and regions, the caring of demented people is a professional service and does not fall under elderly services. Services for demented people should be developed separately as a professional service. The Secretaries should not just provide some data in a policy paper and then consider the problem solved.

Due to limited time, I will now proceed to the second issue. Early treatment is crucial, but what has the Government done in this respect? We should have the answer in our mind. According to statistics of an international organization on dementia, 20% to 50% of the demented people in developed countries are diagnosed of the disease and given elementary care, whereas the corresponding percentage in developing countries only amounts to less than 10%. As a developed region, Hong Kong surprisingly falls under the



developing-country category in terms of number of diagnosed demented people. Hence, the Secretary had better stop giving evasive answers or prattling about the figures.

A lack of understanding about this disease has often caused patients and family members to fail to identify the disease early. They often lack an awareness to seek medical attention, thinking that a weakening memory is a normal ageing process. My memory now is excellent. Thus, I certainly do not have dementia for the time being. However, when I am old, like when I become a sexagenarian, ..... We usually describe someone who is a sexagenarian in Chinese as one with memory like a sieve, particularly incapable of remembering his wife's words, but this is a pretended memory lapse. Out of fear of labelling or discrimination after being diagnosed of dementia, some patients may delay in seeking medical attention. When it comes to dementia, people generally have a shallow understanding of its cause, early symptoms, prevention and ways to seek medical attention, and thus they fail to identify the demented elder in their family. As a result, by the time the patient is diagnosed of dementia, he has already reached a middle or late stage of the disease. People reached the middle-to-late stage of dementia usually lose self-care ability and need longer-term care by their family members or society, thus creating a great pressure on society. May I ask what the Government has done in this regard?

If the Government can provide more information about dementia for the elderly and their family members, thus rendering it possible for them to receive early treatment, less cost will be incurred in the end. This is simple logic. You may think that Secretary York CHOW is likely to have dementia, or Secretary Matthew CHEUNG is also likely to have dementia. Everyone is actually prone to dementia. It is no big deal. This may happen when one ages.

I hope the Government can take a long hard look at this subject. It is now time to take forward more public education programmes, such that potential cases and their family members in need can be identified early, unnecessary fear can be minimized and delay in treatment of patients be prevented. I hold that the Government can also draw reference from proposals provided by the sector and set up a hotline for public enquiry on questions about senile dementia, (*The buzzer sounded*) ..... such that even if dementia tightens its grip on the elderly, they can still have something to fall back on. Thank you, President.

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

**MR ALBERT CHAN** (in Cantonese): President, after listening to Mr LEUNG Kwok-hung's speech just now, I suddenly realize or feel that many senior officials of the Hong Kong Government may really have reached an acute stage of dementia. The Chief Executive has forgotten that he was the Chief Executive when he took a luxurious yacht-ride after given a pricey jet-lift. He has had a blank out about which Phuket hotel he lodged in and whether he had eaten shark's fins and two-head abalones in chicken broth. Worse still, dementia has taken its toll on the Chief Executive to such an extent that he mistook the luxurious yacht-ride as an ordinary ride in the New World First Ferry and paid the fare of the latter. I believe from now on, the 160 000 civil servants can follow suit. Right? Health Inspectors can relish shark's fins and abalones in chicken broth at expensive restaurants and then pay the price of vermicelli. As the Chief Executive has done so, why can they not follow suit?

Hence, dementia will rapidly spread around and the number of sufferers will far exceed the number which Mr WONG Yuk-man just mentioned, meaning that there will be 290 000 demented people by 2036. It is because by tomorrow, an additional 160 000 civil servants, apart from the Chief Executive, will suffer from this disease. It is really strange that a demented person can assume the post of the Chief Executive. I remember many years ago, if my memory does not fail me, a tycoon, who was also a National People's Congress deputy, was entangled in some lawsuits, and in the end he could be exempted from imprisonment because his doctor confirmed that he suffered from dementia. Despite the fact that he had dementia, he could continue to be the boss of a listed company and another large company. He has not encountered any problems with his business over the years, which continue to operate and make money.

Coming back to dementia, I am rueful because my father had this disease before he passed away. In those years, although he was in Canada, we often went there to visit him and witnessed the entire progression of the disease, thus we thought that we should have done more. I later learnt in discussions about dementia with many doctors and specialists that there are ways to identify this disease early. If identified early and with sufficient preventive measures taken, such as exercising, or playing mahjong, Chinese chess or table tennis, and so on, the disease can progress at a slower pace. Yet, these patients are strongly

advised against have meetings. Having too many meetings will speed up the deterioration.

Members of this Council as well as political leaders, particularly the Chief Executive, often have to attend meetings. They are particularly prone to this disease and deteriorate very fast. Considering that the Chief Executive, the Secretaries of Departments and Directors of Bureaux have all exhibited their imbecility and foolishness, together with their dementia, it is justified that why the quality of governance of the Administration has been dropping. Hence, this may entail an amendment to the Basic Law, seeking to lower the age threshold of Chief Executive from 40 to 30. By so doing, it may be possible to reduce problems stemmed from dementia and alleviate its impact on the quality of governance.

Coming back to the subject of the motion, I just mentioned that some ancillary activities and measures can be taken to delay the progression of the disease. Something can be done. In particular, efforts can be made to step up publicity of these activities to people aged around 40 to 50. Hence, apart from the two Secretaries here, perhaps, the Secretary for Home Affairs should also be invited to attend this motion debate because he takes charge of many cultural and recreational affairs. For instance, more table-tennis tables or tables carved with a chessboard should be installed in districts with an ageing community for people to play table tennis or Chinese chess; or more recreational rooms should be provided for people to play mahjong because playing mahjong is conducive to delaying the deterioration of the disease.

Secondly, it is medication. Taking drugs can slow down the deterioration of the disease. Since the separation of prescribing from dispensing of drugs, many underprivileged families may not have the money to buy drugs because these drugs are not curative in nature and public hospitals may be unwilling to prescribe these drugs for patients. Hence, I hope that Dr PAN Pey-chyou can look into whether an elderly person exhibiting preliminary symptoms of dementia is eligible for prescription of these drugs by public hospitals. I suspect ..... and as far as I understand, quite many doctors are unwilling to prescribe these preventive drugs to patients who have not reached an acute stage of the disease. Such examples show how unscrupulous the Government can be. Given that it has already dished out \$80 billion, why can it not allocate more resources on helping the elderly by providing better services for them?

Apart from healthcare services and recreational activities, community education and community care are also very important in alleviating this problem. Community education can enhance public understanding of and knowledge on the disease. If I could have prior knowledge in this regard, my family members might be able to have a more complete picture of the disease and might have adopted some measures at an earlier time, and thus we might be able to slow down the deterioration of my father's condition.

Thirdly, the most important issue is treatment and assistance. This is related to the point on care homes which Mr WONG Yuk-man just mentioned. When the condition of a demented person has deteriorated to a certain state, even his or her co-inhabiting spouse will not be able to take care of the demented person. In particular, if the patient is a man, it will be even more difficult for his wife to take care of him, given that she may have to prepare his daily meals, help him with his call of nature, or even take care of his behavioural problems. This is very demanding.

