

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 9 May 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 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 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.

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

MEMBERS ABSENT:

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

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

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

PUBLIC OFFICERS ATTENDING:

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

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

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

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

THE HONOURABLE GREGORY SO KAM-LEUNG, J.P.
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

THE HONOURABLE RAYMOND TAM CHI-YUEN, J.P.
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

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

CLERKS IN ATTENDANCE:

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MR ANDY LAU KWOK-CHEONG, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Pesticide Residues in Food Regulation	73/2012
Building (Minor Works) (Amendment) Regulation 2012.....	74/2012
Lifts and Escalators (General) Regulation	75/2012
Lifts and Escalators (Fees) Regulation	76/2012
Road Traffic (Registration and Licensing of Vehicles) (Amendment) Regulation 2012.....	77/2012
Road Traffic (Parking) (Amendment) Regulation 2012....	78/2012
Road Traffic (Expressway) (Amendment) Regulation 2012	79/2012
Legislation Publication (Revision) Order 2012	80/2012
Securities and Futures (Futures Contracts) Notice 2012 ...	81/2012
Buildings (Amendment) Ordinance 2011 (Commencement) Notice 2012	82/2012
Building (Inspection and Repair) Regulation (Commencement) Notice	83/2012
Building (Minor Works) (Amendment) Regulation 2011 (Commencement) Notice	84/2012
Lifts and Escalators Ordinance (Commencement) Notice 2012.....	85/2012
Protection of Wages on Insolvency (Amendment) Ordinance 2012 (Commencement) Notice	86/2012

Other Papers

Report No. 18/11-12 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments

Report of the Bills Committee on Fisheries Protection (Amendment) Bill
2011

Report of the Bills Committee on Electoral Legislation (Miscellaneous
Amendments) Bill 2012

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Volcker Rule

1. **DR DAVID LI:** *President, I have learnt that financial regulators from around the world have raised concerns about the extra-territorial impact of the proposed regulations for implementation of the Volcker Rule (the Rule) in the United States. Specifically, concerns have been expressed about the implications for non-United States banks operating a subsidiary in the United States, the special exemptions offered to the United States government securities but not to the securities of other governments, the restrictions of United States banks will face in participating in foreign exchange swap markets overseas and the controls to be imposed on trades involving United States-domiciled counterparties. In this connection, will the Government inform this Council:*

- (a) *of the impact of the proposed regulations on Hong Kong's position as an international financial centre when they are implemented as originally proposed;*

- (b) *what steps the Government has taken and continues to take to convince the United States Government to amend and relax the proposed regulations; and*
- (c) *whether the Government has any contingency plan to cope with the impact of the proposed regulations when they are implemented in their current form; if it has, of the details, please?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY:

President, to give Members some perspective, the United States enacted in July 2010 the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), with a view to, among other purposes, "promoting the financial stability of the United States by improving accountability and transparency in the financial system".

The Rule, as commonly referred to by the markets, is embodied in section 619 of the Dodd-Frank Act. As we understand it, the Rule aims to prohibit United States banks, their affiliates and holding companies from engaging in two types of business activities, namely, first, proprietary trading, and second, investing in and sponsoring hedge funds and private equity funds.

While this Rule is entirely a United States regulation, it appears to seek to apply to the worldwide operations of non-United States banks that have an agent, branch, or subsidiary in the United States. In this light, the implementation of the Rule in its current form appears to entail an extra-territorial reach, thus affecting financial markets outside of the United States.

Accordingly, Hong Kong shares the concerns raised by major financial markets, such as Canada, France, Germany, Japan and the United Kingdom, over the extra-territorial reach and the implementation of the Rule.

In this connection, the Administration's reply to the three parts of the question is as follows:

- (a) Hong Kong is concerned that the Rule may bring about the following unintended repercussions:

- (i) non-United States banks that are caught by the Rule may face a substantial compliance burden, as they will have to comply with the onerous record-keeping and reporting requirements imposed by the Rule, if their trading assets and liabilities are higher than US\$1 billion on a global consolidated basis;
 - (ii) the Rule may adversely affect the liquidity in non-United States government bond markets, as it only permits regulated banking entities to engage in proprietary trading in United States government securities but not foreign government securities;
 - (iii) it may adversely affect banks' ability to manage funding through the foreign exchange swap market, which is an important interbank funding channel, given that foreign exchange swaps are classified as derivatives, hence subject to the prohibition in connection with proprietary trading; and
 - (iv) it may also affect fund raising activities of hedge funds and private equity funds, because banks subject to the Rule will have to refrain from sponsoring and investing in some of these funds. This in turn may negatively affect the fund management and asset management operations of banks.
- (b) Given the concerns as highlighted above, the Financial Secretary has written to the United States Department of Treasury earlier this year to indicate the unintended adverse consequences that we see in relation to the application of the Rule. He has specifically invited the United States authorities to consider ring-fencing the application of the Rule and maximizing the exemption, insofar as it relates to banking operations outside of the United States, as well as proprietary trading in respect of non-United States government securities and short-term foreign exchange swaps.

I have also followed this up during my duty visit to the United States in March. To this end, I have discussed this subject with senior officials in the United States Department of Treasury, Securities and Exchange Commission, Commodity Futures Trading Commission, International Monetary Fund, and other relevant interlocutors and

stakeholders, in order to reflect the concerns expressed by the financial industry in Hong Kong.

In addition, the Hong Kong Monetary Authority (HKMA) and the Securities and Futures Commission (SFC) have engaged market participants and shared their readout with their regulator counterparts in other international financial centres, in order to generate a regional voice as regards our collective concerns.

- (c) As far as we understand, the original timetable for the implementation of the Rule was set for 21 July this year. That said, the United States authorities have yet to finalize the implementation detail of the Rule. In addition, we note that the Chair of the Board of Governors of the United States Federal Reserve System has mentioned to the Congress that relevant parties are unlikely to meet the July deadline to complete work on the Rule. Accordingly, and in response to the comments received, the United States Federal Reserve Board clarified last month that any entity covered by the Rule will be entitled to a two-year period starting from 21 July 2012 to "conform their activities and investments with the prohibitions and restrictions" under the Rule, unless that period is further extended by the Board.

It appears to us that discussions are still underway in the United States as to how the Rule will be implemented. To this end, the Administration, together with the HKMA and the SFC, will continue to monitor closely the ongoing developments, and to take every suitable opportunity to reiterate our concerns. We will also work together with the financial industry in Hong Kong, including the Hong Kong Association of Banks and the Treasury Markets Association, on any necessary measures or responses in view of the future developments in this respect.

DR DAVID LI: *President, some market participants advised that the regulations could even lead to instability in Hong Kong's banking system by restricting banks from dealing in Hong Kong government securities. Does the Government agree? What actions are available to the Government to protect the ability of*

banks to deal in Hong Kong government securities in Hong Kong, free from outside interference?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY: I would try to answer this question in two parts. One relates to the notion of financial stability. Of course, we cannot comment on the Rule, how it applies to the United States situation and how it will affect the stability of the United States market. Insofar as the implication of the Rule to Hong Kong is concerned, we are minded that the Rule may bring about some liquidity changes in our financial market. So, in fact, as highlighted in my reply, we feel that the prohibition which has been put down for the banks engaged in proprietary trading in government securities is a concern to us because it means that the United States banks' subsidiaries in Hong Kong, as well as non-United States banks which are caught by the Rule, may be prohibited from trading in Hong Kong government securities or the exchange fund notes. This is a concern to us and that is why we expressed this concern to the United States authorities. Our concern is also shared by the other governments around the world, precisely because the Rule exemption currently applies only to the proprietary trading in United States government securities but not other foreign government securities. We feel that the same exemption should be given to other foreign government securities because that will enhance the liquidity in our market. So our concern clearly is reflected in the letter.

We will continue to engage the United States authorities as we have done so, and will continue to liaise with other regulators and governments around the world to share this concern with the United States Government.

MR PAUL CHAN (in Cantonese): *President, compared to the United States, Hong Kong is only a very small market. In this regard, may I ask the Secretary if he has liaised with the Mainland, so as to solicit its support for our lobbying?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, I believe many countries are concerned about the implementation of the Rule because of its extra-territorial impact. Many countries have carried out analyses of this matter in the context of various

regulatory frameworks and they have also shared their concerns with one another. Various countries have also reflected our major concern to the United States Government.

As regards liaison with Mainland regulators, in fact, on various occasions, including at a number of venues or supervisory meetings on international financial stability, we would communicate with the Mainland side frequently and also maintain contact over a number of subjects and international financial issues of mutual concern.

MR CHIM PUI-CHUNG (in Cantonese): *President, we understand that the United States is the leader in global financial operations and Hong Kong is led around by the nose. My supplementary question is: Apart from this matter, the SFC announced that 15 companies had been involved in the so-called "dark pool" trading, which has given rise to very unfair results in the market. Does the Government have any counter-measure, or has it provided any protection to Hong Kong investors in this matter? The involvement of those 15 companies in the so-called "dark pool" trading is most unfair to investors and local participants. What is the attitude of the Government? Similarly, what position will this Rule put Hong Kong in as a financial centre? Will it be led around by the nose by the United States all the time?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Thanks to the Member for asking this supplementary question, which is a good one. After the financial tsunami, governments and regulatory bodies around the world have been holding detailed discussions on this matter continuously. We can see that the Volcker Rule or Dodd-Frank Act to be implemented by the United States on this occasion was drawn up in such a way that it has aroused concerns and given rise to issues not anticipated by the United States. Since the Rule was drawn up in such a way that it has also caught many non-United States banks operating in the United States, we have voiced our concern in this connection.

I do not agree that we are following the lead of a certain country in our regulation. This is not our policy. Our policy is definitely focused on the goal of developing the financial industry in Hong Kong. However, I hope Members

will understand that the international financial market is globalized, so the regulatory regime in Hong Kong cannot be different from those of other places and in fact, it is also impossible to make it different. For this reason, we have taken part in the reform efforts of many international regulatory bodies, for example, the Basel Committee or other financial security boards, in the hope of promoting regulatory efforts at the international level, so as to stabilize global finance. In this regard, Hong Kong will surely do its level best. However, this Volcker Rule of the United States involves directions not approved of by many countries because if the Volcker Rule is implemented, other countries would be affected, so we need to take action to reflect our situation to the United States. However, I believe that in the future, we will see changes in the international financial situation — and it is not just in the United States but also in various countries that similar situations may arise — so we must continue to monitor the situation.

As regards the "dark pool" trading mentioned by the Member just now, our mode of regulation will surely be founded on the stabilization of the market and the protection of investors, so the Member needs not worry.

DR RAYMOND HO (in Cantonese): *In fact, the Volcker Rule was promulgated in the United States two years ago and it is mainly designed to promote financial stability in the country, but at the expense of other people, that is, it may cause other people to suffer losses and adverse effects. However, during this period of time, the Government did not brief us in detail at the meetings of the Panel on Financial Affairs to let us know what had happened. Of course, many banks in Hong Kong have an overseas presence and there is also the factor of economic globalization. Many people in Hong Kong will invest in financial products or stocks, so may I ask the Secretary to comment on what channels are available to the large number of people taking part in such investment activities in Hong Kong to let them know what has happened? Can the Secretary submit a written report to us in the Panel on Financial Affairs in future?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Thanks to the Member for the question. Of course, the Financial Services and the Treasury Bureau is keenly concerned about the changes in the

global regulatory situation and in fact, we have also briefed the Panel on Financial Affairs constantly on matters like changes in the Basel Committee, the recent changes in the SFC and the changes to some over-the-counter derivatives. We have reported all these to the Legislative Council and shared them with the public.

The Volcker Rule aroused public concern recently because about half a year ago — the time may not be accurate — after more detailed guidelines were issued to explain how the Rule would be implemented, the concern of many non-United States banks was aroused because many of their businesses that they originally thought would not be affected would actually be affected, so the United States Government allowed the financial sector to make comments within a period of time to reflect their concerns. In this regard, for some time, the Government and the financial industry have exerted their utmost to follow up this matter, including, as I said just now, the writing of letters by the Financial Secretary to the United States Department of Treasury to voice our concerns. Of course, we would be very happy to report to the Legislative Council the progress in following up these issues.

MR ABRAHAM SHEK (in Cantonese): *President, the Secretary said in part (b) of the main reply that the Financial Secretary had written to the United States Department of Treasury and that he had also discussed this matter during his visit to the United States in March. May I know if the United States has given any reply to the Financial Secretary? When did the Financial Secretary write to the United States? When he visited the United States in March, what did he say about this matter?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, in his letter, the Financial Secretary mainly voiced his concerns and made suggestions. Just now, I have already talked about our concerns. As regards suggestions, in fact, it is hoped that when implementing the Volcker Rule, only legal entities operating in the United States would be covered and those entities not within the United States should not be covered. Here, I am not going to give a detailed account of the contents of the letter but we mainly suggested that the scope of exemption should be broadened.

When I visited the United States, I also reflected the relevant situation and tried to understand their concerns in considering these guidelines or rules, in the hope that a dialogue could be established. As far as I know, the United States Government has received 17 000 submissions on the implementation of the Volcker Rule, so I was told that they needed time to process these 17 000 submissions, so that they can be taken into account before promulgating the new implementation guidelines on the next occasion. Therefore, we are still waiting and hope that the United States Government can give us a positive reply.

MRS SOPHIE LEUNG (in Cantonese): *It turns out that a simple Volcker Rule can unsaddle us like this. May I ask the Secretary if we will actively consider whether or not we can mobilize the entire international financial market to consider taking certain measures, so that in the event of a turmoil occurring in the financial market of any country or any proposal affecting the financial markets of other countries being put forward, they must go through a consultation process before implementation, so that the laws drawn up by such hegemonic countries as the United States on its own would not have any impact on other financial markets?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Thanks to the Member for this question. In fact, we are very concerned about this matter. As I have said, we would liaise closely with other countries at various levels and also want to voice our views more clearly. I wish to point out here that some matters cannot be accomplished easily, so I hope Members can look at this issue in a more realistic manner. Many countries draw up their laws having regard to their own national interests, so instances of extra-territorial impact may arise. Of course, according to the principles of regulation, this should not happen. According to the international principles of regulation that we uphold, financial regulatory measures should be implemented within a jurisdiction and should not have extra-territorial reach. However, we can see that at present, many financial regulatory measures may involve other places.

In the past couple of years, we have spoken out very actively, for example, by pointing out that many regulatory measures in respect of fund management introduced by the European Union should not have extra-territorial reach. In

this connection, we have had some instances of success, but I wish to tell Members that I believe there are still many challenges ahead. We will continue to cope with them, hoping that these rational voices can continue to prevail in the international community.

PRESIDENT (in Cantonese): We have spent 22 minutes on this question. Second question.

Barriers of Entry to Mainland Market

2. **MR ANDREW LEUNG** (in Cantonese): *Hong Kong's service industries have all along been striving to explore business opportunities on the Mainland. Some members of the industries have pointed out that although the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) has lowered the threshold for Hong Kong's service industries to enter the Mainland market, their efforts in developing businesses on the Mainland can only achieve half of the desired results due to the differences in cultural background and mode of market operation between the Mainland and Hong Kong, as well as the fact that Hong Kong's small and medium-sized enterprises are unfamiliar with the vetting and approval procedures for starting up businesses on the Mainland. A community think tank earlier conducted a study on the current situation and difficulties encountered by the service industries in developing the Mainland market, pointing out that Hong Kong businessmen face "three main barriers" (including cumbersome vetting and approval procedures for starting up businesses, obstacles in the free flow of information, as well as heavy tax burden and difficulty in obtaining recognition of qualifications). In this connection, will the Government inform this Council:*

- (a) *of its plans to assist Hong Kong businessmen in resolving the difficulties of the "three main barriers", particularly the problems relating to taxation and recognition of qualifications; whether it will reconsider introducing cross-border worker special tax provisions for cross-border workers in Guangdong and Hong Kong on an early and pilot implementation basis under the Framework Agreement on Hong Kong/Guangdong Co-operation, so as to alleviate the tax burden on cross-border workers and enhance the incentive for the*

working population in the two places to work across the border; and whether it will introduce more mutual recognition of qualifications between the two places in the future so as to facilitate the exchange of talents;

- (b) *whether it has considered striving with the Central Government and Guangdong Provincial Government to introduce on an early and pilot implementation basis in Qianhai, Hengqin and Nansha in the Pearl River Delta Region various measures (such as introducing one-stop service for enterprise registration application, setting up a Mainland-based liaison group to co-ordinate with the management departments in the three places, as well as progressively relaxing stake limitations on Hong Kong enterprises and their scope of operation, and so on) to assist Hong Kong businessmen; if it has not, how the authorities will assist the local service industries in developing markets in Qianhai, Hengqin and Nansha; and*
- (c) *whether it will consider studying in collaboration with the relevant Mainland authorities on levying on Hong Kong businessmen, who frequently travel between Qianhai, Hengqin and Nansha on business, a uniform tax with the standard rate being comparable to Hong Kong's salaries tax rate, issuing special permits to such businessmen, streamlining the entry and exit procedures on the Mainland and in Hong Kong, and setting up additional 24-hour boundary control points; if it will not, of the reasons?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, regarding Member's questions and suggestions, we have followed up with the Constitutional and Mainland Affairs Bureau, the Financial Services and the Treasury Bureau, and the Security Bureau. Our consolidated reply is as follows:

Insofar as taxation arrangements are concerned, as Hong Kong's taxation system is based on the territorial principle, Hong Kong residents' income derived from the Mainland is not subject to tax in Hong Kong. The proposal of introducing special tax provisions for frontier workers will lead to double non-taxation of their income since most of their services are likely rendered

outside Hong Kong. Hence, we and the State Administration of Taxation consider that it is not appropriate to introduce any special tax provisions for frontier workers at this stage.

In addition, there are fundamental differences between the tax system of Hong Kong and that of the Mainland, reflecting our respective taxation principles and considerations. We have no intention at this stage to explore with the relevant Mainland authorities the proposal of unifying the imposition of taxes on Hong Kong businessmen who often travel to and from Qianhai, Hengqin and Nansha. We believe that Hong Kong residents who conduct business or work in the three said places will take into consideration such relevant factors as possible tax liabilities before making their commercial or personal decisions, similar to those Hong Kong people who conduct business or work in other Mainland places or overseas.

On mutual recognition of professional qualifications, Hong Kong and the Mainland actively promote exchanges among professionals of the two places under CEPA. This includes allowing Hong Kong professionals to take Mainland qualification examinations to obtain relevant professional qualifications in the Mainland. At present, people from over 40 Hong Kong professional or technical disciplines can sit for professional qualification examinations in the Mainland. At the same time, Hong Kong and the Mainland have, through CEPA, reached mutual recognition agreements or made arrangements for exemption of certain examination papers for various professional qualifications in the construction, securities and futures, accounting and real estate sectors. In response to the needs of the trade, the HKSAR Government will continue to liberalize trade in services and pursue mutual recognition of professional qualifications through CEPA.

On vetting and approval procedures for starting up businesses, Hong Kong enterprises doing business in the Mainland have to follow the relevant procedures in accordance with the Mainland rules and regulations. According to our understanding, the time and application procedures required for business registration in the Mainland may vary depending on factors such as the industry and scope of the business concerned.

We understand that the Mainland authorities have introduced measures to streamline the vetting and approval procedures in recent years. The HKSAR

Government will continue to monitor the Mainland economic and trade policies and keep the trade informed of the latest information. We will also maintain close contacts with the relevant Mainland authorities, and reflect and follow up with them the views and suggestions of Hong Kong enterprises on Mainland policies affecting them. If any individual enterprise encounters problems in this regard, it may provide the specific details of the cases to the offices of the HKSAR Government in the Mainland, which would help reflect the issues and follow up with the relevant Mainland authorities as appropriate.

Insofar as flow of information is concerned, although there are views that the mobile roaming charge between the two places is relatively high and hinders information flow, various substitutes (such as single-card-multiple-number service, call back service and call forwarding service) are actually available in the market at affordable prices for consumers' selection. Consumers can use these services to make or receive local and cross-border mobile phone calls in the Mainland and Hong Kong at affordable prices. We and the Mainland authorities, including the Ministry of Industry and Information Technology and the Guangdong Communications Administration, share the view that the use of single-card-multiple-number service will promote the integration of telecommunications markets of the two places. How operators in the two places should develop the service to make it a more effective substitute for the expensive mobile roaming service is worth further studying by the Governments of the two places. In addition, to keep pace with the economic integration of the Pearl River Delta (PRD) Region, the HKSAR Government and the Guangdong Government have been studying the feasibility of reducing the charges for Guangdong-Hong Kong long-distance calls and mobile roaming service with a view to reducing cross-border communications charges.

On Qianhai, Nansha and Hengqin development, Qianhai, Nansha and Hengqin are amongst the seven major co-operation projects among Guangdong, Hong Kong and Macao under the Dedicated Chapter on Hong Kong and Macao in the National 12th Five-Year Plan.

In respect of "Hong Kong/Shenzhen Co-operation on the Development of Modern Service Industries in Qianhai Area", according to the consensus between the two governments, the Shenzhen Municipal Government takes up the leading role and is responsible for the development and management of Qianhai, while the HKSAR Government plays an advisory role by providing comments on the

study and formulation of development plan and the related policies. In this respect, the HKSAR Government has been consulting the business sectors through various channels, and reflecting their suggestions (including lowering the entrance requirements for the Hong Kong service providers, simplifying relevant approval procedures and providing preferential tax treatments to Hong Kong enterprises, and so on) to the Shenzhen authorities as well as other relevant central ministries. Moreover, the HKSAR Government has been actively complementing the publicity and promotional work of the Shenzhen authorities, by introducing to Hong Kong enterprises, professional sectors and service suppliers the business opportunities brought about by Qianhai. We hope that these efforts could facilitate them in making use of the opportunities provided by Qianhai to tap into the Mainland market.

For the development of Nansha, Hong Kong and Guangzhou signed the Letter of Intent between Hong Kong and Guangzhou on Co-operation in Pushing Forward the Development of Nansha New Area in August 2011. The Hong Kong/Guangzhou Co-operation Working Group held its first meeting in December 2011 to exchange views on Nansha's development directions. The HKSAR Government will maintain a close dialogue with the Guangzhou Municipal Government to promote the development of Nansha.

In respect of Hengqin, the National 12th Five-Year Plan positions it as an exemplary zone for pursuing a new mode of co-operation among Guangdong, Hong Kong and Macao. In line with the national direction of deepening regional co-operation, the HKSAR Government will continue to promote the economic development of the region of Guangdong, Hong Kong and Macao under the principles of "complementarity and co-ordinated development" with a view to developing the PRD as a world-class metropolitan cluster with enhanced competitiveness

Qianhai, Nansha and Hengqin are within the service area of the Hong Kong Economic and Trade Office in Guangdong. One of the major tasks of the Office is to liaise with the relevant Mainland authorities to assist Hong Kong enterprises in exploring and developing the Mainland market. Currently, the HKSAR Government does not have any plan to set up a "Mainland-based liaison group" solely responsible for co-ordinating with the management authorities of Qianhai, Hengqin and Nansha.

In addition, the HKSAR Government will continue to adopt a progressive and incremental approach under CEPA to seek further liberalization, including relaxing the business scope, reducing geographical restriction, and lowering the capital requirement, and so on, and will seek to pursue liberalization on a pilot basis in individual provinces/cities (including Qianhai, Nansha and Hengqin) for services sectors where the conditions are not ripe for nation-wide liberalization, so as to maximize the business opportunities of the trade.

It has all along been the objective of the Immigration Department (ImmD) to enhance its immigration clearance services through introducing various measures and to provide greater immigration convenience for residents of Hong Kong.

To facilitate the immigration clearance of Hong Kong and Macao residents, the Hong Kong and Macao Special Administrative Region Governments have come to an agreement in 2009 to introduce e-Channel service for Hong Kong and Macao Residents. Hong Kong residents may register with their smart identity cards and use e-channel for access to and from Macao.

As regards immigration facilitation measures for entering the Mainland, holders of the Mainland Travel Permit for Hong Kong and Macau Residents (commonly known as the "Home Visit Re-entry Permit") may, after enrollment, use the automated passenger clearance channels at Mainland boundary control points since 2005. Currently, automated passenger clearance channels are set up at immigration control points in major cities including Beijing, Shanghai, Guangzhou, Zhuhai and Shenzhen. The facilities have greatly facilitated immigration clearance of Hong Kong visitors through shortening waiting time.

Meanwhile, eligible non-Chinese Hong Kong permanent residents may apply for the Asia-Pacific Economic Cooperation (APEC) Business Travel Cards through the ImmD to enjoy various travel convenience benefits, including multiple visa-free visits to the Mainland, with up to 60 days of stay for each visit, within the validity period of three years. Currently, major cities in the Mainland, including Beijing, Shanghai and Shenzhen, have set up priority lanes for APEC Business Travel Card holders.

As regards suggestions to increase the number of control points providing 24-hour passenger clearance operation, the Lok Ma Chau control point has been providing round-the-clock immigration clearance service since 2003. In the first

quarter of 2012, there was an average of about 13 800 passenger trips travelling daily from midnight to 6.30 am at the Lok Ma Chau control point, representing 16% of daily throughput. In recent years, the number of passengers travelling during the overnight period has remained steady. We therefore consider that the current operating hours are adequate to cope with the passenger demand.

The HKSAR Government will continue to exchange views with relevant Mainland authorities on measures to further facilitate Hong Kong visitors, including Hong Kong businessmen travelling between the Mainland and Hong Kong. We will also closely monitor the passenger flow and distribution and review the operating hours of boundary control points as appropriate.

MR ANDREW LEUNG (in Cantonese): *President, the vetting and approval procedures for starting up businesses in the Mainland have always been cumbersome. As pointed out by the Secretary in his reply just now, the time and application procedures required for business registration in the Mainland may vary depending on such factors as the industry and scope of the business concerned. In addition, the approaches to handling applications from Mainland enterprises and foreign enterprises, including Hong Kong enterprises, are vastly different. The measures introduced in recent years to streamline the vetting and approval procedures, including electronic vetting and approval procedures, have failed to really shorten the time taken for completing the vetting and approval procedures for Hong Kong enterprises to start up businesses.*

In fact, Hong Kong businessmen are interested in pursuing active development in Qianhai, Hengqin and Nansha. In respect of starting up businesses by Hong Kong businessmen in these three places, can the Government strive for the introduction of one-stop service for enterprise registration applications and fight for national treatment for them during the vetting and approval procedures?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Thanks to Mr Andrew LEUNG for his views. We have exchanged views with the industry and, as pointed out by Mr Andrew LEUNG, the industry holds that certain procedures are relatively cumbersome and require streamlining. Insofar as the vetting and approval procedures for starting up businesses are

concerned, we understand that policies and measures to streamline the procedures have been introduced on the Mainland in recent years. Let me cite registration for industry and commerce as an example. In support of opinions on accelerating its transformation, upgrading and creation of a happy Guangdong, the State Administration for Industry and Commerce introduced in March 2012 measures to, among others, streamline registration of enterprises by, for instance, allowing individual industrial and commercial operators to continue to use their original names upon their transfer into enterprises, streamlining the identification recognition formality for Hong Kong, Macao and Taiwan investors, relaxing registration requirements for enterprises with regard to their places, names or groups, devolving acceptance to Guangdong the registration of names of foreign investment enterprises, and so on. All these measures actually reflect that the relevant authorities have noted the industry's concern. We will continue to exchange views with the relevant departments and industry on the Mainland and relay these views to the relevant departments.

As regards the one-stop service, we noted some surveys recently in which it is mentioned that, under the leadership of Mainland departments, the setting up of one-stop service can streamline the registration formality for enterprises. Besides listening to Mr LEUNG's views, we will also relay his views to the relevant units on the Mainland with a view to striving for Hong Kong enterprises formalities and an environment which are more convenient and business-friendly.

MRS SOPHIE LEUNG (in Cantonese): *President, in mentioning increasing the number of control points providing 24-hour passenger clearance operation in the last part of the main reply, the Secretary indicated that the Lok Ma Chau control point had been providing round-the-clock immigration clearance service since 2003 and mentioned a series of results. May I ask the Secretary, given the development in the three places, namely Qianhai, Hengqin and Nansha, whether it is possible for the Administration not to focus merely on Lok Ma Chau and, instead, increase the number of control points providing 24-hour passenger clearance operation in one or two other places as trial because the flow of people and goods can thus be facilitated?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Thanks to Mrs LEUNG for her views. My main reply earlier can already reflect the current circumstances. Certainly, should there be further

demands arising from the development of Qianhai, Hengqin and Nansha, I believe colleagues in the relevant departments will put forward various plans according to the demands and propose improvement measures accordingly.

DR SAMSON TAM (in Cantonese): *President, I would like to say a few words on taxation arrangements. All along, tax rates are higher on the Mainland than in Hong Kong. Hence, it is really unrealistic for Hong Kong professionals working on the Mainland to pay tax there but enjoy benefits in Hong Kong. The Secretary has indicated in the main reply that the taxation system in Hong Kong is different from that of our country, and it is not easy for a uniform tax to be levied. Nevertheless, is it possible to resolve the problem by some administrative means? I know that some places, such as Shenzhen, will offer tax rebates to certain trades and industries. May I ask the Secretary whether he is aware of such methods and whether he will hold discussions on these methods to enable Hong Kong people to receive tax rebates after paying tax?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, many thanks to Dr TAM for his suggestion. On tax rebates, I believe Dr Samson TAM has noticed that in the past, particularly during the financial tsunami, adjustments were made by the relevant central ministries on the Mainland to the tax rebate arrangements to help Hong Kong factory operators on the Mainland to tide over their difficulties. Hence, we have relayed views to the relevant central ministries on the Mainland in a number of aspects in order to strive for taxation arrangements which can facilitate the operation of Hong Kong businesses on the Mainland.

DR SAMSON TAM (in Cantonese): *President, I would like to focus on asking the question on tax rebates for personal assessment.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, through the relevant arrangements under the "Arrangement between the Mainland of China and the Hong Kong Special Administrative Region for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income" signed in 2006 between the Mainland

and Hong Kong, double taxation on the same income and profit is avoided. It is thus evident that, after listening to the relevant demands of the industry, we will make adjustments with the Mainland to help the industry avoid these unnecessary expenses. Certainly, as I mentioned in the main reply, we should, like people elsewhere, refer to relevant factors, including taxation factors, in undertaking commercial activities in the Mainland or other places, in order to keep pace with business operations there.

MR JEFFREY LAM (in Cantonese): *President, Wen Wei Po quoted CAO Hailei, former director of the General Office of the Shenzhen Qianhai Hong Kong-Shenzhen co-operation zone of Modern Service Industry Management Bureau, on 7 May as saying that the employed population in Qianhai and the number of people residing there will reach 800 000 and 300 000 respectively by 2015 and, for the sake of attracting talents, a number of concessions will be provided in taxation and other areas. If Mr CAO's words are true, I believe many professionals in Hong Kong will choose to live in Qianhai or Shenzhen but return to Hong Kong for the benefits or healthcare services here. It was pointed out by the Secretary in his response just now that tax provisions would not be introduced for frontier workers at this stage, but this was precisely the recommendation made by the Economic Synergy some time ago. May I ask the Secretary, given that changes are taking place everywhere and such a significant change is also taking place in Qianhai, when is the appropriate time since the Secretary considers it not appropriate to do so at this stage? When will the authorities revisit this issue together with the State Administration of Taxation?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Many thanks to Mr LAM for his supplementary question.

I would like to say a few words about Qianhai. According to the consensus of both sides, Shenzhen assumes the leading role and is responsible for the development and management of Qianhai, while the HKSAR Government plays an advisory role by providing comments on the study and formulation of the related policies. As Mr LAM is well aware, the development opportunities in Qianhai actually provide Hong Kong businessmen enormous room for development. Nevertheless, we understand that the Mainland has not yet

introduced policies in support of the exploration and liberalization of Qianhai, and so we will continue to closely monitor the relevant developments.

As regards the proposal of introducing special tax provisions for frontier workers, Members must understand that people of countries worldwide where their taxation system is based on income, particularly frontier workers, might possibly face double taxation because of their frequent travels across the border. Therefore, there is a relatively urgent need in these countries to introduce special tax provisions for such workers. Looking back at Hong Kong, our taxation system is based on the territorial principle. As I mentioned in the main reply, the proposal of introducing special tax provisions for frontier workers may lead to double non-taxation of their income since most of their services are likely rendered outside Hong Kong. Therefore, we must consider various factors before making the relevant decision.

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

MR JEFFREY LAM (in Cantonese): *President, my question is when the Secretary will revisit the relevant issue together with the State Administration of Taxation. Now, we always talk about change. Will we change for the better? When will the Secretary examine the relevant issue again with the State Administration of Taxation?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I understand that the relevant colleagues within the Government maintain close communication and exchanges with the State authorities. Our consensus is that, in view of our different taxation mechanisms, the existing arrangements are appropriate. Certainly, we will relay Mr LAM's views to the State.

DR LAM TAI-FAI (in Cantonese): *President, the content of the question raised by Mr Andrew LEUNG today is actually similar to the issue I have repeatedly relayed to the Government over the past couple of years, that is, if Hong Kong*

people stay for more than 183 days on the Mainland during a year, they will have to pay tax there.

With the increasingly close tie between the Mainland and Hong Kong and the increasing frequency of Hong Kong people travelling to the Mainland for business, employment and residence, it is a matter of great urgency to resolve the taxation problems faced by Hong Kong people on the Mainland. But unfortunately, the Secretary and the Government opt for an irrational or unrealistic attitude and blindly copy others by using international taxation laws as an excuse, thereby stifling the development of manpower flow between the two places

PRESIDENT (in Cantonese): Dr LAM, please stop expressing your views.

DR LAM TAI-FAI (in Cantonese): *President, my supplementary question is very simple. Today, the Secretary has answered by way of filibustering that it is not appropriate to introduce special tax provisions for frontier workers at this stage. Honestly, things are constantly changing in this world*

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

DR LAM TAI-FAI (in Cantonese): *President, my supplementary question is very simple. As the Government is now unable to propose to the Mainland authorities revising the 183-day threshold, can a compromise be made with the Government discussing with the Mainland authorities in a progressive and incremental approach for people returning to Hong Kong on the same day or staying on the Mainland for less than 24 hours to qualify for the exemption?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Thanks to Dr LAM Tai-fai for his views. My reply just now was absolutely not filibuster. This expression cannot be used to describe my reply today.

In fact, the 183-day threshold, which is an international standard for determining the obligation of a taxpayer to pay tax on income from employment in the other contracting party, has been proven. The Inland Revenue Department has once proposed to the State Administration of Taxation that the threshold be relaxed but, after discussion, both parties share the view that the threshold is a proven international standard which can give due regard to and balance the respective taxation earnings derived from the place of residence and the source of employment, and so it is not appropriate to change the threshold. In fact, colleagues have been maintaining liaison with the relevant central ministries on the Mainland, and the latest such effort was made in November last year, as mentioned in the annual conference held by the State Administration of Taxation. We will relay Dr LAM Tai-fai's views to the State in these regular exchanges, too.

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

DR LAM TAI-FAI (in Cantonese): *President, the Secretary has not answered my supplementary question. My question is very clear. I understand that the 183-day threshold cannot be revised for the time being*

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

DR LAM TAI-FAI (in Cantonese): *..... I only wish to ask whether the authorities can strive with the Mainland authorities for allowing people to return to Hong Kong on the same day and stay on the Mainland for less than 24 hours to qualify for the exemption.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, as I said earlier, we will relay Dr LAM Tai-fai's views to the State. Certainly, we respect Members' views. We will relay their views to the counterpart ministries of the State during meetings with the relevant departments.

PRESIDENT (in Cantonese): This Council has spent nearly 26 minutes on this question. As the Secretary used more than 12 minutes to give his main reply, I have allowed more time to deal with this oral question. Third question.

Service Costs of Hospital Authority

3. **DR LEUNG KA-LAU** (in Cantonese): *President, the figures of the Government's Estimates of Expenditure 2012-2013 reveal that among the authorities' revised estimates of the service costs of the Hospital Authority (HA) in 2011-2012, the cost per patient day for general in-patient services, the costs per accident and emergency attendance and specialist out-patient attendance have been adjusted upward from \$3,830, \$830 and \$950 to \$4,050, \$890 and \$1,030 respectively, which represent respective increases of 5.7%, 7.2% and 8.4% over the original estimates, reflecting that the cost calculations by the relevant parties differ from the actual costs sometimes. In reply to a written question from a Member of this Council on 29 June last year, the Government indicated that the HA adopted a "total cost" accounting approach in calculating its service costs, which included the "direct service costs" of various clinical specialties, the expenses on various clinical support services (including items such as anaesthesia service, pharmacy, pathology, diagnostic radiology and allied health services, and so on), the costs of various nonclinical support services and daily expenses of hospitals (including items such as meals for patients, utility expenses, repair and maintenance of medical equipment and machinery, and so on), some institutional items (including items such as insurance costs and information technology support for clinical computer systems, and so on), the administrative costs of the HA Head Office, as well as some charges for services provided by government departments to the HA (including items such as building maintenance services provided by the Architectural Services Department, and so on). In this connection, will the Government inform this Council:*

- (a) *what the aforesaid "direct service costs" are;*
- (b) *whether it knows in the past five years, the actual expenditures on the various aforesaid items in the costs per patient day for general in-patient services, the costs per accident and emergency attendance*

and specialist out-patient attendance, and the percentages of such amounts in the total unit costs, together with a breakdown in table form by year, direct service costs, expenses on clinical support services, costs of various non-clinical support services and daily expenses of hospitals, institutional items, administrative costs of the HA Head Office, charges for services provided by government departments to the HA as well as other relevant costs; and

- (c) *given that the authorities' cost estimates sometimes differ from the actual expenditures, whether the Government has studied the formulation of a more reasonable and up-to-date mechanism for costing, so as to maintain effective control over the cost-effectiveness of services; if it has, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, the HA has always attached importance to cost management, so as to ensure that major resources are used on items directly related to patients. In fact, from 2007-2008 to 2010-2011, the average annual increase of the overall unit costs of the HA's services is about 2.6%, which is similar to the increase of 2.7% of the overall Composite Consumer Price Index of Hong Kong in the same period. The increase in cost is mainly due to adjustment of staff remuneration, expansion of coverage of the Drug Formulary, procurement of medical equipment for modernizing the HA, as well as increase in expenditure for addressing manpower issues.

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

- (a) The "direct service costs" of various clinical specialties are one of the key items in calculating the HA's service costs. These include the expenditure on doctors, nurses and supporting staff who are directly involved in the services of various specialties, as well as the expenditure required for the daily operation of various specialist services.
- (b) The costs per patient day for the HA's general in-patient services, the costs per accident and emergency attendance and specialist

out-patient attendance, as well as the percentages of various key cost components including direct service costs, expenses on clinical support services, costs of various non-clinical support services and daily expenses of hospitals, institutional items, and charges for services provided by government departments between 2007-2008 and 2010-2011 are set out in Annex.

The percentages of various cost components for 2011-2012 are being calculated by the HA and are not yet available at the moment.

- (c) The HA's mechanism for costing was developed with reference to the practices of global medical institutions and the cost accounting standards. The mechanism has been working effectively and is keeping pace with time. Since its inception in early 1990s, the HA has set up a dedicated team internally to review and improve the mechanism on a regular basis for further enhancement. After years of continuous research and development, the mechanism has become more well-established in providing relevant reference for resource planning and service performance management.

Each year, the HA projects the costs of services for the coming year on the basis of the corresponding annual plan covering the number of patients and service output indicators, manpower, demand for drugs and medical equipment, as well as estimates on other hospital daily expenses. In determining the cost estimates, the HA may not be able to predict certain precipitating factors, such as the additional demand for acute in-patient services arising from influenza peak or cold weather in the coming year. It will also not include in its estimates the annual pay adjustment rate for the coming year. Moreover, the actual number of patients, service output, demand and supply of healthcare staff, and the overall price adjustment are often different from the estimated ones. These are the factors contributing to the shortfall of cost figures between the revised estimates and original estimates.

In fact, despite a difference of about 5.7% to 8.4% between the original estimates and revised estimates of individual service costs of the HA in 2011-2012, the revised estimates of the HA's various

service costs do not differ much from the original estimates after discounting the factors of about 7% actual pay adjustment and increase in various medical costs.

To ensure the overall efficiency of resource utilization, the HA will review regularly the performance indicators regarding to its service activities, manpower, financial situation and implementation progress of its annual plan. The HA will examine closely any variations from the predetermined targets and where appropriate, take remedial actions accordingly. The Government and the HA Board will also closely monitor the overall performance of the HA's services, manpower, financial situation to ensure the proper and optimal use of government funding.

Annex

	<i>Costs per patient day for general in-patient services (\$)</i>				<i>Costs per Accident and Emergency attendance (\$)</i>				<i>Costs per specialist out-patient attendance (\$)</i>			
	<i>2007- 2008</i>	<i>2008- 2009</i>	<i>2009- 2010</i>	<i>2010- 2011</i>	<i>2007- 2008</i>	<i>2008- 2009</i>	<i>2009- 2010</i>	<i>2010- 2011</i>	<i>2007- 2008</i>	<i>2008- 2009</i>	<i>2009- 2010</i>	<i>2010- 2011</i>
Direct costs	54.3%	55.1%	54.3%	52.5%	65.3%	64.7%	63.2%	61.6%	34.9%	35.2%	36.0%	34.6%
Clinical support services (for example, anaesthesia service, pharmacy, pathology, diagnostic radiology and allied health services)	21.7%	21.5%	22.0%	22.2%	15.2%	15.7%	16.5%	16.2%	46.5%	46.5%	45.1%	45.4%
Non-clinical support services and daily expenses of hospitals (for example, meals for patients, utility expenses, repair and maintenance of medical equipment and machinery)	16.8%	16.8%	16.6%	19.3%	12.5%	12.9%	13.5%	16.9%	12.1%	12.3%	12.5%	14.7%

	<i>Costs per patient day for general in-patient services (\$)</i>				<i>Costs per Accident and Emergency attendance (\$)</i>				<i>Costs per specialist out-patient attendance (\$)</i>			
	<i>2007- 2008</i>	<i>2008- 2009</i>	<i>2009- 2010</i>	<i>2010- 2011</i>	<i>2007- 2008</i>	<i>2008- 2009</i>	<i>2009- 2010</i>	<i>2010- 2011</i>	<i>2007- 2008</i>	<i>2008- 2009</i>	<i>2009- 2010</i>	<i>2010- 2011</i>
Institutional items (for example, insurance costs, information technology support for clinical computer systems and Head Office expenses)	4.6%	3.8%	3.9%	4.4%	4.3%	3.4%	3.4%	3.9%	3.8%	3.1%	3.1%	3.6%
Services provided by government departments to the HA (for example, building maintenance provided by the Architectural Services Department)	2.6%	2.8%	3.2%	1.6%	2.7%	3.3%	3.4%	1.4%	2.7%	2.9%	3.3%	1.7%
Total unit costs (\$)	3,440	3,650	3,590	3,600	750	820	800	800	790	840	880	910
	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

DR LEUNG KA-LAU (in Cantonese): *President, first of all, I would like to point out that it is not at all reasonable for the Secretary to point out in part (b) of the main reply that "The percentages of various cost components for 2011-2012 are being calculated by the HA and are not yet available at the moment". This is because a set of estimates cannot possibly only include a total sum without a breakdown of all the items included. All the items should be listed and the total sum is the result of adding up all these items. So I hope that the Secretary can provide the data to us as soon as possible.*

I have this supplementary question. The Secretary pointed out in part (a) of the main reply that from 2007-2008 to 2010-2011, the average annual increase of the overall unit costs of the HA's services is about 2.6%, then what is the rate of increase for 2011-2012? Although the difference ranges from about 5.7% to

8.4%, the actual growth as in, for example, in-patient services, the cost per patient day for general in-patient services has increased from \$3,600 in 2011 to \$4,050 in 2012, which is a rate of increase of 12.5%; the costs per accident and emergency attendance and specialist out-patient attendance have been adjusted upward from \$800 to \$890 and from \$910 to \$1,030, which represent respective increases of 11.25% and 13.2%. In other words, the increases in service costs over the past year are equal to the sum of the increases in service costs for the past four years. May I ask the Secretary why there was such a great increase in service costs last year?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I do not have any analysis of the situation in this regard from the HA, but we can see that in the past five-year period a whole, there have been changes in terms of both the amount of services delivered and mode of service delivery.

We can present some figures to Members. With respect to the number of general in-patient patients discharged and fatalities, in 2007-2008, the number was 878 778 attendances and the projected number for 2012-2013 is 971 000 attendances, or an increase by 10.4%. The increase in day hospital services is even greater. In 2007-2008, the number was some 325 000 attendances and the projected number for 2012-2013 is 481 500 attendances, or an increase by as much as 47%. The number of specialist out-patient attendance was 591 000 in 2007-2008 and the projected number for 2012-2013 is 665 000. In terms of costs, we can see that the increase in costs for 2012-2013 is not as large as that in 2012-2012.

We can see that there are different factors leading to a rise or fall in costs for a particular year. But as a general rule, with respect to total service costs, the healthcare costs in Hong Kong, especially in terms of those in the public sector, are so controlled as to be kept at a relatively low level. And compared to many other countries or places, the increase in healthcare costs in Hong Kong is quite small. Why? In other countries or places, the increase in costs every year is about two or three times of the inflation rate, whereas in Hong Kong, for many years our healthcare costs have been maintained at a level largely linked to the inflation rate.

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

DR LEUNG KA-LAU (in Cantonese): *Let me repeat my supplementary question once again. I was asking why the increase in costs last year was so large that it was equal to the figures for the past four years added together. My supplementary question is clear enough.*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I have given a reply to that already. The HA does not have any detailed analysis in this respect. However, we can see that in this year, there is an increase in the remuneration of healthcare personnel, which is not an adjustment to catch up with the inflation but an adjustment in income. This is a major factor leading to the increase in costs for the HA. Out of the total costs of the HA, 80% are used to pay the salary of its staff and when there is a pay rise or salary adjustment, it will lead to a corresponding adjustment in costs.

DR SAMSON TAM (in Cantonese): *President, every year we allocate a funding amounting to some \$30 billion to \$40 billion to the HA and as the HA is an independent body, if Members think that its accounts are not clear enough, they will naturally raise queries.*

I would like to pursue the subject and ask the Secretary whether the HA has done anything to apply advanced technology to reduce or improve its unit costs of services. As Members all know, there will be a very substantial demand on healthcare personnel in future, and as we do not have enough healthcare personnel, there will certainly be pressure for upward adjustment in wages. In other places, however, they have practices of using technology, including the use of equipment to reduce the wastage of drugs. May I ask whether the HA has done anything in this regard and what is our ranking in this in the international community?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, for many years the HA has been using effective technology to improve its services and efficiency. Put simply, take the example of medical examination services in

the laboratory, in the past, each test was carried out by a laboratory worker and quite complicated procedures were involved. But now tests are carried out by methods resembling a robotic approach and this is used in some frequent and regular tests. This can improve efficiency and shorten the time used. It can also make the results more accurate and save on manpower. Staff who used to do this kind of work can now be deployed to developing new tests.

Many kinds of tests and operations can use new equipment and this can reduce the number of days patients are hospitalized. An example is the operation of minimally invasive surgeries, where a patient does not have to be hospitalized for many days. Now the average daily cost for an in-patient is about \$4,000, and if the number of hospitalization for each patient is reduced, we can make savings on such expenditure. When added to other kinds of improvement made and especially in the light of the 47% increase in the number of patients using day hospital services during the past four or five years, we will find that patients in the past had to be hospitalized for a few days after they had an operation, but now after they have undergone an operation in the morning, they can be discharged after taking a short rest. This shows that we can reduce the number of staff that would otherwise be required in the past.

The public healthcare system is a very important safety net in Hong Kong. If we do not have enough resources, the staff in the public healthcare system will not be able to perform their tasks effectively. So we must use public resources carefully because this will enable the staff to perform their tasks efficiently and with considerable professionalism.

MR CHAN HAK-KAN (in Cantonese): *President, we can see that the work done by the HA in compiling its estimates is not very accurate. Apart from the overspending in general in-patient services, accident and emergency attendance and specialist out-patient attendance as mentioned in the main question, I can recall a deficit to the tune of \$30 million in the expenditure on drugs in the New Territories East Cluster for the year 2009-2010.*

May I ask the Government how it can be ensured that when there are such discrepancies in the estimates prepared by the HA, the public can still have access to healthcare services of a high standard? Also, how can the Government monitor the expenditure of the HA in order to achieve the aims of

using money only when it is occasioned by necessities and keep expenditure within the limits of revenues?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, first of all, I wish to point out that we have meetings with colleagues in the HA every week or month, in order to gain an understanding of their work situation. As for myself, I will have meetings with the management of the HA every month to understand its work, including its financial position. Also, there is a finance committee in the HA dedicated to examining its financial operation and there is also an audit committee to examine work done by the HA as a whole. If it is found that there is anything which is unclear in the cost estimates or any other problems, the committee concerned can step in and carry out an investigation or examination. Therefore, we can say that there is an adequate mechanism to examine the expenditure of the HA.

I am sure Members will understand that each of the clusters in the HA will have to cope with the demands from different patients or those arising from seasonal changes in the prevalence of certain diseases, and so on. All these may entail additional expenses. Also, no one can predict that once a patient is admitted into a hospital, he will necessarily come out from the hospital recovered in exactly the same way as we want. There is the likelihood of the development of complications, or the incidence of infection or other medical needs, hence more resources are needed to take care of them. These may include the use of new drugs, intensive care or extra rehabilitative care, and so on.