Hence, when a person has difficulty in taking care of a demented family member, it is time to seek the services of a care home. Nevertheless, care homes should not isolate a patient from his family members. Otherwise, such forced separation of a pair of lovers will be very inhumane. It is unreasonable that a couple has to live apart just because one of them is unable to take care of the other. If care homes can have enough space for a couple to live together or are able to provide other supportive services for them to live through their golden years peacefully, it is certainly a positive policy. However, I absolutely believe that under the governance of the present Administration, the Chief Executive will only be capable of dinning or travelling with tycoons or dishing out money for them, ..... possibly involving mutual transfer of interests because the tycoons who offered a jet-ride for the Chief Executive (*The buzzer sounded*) should be entitled to a tax rebate. This is evident that elements of corruption are involved.

**PRESIDENT** (in Cantonese): Mr CHAN, the speaking time is up.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): Dr PAN Pey-chyou, you may now speak on the three amendments. The speaking time limit is five minutes.

**DR PAN PEY-CHYOU** (in Cantonese): President, I am glad that three colleagues have proposed amendments to my original motion today, and 14 colleagues have spoken on this motion, which is beyond my expectation.

Regarding the three amendments, I would like to state my opinions. First, the Hong Kong Federation of Trade Unions (FTU) and I support the amendments proposed by the three colleagues. Dr Joseph LEE and Mr Alan LEONG mention the empowerment and training of carers in their amendments. Actually, this is a very important aspect. Since dementia patients are unable to understand many issues and their memory is poor, many of their behavioural problems are resulted from their inability to understand the situations. Hence, it is really necessary for their carers to undergo training to learn how to communicate and take care of the patients.

Dr Joseph LEE proposes the introduction of multi-level caring modes in designing residential care homes. This proposal is probably put forth on the consideration that dementia is a chronic disease where different symptoms, behaviours and conduct are displayed by patients at different stage. So, it is extremely pragmatic. I always consider that the conditions of dementia patients can be compared to a kaleidoscope, where different care should be provided to cope with their needs at different stages. If the environment of residential care homes is designed to cope with such needs, it is definitely desirable.

The three Members proposing the amendments all suggest that services dedicated for dementia patients and their carers should be provided, and service centres, perhaps day care centres, residential care homes, support centres, and so on, should be set up. In my view, in the long run, this is also the request of dementia patients and their families. Mr Alan LEONG proposes the setting up of support centres for the provision of "one-stop" service in assessment and supportive care to patients. I think this is a very good idea. In a survey we conducted on patients' families, the same idea has been raised, for the information about the caring of patients, the availability of support and views are of great importance to carers.

Mr Alan LEONG mentions the establishment of outreach service teams to visit patients being taken care of at home. I think this is an ideal approach. In overseas countries, clinics are unavailable in many places, so doctors and nurses will provide door-to-door services. More often than not, due to the tight expenditure provision of the Government, this practice can hardly be applied in Hong Kong. If the Government is willing to make commitment for additional resource, this is indeed a very good approach. Regarding the so-call integrated clinics mentioned by Mr Alan LEONG, where various services are provided by medical practitioners from different disciplines to provide patients with "one-stop" service, we consider this an ideal approach. However, as I have once involved in designing a clinic, I notice that it is operationally very complicated to arrange a patient to seek consultation from different medical practitioners within the same time slot. Hence, I think much thought and effort have to be put in designing integrated clinics to bring the proposal into operation.

Finally, I have to thank Mr WONG Yuk-man and Mr Albert CHAN for their clarification of the misunderstandings of some Members, who think dementia is incurable and the condition will only deteriorates, for this is not the actual case. Timely treatment may prevent deterioration in the cases of certain patients, as for other patients, the treatment will effectively slow down the deterioration. As for the various amendments, we are in support of them.

I so submit.

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, first, I would like to thank Members for their views on the motion and the amendments. I will now respond to the major issues on the provision of healthcare services for dementia patients put forth by Members.

Hong Kong, like other developed regions, is facing the challenge of ageing population, for dementia is the commonest disease among the elderly and the number of dementia patients in Hong Kong is increasing. The Government has all along made devoted efforts to provide comprehensive medical and care services to dementia patients and their carers through multi-disciplinary and cross-sector teams and close co-operation between the medical and welfare sector.

In the areas of diagnosis and treatment, at present, there are around 11 000 patients with varying degree of dementia being followed up by the psychiatric department of hospitals under the Hospital Authority (HA). During the preliminary diagnosis, medical practitioners will conduct blood tests, behaviour assessment, aptitude tests, brain magnetic resonance imaging and PET scans to diagnose whether the patients suffer from dementia. Depending on the severity of the condition, the patients may be referred to specialist out-patient clinics of internal medicine and psychiatry to undergo assessment, receive treatment and being monitored for their progress in rehabilitation.

In the course of treatment, medical personnel will formulate individualized treatment plans suiting the condition of the patients with a view to providing continuous and effective treatment. Medication, cognitive training, healthcare assessments and rehabilitation services will be provided on a case-by-case basis. Since many dementia patients also suffer from other diseases, the HA will arrange the patients to receive treatment and follow-up from the relevant specialists according to the clinical need and individual conditions of patients, so that required treatment and care will be effectively provided to patients.

In recent years, the HA has increased the use of new anti-dementia drugs with proven clinical efficacy to improve the quality of life and delay the functional deterioration of dementia patients. From 2008-2009 to 2010-2011, the number of HA patients prescribed with new anti-dementia drugs increased by more than 3 000. The HA will continue to keep in view the development of the new anti-dementia drugs and review the use of the drugs through the established mechanism.

To enhance the support for dementia patients living in the community, the HA has set up the psychogeriatric outreach teams and the community geriatric assessment teams to provide services. As early as 1993-1994, the psychogeriatric outreach teams had started providing consultation and treatment services for elder persons with mental problems, including dementia patients, residing in residential care homes. As at the end of September 2011, the scope of service of the psychogeriatric outreach teams covered over 90% of subvented residential care homes for the elderly and about 30% of private residential care homes in the territory. In 2011-2012, the planned number of attendances by the outreach services will be over 90 000.

Moreover, the HA had set up the community geriatric assessment teams since 1993-1994. The community geriatric assessment teams make regular visits to residential care homes for the elderly to provide prompt medical support, regular follow-ups and the required treatment to the elderly residing there. At present, the services covered about 650 subvented and private residential care homes for the elderly, and the number of attendances by the teams in the year 2011-2012 is around 610 000.

In earlier discussion, some Members proposed that the Government should reinforce the professional training of medical and care personnel. The Visiting Health Teams of the Elderly Health Service of the Department of Health (DH) pay regular visits to the community to provide training for staff of residential care homes, day care centres and other units, as well as carers. The training programmes are supported by a multi-disciplinary team, comprising of medical practitioners, nurses and allied health professionals. The programmes cover various subjects, such as the identification of dementia symptoms, behaviour management, handling the stress of carers and techniques required for arranging activities for elder dementia patients, which seek to reinforce their knowledge of dementia and enhance their ability in caring dementia patients. In 2011, over 10 000 persons had received training, among which some 4 000 were staff of residential care homes for the elderly. On the other hand, the psychogeriatric outreach teams and the community geriatric assessment teams of the HA will also provide training to staff of residential care homes for the elderly in caring elder dementia persons in residence.

Apart from providing training and support to carers of dementia patients, the DH also organizes thematic seminars for the training of front-line personnel in other government departments and public organizations. Starting from 2008, the DH has staged a series of seminars for the front-line personnel of the Fire Services Department, the Housing Department, the Immigration Department and the MTR Corporation Limited to explain to them the symptoms and special needs of dementia patients. Since the front-line personnel of these organizations will have the opportunities to come into contact with dementia patients, these seminars are popular among front-line staff. The DH will closely examine the demand for this type of training and enhance the existing services appropriately.

We agree that public education is important, as the Member so stated in the original motion. All along, the relevant authorities of the Government have



endeavored in enhancing the knowledge and understanding of dementia of the public. The DH has been providing information on dementia to the public through various channels, including radio and television interviews, press releases and webpage, as well as the production of various health education materials, including leaflets and video compact discs, to enhance the awareness and knowledge of the public on dementia, promote the skills for caring dementia patients and eradicate misunderstandings about and discrimination against dementia patients.

In respect of caring demented elders, the DH has published a Chinese book titled "老人癡呆症常見疑問" (Dementia Care: Frequently asked Questions and Answers) to provide professional advice on the caring techniques for dementia patients and address the problems frequently encountered by their carers. A Do-It-Yourself (DIY) health educational kit is available on the webpage of the Elderly Health Service of the DH on the Internet for free downloaded by the public. Moreover, in recent years, the HA has introduced a website called the "Smart Patient" to provide "one-stop" information on illnesses. Information about dementia, caring skills, medical care and community care is provided to the public on the site to support carers of dementia patients in the community.

The DH has all along participated actively in the studies and statistical analyses on dementia mentioned in the original motion. The study projects in which the DH has involved include the study on the prevalence of dementia in community in co-operation with the Department of Psychiatry of The Chinese University of Hong Kong (CUHK), and the studies on the knowledge and misconceptions about dementia of the public and on dementia patients getting lost of in community in co-operation with the CUHK and the Jockey Club Centre for Positive Ageing, and so on. The findings of these studies have been published through press release with a view to enhancing the knowledge of the public on the disease and facilitating stakeholders to grasp the latest information about the disease, which will enhance the standard of medical care and public education.

The Government understands the conditions faced by dementia patients and their carers in their daily life, so it will endeavour to reinforce and enhance the relevant services provided. Though the medical sector has not yet identified any effective measure to prevent the occurrence of the dementia, healthy lifestyle and optimistic attitude will surely slow down the degeneration. In supporting

dementia patients, we encourage that apart from the professional treatment of medical and nursing personnel, family members of patients and the public at large should show their care and understandings to these patients, so that despite growing old, they are well supported and provided.

President, I so submit. I will invite the Secretary for Labour and Welfare to give his responses in respect of elderly care services. Thank you, President.

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, first, I would like to thank the 11 Members for their valuable views.

Members all know that Hong Kong's population is ageing rapidly, and the number of dementia patients is expected to increase correspondingly. Hence, we must get ourselves well-prepared by reinforcing the support in elderly services. In the following, I will brief Members of the relevant services and respond to the questions or proposals raised by Members.

First, it is about community care services. Community care services for the elderly are now provided by the 24 Enhanced Home and Community Care Services (EHCCS) teams and 60 Integrated Home Care Services teams, as well as 61 day care centres for the elderly. Eligible dementia patients may use these services.

A number of Members have earlier proposed setting up day care centres dedicated for dementia patients. However, with regard to the rapid changes of the physical conditions and caring needs of these patients, it is hoped that continuous care can be provided by the service units, sparing them from changing serving units for several times. Hence, under the current policy of the Government, a series of continuous services are provided in an integrated mode — I stressed that it is not in a separate mode — to demented elders, so as to take care of their needs at different stages of the disease.

In day care centres, integrated services are provided. Yet, we understand that for those dementia patients whose mobility and functions have not degenerated, they will need more exercise space than frail elders in general. Hence, since October 2010, the Social Welfare Department (SWD) has increased the standard area of these centres to set up a multi-sensory area and expand the

physiotherapy treatment rooms, dinning rooms and activity rooms. This new set of standards is applicable to newly constructed or relocated day care centres, whereas the SWD will assist existing centres to expand their spaces and provide subsidies for the works required.

On the other hand, to address the wandering behaviour and other emotional and behavioural problems of some dementia patients, the SWD is committed to improving the facilities of day care centres, which includes making provision for the installation of anti-wandering systems and facilities for multi-sensory therapy, and so on.

Earlier, some Members proposed extending the service hours of day care centres. Actually, at present, certain centres have extended their service hours to cater for the needs of individual users, while some centres may extend their service hours at the request of users and their family members. Flexibility is provided in some measure.

As for residential care services, Dr Joseph LEE requested that care and attention homes for dementia patients be established, and that multi-tiered care model for their environments and designs be introduced in establishing care and attention homes and residential care homes for dementia patients so as to cater for different needs of persons suffering from varying degree of dementia. However, as I explained earlier, the merit of the integrated service mode is the provision of continuous care for dementia patients. Hence, subsidized residential care homes now adopt this mode of care for the elderly.

Certainly, in respect of facilities at residential care homes, special arrangements will be made to cater for the needs of dementia patients. The SWD requires that residential care home should provide suitable environment and minimize the possible pressure on patients, such as noise or lighting. At present, contract residential care homes will use different colours or themes to differentiate the different zones. There are also curving corridors to facilitate dementia patients to identify different areas and their rooms, and to walk around the residential care homes safely. Moreover, certain residential care homes will post the photos of the elders or their names in large fonts outside their rooms to facilitate the patients to return to their beds. Residential care homes, similar to day care centres, are provided with additional resources by the SWD for facilities improvement, including the bed monitoring systems and the anti-wandering

systems, and so on, the objective is to provide suitable services for demented elders.

Apart from hardware improvement, the SWD has also reinforced the software of service providers, that is, the service content and the professional support, with a view to providing comprehensive care to demented elders. The measures in this respect mainly include the following three items. First, the provision of training or non-pharmacological therapies for demented elders. Many international and local studies have pointed out that the various modes of non-pharmacological therapies, such as cognitive training, memory training, reality orientation therapy and reminiscence, and so on, will help slow down the process of degeneration and alleviate the condition of dementia patients. At present, subsidized day care centres and residential care homes will provide these types of training and therapies according to the actual needs of patients.

The second measure is the provision of the Dementia Supplement. The Supplement has all along been provided to subsidized residential care homes and private residential care homes participating in the Enhanced Bought Place Scheme. From 2011-2012 onwards, the coverage of the Supplement has been expanded to day care centres. Service providers may use the Supplement for the employment of paramedic personnel, such as occupational therapists, nurses and social workers, and so on, or for the purchase of relevant services to enhance the care for demented elders, as well as the organization of training activities. As such, Mr LEE Cheuk-yan's earlier remark that the Supplement is not truly for the employment of staff for residential care homes or day care centres is only a misunderstanding. The purpose of the Supplement is truly for the employment of staff and the procurement of professional services. I have to clarify this very important point.