Therefore, the HA should maintain some flexibility in managing its finance. Although the hospitals will put in an extra amount of resources to cope with special situations like an influenza outbreak in winter or other kinds of special circumstances, there may be times that these situations cannot be coped with. So the clusters can deploy their resources flexibly and when necessary, the HA Head Office may also deploy its resources set aside for such contingencies. An alternative is to join hands with the other clusters and decide on how this kind of internal redeployment of resources should be made. For many years, although we may find overspending in certain items of expenditure in certain hospitals, a balance in the income and expenditure of the HA has been maintained. The figures in the account books are fine because they have been

audited and there is no exceptional overspending on any item. In this connection, we consider that the resources which are limited are well used on the patients. As Members can note from the Annex, most of the resources from the Government are used on providing services to the patients.

MR ALAN LEONG (in Cantonese): *President, the Civic Party understands very well why Dr LEUNG Ka-lau has raised this main question. This is because when we examine the Voluntary Health Protection Scheme, we would also want very much to know whether in terms of value for money, the resources used by the HA can be more efficient and more cost-effective so that this would help us decide whether the Scheme is necessary.*

President, may I ask the Secretary, also as a follow-up on the main question raised by Dr LEUNG Ka-lau, as we are going to deliberate on and discuss the Voluntary Health Protection Scheme, whether he will disclose the accounts of the HA to us in greater details? President, let me give a simple actual example. I may want to know in the case of an operation on cataract extraction or appendectomy, just how much money is spent on the medical and nursing staff, the dressings or the operation theatre expenses, and so on. I must say that we have no way to know about all this. Will the Secretary disclose further details on these matters to this Council?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, with respect to each cost item, such as the average expenses for carrying out an operation in a hospital, the costs are taken into account by the HA. However, if it is about what the Member has said, that is, about the number of dressings used or the number of surgical pliers used in an operation and such like item-by-item breakdown, I believe this kind of cost analysis would not be helpful, unless you are talking about a profit-making hospital where the patient has to pay for each one of the dressings used. If this kind of figures were to be accounted in a public hospital, then there will be a need for many extra staff and resources to cope with such administrative work. For the HA, it has been for many years trying to specifically avoid doing any extra work in analysis which is not necessary in the interest of better utilizing resources, or else its administrative expenses would inflate significantly.

Having said all this, I would also agree that if Members would like to know more about figures in a certain aspect, we would be glad to provide them and this includes what has just been said on the costs incurred in every operation or the expenditure of hospitals in a certain district, and so on. I think we should be able to make such calculations.

PRESIDENT (in Cantonese): This Council has spent more than 22 minutes and 30 seconds on this question, we will now proceed to the fourth question. Mr Alan LEONG will ask the question for Dr Margaret NG.

Appointment of Staff to Chief Executive-elect's Office

4. **MR ALAN LEONG** (in Cantonese): *President, in the paper on the plan to set up the Chief Executive-elect's Office (CEEEO) submitted to the Panel on Constitutional Affairs of this Council on 16 January 2012, it is stated that regarding the staff establishment of the CEEEO, there will be only one staff member in the rank of Special Assistant which is a special appointment on non-civil service terms. Yet the media earlier reported that the Chief Executive elect intended to make arrangement for the post of Special Assistant to be taken up by three persons. One of the appointees confirmed to the media on 12 April 2012 that she had been employed by the CEEEO on Non-Civil Service Contract terms to fill the post of Public Relations Officer. Such a post does not exist in the original establishment of the CEEEO. Some members of the public have pointed out that splitting one post for several persons to take up, irrespective of whether or not additional public funds are involved, does not comply with the original arrangement for the use of public funds, and it is against the establishment system for government officers. In this connection, will the Government inform this Council:*

- (a) *upon the splitting of the aforesaid Special Assistant post into several posts, whether the persons appointed to such posts are government officers;*
- (b) *whether it has assessed if the practice of splitting one single post into several posts is against the establishment system for government officers; if the outcome of the assessment is in the positive, how the*

Government will follow up; if the outcome of the assessment is in the negative, of the reasons for that; and

- (c) *whether the Government has assessed the possible impact of the practice of splitting one single post into several posts; if it has, of the details; if not, the reasons for that?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): President, my consolidated reply to the three-part question raised by Mr Alan LEONG for Dr Margaret NG is as follows:

The Administration briefed the Panel on Constitutional Affairs of this Council on the plan to set up a CEEO on 16 January 2012, more than two months before election of the fourth term Chief Executive. A paper on the plan was submitted to the Panel before the meeting. According to the paper, having regard to overseas practices and the situation in Hong Kong, the Administration planned to set up the CEEO, which would formally commence operation on the day the fourth-term Chief Executive was elected, namely on 25 March this year, and would cease to operate on 30 June this year.

The aforesaid paper stated that the CEEO was expected to assist the Chief Executive elect to undertake work in a number of major areas, including to form a governing team for the new term of Government within a short period of time; to prepare for drawing up a policy plan for the new Government based on the Chief Executive elect's election platform; to make arrangements with the incumbent Government for a smooth transition; and to liaise extensively with different sectors of the community. As such, the CEEO would need to be staffed by civil servants conversant with the Government's internal operations as well as non-civil service employees conversant with the Chief Executive elect's manifesto and vision for governance, so as to provide effective assistance to the Chief Executive elect and to ensure a smooth transition between the new and the existing Governments.

Since election of the fourth term Chief Executive had not yet taken place when the Administration planned the manpower arrangement of the CEEO, no discussion could be held with the Chief Executive elect. Accordingly, the Administration could only assess the likely manpower requirement on the basis of

the above considerations, and suggested the provision of the 26 posts to the CEEO as set out in the Constitutional Affairs Panel paper. Of these posts, apart from the Head of the CEEO and the Special Assistant which were to be special appointments on non-civil service terms, the rest were to be civil service posts to be filled by deployment from within the Government. To allow flexibility, these civil service posts might also be filled from outside the Government as the Chief Executive elect thought fit. The Panel paper also specifically stated that if the Chief Executive elect found it necessary to increase the manpower of the CEEO, we would make suitable arrangements.

Following the establishment of the CEEO and having regard to the operational needs of the Chief Executive elect, the Administration has deployed 28 civil servants to work in the CEEO. The Administration has also agreed that in addition to the two special appointments on non-civil service terms, namely, the Head of the CEEO and the Special Assistant, two additional non-civil service posts of Project Officer and one additional non-civil service post of Public Relations Officer would be provided to the CEEO until 30 June this year. The additional posts are to meet the Chief Executive elect's manpower requirement. Holders of these additional non-civil service posts are all government employees.

In gist, the Administration approved the provision of three additional non-civil service posts for the CEEO, and not the splitting of the Special Assistant post into several posts. We understand that the CEEO, having considered its operational arrangement and needs, has no plan at present to appoint any person to the Special Assistant post.

MR ALAN LEONG (in Cantonese): *President, from the fifth and sixth paragraphs of the main reply, we can see that in short, the Secretary does not see it as a case of splitting one post into three, but the creation of three non-civil service posts with her consent and approval, namely, the two posts of Project Officer and one Public Relations Officer post. But the holders of these posts are government employees. President, I would like to follow up this point. We have heard Chief Executive elect; Mr LEUNG Chun-ying, say that he plans to set up 14 Policy Bureaux in future and give each Director of Bureau \$100,000 per month for recruiting Political Assistants, and the relevant Director of Bureau will decide the remuneration for each of these Political Assistants.*

May I ask the Secretary for the Civil Service whether the Civil Service Bureau has a role to play in this plan, in order to control the number of people becoming government employees through the channel of Political Assistants. If it does have this role to play, how can this be done? How is a decision made on whether or not to give consent or approval?

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): President, Political Assistants are public officers on political appointment, and such officers are not within the purview of the Civil Service Bureau. As for the number of people who will take up the posts of Political Assistants, how they will be recruited and what system will be put in place, as far as I understand it, the Panel on Constitutional Affairs is looking into these issues through the discussions on the reorganization of the Government.

MS AUDREY EU (in Cantonese): *President, the Secretary pointed out just now that the appointment of Political Assistants has nothing to do with the Civil Service Bureau. However, part (c) of the main question actually asked about the impact, and as we can see, the Secretary for the Civil Service is here to answer questions today. This is exactly what we are worried about, especially as it involves — I believe Members all know about this as they must have read it from newspapers recently — a newly appointed Project Officer, Miss CHAN Ran, who does not even have "three stars" on her identity card, which means that she is not a Hong Kong permanent resident. But she has been appointed as Project Officer.*

May I ask the Secretary whether consideration has been given to the impact of such appointment on civil servants. Particularly, I have heard many civil servants say that they would consider it understandable if the Government employs professional talents who are not Hong Kong people because such special talents are lacking in Hong Kong or their employment is necessary to meet the needs of outsourced jobs. But in this case, these are jobs for public officers and we do not see what special expertise is required for such jobs. I wonder if the Secretary can explain to us whether any assessment has been made on the impact of this appointment on the civil servants. Particularly, as Mr Alan LEONG has just asked in his question, even if we raise objection in future, many people in this Council may still support this practice, as there are so many instances of "pie-sharing", political appointment

PRESIDENT (in Cantonese): Ms EU, if you have asked your supplementary question, please let the Secretary give a reply.

MS AUDREY EU (in Cantonese): *May I ask the Secretary whether an assessment has been made on what impact is created on the civil servants, especially from what the Secretary has pointed out, it seems that there is not much that the Administration can explain to us.*

PRESIDENT (in Cantonese): Please let the Secretary give a reply.

MS AUDREY EU (in Cantonese): *Alright.*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): President, thanks to Ms EU for her question. First of all, I wish to clearly explain that with regard to our approval for the creation of three additional non-civil service posts in the CEEO, as I already said in detail in the main reply, these three additional posts, namely two posts of Project Officer and one post of Public Relations Officer, are non-civil service posts, not political appointment posts. These three additional posts are government posts on non-civil service terms. They are within the purview of the Civil Service Bureau, and they are not political appointment posts. This is the first point.

Second, in giving approval to the creation of these three non-civil service posts in the CEEO, the Civil Service Bureau has taken into consideration the workload to be faced by the CEEO and therefore agreed to the need to provide these three additional non-civil service posts. Besides, as I already explained in detail in the main reply, in January, before the Chief Executive elect was elected, we already saw the need for the CEEO to be staffed by two types of employees: One is civil servants who are conversant with the Government's operation and the other is non-civil service employees who are conversant with the manifesto and vision for governance of the Chief Executive elect to be elected. Therefore, when we approved the addition of these three non-civil service posts in the CEEO, we also approved the appointment of these three persons directly by the

CEEO, because we understand that these three additional posts will lapse on 30 June.

For this reason, if these three non-civil service posts are filled by people who know nothing about the manifesto and vision for governance of the Chief Executive elect, these new recruits will have to take time to understand the manifesto and philosophy of governance of the Chief Executive elect, and it may already be 30 June by the time they have grasped it.

Therefore, based on these considerations, we agreed that the CEEO can directly employ suitable candidates to fill these three non-civil service posts without open recruitment. One of the three persons whom the CEEO intends to appoint to fill the posts has not yet been granted the permanent resident status. Given the same reasons that I have just mentioned, we also gave approval to the CEEO for the appointment of this non-permanent resident to fill one of these non-civil service posts.

In the entire incident, we have acted in accordance with the existing system and we have not been subject to any influence whatsoever. We have also considered whether this practice will create any impact on the Civil Service or any negative effect on the morale of the civil servants. Our judgment is that as these three non-civil service posts will be valid for no more than three months, we do not think that this practice will create any impact or negative effect on the Civil Service.

MR LEUNG YIU-CHUNG (in Cantonese): *President, the Secretary has stressed earlier that these three newly-appointed non-civil service employees who will work in the CEEO will be incorporated into the civil service establishment. May I ask the Secretary, since they will be incorporated into the civil service establishment, what role the Civil Service Bureau played in the process of recruitment? How did you clearly determine whether the persons concerned are truly conversant with the manifesto of the Chief Executive elect and understand his work and operation? Did you merely accept the proposal of the CEEO and fully take it on board without finding out about it in greater detail and making an assessment by yourself?*

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): President, first of all, I would like to make a clarification on Mr LEUNG's supplementary question. If I have not got it wrong, Mr LEUNG said that these three additional non-civil service posts will be incorporated into the civil service establishment. This is wrong. These three posts are non-civil service posts which are never incorporated into the civil service establishment, not even before the end of the contract, but holders of these three non-civil service posts are public officers. President, there is a great difference between "public officers" and "civil servants". Generally speaking, our understanding is that employees whose remuneration is paid by taxpayers are public officers. But there can be many different groups of public officers whose remuneration is paid by taxpayers, including civil servants, political appointment officials, and public officers employed on Non-Civil Service Contract terms. President, this is the first point I wish to clarify.

Second, Mr LEUNG asked whether, in seeking our approval for directly employing these three persons, the CEED has filled these three non-civil service posts without open recruitment. The CEED did provide information to us and according to the information, we came to the view that these three persons would understand the work of the Chief Executive-elect and that they had the experience of working for him before and a good understanding of the manifesto and vision for governance of the Chief Executive elect.

MR LEE CHEUK-YAN (in Cantonese): *President, I think the Secretary was indeed playing with rhetoric in her reply. She said that this is not splitting one single post into three. But as we can see, the CEEO has not employed any Special Assistant and instead, three persons have been employed to take up these non-civil service posts. What is it if it is not splitting one post into three? The Special Assistant is originally planned to be remunerated at a certain amount why can this amount of remuneration be exactly split into three portions for these three persons? If she said that it is not splitting one single post into three, how are the salaries for these three persons determined? Why is it that the salaries for these three persons are neither more nor less than but happen to add up to be the equivalent of the salary for the Special Assistant? What is it if it is not splitting one post into three? Therefore, I think the Secretary*

PRESIDENT (in Cantonese): Mr LEE, is this the supplementary question that you wish to ask?

MR LEE CHEUK-YAN (in Cantonese): *Yes.*

PRESIDENT (in Cantonese): If so, please let the Secretary give a reply.

MR LEE CHEUK-YAN (in Cantonese): *So, my supplementary question is: If she said that this is not splitting one single post into three, how were the salaries for those two Project Officers and one Public Relations Officer determined? Their salaries are set at some \$20,000 for no reason. Why is it that their salaries cannot be some \$30,000 or some \$10,000 and that the salaries of the three persons exactly add up to be the equivalent of the salary for the Special Assistant? What is it if it is not splitting one post into three? Where is the logic? Where is the system*

PRESIDENT (in Cantonese): Mr LEE, you have already repeated your supplementary question.

MR LEE CHEUK-YAN (in Cantonese): *..... there is entirely no system*

PRESIDENT (in Cantonese): Please let the Secretary give a reply.

SECRETARY FOR THE CIVIL SERVICE (in Cantonese): President, thanks to Mr LEE for his supplementary question. As I already said clearly in the sixth paragraph of the main reply, the post of Special Assistant still exists. We understand that the CEEO has no plan to appoint any person to fill this post for the time being, but I cannot say for sure that they will not fill this post in the coming period of around two months from today till 30 June. Let me stress that the post of Special Assistant still exists.

Second, in my main reply I wished to explain to Members that when we tried to determine the manpower requirement of the CEEO in January, we did make an assessment and projection, but we were unable to have a good grasp of the situation because the Chief Executive elect was not elected at the time. After the Chief Executive elect was elected on 25 March and the CEEO was established, the CEEO, in view of the practical need of operation, considered it necessary to create three additional non-civil service contract posts. Having regard to their practical need of operation, we also agreed to the provision of three additional non-civil service contract posts, not splitting one post into three.

Another part of the question raised by Mr LEE is about how the CEEO set the employment terms for these three additional non-civil service posts. The CEEO determined their employment terms in accordance with the system under the Non-Civil Service Contract Staff Scheme. Under this system, it is clearly stipulated that when it is necessary for departments or Policy Bureaux to employ non-civil service contract employees, the employment terms for these employees should be, firstly, no less favourable than those provided for under the Employment Ordinance and secondly, insofar as their job responsibilities are concerned, if there are comparable ranks in the Civil Service, their employment terms should be no more favourable than the mid-point salary for comparable civil service ranks. Moreover, the departments and Policy Bureaux must also have regard to the salary levels in the market for talents that they intend to recruit.

Therefore, we have in place a set of detailed guidelines for the heads of bureaux and departments, so that they will know how the terms of employment should be set for non-civil service contract employees when they decided to employ such employees. In this case, the CEEO has set the salaries and other conditions of service for these three non-civil service contract posts in accordance with the guidelines issued by the Civil Service Bureau.

PRESIDENT (in Cantonese): We have spent almost 22 minutes on this question. Fifth question.

Assistance to Small Shop Tenants

5. **MR VINCENT FANG** (in Cantonese): *President, recently, I have received requests for assistance from quite a number of grassroots trades which*

indicated that they could not benefit from the measures introduced by the Government in 2012-2013 to support enterprises. Among them, the hawkers cannot benefit from the waiver of business registration fees since they pay hawker licence fees (licence fees) instead of business registration fees. In addition, the wholesalers operating in the two wholesale food markets (food markets) under the Agriculture, Fisheries and Conservation Department (AFCD) have pointed out that the AFCD, after substantially increasing the rentals by 11.4% in 2008, substantially increased the rentals again by about 8% this year. Although these two trades have requested that the Government's support measures should benefit them, the Government has responded by referring to "cost recovery" and "user pays". The relevant groups submit that the Government is discriminating against grass-roots trades. In this connection, will the Government inform this Council:

- (a) whether all the traders which have completed business registration procedures may benefit from the waiver of business registration fees; given that the Financial Secretary has indicated that the waiver of business registration fees will reduce the Government's revenue by \$1.9 billion in this financial year, whether that figure is the net revenue after deducting the administrative expenses of the government departments concerned; of the current number of government personnel responsible for business registration and the annual expenditure; whether these departments will have deficits in this financial year with the reduction of \$1.9 billion in revenue; the average cost of handling a case of business registration at present, and whether the current fee can recover the cost;*
- (b) of the number of hawkers (including fixed-pitch hawkers and itinerant hawkers) who need to pay licence fees at present; the method for calculating licence fees and the revenue from licence fees last year; whether there were hawkers who failed to pay licence fees or did not pay the fees on time in the past three years; if there were, whether they were penalized; whether there is room for waiving or reducing licence fees in 2012-2013; if there is, of the reasons; if not, the reasons for that; and*
- (c) given that the rentals for public markets have been continuously frozen for quite a number of years, but the rentals for food markets*

were substantially increased twice within four years, why the Government adopts different attitudes when managing these two kinds of markets, and of the details of the current mechanism for adjusting rentals for food markets; whether the operation of the food markets has achieved fiscal balance at present, and list the major expenditure items for the two food markets last year and whether there is room for reducing expenditure; whether the authorities will discuss with the traders the strengthening of co-operation to reduce the management costs of the food markets, so as to avoid shifting the increased costs to them?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, all along, both the fees of hawker licences issued by the Food and Environmental Hygiene Department (FEHD) as well as the rents of the Cheung Sha Wan Wholesale Food Market (CSWWFM) and the Western Wholesale Food Market (WWFM) under the AFCD are determined on a "cost recovery" basis.

The purpose of hawker licensing is to regulate hawking activities. The nature of a hawker licence is similar to that of a licence or permit for certain types of business, such as karaoke establishment permit, restaurant licence and amusement game centre licence. On the other hand, the main purposes of business registration are to provide the Inland Revenue Department (IRD) with information on businesses to enable IRD to create tax files and the public to inspect for reference. Business registration is not for regulating business activities, nor equivalent to a licence for trading. As such, the hawker licence fee should not be compared to the business registration fee.

Since the commissioning of CSWWFM and WWFM in 1993 and 1994 respectively, the rents of these two wholesale markets have been charged by the Government on a full cost recovery basis. The rents are reviewed every two years after completion of a full costing exercise. Based on the outcome of the review, the rents are adjusted either upward or downward biennially. In fact, during the past 12 years, the rents of these two wholesale markets have been reduced or have remained unchanged on several occasions in accordance with the mechanism. The items taken into account by the Government in the computation of the rents of these two wholesale markets on a full cost recovery basis include departmental staff costs and expenses (including electricity charges,

charges relating to hiring of cleansing and security services, as well as other hiring charges), depreciation of buildings and equipment, rates, cost of services provided by other government departments and central administrative overhead.

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

- (a) The Financial Services and Treasury Bureau points out that a series of measures have been announced in the Budget for the financial year of 2012-2013 to help enterprises reduce their operating cost, including waiving the business registration fees for 2012-2013. As stated in the Budget, we estimate that the measure of waiving the business registration fees will reduce the Government's revenue by \$1.9 billion. Such estimation only covers the revenue foregone arising from the waiver of business registration fees and is not inclusive of any administrative costs.

The level of business registration fee is not linked to the cost of providing that services. The enforcement of the Business Registration Ordinance (Cap. 310) is undertaken by the Business Registration Office (BRO) of the IRD. Currently, there are 70 staff members in the BRO. Its total expenditure in the financial year of 2011-2012 was about \$60 million, which was met as part of the general operating expenditure of the Government.

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

- (b) As I have just mentioned, the hawker licence fee is determined on a "cost recovery" basis, that is, the Government should recover the costs of regulating hawking activities. Currently, the Government has no plan to waive the hawker licence fee.

As at 31 March this year, there were a total of 6 894 licensed fixed-pitch hawkers and itinerant hawkers. The revenue from hawker licence fee was about \$14 million in 2011-2012.

Licensed hawkers are required to renew their licences every year before the expiry date and relevant fees will be charged. Late application for renewal is subject to the approval of the FEHD. Over the past three years (that is, 2009 to 2011), 155 late applications were approved. As to whether these late applications involved non-payment or late payment of licence fees, the FEHD has not kept any such information. No surcharge will be imposed on the licensees for late application for renewal. However, any hawker who operates without a valid hawker licence will be prosecuted.

- (c) The rents of public markets and wholesale markets cannot be compared directly. Regarding the rents of public markets, the Administration put forward two proposals on the rental adjustment mechanism in 2009 and 2010 respectively. Under these proposals, rents would be set at the levels of either the open market rental or actual average rental of market stalls, instead of being charged on a full cost recovery basis. At present, we are still in discussion with the trade and the Legislative Council on the issue. Given the different backgrounds and historical developments of wholesale markets and public markets, a direct comparison of their rental adjustment mechanisms should not be drawn without regard to the context.

We have recently completed a costing exercise for CSWWFM and WWFM. The exercise indicates that the cost has increased by 8.04%. In line with the established arrangement, the costing has already excluded those costs related to the measures to improve public order and public health. The increase in the operating cost of the two wholesale markets is mainly due to the upward movement in costs relating to cleansing and security services (excluding installation of closed circuit television) by 9.1%. Major expenditure items of the two wholesale markets in 2011-2012 are set out in the table at Annex for Members' reference.

There are more than 840 units in CSWWFM and WWFM. Upon the rental adjustment of the two wholesale markets for 2012 to 2014, the monthly rent of most standard stalls (34.5 sq m) will increase by

\$320, from \$4,000 to \$4,320, under the established mechanism. Depending on the size of the stalls, the actual rental increases will range from \$200 to \$2,250 per month. The increase in monthly rent of most parking spaces in the car parks is less than \$100.

The rental adjustment mechanism of these two wholesale markets is transparent and has been in operation for nearly two decades. It is important for us to maintain the integrity of the mechanism and adhere to the underlying full cost recovery principle. Nevertheless, taking into account the recent rental increase under the mechanism and the operating difficulties faced by the wholesale food industry this year as indicated by the tenants of CSWWFM and WWFM, we decided in mid-April this year that during the two-year tenancy period from 2012 to 2014, a one-month rental waiver would be provided to the existing tenants of CSWWFM and WWFM. The new rent will take effect from 1 May 2012.

The AFCD will continue to maintain liaison with the tenants of wholesale markets in exploring the feasibility of further enhancing the operational efficiency of wholesale food markets and reducing their operating costs.

Annex

Major Expenditure Items of the Two Wholesale Food Markets in 2011-2012*

<i>Costs/Expenses</i>	<i>Amount (\$)</i>
1. <i>Staff emoluments and administrative expenses:</i>	22,061,349
2. <i>Departmental expenses of the AFCD:</i>	
i. Electricity	9,254,578
ii. Hiring of services	
a. security	6,855,654
b. cleansing	4,927,828
c. management	3,586,887
iii. Water and sewage charges	1,230,126
iv. Other miscellaneous expenses	870,001
Sub-total	26,725,074

<i>Costs/Expenses</i>	<i>Amount (\$)</i>
3. <i>Cost of maintenance services provided by other government departments:</i>	
i. Market buildings and roads	3,379,753
ii. Market piers and seawalls	1,361,843
iii. Market facilities (such as condensate water system, mechanical ventilation system and closed circuit television system)	6,525,445
Sub-total	11,267,041
4. <i>Depreciation:</i>	
i. Buildings and roads	26,705,092
ii. General market facilities and improvement works (such as aqueduct system, wiring system and toilet enhancement works)	4,505,234
iii. Consultancy fees for Architectural Services Department	97,300
Sub-total	31,307,626
5. <i>Rates:</i>	3,677,184
Total:	95,038,274

Note:

* Costs related to the measures to improve public order and public health excluded.

MR VINCENT FANG (in Cantonese): *Deputy President, the Secretary's reply just now has reflected that the two grass-roots trades including the hawkers and wholesale food industry have been neglected by budgets in the past. A few years ago, the Government had waived part of the hawker licence fees and frozen the rentals of food markets for two years, thanks to the Legislative Council's efforts in fighting for them. But in 2010, the rentals were increased by 11.4%. In this year's Budget, the Government has proposed some support measures for enterprises. Even multinational corporations can benefit from these measures because they have business registration certificates, but the hawkers cannot. The waiver of business registration fees will reduce the Government's revenue by \$1.9 billion. However, the Government's revenue will only be reduced by just a few million dollars or \$10-odd million in respect of waiving hawker licence fees or rental for wholesale markets. Why does the Government insist on its stance*

so steadfastly? Today's question should be answered by Prof K C CHAN, the Secretary for Financial Services and the Treasury. I hope the Secretary can relay this question and discuss it with Secretary Prof K C CHAN.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, government departments certainly maintain communication among themselves. We would like to emphasize that the Financial Services and the Treasury Bureau has to adhere to certain principles. We have also noticed that in the past few years, hawkers in the market and tenants in wholesale markets have been working hard quietly in running their businesses, which are going quite well. As of today, the Government has provided a lot of subsidies to hawkers in the market. As for the wholesale markets, I would like to thank Mr FANG for communicating with us on their behalf and leading them in communicating with us. We also understand their aspirations in this regard. Therefore, as I said just now, for the same reason, a one-month rental waiver will be provided to the tenants this year and the new rent will take effective from 1 May.

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

MR VINCENT FANG (in Cantonese): *He said in his reply that there would be an 8% increase and a one-month rental waiver*

DEPUTY PRESIDENT (in Cantonese): Just now, you asked the Secretary whether he would relay your views to the Financial Services and the Treasury Bureau and discuss with them the feasibility of offering concessions to the hawkers. This is the thrust of your supplementary question. In this connection, which part of your supplementary question has not been answered by the Secretary?

MR VINCENT FANG (in Cantonese): *May I ask the Secretary whether he will further discuss the issue with Secretary Prof K C CHAN?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, this is not the supplementary question asked just now, but I will answer it. We have fully communicated with the Financial Services and the Treasury Bureau before deciding to adopt this measure, and this is an appropriate decision in our view.

MR WONG YUNG-KAN (in Cantonese): *Deputy President, I think the Government has put the cart before the horse in handling some controversial issues. The Government will not grant any concessions to those who are most poverty-stricken or in a predicament. On the contrary, fees payable by them may even be raised. However, the Government is poised to waive the business registration fees payable by consortia, thereby resulting in a loss of revenue of \$1.9 billion. As for the licence fees which amount to just a few million dollars mentioned by Mr Vincent FANG, the Government will not consider granting any concession. On the contrary, it will even be raised. This will cause great difficulty to the operators. Although the amount of increase is just a few hundred dollars, the costs will be passed on to consumers as the fleece still comes off the sheep's back. Therefore, may I ask the Government what measures will be put in place to help boost the business of the operators after the fee hike? The Government cannot leave the problem to them after the fee hike. What measure does the Government have to boost their business? What policies can be put in place to help them?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, according to our data, the current vacancy rate of public markets has dropped. Moreover, around 87% of the market stalls are leased. As for the wholesale markets, the relevant percentage is more than 90%. As we can see, in the past couple of years since the implementation of the minimum wage, many restaurants have shifted the costs to buying processed foods. For instance, instead of cutting vegetable in restaurants, the operators will buy vegetable already cut. Thus, a lot of these work processes are now performed in the wholesale markets, thus boosting their business.

Therefore, although rentals have been increased, the impact on their business is trivial and the burden is bearable. I do not see any need on their part to raise prices. Therefore, we consider the measure of granting a one-off rental

waiver and delaying the commencement date of the new rent to 1 May appropriate.

MR LEUNG YIU-CHUNG (in Cantonese): *Deputy President, in part (c) of the main reply, the Secretary pointed out that "Regarding the rents of public markets, the Administration put forward two proposals on the rental adjustment mechanism in 2009 and 2010 respectively. Under these proposals, rents would be set at the levels of either the open market rental or actual average rental of market stalls, instead of being charged on a full cost recovery basis. At present, we are still in discussion with the trade and the Legislative Council on the issue."*

May I ask the Secretary, apart from proposing these two options, that is, setting rents at the levels of either the open market rental or actual average rental of market stalls, whether he will consider proposing more options in the discussion with the trade? Although the Secretary said that 87% of the market stalls are in operation, some individual markets face the problem of almost all stalls being empty because of poor business environment and expensive rentals. The tenants face a lot of difficulties in operation. In view of this, will the Government consider putting forward more proposals in the discussion with the trade and stall tenants?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, as far as I can recall, the two proposals have been discussed in detail in the Panel on Food Safety and Environmental Hygiene. Meanwhile, the FEHD has also adopted a flexible approach in handling vacant stalls. For instance, discounts will be offered in the tender for stalls which have remained vacant for a long time. Hence, there is flexibility in this aspect. I think the current operation can still be considered smooth. Concerning whether rental in the future will be set at the levels of the average rental or the open market rental of market stalls, or according to what principle or percentage, I believe a more detailed discussion is required before a decision can be made.

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

MR LEUNG YIU-CHUNG (in Cantonese): *The Secretary has not answered whether more proposals will be put forward in the discussion with the trade with a view to reducing their operating costs.*

DEPUTY PRESIDENT (in Cantonese): Please sit down. Secretary, do you have anything to add?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): As I said earlier, we will continue to discuss with the trade and the Legislative Council on the issue.

MR PAUL TSE (in Cantonese): *Deputy President, when The Link REIT increases the rents, it will certainly do so on the pretext that a listed company has to uphold the interests of its shareholders. Although we are very angry, we feel helpless and have to accept it. Frankly speaking, no one would want to shave his head bald when he has got hair. The small shop tenants can be regarded as the "N have-nots" class among the businessmen. The Secretary has tried to analyse the difference between business registration and hawkler licence. They are basically two different things and his analysis is correct. But in fact, as the hawkers do not have to apply for business registration, the only opportunity for them to benefit from any relief measure is a waiver of licence fees. Can the Secretary reconsider waiving their licence fees? Given that \$10-odd million is not a very large sum of money to the Government, can the Government implement some benevolent policy for the "N have-nots" class in the business sector?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, I have given a detailed analysis of the Government's concepts and principles in respect of its financial management. As the Government has subsidized more than 30% of the costs of the hawkers in this aspect, we have to be more cautious. In the absence of a policy or in a situation where a policy is constantly changing, it may lead to distortion of the market. Therefore, we must be particularly cautious. Every year, when we review the rentals or licence fees, we will consider in detail the operating conditions of the trade and the economic

environment before making a decision. Regarding the costs, we have also communicated with the trade in the hope that their costs can be minimized so that the Government or the trade can also benefit.

MR WONG KWOK-HING (in Cantonese): *Deputy President, I have just received a letter from the Federation of Hong Kong Kowloon New Territories Hawker Associations to all Legislative Council Members. I believe the Deputy President has also received it. They have strongly pointed out that the Government has adopted a biased attitude in dealing with small business operators. As the waiver of business registration fees will reduce the Government's revenue by \$1.9 billion in this financial year, thereby benefiting businessmen running big businesses, why does the Government not consider waiving the licence fees of ordinary members of the public who earn small profits so that they can have the opportunity of easing their plight as Mr TSE said just now? If their burden can be reduced, the prices of the goods they sell will also be cheaper. So, this will also help the general public directly.*

Therefore, in its letter, the Federation has made two requests. First, they hope that the incumbent Government and the Secretary will reconsider their aspirations, that is, a one-year waiver of licence fee; and secondly, a one-month rental waiver for all tenants of public markets in the whole territory. I hope the Secretary will respond to their requests.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, I have not received that letter. Even if I have received the letter, I have to read it carefully before giving any response.

DEPUTY PRESIDENT (in Cantonese): Last oral question.

Hong Kong Diploma of Secondary Education Examination

6. **MR WONG YUK-MAN** (in Cantonese): *Deputy President, the Liberal Studies examination of the Hong Kong Diploma of Secondary Education*

(HKDSE) Examination was held on 2 April this year, and Question 3 of Paper 1 required candidates to give answers in respect of materials on party politics in Hong Kong. Quite a number of members of the press and the education sector queried that the Question was a leading question and even influenced the political stance of the candidates, and was suspected of requiring candidates to indicate their stance on political issues. Furthermore, I also received letters from members of the public pointing out that the wording of the Chinese version of the examination questions concerned was inappropriate, and the syntax was disorganized as well as did not comply with the grammar of the Chinese language, and such persons offered recommendations for correction. In this connection, will the Government inform this Council:

- (a) of the guidelines, measures or complaint mechanism adopted by the Education Bureau to ensure that the Hong Kong Examinations and Assessment Authority (HKEAA) is able to maintain impartiality in the relevant socio-political phenomena when designing examination questions for Liberal Studies;*
- (b) of the measures adopted by the Education Bureau to sanction or penalize the HKEAA for its errors in designing examination questions, as well as how the Education Bureau protects the interests of the affected candidates; and*
- (c) whether it knows the mechanism adopted by the HKEAA to ensure that the Chinese versions of the examination questions comply with the grammar of modern Chinese language?*

SECRETARY FOR EDUCATION (in Cantonese): Deputy President,

- (a) The assessment criteria and examination questions for Liberal Studies have been developed by the HKEAA according to the Liberal Studies Curriculum and Assessment Guide prepared by the Curriculum Development Council — HKEAA Committee on Liberal Studies. Moreover, the HKEAA has set up moderation committees for different subjects, including Liberal Studies, responsible for the development of examination questions. Members of these committees include curriculum and assessment experts for the

subjects concerned and experienced teachers in tertiary institutions and secondary schools. Stringent guidelines and procedures in addition to an internal quality assurance mechanism are in place to ensure the quality and neutrality of examination questions.

In fact, the contents of the Liberal Studies curriculum include the theme of "rule of law and socio-political participation", which aims to encourage students' discussion on Hong Kong people's participation in socio-political affairs. It is, therefore, in line with the requirements of the curriculum to ask candidates to analyse socio-political phenomena in a public examination paper and such a question should not be regarded as a politically leading question. In setting the question concerned, the HKEAA did not take into account any political considerations. In fact, the public examination of this subject aims to assess candidates' ability in applying critical thinking skills and creativity, as well as making judgments and decisions from different perspectives and the question itself has no predetermined political stance or model answers.

- (b) The HKEAA has put in place an in-house mechanism for disciplining staff who under-perform. Every year, post-examination reviews are conducted on all subjects by the respective subject committees. Any complaints about the questions, errors identified and suggestions made will be discussed by the relevant subject committees, which will subsequently report their findings to the Public Examinations Board. If errors are spotted in a question paper after the examination, the HKEAA will assess the possible impact on the performance of the candidates and make appropriate adjustments in accordance with the standard procedures. The incident will also be reported to the relevant subject committee and the Public Examinations Board. Representatives from the Education Bureau will attend the meetings of the Subject Committees and the Public Examinations Board to review and monitor the procedures and details of the development process and to make suggestions.
- (c) All examination papers of the HKDSE Examination are set according to the established rigorous mechanism of the HKEAA.

When setting examination questions, the moderation committees will ensure that the questions are clear, fluently written and easily comprehensible. As regards those subjects that candidates may choose to answer in different languages, the moderation committees will also pay attention to the consistency between the Chinese and English versions in content, style and meaning. The papers will then be worked through by the assessors, who are experienced front-line teachers. Amendments will be made according to the assessors' recommendations to ensure that the different language versions of the papers are consistent and grammatical in their wording.

MR WONG YUK-MAN (in Cantonese): *Deputy President, first of all, I wish to say to the Secretary here that as his term of office will end in a month or so, I wish that he will look after his health and leave this unbearably muddy political arena. While I dare not say that he can then move on to live a healthy old age, I hope that he can take more rests. After all, I have known him for many years, and I wish him good health.*

This is why I am not going to further criticize his reply as I follow up this question. But I must tell him that I consider the reply prepared for him by his aides unacceptable indeed. Particularly on the question about political stance, anyone who has read the examination paper carefully will note that the problem is evident and yet, he failed to give an answer in this respect.

Regarding the grammar of Chinese language, the member of the public who wrote to me had made corrections to the examination paper of the HKEAA, and I have submitted his letter and the corrected version of the examination paper to the Secretary General of the HKEAA. Apart from making the corrections, this member of the public also said the following in his letter, "The Chinese examination questions of the HKEAA are semantically and syntactically ambiguous and abruptly use a mixture of Chinese and English grammars. This is downright unreadable rubbish, and it is no longer the Chinese language of the Han Chinese. This is extremely misleading to the students because when even the examination questions are not up to standard, how can they be used to assess the standard of students? Such ridiculous examinations are indeed a disgrace to Hong Kong people and to the Han race. Corrections are now made to rectify

the mistakes and I hope that various sectors of the community can jointly denounce this. Copyright is not reserved."

I have already handed this to the Education Bureau and the HKEAA. He has made corrections to the paragraph containing information and extracts of press reports in the relevant examination question and provided a corrected version of the examination question. I hope that the authorities will make reference to this when setting examination questions in future. In his main reply the Secretary said that the examination questions are set very stringently and that the staff will do this and that, but I think it is indeed necessary to make improvement. If we purely look at the semantics of the examination question, the Chinese language

DEPUTY PRESIDENT (in Cantonese): Mr WONG, please state your supplementary question direct.

MR WONG YUK-MAN (in Cantonese): *what I mean is that as the Secretary is going to retire soon and will not have to continuously wade in this muddy pool of politics, I only wish to tender to him some well-intentioned advice. It is most important for him to take care of his health and not to lose his temper. Things that can upset him should be left to people like us who are still capable of "fighting". However, it is necessary to make improvement to this point. Can the Secretary tell me whether there is a need to improve the grammar of the Chinese language of the examination questions? Because this member of the public has practically and very specifically pointed out the errors.*

On the question of political stance, I also hope that the Secretary will give a reply. Of course, he can say that there is no political stance. But this is not true. So, I hope that the Secretary can make an undertaking here that examination questions for Liberal Studies must be set from an academically neutral and detached angle in future.

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, first of all, I very much thank Mr WONG for his concern. My health conditions are quite well.

I have clearly noted the points raised on the language of the examination questions. What has given cause to criticisms now is the contents of the extracts of the newspaper reports cited in the question. So, this is not a problem of the language of the examination question itself, because the language used in the examination question is very simple. I am not too sure about whether the materials in the Chinese version of the examination paper are all copied from outside sources, or whether these are primarily the exact contents of the materials and extracts of newspaper reports.

Besides, concerning the question of political neutrality, I have explained that political issues are involved in the examination questions set but this is exactly a requirement that we expect students to meet because students must know what is happening in society. The most important thing is whether the personal political views of the assessors responsible for marking the papers will have any bearing on their assessment, and we have set very stringent standards in this regard. The political stance of assessors will not be taken into account, and the major criterion is how well the candidates have expressed their personal views. The candidates can hold supportive or opposing views, and we have no objection to that, but they must clearly express their personal views and provide reasons to support their answers.

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

MR WONG YUK-MAN (in Cantonese): *I think because he said that he has no idea about whether everything is copied*

DEPUTY PRESIDENT (in Cantonese): Mr WONG, this is not a follow-up question. You need only state which part of your follow-up question is not answered by the Secretary.

MR WONG YUK-MAN (in Cantonese): *Then let me repeat it, because the Secretary may have misunderstood it, and there are also ambiguities that I have to clarify. Parts (a), (b) and (c) of the examination question concerned all have*

grammatical mistakes. It is not the case that there is a problem only in the part which contains materials cited from newspapers. If there is a problem only with the materials cited from newspapers, these grammatical mistakes certainly have nothing to do with the persons who set the examination question. However, in the three parts of (a), (b) and (c) accounting for four marks, five marks and 10 marks respectively, there are major grammatical mistakes which have been clearly pointed out in the corrected version of the examination question.

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, I have not read the corrected version concerned, and I will take a look at it in detail.

MR ALBERT CHAN (in Cantonese): Deputy President, my proficiency in the Chinese language is not as good as Mr WONG Yuk-man's and so, I will mainly follow up the point on political neutrality, for this involves the "five geographical constituencies referendum" in which I had participated. Let me wish the Secretary a happy retirement life before I ask my question because this muddy pool of politics, especially the political situation after July, may become even more deplorable than what he has encountered in his career as a civil servant or politically accountable official over the past three decades or so. Therefore, it may be a blessing for him to be able to leave this circle.

With regard to the materials in part (c) of the Liberal Studies examination paper about the holding of a by-election of the Legislative Council, the Secretary obviously considers that the contents are neutral and unbiased. But I wish to tell the Secretary that by just looking at all of the contents closely, I personally think that the contents are, to a certain extent, misleading. For instance, the examination question stated to the effect that on 25 January 2010, five Members of the Legislative Council returned by five geographical constituencies respectively gave a notice of resignation in writing to the Legislative Council, with a view to holding an election by universal suffrage and triggering a so-called "de facto referendum" in the territory. Then, it is said that this incident had aroused extensive concern as many members of the public and various political parties considered that this by-election was unwarranted and that a huge amount of public resources would have to be expended as the holding of a by-election would cost around \$126 million, and such resources should be spent on other more useful purposes.

Although it is also pointed out in the latter part of the examination question that on the other hand, there were views (especially from Members who resigned and participated in the by-election as well as their supporters) that there was nothing wrong with this approach, thereby explaining that some other people held different views, judging from their respective weights, more emphasis is placed on the negative opinions that oppose and do not support the "five geographical constituencies referendum". So, even though both supportive and opposing views are mentioned, their weights are absolutely different, and due to their different weights, the severity as reflected in the choice and use of words is, therefore, different, thus causing the entire examination question to become evidently slanted.

As the Secretary is going to retire soon

DEPUTY PRESIDENT (in Cantonese): Mr CHAN, please state your supplementary question direct.

MR ALBERT CHAN (in Cantonese): *and you are not the one to be held responsible even if problems arise again in future, so I can only ask you to explore what feasible ways there are to at least ensure that such problem can be dealt with in the policy guidelines, especially ensuring that the question must not be lopsided insofar as political stance is concerned, in order not to exert a bad influence on students.*

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, first of all, I thank Mr CHAN for his concern for me. Regarding Mr CHAN's question, the examination question concerned has merely contained the extracts of some reports, and he has also made this point clear just now. As regards each of these reports, we have faithfully reflected their contents, and there is no question of "slanted" or "not slanted". As I said earlier on, a candidate can elaborate his or her view, either positive or negative, on each argument and opinion in the examination question, without having to subscribe to the points made in the reports cited in the examination question or support their conclusions and stance. They are not required to do so, and these are all open questions. Therefore, there is no question of slant.

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

MR ALBERT CHAN (in Cantonese): *I would like to point out that in respect of the wording, such as*

DEPUTY PRESIDENT (in Cantonese): Mr CHAN, we are not in a debate now.

MR ALBERT CHAN (in Cantonese): *..... the part on supporting*

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

MR ALBERT CHAN (in Cantonese): *If, when mentioning the views of the supporters, it is said that 500 000 people had voted to show their support, that would give a very different picture. But the part explaining the supporters' views is actually rather negative now. I, therefore, hope that the Secretary can spend some time reading in detail the wording of the examination question and he will then note that there is indeed the problem of slant in the choice and use of words.*

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

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, I have nothing to add, but I respect the views of Mr CHAN. He and I have our own views.

DR PRISCILLA LEUNG (in Cantonese): *Deputy President, I also wish the Secretary a happy retirement life. Education is indeed a very complicated issue and it is often closely related to the political conditions in Hong Kong. With*

regard to Liberal Studies, I have repeatedly conveyed my views to the Secretary. It is because if we look at this examination paper, it is not difficult to note that from the curriculum design, monitoring, pedagogy to the setting of the examination questions, the Liberal Studies subject is almost equivalent to a subject of Politics.

I was major in Politics and Public Administration when I studied for my first degree. From my four years of learning experience in the university, I would say that in this examination paper prepared by the authorities for students, the various perspectives mentioned in it, including the way that opinion polls are conducted, party politics, and various stakeholders in tobacco control, involve at least three areas, namely, administration and management of public policies, opinion polls and political propaganda, and political science. I remember that insofar as the university curriculum is concerned, one of the examination questions in this examination paper is similar to a question in my graduation examination back in those years

DEPUTY PRESIDENT (in Cantonese): Dr LEUNG, please state your supplementary question.

DR PRISCILLA LEUNG (in Cantonese): *this is actually very closely related to my question, because the Secretary is very smart indeed, and every time when I mention this point, he can always evade it easily. But here, I must point out, what exactly is Liberal Studies? The Secretary said earlier on that Liberal Studies includes political affairs, but this is not the same as studying Political Science. Besides, have the authorities considered that knowledge reception may be blocked for students instead after studying Liberal Studies? This is putting the cart before the horse.*

In this connection, I would like to draw the Secretary's attention to the fact that students' performance in Liberal Studies can affect their admission to university but while many students may not be suitable for studying Political Science, they may show outstanding performance in many other disciplines. Can the Secretary re-designate Liberal Studies as a compulsory subject for learning but not examination? In other words, students' performance in this subject may not necessarily affect their choice of discipline in university. On

this point, whether or not the Secretary is going to retire will not make much difference, and I hope that he can convey this view to the next-term Government, because this question is asked for the sake of our next generation.

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, this is basically not in any way related to the question today. But if Dr LEUNG would like us to convey this view, I will convey her view to my successor.

DR PRISCILLA LEUNG (in Cantonese): *This is not exactly unrelated. In fact, the entire curriculum design has primarily failed to meet our expectations of Liberal Studies in the beginning, and this is nothing short of teaching Political Science and so*

(THE PRESIDENT resumed the Chair)

PRESIDENT (in Cantonese): Dr LEUNG, I have said many times that no debate is allowed during Question Time. If you think that the Secretary has not answered your question, you need only repeat your supplementary question and let the Secretary give a reply.

DR PRISCILLA LEUNG (in Cantonese): *This is why I have to repeat*

PRESIDENT (in Cantonese): You do not need to respond to the Secretary's reply. Which part of your supplementary question has not been answered?

DR PRISCILLA LEUNG (in Cantonese): *I think what the Secretary must respond is this: When Liberal Studies has now come to such a messy state, can the authorities cease to make it a compulsory subject and grade students' performance only as either pass or fail, so that their marks in this subject will not be factored into their admission to university? I hope that the Secretary can respond to this question.*

PRESIDENT (in Cantonese): You have already stated your supplementary question. Sit down, please.

SECRETARY FOR EDUCATION (in Cantonese): President, as I said in reply to this supplementary question, I think this is not related to this question. But if Dr LEUNG would like us to convey this view, I will draw the attention of my successor to this point.

MR PAUL TSE (in Cantonese): *President, a Judge's judgment can reflect a position which is conservative, but it can also be avant garde. Even though the principle of political neutrality is stressed, the result can still be different. The case of examination paper assessors is just the same. While they may not purposely adopt a certain political stance, they may be under certain influences. In this connection, I would like to know whether arrangements should be made for some particularly sensitive people to make sure that there is no such consideration, even though it is claimed that no political consideration will be taken into account in setting the examination questions. In other words, we must examine whether political consideration is involved. We cannot be indifferent to this. Rather, we must examine it to ascertain that there is no such problem. Have the authorities done this?*

SECRETARY FOR EDUCATION (in Cantonese): President, I believe this question actually involves how the assessors mark the examination papers. Members must understand that the Liberal Studies examination does not have model answers and there can be many ways to answer a question. Such being the case, when assessing the Liberal Studies examination papers, assessors will hold a meeting in advance to forge a consensus and determine how a candidate is considered to have met the requirements in answering the examination questions. An examination paper is required to be marked by two assessors, and in case of great variations in their marking of the examination paper, resulting in an excessive discrepancy in the marks, the examination paper will be marked by a third assessor. Therefore, there is a mechanism in place to assure that the assessors adopt comparable marking standards and that the candidates' marks will not be affected by the personal stance of an individual assessor.

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

WRITTEN ANSWERS TO QUESTIONS

Measures to Prevent Alcohol Abuse and Underage Drinking

7. **MR ALBERT HO** (in Chinese): *President, according to the statistics of the Department of Health (DH), the drinking prevalence among the adult population in Hong Kong rose from 30.9% in 2005 to 34.9% in 2010, and the per capita alcohol consumption rose from 2.57 litres in 2004 to 2.64 litres in 2010. The Hong Kong Academy of Medicine has pointed out that there are quite a number of misconceptions about drinking in the community, and it has suggested the Government to make reference to the World Health Organization's (WHO's) strategies to reduce the harmful effects of alcohol, in particular those on limiting alcohol supply, regulating the marketing and event sponsorship in respect of alcohol beverages, as well as changing the pricing of and the taxation system for alcohol, and so on. In this connection, will the Government inform this Council:*

- (a) *whether it knows the reasons for the increase in both the public's drinking prevalence and their alcohol consumption in recent years; whether it will conduct regular surveys on the public's understanding of the impact on health caused by alcohol, the reasons for members of the public drinking alcohol and their habits in drinking, alcohol abuse as well as demands for alcohol detoxification services;*
- (b) *given that the sale of alcohol beverages to persons aged below 18 is prohibited under the law but it was pointed out in the 2008 issue of Non-communicable Diseases Watch published by the DH that according to the Population Health Survey 2003-2004, 14.5% of youth aged between 15 and 17 drank alcohol occasionally or regularly, and furthermore, it was found in the Thematic Household Survey Report No. 45 published by the Census and Statistics Department that 2% of the respondents aged between 15 and 17 indicated that they had a habit of drinking alcohol, whether the authorities will assess if they need to step up law-enforcement*

actions; if the assessment outcome is in the affirmative, of the details; if the assessment outcome is in the negative, whether any other measure is in place; and

- (c) *given that it was pointed out in the Non-Communicable Diseases Watch mentioned in part (b) that 10.5% of the respondents had "hazardous" drinking in 2007, and the proportion of having "hazardous" drinking among men aged between 25 and 34 was as high as 27.2%, whether any government department or non-governmental organization (NGO) provides services to educate the public about the harmful effects of excessive alcoholic consumption as well as provides alcohol detoxification services at present; if so, of the details, together with the annual expenditure of the Government in this respect; whether the authorities will assess if they need to step up measures to reduce the harmful effects of alcohol; if the assessment outcome is in the affirmative, of the details; if the assessment outcome is in the negative, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the WHO has pointed out that alcohol consumption is associated with major non-communicable diseases such as cancer, cardiovascular disease and diabetes. It has also reaffirmed that measures should be strengthened in reducing alcohol-related harm in the prevention and control of non-communicable diseases. The HKSAR Government maintains close liaison with the WHO and makes exchanges from time to time with experts around the world in formulating action plans that suit local circumstances to reduce alcohol-related harm.

In 2008, the HKSAR Government set up the Steering Committee on Prevention and Control of Non-communicable Diseases (the Steering Committee). Under the Steering Committee, the Working Group on Alcohol and Health (the Working Group) launched the *Action Plan to Reduce Alcohol-related Harm in Hong Kong* (the Action Plan) in October 2011 having taken into account scientific evidence and local circumstances. The Action Plan covers five priority areas, 10 recommendations and 17 specific action items. The Government and relevant NGOs will draw reference to the Action Plan and take action to reduce alcohol-related harm, including strengthening surveillance

on the profile of drinkers and relevant risks, promoting relevant research, empowering the general public to make informed choices on the use of alcohol, strengthening community awareness and actions, and so on. The Steering Committee and the Working Group will continue to monitor progress and provide advice.

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

- (a) Public health actions should be based on the best available evidence. The Working Group recognizes that research and surveillance of alcohol consumption can help inform evidence-based intervention, so as to steer the direction of policy on prevention and control of alcohol-related harm. The Working Group recommends strengthening surveillance on alcohol consumption and the profile of local drinkers through the existing population-based health surveys. Since 2004, the DH has been conducting regular surveillance of alcohol consumption among adults aged 18 to 64 through the Behavioural Risk Factor Surveillance (BRFS) System. In the recent BRFS Survey conducted in 2011, the questionnaire included more questions on alcohol drinking behaviour, such as the type of alcoholic beverage that drinkers most often consume, the premises where drinkers most often drink and the persons with whom drinkers most often drink. The findings have been uploaded onto the Centre for Health Protection website. The DH will continue to review, adjust and strengthen the surveillance of alcohol consumption as necessary.

- (b) Regulation 28 of the Dutiable Commodities (Liquor) Regulations (Cap. 109B) provides that no licensee of licensed premises shall permit any person under the age of 18 years to drink any intoxicating liquor on any licensed premises. The police will, having regard to the circumstances of individual applications for liquor licences, make suggestions to the Liquor Licensing Board (LLB) to impose additional licensing conditions, including prohibiting admission of persons under the age of 18 years to the licensed premises in question. Prohibiting youths from drinking liquor on licensed premises can effectively prevent their access to alcohol and reduce the problem of alcoholism among youths. If malpractices are found

on licensed premises, the police may issue a warning to the licensee or offender, take summons action or even make an arrest. The LLB also has the right to revoke the licence or reject renewal applications.

- (c) The DH produces a variety of health education materials and makes use of various forms of media, so as to educate the public and publicize alcohol-related harm, enabling the public to make informed choices on alcohol consumption. The DH's Student Health Service disseminates messages to students on the harmful effects of drinking, smoking and drug abuse, and teaches them refusal skills. The Family Health Service provides information to pregnant and lactating women regarding the impact of alcohol consumption on the health and development of foetuses and babies. With reference to the aforementioned Action Plan, the DH will produce more health education materials targeting different demographic groups to facilitate healthcare professionals' promotion of reducing alcohol-related harm, and to help parents, teachers and other parties talk to children and young people effectively about alcohol with a view to preventing underage drinking. Public education and publicity on alcohol-related harm has been integrated into the DH's ongoing programmes.

At present, there are various institutions and organizations in Hong Kong that provide treatment of alcohol-related problems. These include the Hospital Authority (HA), NGOs, private hospitals and clinics. At present, the psychiatric specialist out-patient clinics and substance abuse clinics at all the HA clusters provide alcohol abusers with multi-disciplinary assessment (including psychiatry, clinical psychology, nursing and occupational therapy, and so on) and therapy services (including in-patient, out-patient, community support, guidance and rehabilitation, and so on). The "Stay Sober, Stay Free" Alcoholic Treatment Service Project run by the Tung Wah Group of Hospitals and NGOs such as Alcoholics Anonymous also provide services related to alcohol detoxification. We are unable to calculate the expenditure of reducing alcohol-related harm as a stand-alone item.

Measures to Tackle Problem of Pregnant Mainland Women Whose Spouses Are Not Hong Kong Permanent Residents Giving Birth in Hong Kong

8. **MR CHEUNG MAN-KWONG** (in Chinese): *President, the Secretary for Food and Health earlier advised that he was in discussion with private hospitals on the delivery quota for pregnant Mainland women whose spouses were not permanent residents of Hong Kong (doubly non-permanent resident pregnant women) giving birth in Hong Kong for the year 2013 and expected that there would be result before end of April this year. However, the Chief Executive-elect put forth on 16 April this year that private hospitals should stop admitting "doubly non-permanent resident pregnant women" in 2013, and indicated that babies born to "doubly non-permanent resident pregnant women" in Hong Kong (doubly non-permanent resident babies) in 2013 would not be guaranteed Hong Kong permanent resident status. He also said that other legal means, apart from the interpretation of the Basic Law, might be used to revise the current arrangement for granting permanent resident status to doubly non-permanent resident babies. In this connection, will the Government inform this Council:*

- (a) *whether the authorities have examined what legal means, other than the interpretation of the Basic Law, can be adopted to revise the current arrangement for granting permanent resident status to "doubly non-permanent resident babies"; if they have, what means they have examined and what the results are; if not, whether they have any idea about the legal means referred to by the Chief Executive-elect;*
- (b) *given that after the Chief Executive-elect has made the aforesaid remarks, the Secretary for Food and Health advised that the Department of Health (DH) would not issue confirmation certificates to pregnant Mainland women seeking to give birth in Hong Kong in 2013, and the Hong Kong Private Hospitals Association had also decided not to admit "doubly non-permanent resident pregnant Mainland women" to give birth in Hong Kong starting from 2013, whether the authorities have examined adopting other concurrent measures to stop the entry of "doubly non-permanent resident pregnant women"; whether the authorities will strengthen manpower in public hospitals to deter "doubly non-permanent resident*

pregnant women" from seeking emergency deliveries through the Accident and Emergency Departments (A&EDs), so as to avoid affecting the other patients and pregnant women receiving services in public hospitals; and

- (c) *given that the Hospital Authority (HA) is planning to increase with effect from May 2012 the obstetric package charge to \$90,000 for non-booked cases of non-local pregnant women seeking emergency deliveries through A&EDs, whether it knows if pregnant Mainland women whose spouses are permanent residents of Hong Kong (singly non-permanent resident pregnant women) will be dealt with separately from "doubly non-permanent resident pregnant women" under the HA's charging policy, and sufficient maternity beds will be made available for "singly non-permanent resident pregnant women" in public hospitals; if not, of the reasons for that?*

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

- (a) and (b)

The Government of the SAR has implemented a number of policy measures to ensure that Hong Kong pregnant women are given priority for proper obstetric services and neonatal services. The Government also limits the number of non-local pregnant women coming to Hong Kong to give birth to a level that can be supported by our healthcare system. These policy measures include strengthened complementary immigration measures to fully support the arrangements for implementing a delivery quota for local hospitals and the issue of "Confirmation Certificate on Delivery Booking" (Booking Certificate). Under the arrangement, non-local women who will soon give birth are required to have a Booking Certificate and produce it for checking by officers of the Immigration Department when they enter Hong Kong. Those who cannot produce a Booking Certificate may be refused entry.

Specific immigration control measures to prevent non-local women without a Booking Certificate from crossing the border to deliver in

Hong Kong include stepping up inspection of non-local pregnant women at major control points through internal redeployment; analysing the common tactics and trend of "gate-crashing" by non-local pregnant women through collection of intelligence and data, taking corresponding surveillance measures, and conducting joint raids with other departments; stepping up enforcement and removal actions against overstaying pregnant women; strengthening co-operation with the police, conducting investigation and initiating prosecution under the law against individual or corporate intermediaries that are involved in illicit activities in arranging for non-local women to give birth in Hong Kong.

The DH has deployed doctors and nurses to assist immigration officers in assessing the gestational age of incoming non-local pregnant women, and arranged Health Surveillance Assistants to identify non-local pregnant women. To prevent non-local pregnant women from entering Hong Kong early and going into hiding in order to evade the screening process, the Home Affairs Department has stepped up inspection and enforcement efforts against unlicensed guesthouses. The Housing Department will also detect and follow-up any suspected tenancy abuses cases under the established mechanism (including renting flats to non-local pregnant women), such as through routine and surprise flat inspections.

Through the above measures, the average number of delivery cases through "gate-crashing" the A&EDs by Mainland pregnant women who do not have prior booking has declined substantially from about 150 recorded each month in the fourth quarter of 2011 to an average of around 90 per month for the first four months of this year.

As the Chief Executive elect has not mentioned any specific legal arrangements on the permanent resident identity of babies of doubly non-permanent residents, we do not have any comment at this stage.

For public hospitals, although most of the cases of non-local pregnant women giving birth in A&EDs took place in hospitals with obstetrics and neonatal intensive care units, it is irresponsible for pregnant women to seek emergency delivery through A&EDs shortly before labour without any antenatal checkup as it is

dangerous to both the pregnant women and their babies. In the absence of past medical records of these non-local pregnant women, healthcare staff face limitations in taking care of them. It may also be necessary to transfer those complex cases which cannot be handled by A&EDs to other hospitals with obstetrics and gynaecology services for further treatment and such cases will inevitably involve risks. In this connection, we strongly appeal to the public to stop such dangerous behaviour in order to protect the safety of pregnant women and their babies.

The HA has enhanced the preparedness of A&EDs to deal with such cases, including strengthening emergency delivery training for healthcare staff of A&EDs, and providing additional equipment for maternal and neonatal care in A&EDs. The HA will closely monitor the situation and review the service capacity of A&EDs from time to time.

- (c) Hong Kong's healthcare system is provided primarily for Hong Kong residents. As our public healthcare services are heavily subsidized by the Government, 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. At present, only holders of Hong Kong Identity Card or children under 11 years of age who are Hong Kong residents are eligible persons entitled to use the healthcare services heavily subsidized by the Government. As for non-Hong Kong residents, including Hong Kong residents' spouses who are not Hong Kong residents, they may seek non-emergency public healthcare services when there is spare service capacity. However, they are required to pay a fee at the rates of charges applicable to non-eligible persons. At present, we have no plan to change the HA's fee-charging policy to differentiate non-local women giving birth in Hong Kong into different categories for different treatment.

Taking into account the costs of services, the price being charged for comparable services by private hospitals and the affordability of service users, the HA will increase the fees of emergency delivery to \$90,000 to deter non-local pregnant women from seeking emergency admission through A&EDs for delivery to bypass the booking system. The new fees will take effect on 12 May this year. Since it is a dangerous behaviour for non-local pregnant women without prior booking to seek emergency hospital admissions through A&EDs for delivery, the HA has set the fee at a level higher than that charged for booked cases regardless of whether the husbands of these non-local women are Hong Kong residents or not in order to achieve a deterrent effect.

In order to maintain adequate maternity services and neonatal intensive care services and accord service priority to local pregnant women, the HA has since 26 April 2012 stopped accepting bookings from non-local women with expected dates of delivery in 2012 for delivery in public hospitals.

We understand that some Mainland pregnant women whose husbands are Hong Kong permanent residents hope to give birth in Hong Kong but are unable to make their bookings in hospitals this year. There is a consensus in the community that the Government should provide assistance to this group of expectant mothers as far as possible. At the beginning of this year, we began to study the mechanism and detailed arrangements for effective verification of the identity of Mainland pregnant women whose husbands are Hong Kong permanent residents. We have just reached a consensus with the private hospitals for at least four private hospitals (namely Hong Kong Baptist Hospital, Precious Blood Hospital (Caritas), Union Hospital and St. Teresa's Hospital) to provide obstetric services for Mainland pregnant women whose husbands are Hong Kong permanent residents and who hope to give birth in Hong Kong but are unable to make their bookings in hospitals this year. If necessary, the DH will allocate additional delivery quota accordingly to private hospitals willing to provide obstetric services to this group of women.

Based on the documents submitted by Mainland pregnant women whose husbands are Hong Kong permanent residents, the private hospitals will issue them with a Booking Certificate. The DH will closely monitor the process and conduct checks with authorization from the couples concerned. Suspicious cases, if any, will be referred to law-enforcement agencies for follow-up action.

In the past three years, we have in each year handled an average of 6 000 cases of delivery by Mainland pregnant women whose husbands are Hong Kong permanent residents. With private hospitals terminating the admission of Mainland pregnant women whose husbands are non-local residents for delivery in the coming year, there should be adequate manpower capacity and facilities for private hospitals, after giving service priority to local pregnant women, to take care of the Mainland wives of Hong Kong residents.

Sizes of Public Rental Housing Flats

9. **MR ALBERT CHAN** (in Chinese): *President, I have learnt that the living areas of quite a number of public rental housing (PRH) tenants are below 5.5 sq m per person at present. Although such tenants, being overcrowded households, have already applied to the authorities for years for transfer to larger PRH flats, the authorities have not yet arranged for them to move to more spacious flats so far. In this connection, will the Government inform this Council:*

- (a) *of the respective numbers of PRH tenants with a living area per person below 5.5 sq m and between 5.5 sq m and 7 sq m in each of the past three years;*
- (b) *among the two types of PRH tenants in part (a), of the respective numbers of applications for transfer to larger flats in each of the past three years; of the respective numbers of successful transfers; of the shortest and longest waiting time calculated from the submission of application to the allocation of a suitable flat; and*

- (c) *whether the authorities will consider improving the existing policies so that more PRH tenants with a living area below 7 sq m per person may be transferred to more spacious PRH flats; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, in order to improve the living condition of PRH tenants, the Hong Kong Housing Authority (HA) currently conducts two Territory-wide Overcrowding Relief (TWOR) transfer exercises and one Living Space Improvement Transfer Scheme (LSITS) exercise every year so that PRH tenants with an internal floor area (IFA) below 5.5 sq m and 7 sq m per person respectively may apply for transfer to flats of a larger size.

In launching the TWOR exercise, we will compile a list of "Flats Available for Flat Selection" on the basis of suitable resources available at the time and deliver notices to all overcrowded households (that is, households with an IFA of less than 5.5 sq m per person), to invite eligible tenants to apply for transfer. Eligible tenants may select flats of a suitable size from their eligible districts on the list of "Flats Available for Flat Selection". Under the Scheme, applications for each exercise are processed independently. Applicants who fail to select a suitable flat in an exercise can apply afresh should they remain eligible in the next round of application. According to our statistics, the number of overcrowded households has dropped from about 18 000 (about 3.1% of all PRH households) at the launch of the Scheme in 2001 to about 3 000 (about 0.45% of all PRH households) at the end of 2011-2012. The number of households with an IFA below 7 sq m per person has also dropped from about 34 000 before the launch of LSITS in 2006 to about 24 000 at the end of 2011-2012.

The reply to the three parts of the question raised by Mr CHAN is as follows:

- (a) As at the end March 2009-2010, 2010-2011 and 2011-2012, the number of PRH tenants with an IFA of less than 5.5 sq m per person was about 3 300, 3 200 and 3 200 respectively, while the number of PRH tenants with an IFA ranging from 5.5 sq m to 7 sq m per person was about 22 900, 21 800 and 21 200 respectively.

(b) and (c)

In both the TWOR and the LSITS exercises conducted from 2009-2010 to 2011-2012, the number of applicants eligible for transfer, and the number of households that succeeded in transferring to flats of a larger size in the respective year are set out below:

(i) TWOR exercises:

<i>Year of launching of exercise</i>	<i>2009-2010</i>	<i>2010-2011</i>	<i>2011-2012</i>
<i>Statistics</i>			
Number of eligible applications	1 703	1 922	1 837
Number of successful tenants	722	788	515*

Note:

* Another 89 tenants have chosen flats in the newly-completed Tung Wui Estate, Shek Kip Mei Estate and Un Chau Estate. As intake of these estates has not yet commenced in 2011-2012, tenancy agreements remain to be signed. Another 33 tenants have chosen to transfer to vacant flats in existing housing estates and tenancy agreements will be signed only upon the completion of the refurbishment work.

(ii) LSITS exercises:

In 2011-2012, the LSITS was not open for application until March 2012. The applications received are still being processed, so we are unable to provide the relevant figures for 2011-2012. The figures for 2009-2010 and 2010-2011 are as follows:

<i>Year of launching of exercise</i>	<i>2009-2010</i>	<i>2010-2011</i>
<i>Statistics</i>		
Number of eligible applications	3 534	4 196
Number of successful tenants	1 058	1 381

Since the above Schemes are launched on a yearly basis, applicants have to re-apply every time when the exercise is conducted. Unlike applicants on the PRH Waiting List, applicants of the above Schemes are not put on a waiting list for allocation, so the Housing Department does not have the figures of the shortest and the longest time recorded for an applicant to be allocated a flat after submitting an application.

As the above Schemes are effective, we are of the view that the above arrangements should be maintained, that is, the TWOR exercise should be conducted twice a year and the LSITS exercise should be conducted once a year, so that the limited public housing resources are fairly distributed among the Waiting List applicants and different categories of PRH tenants.

Government Records Kept by Chief Executive's Office

10. **MS CYD HO** (in Chinese): *President, given the imminent handover between the current-term Chief Executive and the Chief Executive elect, will the Government inform this Council:*

- (a) *how the Chief Executive's Office will handle the files and records generated by the current-term Chief Executive within his term of office, and of the principles based on which the documents and records will be transferred to the next-term Chief Executive or to the Government Records Service (GRS), or will be destroyed;*
- (b) *how the Chief Executive-elect's Office will handle the files and records generated after its establishment, and of the principles based on which the documents and records will be transferred to the Chief Executive's Office or to GRS, or will be destroyed, after the Chief Executive-elect takes office;*
- (c) *upon the departure from office of the first Chief Executive of the Special Administrative Region (SAR), of the respective numbers of*

records which had been transferred to the Chief Executive of the following term, or to GRS, or had been destroyed, together with the lists of records which had been transferred to GRS and destroyed;

- (d) of the numbers and linear metres of records created by the Chief Executive's Office on its liaison with the Liaison Office of the Central People's Government in the Hong Kong SAR (the Liaison Office) (known as the Hong Kong Branch of the Xinhua News Agency before 18 January 2000) in each of the years since 1 July 1997; whether the aforesaid records are all kept at the Chief Executive's Office; whether the records concerned have ever been transferred to GRS or destroyed;*
- (e) whether the Chief Executive's Office will destroy the documents on the social activities and arrangements for private vacations of the current-term Chief Executive and his wife for the reason of protection of privacy; whether it will undertake to transfer such records to GRS for assessing how they should be handled; and*
- (f) whether the authorities have drawn reference from the rules on the handover of records upon the expiry of the terms of the leaders of foreign countries in handling the handover of records of the Chief Executive's Office; if they have, of the written rules put in place by the Chief Executive's Office on handling the records created by the Chief Executive during his term of office; if not, the reasons for that?*

CHIEF SECRETARY FOR ADMINISTRATION (in Chinese): President, regarding the question raised by Ms Cyd HO, our reply is as follows:

- (a) The Office of the Chief Executive's Office will handle the records and files generated during the term of office of the incumbent Chief Executive according to General Circular No. 2/2009 "Mandatory Records Management Requirements" (the Requirements) issued by the Administration Wing.

- (b) The Office of the Chief Executive-elect will handle the records and files generated after its establishment and transfer them to the Chief Executive's Office in accordance with the Requirements.
- (c) Upon the departure from office of the first Chief Executive of the SAR, the relevant records and files were retained in the Chief Executive's Office.
- (d) We generally do not publicly comment in detail on the communication between the SAR Government and relevant departments of the Central People's Government (including the Liaison Office).
- (e) The Chief Executive's Office will handle the documents on the official social engagements of the Chief Executive and his wife according to the Requirements. As for private activities, including private social functions and vacation arrangements, since they are not public duties, there are no files on related documents.
- (f) The Chief Executive's Office will handle the files created during Chief Executive's term of office in accordance with the Requirements.

Assistance for Convenience Store Franchisees

11. **MR WONG TING-KWONG** (in Chinese): *President, it has been reported that a group of franchisees of the 7-Eleven convenience store (franchisees) have pointed out earlier that they are being treated unfairly (including having no way to know the source prices; accounts lacking in transparency, not being able to know in advance the profit sharing ratio and criteria for adjustment; being forced to accept cooked food stalls operated by a third party to station at their stores and be responsible for the food safety and maintenance of such stalls; being forced to hire designated maintenance contractors who charge high fees; and being given contracts in English only by the brand licensor, and not being allowed to take away the contracts for detailed study first and being required to sign the contracts right away) by the brand*

licensor of that convenience store (brand licensor). In this connection, will the Government inform this Council:

- (a) whether the authorities have received cases of the franchisees concerned requesting for assistance; if they have, of the number and contents of such cases, and the follow-up measures taken by the authorities as well as the outcome; if not, whether the authorities will find out the truth from the franchisees and brand licensor concerned;*
- (b) as it has been reported that only the English versions of the franchise contracts of the aforesaid convenience store are available, and that franchisees are required to sign their contracts right away, whether the authorities will follow up such cases and require the brand licensor to provide the Chinese versions of the contracts, so as to prevent intended franchisees who are illiterate in English from signing contracts that may contain provisions which are unfavourable to them;*
- (c) whether the authorities will facilitate the provision of a platform to encourage frank discussion on an equal footing between the franchisees and brand licensor of the aforesaid convenience store;*
- (d) whether the authorities will consider attracting more brands of convenience stores to come to Hong Kong to promote competition so that on the one hand, more options are available in the market for intended franchisees to improve their position in negotiation, and on the other hand, the public are provided with more choices in consumption; and*
- (e) whether the authorities will draw reference from the practices of the Mainland or other countries to legislate on the administration of commercial franchise to protect franchisees; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, the case referred to by the Member in the question

apparently involves a commercial dispute and the commercial transactions between a brand licensor and its franchisees. In reply to parts (a), (b) and (c) of the question, apart from a letter from a District Council member on similar matters referred to us by the Complaints Division of the Legislative Council, we have not received any request for assistance from the franchisees. The Administration is not empowered to intervene in or follow up on commercial operations and disputes by, for example, sanctioning the substance or format of contracts entered into by the two sides or imposing specific arrangements for co-operation. In relation to part (e), we do not intend to establish a specific regulatory regime regulating co-operation between brand licensors and franchisees, in the light of the principle of free trade being a cornerstone of Hong Kong's free economy. In reply to part (d) of the question, we have all along, through the work of Invest Hong Kong, strived to assist foreign direct investments in setting up or expanding business in Hong Kong. The Consumer Products Sector Team, a dedicated team under Invest Hong Kong, provides advisory services and practical support to retail businesses, including convenience store projects, that involve foreign direct investments in Hong Kong. We stand ready to provide assistance to any brand of foreign convenience stores that plan to enter the Hong Kong market.

Future Manpower Planning upon Completion of 10 Major Infrastructure Projects

12. **DR RAYMOND HO** (in Chinese): *President, the Chief Executive had put forward 10 major infrastructure projects in the 2007-2008 Policy Address. In this connection, will the Government inform this Council:*

- (a) *given that to meet the need of implementing the aforesaid infrastructure projects, the Government has stepped up efforts in providing manpower training for the construction industry in recent years, and introduced measures to attract more people to join the industry, whether the Government has, before introducing the relevant measures, conducted any assessment (including evaluating the situation after the completion of the 10 major infrastructure projects) on the long-term employment situation of the local construction industry; if it has, of the details;*

- (b) *whether the Government has considered how to deal with the employment problems that employees in the construction industry may face after the completion of the 10 major infrastructure projects; and*
- (c) *whether the authorities have conducted any planning in respect of the overall development situation of the construction industry after the completion of the 10 major infrastructure projects; if they have, of the details (including the number, scope, nature and works schedule of Categories B and C projects which have been planned or commenced at present)?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, the current term of HKSAR Administration is committed to implementing the policy objective of promoting economic development through infrastructure investment, which has brought sustained impetus to the construction industry and the economy of Hong Kong. With the commencement of various major infrastructure projects, the expenditure on capital works has risen progressively from \$20.5 billion in 2007-2008 to \$58.4 billion in 2011-2012. In this financial year, the estimated expenditure on capital works will be up to \$62.3 billion. In the next few years, the capital works expenditure is expected to increase further to over \$70 billion per year, thus providing sustained employment opportunities to the construction industry. However, in construction manpower, we are facing the two major challenges of ageing and skills mismatch.

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

(a) and (b)

In anticipation of the various works projects, including the 10 major infrastructure projects coming on stream, the Development Bureau and the Construction Industry Council (CIC) have commissioned consultancy studies in 2007 and 2008 on the demand and supply of construction professionals, supervisors/technicians and workers respectively for the coming years. In 2011, we also comprehensively assessed the estimated construction expenditure for all works projects in the next 10 years, including those to be

undertaken by the private sector and works projects further to the 10 major infrastructure projects, as well as comprehensively reviewed the latest manpower situation of the industry. The findings indicated that notwithstanding that there would be adequate construction workers in total headcount in the next few years, the industry is facing an acute ageing problem as well as skills mismatch in individual trades. In the next five-year period (around 2015 to 2020), it is anticipated that the ageing problem will become more severe, leading to a manpower shortage in the construction labour force. According to the figures from the Construction Workers Registration Authority, at present over 40% of the construction workers are aged over 50 and will reach retirement age within the next 10 years. Only to address the ageing problem, we already need to attract and train up more new entrants to the industry. Coupled with the need to deal with the skills mismatch in individual trades, the Development Bureau and CIC have adopted measures, including strengthening CIC's training and trade-testing functions and enhancing promotion and publicity, and so on. In this connection, the Finance Committee of the Legislative Council approved a commitment of \$100 million to support the enhanced training and promotional initiatives on 28 May 2010. On 20 April 2012, we also sought approval of the Finance Committee to increase the commitment by \$220 million to \$320 million for further enhancing training for construction workers and supervisors/technicians.

Following the implementation of the Construction Workers Registration Scheme in 2005, we are able to maintain a fuller grasp of the latest manpower situation of the local construction industry. This has facilitated us and the CIC to update the above consultancy studies in the light of the latest developments in the economy and the labour market for projecting the future manpower demand and supply of the industry. We will also review from time to time the implications of new projects on the construction manpower demand and collaborate with the CIC in implementing appropriate measures promptly and providing necessary training to ensure that there will be sufficient manpower resources to meet the latest project needs.

- (c) While the 10 major infrastructure projects are strategic major infrastructural development projects, there are other capital works projects in Governments' Capital Works Program. In fact, not all of the 10 major infrastructure projects are entering into the construction stage at the same time. Taking the New Development Areas as an example, it is to cope with the housing demand and other needs brought about by population growth in Hong Kong in the next 10-year period.

In addition to the 10 major infrastructure projects, we will continue to plan and study more public works projects of various scales to enhance the long-term competitiveness of Hong Kong and improve people's quality of life. At present, there are as many as 400 new items in the planning stage under Category B and Category C. They include projects on land planning and development, transport infrastructures, heritage conservation, fresh water supply, floodway, sewage discharge and waste treatment, environmental protection and greening, medical service, education, security, and recreational and cultural facilities. Major projects that are at the initial planning/public consultation stage include projects on rock cavern development, reclamation outside Victoria Harbour, the proposed railways projects (including the Northern Link and the Tsuen Wan-Tuen Mun Railway) in the Railway Development Strategy 2000 currently under review, the third airport runway, seawater desalination, the Review of the Drainage Master Plans in East Kowloon and West Kowloon, and the Harbour Area Treatment Scheme Stage 2B, and so on.

Productivity Assessment for Persons with Disabilities

13. **MR CHEUNG KWOK-CHE** (in Chinese): *President, taking account of the possible employment difficulties encountered by some persons with disabilities, the Minimum Wage Ordinance (Cap. 608) (MWO) provides for a special arrangement so that persons with disabilities whose productivity may be impaired by their disabilities will have the right to choose to undergo the productivity assessment (the assessment) to determine whether they should be remunerated at a level not lower than the statutory minimum wage (SMW) or a rate commensurate with their productivity. As of the end of January 2012, a*

total of 184 persons with disabilities had undergone the assessment. Some members of the social welfare sector have reflected that the assessment mechanism has made employment even more difficult for persons with disabilities. In this connection, will the Government inform this Council:

- (a) whether the authorities have reviewed if persons with disabilities have been unreasonably deprived of the right to negotiation given that at present persons with disabilities can only opt for the assessment instead of the past approach through which social workers would negotiate with the employers on behalf of persons with disabilities to determine their remunerations; if they have, of the outcome; whether the authorities will offer persons with disabilities the option of either assessment or negotiation in the future; if they will, of the details; if not, the reasons for that;*
- (b) among the 184 persons with disabilities who had undergone the assessment, of the number of those who did not agree to the assessment results; whether the authorities will consider immediately and regularly in future collecting the views of the service users on the assessment mechanism and the approved assessors (assessors) for a review of the assessment mechanism in the future; if they will, of the details; if not, the reasons for that;*
- (c) why there is no appeal mechanism at present for persons with disabilities to object to the assessment results; whether the authorities will immediately set up an appeal mechanism; if they will, of the details; if not, the reasons for that; whether the authorities will make public the details of the assessment criteria; if they will, of the details; if not, the reasons for that;*
- (d) of the respective numbers of persons with disabilities who are taking up different kinds of jobs at present, with a breakdown by job type; and the respective numbers of persons with disabilities who have not applied for undergoing the assessment yet but are still working in various posts; and*
- (e) whether the authorities will immediately include information such as the assessors' professional qualifications and years of experience in various types of disability services, and so on, in the assessors'*

background information provided by the Labour Department (LD), so that persons with disabilities can have adequate information to select the appropriate assessors; if they will, of the details; if not, the reasons for that?

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, my reply to each part of the question raised by Mr CHEUNG Kwok-che is set out below:

- (a) Under the MWO, persons with disabilities are entitled to choosing to be paid at not lower than the SMW; or to undergoing productivity assessment (assessment) and be remunerated at a rate commensurate with their productivity. The provision of this special arrangement for persons with disabilities seeks to address public concern over the possible employment difficulties of some persons with disabilities upon the implementation of SMW, with a view to striking a reasonable balance between providing wage protection to persons with disabilities and safeguarding their employment opportunities. The Legislative Council had discussed the subject in detail when scrutinizing the Minimum Wage Bill.

(b) and (c)

The special arrangement for persons with disabilities provided under the MWO was formulated after consultations with stakeholders, including persons with disabilities, parent groups, rehabilitation organizations, employers of persons with disabilities, and so on. According to the majority view gauged during consultations with stakeholders, the assessment procedures should not be complicated. Otherwise, it would create undue pressure on persons with disabilities, which would in turn affect their performance during the assessment and dampen employers' willingness to employ persons with disabilities. Putting in place an appeal mechanism will make the assessment procedures complicated. In considering the Minimum Wage Bill, the Legislative Council had discussed whether an appeal mechanism should be provided. Hong Kong has no experience in implementing an SMW, particularly the assessment

mechanism for persons with disabilities. The Administration has undertaken to review the special arrangement for persons with disabilities within two years after the implementation of SMW.

We do not have information about the number of persons with disabilities who did not agree to the assessment result. The LD is collecting feedback from employees with disabilities who have completed the assessment and their employers regarding the assessment mechanism and assessors.

As for the assessment criteria, the Minimum Wage (Assessment Methods) Notice stipulates that the degree of productivity of a person with disabilities in performing the work is to be assessed by reference to his performance of the work at his place of employment. The assessor must, having regard to the details of the work and all the circumstances of the case, decide the relevant factors in the assessment, including: (a) the quality of work done by the person with disabilities; (b) the quantity of work done by the person with disabilities; (c) the speed of work of the person with disabilities; and/or (d) the ability of the person with disabilities to meet the other requirements of the work.

- (d) We do not have statistics on the respective numbers and breakdown by job type of persons with disabilities who are taking up different kinds of jobs at present and persons with disabilities who have not undergone the assessment yet but are still working in various posts.
- (e) To facilitate employees with disabilities in selecting the assessor for assessment, the LD provides a register of assessors. The register sets out the relevant information of each assessor, which includes, among others, the category of profession and (if provided by the assessor) professional qualifications, expertise in disability type(s) and relevant working experience. The LD will continue to enrich the details contained in the register of assessors and include, if feasible, their years of experience in undertaking various types of disability services.

Relocation of Yaumatei Shelter

14. **MR LEUNG KWOK-HUNG** (in Chinese): *President, I have learnt that the Yaumatei Shelter (the existing hostel) of the Street Sleepers' Shelter Society Trustees Incorporated, which is located at 1/F, 345A Shanghai Street, will be demolished and relocated to Hau Cheung Street at Yaumatei under the arrangement by the Government. In this connection, will the Government inform this Council:*

- (a) *whether the new hostel will, like the existing hostel, consist of only two storeys, with the street sleepers' shelter and the Salvation Army Day Relief Centre for Street Sleepers on the first floor; given that the current waiting time for single-room placement in urban singleton hostels is as long as four months, whether the Government will consider building a 16-storey new hostel at the new site to provide about 300 single-room places for urban singletons, so as to alleviate the current housing difficulties of urban singletons, including street sleepers;*
- (b) *given that the odour currently emitted from the refuse collection point and the public toilet on the ground floor of the existing hostel directly affects the street sleepers housed in the shelter on the first floor, whether a similar problem will arise in the new hostel; of the details of the design of the new hostel and the nearby community facilities; and*
- (c) *whether it has completed consultation in the district on the construction project of the new hostel?*

SECRETARY FOR HOME AFFAIRS (in Chinese): *President, in January 2009, we sought the endorsement of the Public Works Subcommittee (PWSC) under the Finance Committee of the Legislative Council on the funding application for the conversion of the Yau Ma Tei Theatre (YMTT) and the Red Brick Building into a xiqu activity centre (now formally named as Yau Ma Tei Theatre). The PWSC supported the proposal and suggested relocating the Shanghai Street Refuse Collection Point (RCP), public toilet and the Street Sleepers' Shelter (SSS) adjacent to the YMTT so as to create a better cultural*

atmosphere and enhance the YMTT's surrounding environment. The Government has actively followed up on the PWSC's proposal and identified in 2011 a feasible site at Hau Cheung Street for reprovisioning the RCP and SSS. Since there is no suitable site in the vicinity for relocating the public toilet, it will be reprovisioned at the YMTT Phase II project site.

Regarding the three parts of the questions, my reply is as follows:

- (a) As mentioned above, the purpose of the planned reprovisioning project is to make available the existing site for the Phase II development of the YMTT. The Social Welfare Department and the current operators, namely Street Sleepers' Shelter Society Trustees Incorporated, Yaumatei Shelter and the Salvation Army Integrated Service for Street Sleepers, undertake to continue the existing dedicated supportive services for street sleepers on the new premises.
- (b) In the past four years, the Food and Environmental Hygiene Department has not received any complaints against bad odour emission from the Shanghai Street RCP and public toilet. The new RCP will be equipped with modernized odour control system (such as water scrubber system) to control the emission of unpleasant odour and avoid causing nuisance to the users of the SSS as far as possible.
- (c) The relocation of the Shanghai Street RCP and SSS was discussed at the meetings of Yau Tsim Mong District Council's Community Building Committee in February, May and August 2011, and the proposal was agreed. Subsequently, Yau Tsim Mong District Office carried out a local consultation exercise in January 2012 on the proposed relocation of the Shanghai Street RCP and SSS to a government site at Hau Cheung Street. The proposal received local support in general.

Employment of Persons with Disabilities

15. **DR PAN PEY-CHYOU** (in Chinese): *President, the purpose of the United Nations Convention on the Rights of Persons with Disabilities is to promote,*

protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. The People's Republic of China is one of the contracting parties of the Convention, which is also applicable to Hong Kong. In recent years, the Government has also adopted the policy direction which advocates facilitating the integration of persons with disabilities into the community. In this connection, will the Government inform this Council:

- (a) whether it knows the respective numbers of persons with disabilities employed by the Government and public organizations in the past three years, together with the respective types of disabilities of these persons with disabilities;*
- (b) given the public concern about the rehabilitation and employment of ex-patients with psychotic disorders in recent years, whether the authorities have any specific measure to assist ex-patients with psychotic disorders; if they have, of the details; if not, the reasons for that, and whether relevant policies will be formulated;*
- (c) whether it knows the respective numbers of full-time, part-time and short-term employment opportunities offered to persons with disabilities by the Government and public organizations at present; whether the authorities have any plan to increase such employment opportunities; if they have, of the details; if not, the reasons for that; and*
- (d) whether the authorities will reconsider implementing a quota system for employing persons with disabilities in government departments and public organizations; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, the policy objective of the Government in assisting persons with disabilities in attaining employment is to ensure that they have equal access to participation in productive and gainful employment in the open market. To implement the requirements on the work and employment of persons with disabilities under Article 27 of the United Nations Convention on the Rights of Persons with

Disabilities, the Government will strive to provide a wide range of employment support and vocational training services for persons with disabilities according to the strategic development directions set out in the Hong Kong Rehabilitation Programme Plan. These services include selective placement services provided by the Labour Department (LD) to assist persons with disabilities in securing open employment, vocational rehabilitation training provided by the Social Welfare Department (SWD) and the Vocational Training Council, and retraining programmes for persons with disabilities provided by the Employees Retraining Board, and so on. To enhance the employment opportunities for persons with disabilities, the Labour and Welfare Bureau collaborates with the Rehabilitation Advisory Committee (RAC) and various sectors in the community to promote the work capability of persons with disabilities, and encourage various sectors to employ persons with disabilities and procure the products and services provided by rehabilitation organizations. In addition, we have put in place suitable legislative measures against disability discrimination in employment and at the workplace.

My reply to the question raised by Dr PAN Pey-chyou is as follows:

(a) and (c)

The Government has been proactively encouraging government departments, government subvented organizations and statutory bodies to employ persons with disabilities. The Government welcomes applications from persons with disabilities for government positions, and is committed to placing them in appropriate jobs in the Government so as to facilitate their integration into the community. At present, the Government already has in place a proactive policy on employment for persons with disabilities which offer preferential treatment to candidates with disabilities in their application for government position. A candidate with disability who meets the entry requirements for the post concerned will not be subject to any shortlisting criteria and will be automatically invited to attend the selection interview. Candidates with disabilities will also be given an appropriate degree of preference in order to enable them to compete with able-bodied candidates on equal grounds. The number of civil servant with disabilities by type of disabilities in

2009 to 2011 can be found at Annex. We do not have the respective numbers of full-time, part-time and short-term jobs.

To find out more about the employment of persons with disabilities in government subvented organizations and public bodies, the Labour and Welfare Bureau conducted a relevant survey in 2009. Among the 261 organizations surveyed, 139 of them had responded, and 63 of these respondents had recorded the number of employees with disabilities. These 63 organizations had employed a total of 772 persons with disabilities, accounting for about 2% on average of their total number of employees. As the survey only reflected the overall figures of the employment of persons with disabilities in these organizations, we do not have the breakdown by type of disabilities of the employees, their employment terms and job nature.

- (b) The Selective Placement Division (SPD) of the LD provides free and personalized employment services to job seekers with disabilities (including patients recovering from psychosis) for open employment. The placement officers will conduct in-depth interviews with job seekers to understand their job aspirations, provide them with the latest information on the labour market, match the job seekers to vacancies offered by employers and refer suitable candidates to job interviews where appropriate. After job seekers have successfully secured employment, the placement officers will keep in view their progress and provide assistance where necessary to ensure harmonious working relationship. In 2011, SPD recorded a total of 576 employment cases of persons recovering from mental illness (including psychosis).

Moreover, SPD administers the Work Orientation and Placement Scheme which encourages employers to provide work trial opportunities and employment support to job seekers with disabilities through the provision of subsidies. SPD will also continue to actively approach employers of various industries to promote the working capability of persons with disabilities and to canvass more suitable vacancies for them.

In respect of the SWD, through granting seed money to non-governmental organizations (NGOs) for the setting up of small enterprises, the "Enhancing Employment of People with Disabilities through Small Enterprise Project" (3E's Project) creates job opportunities for persons with disabilities. Under the 3E's Project, the SWD provides NGOs with a maximum funding support of \$2 million per business to meet the set-up capital cost and operating expenses incurred in the initial period of business operation. A funded business needs to fulfil the requirement that the number of employees with disabilities should not be less than 50% of the number of employees on the payroll of the business. As at March 2012, 70 businesses were set up under the 3E's Project, creating over 550 job positions specifically for persons with disabilities. Among those employed, nearly half are persons recovering from mental illness (including psychosis). To sustain the momentum in enhancing employment opportunities for persons with disabilities, the Administration has injected \$100 million into the 3E's Project and extended its funding period for each project from a maximum of two years to three years. Besides, we will provide a \$500 mentorship award as financial incentive, thereby encouraging employers to render workplace guidance to employees with disabilities and help them adapt to new jobs.

To reinforce the efforts in promoting employment for persons with disabilities (including persons recovering from psychosis), the Labour and Welfare Bureau, the LD and the SWD will continue to strengthen cross-sectoral collaboration among the business sector, local communities, NGOs and government departments; launch a series of publicity programmes to enhance public understanding of the work capabilities of persons with disabilities and support services provided by various government departments and rehabilitation agencies for the employment of persons with disabilities; and give due recognition to employers of persons with disabilities.

- (d) According to studies by the European Commission in 2000 and the International Labour Organization in 2003 on measures to promote the employment of persons with disabilities, a mandatory

employment quota system has not been proven successful overseas in helping persons with disabilities to secure employment, and some countries have abolished their quota system. The international trend has in fact moved away from employment quota system to anti-discrimination legislation and enhanced support measures for persons with disabilities. Indeed, under a mandatory employment quota system, persons with disabilities would be perceived as a liability, making them difficult to be accepted by their peers at work. This is not conducive to their integration into the community. We consider that persons with disabilities should be assisted to find appropriate jobs on the basis of their abilities rather than disabilities. In this regard, apart from providing vocational training and employment support for persons with disabilities, we will continue to adopt positive encouragement measures to enhance job opportunities for persons with disabilities, such as giving due recognition to good employers, sharing good practices and providing incentive and assistance to employers, and so on.

On the other hand, the Labour and Welfare Bureau has all along requested all Policy Bureaux to proactively encourage public bodies and government subvented organizations under their purview to formulate recruitment policy and employment indicator for persons with disabilities. These measures may include setting up indicators for the employment of persons with disabilities on a voluntary basis; formulating policies and procedures regarding the employment of persons with disabilities by drawing reference to those for the civil service; publishing the numbers of employees with disabilities in their annual reports; and giving priority in procuring product and services provided by rehabilitation organizations. The Labour and Welfare Bureau and the RAC will continue their efforts to enhance cross-sectoral collaboration among the business sector, local communities, government departments, public bodies and NGOs in promoting the employment of persons with disabilities, thereby supporting the self-reliance of persons with disabilities and their full integration into the community.

Number of Civil Servants with Disabilities (2009 to 2011) — By Type of Disabilities

Number of Civil Servants with Disabilities as at	Type of Disabilities							Total
	Visual Impairment	Hearing Impairment	Physical Disability	Intellectual Disability	Ex-mentally Ill Persons	Visceral Disability	Others (for example, Autism, Speech Impairment, Specific Learning Difficulties, and so on)	
31 March 2009	484	280	1 754	20	284	403	13	3 238
31 March 2010	465	295	1 768	20	300	455	13	3 316
31 March 2011	456	302	1 739	18	309	481	12	3 317

Travel Subsidy for Students

16. **MR LAU KONG-WAH** (in Chinese): *President, at present, approximately 900 000 students studying full-time from primary up to first degree levels in Hong Kong have to pay full fare for taking various modes of transport other than the MTR. Further, the Student Travel Subsidy Scheme (STSS) is unable to provide subsidy to all students and cater for their travelling needs when participating in extra-curricular activities. In this connection, will the Government inform this Council:*

- (a) *given that the information provided by the authorities earlier shows that since the Government relaxed the income ceiling for the full level of student financial assistance under the means test mechanism in the 2011-2012 academic year, the percentage of the number of full assistance beneficiaries in the total number of recipients increased significantly from around 30% in previous school years to around 57% in the current school year, of the amount of additional funding the authorities have to allocate for granting the full level of assistance to the remaining 43% of students; of the amount of*

administrative costs incurred by the Government at present in processing applications for the STSS;

- (b) *given that the Secretary for Education indicated in his reply to a question from a Member of this Council on 29 February this year that public transport operators were mainly commercial operators, and if the introduction of public transport concessions would lead to any adverse effect in their costs, these operators would often demand that the Government should compensate their losses, and therefore the authorities would not consider for the time being the proposal of providing to all students "student half-fare one-card passes" applicable to all modes of public transport, but a similar approach has been adopted under the public transport fare concessions scheme for the elderly and persons with disabilities, whether the Government will reconsider adopting such an approach in providing transport concessions for students; if it will not, of the reasons for that;*
- (c) *in addition to the School-based After-school Learning and Support Programmes and Hong Kong Jockey Club Life-wide Learning Fund, whether the Government has put in place any other measure to subsidize and encourage students to participate in extra-curricular activities which require travelling in modes of public transport; if it has, set out in a list the information on such schemes such as contents, eligibility criteria, annual number of students who benefited from these schemes at present and the amounts of subsidies, and so on; and*
- (d) *whether the authorities will provide more subsidy schemes to encourage students to participate in extra-curricular activities; if they will not, of the reasons for that?*

SECRETARY FOR EDUCATION (in Chinese): President, the Government's student financial assistance policy aims to ensure that no student is deprived of education due to lack of means. At present, a number of student financial assistance schemes, including the STSS, are means-tested to ensure that public

money is focused on needy students, and that those with genuine financial hardship receive appropriate support.

Our reply to questions (a) to (d) is as follows:

- (a) We now provide full level of financial assistance or assistance below the full level to needy students, depending on the financial situation of their families. In the 2011-2012 school year (as at end March 2012), against a total student population of around 900 000, the STSS provides full-rate or half-rate travel subsidy to over 221 000 students studying at primary and secondary level, or attending a full-time day course up to first degree level. To provide enhanced support for needy students, we have relaxed the income ceiling for full level of assistance under the means-test mechanism in the 2011-2012 school year. As a result, the percentage of students eligible for full rate of travel subsidy has increased from around 30% in previous school years to around 57% in 2011-2012. The total disbursement under the STSS in 2011-2012 is estimated to increase by \$75.35 million (that is, around +21%) to \$427.35 million as compared with 2010-2011. We consider that the existing level of assistance under the STSS can provide appropriate support to needy students. If all students eligible for the STSS are provided with the full rate of subsidy, it is estimated that government expenditure will increase by \$112 million per year, representing an increase of nearly 26% of the total estimated disbursement for 2011-2012. This proposal will not only deviate from Government's policy on the prudent and proper use of public money, but will also lead to knock-on effects. Students who are now eligible for assistance below the full rate under other means-tested financial assistance schemes (including School Textbook Assistance Scheme and Subsidy Scheme for Internet Access Charges, and so on) will demand full level assistance as well. The impact on public finances cannot be underestimated. In addition, the proposal is a departure from the principle of disbursing assistance from public funds to needy applicants at different levels having regard to their actual needs, and is unfair to taxpayers. As such, we consider it appropriate to provide assistance according to the actual situation of the student-applicant's family. Separately, the annual

administrative cost involved in processing STSS applications is about \$10 million.