In the Budget announced lately, the Financial Secretary has proposed a substantial increase in the Supplement to provide service providers with more resources for reinforcing their professional manpower. In specific terms, the Government will increase the recurrent funding for this purpose by \$13.7 million. In the year 2012-2013, each day care centre and residential care home will be granted about \$24,000 and \$40,000 respectively for each demented elder. It is expected that about 5 000 elders will benefit from the Supplement.

The third measure is reinforcing staff training. Earlier, the Secretary for Food and Health has explained to Members the training provided by the Department of Health (DH) for medical and nursing personnel. The SWD has maintained close co-operation with the DH in providing regular training to professionals and nursing personnel of elderly care service providers, which include teaching of skills in caring dementia patients. The SWD has planned to organize more of these training courses in 2012-2013.

As for subsidized community care and residential care services, Dr PAN and Members proposing amendments all advocate the increase of service quota by the Government. Yet the proposal is related to the overall planning of elderly care services and not only the needs of demented elders. In fact, the Government has all along placed tremendous resource in this area. For example, during the five years between 2007-2008 and 2011-2012, the Government has made provision to increase about 2 000 places for elderly community care services, which includes 1 500 places for enhanced home care services and 500 places for day care services. Next year, 2012-2013, we will allocate additional fund to increase the places for EHCCS by 500 and the places for day care services by 185. At present, about 400 frail elders are waiting for home-based door-to-door care service, and the newly added places of 500 will far exceed the number of elder persons on the lists. As for the residential care home-based day care services, we understand that the demand is buoyant. Hence, we will continue identifying sites for the construction of residential care homes, as well as introducing day care service providing units in newly contracted residential care homes as far as possible to satisfy the demand for service.

Regarding subsidized elderly care places, between 2011-2012 and 2014-2015, eight newly completed contracted residential care home for the elderly will come into operation successively. The Government has also earmarked sites for the construction of new contracted residential care homes for the elderly in nine development projects. With the additional funding in 2012-2013, over 2 600 subsidized residential care places for the elderly will be provided in addition between the period 2011-2012 and 2014-2015, which include about 1 250 nursing home places and about 1 400 care and attention home places for the elderly. In addition to increasing residential care places, we will endeavour in enhancing the quality of residential care places. In 2012-2013, over 600 EA2 places under the Enhanced Bought Place Scheme will be upgraded to EA1, and an additional 112 EA1 places will be purchased. This new

measures will enhance the overall quality of private residential care homes for the elderly.

The services I mentioned above are support for demented elders. Dr PAN Pey-chyou and the several Members proposing the amendments propose that the Government should strengthen the support for the families of the patients. Among which, a Member proposes the introduction of a carer empowerment programme and the establishment of integrated community support services for strengthening carers' practical caring skills and providing appropriate support.

Indeed, the Government attaches great importance to the support for patients' families. In fact, I often say that family members of demented elders and persons with disabilities are under heavy pressure. We should pay tribute to them for their selfless contribution, for no word can describe their sincere love and care. We understand that we have to give them proper support, and we thus attach great importance to the support for family members. We know that despite the Government's hard effort in providing comprehensive services to enable the elderly to age at home, carers have to make tremendous contribution in this.

Hence, in the caring of demented elders, we will step up our efforts in providing training. Members all know that since 2007, the Elderly Commission, the Labour and Welfare Bureau and the SWD has introduced a District-based Scheme on Carer Training to promote the basic knowledge about caring the elderly. Under the Scheme, elderly centres are invited to partner with community organizations to organize carer training programmes, which cover the knowledge and skills in caring elder dementia patients. As at the end 2011, over 8 000 carers have successfully been trained.

In caring demented elders, endless patience is needed apart from the special skills. Hence, we hope to provide carers with the space for a break. At present, all subsidized residential care homes for the elderly and day care centres will provide residential care and temporary day care services for the elderly, which may relieve the pressure of carers. In view of the tremendous demand for temporary residential care places, we decide that from 1 March this year, the casual vacancy places in the 137 bought place residential care homes in the territory will be used for providing respite services. Since these residential care

homes are located in the different districts, the arrangement will definitely be convenient to the users.

Moreover, the various providers of community service for the elderly, including elderly centres and home care service teams, and so on, in the territory have all along provide various kinds of support services to carers of demented elders. The support services include the provision of information and counselling services, assistance for the forming mutual-aid groups for carers and the provision and lending of rehabilitation equipment, and so on.

Earlier, a number of Members propose the granting of allowance to carers by the Government. Though we fully recognize the importance of carers, the elderly require different kinds of care, many of which involve professional knowledge and skills. Family members or individuals may not be able to fully address these care needs. We believe that the range of caring and support services, including nursing care, rehabilitation training and counselling, and so on, as well as the support for carers provided by the Government can better address their needs compared to providing cash subsidies to the carers direct. The Government will continue to provide all kinds of support services to assist carers to fulfil their family responsibilities and to alleviate their pressure.

Finally, I would like to point out that many non-governmental organizations and self-financed organizations, as well as the elderly care sector, wish to contribute to the caring of demented elders and their carers. For instance, last Friday, a non-governmental organization established a centre for elder dementia patients and their families in the Eastern District of the Hong Kong Island. Another self-financed organization has recently raised funds for the production of a series of short films on the skills on caring demented elders, which will be uploaded to a dedicated website. This trend of development is encouraging. Caring of the elderly is the collectively responsibility of individuals, families, communities and the Government, where the market can play a proactive role. I hope that society as a whole will work together for the wellbeing of the elderly in Hong Kong.

Before I come to my conclusion, I would like to respond to the issue expressed by Mr Ronny TONG about Mr NG and his wife. We are much concerned about this issue. We have been working hard on this and have made a breakthrough. Next month, the elder couple should be able to move into the

self-financed places of a contracted residential care home in the urban area. This is not a general private residential care home for the elderly but a contracted home, which services are on a par with that of subvented residential care homes. A charity organization has been extremely generous in undertaking the residential care fees for one year, pending the availability of suitable residential care places. This is a suitable arrangement, for the residential care home also provides nursing and continuous care places, and the elder couple may have a smooth transition. I would like to explain here that we have made efforts to help this elder couple.

President, today, I have introduced the support provided by the Government to elder dementia patients and their carers in the context of elderly care services. In response to the changes in social conditions and the demand for services, we will examine and improve the various services and measures, whereas various departments and service providers will continue to co-operate fully to provide customized support to persons in need.

President, I so submit. Thank you.

**PRESIDENT** (in Cantonese): Mr WONG Sing-chi, you may now move your amendment to the motion.

**MR WONG SING-CHI** (in Cantonese): President, I move that Dr PAN Pey-chyou's motion be amended.

**Mr WONG Sing-chi moved the following amendment: (Translation)**

"To add ", given that" after "That"; and to delete "dedicated day care and support centres for such persons" after "set up" and substitute with "and subsidize day care, assessment and support centres providing services specifically for persons suffering from dementia,"."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr WONG Sing-chi to Dr PAN Pey-chyou's motion, be passed.



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

(Members raised their hands)

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

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the amendment passed.

**PRESIDENT** (in Cantonese): Dr Joseph LEE, as the amendment by Mr WONG Sing-chi has been passed, I have given leave for you to revise the terms of your amendment.

**DR JOSEPH LEE** (in Cantonese): President, I move that Dr PAN Pey-chyou's motion as amended by Mr WONG Sing-chi be further amended by my revised amendment.