- (b) If the Public Transport Concessions Scheme for the elderly and persons with disabilities is extended to all students receiving primary and secondary education or attending a full-time day course up to first degree level, those from families without any financial difficulties will also benefit. Under the principle of prudent and proper use of public money, we consider it appropriate to continue with the existing arrangement to provide student travel subsidy to eligible needy students only.
- (c) When computing the student travel subsidy under the STSS for needy students, we have already set aside additional assistance to support them to travel to schools for extra-curricular activities. For students at primary and secondary levels, the subsidy is for a total of 12 trips per week, including two trips for extra-curricular activities. As regards post-secondary students, the subsidy is for a total of 14 trips per week, including four trips for extra-curricular activities. Apart from the STSS, the School-based After-School Learning and Support Programmes and the Hong Kong Jockey Club Life-wide Learning Fund also provide assistance to needy students to participate in after-school activities, including assistance for related travelling expenses. The above schemes have already provided needy students with additional support for taking part in extra-curricular activities. Therefore, we have no plan to introduce other schemes to subsidize students to use public transport for participating in extra-curricular activities.
- (d) The prevailing STSS has already provided needy students studying at primary and secondary level, or attending a full-time day course up to first degree level with appropriate assistance to meet their home-school travelling expenses. In addition, the Government has been encouraging and supporting needy students to participate in extra-curricular activities through the School-based After-School Learning and Support Programmes and the Hong Kong Jockey Club Life-wide Learning Fund. Hence, there is no plan at this stage to

expand STSS or introduce more financial assistance schemes related to extra-curricular activities.

Redevelopment of Pak Tin Estate

17. **DR PRISCILLA LEUNG** (in Chinese): *President, the Government announced earlier that Pak Tin Estate in Sham Shui Po would be redeveloped in three phases starting next year in order to increase the supply of public housing flats. Quite a number of the existing residents of Pak Tin Estate have relayed to me their worries in this matter. In this connection, will the Government inform this Council:*

- (a) of the works for repair, renovation or addition of public facilities carried out by the Housing Department (HD) at Pak Tin Estate in the 12 months before the announcement of the implementation of the redevelopment of the estate; the amount of money involved; among such works, the number of renovation works which had just been completed this year or have yet to be completed so far;*
- (b) when the idea of increasing the supply of public housing by redeveloping Pak Tin Estate was first proposed; why the redevelopment was suddenly proposed after funding had just been granted for the maintenance and renovation works, and whether prior consideration had been given to the question of wasting public funds;*
- (c) whether the authorities will make an undertaking to the residents affected by the redevelopment that the sizes of the public housing flats to be allocated to them in the future will be similar to those of the flats they resided in originally;*
- (d) given that some residents are concerned that they need to pay higher rents after they have been rehoused to other estates, whether the HD will take this as an exceptional case and allow the residents of Pak Tin Estate to continue to pay the original rents within the first two years upon rehousing to other estates when the rents of their new flats are higher than those of their previous ones;*

- (e) *regarding the existing commercial tenants at Pak Tin Estate, whether the authorities have any measure in place to help tenants who wish to continue their operation to find new shops with low rents (for example, whether the authorities have considered giving these commercial tenants priority allocation of the shops at the new Shek Kip Mei Estate nearby in order to enable them to continue their operation); and*
- (f) *given that according to the current proposal of the Government, the residents affected by the first phase of redevelopment will not be able to opt for rehousing at the redeveloped Pak Tin Estate, whether the authorities will consider exercising discretion to allow the residents who wish to move back to their original estate upon the redevelopment of Pak Tin Estate to have priority in doing so?*

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

- (a) and (b)

The Government announced in the 2011-2012 Policy Address that it will open up new sites and explore ways to appropriately increase the densities and plot ratios of public rental housing (PRH) projects without compromising the living environment in order to achieve the PRH production target.

As such, in addition to continue applying the two-pillar criteria of structural safety and economic repair for consideration of redevelopment of aged estates under the result of Comprehensive Structural Inspection Programme, the Hong Kong Housing Authority (HA) will also examine the build-back potential of aged PRH estates bearing in mind the availability of suitable rehousing resources, so as to strike a balance between the sustainability of buildings and the redevelopment potential of these estates. Taking into account the local residents' aspirations for redevelopment of the older portion of Pak Tin Estate, the HA's Strategic Planning Committee considered the build-back potential of the older portion of Pak Tin Estate, the

availability of suitable rehousing resources, as well as the structural conditions of the estate and cost for comprehensive repair, and approved in January 2012 the preliminary master plan for the phased clearance and redevelopment of Pak Tin Estate.

To cater for the need of PRH tenants on barrier-free access, especially the elderly and disabled persons, the HA included Pak Tin Estate and other PRH estates into the enhancement programme for pedestrian facilities some years ago. Enhancement works in designated PRH estates include provision of new lifts and footbridges in external areas within PRH estate boundaries to connect elevated platforms with large-level differences, and addition of lift towers to PRH blocks built without lift services. The HA has committed to have the enhancement programme completed in 2012. As for Pak Tin Estate, the works for addition of lifts for Blocks 2 and 12 commenced in January 2011, well before the implementation of the refined policy on redevelopment. When the plan for redevelopment of Pak Tin Estate was announced, the construction works of addition lift towers had been nearly completed. Should we decide to stop the construction works at that time, the HA would have to reimburse the concerned contractor the relevant construction and compensated costs that would be near to the total construction cost. Given that the works were scheduled for completion by mid-2012 and the new lifts would serve the elderly and the disabled and facilitate tenant relocation, the HA decided to proceed with the original plan on the works.

In addition, the lift modernization programme in all existing PRH estates is an ongoing programme to modernize lifts aged over 25 years. The HA awarded in July 2009 tenders for the modernization of 11 lifts in Blocks 9 to 11 of Pak Tin Estate, well before the implementation of the refined policy on redevelopment. Relevant works commenced in March 2010 and are scheduled for completion by 2013. When the plan for the redevelopment of Pak Tin Estate was announced, the lift modernization works of eight lifts were either in progress or completed. As advised above, should we decide to stop the lift modernization works at that time, the HA would have to reimburse the concerned contractor the relevant

construction and compensated costs that would be near to the total construction cost. Given that the works were scheduled for completion by 2013 and the HA expected that the lifts would be in use by tenants for eight years or so after completion of all the modernization works, the HA decided to proceed with the original plan on the works. On the other hand, the HD is also exploring the technical feasibility of recycling the mechanic parts of the lifts.

(c) and (d)

When preparing the rehousing arrangements for the estate redevelopment programme, the HA will rehouse affected tenants to suitable PRH flats taking into account the preferences and the family size of the affected tenants and the allocation standards approved by the HA's Subsidized Housing Committee.

In particular, when processing the rehousing arrangements for PRH tenants affected by the redevelopment of Pak Tin Estate, the HA, will take into account the prevailing PRH resources available for allocation, and rehouse tenants to PRH flats nearby or their chosen estates as far as practicable. When considering the location for rehousing, the affected tenants can choose a PRH flat with rent at an affordable level to cope with their own situation. The HD will accommodate their choices as far as resources permit. Tenants with financial difficulties may apply for CSSA or, for those who face short-term problems and who meet the eligibility criteria, they may apply to the HA for rent assistance. Successful applicants may enjoy 25% or 50% rent reduction.

- (e) In accordance with the prevailing PRH redevelopment policy, the HA will offer the eligible commercial tenants who are affected by redevelopment an ex gratia allowance equivalent to 15 months' exclusive rent (excluding rates) to assist them to find alternative premises (including leasing the HA's retail premises through participation in the open tender exercises or premises in the private sector) to re-launch their businesses elsewhere or arrange closure of their businesses. As the notice period of the redevelopment of Pak Tin Estate is less than 30 months, a special ex gratia allowance

equivalent to three months' exclusive rent will also be granted to the eligible commercial tenants.

In addition, eligible commercial tenants can participate in restricted tender exercises for leasing the HA's market retail premises and will be offered a three-month rent free period in the new tenancy. If the eligible commercial tenants opt for not participating in restricted tender exercises, a lump sum payment at \$99,000 in lieu of restricted tender opportunities will be offered.

There are nine commercial premises in Shek Kip Mei Estate Phases 2 and 5 Shopping Centre. Among them, as at end April 2012, eight shops have been let or with letting procedures near completion and the HA will arrange the letting of the remaining one in due course. Those commercial tenants affected by the redevelopment of Pak Tin Estate are welcome to participate in the open tender exercise for leasing the premise concerned. The HD will discuss the redevelopment and other arrangements with the commercial tenants and will try to provide assistance as far as possible within the existing policy.

- (f) When implementing estates redevelopment programme, the HA will consider and formulate the rehousing arrangements in a holistic manner. The HA has identified, in the vicinity of Pak Tin Estate, the nearby newly completed Shek Kip Mei Estate Phases 2 and 5 to rehouse the tenants of Blocks 1 to 3 and 12 of Pak Tin Estate, so as to better meet tenants' aspiration for local rehousing. Under the current policy, when proper rehousing arrangements have been made for the PRH tenants affected by the estate clearance, they will not be rehoused back to the redeveloped estate. However, for PRH tenants who are affected by the later phases of the redevelopment of Pak Tin Estate, the HA may consider rehousing them to the new PRH flats built after redevelopment of the earlier phases, subject to the prevailing circumstances including the allocation resources available.

Chinese Learning Support for Ethnic Minority Children

18. **MS EMILY LAU** (in Chinese): *President, in its report released in July last year, the Equal Opportunities Commission (EOC), pointed out that the education system did not provide ethnic minority (EM) children with a level-playing field for education advancement because of their poor academic attainment in Chinese, and urged the authorities to take improvement measures which include provision of Chinese language support programmes for EM children at pre-primary level. It has been reported that according to a survey report released by a community group in April this year, most of the kindergartens being interviewed were of the view that EM students' proficiency in Chinese varied, but only a small number of kindergartens could offer additional support for them, and only 2% of kindergarten teachers had received professional training in teaching EM students. In this connection, will the executive authorities inform this Council:*

- (a) *whether they had taken any new measure since the release of the EOC report last year to support EM children's learning of Chinese at pre-primary level; if not, of the reasons for that; if they had, of the details (including the number of EM children who benefited and the amount of public funds involved);*
- (b) *whether they know the number of EM students currently receiving pre-primary education, with a breakdown by the grade in which they are studying; among them, of the respective proportions of South Asian and East Asian students, and race distribution; and the number of kindergartens/nurseries admitting these students;*
- (c) *whether they will take on board the recommendation of the aforesaid community group by offering Chinese learning support to EM children prior to their admission to primary schools, so as to prevent their opportunities of being admitted to the primary schools they desire from being affected because their academic attainment in Chinese is not as good as that of Chinese-speaking students; and*
- (d) *whether the authorities have assessed if EM children's opportunities of education advancement are affected by their proficiency in Chinese; if so, of the details; given that the EOC has indicated that it*

would take further actions, including formal investigations, if there was information showing that the Chinese proficiency requirement of individual schools might constitute systematic discrimination against EM students and the Government refused to examine or consider improvement measures, whether the authorities have examined and taken any improvement measure; if so, of the details; if not, whether they know if the EOC will conduct any formal investigation?

SECRETARY FOR EDUCATION (in Chinese): President,

- (a) The Government is committed to facilitating non-Chinese speaking (NCS) students' early adaptation to the local education system and early integration into the community. NCS parents are encouraged to send their children to local kindergartens⁽¹⁾. They may, like their local counterparts, apply for fee subsidy through the Pre-primary Education Voucher Scheme introduced in 2007, the subsequent refinement to the financial support of which has widened parental choice and facilitated children's access to quality kindergarten education.

The learning and teaching in kindergartens should be underpinned by an integrated approach to create a stimulating and language-rich environment, providing students with authentic, meaningful and developmentally appropriate language learning experiences through try-outs, exploration and interpersonal interactions. Such a naturalistic and holistic approach to language learning in local kindergartens is considered essential for communication purposes, and is thus conducive to NCS children's development of Chinese language skills, social development, adaptation to local primary schools and early integration into the society.

Having taken into account the views of stakeholders including discussion at the Legislative Council Panel on Education and further

(1) Kindergartens, kindergartens-cum-child care centres and schools with kindergarten classes are referred to as "kindergartens".

dialogue with the EOC in response to its Working Group Report issued on 11 July 2011, we have undertaken, among others, to promote an early exposure to an immersed Chinese environment for NCS children in local kindergartens to smooth their progression to mainstream primary schools through three-pronged measures as follows:

- (i) We would enhance the provision of school-based professional support services to kindergartens by according due priority to the aspect of "offering support to NCS children" when inviting schools in April 2012 to apply for the support services in the 2012-2013 school year. With "offering support to NCS children" as one of the focus areas for application, the professional support services to be rendered to teachers in designing teaching and learning activities would focus on facilitating children's acquisition of Chinese in an authentic environment. As a start, school-based support services are provided to 31 local kindergartens with about 470 NCS children in total in the 2011-2012 school year.
- (ii) On teacher empowerment, we have planned to enrich the content of the seminars/workshops on young children development and learner diversity, which have been organized since the 2010-2011 school year with around 120 school heads/teachers having participated. Curriculum development visits and focus group interviews will continue to be conducted to collect information and good practices on catering for learner diversity, particularly on NCS children's learning of Chinese, for organizing more experience sharing sessions in the 2012-2013 school year and for the development of tailor-made teaching and learning materials for kindergartens.
- (iii) As regards parent education, we have organized and would continue to organize parent briefing sessions on school admission dedicated for NCS parents in districts with relatively more NCS residents. In view of the positive

response, we have planned to invite kindergartens and schools which have accumulated experience in supporting NCS students to disseminate key messages to parents at the upcoming briefings, Support Services Centre for Ethnic Minorities funded by the Home Affairs Department, radio programmes, Maternal and Child Health Centres through promotion videos and in the newspapers for EM groups, and so on.

The expenses involved in the above measures are subsumed in the overall expenditure of the Education Bureau and a breakdown by item is not available.

The above support services need time to take root and are developmental in nature. We will make refinement as appropriate to meet the changing circumstances and needs and step up the development of more structured programmes to make the learning and teaching of Chinese more tangible and interesting for NCS children.

- (b) The number of NCS children studying in kindergartens with breakdown by grade and the number of kindergartens are at the Annex.
- (c) We attach great importance to addressing the community's concern about Chinese learning support to NCS children. To further arouse their interest in learning Chinese, we have, through the Standing Committee on Language Education and Research, a Committee advising the Government on language education issues, invited proposals to organize district-based projects/programmes to motivate NCS children to learn Chinese through fun activities such as drama, creative art, and so on. The pilot run of these district-based projects/programmes in districts with relatively more NCS children will start in July 2012. The actual expenditure and the number of beneficiaries involved would be subject to the number of projects to be approved.

- (d) We have undertaken to examine the support for NCS students, with a view to stepping up the promotion of an early start for NCS students to learn the Chinese language for better adaptation to local primary schools, expanding the school network for supporting NCS students and strengthening school-based professional support to schools so that more schools, in addition to the existing designated schools, would be involved in gearing up for the implementation of the Supplementary Guide to the Chinese Language Curriculum for NCS Students and catering for the diverse aspirations in academic study and career pursuit of NCS students.

Apart from the measures set out in part (a) above relating to the support to NCS children at pre-primary level, we have planned to step up the support to NCS students at primary and secondary levels by:

- (i) formulating different modalities of school-based professional support to ensure that schools can provide an environment for immersion in the Chinese language;
- (ii) expanding the network of schools supporting NCS students by restructuring the platform for sharing practices and experiences on the development and adoption of appropriate teaching pedagogies among schools admitting NCS students;
- (iii) putting in place a framework for objective and evidence-based assessment of the cost-effectiveness and viability of the support measures and evaluation of the support modes for schools; and
- (iv) kick-starting a longitudinal study on the modalities of school-based professional support and NCS students' performance in learning the Chinese language, with a view to evaluating the efficacy of the support for NCS students with diverse learning abilities.

Number of NCS children studying in kindergartens
by grade in the 2011-2012 school year

In the 2011-2012 school year, a total of 11 570 NCS children are studying in 544 kindergartens with breakdown by grade as follows:

<i>Grade</i>	<i>Number of NCS children</i>
K1	4 110
K2	4 410
K3	3 050
Total	11 570

Notes:

- (1) Figures refer to the position as at September 2011.
- (2) The above data cover those children whose ethnicity is Chinese but who are NCS based on the spoken language at home.
- (3) Given that as many as 17 ethnicity codes have been collected in the Student Enrolment Survey and the figures of NCS children above have already included all the children whose spoken language at home is not Chinese, we have not tabulated the number of children for each ethnicity.
- (4) Figures cover children studying in kindergartens-cum-child care centres.
- (5) Figures include children studying in both local and non-local kindergartens.

Monitoring Level of Fine Suspended Particulates

19. **MR KAM NAI-WAI** (in Chinese): *President, the Environmental Protection Department (EPD) monitors the concentrations of air pollutants through its air quality monitoring network (including 11 general and three roadside air quality monitoring stations (AQMSs)), and on 8 March 2012, the EPD started to collect and report on a real time basis the data on the hourly concentrations of fine suspended particulates (also known as "PM2.5"). In this connection, will the Government inform this Council:*

- (a) *of the reasons why the EPD only publishes the data on pollutant concentrations in the past 24 hours and does not keep the past relevant data on its website for perusal of the public;*
- (b) *of the details in table form of the unprocessed data directly recorded by all the 14 AQMSs in Hong Kong in each time slot since 8 March 2012;*
- (c) *given that of the 14 AQMSs of the EPD, only three are roadside ones, and the other 11 general AQMSs are installed at building rooftops over 19 m above the ground on average, whether the Government will install more roadside AQMSs (including in areas with high pedestrian flow such as Tsim Sha Tsui and Yau Ma Tei, and so on); if it will, of the details; if not, the reasons for that;*
- (d) *given that some members of the public have indicated that the EPD carried out instrument upgrade work at the AQMS in Causeway Bay this year and, as a result, reports of data on concentrations of fine suspended particulates were suspended for several days, of the details of the incident; how the Government ensures that these instruments can function properly and the data are accurate; and*
- (e) *given that some members of the public have reflected that it is difficult for them to find real time data on concentrations of fine suspended particulates on the EPD's website, and they have found that the webpage entitled "Past 24 Hours Pollutant Concentration" on the website does not contain real time data on fine suspended particulates, how the Government ensures that the public can easily access the relevant information; whether it will consider releasing the information through weather reports of the media; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) In order to ensure the accuracy and reliability of the data of the AQMSs, the EPD will verify and confirm the raw data collected at various AQMSs in accordance with a stringent quality assurance

process before the publication of the official data. When verifying the raw data at various AQMSs each month, the EPD will examine factors such as the operation records of the instruments at the AQMSs during the relevant period, whether the instruments have been interfered by any external factors, for example, construction works in the vicinity, and whether there are any abnormal variations in specific monitoring data. The verification process takes time to complete due to the huge amount of monitoring data involved.

To cater for the public's interest in the latest air quality information, the EPD has in parallel a special arrangement to publish on an hourly basis the real time concentrations of air pollutants recorded at various AQMSs for the past 24 hours on its website. Such real time data are raw data taken directly from the monitors at various AQMSs. As they have not been verified or confirmed, they are for preliminary reference only and would not be kept on the EPD's website. After verification of the data every month, we will upload the confirmed data onto the EPD website <<http://epic.epd.gov.hk/ca/uid/airdata/p/1>> for public's consumption.

At present, the verified data at various AQMSs from January 1990 to January 2012 are available on our website. Since 8 March 2012 when we began publishing the data on PM_{2.5}, such data have been included in our data verification process and the validated PM_{2.5} data would be uploaded onto our website.

- (b) The unverified concentrations of PM_{2.5} recorded hourly at AQMSs from 8 March to 30 April 2012 are at the Annex. As the data have yet to be verified, there may be some deviations from the final verified data.
- (c) All of the three existing roadside AQMSs in Hong Kong are located in built-up urban areas with heavy vehicular and pedestrian traffic to monitor roadside air quality. The three roadside AQMSs are in Causeway Bay, Central and Mong Kok. They cover the most common types of land uses with a relatively high density in urban areas, including commercial, commercial-cum-residential and financial districts. Therefore, the data from these roadside AQMSs

are representative of the roadside air quality in typical places with heavy vehicular and pedestrian traffic in the urban areas in Hong Kong. As such, we currently have no plan to increase the number of roadside AQMSs.

- (d) The publication of data on PM_{2.5} concentrations recorded at the roadside AQMS at Yee Wo Street, Causeway Bay, was suspended from 12 to 28 March 2012 due to replacement of instrument. The replacement mainly involved replacing existing PM_{2.5} monitor with a new model of greater precision. In tandem we replaced other related facilities, which included conversion of the outdoor equipment cases, replacement of vibration-proof installation, conversion of sampling pipes, and so on. Since the old and new monitors could not operate in parallel during replacement works due to the site constraint, we had to remove the old instrument before installing the new one. Data reporting resumed after the new instrument had been assessed and confirmed to be operating normally and reliably. The EPD had announced on its website that the reporting of data on PM_{2.5} concentrations at the said AQMS was suspended temporarily during the period.

To ensure the proper operation of instruments and the accuracy of data, the EPD has adopted internationally recognized operating procedures and strictly implemented a quality control and quality assurance system to ensure that the air quality data are highly accurate, reliable and representative. The monitoring network has been accredited with ISO17025:2005 and ISO9001:2008. We will continue to strictly implement the relevant quality control procedures in operating the PM_{2.5} monitors so as to ensure the accuracy and reliability of the data.

- (e) On the EPD website there is a dedicated webpage providing data on air pollution <http://www.epd.gov.hk/epd/english/environmentinhk/air/data/air_data.html>. It provides, among other things, past 24-hours concentrations of fine suspended particulates and other major air pollutants recorded at AQMSs <http://www.epdasg.gov.hk/english/24pollu_fsp/24pc_fsp.html>. To facilitate public access to past 24-hours concentrations of fine

suspended particulates and other major air pollutants and verified past data, we have added links to the air pollution index webpage to provide the public with an additional channel to the above webpage. The real time data on the EPD website, which are updated hourly, provide the public with the most up-to-date information on air quality.

Annex

PM2.5 Raw Hourly Data from 8 March to 30 April 2012

Notes:

- (1) The PM2.5 hourly data ($\mu\text{g}/\text{m}^3$) shown in the table below are raw data which have not been validated.
- (2) Data for individual station may be missing due to regular maintenance, interruption of electricity supply, equipment malfunction or breakdown of data transmission system.

PM2.5 ($\mu\text{g}/\text{m}^3$)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-03-08	0:00	27.2	27.8	18.5	25.2	25.4	20.4	32.6	23.9	30	24.4	24.9	32.3	29.7	29
2012-03-08	1:00	20.8	16.2	22.6	21.3	21.6	21.6	26.3	17.4	27.2	17.4	20.7	19.8	20.6	17.8
2012-03-08	2:00	13.6	10.8	23.4	18.2	13.6	18.3	20.7	15.2	21.2	12.9	20	15.2	12.9	9.5
2012-03-08	3:00	15.8	8.7	18.4	13.7	13.7	15.2	15.9	18.6	15.5	17.1	19.3	17.1	15.5	15.5
2012-03-08	4:00	21.8	18.7	14.8	16.1	16.4	14.9	17.9	23.3	17.5	22.1	20.5	22.6	22.9	18.7
2012-03-08	5:00	18.7	17.1	9	17.2	17.1	17.8	16	14.1	20	13.7	20.4	12.9	14	16.2
2012-03-08	6:00	17.5	13.8	11.1	14	14.8	22.4	16.1	21.4	13.4	20	20.9	25.7	23.5	21.8
2012-03-08	7:00	22	5.2	10.4	12.1	12.8	24.3	21.5	23.5	9.5	21.4	20.5	32.1	29.3	23.8
2012-03-08	8:00	22	13.9	10.8	13.1	15.4	25.1	21.8	19.9	15.8	20.9	17.8	31.1	26.2	31.6
2012-03-08	9:00	22.9	11.1	12	17	17.5	22.8	23.8	20.9	19.2	21.3	18	34.6	30.7	29.9
2012-03-08	10:00	23.6	13.7	18.5	21.6	18.2	30.6	23.3		18.7	21.1	16.5		26	30.1
2012-03-08	11:00	22.7	11.4		20.3	17.1	26.2	23.5		24.8	17.4	18.1		21.3	26.3
2012-03-08	12:00	23.2	11.4		18	15.5	18.3	21		22.4	18.7	19.7		21.7	29
2012-03-08	13:00	25.5	8		15.2	17.9	19.3	23.5	20.8	19.4	24.1	20.6		25.9	33.3
2012-03-08	14:00	30	15.7		16.5	17.5	23.3	30.5	25.1	20.3	25.9	26.5	35	28.3	32.4
2012-03-08	15:00	26.6	17.5		13.9	18	47.6	36.6	22.2	25.2	23.2	30.2	30.3	27.3	33.5
2012-03-08	16:00	26.7	16.4	20.5	17.6	19.8	74.1	30.9	22.9	21	24.8	30.7	35.4	26.9	33.2
2012-03-08	17:00	30.1	14.4	25.2	18.6	22.3	63.1	29.9	23.4	24	26.1	31.1	37.1	34.1	35.2
2012-03-08	18:00	28.8	14.8	41.4	22.4	20.5	22.7	28.7	21.7	27.7	22	25.6	37.1	29.7	27.6
2012-03-08	19:00	32.8	11.4	42.5	16.8	29	20	23.9	24	27.3	24.6		40.9	35.6	43.5
2012-03-08	20:00	27.6	14.6	42.5	18.3	22.2	18.6	22.1	19.8	25.4	20.7	18.9	33.3	27.5	40.1
2012-03-08	21:00	22.8	11	34.3	15.4	17	19.4	19.1	19.3	19.1	21.7	19.7	31.5	25.1	30.8
2012-03-08	22:00	20.8	10.9	37.3	12.7	17.8	14.6	20	19.5	18.5	21.5	17	33	21.2	25.8
2012-03-08	23:00	22.4	13.3	37.8	14.8	19.9	12.6	23.2	22.5	17.2	23.2	14.3	34.5	24.8	27.7
2012-03-09	0:00	23.6	16.4	44.8	10.2	29.2	16.3	27.2	23.5	16.5	23	10.2	30.2	24.1	25.3
2012-03-09	1:00	21	7.7	41.3	9.7	20	10.9	22.2	21.1	13.9	19.2	6	21.1	22.1	21.3
2012-03-09	2:00	12.8	5.6	29.6	7.7	9.1	7.3	20.6	14.8	6.4	7.8	5.2	16.1	16	12.6
2012-03-09	3:00	3.8	5.7	14.1	1.7	1.9	5.7	12.2	3.5	2.3	3.8	4.1	7.1	8.8	2
2012-03-09	4:00	5.2	2.5	9.8	3.4	3.2	3.5	7.8	3.5	3.5	4.2	6.1	6.2	5.6	3.6
2012-03-09	5:00	7.2	2.2	11.3	2.9	5.2	6.1	7	4.4	2.8	5	8.2	9.4	5.2	6.5
2012-03-09	6:00	8.2	3.8	10	8.4	7.9	7.6	7.4	5.9	5.5	8	8.6	12.4	8.6	8.7

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-03-11	15:00	17.2	19.7	27.6	34.7	16	32.2	16.9	10.2	8.7	11.5	30.3	25	19.8	17.8
2012-03-11	16:00	25.4	12.5	34.9	39.4	21.7	31.2	14.8	14.8	13.9	18.9	29.9	29.7	31.3	26.1
2012-03-11	17:00	29.3	33.4	34.3	38.8	24.2	32.5	18.6	19.9	22.3	24.8	31.3	37.6	31.8	34.9
2012-03-11	18:00	26.3	14.9	39.5	34.1	26.5	33.9	26.7	19.5	24.1	24.6	31.2	37.2	37	28.1
2012-03-11	19:00	24	30.6	30.8	33.8	23.4	34.6	23.6	20.5	21.4	18.8	24.8	39.5	29	29.4
2012-03-11	20:00	21.5	14.6	34.6	32.4	18.3	30.2	19.4	20	15	18.9	19.8	35.8	22.7	26.4
2012-03-11	21:00	18.9	26.8	31.3	22.3	14.9	24.5	16.3	13.7	9.5	14.7	21.7	26.8	24.8	19.2
2012-03-11	22:00	13.1	11.3	23.9	28.5	13.3	22.8	15.9	11.4	11.5	13.2	20.3	18.8	21.8	13.8
2012-03-11	23:00	11.2	22.2	20.5	21.4	9.7	21.7	12.5	10.2	13.3	11.6	16.4	13.7	17.5	11.5
2012-03-12	0:00	10.4	6.9	14.5	20.8	9.3	18.5	8.5	6.8	9.9	9.5	14.7	9.2	12.1	9.1
2012-03-12	1:00	8.3	14.7	16.2	17.4	8.8	18	10.9	7.4	11.2	8.3	16	7.5	10.5	5.3
2012-03-12	2:00	9.2	4.7	17.2	19.5	7.4	16.9	8.3	8.2	8.5	9	17.1	8.2	9.7	8.5
2012-03-12	3:00	10.7	18.4	16.8	12.1	6.5	17.8	12.6	9.6	8.5	11.2	18.6	8.3	9.1	7.1
2012-03-12	4:00	16.6	14.9	16.1	14.5	7	16.5	13.9	10.4	11.3	12.4	17.3	11	8.7	15.4
2012-03-12	5:00	17.4	21.8	13.9	16.1	9.5	19.6	12.1	11.2	12.7	12.2	19.2	12.2	11.7	15.6
2012-03-12	6:00	16	9.4	17.1	19.6	11.7	20.5	12.5	14.6	14.2	14.1	14.6	14.6	13.7	14.4
2012-03-12	7:00	13.8	20	21.3	21.6	12.9	23.1	9.7	15.5	17.7	16.4	15.7	22.6	20.2	18.6
2012-03-12	8:00	17.3	11.1	18.9	24.5	16.5	28.3	14.5	14.9	17.1	18.3	20.6	24.9	27.1	22.3
2012-03-12	9:00	20.3	20.5	19.8	21.6	15.8	30.9	15.1	20	16.4	22.7	24.1	29.8	28.2	23.5
2012-03-12	10:00	19.3		28.4	28.3	15.3	30.2	14.9	27.1	14.3	23.2	26.9		30.1	25.3
2012-03-12	11:00	19.5		24.8	23.8	14.1	31.8	16.1	24.1	11.4	20.7	32.1		25.9	
2012-03-12	12:00	18.8		25.1	22.6		35.8	16.8	19.8	19.5	19.9	27		19.3	
2012-03-12	13:00	23.7		30.2	20.3		40.3	21.6	25	17.7	26	32.5		24.7	
2012-03-12	14:00	25.3	30.3	38.1	27.5	22.6	44.4	28.8	26.9	25.2	28.8	37.4		32.5	12.5
2012-03-12	15:00	30	28.1	44.2	26.9	28.7	47.6	29.5	26.6	28.1	31	36.4		33.6	25.4
2012-03-12	16:00	30.1	34.1	45.6	37.1	30	47.6	30.1	29	32.8	33.8	38.8		38.8	26.2
2012-03-12	17:00	27.3	30.1	45.9	35.2	36.6	42.3	27.2	27	27.6	30.5	33.4		34	32.5
2012-03-12	18:00	27.8	28.6	38	37.1	30.1	41.9	27.8	27	22.2	27.9	31.7		39.3	33.7
2012-03-12	19:00	28.4	23.8	35.8	32.4	30.5	43.9	27.1	27.1	21.2	27.8	30.5		35.6	32.2
2012-03-12	20:00	28.2	27.2	33.8	33	23.4	45.4	24.8	25.8	19.6	23.3	35.8		30	30.7
2012-03-12	21:00	26.5	23.2	26.3	28	20.5	43.8	26.7	31.8	22.7	33.8	34.9		32.9	37.2
2012-03-12	22:00	30.7	29.1	24.5	39	20	40	32.1	29.1	25.9	30.4	28.5		32.4	36.7
2012-03-12	23:00	24.3	28.7	26.6	31.5	20.5	47.7	25	27.8	24.6	28.6	34.8		29	28.6
2012-03-13	0:00	19.2	24.5	33.4	28	20.5	43	22.1	26.7	20.9	21.5	35.6		25.3	15.7
2012-03-13	1:00	23.3	29.1	32.5	39.9	16.7	40.5	19.9	18.8	16.7	19.3	35.6		22.5	23.2
2012-03-13	2:00	18.3	30.4	35.4	47.8	15.8	39.2	23.2	17.4	16	18.4	37.3		22.6	13.5
2012-03-13	3:00	24.5	32	35.8	47.4	18.2	38.8	18.5	21	17.8	22.6	34.7			22.4
2012-03-13	4:00	29.7	36.6	36.1	46	18.9	37.9	18.2	27.8	24.6	29.9	33.3		23	29.2
2012-03-13	5:00	36.2	38.6	35.2	41.3	23.6	40.2	24.6	31.2	29.5	33.3	38.8		31.4	32.4
2012-03-13	6:00	42.1	42.4	36.4	52.7	31	41.2	28.5	33.1	36.7	35.6	50.2		34.2	42.3
2012-03-13	7:00	41.1	48.5	38.2	54.2	44.2	45.1	33.7	39	43.5	42.1	51.3		41.9	46.7
2012-03-13	8:00	46.8	56.9	46.2	60.1	45	51.4	36.6	39.5	40.4	42.8	54.1		51.2	60
2012-03-13	9:00	51.5	61.6	51.9	60.4	43.8	52.1	42.2	42	45.4	46.3	55.2		53.2	61
2012-03-13	10:00	50.9	59.6	52.8	63.5	40.7	49.1	49.2	48.1	47.3		54.2		52.7	62.1
2012-03-13	11:00	47.9	54.6	56.3	62.1	41	50.3	57	48.3	48.3		51		54.2	53.7
2012-03-13	12:00	42.4	49.2	61.7	63.6	48.6	58.4	54.1	49.1	41.3	48.2	51		52.9	50.7
2012-03-13	13:00	46.5	47.2	62.2	62.9	51.1	58.1	52.5	51.3	41.8	52.5	54.4		56.7	60.6
2012-03-13	14:00	42.2	52.8	60.7	67.8	51.6	60.5	58.5	53.4	58.6	53.8	58.6		60.1	50
2012-03-13	15:00	51.9	56	72.3	64.6	56.2	58	62.8	52.6	67.7	54.3	64.3		58.9	62.3
2012-03-13	16:00	60.2	67.6	76.8	76.1	60.6	58.1	60.6	52	70.4	60.4	66.5		61.6	64.1
2012-03-13	17:00	67.8	72.8	81.7	80.5	66	66.2	67.7	60.1	74.3	69.4	66.9		69.3	78
2012-03-13	18:00	68.6	78.7	83.6	89.1	71.4	68.1	75.5	61.8	80.5	69.6	66.4		74.9	77.9
2012-03-13	19:00	69.5	75.3	81.3	85.1	73.8	75.6	74.9	67.5	81.4	73.7	62.8		75.2	76.8
2012-03-13	20:00	69.4	79.7	82.3	87.4	69.8	76.9	77.9	67.4	74.5	73.8	65.3		78.6	85
2012-03-13	21:00	68.2	81.6	86.3	84.9	66.7	70	83	63.9	76.5	70.2	62.7		78.5	84.8
2012-03-13	22:00	67.3	83.7	80.2	86.5	63.9	64.2	79.8	60.1	78.4	63.1	52.4		70.2	78.2

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-03-13	23:00	59.3	75.7	82.5	86.7	60.8	62.1	75.6	55.7	71.4	59.3	44.5		58.4	65.5
2012-03-14	0:00	50.2	70.3	78.5	81	52.1	58.2	64.1	47	67.6	48.1	40.7		51	51.7
2012-03-14	1:00	44.6	56.5	61.6	83.8	42.5	55	57	46.1	60	48.4	44.7		47.4	46
2012-03-14	2:00	46.6	53.5	53.3	78.8	44.2	56.4	58.7	51.4	51.9	51.6	49		50.3	48.1
2012-03-14	3:00	49.7	54.8	64	73.2	49.2	65.6	61.9	62.2	53	59	50.6		59.6	53.2
2012-03-14	4:00	49.8	56.1	53.2	65.8	42.1	66.6	71.2	59.9	57.7	58.3	47		58.5	56.1
2012-03-14	5:00	49.6	56.6	61.1	65.7	41.6	65.5	67.3	53.6	54.5	59.6	59.4		56.6	57
2012-03-14	6:00	51.8	57.6	74.3	72.1	45.9	65.8	58.9	49.9	54.6	55.4	58		53.1	60.3
2012-03-14	7:00	50.6	67.3	58.8	77	46.8	59.9	55.3	49	57.5	51.2	56.1		54.7	58.5
2012-03-14	8:00	45.8	69	36.2	81.8	42.1	57	51.8	45.1	58.4	49	55.7		53.8	57.2
2012-03-14	9:00	42.4	65.8	32.3	83.7	40.7	52.1	52.3	44.1	53.4	45.5	55.4		48.1	49.5
2012-03-14	10:00	35.6	50.5	29.6	75.2	35.6	37.2	47.2	35.7	45.8	32.3	44.9		40.4	38.1
2012-03-14	11:00	33.7	30.9	30.5	57.2	30.4	34	42.7	32.3	35.1	32.4	41.8		35.1	30.7
2012-03-14	12:00	37.8	21.2	32.1	51.5	31.2	31.3	40.4	33.9	32.5	38.8			34.7	45.6
2012-03-14	13:00	40.4	33.7	25.5	46.9	34.4	39.2	41.7	34.3	34.9	37.5	35.6		35.3	50.5
2012-03-14	14:00	33.6	28.5	32	43.2	33.3	32.4	44.6	36.6	37.9	34.4	38.1		35.3	35.8
2012-03-14	15:00	35.8	29.2	25.8	41.7	27.7	30	40	37.1	30.4	37.7	43.6		40.2	44.7
2012-03-14	16:00	37.9	21.6	28.5	40.2	26.7	30.4	38.5	40.7	31	43.7	42.5		43.3	48.6
2012-03-14	17:00	43.1	31.2	27.8	44.2	26.6	28.3	40.4	40.5	27.5	47.1	38.6		44.2	52.1
2012-03-14	18:00	46.2	28.7	36.7	48.3	30.7	32.8	44.3	42	32.7	43.8	34		55.1	57.2
2012-03-14	19:00	42.5	48.3	64.2	51	41.5	39.5	52.3	37.1	43.6	38	25.8		51.2	54.4
2012-03-14	20:00	34.7	34.8	45.6	48.9	41.3	37.7	46	27.8	45.5	27.3	17.6		43.3	41.1
2012-03-14	21:00	25.1	33.6	30.1	35.5	28.8	32.6	36.7	17.2	37.5	18.1	15.8		29.7	28.9
2012-03-14	22:00	21	18.2	22.6	23.9	24.5	21.5	25.6	13.9	27.9	15.9	16.9		17.5	24.2
2012-03-14	23:00	16.9	24.1	19.5	27.7	19.8	15.6	20.8	11	24	14.3	18.8		12.5	20.7
2012-03-15	0:00	15.1	16.4	15	29.5	16.5	16.3	12.9	10	19.7	12.5	18.9		11.9	14.7
2012-03-15	1:00	8	13.2	11.9	28.5	10.3	11.8	7.7	8.8	11.3	9.5	18.1		6.6	4.5
2012-03-15	2:00	10.9	5.1	9.6	27.6	7.2	5.5	9.7	11.4	10.4	15.7	20.6		8	7.7
2012-03-15	3:00	19.4	13.4	7.6	26.2	11	5.6	17.4	21	10.5	22.1	20.2		20.8	21.6
2012-03-15	4:00	23.7	14.8	9.4	25	14.3	10.1	25	25.4	14.6	25.2	20.7		25.6	24.8
2012-03-15	5:00	24.7	17.4	8.8	28.8	16.3	9.5	27.6	24.4	16.7	24.3	22.9		28.7	26.7
2012-03-15	6:00	22.9	11.1	14.4	31	17	11.2	24.1	19.9	19.7	21.5	21		26.9	26.9
2012-03-15	7:00	21.8	21.3	14.7	32.4	17.1	13.3	21	22.4	17.3	22.3	19.8		28.5	28.7
2012-03-15	8:00	25.8	12.1	12.2	29.9	18.6	13.6	28.5	24.6	17.7	24.9	21.7		32.1	31.7
2012-03-15	9:00	24.7	23.6	14.2	33.3	18.2	11.9	30.3	25.1	21.5	24.4	22.2		31.2	29.1
2012-03-15	10:00	22.3	10	11	30.3	16.1	23	28.1	21	17.3	21.3	22.9		23.8	24.9
2012-03-15	11:00	20.4	17.3	10.8		16.1	25.9	25.6	24	12.6	21.9	18.7		23.9	17.8
2012-03-15	12:00	22.9	12.9	13		14.5	21.2	26.7	23.8	14.9	25	24.9		22.3	19.1
2012-03-15	13:00	25.1	21	13.2	23.3	20.1	21	32.3	25.9	16.1	26.9	29.9		26.7	32.8
2012-03-15	14:00	26.3	12.9	15	14.7	21.7	24.9	34.4	27	19.1	28.7	30.5		29.7	24.4
2012-03-15	15:00	26.2	20	16.5	19.1	19.1	24.2	31.4	27.9	21.6	27.8	31.1		30.6	40.6
2012-03-15	16:00	33.5	10.4		16.4	20.9	31.3	34.8	28.7	21.9	32.7	31.9		36.1	46.4
2012-03-15	17:00	40.2	29.3		21.3	25.4	27.8	38.8	31.3	23.1		33.5		41.9	53.8
2012-03-15	18:00	40.8	21.5		25	28.3	26.7	38.7	31.7	29.5	36.9	33.8		40	51.7
2012-03-15	19:00	41.2	31.6		33.7	39	27.2	43.7	26.2	32.1	36.4	33.2		38.6	52.5
2012-03-15	20:00	34.6	22.2	22.8	39.1	42.7	36.8	39	24.6	40.3	30	32.1		33.2	44.4
2012-03-15	21:00	34.2		16.3	38	28.1	32.7	36.6	28.7	36.1	28.2	32		41	34.6
2012-03-15	22:00	29	19	11.1	33.2	21.2	31.5	41.2	30.3	23.5	27.8	30.5		36.5	37.2
2012-03-15	23:00	25.1	15.6	14.3	28.4	15.9	22.7	33.7	23.2	22.6	24	29.7		29.8	31.1
2012-03-16	0:00	21.5	13.5	17.8	20.3	14.6	19.4	27.7	22.6	19.6	24.1	27.1		27.6	24.1
2012-03-16	1:00	22.1	19.2	13.8	30.9	14.3	15.1	31.6	21.4	17.5	21.1	24.6		25.7	24.1
2012-03-16	2:00	19.9	16.3	13.7	22.4	11.5	15.6	29.5	17.5	17.8	20.4	26.8		27.4	20.3
2012-03-16	3:00	20.1	28.4	15.2	20.9	14.1	15.3	25.6	15.1	17.5	19.3	25.7		20.8	16.1
2012-03-16	4:00	17.3	22.5	9.4	18.7	12	14	21.6	15.3	13.2	15.3	23.9		20.4	17.8
2012-03-16	5:00	19	23.2	11.5	21.7		16.4	20	19.2	15.3	18.7	20.9		24	24.9
2012-03-16	6:00	25.9	10.3	17.5	16.9	27.6	18.5	22.7	22.3	18.5	24.6	20.9		31.2	34.7

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-03-16	7:00	31.8	18.7	25	17.2	44.7	19.3	26.2	24.6	23.3	27.5	20.7		42	44.8
2012-03-16	8:00	37.6	18	27.4	18.9	57.2	23.7	30.5	27	34.4	32.8	18.1		52.2	50.7
2012-03-16	9:00	46.2	34	29.1	15.1	71.4	22.1	47	29.7	43.2	41.7	18.1		55.1	54.9
2012-03-16	10:00	46.5	28.7	24.2	20.4	63.5	22.2	55.8	37.8	47.1	83.6	19.4		47.7	50.7
2012-03-16	11:00	43.6	39.2	28.5	26.4	57.6	19.6	52	39.9	48.7	36.8	23.1		47.6	30.3
2012-03-16	12:00	39.8	19.1	30.3	21.5	44.2	21.4	55.7	37.6	55.3	32.5	27.5		45.4	27.3
2012-03-16	13:00	37.2	27.9	25.6	25.5	42.5	13.5	55.5	35.7	42.4	33.7	37.5		42.7	24.2
2012-03-16	14:00	40.5	18.2	24.4		41		54	41.6	35.6	36.6	34.5		45.9	26.6
2012-03-16	15:00	42.1	25.3	24.3	34.2	40.9	23.1	56.8	35.5	35.5	37.3	32.7		50.9	
2012-03-16	16:00	42	18.6	19.4	39.6	38.7	31.2	53.2	39.5	35.8	40.7	35.5		50.9	65.2
2012-03-16	17:00	40.5	32.4	18.3	37.3	49.7	39.2	50.3	32.1	39.1	36.2	37.1		46.5	
2012-03-16	18:00	36.9	20.2	24.1	36	61.4	35.7	49.3	34.9	48.1	33.7	34.7		45.8	56.6
2012-03-16	19:00	38.5	30.2	30.3	34.6	64.6	45.6	48.9	43.6	43.3	29.8	36.2		47.5	54.1
2012-03-16	20:00	37.2	25.7	29.1	32.2	57.8	50.8	48	41.3	42.6	27.1	28.8		48	51.4
2012-03-16	21:00	33.8	32.3	39	21.2	55.8	52.4	48.4	40.3	41.5	19.3	19.9		50.5	40.6
2012-03-16	22:00	30.9	34.8	30.5	27.4	62.5	52.5	51.3	25.7	45.6	20	24.6		37.4	37.7
2012-03-16	23:00	25.1		24.1	23.3	54.9	48	42.5	9.3	42.2	19	23.7		32.5	28
2012-03-17	0:00	18.6	25.1	28.7	16.4	52.1	46.2	38	10.2	39.3	15.2	21.2		24.6	16.5
2012-03-17	1:00	13.6	28.4	28.9	13.3	48.8	36.9	30.9	12	39.4	11.2	18.6		20.5	13
2012-03-17	2:00	13.5	5.5	26.9	9	40.6	35.3	23.1	12.5	35.9	8.6	17.1		14.5	14.3
2012-03-17	3:00	6.2	19.4	27.9	15.4	30.5	26.8	18.8	7.9	21.1	9	15.6		19.8	5.4
2012-03-17	4:00	9.3	12.6	30.3	16.3	13.7	20.4	17.9	8.9	14.3	12.2	15.8		18.9	11.5
2012-03-17	5:00	14.5	16	21.9	9.8	13	26.6	18.3	11.5	13	13.2	14.6		17.2	14.1
2012-03-17	6:00	11.5	13	21.3	9.1	12.7	25.1	15.1	11.6	13.8	12.3	13.3		21.9	15.5
2012-03-17	7:00	15.5	18.5	24.1	18.4	11.1	21.3	19.9	13.6	9.6	14.8	17		24.3	17
2012-03-17	8:00	19.7	12	22.1	16.1	14.1	8.4	32.9	15.3	11.8	18	14.2		27.1	17.3
2012-03-17	9:00	16.8	24.2	17.5	13.2	21.4	16.9	32.3	18.9	17.5	18.8	13.2		34.4	11.1
2012-03-17	10:00	17.9	10.2	17.5	17.5	27.1	14.3	31.6	17.6	21.4	18	12		32.1	2
2012-03-17	11:00	19.2	14.1	17.3	17.3	20.8	20.1	34.1	15.5	18.1	19.6	15.1		27.9	5.7
2012-03-17	12:00	28.5	10.9	16.1	13.6	25.3	23.8	36.9	12.9	27.6	18.5	13.4		27.1	44.4
2012-03-17	13:00	20.3	20.8	18.1	12.3	20.2	21.1	29.7	13.9	29.7	15.5	12		46.1	
2012-03-17	14:00	17.8	24.1	17.6	13.2	20.7	18.9	25.2	15.2	21.4	17	13.3		42.5	17
2012-03-17	15:00	13.1	22.9	18.1	17.7	20.4	15.7	22.7	19.1	20.8	29.7	18		35.3	
2012-03-17	16:00	19.5	16.4	20.2	19.7	20.5	16	22.7	20.5	22.5	29.6	16.7		43.3	15.3
2012-03-17	17:00	23.5	22.4	16.2	17.1	25.6	14.7	23.1	20.9	32.3	24.8	14.8		45.5	
2012-03-17	18:00	30.5	18.8	18	17.4	32.8	23.7	27.9	26.7	30.5	23.6	15.7		54.3	
2012-03-17	19:00	37.6	23.3	18.1	22.9	30.1	22.3	42.9	31.4	34.3	26.7	16.3		52	64.3
2012-03-17	20:00	46.6	23.2	19	21.1	31.5	20.7	47.2	34.5	32.8	32	14.2		55.7	62.8
2012-03-17	21:00	40.5		15.6	25	43.9	23.5	50.8	36.4	44.8	38.5	17.6		54.3	57.4
2012-03-17	22:00	46.5		13.5	29.2	31.8	25.4	50.9	31.3	41.7	34.8	18.4		50.7	51
2012-03-17	23:00	50.4	37.5	17.8	27.1	41.7	26.2	44.4	23.4	31.2	37.5	16.9		41.9	56.5
2012-03-18	0:00	56.9	28.2	14.8	31.9	25.6	24.7	46.1	13.3	28.1	39.6	16		33.9	52
2012-03-18	1:00	55.6	25.4	14.1	26	18.7	24.4	34.1	15.6	24.4	37.2	16.1		32	46.8
2012-03-18	2:00	43.5	18	17.2	25.8	9.5	26.2	25.4	13.4	17.8	31.6	10.2		32.5	39.2
2012-03-18	3:00	46.4	18.4	10.7	23	9.5	21.8	17.4	11.9	14.3	28	10.1		26.1	41
2012-03-18	4:00	64.1	19.5	10.4	16.6	22.4	21.1	23.7	11.8	11.8	26.9	8.1		37.8	55.3
2012-03-18	5:00	57.2	18.1	12.3	7.7	30.6	28.2	38.9	14.5	19.6	25.3	8.3		59.3	63.9
2012-03-18	6:00	70.4	13.5	12.1	16	12.3	31.1	42.3	16.5	18.3	29.5	10		43.8	54.5
2012-03-18	7:00	71.2	19.9	16	22.9	18.1	26.4	35.2	27.6	14.3	38.5	13.3		36.5	39.9
2012-03-18	8:00	68.9	17.9	16	20.7	32.1	22.1	36.4	40.9	20.2	43.4	18.5		53.9	37.5
2012-03-18	9:00	61.2	18.3	21.5	22.8	26.6	18.6	44.1	37.7	27.7	45.5	14.2		91.8	28.2
2012-03-18	10:00	35.3	15.1	30.8	20.7	33.1	18	43.9	40.3	25.8	38.4	26.8		44.7	1.9
2012-03-18	11:00	23.5	12.9	39.4	20.6	31.4	16.5	36.4	33.4	31.5	26	19.8		26.5	1
2012-03-18	12:00	11.3	13.2	42.6	13	23.4	7.9	13.9	13.3	27.9	16.3	16		9	14.8
2012-03-18	13:00	16.2	18.9	23.2	14.1	24.3	12.9	12.6	15.5	29	21.6	15		12.8	4.2
2012-03-18	14:00	18	7.6	15.7	20.7	21.4	14.9	13.4	26.9	24.4	21.9	18		13.9	12.8