President, as I heard Secretary Mathew CHEUNG's earlier response, I feel surprised. Since the various amendments and the motion put forth today in the entire debate is focused on .....

**PRESIDENT** (in Cantonese): Mr LEE, you may only explain the revised terms in your amendment now.

**DR JOSEPH LEE** (in Cantonese): ..... I am speaking on this. My amendment proposed providing focused services for demented elders, which particularly includes day care services under discussion. We hope that the Government will

not only set up general day care centres but day care centres dedicated for demented elders. However, the Secretary seemed to state that they would be handled generally .....

**PRESIDENT** (in Cantonese): Mr LEE, you should only explain the revised terms.

**DR JOSEPH LEE** (in Cantonese): ..... I understand, and I am explaining, President. Moreover, my amendment also mentioned the need to introduce a multi-tiered care model in designing specific centres for the elderly. Why would I put forth such a proposal? For this aspect has not been taken into account at present. The introduction of a multi-tiered care model in care and attention homes for the elderly will be desirable .....

**PRESIDENT** (in Cantonese): Mr LEE, I would not allow you to explain the content of your revised amendment any more.

**DR JOSEPH LEE** (in Cantonese): President, I have only one more sentence to say. I have three minutes to speak on this and I have only used one minute or so. I am explaining .....

**PRESIDENT** (in Cantonese): The three minutes speaking time is for you to explain the difference between the terms of your original amendment and the revised terms of your amendment.

**DR JOSEPH LEE** (in Cantonese): ..... I am indeed speaking on the revised terms of my amendment.

**PRESIDENT** (in Cantonese): You should not be explaining your amendment now, for you should instead explain the difference between your revised amendment and your original amendment.

**DR JOSEPH LEE** (in Cantonese): Yes, I understand. Actually, had you allowed me to continue, I would have come to the key point now, for the script I drafted just now is about that point, President, thank you.

I intend to amend Dr PAN Pey-chyou's motion originally, but now I am amending Mr WONG Sing-chi's amendment. The main difference is on the part on day care centres, which is the part I intended to explain earlier — President, I hope you will not stop me again, for I still have a minute or so to speak. I mainly want to say that the original motion has not included proposals in this aspect and I very much agree with Mr WONG Sing-chi's amendment. Hence, in amending Mr WONG Sing-chi's amendment, I explain my amendment further to emphasize the message. I hope the Secretary understand that it is necessary to set up day care centres dedicated for dementia persons or demented elders, but not just treating them in a general manner as the Secretary stated. This is the main point I would like to put forth. As for other proposals in my amendment, I have explained it in my earlier speech, so I will not repeat them now.

Thank you, President.

**Dr Joseph LEE moved the following further amendment to the motion as amended by Mr WONG Sing-chi: (Translation)**

"To add ", with population ageing, the number of elderly people suffering from" after "That"; to add "continues to increase; dementia" after "Chinese rendition)"; to delete "with population ageing, the number of persons suffering from dementia in Hong Kong has continued to increase, but" after "concrete improvements;"; to add "set up care and attention homes for people suffering from dementia, design and set up dedicated and comprehensive care services and ancillary facilities for such homes, and at the same time" after "(c) immediately"; to add "and serve as a buffer" after "waiting time of users"; to add "introduce a carer empowerment programme and establish integrated community support services for strengthening carers' practical caring skills and providing appropriate support, and" after "(d)"; to delete "when designing residential care homes, take account of users' needs and devise facilities convenient to persons suffering from dementia" after "(e)" and substitute with "in establishing care and attention homes for people suffering from dementia and residential care homes for the elderly, introduce a multi-tiered care model for their environments and designs, so as to cater for different

needs of persons suffering from varying degree of dementia"; and to delete "dementia with a view to" after "in relation to" and substitute with "brain health and dementia so that the public may make prevention, and further strengthen the relevant primary healthcare services with a view to"."

**PRESIDENT** (in Cantonese): Dr LEE, as the amendment by Mr WONG Sing-chi has been passed, I have given leave for you to revise the terms of your amendment, and to use these three minutes to explain the revised terms in your amendment, but not to repeat the content of your amendment and respond to the reply of the Secretary.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Dr Joseph LEE's amendment to Dr PAN Pey-chyou's motion as amended by Mr WONG Sing-chi be passed.

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

(Members raised their hands)

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

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the amendment passed.

**PRESIDENT** (in Cantonese): Mr Alan LEONG, as the amendments by Mr WONG Sing-chi and Dr Joseph LEE have been passed, I have given leave for you to revise the terms of your amendment.

**MR ALAN LEONG** (in Cantonese): President, I move that Dr PAN Pey-chyou's motion as amended by Mr WONG Sing-chi and Dr Joseph LEE be further amended by my revised amendment.

With the amendments from the two Members, I revise my amendment according to following main points. First, the amendment to the preamble of the motion will not be retained. Second, the amendment proposal to item (d) in the original amendment will not be retained. Third, the proposals to items (i) to (k) in the original amendment will be retained.

**Mr Alan LEONG moved the following further amendment to the motion as amended by Mr WONG Sing-chi and Dr Joseph LEE: (Translation)**

"To add "; (i) set up support centres for people suffering from dementia in the 18 districts to provide counselling, emotional support and referral services, etc., assist and support carers in respect of their needs for long-term care, provide health education and organize social functions and recreational activities, etc., so as to enable the patients and carers to stay in touch with the community; (j) establish outreach service teams comprising medical practitioners, community nurses and social workers, etc. to pay regular visits to patients receiving home care as well as follow up their conditions and keep contacts with them proactively, so as to expeditiously provide appropriate assistance to patients and carers in need; and (k) set up integrated clinics with multidisciplinary services, and having regard to different needs at different times of persons suffering from dementia who also suffer from other diseases or even chronic diseases, put forward appropriate treatment proposals, so as to reduce patients' need to visit different hospital departments" immediately before the full stop."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That Mr Alan LEONG's amendment to Dr PAN Pey-chyou's motion as amended by Mr WONG Sing-chi and Dr Joseph LEE be passed.

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

(Members raised their hands)

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

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the amendment passed.

**PRESIDENT** (in Cantonese): Since Dr PAN Pey-chyou has used all his speaking time, he cannot reply now.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Dr PAN Pey-chyou, as amended by Mr WONG Sing-chi, Dr Joseph LEE and Mr Alan LEONG be passed.

**PRESIDENT** (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

**PRESIDENT** (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion as amended passed.

#### **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 11 am on Wednesday 29 February 2012.

*Adjourned accordingly at three minutes past Nine o'clock.*





## Appendix I

**WRITTEN ANSWER****Written answer by the Secretary for Constitutional and Mainland Affairs to Dr LAM Tai-fai's supplementary question to Question 4**

As regards the comparison of the prevention of disclosure of confidential government information and the declaration of interest mechanisms applicable to Members of the Executive Council of the HKSAR and those applicable to the cabinet members of western democracies, generally speaking, cabinet members in western democracies are required to declare their interests including real properties, directorships, business interests, investments, and so on, upon taking office. They are also bound by the relevant law and codes of practice in the disclosure of confidential government information. These requirements are comparable to those that apply to Members of the Executive Council of the HKSAR.

**Appendix II****WRITTEN ANSWER****Written answer by the Secretary for Education to Ms Emily LAU's supplementary question to Question 5**

As regards the systems for appointment, promotion and pay adjustment of teaching staff of the University Grants Committee (UGC)-funded institutions, the eight UGC-funded institutions are independent and autonomous statutory bodies. They enjoy considerable autonomy in and are accountable for matters such as staffing and resource allocation. The Government and the UGC cannot intervene institutions regarding their staffing decisions.

We have consulted the institutions on the requested information. According to information provided by the institutions, they have established fair and transparent review mechanisms governing the appointment, promotion and pay adjustment of teaching staff. Generally speaking, assessment framework comprising different tiers of committees is in place to make recommendations and decisions on staff selection and appraisals in accordance with objective established criteria. If any teaching staff are not satisfied with the assessment results, they can appeal through the institutions' grievance-handling procedures.

Detailed information as provided by institutions regarding their systems for appointment, promotion and pay adjustment of teaching staff is appended at Annex.

Annex

Information provided by the University Grants Committee-funded institutions regarding their systems for appointment, promotion and pay adjustment of teaching staff

(1) City University of Hong Kong

The University has a robust review mechanism governing academic staff appointment, re-appointment, substantiation, promotion and performance-based pay review to ensure a fair and transparent assessment process.

**WRITTEN ANSWER** — *Continued**Appointment*

To recruit the best qualified candidate to fill a position, the University follows a rigorous appointment review process.

Academic appointments are processed through the staffing committees formed at the Departmental, College and University levels.

For appointment at the Assistant Professor, Associate Professor, and Professor levels, the appointment is reviewed by the Departmental Staffing Committee, comprising the Head of Department and two appointed and two elected staff members from the cognizant department. External references are also required. The recommendation of the Departmental Staffing Committee is forwarded to the College Committee for consideration. The College Committee, which comprises the College Dean and two or three senior staff members, will conduct the review and make a recommendation to the Provost, who provides the final approval on the appointment and may seek advice from the University Committee prior to doing so.

For appointment at Chair Professor level, the Departmental and College level reviews are followed by review at the University level by the University Committee prior to final approval by the President.

*Substantiation and/or Promotion*

For re-appointment of Assistant Professor, Associate Professor and Professor, and promotion of Assistant Professor to Associate Professor and promotion of Associate Professor to Professor, the review also involves a three-tier assessment made initially at the Departmental level by the Departmental Staffing Committee; then at the College level by the College Committee; and finally at the University level by the University Committee.

For re-appointment of a Chair Professor, appointment of a serving Professor as Chair Professor, and substantiation of appointment of all academic staff (including Assistant Professor, Associate Professor, Professor and Chair Professor), the review will also undergo the above three-tier level assessment with final approval vested with the President.

**WRITTEN ANSWER** — *Continued*

As part of the process, external references are required for all substantiation/promotion cases.

*Performance-based salary increment*

The annual Performance-based Review Scheme for staff also follows a three-tier review process. Assessment criteria and standards are established through a "bottom-up" approach led by each department's Departmental Performance Assessment Committee (which includes an elected staff member), then endorsed by the College Committee, and finally approved by the Central Committee. Based on the established assessment criteria, the annual performance of individual staff members for pay review is assessed by the Departmental Performance Assessment Committee for endorsement by the Dean of College and approval by the Central Committee. Each staff member has an opportunity to respond to the department's initial assessment of him/her prior to having the case examined at the final two levels.

## (2) Hong Kong Baptist University

The University has established guidelines and procedures governing academic staff appointment, substantiation, promotion, and performance-based salary review.

*Appointment*

The University recruits internationally for the best qualified candidate to fill academic positions and has adopted a set of rigorous recruitment procedures. Applicants shortlisted would be reviewed by a Staff Selection Panel, chaired by the Vice-President (Academic) (or with his/her delegation, the Dean of Faculty/School) for appointment at the Professor level, and by the Dean of Faculty/School (or with his/her delegation, the Associate Dean) for appointment at the Assistant Professor and Associate Professor levels. Members of the Staff Selection Panel include, *inter alia*, senior academic staff from within and outside the Faculty/School concerned. External assessors will also be involved for appointment as the Professor level. All academic appointments as recommended by the Staff Selection Panel will be approved by the President and Vice-Chancellor.

**WRITTEN ANSWER** — *Continued**Substantiation and/or Promotion*

Recommendation for substantiation of appointment or promotion of academic staff initiated by the Department will be reviewed by the Faculty/School Review Panel before presenting to the University Review Panel chaired by the Vice-President (Academic) for consideration. External assessment will be sought for substantiation/promotion cases. Recommendations of the University Review Panel will be presented to the President and Vice-Chancellor for final approval.

*Performance-based salary increment*

All academic staff members will undergo annual review at the departmental level. Recommendation for performance-based salary adjustment will be considered by the Faculty/School Review Panel having regard to factors including the funding situation of the Faculty/School, external comparability based on reference data from other universities, internal relativity of staff salary levels within the Faculty/School, and performance of the staff member concerned.

## (3) Lingnan University

The University is committed to maintaining a transparent, open and fair process in its staff appointment, promotion, substantiation and salary adjustment for academic staff.

*Appointment*

Staff appointment is normally made through an open recruitment exercise. The vacancy will be advertised locally and internationally.

## (A) Associate Professor/Assistant Professor

Shortlisted candidates will be invited for an interview conducted by a recruitment panel<sup>(1)</sup> with Members from within and outside the Department/Unit concerned. The recruitment panel will assess the

(1) Chaired by the respective Academic Dean with academic staff of the recruiting department and one academic staff outside the recruiting department as members.

**WRITTEN ANSWER** — *Continued*

candidates' qualifications/experience in accordance with the job requirements, and make recommendation for endorsement by the Academic Staff Review Committee<sup>(2)</sup> (ASRC) and approval by the President.

**(B) Professor**

Shortlisted candidates will be invited for an interview conducted by a recruitment panel<sup>(3)</sup> with Members from within and outside the Department/Unit concerned. The recruitment panel will assess the candidates' qualifications/experience in accordance with the job requirements. After the interview conducted by the recruitment panel, the ASRC will recommend a candidate that it deems *prima facie* case for consideration by the President. External assessment will be sought for the *prima facie* case. After reviewing the external assessment reports, ASRC will make recommendation to the President for approval.

**(C) Chair Professor**

A Search Committee<sup>(4)</sup> will hold a consultation meeting with the academic staff members of the recruiting department to collect their views and suggestions about the search. After reviewing all applications (including nominations made by the recruiting department), the Search Committee will recommend candidate(s) that it deems *prima facie* case(s) for consideration by the Professorial Selection Committee<sup>(5)</sup> (PSC). Shortlisted candidate(s) will be invited for a campus visit to (i) conduct an academic talk, (ii) meet with the senior management and Members of the Search Committee and the PSC, and (iii) discuss his/her views and plans

- (2) Chaired by the Vice-President with Academic Deans and three Professors from academic departments as members.
- (3) Chaired by the Vice-President with respective Academic Dean, academic staff of the recruiting department and one academic staff outside the recruiting department as members.
- (4) Chaired by the President with Vice-President and respective Academic Dean members.
- (5) Chaired by the President with Deputy Chairman of the Council, Vice-President, Academic Deans and one Chair Professor as members.