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-03-18	15:00	11.3	20.9	14	19.5	29.2	15.3	12.6	30.5	25.7	24.6	19.9		24.4	
2012-03-18	16:00	18.2	12.4	14.3	18.2	24	19.6	13.1	26.5	19.8	22.3	21		16	
2012-03-18	17:00	28.5	14.7	20.3	21	27	20.5	10.9	16.2	22.1	22.7	19.6		21.8	
2012-03-18	18:00	24.9	11.3	24	18.9	26.7	21.2	11.1	11	22.7	25.2	17.6		37.2	45.8
2012-03-18	19:00	26.3	8.4	24.2	16.8	29.4	26.5	13.9	11.3	26.2	32.2	20.3		43.2	43
2012-03-18	20:00	33.9	16.3	20.7	23.6	24.8	24.1	34.3	15.2	26.4	29.5	20.2		51.4	51.4
2012-03-18	21:00	45.6	24.1	19.2	25.5	22.9	21.1	46.2	18.1	26.8	29	20.4		44.8	58.2
2012-03-18	22:00	42	21.7	19.1	25.2	18.1	28.4	45.6	22.9	24.2	52.2	21.7		56.4	40.2
2012-03-18	23:00	38.1	18.2	17.6	24.2	14.4	26.6	46.6	27.3	26.3	51	18.1		49.4	37.6
2012-03-19	0:00	45.2	12.2	19.2	22.6	12.3	21.9	43.1	24.1	22.8	43.6	16.4		52.3	42.8
2012-03-19	1:00	39.2	10.6	19.5	19.8	13.1	17.8	43.6	17.4	23.5	40.1	15.5		50	40.7
2012-03-19	2:00	37.6	14.1	16.1	16.4	14	17.5	48	17.3	15.7	37	15.9		40.3	31.3
2012-03-19	3:00	35.6	15	13.4	18.4	16.5	15.4	47.3	18.4	18	30.8	15.6		31.8	18.4
2012-03-19	4:00	41.8	13.5	12.9	22.8	16.1	15	35.4	21.4	17.5	18.4	21.4		26	31.3
2012-03-19	5:00	26.6	13	12.1	15.8	19	18.2	29.2	22.6	20.1	24.7	17.3		34.1	
2012-03-19	6:00	26.4	16.2	13.8	17	27.2	25.8	28.4	24.7	19.4	27.5	27.8		26.6	
2012-03-19	7:00	35.1	15	20.3	23.2	30.7	28.5	37.2	35.9	23.6	37.9	29.3		45.3	47.4
2012-03-19	8:00	38.6	27.1	29.8	27.8	34.3	31.2	44.6	36.6	30.9	40.7	31.4		51.8	52.4
2012-03-19	9:00	38.1	37.2	36.7	31.8	32.6	29.7	40.8	38.5	40.3	40.9	30.5		52.5	51.8
2012-03-19	10:00		33.2	35.2	31.6	35.2	29.2	44.1	40.8	39	43.1	30.2		48.1	52
2012-03-19	11:00	31.8		41.9	33.7	34.4	28.7	51.1	44	40.5	42	33.7		50.9	50.2
2012-03-19	12:00	32.6		38.3	35.7	33.9	23.7	53.7	40.9	37.4	36.5	36.5		43.7	
2012-03-19	13:00	36		28.7	29.9	37.6	24.6	50.7	36.1	36.7	37.7	43.5		36.4	38.8
2012-03-19	14:00	37.7	32.1	26.5	30.8	36.4	29.6	44.9	39.8	35.1	38.9	46.7		39.3	19.3
2012-03-19	15:00	34.7	29.7	29.7	33.4	34.3	41.6	41.1	38.8	36.9	36.8	41.5		36.7	23
2012-03-19	16:00	30.9	32.9	24.1	40.9	29.8	35.2	35.6	34.6	29.4	35.4	43.4		35.4	52.5
2012-03-19	17:00	36.3	25.1	24.7	39.2	33.8	33.3	37.9	35.6	34.2	39.6	39.6		39.9	66.8
2012-03-19	18:00	40.9	29	24.8	37.1	30.1	38.8	37.4	37.7	31.8	44	36.5		44.4	67.4
2012-03-19	19:00	43.3	26	27.9	30.9	34.3	36.3	36.7	44.5	36.6	50.3	39.6		50	65.5
2012-03-19	20:00	44.5	36.5	29.4	36	40.1	33.5	46.2	47.8	34.8	49.6	40.3		59.1	64.8
2012-03-19	21:00	46.1	35.6	25.4	37.1	41.1	39.8	51.4	48.3	35.6	52.6	41.2		63.4	60
2012-03-19	22:00	46	36.7	27.4	45.7	41	37.8	54.8	47.6	33.6	54.2	42.2		56.2	52.9
2012-03-19	23:00	40.3	38.2	22.7	45.5	40.6	34.7	50	46.5	39.7	53.7	43.9		54.9	54
2012-03-20	0:00	49.8	39.4	14.9	52.3	46.1	36.6	50.9	45.4	39	51.8	45.6		51.7	63.8
2012-03-20	1:00	52.8	40.8	26.2	50.8	53.4	38.6	54.3	44.8	49.7	51.2	45.8		48.8	58.6
2012-03-20	2:00	49.3	44.3	28.9	58.9	54.4	48.5	48.8	42.2	48.5	47.7	42.4		48.1	54.4
2012-03-20	3:00	45.4	44.5	41.8	51.3	50.4	50	47.7	38.8	50.7	42	39.9		45.2	48
2012-03-20	4:00	39.4	46	37.4	50.6	40	48.4	39.5	36.3	42.9	40.3	35.6		39.8	42.5
2012-03-20	5:00	38.9	37.5	32.6	44.6	36	46.8	34.5	34.5	38	35.1	36.1		39.3	41.7
2012-03-20	6:00	36.3	37.6	26.3	46.5	30	44.3	32.4	35.3	28	39.4	36.8		36.1	40.6
2012-03-20	7:00	41.3	37.2	27.1	42.4	28.5	41.9	32.6	38.3	30.9	42.3	37.1		45.5	48.3
2012-03-20	8:00	43.5	44.7	29.1	47.1	31.5	42.1	37.2	40.6	29	44.2	38.3		53.9	50
2012-03-20	9:00	45.6	41.1	31.7	39.9	34.7	36.6	41	48.8	32.1	44.6	40.1		55.5	52.2
2012-03-20	10:00	48.1	41.1	31.7	35.5	45.6	34.4	42.6		33.1	46	49.1		52.3	51.8
2012-03-20	11:00	51.1	29.1	30.8	32.9	62.2	42.6	48.1	49.1		51.4	52.4		52.8	52.9
2012-03-20	12:00	53.6	37.9	34.7	41.7	62.9	38.7	53.7	52.2		52.4	51.5		53.5	48.2
2012-03-20	13:00	52	32.8	41.2	47.6	68	37.3	58.4	51.7		57.5	54.2		57.3	
2012-03-20	14:00	54.8	36.1	40.4	49.5	68.1	48.6	61.9	54.5		51.8	54.6		57.8	53
2012-03-20	15:00	46.1	30.7	41.1	41.3	68.9	51.3	50.6	49.1		42.2	46.5		46.8	76.6
2012-03-20	16:00	44.4	37.1	33.9	46.7	60.5	64.1	46.1	42.7		43.6	39.5		44.9	70.3
2012-03-20	17:00	44	34	40.9	49.1	60	51.9	36.8	42.5	47.3	44	48.1		46.2	67.3
2012-03-20	18:00	45.7	36.6	46.9	40.2	60.1	48.2	41.6	48.2	46.5	52.3	48.7		56	67.1
2012-03-20	19:00	60.2	33.5	49.2	35.3	43.5	46.3	48.1	54.5	46.6	61.3	51.1		57	77.7
2012-03-20	20:00	61.9	47.9	43.5	51.6	45.2	46.2	63.7	61.1	47.6	61.8	53.4		80.1	81.7
2012-03-20	21:00	51.2	47.2	39.7	53.3	56.8	40.9	75.7	48.7	56.6	50.5	48.9		58.3	62.1
2012-03-20	22:00	36.5	43.1	39.2	54	41.6	46.5	53.1	33.1	48.9	37.2	32.2		39.6	50.1

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-03-20	23:00	28.3	26.4	36.4	46.5	27.2	37.8	34.3	22.4	31.6	25.9	24.4		25.3	34.6
2012-03-21	0:00	24.4	31	27.8	42.9	27.4	30.8	26	19.3	22	22.2	24.4		22.3	32.9
2012-03-21	1:00	25.9	25.3	24.1	27	26.1	28.6	24.7	27.8	29.6	27.9	26		23.2	28.5
2012-03-21	2:00	33.4	31.2	23.6	36.2	36.7	29.2	32.5	29.4	34.8	28.1	24.2		30.6	33
2012-03-21	3:00	30.7	26	29.5	30.7	38.1	37.9	32.9	22.9	40.5	24.2	22.2		25.4	30.7
2012-03-21	4:00	24.9	35.5	41.2	29.5	41.7	37.2	27	16.7	32.7	17.8	19		19.5	24.9
2012-03-21	5:00	22	15.8	38.8	22.8	27.5	40.5	24	16.2	32.4	16.3	20.5		18.6	20.9
2012-03-21	6:00	28.4	31.3	25.6	40.5	35.4	38.8	18.1	20.3	33.4	20.8	22.9		23.1	31.2
2012-03-21	7:00	28.8	20.4	25.1	40.1	31.9	42.7	20.5	26.7	37.7	26.3	25.9		28.8	31.4
2012-03-21	8:00	38.1	31.8	26.3	43.3	40.9	42.6	32.2	31	37.6	29.1	29.6		44.6	47.8
2012-03-21	9:00	35	34.4	36.7	47.1	43.4	50	36.8	30.9	51.9	30.1	37.1		40.6	47.1
2012-03-21	10:00	35.6	38.6	42	47.8		43.7	35.6	27.1	48.2	28.1	31.9		34.7	43.1
2012-03-21	11:00	35.3	28.4	37.3	38.8	37.9	38.3	35	30.1	51.7	29.9	33.9		32.1	40.5
2012-03-21	12:00	32.9	35.2	36.9	45.5	41.5	42.4	36.5	21.2	41.9	21.5	24.4		21.3	31.8
2012-03-21	13:00	20	24.7	38.6	34.1	23.5	40.2	26.3	16.7	39	15.3	21.7		15.4	17.3
2012-03-21	14:00	24.3	22.2	22.8	27.9	28.1	23.1	25.2	17.5	31.9	19.5	20.4		18.2	18.4
2012-03-21	15:00	21.1	23.8	18.7	28	26.7	24.2	25	17.2	46.3	17.2	18.4		18.6	31.3
2012-03-21	16:00	22.3	18.8	18.6	25.8	16.8	22.6	23.1	18.7	23.8	19.5	18.3		23.2	30.1
2012-03-21	17:00	21.1	16.4	18.8	19.5	21.7	24.4	22.5	18.4	25.8	18.8	14.1		22.6	31.8
2012-03-21	18:00	19	15.8	15.7	19.2	16.8	18.4	18.6	17.1	17.7	17.5	14.1		20.2	26.2
2012-03-21	19:00	23.1	10.6	13.7	14.9	19.9	18.2	14.7	19.1	19.3	19.6	17.7		27.4	31.2
2012-03-21	20:00	25	16.6	16	16.2	24.6	22.1	22.7	21.3	20	20.9	17.5		31.6	30.3
2012-03-21	21:00	21.4	15.5	19.2	12.4	22.5	20.6	23.2	19.4	22.9	17	17.8		26.2	28.3
2012-03-21	22:00	21.5	17.5	19	17.6	23.3	18.1	19.8	18.8	15.8	19	20.7		22.3	24.3
2012-03-21	23:00	20.6	16.4	16.7	18.9	19.9	17.5	17.3	20	21.2	19.3	23		20.5	24.3
2012-03-22	0:00	21.8	20.3	17.9	22.7	21	16.2	21.4	21.3	20.4	20.8	22.2		17.5	22.5
2012-03-22	1:00	19.3	20.7	20.4	21.2	20.7	16.5	22.8	20.5	22.3	19.2	20.9		17.7	18.2
2012-03-22	2:00	17.9	22.6	21.2	25.9	18.8	16.8	20.2	19	16.1	17.9	22		15.1	16
2012-03-22	3:00	18.3	16.3	17.3	18.7	20.3	17.1	21.5	19.4	18.8	19.3	22.9		17.5	19.4
2012-03-22	4:00	18.5	22.7	17.5	17.5	19.9	17.5	20.2	20.3	16.2	20	26.9		23	19.6
2012-03-22	5:00	19.6	17	15.6	17.8	19.8	19.5	19.4	21.4	19.3	22.4	23.3		27.9	22.3
2012-03-22	6:00	21.7	18.2	18.2	20.4	21.5	19.8	19	22	13.3	23.3	23.4		27.8	23.3
2012-03-22	7:00	24.5	15.6	14.7	19.6	23.5	19.8	17.1	22.9	21	24.3	23.1		30	29.3
2012-03-22	8:00	25.9	18.8	13.2	20.8	24	24.2	20.8	23.6	20.6	23.1	22.3		31.8	24.5
2012-03-22	9:00	25.1	13.6	14.1	21	27.7	25.1	23.1	24	23.7	22.4	21.4		30.1	12.2
2012-03-22	10:00	23.5	15.1	11.6	23.3	23.8	17.8	24	23.4	18.6	22.2	21.4		25.7	
2012-03-22	11:00	21.5	14.8	15.1	19.1	21.6	22.1	22.2	21.1	24.2	18.4	24.4		22.5	
2012-03-22	12:00	19.3	12.9	17.9	14.2	16.1	14.4	21.3	19.7	16.2	18	22.7		19.1	
2012-03-22	13:00	22.1	13.1	16	16.6	22	19.4	20.9	22	21.2	23.9	33.9		20	16.3
2012-03-22	14:00	24.4	18.4	13.9	20.4	22.9	22.5	26.1	25.2	23.3	24.2	34.4		24.4	27.5
2012-03-22	15:00	26.1	19.7	17.4	22	23.3	21.6	27.3	30.9	30.1	32.7	37.9		34.1	69
2012-03-22	16:00	30.6	24.4	25.1	27.4	26.9	23.5	31.3	30.8	20.1	32.3	41.9		34.5	62.8
2012-03-22	17:00	29.6	22.8	24.9	27	22.8	25	26.3	36.8	28	35.7	46.6		37.7	62.6
2012-03-22	18:00	29.9	18.7	20.3	26.2	28.8	26	27.1	41.6	26.3	43.1	40.1		41.5	47.4
2012-03-22	19:00	31.2	21.2	21.6	23.4	33.7	27.2	32	37.8	33.6	41.2	32.2		45.2	46.1
2012-03-22	20:00	31.9	25.3	22.1	29.3	32.8	27.2	33.9	35.1	27	33.6	34.8		42.9	50.4
2012-03-22	21:00	29.4	22.4	21.8	31.6	29.6	23.3	34.6	30	31.1	31.1	29.9		40.1	41.2
2012-03-22	22:00	28.7	23.2	20.8	24.8	25.1	23.7	31.1	23	22.5	26.7	22.8		33	35.8
2012-03-22	23:00	24.1	18.2	20	20.1	20.4	22.2	26.1	22.6	23.6	22.4	21.7		28.8	28.6
2012-03-23	0:00	23.5	16.4	20.3	22.1	18	18.7	22.9	19.8	16.6	23.8	22.2		24	19.9
2012-03-23	1:00	22.4	12.4	18.4	21.2	18.4	18.2	17.2	17.2	17.7	22.6	20.9		20	18.1
2012-03-23	2:00	20.7	12.4	19.1	27	18.9	17.2	18.3	16.8	15.4	22.8	19.3		25.5	18
2012-03-23	3:00	19.9	18	18.9	23.1	18.1	16.9	22.6	15.3	15.9	23.9	19.9		24.7	16.2
2012-03-23	4:00	20.6	25.7	18.8	24.2	18.3	17.1	24.9	19.5	14.7	22.1	18		25.7	19.4
2012-03-23	5:00	20.5	25.3	17	27.1	16.2	17	26	16.9	20.1	23.9	17.2		26.2	21.2
2012-03-23	6:00	23.4	27.9	12.7	33.4	30.4	20	19.2	14.7	18.4	28.4	20.1		31.1	26.5

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-03-23	7:00	46.1	27.7	21.4	34.4	43.8	20.3	33.8	18.3	37.9	34.7	22		59.6	36.2
2012-03-23	8:00	51.7	31.7	33.9	30.2	49.9	25.1	45.7	20.1	52.6	32	20.1		79.6	38
2012-03-23	9:00	47	27.6	32.9	27.6	42.1	27	52.4	19.1	58.9	34.2	20.5		51.7	31.2
2012-03-23	10:00	35.8	22.8	44.2	23.7	42.1	32.7	52.9	19.4	51.1		19		48	12.5
2012-03-23	11:00	56.2	20.7	59.9	20.2	34.2	34.5		21.5	40		11		39.2	39.6
2012-03-23	12:00	42.2	14.6	83.4	29.6	43	62.9		23.8	34.1	36.2	22		30	16.9
2012-03-23	13:00	51.6	28	71.2	55.1	60.7	58.3		44.8	55.1	56.1	26.5		75.2	74.4
2012-03-23	14:00	71.1	57.1	33.9	62.5	51.6	21.6		50.7	84.3	62.8	47.9		32.7	110.6
2012-03-23	15:00	37.6		23.9	57.5	28.2	26.2		29.7	55.6	42.5	23.6		22.6	85.5
2012-03-23	16:00		58.2	24	36.9	30.7	23.3		27.1	44	37.8	9.7		23	53.4
2012-03-23	17:00	33.7	35.3	30.7	27.1	30	23.8	29.9	32.8	43.5		10.1		39	50.2
2012-03-23	18:00	26.8	24.7	38.1	23.6	23.9	16.1	31	24.4	41.9	24.6	10.5		42.4	37.9
2012-03-23	19:00	14.5	13.6	33.7	17.6	14.6	18	29.4	13.7	34	15	10.1		19.9	19.4
2012-03-23	20:00	11.1	16.8	19.2	16.9	11.6	15.1	18.8	9.2	18.8	8.9	11.3		15.1	15.2
2012-03-23	21:00	11.8	13.4	15.7	19.5	12.3	13.2	18.2	11.4	18.3	8.8	11		14.1	14.9
2012-03-23	22:00	10.3	14.4	14	14.9	11.8	15.8	16.9	11.5	20.7		11.4		10.6	14.6
2012-03-23	23:00	8.8	13.2	15.5	12.3	10.4	14.8	17.1	7.7	19.2	6.8	13.6		8.3	10.9
2012-03-24	0:00	10.1	14.1	19.9	13.2	11.7	11.1	12.3	10	16	9.2	18.1		6.9	11.2
2012-03-24	1:00	15.6	15.5	18.7	18.4	20.2	11.9	16.8	14.2	21.2	13.9	23.4		9.4	13.5
2012-03-24	2:00	27.8	28.9	15.1	31.8	42.7	16.8	29.4	26.4	27	26.5	33.7		16.9	23.9
2012-03-24	3:00	36.6	38.2	24.4	44.1	49.1	28.9	39	38.2	39.1	36.1	38.3		33.6	38.6
2012-03-24	4:00	42.1	44.7	29.9	45.1	52	41.5	44.7	41.3	39.9	36.9	34.4		47.9	55.9
2012-03-24	5:00	34.5	38.6	32.8	40.4	46.3	34.9	43.5	37.3	28.8	34.8	34.9		45.2	52.4
2012-03-24	6:00	38.1	34.5	43.4	44.5	50.3	38.6	44.3	40.2	37.9	44.6	36.8		38.4	41.6
2012-03-24	7:00	41.4	40.4	45.2	47.9	54.6	41.2	46.3	44.8	47.8	47.7	40.1		46.3	42.3
2012-03-24	8:00	46.6	51.5	47.7	54	61.6	43.9	52.7	50.1	51.5	51.1	44.8		52.8	47
2012-03-24	9:00	48.7	53	51.6	53.9	67.4	45.5	60	51.7	58	52.6	47.2		52.3	50.7
2012-03-24	10:00	51.9	54.6	51.3	58.6	68.2	46	61	52.3	49.5	52.5	49.8		58.8	56.2
2012-03-24	11:00	51.4	56.5	52.2	58.9	67.9	47.9	59.6	52.2	57.8	51.8	52.3		59.2	29.3
2012-03-24	12:00	51.3	57	53.7	56.8	66.2	47.9	58.6	51.8	57.9	53.7	52.5		53.6	23.2
2012-03-24	13:00	56.2	60.7	54.9	59.2	71.9	48.3	59.8	52.8	61	55.8	51		47.8	42.5
2012-03-24	14:00	56.1	58.4	55	63.8	70.5	51.4	63.8	53	57.9	55.3	50.8		53.5	51.7
2012-03-24	15:00	54.5	55.2	53.4	57.1	68.3	50.9	67.1	52.6	63.8	55.8	53.2		55.3	82.6
2012-03-24	16:00	52.4	53	52	55.7	65.7	48.5	63.7	58.3	63.2	57.2	46.8		59.4	90.8
2012-03-24	17:00	58	53.3	53.3	59	67.7	51.9	63.9	57.2	56.8		50.7		75.8	98.2
2012-03-24	18:00	57.4	51.8	47	59.6	70.5	53.2	62.9	56.1	64.8	60.1	50.4		63.9	82.8
2012-03-24	19:00	58.3	53.8	48.8	55.5	75.6	65.6	61.8	56.2	60.5	59.4	51.2		62.9	73.3
2012-03-24	20:00	58.9	51.7	48.3	57.4	69.5	53.3	61.7	55.1	54.6	59.4	50.7		62.9	79.5
2012-03-24	21:00	57.2	50.5	50	54.1	67.5	52	60.4	54.3	58.9	58.6	46.2		64	72.7
2012-03-24	22:00	52.3	53.1	50.7	56.1	68.3	49.8	57.5	53	55.4	55.2	43.3		58.8	62.1
2012-03-24	23:00	46.7	57.4	52.7	55.2	62.1	49.7	53.8	49.5	55.9	55.2	42.4		54.9	57
2012-03-25	0:00	48	52	51.5	47	60.8	48.7	52.5	49.4	51.7	55.3	40		53.9	60.1
2012-03-25	1:00	46.8	51.2	48.1	51.1	60.7	48	50.9	46.8	50.9	50.7	39.5		51.2	50.7
2012-03-25	2:00	44.2	47.6	48.9	47.7	56.3	45.7	53.7	46.8	45.7	51.6	41		43.9	48.9
2012-03-25	3:00	47.6	45.4	44.2	47.7	53.4	42.5	52.8	48.1	46.1	53.7	42.8		44.3	51.5
2012-03-25	4:00	50.5	46.7	44.3	45.3	55.5	44.2	56	50.3	47.3	54.6	43.3		50.7	54.7
2012-03-25	5:00	46.5	43.1	45	50.1	55.9	43.4	55.8	48.2	47.5	53.4	43.6		53.3	57
2012-03-25	6:00	48.2	49.1	46.4	50.5	57.4	44.7	53.3	48.4	51.3	53.9	47.8		54.7	50.9
2012-03-25	7:00	49.6	47.2	46.9	53.3	61	41	51.3	47.7	56.2	51.2	59.4		48.4	55.1
2012-03-25	8:00	45	44.6	46.5	54.8	69	41.6	53.6	46.2	54.5	48	49.2		48	44.4
2012-03-25	9:00	43.7	52.2	46.2	60.1	68.1	36	51	49.3	54.2	47.9	51.8		47.4	39.3
2012-03-25	10:00	46.8	42.5	47.3	49.6	54.9	41.3	49.9	51.5	44.6	50.9	48.6		47.5	16.5
2012-03-25	11:00	47.3	47.6	47.9	50.8	56.3	46.5	52.5	52.2	47.7	52.4	53.2		48.1	1.8
2012-03-25	12:00	50.5	48.2	46.8	51.1	62.1	47.7	54.1	56.5	47.4	55.8	57.6		53.6	41.3
2012-03-25	13:00	57	53	46.5	55.3	59.9	46.4	57.3	54.7	46.2	51.1	51.6		46.8	66.1
2012-03-25	14:00	44.8	49.8	60.8	56.4	65	45.1	49	46.7	59.5	44.2	50.9		38.3	52.9

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-03-25	15:00	46.7	47.9	59	55.4	55.2	50.5	46.2	51.4	51.7	51.9	57.8		38.5	99.9
2012-03-25	16:00	50.1	42.2	52	48.6	55.6	46.9	43.8	56.5	52.2	57.6	57.1		56.9	91.8
2012-03-25	17:00	64.3	51.8	41.6	51.3	60.6	47.6	47.2	61.4	46.4	69.4	54.5		80.6	91.5
2012-03-25	18:00	49.8	52.8	43.3	56.7	75.1	56.7	55.6	38.7	50.3	45.2	31		46.9	60.7
2012-03-25	19:00	34.8	34	48.7	56.8	52	56	43.5	27.7	48.5	31.8	24.9		35.1	43.8
2012-03-25	20:00	34.8	21.4	35.8	35.4	38.8	40.2	27.5	29.8	31.8	30.7	26.2		37.9	42.6
2012-03-25	21:00	30	25.4	25.9	34.3	34.3	32	28.2	28.1	26.6	29.2	23		33.7	32.3
2012-03-25	22:00	26.5	21.2	23.4	26	30.8	30.4	26.6	25	27.2	27.6	19.1		29.4	28.1
2012-03-25	23:00	21.3	24	24.5	25.6	29.1	23.2	23.9	18.5	22.2	21.1	20.8		20.7	25.2
2012-03-26	0:00	19.7	19.4	21.5	21.6	23.1	14.7	20.6	19.8	22.5	21.6	25.6		16	18.9
2012-03-26	1:00	22	20.7	23	26.5	24.4	23	21.4	20.8	20.3	24	22.8		19.6	19.8
2012-03-26	2:00	19.7	17.7	24.8	22.3	26	23.6	21.9	17.2	22.7	20.7	22.8		14.1	22.2
2012-03-26	3:00	18.4	20.2	26.7	22.7	23.1	23.1	19.7	18.4	22.2	20.6	19.1		15.6	16.2
2012-03-26	4:00	20.2	17.6	22.7	19.3	22.5	22.3	17.1	20.2	19.6	21.1	19.8		18.8	22.1
2012-03-26	5:00	18.9	18.8	21.5	20.1	24.2	20.6	17.7	18.4	15.9	19	22.4		17.9	19.5
2012-03-26	6:00	26.9	16.4	20.4	19.8	29	24	18.9	21.7	18.2	26.6	24.3		16	29.8
2012-03-26	7:00	32.3	28.9	23.3	27.8	36	22.6	22.2	25.8	21.7	27.8	25.4		26.5	40
2012-03-26	8:00	34.6	26.8	27.3	29.1	43.4	31.9	26.9	28.4	32.8	30.4	22.3		36.1	
2012-03-26	9:00	27.5	26	28.6	34.7	50	36.7	28.6	27.9	33.5	27.2	32			11.4
2012-03-26	10:00	24.8	31.1	29.1	34.5	44	44.9	27.4	25.8	33.6	28.6	39.9		3.4	11.9
2012-03-26	11:00	21.4	32.8	38.1	43.6	44.1	41	27.4	23.1	29.9	25.8	39			18.5
2012-03-26	12:00	23.1	23.8	33.8	35.5	37.5	25.1	24.7	24	27.8	26.7	26.5			17.6
2012-03-26	13:00	27	20.5	23	31.2	39.2	25	27.4	33.6	18.8	29.5	29.9			23.9
2012-03-26	14:00	23.6	19.6	26.6	20.8	31.3	15.3	27.7	31.7	23.9	32.4	32.4			32.1
2012-03-26	15:00	34.6	22.5	23.4	23.3	37.6	21.3	28.6	30.2	21.2	33.4	31.2		30.5	37.5
2012-03-26	16:00	32.1	23.2	23.6	24.2	39.6	26.3	26	24	27.4	26.3	25.4		31.7	28.9
2012-03-26	17:00	25.9	21.1	25.8	29.2	29	36.2	24.7	23	22.2	26.9	20.7		31.9	29.4
2012-03-26	18:00	25.3	17.9	23.3	20.4	28.3	27.3	25.6	26.5	25.9	28.2	24.3		35.5	31.2
2012-03-26	19:00	29.3	22.1	23.3	22.1	30.6	27.3	22.8	27.6	19.2	30.9	23.2		40.1	34.5
2012-03-26	20:00	31.3	20	21.2	21.6	36.1	31.5	24.1	29.1	23.4	31.7	26.6		40.6	36
2012-03-26	21:00	30.9	21.6	18.9	24.5	33	27.7	27.4	32	22.5	31.6	31.4		42.3	35.7
2012-03-26	22:00	27.9	20.2	22.8	22.3	32.3	28	27.9	28.5	25.3	29.9	25.8		33.9	29.3
2012-03-26	23:00	27.2	24.2	23.7	25.7	30.7	24.8	25	25.3	21.6	29.9	18.5		38.7	27.9
2012-03-27	0:00	24.6	21.2	21.4	20.5	25.9	21.3	26.3	22.3	25	24	21.1		26.1	24.4
2012-03-27	1:00	18.6	23	20.7	24.3	20.8	16.4	25.9	23	21.5	24.1	22.2		24.8	19.7
2012-03-27	2:00	23.9	19.3	23.1	21.3	27.4	23.8	23.8	22.7	25.2	25.1	25.9		24.7	23.8
2012-03-27	3:00	22.2	22.8	23.1	22.8	23.3	18	23.9	25.9	22	28	23.6		25.6	23.9
2012-03-27	4:00	24	19.8	25.3	19.8	25.2		24.2	28.7	25.8	29.5	25.9		30	27.8
2012-03-27	5:00	26.4	18.8	22.3	25.4	27.5		24.8	28.7	19.4	28.9	27.6		31.1	30.5
2012-03-27	6:00	31.4	19	24	23.2	33.1		28.2	30.5	24.6	31.7	29.3		39.9	33.2
2012-03-27	7:00	36.9	26.2	25.8	30.6	38.8		26.3	32.9	19.5	34	31		37.9	40.7
2012-03-27	8:00	37.4	26.9	22.7	24	46.2		28.7	33.5	28.5	36.6	31		44.8	43.7
2012-03-27	9:00	43.9	22.4	26.8	30.8	39.4	26.7	30	31.9	25.2	31.7	23.8		41.9	38.9
2012-03-27	10:00	35.2	25.8	26.4	25.5	41.4	36.2	31.8	33	30.7	33.4	31.5		46	39.9
2012-03-27	11:00	34.1	28.7	27.8	28.3	41	30.9	32.2	33.1	31.8	31.6	34.1		36.2	34.1
2012-03-27	12:00	30.4	27	28.6	22.7	33.8	33.3	31.5	33.2	31.5	36.5	27.6		34.4	35.9
2012-03-27	13:00	39	26.1	25.9	25.9	35.6	30.2	34.2	38.5	31.4	37.6	31.7		39.5	38.1
2012-03-27	14:00	35.6	22.8	27	25.6	38.2	28.2	33.3	37.4	38.2	39.1	36.4		42.1	41.8
2012-03-27	15:00	35.4	29.5	28.6	28.7	36.5	32.2	34.8	36	31.4	39.7			41.5	51.1
2012-03-27	16:00	36.9	27.4	29.6	26.8	35.3	32.7	34.9	37.4	33.6	42.9			44.6	48.1
2012-03-27	17:00	36.5	25	31.2	32.3	35.4	32.8	38.6	43.5	28.4	49.9	38.7		48.7	47.8
2012-03-27	18:00	42.7	33	28.4	31.3	40.6	35.7	38.9	41.2	35.7	46.2	37.3		51.7	52.7
2012-03-27	19:00	47.1	34.3	31.2	36.9	45.3	38.4	41.6	41.7	37	47	37.3		53.1	57.7
2012-03-27	20:00	43.9	28.4	34.5	36.9	47.4	36.5	38.4	39.8	42.9	42.8	38.7		51.6	52.2
2012-03-27	21:00	39.8	36	33.8	41.2	42.4	38.8	38.7	38.6	35.2	40.3	39.4		49.3	47.5
2012-03-27	22:00	38.7	34.4	31.7	33.5	41.4	35.1	41.9	37.2	33.8	40.2	37.8		45.9	44.5

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-03-27	23:00	37.3	34.4	32	38.1	35.1	33.5	37.5	38.6	32.5	41.3	38		43.3	42.8
2012-03-28	0:00	39.3	35.9	32.2	37.4	41.1	33.8	37.2	39.5	38.3	43.3	39.5		43.2	41.9
2012-03-28	1:00	31.8	34.7	31.9	40.9	36	28.9	40	32.1	32.9	35.1	35.5		40.3	36.1
2012-03-28	2:00	28.7	30.7	32.9	33.7	27.2	27.9	38.7	28.5	36.5	32.7	35		30.6	32.5
2012-03-28	3:00	31.3	31.6	36	34.8	33.4	31.5	35.4	30.7	32.9	34.1	35.5		30.3	33.3
2012-03-28	4:00	32.2	30.9	31.9	32.6	35.8	31.4	31.8	33.3	29.9	35.2	35.2		34.6	34.4
2012-03-28	5:00	34.2	27.3	32.1	37.9	35.1	29.7	34	35.7	27.5	38.7	36		36.8	37
2012-03-28	6:00	36.6	26.5	29.2	33.8	35.7	37.3	34.5	44.6	34.4	42.9	35		43.7	45.4
2012-03-28	7:00	39	28	32.6	38.9	39.7	34.8	37.7	41.4	32.3	41.7	36.9		47.2	47.1
2012-03-28	8:00	40.8	33.3	33.8	37.9	47.8	33	38.9	40.4	34.3	42.3	37.6		50	50.3
2012-03-28	9:00	39	29.8	35.7	35	46.7	26.6	38.8	39	30.1	41.6	35.8		46.1	46
2012-03-28	10:00	39.1	28.7	33.9	32.3		27.8	40.6	37.8	33	41.7	33.1		43.9	47.1
2012-03-28	11:00	36.9	28.2	35.1	37.3	51.2	29.7	40.8	39.2	30.5	40.9	34.9	57.3	43.9	42.1
2012-03-28	12:00	37.8	29.9	31.1	32.5	52.8	31.9	40.7	36.9	35.5	38.5	36.5	51.3	42.3	40.5
2012-03-28	13:00	34.8	31.8	31.1	30.3	43	28.5	38.7	30.6	37.9	33.9	39.5	53.4	33	38.8
2012-03-28	14:00	35	29.7	32.8	28.5	41.2	31.5	35.9	34.7	32.1	38.1	35.5	56.7	38.3	41.9
2012-03-28	15:00	35.7	35.8	30	33.2	35.1	43	35.6	34.7	28.8	37.9	40.6	52.6	39.9	41.8
2012-03-28	16:00	35.7	38	28.6	25.7	36.5		34.6	35.6	29.9	39.9	42.6	54.3	41.6	44.4
2012-03-28	17:00		30.8	29.9	34.3	32.4	34.4	37.8	42.3	25.8	47.8	40.6	57.4	47.6	43.4
2012-03-28	18:00	30.7	29.2	30.1	32.6	34.5	36	37.2	38.5	32.7	44.5	40	62.9	47.8	48
2012-03-28	19:00	37.9	33.8	32.6	38.5	41.2	35	36.5	41.1	31.1	43.8	39.4	67.8	49.6	54.3
2012-03-28	20:00	36.9	32.6	30.6	33.3	43.6	39.1	38.1	40.5	33.5	45	38.5	63.3	51	57.5
2012-03-28	21:00	36.4	28.1	31.7	34.2	47	36.9	35.7	35.5	34.5	41.1	35	61	46.7	49.2
2012-03-28	22:00	33.3	27	33.8	31.2	40	33.4	36.3	30.6	35.8	35.6	32.2	52.9	38	39.5
2012-03-28	23:00	31.4	26.9	30.5	35.4	31.7	30.4	35	28.2	28.2	29.7	32.1	51.5	35	34.6
2012-03-29	0:00	28.8	27.4	28	28.9	26.9	28.2	31.9	27.6	28.8	30.8	30.5	47.8	29.2	30.5
2012-03-29	1:00	29.7	22.8	26.6	32.6	29.2	24.7	29.9	27	26.1	30.1	28.9	41.1	31.1	29.8
2012-03-29	2:00	29.2	21.2	32.6	28.9	31.6	28.2	29.2	26.3	28.8	28.1	30.1	36.3	27.4	27.7
2012-03-29	3:00	28.1	22.7	29.6	30.2	27.1	29.6	32	23.7	26.3	25.9	28.2	35.7	26.7	26.1
2012-03-29	4:00	31	24.5	27.6	26.1	25.7	27.2	30.5	30.2	28.3	34.8	35	35.7	27.3	31.5
2012-03-29	5:00	34.2	28.9	27.4	27.6	31.3	30.5	30.1	38.9	26.9	38.5	36	40.5	38.6	38
2012-03-29	6:00	38.7	28.8	26.3	31.5	38.9	30.6	36.4	39.7	29.9	40.8	34.4	45.2	44.9	45.3
2012-03-29	7:00	40	29.7	30.7	35.3	41.1	33.9	36	39.1	29.6	40	37	48.1	48.4	47.9
2012-03-29	8:00	39.9	27.4	31.9	32.8	47.1	32.3	38	37.1	32.8	40.2	36.6	53.3	49.8	52.4
2012-03-29	9:00	33.5	25.9	30.7	31.5	41.7	31	33	35.2	27.2	36.9	35.1	54.4	46.3	43.4
2012-03-29	10:00	31.6	23.2	26.4	25.6	34.4	28.6	28.9	29.2	28.3	30.4	34.4	50.4	37.7	39.8
2012-03-29	11:00	28.5	25.2	26	25.8	32.7	25	30.1	27	22.2	28.8	28.2	45.2	33.4	26.5
2012-03-29	12:00	26.6	19	22	22.9	23.9	21.5	31.1	28.8	25.8	26.9	26.5	40.5	27.7	29.4
2012-03-29	13:00	34.2	23.4	22.1	19.3	28.5	25.5	26.8	27.9	22.6	31.9	27.9	41.1	31.5	37.6
2012-03-29	14:00	27.4	20.8	20.5	22.1	26.3	22.1	27	32.8	24.2	30.6	27.5	52.2	33.4	35.3
2012-03-29	15:00	29	18.2	18.1	22.4	29.5	24.1	26.7	32.4	20.7	33.9	32.5	54.4	35.3	44.3
2012-03-29	16:00	29	9.9	17.5	25.8	27.1	27.1	31	31	36.1	35	30.8	51.3	39.7	43.9
2012-03-29	17:00	34.2	17.7	21.1	29.2	32.4	29.3	32.7	33.7	33.1	40.4	33.1	55.6	42.3	47.4
2012-03-29	18:00	40	35.5	25.6	30.8	48.2	32.4	39.1	37	33.4	44.9	35.7	59.1	49.3	53.1
2012-03-29	19:00	42.8	30.8	30.7	34.5	45.6	37.8	38.5	37.6	39	45.4	36	63.5	47.9	58.9
2012-03-29	20:00	40.6	34.6	29.9	32.4	42.9	36.9	42	37.7	43.6	43.4	34.9	63.5	47.9	54.2
2012-03-29	21:00	38.4	28.9	29.5	33	40.7	33.8	43.5	37.3	36	42	34.5	58.5	46.7	54.1
2012-03-29	22:00	36.4	25.4	30.2	30.9	36.9	32.1	37.5	34.8	36.2	39.4	31.8	60.9	40.7	46.2
2012-03-29	23:00	31.8	30.2	32.6	31.7	34.2	29.9	34.7	31.8	30	35.1	32.8	63.2	27.9	36.4
2012-03-30	0:00	31.5	32.2	28.1	32.4	33.1	29.7	34	29.9	30.5	33.4	30.4	50.5	32.9	35.2
2012-03-30	1:00	31.4	26.4	28.7	35.6	31.8	30.1	32	29.5	25.6	32.6	29.3	43.3	34.1	33
2012-03-30	2:00	30.9	25	29	33.2	31	29.8	33.5	29.5	28.1	31.3	28.4	41.5	33.8	31.8
2012-03-30	3:00	31	29.1	29.5	29	31	30.3	35.5	26.7	28.3	30.3	27.9	42.6	30.1	29.1
2012-03-30	4:00	30.4	23.6	29.4	26.7	30.6	31.5	29.9	28.3	31.4	29.7	29.4	36.5	33.2	31.4
2012-03-30	5:00	29.8	24.2	26.5	26.8	30.7	31.6	31	28.2	27.1	29.2	29.1	34.7	33.4	32
2012-03-30	6:00	31.4	26.8	26.1	28.6	32.2	30.9	29.1	27.4	28.2	29.5	29.1	38.7	34.1	34.4

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-03-30	7:00	34.2	29.1	24.9	32.4	35.8	29.9	29.3	28.6	30.1	32.1	30.7	43.8	37.2	42.8
2012-03-30	8:00	34.8	28.9	27.9	33.3	37.5	32.1	30.6	28.4	37.6	30.4	30.3	47.6	40.5	44.6
2012-03-30	9:00	37.6	24.3	28.2	28.5	41.8	29.8	32.9	32	28.8	32.2	30.2	47	43.3	46.5
2012-03-30	10:00	37.2	26.2	27.6	26.9	39.1	30.1	35.9	32	33.5	34.6	31.8	50.6	45	42.4
2012-03-30	11:00	35.4	28.1	27	29	34.9	29.1	34.8	33.4	33.1	35.6	30.1	53.9	43.2	39.2
2012-03-30	12:00	35	32.2	28.1	27.5	36.2	26.7	34.5	32.9	40.9	34.1	29.9	50.2	43.9	42.7
2012-03-30	13:00	33.3	27.8	26.6	29.6	32.1	39.3	34.6	32.2	31.9	31.4	31.3	58	36.9	43
2012-03-30	14:00	35.9	22	24.9	30.7	30.4	29.7	32.9	27.5	32.3	32.1	30.8	56.5	36.2	38.2
2012-03-30	15:00	33.8	21.5	24.5	28.4	30.5	31.2	30.9	29.5	19.3	32.7	32.5	48.9	37.8	40.3
2012-03-30	16:00	32.9	17.9	21.6	27.4	32.2	30.9	29.3	30.9	28.1	36.1	33.7	61.6	43.4	45.8
2012-03-30	17:00	33.2	19.4	21.6	27.5	31.9	31.8	32.5	31.4	24.7		32	56.7	43.3	45.3
2012-03-30	18:00	32.9	20.4	21.4	25.7	32.3	31.3	31.1	31.4	25	37.1	34.1	58.4	44.9	51.1
2012-03-30	19:00	35.8	23.5	21.9	29.9	35.3	36.5	29.1	32.5	29.9	34.2	29.2	74	43.3	52.4
2012-03-30	20:00	36.8	22.2	22.3	29.6	36.6	31.6	30	30.7	25.6	31.3	28	60.2	41.7	51.9
2012-03-30	21:00	32.6	20	21.8	31.8	34.2	28.2	29.7	28	24	29.7	26	43.8	38.6	45.1
2012-03-30	22:00	29.9	20.3	24	28.3	30.6	28	27.6	25.3	25.4	26.8	24.2	46.5	32.7	41.7
2012-03-30	23:00	26.6	21.6	24.6	24.8	27.3	25.6	26	24.4	21.5	27.2	22	46	29.1	34.1
2012-03-31	0:00	23	19.7	22.1	26.2	24.7	24.7	21.4	23	21.6	26	22.5	39.7	26.4	23.8
2012-03-31	1:00	22.6	20.1	21.3	19.6	19.5	22.5	19	22	20.8	24.2	21.2	37.2	24.8	24.2
2012-03-31	2:00	22.5	24.8	21.5	21.2	18.4	23.3	20.1	22	17.8	23.4	20.6	33.5	25.3	24.7
2012-03-31	3:00	26	18.3	21.6	20.1	19	22.3	21.3	20.5	18.7	23.5	19.8	34.2	25.3	25.2
2012-03-31	4:00	28	23.6	19	18.4	20.8	25.1	22.1	21.5	15.2	25.2	21.8	30.3	29.9	28.4
2012-03-31	5:00	25.4	19.5	23	19.9	22.8	25.6	28.4	22.2	18.6	27.5	24.3	37.8	37.2	30.8
2012-03-31	6:00		15.9	42.7	18.7	15.3	16.2	25.6		17.4	8.8		35.8	26.8	13.7
2012-03-31	7:00		10	24.7	8.9		7.6	12.2	4.1	16.4	6.3	12.2	20.9	5.5	10
2012-03-31	8:00	11.3	7.4	7.4	8.3		8.5	9.5	6	10.3	6	11	19.9	15.4	11.9
2012-03-31	9:00	11.6	7.2	7.4	8.7	9.1	9.5	9.4	7.3	13.5	7.7	10.2	19.4	17.2	
2012-03-31	10:00	13	8.7	5.6	16.3	11.8	11.1	9.6	10.6	13.6	8.4	12.7	24.8	17.9	11.7
2012-03-31	11:00	16.7	12.9	14.6	16.6	19.3	13.6	13.6	10.7	19	10.2	16.9	25.8	23	17.7
2012-03-31	12:00	19.2	16	25.5	22.3	17.3	21.1	22.3	17.2	15.8	11.5	16.9	29.1	22.8	21.9
2012-03-31	13:00	19.1	19.1	28.5	16.8	19.8	22	22.1	15.5	19.9	17.9	19.4	40.7	25.4	21.4
2012-03-31	14:00	22.5	14.8	28.7	18.1	21.3	25.3	22.5	17.6	20	20.4	21.7	44.7	30.2	33.7
2012-03-31	15:00	24.2	14.9	27.9	17.1	25.9	25.8	22	21.6	24.9	21.3	29.4	46.6	28.3	24.6
2012-03-31	16:00	31.6	17.7	26	24.9	30	23.3	25.1	39.2	21.4	43.1	40.4	48.2	55.4	49.9
2012-03-31	17:00	37.2	26.5	28.9	23.8	36.5	33.6	31.1	31.1	29.3	35.6	36.2	63.3	39.8	44.5
2012-03-31	18:00	38.4	31.1	32.2	32.3	36.9	37.6	34.6	35.4	26.9	38.5	38.3	55.4	42.5	48.7
2012-03-31	19:00	43.4	32	32.8	28.2	40.5	40.1	36.8	36.3	33.5	38.7	46	57.3	46.2	54.2
2012-03-31	20:00	40.1	35	33.7	33.9	43.2	40.4	36.8	33	34	34.9	31.4	60.6	41.4	49.7
2012-03-31	21:00	39.3	31.6	37.1	30.1	41.4	40.3	34.5	33.8	37.3	34.6	34.5	54.7	41.5	47.1
2012-03-31	22:00	37.3	33.5	37.6	30.3	38.6	35.2	34	32.8	34.3	34.5	35	50.7	35.4	42.2
2012-03-31	23:00	34.9	34.5	35.8	31.2	39.6	35.5	34.1	32.7	35.2	34.7	35	56.5	34.2	39.3
2012-04-01	0:00	35.8	32.4	34	36.4	39.3	34.1		34.1	32.7	36	36.2	52.8	35.9	39.2
2012-04-01	1:00	36.5	36	37.2	38.7	38.2	33.7			37.6	36	38.3		33.5	
2012-04-01	2:00														
2012-04-01	3:00	37.5	32.7	38.5	35.9	37.5	34	37.9	36.9	40.5	39.5	39.5	46.3	34.9	38.3
2012-04-01	4:00		38.9	42.5	45.9	38.8	35.1	40.7	38.2	39.9	39.9	40.4	49.6	42	42.6
2012-04-01	5:00	39.5	41.1	43.3	42.9	42.7	35.1	41.2	37.2	45.4	39.7	38.7	50.4	41.1	42.8
2012-04-01	6:00	39.1	40.5	46.1	45.9	44.5	37.1	39.8	34.8	38.5	36.9	38.1	47.2	39.7	43.3
2012-04-01	7:00	41.6	39.8	45.7	43.1	45	37.9	41.8	35.3	48.7	36.9	36.5	49.3	40.4	46.2
2012-04-01	8:00	39.7	39.2	47.3	46.1	47.1	38.4	40.5	34.9	38.9	35.3	39.1	51.9	39.4	47.1
2012-04-01	9:00	41.2	42.7	46	44.7	45.1	37.6	41.9	40.1	44.7	41	42.3	51.5	42.7	49
2012-04-01	10:00	46.7	46.1	45.2	52.1	52.7	37.9	46.1	45.4	36.1	43.3	45.9	64.2	49	53.5
2012-04-01	11:00	49.6	42.1	45.8	48.7	56.4	37.3	53.7	46.3	52.7	48.8	47.9	70.2	53.2	53.6
2012-04-01	12:00	48.6	47.4	45.3	47	40	34.9	58.9	40.4	51.5	45.3	44.4	78	44	52.4
2012-04-01	13:00	43.1	46.8	41.9	47.3	42.5	44.1	53.9	35	48.9	37.3	40.5	75.5	36.3	50.4
2012-04-01	14:00	33.8	45.1	48.8	47.5	37.4	43.3	44.1	28.2	43.5	32.3	38.6	65.7	15	39.1