**WRITTEN ANSWER** — *Continued*

for future development of the Department with the academic staff members of the recruiting department. The PSC will collect written comments from the academic staff members of the recruiting department on the suitability of the candidate(s) for appointment as Chair Professor. External assessment will be sought for the top candidate. After reviewing the external assessment reports, the PSC will make recommendation to the President approval.

*Substantiation and/or Promotion*

- (A) Substantiation of Chair Professor/Professor and Promotion to Professor/Associate Professor

Two-tier reviews at departmental level by the Department Head, and at university level by the Chair Professor Staff Review Committee<sup>(6)</sup> or ASRC for final approval of the President are required.

- (B) Substantiation of Associate Professor/Assistant Professor

Three-tier reviews at departmental level by the Department Head, at faculty level by the Faculty Assessment Panel<sup>(7)</sup> (FAP); and at university level by the ASRC for final approval of the President are required.

External assessment is required for substantiation at all ranks and for promotion to Professor.

*Performance-based salary increment*

The performance-based salary increment for academic staff is based on their performance in research, teaching and service.

(6) Chaired by the Vice-President with Academic Deans and two Chair Professor as members.

(7) Each Faculty has its FAP which is chaired by an Associate Professor or above of the Faculty concerned with three academic staff members in the Faculty concerned as members.

**WRITTEN ANSWER** — *Continued***(A)** Professor/Associate Professor/Assistant Professor

The performance of Professor/Associate Professor/Assistant Professor has to go through two-tier reviews at departmental level by the Department Head, and at university level by the ASRC for final approval of the President.

**(B)** Chair Professor

The performance of Chair Professor will be reviewed by the President who will make decision in consultation with the Vice-President.

**(4)** The Chinese University of Hong Kong

The University has established mechanisms, guidelines and procedures governing the appointment, substantiation, promotion, as well as the annual pay review of academic staff.

*Appointment*

To recruit the best qualified candidate to fill a position, the University has established a set of rigorous selection and appointment process.

Academic appointments shall be processed through at least two tiers of standing review committees at departmental, faculty and university levels, depending on the ranks of the appointment.

For appointment at the Assistant Professor or Associate Professor level, the appointment has to go through the review at departmental level by the Department Academic Personnel Committee which comprises the Chairman and senior academic staff of the Department. A faculty consultation may be conducted for review of a case where deemed appropriate. The outcome of the review of the departmental committee will be forwarded to the faculty level for consideration. The Faculty Academic Personnel Committee, which comprises the Dean and senior academic staff of the Faculty, will further conduct the review. Depending on the level of appointment, external references from experts in the relevant disciplines are also sought during the process. The recommendation of



**WRITTEN ANSWER** — *Continued*

appointment will be presented to a University Committee chaired by the Vice-Chancellor for approval.

For appointment at Professor level, after the reviews at departmental and faculty levels, as well as external reviews conducted by experts in the relevant disciplines, review at the university level by the University Academic Personnel Committee is further required. The University Academic Personnel Committee is chaired by the Provost, with senior academic staff from different Faculties as members. The recommendation of appointment will be presented to a University Committee chaired by the Vice-Chancellor for approval.

*Substantiation and/or Promotion*

The substantiation of appointment of all academic staff, advancement of Assistant Professor to Associate Professor/Associate Professor to Professor, and the crossing of pay bands within the Professor rank require three-tier academic personnel committee reviews at departmental, faculty and university levels, in respect of staff performance in teaching, research and scholarship and service. The University will also seek views from external experts on the appointees' scholarly performance where appropriate. Recommendations for substantiation of appointment and promotion will then be presented to a University Committee chaired by the Vice-Chancellor for approval.

*Performance-based salary increment*

For annual pay adjustment of academic staff (except Professors on the top pay band), performance in teaching, research and scholarship and service will first be reviewed by the Department Academic Personnel Committee, and further by the Faculty Academic Personnel Committee. The Faculty, having considered the staff performance and its overall financial situation, will submit recommendations of pay adjustment to the University for approval. The pay adjustment of Professors on the top pay band will be determined by the Vice-Chancellor having regard to the review of their performance in teaching, research and scholarship and service.

**WRITTEN ANSWER** — *Continued*

(5) The Hong Kong Institute of Education

*Appointment*

The Institute has established and followed a set of sophisticated and fair procedures which governed the appointment of academic and teaching staff to ensure that the most qualified candidates are appointed.

For appointment at the Professor or the Chair Professor level, shortlisted job applicants are interviewed by selection panels consisting of the President, the Vice President (Academic), the Vice President (Research and Development), the Dean, one other Dean appointed by the President, the Head of Department and one serving Chair Professor/Professor appointed by the President. External Assessors will be invited to conduct external assessments. Recommendations for appointments of Professor or Chair Professor are then considered and approved by the President or the Staffing Committee of Council if the salary of the appointee is at the salary equivalent to MPS Point 49 or above.

For appointment at the Associate Professor level, shortlisted job applicants are interviewed by selection panels consisting of the Vice President, the Dean, the Head of Department and one academic staff member appointed by the Vice President. External Assessors will be invited to conduct external assessments. The recommendations of selection panel are then considered and approved by the Vice President.

For appointment at the Assistant Professor level, shortlisted job applicants are interviewed by selection panels consisting of the Dean, the Associate Dean, the Head of Department and one academic staff member appointed by the relevant Dean. The recommendations of selection panel are then considered and approved by the relevant Vice President.

*Substantiation and/or Promotion*

All applications of superannuation and promotion are first reviewed by the Departmental Review Committee (DRC) and then the Institute Review Committee (IRC). Whilst the Composition of DRC includes the Head of

**WRITTEN ANSWER** — *Continued*

Department as the Chairperson, Appointed Members, Elected Members and Nominated Members, the Composition of IRC (for Associate Professor or below rank) includes the Vice President (Academic) as the Chairperson, Members and Co-opted Member(s). All cases must be submitted to the IRC for consideration and final recommendation/decision. The President is the approving authority for the recommendation/decision.

For Professor and Chair Professor, the IRC is chaired by the President, and other members include Vice President (Academic), Vice President (Research and Development), Deans, Appointed Members, and External Members.

*Performance-based salary increment*

The Hong Kong Institute of Education has adopted the performance-based pay review system several years ago. Under the staff performance appraisal system, the IRC, Faculty Deans, and the DRC will assess the performance of academic and teaching staff each year and confirm their performance appraisal ratings. For senior academic staff, their performance appraisal reports will be submitted to the President for endorsement. The rate of annual pay adjustment of an academic staff member or a teaching staff member will be based on the relevant rate of annual pay adjustment of the Civil Service and his/her own performance appraisal rating of the year concerned. The Hong Kong Institute of Education will consider the supplementary funding provided by the Government and the financial situation of the Institute in determining the overall annual pay adjustment for the Institute.

(6) The Hong Kong Polytechnic University

The University adopts the principle of recruiting the best qualified person for the job through open recruitment and, if suitable qualified serving staff members are available, encouraging promotion from the within on the basis of individual merits.

**WRITTEN ANSWER** — *Continued**Appointment*

As far as staff appointment is concerned, there are established appointment procedures and mechanism available for each process, such as position creation, recruitment advertising, shortlisting of candidates, assessment of suitability by staffing committees, approving authority and offer appointment.