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-04-01	15:00	37	35.7	41.7	36.8	28.7	30.9	35.3	33.7	43.8	35.8	42.2	58.6	31.6	47.1
2012-04-01	16:00	35.3	31.7	33.8	37.7	32.9	25.3	34.4	33.1	28	36.5	39.6	53.1	36.8	40.9
2012-04-01	17:00	32.5	34.8	34.1	33.9	37	36.3	33.3	29.5	42.5		34.5	48.1	35.8	40.1
2012-04-01	18:00	32.5	28.6	32.7	35.5	40.4	46	27.3	28.5	27.1	32.1	27.5	41.2	32	38.8
2012-04-01	19:00	34.5	23.2	27.2	31.9	41.2	38.7	29.5	30.4	31.7	33.1	26.8	43.5	35.3	41.6
2012-04-01	20:00	33.1	23.5	29	32.6	41.2	31.9	29.8	32.2	24.5	32.8	25.6	47.9	40.3	44.2
2012-04-01	21:00	29.2	28.7	27.8	26.5	38.9	30.2	29.7	29.6	30.4	30.8	26	45.1	35.8	37
2012-04-01	22:00	30.5	28.7	25.1	27.9	34.5	27.4	29.7	30	23	32	27.3	46.2	34.4	36.8
2012-04-01	23:00	28.8	26.7	26.3	23.4	34.9	28.3	27.3	30	27.7	31.4	27.4	48.5	32.4	33.9
2012-04-02	0:00	27.2	27.6	27.8	27.5	33.7	27.6	30.3	26.9	24		26	45.7	28.6	27.8
2012-04-02	1:00	24	19.1	29.3	20.7	30.7	25.9	29.4	24.7	29.4	27.2	25.2	40	24.4	22.9
2012-04-02	2:00	24.7	24.8	23.5	25.1	29.4	23.4	24.9	23.3	21.2	25.5	24.9	36.9	25.1	24.1
2012-04-02	3:00	24.5	25.4	20.2	22.4	29.4	25	21.1	23.6	27.6		25.1	32.8	24.4	24
2012-04-02	4:00	25.2	22.8	22	23.1	28.3	23.1	22.6	25	22.2	27.1	25.4	33.7	24.9	26.1
2012-04-02	5:00	25.7	26.2	25.1	24.6	29	23.1	25.9	25.9	27.9	26.8	24.6	33.8	27.2	27.3
2012-04-02	6:00	28.8	27	25.6	28.8	31.5	24.6	23.8	28	18.9	29.7	25.3	36.3	31.6	34.3
2012-04-02	7:00	32.2	25.3	22.4	21.3	34.8	26.6	27.8	29.5	29.9	31.5	26.6	47.6	36.2	40.6
2012-04-02	8:00	34.4	27.8	22.3	27.6	36.7	28.7	30.7	31.2	21.9	33.7	26.7	51.8	42.7	43.6
2012-04-02	9:00	35.2	29.1	22.8	27.6	36.1	42.9	33.7	32.6	36.2	36.6	28.1	54.3	46.2	48.7
2012-04-02	10:00	36.7	26.7	27.1	27.4	39	57.8	34.1	33.2	35.9	33.4	29.8	52.4	44.4	46.4
2012-04-02	11:00	39.5	29.5	25.6	25.1	42.5	34.9	33.5	36.5	35.8	35	31.4	55.4	40	39.9
2012-04-02	12:00	31.7	29.5	21.5	34.9	40.5	21.7	38.4	35.5	31	36.7	29.1	60.2	44.1	45.2
2012-04-02	13:00	32	27.1	17.8	25.5	47.6	18.2	35.4	34.4	31.9	37.1	30.6	61.4	45.1	47
2012-04-02	14:00	34.1	26	32.7	26.9	52.1	21.5	37.4	35.8	27.5		31.1	56.5	42.3	55.2
2012-04-02	15:00	36.5	24.4	32.2	23.7	45.4	20.9	36.7	35.9	24.8		33.5	65.7	41.8	50.9
2012-04-02	16:00	40.7	23.3	26.8	30		23	38.7	42.6	21.9	38.8	34.3	71.3	51.8	52.1
2012-04-02	17:00	43.8	28	25	28.9	54	30.5	46.3	44.9	34.6		30.9	69	55.4	60.8
2012-04-02	18:00	42.3	25.3	22.4	34.9	54.1	41.2	48.3	40.4	31.5	38.4	31.8	75.8	56.3	58.8
2012-04-02	19:00	43.3	20.7	17.6	30.9	35.7	42.6	46.8	43.5	38.4	41.5	34.7	83.8	55.3	61.9
2012-04-02	20:00	43	34.9	16.9	35.1	37.5	40.5	51.6	45.1	30.7	43.8	42.8	78.8	56.1	61.2
2012-04-02	21:00	44.2	33.1	18.7	34.8	34.5	38.7	51.3	46.3	28.4	45.7	42.5	72.7	61.7	55.9
2012-04-02	22:00	40.2	26.9	19.9	40.6	28.8	33	55.9	42.4	19.4	47.3	40.4	76.6	54.6	57.2
2012-04-02	23:00		26.5	16.4	38.8		32.9	52.7	44	26.5	43.9	40.2	85.1	52.8	48.6
2012-04-03	0:00	38	35.9	24.5	40.9	26.4	32.8	54.4	44.1	18.3	37.9	41.3	82.2	50.2	44.5
2012-04-03	1:00	37.3	37.9	23.6	36.2	30.5	31.9	45	34.9	28.8	37.5	39.8	74.3	40.9	40.2
2012-04-03	2:00	35.7	39.5	29.3	37.6	35.1	29.6	34.6	30.7	26.2	37.7	39.4	59.3	31.9	37.6
2012-04-03	3:00	37	38	26.2	36.4	25.5	29.9	28.7	18.1	29.1	36.2	38.4	46.5	23.6	35.9
2012-04-03	4:00	33.3	33	20.5	37.8	19.4	30.3	25.6	19.4	20.8	34.3	36.4	44.2	28.8	39.3
2012-04-03	5:00	29.6	40	25.2	31.7	21.6	31	25.6	15.6	21.6	22.6	32.1	41.4	31.7	38.7
2012-04-03	6:00	39.2	38.2	26.3	33.2	29.3	30.2	29.7	11.2	19	28.3	29.1	48	41.6	40.2
2012-04-03	7:00	52	40.4	21.1	32	33	31.4	29.6	26.3	31.3	31.5	27	52.6	55.4	51.9
2012-04-03	8:00	45	38.3	22.3	37	35.5	27.5	40.2	35.3	50	39.9	24.5	61.9	76.3	44.5
2012-04-03	9:00	58.9	32.1	34.8	33.8	40.9	30.3	49.3	37.8	67.7	46.8	28	66	74.4	52.1
2012-04-03	10:00	59	22.9	51.4	39	48	27.9	50.7	37.7	72.2	49	24.6	72.4	73.9	51.3
2012-04-03	11:00	53.5	30.6	64.9	46.8	53.2	38.3	51.8	32.8	80.4	40.3	35.3	75.5	59	45.3
2012-04-03	12:00	46.7	35.4	86.2	54.1	57	40.6	49.5	29	69.2	35.9	50.4	68.5	48.2	52.9
2012-04-03	13:00	44.4	39.9	107.1	49.1	51.6	46	49.9	35	70.7	48.5	44.9	71.8	52.2	39.1
2012-04-03	14:00	43	59.8	141.3	55.6	44.5	57	53.1	37.3	72.1	48.6	50	82.9	53.7	58.5
2012-04-03	15:00	45.2	53.6	135.6	59.7	48.3	61	58.3	41.5	59.6	49.7	43.9	72.9	61.9	53.6
2012-04-03	16:00	56.4	57.3	108.3	64.7	48.9	61.8	54.8	39	64.6		30.2	74.1	69.8	60.2
2012-04-03	17:00	51.5	51.8	60.3	60.4	49	59.7	54.7	39.6	60.5	44.5	35.5	82.5	81.9	63
2012-04-03	18:00	46.2	52.1	91.9	62.4	47.9	59.6	54.8	39.9	59.2	44.6	36.7	94.1	72.4	52.5
2012-04-03	19:00	37.1	45.9	89.9	59.9	46.2	36.3	65.5	41.7	55.6	51.9	31.5	98.7	65.5	48
2012-04-03	20:00	39.2	51.8	87.3	60.1	47.2	35.4	60.8	49	56.4	52.2	28.2	92.8	60.5	45.1
2012-04-03	21:00	55.7	52.5	71.8	51.8	56	41.2	61.1	48.3	60.6	48.4	29.5	97.7	59.2	66.1
2012-04-03	22:00	55.7	54.3	61.1	56.3	50.6	47.8	70	46.9	62.6	47.8	32.6	96.3	68.1	65.1

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-04-03	23:00	57.9	54.4	55.6	52.5	53.4	50.3	73.9	47.9	59.9	47.7	34.9	100	73.7	62.4
2012-04-04	0:00	62.1	49.6	55.1	54.9	59	52.9	73.4	47.7	55.9	46.7	32	84	65.2	61.2
2012-04-04	1:00	53.1	48.9	53.2	51.6	51.2	49.4	65.7	44.3	64.4	46.2	36	77.7	60.7	42.9
2012-04-04	2:00	44.3	48	54.8	54	45.1	47.8	62.4	45.4	54.2	49.5	50.4		39	46.6
2012-04-04	3:00	52	51	54.2	59.2	58.7	48	62.2	53.8	53.7	55.3	52.5	69.8	57.3	55.7
2012-04-04	4:00	48.6	55.4	56.2	63.3	57.9	53.3	64.5	50.3	54.2	49.4	48.5	70.2	49.6	52
2012-04-04	5:00	48.9	47.8	52.8	53.8	53.1	47.2	56.3	49.4	51.4	47.8	44.4	63.6	45.2	48.4
2012-04-04	6:00	50	49.6	51.9	51.5	56.3	42.9	52.7	53.3	49.8	52.4	50.2	64.2	50.4	52.9
2012-04-04	7:00	55.5	48.5	55.1	50.8	59.6	45.7	53.5	52.1	53.1	49.5	47.8	67.9	51.2	60
2012-04-04	8:00	51.4	47.5	55.1	53.5	54.2	49.6	49.5	50.5	46.6	46.8	47.7	60.8	49.5	54.1
2012-04-04	9:00	51.3	47.1	51.7	49.3	55.3	49.1	49.1	51.4	45	46.7	49.6	62.9	52.1	55.3
2012-04-04	10:00	52.5	47	51.3	48.4	52.9	45.7	50	49.9	51.9	45.1	46.3	63.1	54.8	57.1
2012-04-04	11:00	49	45.2	50.2	48.5	51.9	46.2	46	46.2	52.7		44.6	59.9	48.2	49.2
2012-04-04	12:00	49.7	44.4	48.3	46.5	52.1	45.2	47	44.4	49.3	40.6	41.8	55.6	45.8	50.4
2012-04-04	13:00	44.3	39.2	46.6	41.1	52.6	44.1	49.7	42.3	45.4	39.8	40.7	57.7	42.7	51.1
2012-04-04	14:00	45.9	38.7	47.4	41.5	50	43	45.3	41	45.6	39.1	40	64.2	41	48.5
2012-04-04	15:00	42.8	39.9	45.3	41.8	54.7	42.7	44.4	41.5	55	39.6	37.4	65.1	44	49.4
2012-04-04	16:00	43.2	37.5	45	39.9	56.2	42.8	44.8	41.4	38.3	41.4	38.7	62	45.3	53.2
2012-04-04	17:00	42.5	38.2	43.1	39.3	50.4	43.4	41.3	40.4	39.6	40.4	36.4	58.7	44.1	49.1
2012-04-04	18:00	44.4	31.9	39.3	42.5	50.8	44	40.3	41.2	40.8	40.8	38.4	60.9	45.2	51.1
2012-04-04	19:00	46.1	30.1	30.9	42.2	53.7	41.5	41.2	42.2	45.9	41.5	38.2	61.5	49	58.9
2012-04-04	20:00		38	28.5	41.4	48.9	40.6	43.3	41.6	43	39.6	36.6	62.8	44.3	53.7
2012-04-04	21:00	42.3	35.1	24.7	37.9	42.3	40.1	45.2	38.1	43.7	38	36.6	66.6	45.9	53.1
2012-04-04	22:00	37.7	38.9	34.2	38.6	41.5	36.9	44.2	35.2	37.8	36.6	34.1	63	38.6	43.7
2012-04-04	23:00	36.3		28.6	37.1	38.5	35.6	42	34.5	40.6	36.1	33.3	57.7	36.8	43
2012-04-05	0:00	34.2	36.9	34	37.5	36.2	31.1	34.7	36.2	36.9	37.3	34.2	55.1	34.7	35.6
2012-04-05	1:00	36.6	35.5	27.5	36.8	29.3	28.6	39.2	44.6	34.9	45.1	40	54.1	41.3	39.1
2012-04-05	2:00	47.3	30.7	23	38.8	30.9	31.7	48.5	55.9	28	52.8	52.2	68.6	47.9	48.4
2012-04-05	3:00	54.9	36.5	26.9	42.6	42.5	29.3	62.6	65.1	33.3	56	57	74.7	64.1	58.8
2012-04-05	4:00	58.4	39.2	27.5	47.1	58.3	31.3	73.3	65.7	35.6	60.9	49.8	78.4	65.5	63.8
2012-04-05	5:00	60	44.4	34.8	46.8	54.2	36.2	76.5	65.4	39.5	67.1	54.1	81.7	71	68.5
2012-04-05	6:00	61.2	46.7	34.7	53.5	44.8	37.3	83.1	61.2	34.4	71.9	52.3	85.4	73.5	72.4
2012-04-05	7:00	64	51.6	37.8	57.3	56.5		76.2	64.2	42.7	73.1	52	93.4	71.8	74.4
2012-04-05	8:00	67.1	53.4	37	62.2	59.9	45.4	72.8	67.7	46.4	70.9	55.4	89.5	82.9	
2012-04-05	9:00	65.1	49.8	33	60.6	63.9	48.8	76.3	69.6	48.6	69.8	60.1		80.3	56.7
2012-04-05	10:00	66.9	54.5	33.3	67	75.1		77.1	73.8	40.5	68.6	58.3	58.3		66.8
2012-04-05	11:00	62.8	55.8	30.6		72.6	39.4	85.1	76.3	60.6	69	57.2		84.4	78.1
2012-04-05	12:00		61	25.5	72	77.2	37.8	84.1	71.7	68.5	69.3	62.3		83.4	74.9
2012-04-05	13:00	67.3	61	46.3	64.6	50.4	37.8	75.5	71.9	67.4	72.8	49.1	102.5	92.6	77.1
2012-04-05	14:00	21.8	42.9	47.8	33.5	18.9	10.5	68.3	41.4	46.9	34.1	3.3		70.9	27.5
2012-04-05	15:00	12.4	8.2	20	12.7	15.1	12.2	39.6	11.9	0.9	11.7	4.6		25.7	15.8
2012-04-05	16:00	12.8	6.3	9.8	9.8	16.4	15.3	22.8	7.2		11.4	8		16.5	21.4
2012-04-05	17:00	16.8	10.8	9.3	9.4	13.1	14.8	14.7	6.2			6.5	40.6	15.9	23.8
2012-04-05	18:00	22.2	14.4	12.1	10.1	22.4	14.2	12.8	10.9	13.1	16.9	8.6	38.6	20.5	31
2012-04-05	19:00	25.6	10.5	13.8	10.3	24.9	22.3	15.2	13.6	18	16.7	7.5	33.2	24.3	41.7
2012-04-05	20:00	24.1	11	10.7	12.5	21.6	26.8	19.7	14	15.7	12.8	10.9		23.8	34.3
2012-04-05	21:00	22.6	8.6	15.7	12.1	23.7	22	17.2	17.3	25.4	15.8	14.8	41.7	28.8	37.4
2012-04-05	22:00	16.4	10.7	30.9	11.9	13.4	26.6	20.2	13.5	9.3	15.9	11.4		20.2	25.6
2012-04-05	23:00		4.3	14.3	10.6	9.6	13.7	20.6	8.3	12.1	9.7	8.9	30.8	14.4	18.2
2012-04-06	0:00	9.6	8.6	8	10.4	5.8	8.3	14.9	10.6	1.6		8.9		9.7	10.6
2012-04-06	1:00	9.5	3.5	7.3	12	5.4	12.3	9	10.3	8.1	8.8	13.3		15.6	12.6
2012-04-06	2:00	8.9	7.1	5.7	10.2	5.1	9	11.6	11.8	4.1	8.5	9.9		5.2	7.1
2012-04-06	3:00	10.3	4.1	8.4	7.4	4.8	8.4	12.4	9.7	10.7	7.6	10.3		8.7	9.3
2012-04-06	4:00	10	8.4	10.3	4.4	5.3	9.1	9.6	9.1	4.1	8.8	11.3	13.9	8.9	9.4
2012-04-06	5:00	9.2	4.7	10.4	6.1	5.3	14.4	6	12.8	13.1	9.5	11.3	8.2	10.6	
2012-04-06	6:00	10.9	8.3	9.5	6.9	5.2	6.6	7.2	12.2	2.9		9	3.7	11.6	

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-04-06	7:00	16.3	3.1	9	6.7	9.6	8.4	11.1	12.9	10.8	14.8	11.7	21.9	17.9	
2012-04-06	8:00	18.2	8.9	10.3	9.9	10.4	12.1	15.1	16.2	8	15.5	10.8	32.1	19.9	
2012-04-06	9:00	21.2	5.3	14	12.6	18.9	13.5	16.9	17.3	23.9	18.2	15.8	34.8	21.7	30.9
2012-04-06	10:00	24.5	15.1	20.5	16.1	20.6	17.5	20.8	19.1	16.7	20	13.7	45.1	23.4	29.9
2012-04-06	11:00	23.4	11.8	20.1	20.5	21.5	18.1	21.2	22.5	20.4	20.3	14.5	20.5	23.7	32.1
2012-04-06	12:00	26.1	13.2	16.4	24.1	21.8	18.2	22.5	23.4	16.9	19.9	15.5		23.1	34.3
2012-04-06	13:00	18.4	12.2	15.3	23.8	11.7	14.4	20.2	17.7	20	15.4	16.8	36.3	16.7	25.3
2012-04-06	14:00	19.2	10.3	13.6	21	17.4	15.3	21.3	18.8	12.5	16.9	17.6	0.5	17.2	27.2
2012-04-06	15:00	24.7		14.3		18.2	18.3	23.5	20.1	19	19.8	19.1		21.5	31.1
2012-04-06	16:00	23.5	13.2	16.6	22.4	20.3	19.2	22.8	22.8	12.5	21.7	22.1		22.8	34
2012-04-06	17:00	29.4	12.2	18.8	24.6	26.3	23.3	23.2	24.3	23.4	26	21.9		26	36.9
2012-04-06	18:00	30.2	21.3	20.4	26.7	30.6	28.6	20.7	24.4	19.2	26.4	23	42.2	24.8	38.3
2012-04-06	19:00	35.6	24.9	18.5	27	31.4	30.1	26	29.4	27.9	28.7	23.7	51	34.9	45.8
2012-04-06	20:00	35	22.3	24	25.4	34.1	30.4	30.5	26.9	20.6	27.6	25.9	41.1	34.3	45.4
2012-04-06	21:00	32.2	19.7	26.4	27.8	28.8	25.2	26.3	26.8	31.1	28.6	30.6	41.1	29.4	39.4
2012-04-06	22:00	26.9		23.2	29.6	25.3	25.9	22.7	22.5	19	24.5	31	36.6	23.5	32.5
2012-04-06	23:00		24.4	18.1	27.7	27.1	25.9	21.5	27	24.8	27.5	31.3	39.6	21.6	35.9
2012-04-07	0:00	35.5	32.3	21.9	32.2	31.2	23.1	26.1	33.6	23.5	33.9	31.3	41	29.4	38.9
2012-04-07	1:00	39.1	33.8	34.2	38.7	34.9	28.9	37.4	42.8	36.6	37.5	30.6	37.2	40.4	39
2012-04-07	2:00	42	37	43.6	36.5	40.4	33	46.7	42.6	31.6	41.2	29.2	57.6	37.5	42.9
2012-04-07	3:00	40.8	35.7	44	39	42.4	37.7	47.2	42.6	44.5	42.4	36	45.1	43.1	45.7
2012-04-07	4:00	41.6	30.8	43.2	39.8	40	37.7	45.8	41.9	33.6	40.5	36.1	54.5	41.3	44.5
2012-04-07	5:00	40.3	35.6	41.5	42	34.7	38.1	43.6	40.5	40	38.7	38.4	52.5	35	43.4
2012-04-07	6:00	40.1	33	39.7	40.8	38.2	38.3	40.4	39.4	34.2	39.8	37.9	55.6	37.9	47.5
2012-04-07	7:00	41.3	33.7	37.5	42.6	38.4	37.2	39.7	42	42.8	40.2	39.5	53.8	44.4	51
2012-04-07	8:00		40.1	38.1	45.4	39.4	36.2	39.9	40.8	33.7	38.7	37	51.5	45.7	51.3
2012-04-07	9:00	41.7	36.9	39	47.7	38.5	33.9	41.6	41	40	38.6	38.3	63.6	42.6	51.5
2012-04-07	10:00	42.3	34.8	38.9	42.6	42.6	34.9	41.1	40.7	40.6	38.5	27.8	64.9	46.1	50.4
2012-04-07	11:00	41.1	33.4	42.1	41.2	41.3	34.3	41.7	40.4	40.9	36.8	34.6	71.5	37	44
2012-04-07	12:00	39.5	35.6	43.6	40.4	40.7	40.5	41.8	39.2	33.2	40.3	38.2	63.9	36.9	49.9
2012-04-07	13:00	43.8	36.3	39.6	40.8	48.2	37.2	43.2	43.3	47.9	41.9	36.8	60.5	42.8	55.3
2012-04-07	14:00	46.4	36.9	43.9	48	45.7	36.5	46.1	43.1	35.3	42.9	44.9	63.3	42.2	48.9
2012-04-07	15:00	49.6	35.9	45.3	46.9		41.1	47.1	47.8	45	47	43.7	69.3	53.3	55.3
2012-04-07	16:00	50.1	40.7	47.8	48	49.6	40.8	52.5	49.5	39.1	48.5	43.9	72.5	53.7	58.9
2012-04-07	17:00	46.2	39.1	47.8	49.9	48.2	43.3	50	46.5	46.3		47.7	61.9	52.4	57.2
2012-04-07	18:00	45.4	42.6	40.3	48	48.5	46.3	37.5	40.3	37.5	44.2	46.2	61.3	40.7	54.2
2012-04-07	19:00	47.4	41.5	35.9	54	46.5	45.7	37.1	42.9	44.1	47.7	43.6	60.3	48.8	62.9
2012-04-07	20:00	37.3	44.6	36.1	53	43.3	41.3	35.3	28.1	34	32.1	36	59.9	26.2	45
2012-04-07	21:00	37.1	31.5	27.2	43.8	34.8	39.7	32.3	39	37.3	39.7	35	59	43.7	46.6
2012-04-07	22:00	34	34.3	28.6	40.6	36.5	30.6	38.9	32.4	27.6	33.9	30.8	55.7	37.9	39.9
2012-04-07	23:00	29.2	26.9	32.7	35.6	30.6	29.1	35.4	30.5	29.5	31.6	24.5	44.3	38	35.9
2012-04-08	0:00	25.4	23	25.2	25.4	26.7	21.8	28	27.9	19.8	29.1	20.2	45.6	30.1	25.9
2012-04-08	1:00	19.8	19.1	25.8	25.7	23.9	19.8	27.3	21.5	25.3	22.7	18.6	33.8	23.5	19.7
2012-04-08	2:00	17.5	15.7	23.8	21.1	19.3	17.6	23	17.3	17.3	18.6	15.7	34.5	16.7	15.8
2012-04-08	3:00	18.8	13.5	19.3	22.5	19.7	18.4	21.5	17.4	21.2	20	16.7		16.5	17.9
2012-04-08	4:00	18.3	20.5	17.7	21	20.5	19.5	21.2	16.8	14.5	18.6	19.2	44	18.3	18
2012-04-08	5:00	20.8	15.6	19.2	21.7	22.8	22	16.9	17.4	20	18.6	17.8	47.8	24.9	25
2012-04-08	6:00	20	16.3	16	17.7	22.3	22.6	17.2	16.5	14	18.1	17.7		24.5	25.7
2012-04-08	7:00	18.5	10.9	20.5	18.9	18.3	18.4	14.5	13.9	18.5	14.7	17		16.1	20.5
2012-04-08	8:00	20.4	17.5	18	16	19.5	16.1	13.2	16.2	12.3	16	15.9	9.8	20.1	25.6
2012-04-08	9:00	17.6	13.3	14	19.5	18.5	15.9	17.5	14.6	21.3	15.7	14.2	2.9	18.3	23.5
2012-04-08	10:00	23	17.7	16.3	18.3	18.6	15.8	17.6	14.2	14.8	15.6	14.4	41.5	17.1	21.8
2012-04-08	11:00	23.1	12.1	19.2	18.8	22	16.8	17.1	18.6	19.4	17.6	15.5	33.9	22.4	28.4
2012-04-08	12:00	23.4	13.2	20.4	16.9	23.1	18.5	20.6	18.3	19	17.8	15.7	20.5	20.9	30.3
2012-04-08	13:00	24.9	18.1	19.8	19.1	23.9	20.3	22.5	20	24.8	21.1	17.7	33.4	23.7	36.4
2012-04-08	14:00	29.8	18.9	20.6	21.1	23.9	23.5	26.4	22.6	21.7	22.4	17.2	45.9	24.5	31.7

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-04-08	15:00		14.8	23	22.8	28.4	26.4	27.6	24.4	40.1	23.6	21.5	45	26.5	32.9
2012-04-08	16:00	29.4	22.7	20.6	25.8	34.2	26.9	28.9	24.8	30.9	25.4	24.7	50.7	31.5	33.5
2012-04-08	17:00	28.9	22.1	22	28.9	31.6	25.4	28	26.3	27.5		25.7	60.6	29.5	34.7
2012-04-08	18:00	32.8	22.9	20.6	25.7	33.6	26	30.2	28.6	23.4	28.9	27.5	61.8	36	42.9
2012-04-08	19:00	36.9	22.4	20.6	33	37	30.8	31.8	30.2	27.8	32	26.7	67.1	37.6	53
2012-04-08	20:00	35.3	24.5	22.1	26.8	35.5	30.3	30.8	32.4	32.9	32.3	26.9	53.9	38.8	49.1
2012-04-08	21:00	29.2	19.5	24.7	30	27.3	25.9	25.6	27.7	28.7	27.6	24.8	49.6	31.2	35.7
2012-04-08	22:00	28	24.2	24.1	28.9	28.7	28.5	26.8	24.9	22.7	27.1	25.6	54.1	31.2	34.2
2012-04-08	23:00	25.5	18.1	34.8	32.4	25	47.6	25.8	22.1	26.9	23.7	26.1	44.9	24.2	28.4
2012-04-09	0:00	21.9	17.6	36.9	30.1	36	36.8	22.4	21.1	23.1	24.5	26.9	36.8	23.5	23.9
2012-04-09	1:00	23.1	20.5	40.3	34.3	37.4	35.7	27.2	23.2	24.6	24.5	24.4	30.7	24.4	25.1
2012-04-09	2:00	21.3	24.4	56.1	31	39.5	27.4	23	20	21.4	18.2	25.8		20.2	22.1
2012-04-09	3:00	20.6	19.1	58.6	30.9	41.3	31.8	17.6	20.5	21.8	21.4	28.8		18.5	20.9
2012-04-09	4:00	24.9	21.2	44.8	31	35	41.2	21.7	23.5	24.8	25.2	30.7	24	25	27.1
2012-04-09	5:00	28.6	15.6	34.9	35	32.7	40.3	19.2	16.7	28.8	21.1	29.5		19.6	28.3
2012-04-09	6:00	24.1	12.8	36.8	30	26.3	34.6	12.7	9.3	22.2	20.6	19.6		17	24.5
2012-04-09	7:00	28	14.3	48.7	25.7	28.8	30.3	17.7	11.3	18.8	21.9	16			33.2
2012-04-09	8:00	19.7	12.1	56.4	24.8	13.7	23.1	22.5	5.8	16.8	12.7	17.9			18.5
2012-04-09	9:00	16.6	11	56.7	20.8	30.5	21.5	10.2	10.1	24.5	13.4	4.9		11.5	23
2012-04-09	10:00	17.3	9.7	52.2		36.9	14.2	7.3	6.7	16.8	14.4	12.4		14.1	20.6
2012-04-09	11:00	17.1	6	44.1		19.1	20.2	11.8	5.8	10.7	6	11.8	25.6	9.6	9.5
2012-04-09	12:00	12.8	4.5	55.6		38.5	18.9	10.6	7.6	9	7.9	8.6	35.8	8	4.4
2012-04-09	13:00	11.7	3.9	65.7	12.2	34.2	21.2	9.5	4.8	31.7	6.2	5.7		9.4	12.7
2012-04-09	14:00	13.2	8.6	84.2	12.5	31.6	14.7	8.1	8	42.2	8.7	4.6	37.8	11.3	17.2
2012-04-09	15:00		6.9	93.7	10.1	29.4	27.2	10.1	8.6	35.9	10.5	6.2	13.8	12.6	27.2
2012-04-09	16:00		7.8	89.1	10.5	21.4	10.3	10.4	12.3	15.8	14.6	8.9	19.7	15	
2012-04-09	17:00	15.3	7.4	81.7	10.5	13.3	12.9	12.4	12.2	11.2		11		17.6	25.9
2012-04-09	18:00	18.2	7.9	30.6	12.8	20.1	15	14.6	14.3	12.7	17.7	11.5		18	28.9
2012-04-09	19:00	20.7	7.2	16.3	13.5	19.5	14.6	12.9	13.3	16.9	16.2	10.2	36.7	18.4	33.2
2012-04-09	20:00	21.3	12.1	15.8	12.4	20.2	15.1	15.5	14.7	13.8	15.4	11.8	35.1	19.6	32
2012-04-09	21:00	19.1	7.3	15.2	11.7	17.5	14.6	17.5	17.2	6.2	18	14.8	29.9	22.9	29.7
2012-04-09	22:00	20	14.3	13.5	10.2	16.7	15.3	20.2	18.5	15	19.9	17.4	37.6	23.4	30.8
2012-04-09	23:00		14.6	17.8	13.3	15.6	15.1	22	18.1	17.1	21.4	20.2	34.2	21.1	28.1
2012-04-10	0:00	20.5	18.5	16	18.6	16.8	15.9	25.4	23.4	17.2	27.3	21.5	31.3	28.3	27.8
2012-04-10	1:00	22.7	15.6	18.3	15.8	17.9	16.9	30	25.8	19.1	27.2	22.4		29.1	27.7
2012-04-10	2:00	22.1	20.8	16.8	26.1	18.2	16.1	33.4	26.2	24.5	27	24	31.4	27	25.4
2012-04-10	3:00	23	20.3	19.6	28.4	19.5	18.2	29.4	25.4	23.3	25.6	23.5		26.9	25.3
2012-04-10	4:00	22.4	18	22.4	28.3	17.4	19.6	31.8	25.6	19.6	25.3	24.9		27.5	25.9
2012-04-10	5:00	19.9	15.5	25.7	23.7	16.6	20.4	31.1	27.1	21.9	24.1	25.6		28.9	25.3
2012-04-10	6:00	21.9	22	24	25.2	17.2	20.6	25.6	25.5	21.2	21.9	25.2	23.7	27.8	27.8
2012-04-10	7:00	24.1	19.5	21.5	25.1	8.6	16.4	23.6	21.9	18.8	20.1	30.5	27.1	26.1	30.8
2012-04-10	8:00	24.5	21.7	19.7	23.9	24	23.1	22.6	20.5	19.7	20	22.6	42.1	37.6	28.9
2012-04-10	9:00	20.5	12.2	20.1	19.4	24.2	17.7	27	20	26.9	18.5	20.5	44.2	28.2	24.1
2012-04-10	10:00	24.4	12.9	21.4	15.8	25.9	20.7	27.3	24.9	17	5.8	31.8	46.5	31.8	24.2
2012-04-10	11:00	27	10.5	23.8	14.5	25.8	19.4	29.8	27.6	18.1		28		31.7	20.3
2012-04-10	12:00	25.5	16.5	0.7	21.6	34.5	23.3	26.8	26.3	25.9	25.1	25.8		28.8	33.1
2012-04-10	13:00	27.5	14.9	0.5	22.6	28.7	21.3	28.5	20.8	33.9	22.1	25.3		26.7	27.8
2012-04-10	14:00	28.3	21.7		20.6	32.3	24.1	37.5	18.9	37.7	26.6	24.5	54.5	35.3	39.5
2012-04-10	15:00	20.5	22.5	18.3	19.4	24.9	23.8	37.4	18.4	28.7	27.3	19.3	53.1	34.1	31.8
2012-04-10	16:00	23.8	19.9	17.2	20.6	27.6	19.2	26.2	21	23.6	27.2	18.6	53.7	27.6	41.9
2012-04-10	17:00	25.2	26.2	16.2	21	29.4	19		28.9	26.6		22.9	56.5	35.4	33.6
2012-04-10	18:00	24.1	22.3	15.1	19.5	28.1	19.5	27.1	33.6	26.9	37.1	21.8		43.9	34.9
2012-04-10	19:00	32.3	25.2	17.3	23.1	26.2	24.4	37.6	35.7	25.2	47.7	26.8	62.9	43.9	44.1
2012-04-10	20:00	44.8	25.4	18.1	30.1	26.4	25.4	42.9	39.3	30.9	47.9	35.1		61.2	58.1
2012-04-10	21:00	43.8	27.7	17.2	39.6	29	29.6	41.8	33	33.2	38.7	27.1		51.9	56.1
2012-04-10	22:00	34.9	39.2	15.7	37	40.7	35.1	42.1	28.9	45.5	33.3	26.1	50.4	37.7	44

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-04-10	23:00		30.1	21.7	36.4	35.1	35.3	28.8	24.4	31.4	25.5	22.5	51.2	34.3	39.5
2012-04-11	0:00	26.8	17.9	21.4	24.2	26.1	35.1	35.6	19.3	26.1	21.3	17.8		25	28.7
2012-04-11	1:00	23.7	18.7	19.1	17.7	30.6	33.8	32.3	18.7	23.1	18.4	19.3	30.8	23.8	21
2012-04-11	2:00	43.6	17.5	16.7	19.5	40.7	31.6	28.7	16.7	24.4	17.3	20.1	29.8	31.3	29.1
2012-04-11	3:00	44.5	21.2	14.2	17.8	32.3	20.6	31	19.3	31.4	19.2	21.7	22.5	38.2	40.2
2012-04-11	4:00	30.5	17.2	18.8	22.4	23.6	25.7	28.7	16.4	41.6	21.1	22.9	39	45.1	32.7
2012-04-11	5:00	20.9	16.4	16.5	17.1	19.5	30.9	31.5	18	24.6	26.7	24.1	43.3	40.7	27.5
2012-04-11	6:00	18.7	19.7	14.9	19.7	18.4	28.9	29.4	22.3	18	30.1	27.6	44.8	36.3	19.2
2012-04-11	7:00	27.6	20.3	16.6	25.1	16	26.8	26.6	26.1	14.8	34	27.1	52.7	45	28.4
2012-04-11	8:00	36	22.2	21.9	28.8	12.9	19.1	28	30.4	17.9	30	23.1		29.1	26.8
2012-04-11	9:00	31.9	19.1	24.8	25.6	20.3	20.3	21.7	20.4	20.8	31.5		31.3	25.5	22.4
2012-04-11	10:00	31.7	13.6	20	25	14.9	25.7	19.2	24.3	20	32.3	17.3	28.3	25.3	13.4
2012-04-11	11:00	21.6	0.2	14.7	29.2	30	26.2	20	28.8	24.1	28	21.2	43.9		20.2
2012-04-11	12:00	22.2		17.9	22.3	23.9	17.9	22.9	25.6	27.2	30.8	22.3	32.8	29.2	19.9
2012-04-11	13:00	17.8	19.3	18.2		23.2	11.4	18.2	27.6	24.8	28.6	25.5	47.3	17.4	18.1
2012-04-11	14:00	17.9	14.7	18.7	20	22.1	16	16.4	21.4	27	29.9	24.7	41.5	21.9	30.5
2012-04-11	15:00	17.9	23.9	16	14.6	24.7	22.1	17.3	14.7	22.6	26.6	22.6	40.2	22.1	27.6
2012-04-11	16:00	18.4	13.4	16.1	18.2	20.5	21.2	17.8	15.3	29	28.5	21.1	44.1	23.9	31.3
2012-04-11	17:00	17.5	18.6	14.9	19.9	24.6		18.2	12.2	21.7		16.1	44.2	24.1	23.5
2012-04-11	18:00	24.5	14.8	12	20.1	26.5	19	18.3	13	18.9	27.9	17	23.5	30.8	34.9
2012-04-11	19:00	22.4	16.8	9.2	17.8	20.2		22.2	12.9	21	25.2	19.9	14	31.8	30.6
2012-04-11	20:00	21.7	11.2	12.1	15.7	20.8	19.5	20.2	13.8	25.6	23.3	19.6	39.1	34.3	29.8
2012-04-11	21:00	22.1	16.6	12.7	18.6	18	18.4	20.3	12.6	22.8	22.9	16.7	44.2	45.3	31.4
2012-04-11	22:00	24.7		13.8	19.7	18.6	20.4	28.3	13	26.2	26.7	16.2	33.7	45.3	30.1
2012-04-11	23:00	25.7	18.8	15	16.8	16	16.9	34.6	12.8	22.7	26	15.4	31.1	39.1	21.6
2012-04-12	0:00	25	10.3	14.7	18.4	17.7	18.7	30.6	13.3	21.9	24.9	15.4	36.7	30.7	26.5
2012-04-12	1:00	31.2	16.3	16	19.9	15.5	17.3	27.4	13.2	14.8	23.1	15.2	24.6	28.5	30.2
2012-04-12	2:00	27.4	18.2	14.5	18.4	16.6	15.8	26.3	15.9	20.2	23.4	15.1	23.6	26.4	25.4
2012-04-12	3:00	20.5	13.9	15.4	14.5	19	16.9	29.8	18.7	18.4	24.4	17		33.5	17.5
2012-04-12	4:00		13.4	15.1	15.8	20.6	18.2	34.3	18.5	25	24.7	16.9	27.8	32.8	21.6
2012-04-12	5:00	25.1	20.1	16.9	13.2	26.7	18.7	31.7	15.1	23.7	23.8	17.2	22.9	31.8	23.5
2012-04-12	6:00	27.3	14.4	16.2		31.4	21.5	27.2		28.4	23.2	19.7	18.7	32.1	28.4
2012-04-12	7:00	23.9	20.9	18.7	19.2	15.5	22.4	22.7	18	26.1	23.8	24.9	31.7	52.2	26
2012-04-12	8:00	28.2	14.5	20.6	22.4	16	12.6	37	20.4	19.2	27.7	21.4	38.7	72.4	28.1
2012-04-12	9:00	22.2	16.1	21	18.7	27.2	13.4	29.6	27.7	14.2	25.7	28	38.1	54.1	25.1
2012-04-12	10:00	19.6	12	21.2	15.5		22	31.4	22.6	21.3	30.3	26.4	41.2	36.7	5.3
2012-04-12	11:00	21.6	18.1	16.5	16.4		19.3	21.7	21.4	16.5	30.2	22.8	51.8	37.2	37.1
2012-04-12	12:00	24.8	5.7	15	18	20.9	15.2	20.4	15	19.8	24.9	20.1	50.2	26.2	28.4
2012-04-12	13:00	21.5	2.3	12.9	18.5	19	17.9	15.1	14.8	16.4	22.8	18.8		27.9	25.1
2012-04-12	14:00	21.4	14.9	15.5	13.4	14.6	18.6	16.4	14.7	19.1	29.8	18.5	49.3	26.5	37.4
2012-04-12	15:00	22.5	9.1	12.6	11.3	22.7	23.7	22.2	17.6	22.3	26.9	16.4		24.7	35.7
2012-04-12	16:00	20.7	6.4	15	14.7	20.6	18.9	21.8	14.7	32.4	24.8	15.3	15.4	22.5	29.1
2012-04-12	17:00	20.7	7.3	15	18.1	19.9	19.4	18.9	14.3	29		14.6	22.2	27.2	33.2
2012-04-12	18:00	21.9	6.4	13.2	17.7	24.5	20.6	15.3	15.7	23.5	25.6	13.5	44.6	31.8	35.2
2012-04-12	19:00	20.2	11.6	15.8	12.9	21.4	18.5	17.6	15.7	21.7	26.3	14.9	59.1	27.8	31.4
2012-04-12	20:00	22.4	7.8	13.5	18.5	20.4	18.7	12.1	14.9	29.2	21.6	15.5	50.9	28.9	31.6
2012-04-12	21:00	18.8	16.5	8.8	24.5	18.8	17.4	12.7	15.8	31.4	20.3	13.7	46.7	25.5	25.9
2012-04-12	22:00	18.3	11	9.6	24.7	22.3	18.6	10.4	15.3	24.4	18.1	14.3	39.8	27.9	27.8
2012-04-12	23:00		12.6	9.6	10.4	18.4	17.9	10.7	13.2	13.8	18.1	14.5	37.5	21	21.9
2012-04-13	0:00	15.4	4	10.2	33.8	17.4	16.9	12.3	12.6	19.7	18.8	12.6	25.8	23.1	18.8
2012-04-13	1:00	20	10.6	9.3	32.5	22.2	14.7	15.6	12.3	19.7	17.1	12.3	27.8	24.5	21.9
2012-04-13	2:00	18	13.7	7.9	11	19.8	14.3	16.7	10.7	20	14.1	11.2		24.4	16.2
2012-04-13	3:00	16.8	14.8	11.6	12.8	19.2	15.7	19.4	11.4	21.6	14	11.9		14	16.6
2012-04-13	4:00	14.5	10.3	10.4	31.3	16.1	16.9	10.7		30.4	16.9	13.8		15.4	16.8
2012-04-13	5:00	18.1	5.9	9.3	9	20.1	17.5	12.9	17.3	22.7	19.7	17.3	10	25.6	20.8
2012-04-13	6:00	18.9	13.2	9.6	11.1	24.8	22.1	12.9	17.2	28.2	22.3	19.1	13.6	26.2	25.8

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-04-13	7:00	22.8	9.4	9.3	8.5	22.9	23.1	14.1	19.2	22.6	26.3	21.5	31.4	0.6	30.8
2012-04-13	8:00	22.1	15.4	9.9	17.2	25.1	20.7	17.5	19	24.5	26.6	17.7	30		29.9
2012-04-13	9:00	23.4	15.3	10.7	23.1	23.4	18	19.3	16.8	29.1	23.4	17	37.7	14.8	28.8
2012-04-13	10:00	23.8	11.8	10.7	22.3	23.1	22.2	19.8	16.1	25.6	22.8	14.2	40.5	11.5	25.2
2012-04-13	11:00	20.7	12.4	13	22.5	18.7	14.4	21.5	18.5	24.3	19.1	18	35.7	4.8	26.3
2012-04-13	12:00	18	10.4	13	21.9	17.4	13.8	19.9	11.7	23.9	18.6	15.7	15.3	3.4	15.3
2012-04-13	13:00	15.7	19	14.5	4.3	16.6	12.8	15.1	10.4	19.4	15.5	17.7	44.4	3.6	17.6
2012-04-13	14:00	14.9	20.2	14.6	14.4	17.4	15.2	15.2	18	21.6	18	13.4	39	7	23
2012-04-13	15:00	18.3	19.1	13.5	17.6	19.7	12.3	12.4	13.1	15.6	17.6	12.9	11.1	9.5	28.4
2012-04-13	16:00	19.2	25.9	9.7	18.5	21.5	17.5	12.8	14.3	22.7	21.3	12.6	57.6	15.7	30.3
2012-04-13	17:00	23.3	26.8	12.4	18	23	23.7	10.8	15.2	19.7	28.4	18.5		26.4	38
2012-04-13	18:00	21.3	17.5	13.7	17.8	23.5	22.3	18	15.6	22.2	27.8		35.6	33.3	37.2
2012-04-13	19:00	20.2	17	15.4	17.2	27.7	7.1	16.8	14.2	19.7	27.5	15.9	39.4	35.7	32.8
2012-04-13	20:00	20.8	19.2	13.5	9	31.4	15.7	16.6	23.8	25.4	30.5	15.8	62	30.7	31.7
2012-04-13	21:00	26.1	21.1	13.2	14.4	25.3	26	15.3	25.7	29.2	31.2	13.8	59.3	31.1	37.4
2012-04-13	22:00	26.9	11.8	12.2	15.4	26.2	24.9	13	17.1	28.5	26.8	15.7	39.8	27.3	32.8
2012-04-13	23:00	23	12.8	13.2	23.3	26.6	20.7	15.7	15.8	29.8	23.4	15.5	47.4	19.7	26.1
2012-04-14	0:00	18.2	16.7	13.4	20.2	24.4	18.2	11.9	13.8	23.6	21.3	16.5	39.1	11.7	17.8
2012-04-14	1:00	19.4	23.4	15.4	20.1	17.8	16.2	13.9	10.9	20.6	18.6	15.2	30.1	13.6	19.8
2012-04-14	2:00	19.5	12.9	12.1	17.1	16.2	14.8	16.4	13.6	20.2	19.6	15.2	20.7	23.1	22.6
2012-04-14	3:00	24.6	19.4	11.7	15	18.8	14.9	11.4	10.9	20.6	20	16.8	15.8	22.6	23.6
2012-04-14	4:00	18.7	13	14.1	12.4	25.7	14.9	10.4	16.8	22.7	19.8	17.6	20.4	26.1	17.9
2012-04-14	5:00	20.6	16.3	10.8	18	26.6	19	11.7	15.9	25.8	19.2	18.4	19	28.8	21.3
2012-04-14	6:00	26.4	13.1	10.8	12.7	30	22.2	16.2	17.2	25.1	20.1	20.2	21.5	35.7	27.9
2012-04-14	7:00	27.3	14.7	13.7	20.2	33.1	21.3	17.4	19.4	21.9	24.1	23.9	30.4	44.2	26.3
2012-04-14	8:00	26.4	20.4	15.1	26.1	32.2	21.6	32.6	26.3	25.4	24.9	21.2	51.3	55.4	32.1
2012-04-14	9:00	29.2	20.7	17.5	20.3	28.8	16.9	28.3	25.5	18.8	25.5	19.6	54.1	64.9	33
2012-04-14	10:00	24.4	22.5	16.5	6.3	26.5	19.3	21.8	23.3	21.3	29.1	24.3	40.7	55.4	16.7
2012-04-14	11:00	19.4	5.4	11.7	13.3	18.7	15.5	20.6	14	18.2	23.4	21.3	49.7	24.7	23.3
2012-04-14	12:00	20.1	6.6	12	17.3	16.1	14.7	21.3	15.3	21.4	24.6	22.5	32.7	18.3	20.5
2012-04-14	13:00	19.8	6.9	11	25.5	19.6	16.4	21.3	14.3	22.9	23.2	19.3	40.1	19	32
2012-04-14	14:00	17.6	14	12	16.2	19.4	17.1	20.2	9.2	22.3	19.3	15.6	37.3	19.4	22.1
2012-04-14	15:00	16.4	21.4	10.1	21	17.7	15.1	14.1	10.6	21.2	18.1	17	47.4	20.3	29.3
2012-04-14	16:00	17.1	14.6	8.5	15.3	18.2	17.6	12.2	10.4	12.2	15.7	15.5		18.8	30.4
2012-04-14	17:00	18.8	14.9	7.7	12.5	21.6	16.9	11.5	11.1	16.1		13.2	59.6	19.5	31.6
2012-04-14	18:00	18	12.9	11	17.6	23.2	18.1	14.2	12.4	22	20.5	12.6	50.2	20.8	27.4
2012-04-14	19:00	18.3	12.6	11.6	15.2	24.4	17.7	13.9	16.8	21.3	24.3	13.7	44.2	22.6	30.3
2012-04-14	20:00	19.3	12	11.3	20.4	25.5	17.7	11.1	15.3	24	25.2	15.6	45.7	30.1	28.2
2012-04-14	21:00	22	11.3	11.5	18	29	19.8	14.7	17.3	20.5	23.5	15.3	56.4	29.5	30.8
2012-04-14	22:00	20.7	18	13.6	13.6	28.7	19	13.2	15.7	24.9	23	16.7	43.6	25.2	27.8
2012-04-14	23:00	18.8	20.2	13.6	13.5	21.7	17.1	11.2	10.9	26.4	20.6	16.3	32.6	19.2	20.2
2012-04-15	0:00	20.7	18.3	10.7	17.7	22.4	15.2	10.6	10.1	26.9	18.2	15.4	31.5	15.9	18.8
2012-04-15	1:00	16.9	14.5	12.3	18.9	19.7	13	12.5	11	19.1	16.2	13.2	25.2	13.6	15.7
2012-04-15	2:00	15.9	12.8	12.1	20.2	19.9	12.7	12.7	11.2	16.9	18.1	14	21.3	11.4	12.8
2012-04-15	3:00	16.8	15.3	10.5	17.8	20	14.9	11.3	11.4	16	17.2	16	21	12.8	17.2
2012-04-15	4:00		14.3	9.1	17.4	21.5	13.6	10.1	10.2	19.4	15.1	15		11.4	15.8
2012-04-15	5:00	17.2	5.2	10.8	17.8	20.8	16	9.2	12.2	19.1	18.2	16.9	20	21.7	19
2012-04-15	6:00	16.9	14.1	11	14.3	21.4	19.2	11.5	12.7	18.1	19.1	17.5	18.3	21.6	21
2012-04-15	7:00	17.9	12.4	11.7	17.1	23.1	19.1	9.7	13.8	19.7	20.2	19.2		20.2	18.5
2012-04-15	8:00	16.6	11.7	9.1	21	20.2	12.6	8.8	12.6	21.2	16.7	18.3	27.2	19.8	18.2
2012-04-15	9:00	18	5.8	7.4	18.4	19.9	8.1	7.6	10.5	19.5	11.9	18.1	28.5	17	20.9
2012-04-15	10:00	17.1	15	7.9	18	14.2	11.3	10	7	12.7	13.3	15.8	36.4	11.8	5.4
2012-04-15	11:00	13.9	6.1	10.9	10.5	10.2	9.8	11.6	4.2	10.5	8.6	16.3	20.5	10.9	8.4
2012-04-15	12:00	11.2	6.1	7.9	6.8	11.9	9.8	7.2	11.9	14.4	9	12.8	43.3	10.9	11.4
2012-04-15	13:00	10.8	0.7	6.7	9.1	15.7	11.2	7.2	11.7	8.9	10.8	9.1	24.3	11.1	13.9
2012-04-15	14:00	14.2	10.6	7	8.5	17.8	13.5	10.2	11.9	17	16.4	13.5	35.8	17.8	23.9