To ensure fairness and openness for recruitment of the best qualified person for the posts concerned, job requirements and expectations are well set out in recruitment advertisement or internal circular. Staffing committees comprising representation of senior staff from different levels are set up to consider suitability of candidates and to make recommendation for consideration by the approving authority.

For appointment at the Assistant Professor level, the shortlisting of candidates is conducted by the Departmental Staffing Committee at departmental level chaired by the Head of Department. A shortlisted candidate is invited to attend a visit programme which includes a presentation by the candidate to academic staff of the recruiting department. External references from three dependent referees are required. The Departmental Staffing Committee will then prepare recommendation report and pass it to the Faculty Staffing Committee at faculty level, where the Dean is not a member of it, for consideration. With the inputs from the Faculty Staffing Committee, the recommendation report will then be passed to the Dean for independent input and to the Deputy President and Provost for consideration and approval.

For appointment at the Associate Professor and Professor level, similar processes are used. After going through the committees at departmental/faculty levels and the Dean, the recommendation reports will be passed to the committee at university level for consideration, then to the Deputy President and Provost for endorsement and the President or his designate for approval. A minimum of six external references should be obtained, with at least three from independent referees.

**WRITTEN ANSWER** — *Continued**Substantiation and/or Promotion*

A framework of rigorous processes is in place in dealing with promotion of academic staff and conversion to regular terms. The departmental Staffing Committee at departmental level will critically review submissions of promotion and conversion to regular term cases and prepare recommendation report for consideration of the Faculty Staffing Committee at faculty level, the Dean and the University Staffing Committee at university level. The input of each committee and the Dean will be passed to the Deputy President and Provost for endorsement and then submitted to the President or his designate for approval. For promotion to Associate Professor and above and conversion to regular terms, a minimum of six external references should be obtained, with at least three from independent referees.

*Performance-based salary increment*

There is salary review conducted normally on an annual basis for maintenance of the competitiveness of the salary levels. Such salary review may lead to salary adjustment which will comprises two elements, *viz*, performance-based merit increment and cost-of-living adjustment. The cost-of-living adjustment is normally provided across-the-board whilst the performance-based merit increment will be recommended by the Head of Department and endorsed by the Dean of Faculty. The Deputy President and Provost in consultation with the President will determine the performance-based merit increment.

## (7) The Hong Kong University of Science and Technology

The University has a set of comprehensive guidelines and procedures governing academic staff appointment, substantiation and promotion, as well as the annual merit salary review mechanism.

*Appointment*

To recruit the best qualified candidate to fill a position, the University follows a set of rigorous appointment review process.

**WRITTEN ANSWER** — *Continued*

Academic appointments shall be processed through the Search and Appointments Committees formed at the Departmental, School and University levels depending on the ranks of appointment.

For appointment at the Assistant Professor level, the appointment has to go through the reviews at departmental level by the Search and Appointments Committee where the Head of Department is not a member of it. A faculty consultation procedure shall be included in the review process at the departmental level. External references are also required during the process. The outcome of the review of the departmental committee along with the Department Head's recommendation will be forwarded to the School level for consideration. The School Review Committee, where the Dean is not a member of it, will conduct the review and the outcome will be presented to the Dean for approval.

For appointment at the Associate Professor level, after the departmental and school level reviews, review at the university level by the University Review Committee is further required for the Provost to make the appointment decision.

For appointment at Professor level, the appointment will go further up to the President for approval after the reviews at the departmental, school and university level.

*Substantiation and/or Promotion*

For substantiation of appointment of Professor and Associate Professor, substantiation and promotion of Assistant Professor to Associate Professor, and promotion of Associate Professor to Professor, three-tier reviews at departmental level by the Substantiation and Promotion Committee and the Department Head; at school level by School Committee and the Dean; and at university level by University Committee and the Provost for final approval of the President are required.

*Performance-based salary increment*

For annual merit review for salary adjustment, reviews will start at the departmental level by the Departmental Merit Salary Review Committee and the

**WRITTEN ANSWER** — *Continued*

Department Head. The recommendations will then be reviewed by the Dean. Calibration between the Dean and the Provost will follow taking into consideration the budget provision. The Provost in consultation with the President will determine the final outcome of the merit salary adjustment.

(8) The University of Hong Kong

The University has a set of comprehensive guidelines and procedures governing academic staff appointment, tenure and promotion, as well as the annual merit salary review mechanism.

*Appointment*

To recruit the best qualified candidate to fill a position, the University follows a set of rigorous selection process.

Academic appointments shall be processed at the Departmental, School and University levels depending on the ranks of appointment.

For appointment at the Assistant Professor and Associate Professor levels, the appointment shall be considered and approved by the Faculty Human Resource Committee (FHRC), of which the Dean is the Chairman. Generally, the Faculty shall invite the Department Head to make arrangements for a consultation and review process at the Departmental level, followed by further review and consideration by the FHRC.

For appointment at the Professor level, after reviews by a Search Committee and the FHRC at the Faculty level, review at the University level by the University Selection and Promotion Committee (USPC) and the Vice-Chancellor is further required to make the appointment decision. External assessments from international scholars of high standing are mandatory.

*Substantiation and/or Promotion*

For tenure and promotion of Assistant Professor to Associate Professor, tenure of Associate Professor/Professor, and promotion to Professor, three-tier reviews at

**WRITTEN ANSWER** — *Continued*

Departmental, Faculty and University levels are required. At Departmental level, the Head must consult and seek opinions from the relevant staff in the Department on each tenure and promotion application. After consultation, the Head should prepare a report as well as his/her own recommendation in writing to the Faculty. At Faculty level, the application will be reviewed by the Promotion and Tenure Panel (PTP). The Dean will provide his/her own independent recommendation in writing. External assessments are mandatory. The PTP report and the Dean's recommendation will be put forward to the USPC and the Vice-Chancellor for consideration and a decision.

*Performance-based salary increment*

Annual merit review for salary adjustment is conducted by the Dean, on the recommendation of the Head of Department concerned, taking into account such factors as the outcome of performance review, funding availability and other pertinent factors. The Dean's submission will then be put forward to the Deputy Vice-Chancellor for endorsement.



**Appendix III****WRITTEN ANSWER****Written answer by the Secretary for Transport and Housing to Mr KAM Nai-wai's supplementary question to Question 6**

As regards the blasting works of the MTR West Island Line, as at 30 January 2012, the loss adjustors have completed 109 cases related to public complaints concerning railway works affecting building structures. Among these complaints, 64 cases are related to building structures on which pre-construction building condition surveys have been carried out.

## Appendix IV

**WRITTEN ANSWER****Written answer by the Secretary for Transport and Housing to Ms Starry LEE's Question 10**

As regards the respective total amounts of vehicle licence fees of public buses, public light buses and taxis paid to the Government in 2009, 2010 and 2011, the full information is provided as below:

<i>Year</i>	<i>Public buses</i>	<i>Public light buses</i>	<i>Taxis</i>
2009	\$18,177,098	\$6,436,547	\$27,593,272
2010	\$19,537,247	\$9,177,620	\$30,313,286
2011	\$36,195,195	\$14,930,462	\$55,537,517