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-04-15	15:00		5.5	9.2	10.5	15.9	16.1	10.1	10.3	14.9	16.6	12.8	30.1	14.2	20.6
2012-04-15	16:00	14	11.8	10.1	9.5	16.7	14	12.5	11.9	16.1	19.7	15.8	31.6	15.3	24.9
2012-04-15	17:00	15.6	6.9	9.8	12.8	19.4	16.1	12.5	11.3	17.5		14.3	27.9	17.8	26.9
2012-04-15	18:00	18.4	16.7	11.9	21.5	20.3	16.7	10.1	12.4	16.4	22.4	13.7	31.4	16.8	29.7
2012-04-15	19:00	18.2	9.2	13.3	20.8	21.9	18	11	11.4	14.8	22.9	14.7		18.2	25.4
2012-04-15	20:00	15.1	11.1	9.9	18.6	21.2	16.8	8.8	13.7	15.2	23.4	14.5		23.1	27.1
2012-04-15	21:00	18.7	4.4	8.2	13.1	23.4	18.1	13.3	14.4	19.8	22.5	14.9	29.1	24.3	29.9
2012-04-15	22:00	19.2	15.4	8.1	10.9	19.9	15.8	14	13	17.9	22.7	14.1	30.1	19.9	26.3
2012-04-15	23:00	18.5	4.1	9.7	15.5	20.1	17	14.2	11	18	18.9	13.1	18	18.6	23.3
2012-04-16	0:00	16.2	12.1	10.4	17.3	18	15.8	15.6	12.1	16.5	18.8	14.7	17	22.8	20
2012-04-16	1:00	15.9	7.1	11.3	14.1	15.4	8.6	10.3	11.6	18.1	17.3	13.3	19.8	18.7	16.5
2012-04-16	2:00	15.7	18.6	11.1	10.8	14.2	8.3	10.9	11.7	14.1	17	11.5	19.3	16.4	15.3
2012-04-16	3:00	12.3	4.7	11.8	8	18	14.8	10.1	9.3	14.9	17.7	11.4	20.8	14.2	7.4
2012-04-16	4:00		10.3	10.5	11.9	18.8	19	11.5	13.6	17.6	16.6	13.5	19.2	19.1	15.7
2012-04-16	5:00	17.1	3.6	10.6	15.2	21.7	19	12.8	13.7	18.5	19.4	14.5		26.8	21.8
2012-04-16	6:00	19.9	16.4	12.8	14.6	23.5	20.4	9.9	16.6	17.3	25.1	19.9	23.7	27.5	26.8
2012-04-16	7:00	24.4	14.8	14.6	12.6	25.2	15.7	10.8	18.5	22.8	22.6	21		30.2	26.1
2012-04-16	8:00	25.2	24.4	11.7	19.4	30.3	12	12.4	17.3	17	24.6	21.6	27.3	33.4	27.1
2012-04-16	9:00	21.7	15.9	11.1	15.5	31.9	14.3	11.8	15.4	16.8	27.7	19.3	37.1	31.2	20.5
2012-04-16	10:00	18.9	22.3	18.8	16.1	24.3	11.2	15.1	16.4	26	26.3	16.9	40.1	35.3	19.3
2012-04-16	11:00	17.7	4.3	13.6	23.5	25.3	12.8	13.5	15.6	22.7	28.2	16.2	51.1	10.9	14.9
2012-04-16	12:00	15.8	0.1	11.6	24	20.3	12.8	12.7	14.4	5.2	25.9	19.3	43.3	22.9	17
2012-04-16	13:00	16	0.1	11.1	14	19	17.6	13.4	14.4	19.3	28.7	19.5	28.5	18.4	21.1
2012-04-16	14:00	17.3		12.5		21.9	19.3	16.5	12	26.6	22.8	14.3	44.5	14.1	37.1
2012-04-16	15:00	20.1	12.9	10.6	7.7	21.9	19.2	18.4	15	32.4	27.5	12.9		20.4	37.5
2012-04-16	16:00	22	18.6	15.4	5.2	25.3		12.5	15.3	25.3	26.4	15.4	32.3	22.9	34.6
2012-04-16	17:00	17.2	11.6	17.8	16.7	15.8	12			20.5	22	16.1	29.1	20.3	27.7
2012-04-16	18:00	16	3.2	16	16	15.6		11.6	5.2	13.2	16	12.6	28.4	13.3	16.5
2012-04-16	19:00	18.8	9.1	9.1	9.3	16.8	13.9	11.1	11.3	22.2	14.7	9.3	35.1	33.7	26.6
2012-04-16	20:00	18.7	12.7	6.2		13.5		12	8.7	16.4	16.2	7.3	41.9	23.3	17.9
2012-04-16	21:00	17.6	13	6.2	13.4	12	8.3	13.7	12.2	15.4	18.2	9.4	50	27.3	28.4
2012-04-16	22:00	17	11.4	10.8	7.1	14	14.1	16.9	14.7	11.8	19.2	10.4	29.4	30.4	27.9
2012-04-16	23:00		9.8	14.6	12.5	17.7	25.3	17.2	13.9	10.6	20	11.8	38.1	33.3	23.8
2012-04-17	0:00	17.1	13.2	14.2	16	18.2	13.2	17.1	13.8	10.8	16.4	13.7	39.2	21.9	19.2
2012-04-17	1:00	15.2	13.7	19	15.8	16	13.8	13.1	15.5	17.7	15.2	17		18.1	19.1
2012-04-17	2:00	15.7	16.2	18.3	17.9	17.7	14.8	18.5	17	15.3	19.2	14.6	30.1	20.4	22.5
2012-04-17	3:00		18.8	11.4	16.1	16.8	17.1	21.1	14.2	20.6	15	8.1	21.5	18.8	20.5
2012-04-17	4:00	8.6	16.7	7.1	13.3	9.3	10.3	11.9	5.9	12.8	5.9	5.1	13.3	6.9	8.1
2012-04-17	5:00	10.1	8.3	7.1	9.9	9.3	7	12.9	9.2	13.4	8.3	8.6		12.4	11.3
2012-04-17	6:00	13.7	0.4	8.9	14.4	10.9	8.9	10.5	12.5	8.8	11.7	8.5	14.8	17.7	19
2012-04-17	7:00	16.8	4	8.4	18.5	12	8.7	12.2	16.2	10.7	15.3	11.8		20.1	24.5
2012-04-17	8:00		4.3	11	19.1	17.5	16	20.1	18.9	11.7	20.9	14.5	42	28.8	31.5
2012-04-17	9:00	17.1	16.7	8.7	12.8	13.7	14.6	13.1	16.9	18.1	17.1	17.7	30.5	23.9	28
2012-04-17	10:00	17.2	16	3.9	8.9	10.6	10	13.3	16.7	13.1	16	15.2	28.6	18	23
2012-04-17	11:00	14.9	12.4	4.1	7.9	11.9	6.5	19.7	15.5	7.8	14.6	16.1	33.1	17.9	22.5
2012-04-17	12:00	25.2	15.1	8.8	15.2	22.2	13	22.4	23.5	14.8	21.1	19.8	21.2	31.9	35.6
2012-04-17	13:00	32.7	26.4	13.8	22.7	30.5	21.4	27.8	23.1	28.7	25.7	20.8	2.7	33.8	47.9
2012-04-17	14:00	27.8	19.3	17.9	19.6	25.5	19.8	28.4	22.4	23.9	24.5	22.2	6.6	22	31.7
2012-04-17	15:00	31.3	18.9	21.4	25.3	32.6	22.7	26.5	25.5	28.1	25.5	24.7	24	33.5	40
2012-04-17	16:00	31.1	18.6	23.1	22.9	31	25.6	29.6	25.1	24.2	27	24.9	50.4	31.4	38.2
2012-04-17	17:00	31.4	24	25.9	26.1	32.9	27.2	36.2	24.7	25.6		25.1	50.8	34.4	42.5
2012-04-17	18:00	32.1	20.6	26.6	24.7	31.9	28.5	38.1	22.5	26.7	29.1	27.6	49	34.2	41.8
2012-04-17	19:00		23.3	24.8	30	36.2	31	31.2	30.1	24.9	33.7	30.4	44.9	38.3	51
2012-04-17	20:00	34.2	26.2	26.9		39.2	31.5	35	31.3	28.8	31.3	29.4	54.5	42.1	49.1
2012-04-17	21:00	31.9	32.3	28.6	32.6	36.1	29.7	41.2	30.8	30.9	31.2	27.6		41.2	44.3
2012-04-17	22:00	27.6	25.5	26.6	31.5	32.4	28	31.9	26.6	27	27.5	27.2	49.5	37	37.5

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-04-17	23:00	26.9	16.2	26.3	26.1	29.1	27.2	30.8	24.1	29.2	28.9	30.1	54.5	33.4	34.5
2012-04-18	0:00	31	26.4	22.9		31.5	23.6	30.6	27	21.1	33	29.3	46.4	30	36
2012-04-18	1:00	29.9	28.5	27.5	34.7	32.5	27.8	33.1	28.1	32.3	32.2	27.8	49.3	31	32.9
2012-04-18	2:00	30.6	31.2	28.2	30.6	33.8	25.7	35.2	29.1	31.3	32.6	28.6	44	30.7	32.5
2012-04-18	3:00	32.5	19.2	31.3	30.6	35.7	27.5	36.2	31.8	30.4	34.1	30.9	28.5	36	36.2
2012-04-18	4:00		28.3	31.3	31	34.8	28.5	36.1	30.4	29.1	32.5	30.1	31.3	34	35.4
2012-04-18	5:00	31.7	32.1	27.4	31.2	34.7	30.7	31.7	30.1	35.3	31.9	30.6	48.3	36	37
2012-04-18	6:00	31.8	34.5	29.8	29.5	34.5	26.8	33.4	30.5	27.2	32.3	31	38.3	35.7	40
2012-04-18	7:00	35	26.9	30.2	27	38.8	29	33.6	31	33.6	34.1	32	44.9	38.8	43.1
2012-04-18	8:00	36.1	30.6	28.6	40.8	39.1	30.3	33	30.9	29.8	35	30.9	47.6	46.4	49.3
2012-04-18	9:00	37.9	31.1	31.8	40.1	41.4	29.7	30.7	34.4	33.3	36	30.6	47.1	50.8	56.1
2012-04-18	10:00	36.1	45.1	33.1	35.4	39.5	28.9	38.3	29	33.4	32	28.3		37	42.2
2012-04-18	11:00	36	35.9	29.2	1	33.8	28.1	35.9	31.1	21.5	33.5	29.3		40.4	45.8
2012-04-18	12:00	37.9	31	23.1	11.9	37.8	30.3	37.5	32.6	26.8	37.2	30.1		42.9	53.7
2012-04-18	13:00	39.4	30.3	28.8		37.4	31.8	41	34.7	42	38.1	28.9		38	52.8
2012-04-18	14:00	42.9	33	28	30	39.2	30.9	46.4	34.9	38.3	37.5	32.6		43.2	54.1
2012-04-18	15:00	41.3	35.3	26.5	34.9	40.3	26.3	43	33.8	41.2	39.4	34.3		39.6	52.2
2012-04-18	16:00	46.6	34.5	31.1	45.2	40.5	39.4	42.4	37	30.8	40.4	34.8	52.2	46.3	53.9
2012-04-18	17:00	42.5	33.9	31.3	44.5	43.3	37.3	45.1	36.9	51.1		34.4	61.5	47.2	52.8
2012-04-18	18:00	42.5	35.4	29	42.8	44.4	38.8	43.8	38.4	47.5	44.6	34.5	69.4	51.8	55.2
2012-04-18	19:00	44.3	34.4	30.8	41.1	46.9	40.7	45.2	36.8	35.4	42.4	34	70.9	47.4	57.5
2012-04-18	20:00	45.2	41.7	42.1	44.2	46.4	38.6	47	41.9	39.9	43.7	36.5	75.8	51.5	62.8
2012-04-18	21:00	40.8	38.4	36.4	44.9	42.9	34.7	51.1	39.2	47.6	42.7	34.2	68	49	55.3
2012-04-18	22:00	41.9	44	34.1	45.1	40.6	36.5	53.9	42.4	33.5	45.2	38.3	64.7	53.5	56.3
2012-04-18	23:00	44.2		32.7	47.6	41.6	34.9	56.2		42.2	49.8	40.7	73.2	53.3	58.5
2012-04-19	0:00	45.4	41.3	29.3	52.2	41	31.5	57.1	49.7	46.2	52.3	37.6	76.8	54.1	56.1
2012-04-19	1:00	43.8	43	23.3	51.2	40.2	36.4	61.9	49	44	49.9	37.3		55.9	52.2
2012-04-19	2:00	36.3	35.3	23.5	49.6	34.2	36.2	58.5	42.2	36.9	46.7	34.7		43.4	45.1
2012-04-19	3:00	36.3	33.5	24.6	48.4	30.2	32.4	50.3	42.5	41.7	43.1	37.1		45.4	42.5
2012-04-19	4:00	35.8	28.2	24.9	43.5	29	34.1	49.1		29.9	43.4	37.7	47.4	48.5	43.4
2012-04-19	5:00	35.3	31.6	22.9	44.7	29.2	34.4	47.5	40.5	34.4	40.7	37.7	51.3	43.3	43.7
2012-04-19	6:00	32.8	26	21.8	39.9	29.8	32.3	43.4	39.4	36.5	39.2	38.8	52.6	47.2	40.4
2012-04-19	7:00	38.6	21.1	20	40.3	31	30.6	45.5	39.5	37.9	42.6	35.3	63.6	46.1	47.5
2012-04-19	8:00	38	26.1	16.9	37.9	30.3	31.3	47.3	40.7	44.3	45.2	29	82.5	50	54.3
2012-04-19	9:00	39.8	38.7	22.1	39.7	31.5	32.4	51.7	44.2	44.8	46	31.4	73.7	53.1	59.2
2012-04-19	10:00	41	43.8	27.7	32.3	33.1	37.2	55.1		38.1	44.4	40.2	71.5	49.1	60.5
2012-04-19	11:00	45	35.9	34.6	40.9	33.9	53.2	54.3	45.6	36.6	46.4	40.6	82	53.8	65.4
2012-04-19	12:00	41.9	28.8	22.8	40.8	30.8	14.8	45.8	35.8	41.4	38	34.8	75.7	43.3	54.4
2012-04-19	13:00	17.3	24.5	17.2	21.1	13	7.5	35		30.6	26.4	10.1	57.9	38.4	40.6
2012-04-19	14:00	18.7	13.7	12.2	12	9	8	28.7	13.7	10.5	16	7.4		19.4	28.2
2012-04-19	15:00	17.7	8	6.6	10.1	7.4	6.3	18.8	6.4	10.2	8.9	5.6	37.3	13.9	21.6
2012-04-19	16:00	14.7	16.4	7.8	10.6	15.2	11.7	9.6		10.5	11.2	4.8		12.6	20.9
2012-04-19	17:00	16	9.4	13		10.3	18.5	10.4	9.7	9.8		4.6		16.1	25.8
2012-04-19	18:00	16.7	15.6	8.9	7.1	12.1	14.4	12.3		9.2	11.5	6.2	36.5	20.4	25.5
2012-04-19	19:00	17.6	10.5	11.1	6.6	16.9	15.5	10.5	11.9	10	11.5	7.7	37.1	24.7	35
2012-04-19	20:00	18.6	9.9	10.6	1.9	17.2	17.4	11.5	11.6	10.9	13.5	10.1	25.6	19.6	33.8
2012-04-19	21:00	15.7	12.3	8.1	11	14.2	13.2	13.3	6.9	12.4	11.1	7.8	39.6	17	27.8
2012-04-19	22:00	14.5	18.1	10.1	5.7	11.4	16.5	17		7.6	15.1	6.7	28.5	18.6	19.2
2012-04-19	23:00	15.4		5.3	15.2	10.1	13.6	12.2	4	10.8	15.7	7.1	40	26.7	18.4
2012-04-20	0:00	20.3	9.8	3.3	12.1	8.8	13.9	14.2	6.1	12.9	17.7	6.9	38	21.1	27.1
2012-04-20	1:00	19.4	8.4	8.7	13.2	8	13.7	7.8	5.7	9.8	15.3	6.8	21.5	18.7	22.2
2012-04-20	2:00	16.4	10.4	14.9	12.8	9.8	10.8	3.4	9	10.9	12.5	6.2	16	13.5	16.9
2012-04-20	3:00	17.6	15.9	17.2	15	9.7	14.3	14.5	9.4	8.8	7.9	8	19.7	16.9	20.8
2012-04-20	4:00	10.5	5.5	12.5	13.7	9.5	19.5	15.7	8	10.3	7.8	8.5	28	14	11.3
2012-04-20	5:00	9.4	4	9.2	12.4	10.2	16.4	9.6	8.6	10.5	8.3	9.3	14	10	10.7
2012-04-20	6:00	14.5	0.3	12.6	6.5	12.9	17.2	10.1	13.5	9.4	15.5	14.3	20	23.9	24.8

PM2.5 (ug/m ³)		General Monitoring Stations											Roadside Monitoring Stations		
Date	Time	Sham Shui Po	Sha Tin	Tung Chung	Tai Po	Tsuen Wan	Yuen Long	Central Western	Eastern	Kwai Chung	Kwun Tong	Tap Mun	Causeway Bay	Central	Mong Kok
2012-04-29	15:00		18.1	12.5	10.1	17.9	13.4	11.6	13.5	16.8	17.8	15.1	37.1	14.8	19.8
2012-04-29	16:00	16	13.2	12.1	16.7	17	15.4	11.7	10.4	16.4	16.3	13.5	21.4	14.3	17.2
2012-04-29	17:00	17.8	8.5	8.4	11.8	19.3	19.4	10.6	11.9	18.3	17.7	14.4	43.6	21	30.4
2012-04-29	18:00	15.8	12.5	8.9	10.7	22.4	16.2	11.6	13.2	18.9	19.2	12.9	43.2	26.4	31.6
2012-04-29	19:00	15.7	8.2	8.1	15.3	19.6	16.9	13.6	13.1	21.2	21	13	46	25.2	28.7
2012-04-29	20:00	15.8	12.8	8.6	12.3	20.1	15	10.8	13.8	19.7	21.1	13.1	35	26.5	25.8
2012-04-29	21:00	17	12.3	10.4	11.1	21.8	18	10.1	13.9	20.1	22.2	13.3	35.5	27.7	26.9
2012-04-29	22:00	15.3	9.9	11.8	14	18.3	14.3	13.4	13.1	23	20	13.9	32.2	19.2	21.9
2012-04-29	23:00		8.8	11.7	15.2	17.4	14.3	16.1	12.7	23.2	18.7	13.9	35.1	23.1	21.1
2012-04-30	0:00	13.2	12.4	12.4	16.9	15.9	14.1	12.4	11.4	19.4	14.5	12.6	29.6	14.9	17.8
2012-04-30	1:00	13.8	12.7	10.6	16.7	14.3	12.9	9.9	12.9	13.8	15	13	23.1	14.4	14.8
2012-04-30	2:00	13.2	12.8	10.5	14	15.6	11.4	9.8	11.1	13.7	13.2	13.5	16.9	10	11.7
2012-04-30	3:00	12.9	5.4	9.4	13.7	15	11.5	10.7	9.5	17.3	11	13	10	9.8	11.4
2012-04-30	4:00		7.4	10.7	12.2	14.8	11.5	9.5	10.6	17.1	12.2	12.4	9.1	12.5	13
2012-04-30	5:00	14.4	11.6	7.9	14.1	15.9	12.8	11.5	11.4	19	13.2	13.7	9.6	18.9	26.7
2012-04-30	6:00	14.3	13	8.6	13.3	19.2	15.1	11.9	11.1	19.7	16	14	18.3	17.6	17.8
2012-04-30	7:00	16.6	10.8	9.6	12.7	19.8	14.9	10.7	13.6	20.7	20.2	12.7	25.2	20.3	21.4
2012-04-30	8:00		6.5	8.8	12.2	22.9	15.2	9.6	14.8	25.5	27.4	15.1	28.4	24.6	26.1
2012-04-30	9:00	20	6.5	7.8	16.3	22.8	14.2	12.5	17.8	36	24.7	13.1	38.6	16.9	28
2012-04-30	10:00	19.2	14.2	10.6	8.7	19.4	16.3	16.7	15.4	27.4	30.9	14.5	23.2	19.2	19
2012-04-30	11:00		9.3	11.3	15.6	19.5	14.3	17.5	14.4	21.8	25.9	14.4	40.1	16.5	25.7
2012-04-30	12:00	15.4	12.8	14.7	16.3	17.4	13.1	18.7	12	23.2	23.6	13.1	33.4	13.9	23.8
2012-04-30	13:00	15.8	14.8	13	22.1	18.5	13.9	15.2	11.8	19.8	27	10.8	38.6	17.9	
2012-04-30	14:00	18.4	7	12.8	19.2	16.4	15.3		13.2	19.9	25.7	13.5	49.8	15.9	28.2
2012-04-30	15:00	20.3	13.3	16.3	12.4	20.5	15.6	14.6	11.9	29.7	24	13.3	40.5	16.5	27.1
2012-04-30	16:00	18.1	12.4	16.4	8	21.2	16.4	15.9	11.7	23.6	22	14.1	29	16.2	27.1
2012-04-30	17:00	16.8	12.1	14.5	16.6	21.7	18.8	18.9	12	20.4	22.4	13.9	24.8	22.6	32.9
2012-04-30	18:00	16.4	7.4	12.6	15.7	23.2	19.9	17.9	10.8	18.9	23.9	16.3	34.5	22.1	28.8
2012-04-30	19:00	16.5	12.4	12.7	12.8	22.5	18.8	12.3	13	20.3	23.5	15.6	34.3	30	34.1
2012-04-30	20:00	16	8.1	11.3	25.2	22.3	17	15.6	13	21.8	20.8	14	38.9	24.9	26
2012-04-30	21:00	15	11.2	11.8	13.4	20	16.1	16.1	12.8	21.5	18.4	13.6	43.4	24.5	25.3
2012-04-30	22:00	15.3	8.6	11.5	15.5	18.9	12.9	14.6	12.7	14.9	19.8	16.2	34.6	19.8	24.3
2012-04-30	23:00		13.3	10.1	15.8	18.5	12.1	12.3	11.3	18.3	15.9	15.9	48.1	18.8	21

Crowd Control in MTR Stations

20. **MR JAMES TO** (in Chinese): *President, the patronage of MTR has continuously increased from 102 604 000 passenger trips in March 2009 to 119 956 000 passenger trips in March 2012. The MTR Corporation Limited (MTRCL) has earlier increased the train frequency of the Tsuen Wan Line in peak hours from every two minutes eight seconds to every two minutes, and the train frequency in non-peak hours has also been increased. Some passengers have reflected that at present, the crowded conditions in Mong Kok, Prince Edward, Kowloon Bay, Wan Chai and Admiralty MTR Stations, and so on, are particularly serious, and passengers have to wait for a long time before they can take the elevators to go from the station concourses to the platforms; even though*

the MTRCL has increased the train frequency, it is still unable to satisfy the passengers' needs. It has been reported that in response to the overcrowdedness in certain stations, the MTRCL has earlier implemented crowd control during the morning peak hours by closing one third to half of the ticket gates in nine stations (including Mong Kok, Prince Edward, Sham Shui Po, Cheung Sha Wan, Lai Chi Kok, Mei Foo, Wong Tai Sin, Diamond Hill and Choi Hung) so as to avoid the influx of an excessive number of passengers onto the platforms. In this connection, will the Government inform this Council if it knows:

- (a) the data on patronage in peak hours in the aforesaid nine MTR stations, and the number of gates closed during the morning peak hours in each station; apart from such stations, whether the MTRCL has implemented crowd control in other stations; apart from crowd control, whether the MTRCL has any long-term measure to increase the number of passengers that can be accommodated on the platforms; if it knows, of the details of each measure;*
- (b) in the light of the MTRCL's increase in train frequency, whether the MTRCL or the Government has found the crowding problem deteriorating in stations along the Kwun Tong Line; whether the MTRCL or the Transport Department (TD) has regularly assessed the crowded conditions at the concourse in various stations at present; if it has, of the assessment indicators; whether any individual station has been found to exceed the relevant standards;*
- (c) whether the MTRCL had conducted any works to ease the passenger flows from station platforms to concourses and from concourses to the ground level in the past five years; if it had, of the stations, details of the projects and amounts of money involved in such works;*
- (d) whether the Government and the MTRCL have drawn up guidelines to specify the numbers of passengers which can be accommodated on the station platforms; if they have, of the details of such guidelines; whether they have assessed if the present numbers of passengers on the station platforms in peak hours have already reached or are close to their maximum capacities; if they have, list the information on the relevant stations; and*

- (e) *whether the Government (for example, the TD and the Fire Services Department) and the MTRCL have put in place guidelines which aim at easing the passenger flows at station concourses; if they have, of the relevant guidelines; whether the MTRCL had conducted any publicity (for example, producing publicity materials and posting them at prominent positions of the stations to teach passengers how to evacuate safely and in an orderly manner) in the past, as well as what the means of evacuation are?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, in drawing up the service timetable for each railway line, the MTRCL has already taken into consideration the travelling patterns of passengers and patronage of different areas and stations in order to ensure that railway service meets passenger demand. At the same time, the TD examines regular reports submitted by the MTRCL on its service performance. The TD also conducts on-site investigations and inspections to ensure that railway service meets passenger demand. If necessary, the TD will advise the MTRCL to adjust its service arrangements within the capacity of the operational system (such as the capacity of the signalling system and tracks available) in light of changes in passenger demand.

The replies to various parts of the question are as follows:

- (a) With regard to the nine stations raised in the question, namely Mong Kok, Prince Edward, Sham Shui Po, Cheung Sha Wan, Lai Chi Kok, Mei Foo, Wong Tai Sin, Diamond Hill and Choi Hung, the number of passengers entering and exiting each station during the busiest hour in the morning from Monday to Friday is set out in the Annex. Depending on the passenger flow of the abovementioned stations, the MTRCL will implement different levels of crowd control measures during the morning peak hours, including the closure of three to seven entry gates intermittently. Currently, the MTRCL has not imposed the temporary gate closure measure at other stations.

In managing passenger flow, the MTRCL will also impose other measures, including the deployment of station assistants, to maintain

order and ensure smooth passenger flow. Currently, all MTR stations along the heavy rail lines are manned during service hours. During morning and evening peak hours, and at busy stations including interchange stations where passenger flow is higher, the MTRCL will deploy additional staff and station assistants to help manage passenger flow and maintain order. The core duties of station staff and platform assistants at platforms include: (i) reminding passengers to queue up and maintain order while waiting for boarding; (ii) reminding passengers to queue up if they have not done so; (iii) preventing passengers from jumping queues, and ensuring they stand in the waiting area; (iv) taking suitable action to alleviate crowding situations such as switching the upward/downward direction of escalators; and (v) assisting passengers to board/alight from trains and preventing door charging when trains enter the platforms and open train doors.

- (b) The primary function of the station platform is for passengers to wait, board and alight from trains, while passenger flow in the railway network is primarily driven by the train service frequency. To alleviate crowding, since 24 March 2012, the MTRCL has provided an additional 368 train trips per week on the three busiest rail lines, namely Tsuen Wan Line, Kwun Tong Line and Island Line, with a capacity to carry an additional 800 000 passengers. To take the Tsuen Wan Line as an example, the frequency of train service during morning and evening peak hours has been enhanced to two minutes. After the enhancement in train service frequency, the MTRCL has conducted a survey on passenger flow at Admiralty Station which is a relatively busy station. The result reveals that there has been a significant reduction in the number of passengers who cannot board the first arriving train headed towards Tsim Sha Tsui Station during the evening peak hours. Since the implementation of the abovementioned train service enhancement measure, the passenger flow at stations has become smoother. The MTRCL will continue to closely monitor passenger flow at stations and will implement effective measures when necessary to ensure smooth passenger flow. The TD will also oversee whether the MTRCL meets the requirements of the relevant service standards to ensure that railway service meets passenger demand.

- (c) From 2008 to April 2012, the MTRCL has invested more than \$130 million to provide various station facilities at 30 stations with a view to ensuring smoother passenger flow. These facilities include nine new station entrances, 11 new escalators, six new travellers, nine new passenger lifts and 20 new entry gates. Moreover, depending on the passenger flow of individual stations, 21 entry gates have also been relocated.
- (d) Each MTR station has a different design and area due to different geographical locations and surrounding environment. As previously mentioned, the primary function of the station platform is for passengers to wait, board and alight from trains, while passenger flow in the railway network is primarily driven by the train service frequency. Train service for different railway lines and at different hours will not be identical as the service is designed to cope with passenger needs. As patronage gradually grows, the MTRCL has enhanced the frequency of train service to alleviate passenger demand during peak hours. It is observed that the current passenger carrying capacity of each heavy rail line is sufficient to cope with passenger needs. The MTRCL has developed crowd control measures for each station to ensure smooth operations at station when passenger flow is higher. As such, the MTRCL advised that they have not drawn up guidelines on platform capacity.
- (e) The MTRCL has issued promotional publications including "Rail Service Suspension Passenger Guide" leaflet and "Travel Safely Everyday in the MTR" booklet to inform passengers of how to respond to railway incidents. Passengers can obtain the information at MTR stations or download from the MTR website. Besides, the MTRCL has also established the Customer Service Rapid Response Unit, installed Service Information Panels at entry gates, and increased the number of signage and public announcements at stations to help passengers take appropriate contingency action in the event of railway incident.

The Number of Passengers Entering and Exiting
the Nine MTR Stations During the Busiest Hour in the Morning
from Monday to Friday
(As at March 2012)

	<i>Station</i>	<i>Number of passengers entering and exiting the station</i>
Tsuen Wan Line	Mong Kok	15 400
	Prince Edward	12 500
	Sham Shui Po	11 800
	Cheung Sha Wan	10 400
	Lai Chi Kok	15 800
	Mei Foo	13 200
Kwun Tong Line	Wong Tai Sin	17 700
	Diamond Hill	12 200
	Choi Hung	11 900

BILLS

First Reading of Bills

PRESIDENT (in Cantonese): Bill: First Reading.

INLAND REVENUE (AMENDMENT) BILL 2012

CLERK (in Cantonese): Inland Revenue (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

PRESIDENT (in Cantonese): Bill: Second Reading.

INLAND REVENUE (AMENDMENT) BILL 2012

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, I move that the Inland Revenue (Amendment) Bill 2012 be read the Second time.

The object of the Bill is to amend the Inland Revenue Ordinance to implement concessionary revenue measures proposed in the 2012-2013 Budget.

First, the Bill proposes that for salaries tax under personal assessment, the basic allowance and the single parent allowance be increased both from \$108,000 to \$120,000 and the married person's allowance from \$216,000 to \$240,000, with effect from the year of assessment 2012-2013.

The child allowance for each eligible child will be increased from \$60,000 to \$63,000, whereas the additional one-off child allowance in the year of birth will also be increased by the same rate.

The dependent parent/grandparent allowance and the additional dependent parent/grandparent allowance for each eligible parent/grandparent (aged 60 or above) will both be increased from \$36,000 to \$38,000, and the same rate of increase will apply to the allowance/additional allowance each eligible parent/grandparent living together with the taxpayer, whereas the allowance and additional allowance for each eligible parent/grandparent (aged 55 or above but below 60) will be increased from \$18,000 to \$19,000.

For taxpayers whose parents/grandparents are admitted to a residential care home, the Budget proposes that the deduction ceiling for elderly residential care expenses be raised from the current \$72,000 to \$76,000 for each parent/grandparent. According to the existing provisions of the Inland Revenue Ordinance, should the deduction for elderly residential care expenses be allowed to a taxpayer, the person or any other person is not entitled to claiming dependent

parent/grandparent allowances and for the same parent/grandparent for the same year of assessment.

The Bill also proposes raising the dependent brother/sister allowance from the current \$30,000 to \$33,000, as well as raising the disabled dependent allowance from the current \$60,000 to \$66,000.

With respect to tax deduction ceilings, apart from the proposals which I have just mentioned on raising the deduction ceiling for elderly residential care expenses, the Bill also proposes to extend the entitlement years for the tax deduction for home loan interest from the current 10 years to 15 years, while maintaining the current deduction ceiling of \$100,000 a year. In addition, in the light of the increase of the maximum relevant income level under the Mandatory Fund Schemes Ordinance from \$20,000 to \$25,000 per month effective from 1 June 2012, the Bill proposes to increase correspondingly the maximum annual tax deduction for mandatory contributions to recognized retirement schemes from \$12,000 to \$14,500.

We believe that the said proposals on raising the allowances and deduction ceilings will help alleviate the burden of taxpayers at a time of an economic slowdown. All taxpayers of salaries tax and tax under personal assessment, that is, about 1.5 million in total, will benefit from the proposed increases in allowances and deduction ceilings. It is anticipated that there will be a reduction in public revenue amounting to about \$3.5 billion per annum.

To help ease the pressure arising from the gloomy economic outlook and the highly uncertain external environment on our community and the business sector, the Bill also proposes a one-off reduction of salaries tax, tax under personal assessment and profits tax for the year of assessment 2011-2012 by 75%, subject to a ceiling of \$12,000 per case. The reduction will be reflected in the taxpayer's final tax payable for the year of assessment 2011-2012. About 1.5 million taxpayers will benefit from the proposed one-off reduction of salaries tax and tax under personal assessment. The proposed one-off reduction of profits tax will benefit all taxpayers who are liable to profits tax, the number of which is about 120 000. It is estimated that public revenue will decrease by about \$10 billion.

We have briefed Members of the said proposed amendments in the Legislative Council Brief circularized to Members on 24 April.

President, I hope Members can support the expeditious passage of this Bill so that these initiatives can be put into practice soon.

I so submit. Thank you, President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Inland Revenue (Amendment) Bill 2012 be read the Second time.

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

(Bills scheduled to be dealt with at this Council meeting)

Resumption of Second Reading Debate on Bills

PRESIDENT (in Cantonese): We will resume the Second Reading debate on the Fisheries Protection (Amendment) Bill 2011.

FISHERIES PROTECTION (AMENDMENT) BILL 2011

Resumption of debate on Second Reading which was moved on 9 November 2011

PRESIDENT (in Cantonese): Mr Vincent FANG, a member of the Bills Committee on the above Bill, will address the Council on the Bills Committee's Report.

MR VINCENT FANG (in Cantonese): President, as Mr Tommy CHEUNG, the Chairman of the Bills Committee on Fisheries Protection (Amendment) Bill 2011 is out of town, I will report on his behalf to this Council the major deliberations of the Bills Committee.

The Bill aims to amend the Fisheries Protection Ordinance (Cap. 171) to provide for the setting up of a registration system for local fishing vessels; the regulation of fishing within the waters of Hong Kong; and the designation of fisheries protection areas (FPAs) and appointment of an authority to manage and control fishing in those areas.

The Bills Committee has held a total of seven meetings. It has also received views from the public and the industry at one of its meetings.

The Administration has stressed that the policy intent is to enable the marine environment to rehabilitate through regulating fishing practices and preventing activities detrimental to the fisheries industry, so as to pursue sustainable fisheries development in Hong Kong. Therefore, members have agreed to introduce a registration system for local fishing vessels to limit the number of fishing vessels and the total engine power of these vessels. Members have noted that the proposed registration system is applicable to all existing local fishing vessels with valid operating licences under the Merchant Shipping (Local Vessels) Ordinance. In a period of 12 months from the commencement of the Bill, existing local fishing vessels can register with the Director of Agriculture, Fisheries and Conservation (DAFC). The DAFC will not entertain any applications for registration after the 12-month period unless the applicant shows to the satisfaction of the DAFC any circumstances set out in the proposed section 14(3).

Since a ban on trawling in Hong Kong waters will come into operation on 31 December 2012, members have been aware of the grave concern expressed by trawler owners about the authorities' indication that the registration period for existing trawlers will be determined after consultation with the industry. The industry has pointed out that the authorities should make clear the registration period. The authorities have explained that it is not the policy intent to register trawling vessels under the registration system. However, the Administration is mindful that trawler owners may choose to continue with their trawling operations outside Hong Kong waters for some time before coming back and pursue their fishing business using non-trawling fishing methods in Hong Kong waters. While the Bill allows these owners to exercise the registration option beyond the 12-month period, the Administration considers that with an open-ended period of eligibility for registration, it will render the policy objective of limiting the number of fishing vessels and the total engine power of these

vessels impossible to be achieved, hence defeating the key purpose of the Bill. The Administration has assured members that upon the enactment of the Bill, it will work out the detailed administrative arrangements after consultation with the industry to determine the registration period.

Another concern of members is the arrangements for the transfer of engine power of local fishing vessels under the registration system. The Administration has advised that generally speaking, the engine power of a registered vessel can be transferred to a replacement vessel under the registration system provided that the engine power of that vessel is not greater than that of the original registered vessel, as stipulated in the proposed section 19(3) of the Bill. Owners of existing P4 sampans who have a genuine need to upgrade their vessels can convert their vessels to fishing sampans in accordance with the requirements before the commencement date of the Bill.

Members have considered that a number of decisions made by the Agriculture, Fisheries and Conservation Department (AFCD) are important decisions, especially the cancellation of a registration made by the DAFC, which may have far-reaching implications on the livelihood of the vessel owner. Members have sought clarification as to whether such notification will be sent by registered mail. The Administration has confirmed that the notice of cancellation of a registration or a research fishing permit will be sent by registered mail. To address members' concern, the Administration has agreed to give an undertaking during the resumption of the Second Reading debate on the Bill that the notice of cancellation of a registration or a research fishing permit will be sent by registered mail. Notwithstanding the Administration's undertaking, Mr Albert CHAN has remained of the view that to put it beyond doubt, the Administration should spell out clearly its intention in the Bill. He will later move a Committee stage amendment (CSA) to this effect.

The subject of permitted fishing activities has been thoroughly discussed in the Bills Committee. Although members have acknowledged that the Bill does not seek to regulate recreational fishing along the harbour promenade, members and some deputations giving views to the Bills Committee have called on the Administration to play an active role to promote recreational fishing and marine ecotourism activities. And, a permit system for recreational fishing should be introduced. The Administration has stressed that as the first step, commercial fishing will be regulated through the enactment of the Bill. Nonetheless, the

AFCD will constantly monitor the impact of recreational fishing on fisheries resources. And, the Administration does not rule out the possibility of regulating recreational fishing in future.

Some members have been concerned about the permitted fishing activities under the proposed Schedule 2. They have expressed grave concern about restricting the use of fishing gear, notably, hand nets and rabbitfish traps, by the public for recreational fishing. The Administration has pointed out that common fishing methods used by the public on board non-fishing vessels for recreational purposes are already permitted under the proposed Schedule 2. Given that cage trapping can adversely impact on the fisheries resources in Hong Kong waters if left unregulated, the proposed restrictions imposed by the Bill seek to regulate fishing activities which add pressure to the depleted fisheries resources while keeping the impact on public enjoyment of recreational fishing as a leisure activity by the Bill to a minimum. Members considered the Administration's explanation acceptable. However, members have noted that Mr Albert CHAN has remained unconvinced of the Administration's explanation. He considered it necessary to add new sections to the proposed Schedule 2 to facilitate the use of cage traps, nets and hand nets by the public on board a vessel for fishing activities.

Having considered members' views, the Administration has agreed to take on board Mr Albert CHAN's proposal and will move a CSA to the proposed Schedule 2 to permit fishing with the use or aid of a hand net on board a vessel. The Bills Committee supports the Administration's proposed amendment. However, the Administration has expressed great reservations about the other amendments proposed by Mr Albert CHAN. In the view of the Administration, if the deployment of cage traps is allowed on board non-fishing vessels and fishing with the use of nets is permitted on board a vessel as proposed by Mr Albert CHAN, this will largely defeat the purpose of the Bill, namely, to regulate fishing activities which add pressure to the depleted fisheries resources of Hong Kong. The majority of members have accepted the Administration's explanation.

Regarding the designation and management of FPAs, members have sought information on the details of the fisheries management measures to be devised for an FPA. The Administration has stressed that the proposed FPAs being contemplated at this stage are the Tolo Channel and Long Harbour and the Port Shelter, which are important fish spawning and nursing grounds in Hong Kong

waters. The AFCD will conduct detailed research before proposing locations for designation as FPAs and corresponding fisheries management measures. The AFCD will also consult the industry and other stakeholders on the proposals. Moreover, the orders and rules are pieces of subsidiary legislation subject to negative vetting by the Legislative Council. The Administration has assured members that it will take into account views collected in the consultation before finalizing the proposals and introducing the subsidiary legislation into the Legislative Council.

In light of the views and concerns of members, the Administration will move a number of CSAs later on. Members support all the amendments proposed by the authorities.

President, this is my report on the deliberations of the Bills Committee. Thank you, President.

MR ALBERT CHAN (in Cantonese): President, the regulation of the fisheries industry has been under discussion for more than 20 years. In the past, fishing in Hong Kong was largely subject to no regulation at all. As a result, the seabed and the natural ecosystem have sustained extensive damage. In fact, at different meetings and on different occasions since the 1990s, I have called on the Government numerous times to enact comprehensive legislation on the regulation of fishing activities within the territory of Hong Kong.

Stringent regulation has been imposed on inshore fishing operations all over the world. Some countries have even laid down a number of licensing terms and conditions to regulate offshore fishing to ensure that the fisheries industry will not totally neglect the balance in the natural ecosystem because of profits. Many countries have made use of the licensing system to regulate the fish species fishing vessels can capture in different months. For example, during the breeding time or incubation time of certain fish species, the government will impose a ban on the capture of such species; when certain fish species are identified as nearing extinction, the government will impose a ban on the capture of such species or set a limit on the catch of such species. Different policies and administrative measures are implemented for regulatory purposes.

Fishing activities in Hong Kong, however, have remained totally unrestrained. Insofar as inshore fishing operations are concerned, fishing vessels are often found at sea circling around like a police car on patrol to capture fish. In such places as South Lantau, Sai Kung and Tai Po, dozens of fishing vessels are often seen at sea. Some of these vessels even sail as near as only 10 m from the beach raft. The seabed is scoured by the fishing vessels, turning the entire sea surface into a colour of yellow. Trammel nets used by the fishing vessels scoop up even small juvenile fish. These juvenile fish are grinded into minced meat and sold to fish farms as fish feed at \$1 per catty. Presently, they are sold only at \$1 per catty.

Indiscriminate fishing has caused serious damage to the seabed of Hong Kong. Even juvenile fish are not spared. However, over the years, the Government has all along refused to impose regulation, resulting in an increasing number of fishing vessels equipped with gill nets. I remember that 10 or eight years ago — I am not sure whether the number quoted below is correct or not. Mr WONG Yung-kan may help clarify it — only 10 to 20 fishing vessels used this fishing method to fish within the territory. However, the number of such fishing vessels has seen a sharp rise in recent years. Not only the seabed has been damaged, fish catches in Hong Kong have been on the decrease due to indiscriminate fishing.

Of course, the decrease in fish catches definitely has something to do with reclamation works. Fishermen at Penny's Bay have told me that Penny's Bay used to be one of the most important natural fish breeding grounds in Hong Kong because there happens to be heaps of rocks at the arc of the Bay, providing a better chance for fish eggs to incubate and fish fry to survive. However, fish production in Hong Kong has greatly reduced since the reclamation of Penny's Bay to house the present Disneyland.

This Bill seeks to impose regulation through licensing. I absolutely agree with its intent and overall direction. However, there are defects in many parts of this Bill. It is like the other policies implemented by Secretary Dr York CHOW, which are also full of serious defects. The Secretary excels in self-appreciation in whatever he does. Singing on stage is one of the examples. He is indifferent to the hardship of the people. He is also indifferent to the life or death of the people. This is his way of doing things. His term of office is going to end in 52 days now. I hope that after his retirement, his hard-line bureaucratic way and

his indifferent attitude towards the hardship of the people will not continue to make the people of Hong Kong suffer.

On the regulation of the fisheries industry, two serious defects are found in the Bill. First, we have requested the Secretary many times to consider regulating the size of the eye of the fishing net under the licensing system. In fact, such regulation is common in many places in foreign countries where the size of the net eye is regulated under the licensing system. The imposition of such regulation or otherwise will affect the fish catch and the natural ecosystem within the territory of Hong Kong. If the size of the net eye is not regulated by way of licensing, the practice of not sparing even juvenile fish will definitely continue, which will cause disastrous impacts on the marine ecosystem.

Second, two different types of fishing licences are issued in many places in the world for regulatory purposes. The first type is for regulating professional fishing, which is the licence proposed in this Bill; and the second type is the licence for recreational fishing. For example, in the United States or Canada, if one wants to go fishing, one has to pay \$5 or \$10 first to get a temporary fishing licence before one can go fishing or catching shrimps and crabs. Moreover, even the sizes of catchable fish, shrimps and crabs are regulated in some places. For example, only crabs with a shell no less than 6.5 inches wide and fish of a specified size can be caught. Upon the receipt of the fishing licence, one will also get a pamphlet from the staff with information on the relevant condition of the fish, shrimps and crabs in the area, the specified times for catching fish and crabs, and the sizes of fish, shrimps and crabs that can be taken away.

However, the system set up in Hong Kong now only prescribes the issue of one type of licence, prohibiting amateur or recreational fishing of a leisure nature. I will later on propose a CSA in this regard. The simplest example of recreational fishing is the use of rabbitfish traps to catch rabbit fish, an activity we often did when we were small. However, according to the present Bill, the public will face criminal prosecution in future upon the throwing of a rabbitfish trap into the sea on board a yacht. Recreational fishing is practically part of Hong Kong people's life in the past hundred years or so. The Government regulates the fisheries industry now, but it acts in a careless, lazy and rigid manner. Unitary regulation is imposed purely for the sake of convenience. As a result, recreational fishing without a licence will constitute a criminal offence.

In this connection, we asked the authorities during the scrutiny of the Bill in the Bills Committee whether the matter could be handled in a lenient manner. For example, an exemption clause could be added to exempt the use of rabbitfish traps. But, the reply was no, adding that even the use of hand nets was also an offence. Subsequently, our argument turned so fierce that even the DAB got angry. Only then the authorities reluctantly agreed to propose relevant amendments. Members may give this a thought. When this Bill was first drafted, how careless were the authorities; how serious was their mindset of bureaucratic high-handedness. They exercised executive hegemony and administrative autocracy. Once they thought of imposing control, they did it immediately without considering people's life or death, people's traditional way of life and people's demands. How can the use of only a rabbitfish trap affect the fisheries industry? How can the use of only a net of 10 ft to 20 ft on board a yacht to teach children fishing skills affect the fisheries industry? But, the Government says no! And, this is it. Such an irrational attitude is really infuriating.

When I first proposed to permit the use of rabbitfish traps, Mr WONG Yung-kan also voiced his support. However, when Mr WONG Yung-kan consulted the fishermen afterwards, they disagreed with this proposal and objected to allowing the public to use rabbitfish traps on board a yacht on the grounds that this would affect the interests of fishermen. How can they say such things! The public can only catch a few fish by using the rabbitfish trap to catch rabbit fish. How can it affect the fisheries industry and the interests of fishermen? This is exactly the stance of the DAB.

The interests of the functional constituency override everything! For the interests of fishermen, Hong Kong people's traditional way of life of the past hundred years or so will all be made to disappear. Even using nets to teach children fishing skills is not allowed. What sort of policy is it? What sort of mindset is it? What sort of value is it? Actually, this Bill has not attracted much attention. Mr Alan LEONG is a Senior Counsel. During the scrutiny of the Bill, I did not see him asking any questions.

We were naughty when we were small, playing everywhere on the hills and in the water. I always run around with my friends next door, carrying rabbitfish traps and nets. Some friends of mine like to bring along a couple of nets or cage traps to catch fish or to fish by hook on a dinghy. Fishing on a dinghy is not

unlawful. But, they will break the law if they use rabbitfish traps to catch fish in future. How ridiculous it is! I think, all over the world, only Hong Kong has such a ridiculous law. Using only a rabbitfish trap of one foot by one foot to catch fish is, surprisingly, a criminal offence.

We can see from this Bill that the Government keeps imposing restriction on people's daily life and their traditional way of life to make Hong Kong people's traditional way of life disappear gradually. This is really terrifying. In order to regulate some other matters, the Government even destroys and prohibits such a small delight of life.

I call on Members to pay proper attention to this issue. The scrutiny of this Bill has attracted nobody's attention, including friends in the Civic Party. I do not know whether they will support the amendments I propose. But, it seems that they do not pay much attention to this Bill. I enjoy the small delight of life by catching fish with a rabbitfish trap. Why can I not do so? Such restriction symbolizes the control on lifestyle and the diminishing freedom of life. Friends who are concerned about human rights and who are advocates for the protection of freedom of life, why do you remain silent?

In the future, some people coming from a wealthy family may use nets to catch fish on board a yacht somewhere out at sea because they do not quite understand the law. When they are charged, they will angrily ask why Hong Kong does not even allow using nets to catch fish just a matter of 10-odd years after the reunification. While they are feeling smug on board a yacht which is worth \$10 million or even over \$100 million, how would they expect that in a fishing port like Hong Kong, teaching children using nets to catch fish at sea so as to enjoy the delight of experiencing the life of Hong Kong fishermen more than a century ago will constitute a criminal offence?

In fact, whenever a legislative enactment affects the tradition or the established way of life, Members in the democratic camp should handle it in a prudent manner and treat it with due weight and concern. And, not because they themselves do not participate in these activities Perhaps I am rather fond of these activities, so I have paid particular attention to this Bill. Other people may form the habit of drinking red wine and lead a middle-class life. So, they pay no attention to this kind of natural life in the wild, and neglect the importance of such restriction on our way of life.

A life of diversity is vital. When our way of life misses one bit here today and another piece there tomorrow, it is likely that our next generation can no longer recapture the delight in their pursuit of the past way of life in future. We will regret then. Particularly, when we are really charged in the future, it will be too late, like just waking up from a dream.

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

Deputy President, as I said earlier, the object of this Bill satisfies my demand over the past 20 years, that is, to strengthen control to prevent the natural ecosystem of Hong Kong from being damaged. It is because the extent of damage has actually been very serious. Trawling and gillnet fishing have caused enormous damage to the seabed. Therefore, I generally agree to regulation through the licensing system. However, due to the above said two defects in the Bill, I will propose amendments to, on the one hand, ensure that licence-related notices must be sent to fishermen by registered mail in order to protect the rights and interests of the fishermen; and on the other, seek an exemption to allow the use of nets and rabbitfish traps for recreational fishing. I will propose the relevant amendments later.

MR WONG YUNG-KAN (in Cantonese): Deputy President, Mr Albert CHAN has talked about this piece of legislation for 20 years in the hope that the Government will enact a law for regulatory purposes. When I first joined this Council, I proposed an amendment concerning electro-fishing, poison fishing, dynamite fishing and clam digging. Nobody in this Council then had any idea of electro-fishing, dynamite fishing, clam digging and clam harrowing. Subsequently, the Government accepted the views of our industry to include these three practices in the law and specify in the law the prohibition of these activities and a \$200,000 fine and one-year imprisonment as punishment for such an offence, which can be seen as a historic change.

After the law came into effect, one fisherman in Tai Po was charged with fishing with the use of explosive substance. He approached us for help then. I told him that as the law had been passed, we could not help him plead for leniency or do anything. So, the only way was to act in accordance with the

law. After this incident, we found that people used to fish with explosive substance in some areas started to abandon this method. In my view, this is a change, which has made our industry understand that fishing with such methods would cause damage to the fisheries resources, the environment of society and the marine ecosystem. Therefore, the organization to which I belong and I myself support the enactment of the law for regulatory purposes.

Regarding the Fisheries Protection (Amendment) Bill 2011 (the Bill) today, I remember that since I first joined this Council, I had brought up this issue many times. Subsequently, upon the approval of the Government, the Committee on Sustainable Fisheries was set up. Back then, I joined the Committee with Mr Vincent FANG and Mr Fred LI. We three Legislative Council Members discussed with representatives of other industries in the Committee the enactment of law on fisheries protection. Because of this, the Fisheries Protection Ordinance today was introduced. After the introduction of the Fisheries Protection Ordinance, several pieces of legislation and licensing systems have come into effect. Many places, including the Mainland, have established the fishing system with the issue of fishing permits, meaning those who do not hold a permit are not allowed to engage in fishing activities. Moreover, a registration system for vessels is in place in the Mainland. Exactly how many fishing vessels are there in Guangdong or Zhuhai in China? If a statistical system and relevant figures are in place, a new positioning and practice can be mapped out for fisheries development in the future. Therefore, we support the Government in setting up a registration system for fishing vessels.

Another major reason is that several years ago, I enquired with the Marine Department of Hong Kong for the number of registered fishing vessels. The Government told me that there were around 6 000-plus fishing vessels. However, according to my survey, the total number of fishing vessels in Hong Kong waters or with Hong Kong fishermen as licence holders, big and small, stood at 5 000-plus only. Then where were the other 1000-plus fishing vessels go? It turned out that these fishing vessels had been sold to the Mainland. However, the owners of such fishing vessels were Hong Kong people holding a Hong Kong identity card. Where did these fishing vessels berth? They berthed in Dongguan, Taiping, Humen, Huizhou, Huidong, Huiyang, and even Zhuhai, Doumen, and so on. Some even berthed as far as Guangxi. These fishing vessels were sold to such faraway places. However, they were not funded and owned by Hong Kong people, but Mainlanders. Therefore, we strongly urged

the Agriculture, Fisheries and Conservation Department and the Food and Health Bureau to enact legislation as quickly as possible on the registration of Hong Kong fishing vessels.

This is exactly why the Bill has specified the setting up of a registration system for fishing vessels. However, the Government has handled one issue unsatisfactorily. The Government at first was not prepared to register those vessels it calls offshore fishing vessels that are operating beyond Hong Kong waters. However, I pointed out that it would not work if these fishing vessels were not registered because these unregistered fishing vessels would constitute a big loophole in future, and that is, exactly how many fishing vessels are operating offshore? If the Government has no idea of the number of these fishing vessels, it will pose a big loophole in management. If these fishing vessels are not registered, in the event of a typhoon and all these fishing vessels returning to Hong Kong, are there enough mooring points in the typhoon shelters to accommodate them? The authorities must give this consideration. These are holders of a Hong Kong licence number for fishing vessels, that is, they are holders of a Hong Kong licence. But, there are not enough mooring points in the typhoon shelters for their fishing vessels. I believe the Government has to consider these circumstances at the same time.

After the introduction of the Bill, we in the DAB rendered it our support, hoping that the Government will properly handle the matters in the enactment. Insofar as the entire Bill is concerned, we have found some problems and hoped that the Government will address the registration of offshore fishing vessels, an issue I mentioned earlier. Subsequently, the Government agreed to allow these fishing vessels an extended period of time for registration. If these fishing vessels no longer engage in offshore fishing operation several years later, they can return to Hong Kong to register. However, the exact duration of that period will be subject to discussion.

Besides, during the scrutiny of the Bill, we have found that there are currently 3 000-plus glass-fibre sampans which are commonly referred as P4 vessels in Hong Kong. If these existing 3 000-plus vessels are to be converted to C7 fishing vessels, I believe the examination of these vessels alone will take half a year to one year, that is, just the queuing of these vessels for examination will take over one year. However, the Bill needs to be passed as quickly as

possible. Then what can be done? Subsequently, the Government considered such an arrangement unfavourable. After discussion between the Marine Department (MD) and the Administration, it was suggested that vessel owners be given a confirmation letter first. Then their vessels can undergo examination and conversion to fishing vessels without haste within one year.

However, this arrangement brings about another bigger problem, and that is, in the case that these vessels are to be converted to fishing vessels, their original engine power is just 15HP, which is actually rather low, good enough for plying between fish rafts. These vessels were restricted to be used only in fish farms back then. However, after the introduction of the proposed arrangement, trouble followed. If this is really the case Actually, these vessels were basically converted to serve fishing purposes 15 years ago and no longer restricted to be used for travelling between fish rafts. The majority of these vessels have been used for fishing operation outside Hong Kong. Precisely because of this reason, the engine power of these vessels has also been changed. However, to change the engine power is not an easy task because the Government has only allowed a maximum engine power of 15HP. If the engine power is to be increased, the vessel can only be used as a yacht. However, a yacht is classified as a pleasure boat which is not permitted to be used for fishing. Therefore, the Government had no idea of how to deal with it in terms of legislation.

Subsequently, after much effort, we reached an agreement with the MD, which allowed these vessels to be converted to C7 fishing vessels and be granted a glass-fibre fishing vessel licence first. However, to examine the fishing vessel system is a very difficult and tiring process. Deputy President, as you should know, during the scrutiny in 2007, I also raised this problem — you were the Chairman back then and I also raised the same problem — To date, this problem has remained unsolved. The MD, like us, has found it a big headache and intended to try every means to solve it.

Now, there are at least 3 000 fishing vessels awaiting examination — if an agreement is reached, there are at least 3 000 such fishing vessels awaiting examination. I believe officials of the Food and Health Bureau should try every means to help solve problems for these fishing vessel owners and alleviate their sufferings. If the difficulty with vessel examination cannot be solved, a big

problem will arise. It is because when the expiry period specified in the Bill is due, it is impossible for these vessels to convert back to their original category. These vessels are engaged in inshore fishing activities and operating boat trips at night for passengers and fishermen. However, their catches are small and most of the people on board these vessels use the methods of hand-line and net fishing. In this regard, we think the Government is duty-bound to communicate with the Mainland authorities to negotiate a solution concerning the fishing permit. Since the engine power of the vessels is increased, the Mainland authorities do not necessarily accord recognition to our vessels. Therefore, the SAR Government should try every means to negotiate with the Mainland.

Moreover, the issue of licences has another merit. At present, we always say in this Council — I remember I did so when I first became a Member of this Council — that when Mainland fishing vessels enter Hong Kong waters to fish, we have no legislation to regulate those fishermen. We can only ask them to leave after their arrest and demand the Mainland fishing vessel not to stay in Hong Kong waters. If this Bill is passed, these vessels will be charged or face other punishment. I think the industry will support it.

Mr Albert CHAN queried earlier why initially we did not support recreational fishing while I am an advocate for this activity. Actually, at first I did not quite understand some provisions in the Bill proposed by the Government. The term of "hand nets" is one of the examples. I racked my brain for a whole week but still had not the faintest idea what a "hand net" was. Buddy, we do not call hand nets "手抄網" but "撈箕" in Chinese. The Government has used the former term, which made me rush about to ask fishermen the meaning of the term. I even asked them in person, but everyone had no idea at all. Subsequently, it was considerate of the staff of the Agriculture, Fisheries and Conservation Department to show us a sample and a picture to indicate what a "hand net" was — it transpired that a "hand net" is a circular, square or triangular net with a wooden handle — if you ask any ordinary fishermen or fishing enthusiasts, they practically do not have any idea of this term. As I did not have any idea of this term as well, I raised objection at the time. However, after figuring out its meaning, I agreed that the Government should allow these vessels to have "撈箕" on board. Fishing enthusiasts or recreational fishers must have "撈箕". Otherwise, how can they catch the fish when it is on the hook? The fish will then slip off the hook and jump back to the sea. Even the fishing line will be broken as well. Therefore, the Government subsequently agreed to

propose an amendment, specifying that "撈箕" is the common term while "手抄網" is the literary term — this term is really a headache.

However, we do not support one point. At first I did not find there was anything wrong with the use of one or two rabbitfish traps. However, I went to Peng Chau, Cheung Chau, Mui Wo, Tai Po and Sai Kung to consult the fishermen on this issue. If a leisure boat — I have to state clearly that it is a leisure boat — has on board several articles, including rabbitfish traps, highfin moray traps, serpentine traps and even a net Mr Albert CHAN mentioned earlier a net of the size of several dozens metres only. However, I have to point out that unless a newly-purchased net is cut, its length must be more than 80 m or even more than 100 m. How can it possibly be several dozens metres only? If a newly-purchased net is cut into several pieces, I have nothing to say then.

At present, the gill net is not produced in Hong Kong — we call it the drift gill net, that is, a net being held open with a row of wood. Some Mainlanders call it a net "with all its meshes open when its head rope is pulled up". The industry does not support this practice because it thinks the public should stick with angling when they go fishing. The industry encourages the public to go fishing. But, it does not think that they should bring so many nets and rabbitfish traps with them. This may not be good for recreational fishing. So, the industry has asked me to You may say I am doing it for the industry or for society If a trammel net is thrown into the sea, both big and small fish will be caught. Our industry does not necessarily agree to it. But, of course, some fishermen

The Secretary is here now. I have asked colleagues in the Bills Committee whether the Government will ban the use of trammel nets and only allow the use of gill nets for fishing in the future. This is an arrangement we have all agreed. The question is there is no such restriction now. Therefore, I hope that we will make laws to restrict the use of fishing tools in the future. The Government should enact laws on fishing tools to let the community learn of the rules to follow. Otherwise, there is not any practical meaning in it.

Recreational fishing is an activity promoted by the DAB all along. In Christmas last year, I went to Beijing to take part in the inauguration activities of the China Recreational Angling Association. The State's Ministry of Agriculture has invited me to act as a consultant on the direction of promoting

recreational fishing. They also do not support the use of nets and fish traps in recreational fishing. Instead, they encourage the promotion of fish viewing, angling and angling competition. They support these activities and encourage wider participation. I also hope that the Government will review in due course whether coastal fishing should be regulated by law. I believe colleagues in the Chamber will not have any dissenting views — even Mr Albert CHAN and other colleagues will not have any dissenting views. At present, there are more than several hundred thousand fishing enthusiasts in Hong Kong. Even when we go outdoors on ordinary days, we can see many people engaging in rock fishing. If it is not regulated In this regard, I hope that the Government will review the relevant policy in due course.

With these remarks, Deputy President, I support the amendments proposed by the Government.

MR FRED LI (in Cantonese): Deputy President, Mr WONG Yung-kan, Mr Vincent FANG and I are members of the Committee on Sustainable Fisheries (the Committee) set up by the Government in 2006. After discussion on this Bill at its meetings for quite some time, the Committee finally made some recommendations. The Fisheries Protection (Amendment) Bill 2011 (the Bill) today has, in its last stage of scrutiny, basically put into practice all the recommendations of the Committee. This is a very good ending. I am really happy about this result because the Bill will put into practice many measures concerning the sustainable fisheries development of Hong Kong.

Deputy President, actually, the legislation on trawl ban was passed in this Council some time ago. The Bill today concerns the registration of local fishing vessels, the regulation of fishing activities in Hong Kong waters and the designation of fisheries protection areas. The Democratic Party and I absolutely support these initiatives. Many conservation groups have discussed these issues for years. Finally, they can witness this big step taken by the Government.

The Hong Kong Fishery Alliance (the Alliance) has recently requested an urgent meeting with me. They do not mean to ask me to object to the Bill because objection should not be raised at this stage and objection to the basic content of the Bill should not be raised. However, they are of the view that, in terms of political stance, as they are neither the mainstream of the fisheries

industry nor fisherman bodies represented by Mr WONG Yung-kan, they are just commonly referred as "orphans". They have approached me though actually it is none of my business — I ran in Kowloon East where there are no fisherman voters, so the consideration of currying favour with voters or ballots is ruled out — they are aware that I have always cared about the fisheries industry. Not only have I been involved in the work of the Committee, I have for years been a member of the Panel on Food Safety and Environmental Hygiene. So, they have approached me to ask me to reflect their views for them.

Actually, the view they have all along wished to express is that the Government has regarded them as "orphans", paying them no attention and engaging in no communication with them. They have poured out their grievances to me and written a two-page statement, wishing that I can reflect their views for them in this Council. Deputy President, please do not worry. I am not going to read out this two-page statement. I will only focus on discussing the content of two or three paragraphs in it.

They have queried the limit of the number of fishing vessels and the total engine power of these vessels, worried that this may affect the direction of development of fishermen of the next generation in Hong Kong. Moreover, the Hong Kong Government, in the name of conservation, has imposed a ban on trawling operation. If large-scale reclamation projects are launched in future, the number of fishing vessels will naturally see a further reduction. Therefore, they have queried the rationale behind imposing such a ban. They are also concerned about the path of development fishermen of the next generation will follow.

The DAFC is empowered by the Bill to designate no-take areas. And, the specific locations of these areas are introduced into the Legislative Council for scrutiny in the form of subsidiary legislation. They hold that although the issue involves the participation and discussion of the Legislative Council on the surface, they are worried that the Bill, once passed, will in a way grant the authorities an "imperial sword", like negotiating terms after a marriage, and the interests and rights of fishermen will then be subject to the mercy of other people. They have quoted an example, and that is, the construction of an incinerator at Shek Kwu Chau by the Environment Bureau — of course, we are not sure now whether this project will go ahead — It has been set out clearly in this project that

damage to the marine ecosystem caused by reclamation and construction will be compensated. With the extensive setting up of conservation areas at Hei Ling Chau, Peng Chau, Cheung Chau and Shek Kwu Chau, it is estimated that the ex gratia payment a catcher vessel gets is under \$5 million, but a fish farmer can get a surprising \$70 million. The Alliance cannot but query the rationale behind the setting of such amounts of compensation.

The Alliance has used this example to illustrate the unfairness of the ex gratia payment system. They have for years kept asking the department concerned to conduct a review. On the 20th of last month, they were informed of the results of the ex gratia payment review. However, they were not consulted during the whole process. They are of the view that this is again the outcome of a case decided and wound up by small-circle representatives. Regarding the ex gratia payment review concerning the trawl ban, although the basis of calculation has changed from the estimated value of fish catches in seven years to 11 years, the core problem of adopting a low base has been evaded completely. According to the survey of the Alliance, the so-called annual net income from fish catches set by the authorities is only 10% of the actual income of the fishermen.

At present, some local trawler owners are planning to undergo restructuring to engage in non-trawling operation, so as to continue to make a living in Hong Kong waters. The Alliance holds that if these fishermen are again granted compensation due to the impact of marine works, not only their hope will be dashed, they will also be hit by a feeling of being fooled and betrayed. And, the existing local non-trawler owners will consider these fishermen's second-time compensation as double concessions and benefits. The Alliance has stated that every time the Government enacts such legislation without a comprehensive review, it pays no regard to the interests of fishermen as well as divides fishermen, which is really a serious problem.

Although the fisheries industry is on the decline, its impact on people's livelihood is not insignificant. Although Hong Kong people can still enjoy quality seafood for a bargain price now, I am afraid it will become a thing in the past soon. Therefore, the Alliance has, through me today, asked the Agriculture, Fisheries and Conservation Department to conduct more statistical analyses on fish catches and prices in relation to the trawl ban, and to compare the differences in the pre- and post-trawl ban periods, so as to enable the Legislative Council and

the public to anticipate the consequences in the wake of the passage of a series of legislation, and to enable everyone to know the effectiveness after the trawl ban. If any legislation affecting fishermen is introduced in future, we will have a basis to assess the relevant impacts.

The Alliance is of the view that to pass the Bill providing for the setting up of protection areas first and to designate specific locations in subsidiary legislation afterwards is worrying to them. This worry of theirs is justified because after the designation of protection areas, the specific site of these areas, the fish species subject to restrictive catching and the fishing methods subject to restriction are all stipulated in subsidiary legislation only. The Democratic Party holds that in order to give fishermen peace of mind, the policy as a whole should not push them to a dead end. It is imperative for the Administration to communicate with different fisherman bodies, not just with those eligible to be voters. It is because some other fisherman bodies outside the mainstream have engaged in fishing activities as well. I hope that the Government will not apply affinity differentiation. Instead, it should engage in direct communication with different organizations, such as the Alliance. The Alliance has not asked me to object to the Bill. Therefore, the Democratic Party supports the Bill and the amendments proposed by the Government. I so submit.

MR WONG KWOK-HING (in Cantonese): Deputy President, the terms "ban" and "limit" are used in many instances in this Bill. It can thus show that local fishermen are actually under great pressure now. However, what we lack is exactly a pro-active fisheries policy. So, how can the Government support the local fisheries development?

Before Hong Kong was founded as a port, it had seen fisheries development. Fishermen made significant contribution to the early development of Hong Kong. Regrettably, more than 100 years on, the Government has not formulated a pro-active fisheries policy even today. Only Mr LEUNG Chun-ying, the Chief Executive elect, has proposed initiatives in this area in several paragraphs of his policy platform. It is under the topic "Promoting the agricultural and fisheries sector". So, the agricultural industry is also included. It is stated in paragraph 41 that (I quote) "we will set up a fund to provide loans

for fisheries development, including low-interest loans to help Hong Kong fishermen to build an ocean-going fishing fleet. We will also promote the restructuring of the fisheries sector, developing aquaculture and recreational fishing with local characteristics." It is stated in paragraph 42 that "we will provide technical support for aquaculture, designate appropriate sites and set up local fish fry farms." It is also stated in paragraph 44 that "we will establish an agricultural and fisheries research centre, integrating scientific, biotechnical and ecological research efforts to sharpen the competitive edge of our local agricultural and fisheries sector, floral culture and poultry sectors." (unquote) Undoubtedly, these are the depiction of the fisheries industry in Mr LEUNG Chun-ying's policy platform. Of course, I understand that these are his opinions after he has gauged the specific views of the local agricultural and fisheries sector. I am also very pleased that he has clearly set out in his policy platform the key initiatives in this area.

I have always criticized the present-term Government for the lack of a comprehensive and long-term policy to support the local fisheries development. Although it is now stipulated in the Fisheries Protection Ordinance the restriction on the extent of fisheries operation, the limit of the engine power of fishing vessels and the setting up of no-take areas, it seems that planning for the long-term fisheries development of Hong Kong is still lacking. The Government does carry out some occasional patch-up work upon the constant pursuit by the industry. However, during the discussion on this Bill, it is hoped that the Government can seriously consider that it needs to fight the "big tiger" instead of targeting at fishermen in order to tackle the culprit of causing damage to the seabed in Hong Kong waters.

In fact, the chief culprit of causing changes to the seabed and therefore impacting on the fisheries ecosystem in Hong Kong waters is often the public works of the Government and the works of public utilities, such as power cable or pipe laying works and reclamation works. Such works have caused enormous impacts on the seabed of Hong Kong. Once fundamental damages are done to the seabed, it takes years for the marine ecosystem to restore and attract marine life to settle and breed there once again. Only then can fishermen start fishing operation. It seems that relevant measures to target the chief culprit of causing damage to the marine ecosystem are inadequate. Therefore, I hope that the Government will take further follow-up actions in this regard.

Besides, we are aware that some fishermen and relevant bodies still have dissenting views on the ex gratia payment offered by the Government. I have a sound understanding of the complaints of these bodies and fishermen because I have had direct contact with them. They have told me that their whole family relies on the fishing vessel for their living. The vessel can be regarded as their lifeline, and they have no other skills to make a living. However, once the Government decided to phase out the vessels, its calculation of compensation sometimes tends to be rather subjective. Should the Government not consider handling it as lenient as possible? When these fishermen apply for an appeal, could the Government do calculations in a more lenient manner, giving consideration to social effectiveness and viewpoint by all means? Here I would like to urge, through the Deputy President, the Secretary and the relevant enforcement departments to really sympathize with the difficulties faced by the fishermen.

In fact, they have engaged in fishing for generations. It is difficult for them to switch to other trades. Losing the fishing vessel means no way out. Under these circumstances, the situation of some fishermen is really worth sympathy. They have gone through restructuring according to the requirements of the Government to try to get a second chance. However, many variables are inevitably involved. And, whether they can succeed or not is just a matter of luck. Therefore, regarding their application for the ex gratia payment, no matter how the payment is called, the authorities should handle it in a lenient manner to show empathy by all means.

Moreover, I wish to talk about the third point I mentioned before. The Government has now planned to provide low-interest loans to fishermen intent on finding a new way out, which is a good measure indeed. But, is it possible for the Government to take a further step to provide them with interest-free loans? Although Mr LEUNG Chun-ying's policy platform I quoted earlier also just proposes the provision of low-interest loans, I still hope that the Government will assist fishermen in undergoing restructuring given that it possesses an abundant surplus and reserve. These fishermen are willing to let go and start a venture. Actually, they have to bear a very high opportunity cost and the cost of risk. Is it not all the more necessary for the Government to give them strong support? Therefore, I earnestly urge the Government to reconsider my request for providing them with interest-free loans.

My views are set out above. Although I support the amendments proposed by the Government, I earnestly urge the Government to really heed the calls of fishermen. Thank you, Deputy President.

MR TAM YIU-CHUNG (in Cantonese): Deputy President, Mr Albert CHAN stated in his speech earlier that the DAB only listens to the views of fishermen. The DAB does attach great importance to the views of fishermen. Not only because Mr WONG Yung-kan is the representative of the agricultural and fisheries sector, but also because the DAB considers fishermen as a disadvantaged group. They make a living at sea. They are left to the mercy of Heaven and battered by the elements. Their life is getting more and more difficult. But, it is not easy for them to switch to other trades. Therefore, the Government should render fishermen greater support and minimize policies impacting on fishermen.

The Fisheries Protection (Amendment) Bill 2011 (the Bill) aims to set up a registration system for local fishing vessels to prohibit fishing activities with the use or aid of non-local fishing vessels in Hong Kong waters, and limit the entry of new fishing vessels to maintain an appropriate level of fishing effort. Besides, the Bill also restricts fishing activities with the use of non-fishing vessels and provides for the designation of fisheries protection areas. These measures tie in with the legislation passed last year to ban inshore trawling, thus affording the sustainable fisheries development of Hong Kong better protection. Therefore, the DAB supports the Bill.

(THE PRESIDENT resumed the Chair)

In enforcing the new law, I think the Government has to pay attention to three points. First, it is the living of some trawl fishermen. As some trawlers are going to return to Hong Kong waters to engage in non-trawling operation but they have to continue fishing outside Hong Kong waters to maintain a living, and the vessel equipment has to undergo conversion upon their return to Hong Kong, so they need more time for registration and may not be able to complete the necessary procedures within the period of 12 months specified in the law. The Government has indicated that they will be given a longer time for registration.

I hope that the departments concerned will fully consult the industry and perfect the relevant administrative arrangements, so that the fishermen can have ample time for registration and then change their mode of operation.

Second, it is the actual effectiveness of law enforcement. A number of mainland fishing vessels have all along been carrying out fishing activities in Hong Kong waters frequently. However, actions taken by the Government in curbing such activities have yielded little result. We hope that after the registration system for local fishing vessels is put in place, the Government will step up patrol and prosecution, so as to effectively reduce cross-boundary fishing activities to protect local fisheries resources.

Third, it is the sustainable fisheries development. The total fishing effort of the local fishing fleet will be controlled under the new system. The entry of new fishing vessels will be made impossible for some time in the future. Will the fisheries development see a further decline as a result? Mr WONG Yung-kan has all along advocated that the Government should set specific targets for the sustainable level of fisheries resources. Once the targets are reached, the entry of new fishing vessels will be allowed to ensure promotion of the sustainable fisheries development. I agree with him and hope that the Government will draw up the relevant arrangements.

To limit the fishing effort of Hong Kong will help the recovery of fisheries resources. However, on the other hand, the Government should also strive for a bigger room for local fisheries development. At present, there are around 4 150 fishing vessels of different sizes in Hong Kong. Among them, 60% are gill-netters, hand-liners, purse-seiners and cage-trappers, which are mainly engaged in fishing activities in coastal waters. Faced with the gradual depletion of aquatic products in inshore waters and the South China Sea and the increasing number of mainland fishing vessels, together with the ban on inshore trawling operation, the fishing moratorium and the hike of petrol prices in recent years, the entire fisheries industry has seen a serious decline. Therefore, the DAB has long advocated the vigorous development of recreational fishing and farming in the hope of improving the livelihood of fishermen.

The promotion of recreational fishing and farming actually offers many advantages to the protection of resources. It can effectively reduce the effort of marine fishing. Along with the development of recreational fishing, some

fishing vessels will be converted to leisure boats for the enjoyment of visitors only, resulting in the reduction of the total fishing effort. Besides, recreational fishing needs little investment but yields quick results, which is conducive to enhancing the economic effectiveness, social effectiveness and ecological effectiveness of the fisheries industry. The income of fishermen can see an increase as well.

However, at present, fishing vessels face a lot of difficulties in operating tourist activities concurrently. Many fishermen wish to concurrently run a business to carry passengers for viewing and practice-oriented activities. However, when some fishermen apply to the Marine Department for concurrently running a business to carry passengers, the Department requires them to convert their vessels. This not only involves a large amount of money, the converted vessels will no longer be suitable for fishing purposes. As a result, many fishermen are deterred. If we refer to the experience of the United States, we can see that all fishing vessels there can concurrently operate practice-oriented activities. Take a four-day-three-night practice-oriented tour as an example. It can charge as high as several thousand US dollars for one person, which is an extremely high-end tourist package. To put it in the context of Hong Kong, we might as well develop a short two-day-one-night fishermen experience programme. Therefore, I hope that the Government will consider the actual situation of the fishermen and the fishing vessels and handle vessel conversion in a more flexible manner.

In terms of the overall policy, the Government should also review as quickly as possible the restriction faced by the agricultural and fisheries sector in its restructuring to the tourism industry, so as to allow the sector bigger room for restructuring. Moreover, on the capital for the development of the industry, the Government should also render more support. Many fishermen have taken great pains to hold on for years and endured various difficult periods of the fisheries industry. They have practically had no capital for restructuring to recreational fishing development. Therefore, the Government should provide them with financial support, such as the setting up of the "development fund for recreational fishing and farming" to allow existing fishermen to make applications. The fund can finance the improvement of facilities, allowing them to undergo gradual restructuring. In this way, the sustainable fisheries development will be achieved in a more comprehensive manner.

With these remarks, I support the resumed Second Reading of the Bill.

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

MR ALAN LEONG (in Cantonese): President, the Civic Party welcomes the Fisheries Protection (Amendment) Bill 2011 (the Bill) mainly because if we do not protect the ocean, it is very likely that even small fish will disappear in the very near future.

During the scrutiny of the Bill, I have particularly referred to the tragic history of Newfoundland, a fishing port in Canada. President, according to historical records, the fish catches of Newfoundland were abundant in the 15th century. People did not need a net to catch fish. They could grab several fish from the sea just with their bare hands. However, in 1951, super trawlers with a length of 280 feet and a net weight of 2 600 tonnes started operating in Newfoundland and its surrounding waters. At the peak in 1968, the annual catches in Newfoundland waters amounted to nearly 1 million tonnes. However, good times did not last long. Due to these endless and uncontrolled fishing activities, the fisheries industry in Newfoundland and its surrounding waters saw a complete decline in 1990. Fishermen originally making a living from fishing had to face a very difficult life because they no longer had any protection.

President, of course, we do not wish to see a similar situation in Hong Kong. Therefore, the Bill goes in the right direction and is positioned on something that has all along been the concern of the Civic Party — the protection of the natural ecosystem of Hong Kong, particularly fisheries resources relevant to the Bill. For this reason, we support the Bill.

A number of colleagues have spoken just now. Many of them are members of the Bills Committee. They have expressed the concern of the Bills Committee over several issues. I will not repeat the relevant content to avoid wasting the time of this Council. However, I wish to borrow some time to tell the authorities that the Civic Party has all along been very concerned about the agricultural and fisheries sector of Hong Kong. We hope that the sector will

achieve sustainable development. President, we have seen in this Council for years that the Government often lacks adequate and long-term vision in the formulation of policies.

Take the surrender of pig farm licences as an example. Did the Government give any thought to the need for a quality pig raising industry in Hong Kong? President, the same happened to chickens. When we were under the threat of the avian flu, the Government decided to implement the policy once and for all to wipe out all chicken farmers and the chicken farming industry in Hong Kong. This is a very short-sighted policy that lacks long-term vision.

In the discussion on food safety and hygiene, we always talk about the concern for the whole farm-to-table process. If the whole process takes place within the territory of Hong Kong, regulated by the laws of Hong Kong, patrons will eat with greater peace of mind. Even from the environmental point of view, imported food, no matter whether it is vegetable, fruit, fish, beef, mutton or chicken, must be transported by vehicles, planes or vessels. Is the use of fuel not necessary? President, it is necessary to use fuel. If we really worry about global warming and carbon emission, we actually have to consider this point. No matter whether the peace of mind of consumers, the peace of mind of patrons is concerned — to enable them to have peace of mind when consuming food — or the environment is concerned, if the locally-based agricultural and fisheries sector enjoys protection and therefore achieves growth, this is good for Hong Kong.

Therefore, during the scrutiny of the Bill, the Civic Party has paid particular attention to the room for sustainable development and whether adequate support will be given by the Government to ensure the sustainable fisheries development of Hong Kong. In this regard, I have expressed my view to the Secretary on different occasions, saying that in cases such as developing recreational fishing and calculating amounts of compensation, it would be better for the Government to keep an open mind, particularly many fishermen In the whole process, I have actually met with fisherman bodies two to three times. They have also been aware that the compensation package to be offered by the Government might not turn out just as they wish. I have also exchanged views with the Secretary in the Finance Committee. The Secretary has said to me that

if some fishermen encounter particular difficulties, or their actual losses are vastly different from the amounts calculated by the method proposed by the Government now, provided they can provide evidence, the Government is willing to give it consideration. Of course, this is a really good response.

I heard just now Mr Albert CHAN talk about rabbitfish traps and nets of 80 ft. The Civic Party cannot support these two amendments mainly because we do not have many data and any scientific studies on recreational fishing now. Although we cannot support Mr Albert CHAN's amendments today, we hope that the Secretary is aware of the stance and viewpoint of the Civic Party, and that is, we think the authorities need to conduct some relatively scientific studies of recreational fishing. If we look at other places with a fisheries industry, we can find that many of them have actually developed recreational fishing. Only Hong Kong alone has not done so. During the scrutiny of the Bill, despite our enquiries, the authorities have failed to collect and produce data on recreational fishing to help the sustainable fisheries development as a whole.

I heard just now various Members talk about the organization of days-long activities in some fishing areas in Canada and the United States to enable the public to experience the fun of fishing by letting them go on board a fishing vessel for fishing at sea. Hong Kong is absolutely well-placed for such activities because we have a really long coastline and a beautiful marine environment. Therefore, the conduct of scientific studies on recreational fishing is absolutely worth the while to help Hong Kong build up a sustainable fisheries industry.

President, next, I mostly wish to point out that during the scrutiny of the Bill, some fisherman bodies have told me their concern, and that is, they hope that in enforcing the law, particularly in devising the calculation method for compensation, and in publishing in the Gazette subsidiary legislation to specify the prohibition of using certain fishing methods to capture certain fish species in certain fishing areas, the authorities will listen more to the views of fishermen.

Moreover, the appeal board responsible for processing fishermen's appeals can have more fisherman representatives sitting on it. Even they are not invited to sit on the board, the board should widely adopt their views to draw on collective wisdom to avoid "making a cart behind closed doors". This is the

view I wish to convey to the authorities on behalf of the fishermen I have met during the scrutiny of the Bill.

I have to point out that during the scrutiny of the Bill, I have really learnt much about fishing, such as the various kind of fishing tools, fishing methods, and so on, which are very interesting indeed. Lastly, on behalf of the Civic Party, I support the resumed the Second Reading of the Bill. I so submit.

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

MR LEUNG KWOK-HUNG (in Cantonese): President, along with our increasing knowledge of environmental protection and the increasing demand in society, the Government will enact legislation or regulation to protect the environment. However, when it comes to protecting certain interests, or imposing certain bans for the society as a whole, the crux of the matter is that when some people have all along been engaged in a certain industry, and we have just found the need to ban this industry upon which their living relies, who will be responsible for compensating the losses of these victims?

Actually, who is the biggest victim of the impacts on the fisheries industry? I think it should be Iceland. It is because international financial capitalism disapproves of fishing. Why do we have to engage in fishing? All our assets should be sold for speculation. The whole Iceland should be sold for speculation. We all know that Iceland has really gone bankrupt now. It has returned to its original simplicity. In some documentaries I watched, some locals found fishing actually not too bad.

What is the point of me telling this story? The death or decline of the fisheries industry of Hong Kong is naturally due to our adoption of a different economic policy. Our Government has ceased to treat the fisheries industry as an industry. I heard the reference to the policy platform of LEUNG Chun-ying just now — Mr WONG Kwok-hing read it out — actually, he is really "the greatest bluffer of all". He talks about offshore fishing. He just says anything that comes to his mind. This is the typical behaviour of a shameless politician. May I really ask how offshore fishing can be developed in Hong Kong? Is

offshore fishing not the culprit of causing serious damage to the marine ecosystem? What is meant by offshore fishing, deep-sea fishing? It is the pooling of capital to fish in other people's places, or to fish in places where sovereignty is not well-defined.

As the Chinese saying goes, "Drain the pond to get all the fish." The Chinese word "澤" can, of course, mean a big lake. Generally speaking, it means a water pool. It can be a big, medium or small water pool. Our "shoe-shining" Member has sung flattery and exaggerated praises, saying Mr LEUNG has really got a vision. He has put forward three proposals in his policy platform and one of them is offshore fishing. What is he talking about? Does he not have any idea that offshore fishing has to satisfy certain conditions and that it is not necessarily something to be encouraged?

To trace the source, insofar as the fisheries industry of Hong Kong is concerned, our fishing grounds are getting fewer and smaller. Why? It is because the fishing grounds of our neighbouring countries, including the Mainland, are expanding. These countries are exactly using the method of offshore fishing. I think that this Bill should actually focus on the ways to protect those engaged in the fisheries industry at present: First, after the new law has come into force, how they can stay in the fisheries industry; second, how they can develop and derive other industries under the current conditions, or how the Government can make use of its powers and resources to develop other industries for them to make a living.

Unfortunately, the whole Bill is typical of what Secretary Dr York CHOW did in the past. When the avian flu broke out, he resorted to killing; pig farmers, kill; chickens, kill. I remember that I once asked Secretary Dr York CHOW for help. I seldom ask people for help. The story is about an old and handicapped chicken hawker in Mei Foo. Thanks to the earnest enforcement of the Food and Environmental Hygiene Department to patrol on the Chinese New Year Eve, he was found culling a chicken at the stall at the request of a regular patron who wished to have a fresh chicken for the Chinese New Year. He was therefore charged. He felt aggrieved and then became so ungovernable that he engaged in a lawsuit with the Government. Under the existing policy, compensation is only given to operators. However, operators may not necessarily be licence holders. After receiving the compensation, they wash their hands of everything. When

the old man was charged, he was found by the authorities that he was the licence holder. He was really unlucky.

The hasty action of the Government has resulted in this tragedy. I have no idea whether that old man is still alive. I asked Secretary Dr York CHOW for help. And, I asked a Political Assistant called CHAN Chi-yuen for help. When I first knew him, he was a member of the Roundtable, a red-blooded youth then. When I asked him for help, he said, "'Long Hair', nothing can be done because our policy is like that." I replied, "It will kill him. He is both crippled and old. Why bother to use a special duty team to take away his means of living?"

An oppressive government is fiercer than a tiger. The present Bill is actually like all the things done under bureaucratism or by a bureaucratic government. Why? First, those who have "loud voices and ferocity" get benefits, and those who have representatives get benefits. This is interest group politics. The link-up between interest group politics with functional constituency politics is inevitable. Functional constituencies are actually interest groups. Those who have a social function, either self-claimed or claimed by the others, are entitled to special interests.

What is the crux of the matter now? It is when we formulate these laws, the aspirations of other stakeholders — I hear them, but the Government does not heed them. As a popular saying goes, "The doctrine of an official is never to leave out one despite having the other 10 thousand in mind." It is not right even when you save ten thousand but miss one. However, the Government does not follow this doctrine. Instead, due to the pressure from above or acting as a perfunctory practice, when the message of having to deal with a certain matter is relayed, the Government will handle it in order to claim an underserved merit. Then it gets several interest groups together for discussions. When it gets enough votes, the job is done.

Regarding the amendments proposed by Mr Albert CHAN, Members may criticize him for lacking a scientific basis. However, the Government complains about insufficient hands when promoting recreational fishing. Why does the Government not take these things into consideration? Why does the Government give people the cold shoulder?

President, Secretary for Food and Health Dr York CHOW holds 10 thousand concurrent posts. For the anti-smoking campaign, he made himself up and went on stage. He has seldom been absent from a party, thus earning a reputation for singing. How can he find time to take care of ordinary members of the public who have no one to represent them? How can he find time to sympathize with those disadvantaged groups that are not "a big mouth" like me? Moreover, the incident of babies born to non-resident parents alone has let private hospitals make fat profits. When a hospital applies for land grant, one hectare of land is said to be used for the site of a hospital but the other hectare of land is not going to be used for this purpose. It is tantamount to robbing. Even these things are out of his control. How can Secretary Dr York CHOW spare his thought on these trivialities? He only focuses on singing, drinking and entertaining.

We understand that the Secretary for Food and Health — that is you — is empowered to appoint an authority responsible for the management and control of fishing activities in all fisheries protection areas and the formulation of rules and regulations. This is really "cool". In the enactment of all the legislation, Members of the Legislative Council are asked to sign a blank cheque to prevent them from obstructing the progress or querying the ignorance of government officials. If a government official is given a blank cheque, he claims that he will not get more, nor will he get less. He will only get the right amount.

It is very simple. I really wish to ask the Secretary this question: As you have made mistakes again and again and indulged in singing and drinking, what qualities do you have that can inspire our confidence in your appointment of an appropriate person whom you are not partial to? As you are such a busy person, how can you have the ability to appreciate other person's talent and character? We are not talking about singing karaoke now. Instead, you are given the power to appoint someone to enforce the law and effect supervision with full authority. This is what terrifies us.

In a nutshell, I am bluffing, too. Some people hasten to be bootlickers, saying our future Chief Executive shows great foresight in proposing offshore fishing. However, how can it be done? Are we going to compete with the Mainland or South Korea? Are we going to compete with the Philippines? The Government cannot even handle the incident of the South China Sea. Are we going to go offshore fishing in South America? Such things of an extreme

bluffing nature are brought up for discussion. It is deceiving the ignoramus. I cannot but make this comment. I now use my head for a bet. Offshore fishing? Only in his bluffing.

Second, Secretary, I really have reason to doubt your competence. We have pleaded with you repeatedly over a trivial matter. You have such great power. An ordinary member of the public has pleaded with you over a trivial matter. But it is to no avail. I still remember waiting several hours for those minor officials to cordon off the site. The action was called off when I was spotted there.

President, I should stop here. In my view, if this Bill is passed by this Council today to issue a blank cheque to the Government, a mechanism should be set up to oblige the Government to conduct review. However, I am not a member of this Bills Committee. No matter whether we call it a "sunset", "setting-sun" or "falling-leave" government, a mechanism is still necessary. I shall stop here. I will speak later on other matters. Thank you, President.

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

(Mr WONG Yung-kan raised his hand in indication)

PRESIDENT (in Cantonese): Mr WONG Yung-kan, you have already given a speech. What is your point in raising your hand?

MR WONG YUNG-KAN (in Cantonese): May I speak for a second time?

PRESIDENT (in Cantonese): Members can only speak once in this session.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon the Secretary for Food and Health to reply.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, in last October we introduced the Fisheries Protection (Amendment) Bill 2011 to the Legislative Council. Now the Second Reading debate on the Bill was resumed today. First of all, I wish to thank the President for allowing this Agenda item on the resumption of the Second Reading and debate on the Bill to proceed as scheduled. I am also grateful to the many Members who lent their support to this decision. If the Bill passes its Second Reading, it will mark the moving of the fisheries industry in Hong Kong to another milestone of its sustainable development.

I wish to thank Mr Tommy CHEUNG, Chairman of the Bills Committee, and the other nine Members for their diligent efforts made during these past months for the Bill. They have discussed the policies and contents involved in the Bill in a most meticulous and comprehensive manner. In addition, the Bills Committee has heard the views expressed by close to 30 representatives from the sector, stakeholders and other related deputations, including the one mentioned by Mr Fred LI just now. I would like to thank all the deputations and people from all sectors across the community who have taken part in the discussions and made submissions. The valuable suggestions made by them have helped perfected the Bill.

The objects of the Bill are to amend the Fisheries Protection Ordinance (Cap. 171) and introduce a number of management measures on the major premise of protecting local fisheries resources for purposes of promoting the sustainable development of the fisheries industry in Hong Kong and restoring our marine ecological environment to a state of abundant fisheries resources. The Bill proposes to introduce four major fisheries management measures and they are: 1) setting up a registration system for local fishing vessels; 2) limiting the entry of new fishing vessels and maintaining an appropriate level of fishing effort; 3) restricting fishing activities with the use or aid of non-fishing vessels and prohibiting fishing activities with the use or aid of non-local vessels; and 4) designation of fisheries protection areas (FPAs).

Hong Kong has since inception always been a fishing port. However, the fisheries resources and catches in the territory's waters have been on the decline

since the end of the 1980s. Local catches have changed from the high quality species of a larger size and slow growth in the past to those low-value species of a smaller size and fast growth. According to a study by the Aquatic Science Research Institute of China in 2006, the fishing catch and fishing effort in Hong Kong waters have far exceeded the estimated maximum sustainable yield and the optimal fishing effort. The situation is not satisfactory.

To improve this state of affairs, the Committee on Sustainable Fisheries was established in end 2006 to study the direction and feasible options for the sustainable development of the local fisheries industry. The Committee proposed in 2010 some recommendations on sustainable modes of fishing operation, control of fishing effort, and conservation and increase of fisheries resources. These recommendations were later accepted by the Government. In the Chief Executive's Policy Addresses for the years 2010-2011 and 2011-2012, it was announced that legislation would be enacted to prohibit trawling in Hong Kong waters and that a Bill would be introduced to set up a registration system for local fishing vessels, prohibit non-local fishing vessels from fishing in Hong Kong waters and designate a number of FPAs. The subsidiary legislation on the ban on trawling in Hong Kong waters was passed by the Legislative Council in May 2011. The Bill under discussion today is another major step towards the sustainable development of the fisheries industry in Hong Kong.

The response by the Government to matters raised by members of the Bills Committee and various deputations is as follows:

In the course of scrutiny of the Bill, it was found that members were supportive of the Bill in general. They put forward some very constructive views. At the Committee stage later on, I will propose some amendments drafted after considering and balancing the views from all quarters. The Bills Committee also supports these amendments, so I hope Members will lend them their support, too.

We notice that for some owners of trawlers, when they decide to return to Hong Kong waters to engage in non-trawling fishing activities, they may still engage in trawling for some period of time outside Hong Kong waters and they may need more time for registration than the owners of vessels engaging in other modes of fishing. Therefore, we are prepared to give them a longer period for registration. The Director of the Agriculture, Fisheries and Conservation will issue a certificate of registration to owners of these trawlers. Members may

notice that the Bill will provide for an enabling provision to allow a trawler owner the option of registering a non-trawler by modifying his/her existing trawler or by acquiring a new vessel beyond the 12-month period after the commencement of the Bill, on condition that the engine power of the non-trawler is no higher than the trawler to be replaced. We will set out the detailed arrangement and the specific time limit for registration after consulting the sector.

Some deputations have said that many owners of outboard open sampans (commonly referred in the trade as P4 sampans) consider that those vessels with an engine power of not more than 12 kw, that is, 15 hp are not enough to meet their operation needs. In order to enable these owners of P4 sampans to make their commercial decision on modification of their fishing vessels, the AFCD and the Marine Department issued a notice earlier to inform sampan owners intent on modifying or registering their vessels that they should promptly proceed to apply for an approval in principle from the Director of Marine under the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) in order to complete the formalities before the commencement of the Bill. In addition, the AFCD will offer assistance as appropriate to owners of P4 sampans in need.

Some members and green groups have suggested that we should also regulate leisure fishing activities, including those along the promenades, in the hope that the local fisheries resources can be further protected. I would like to point out that after the management measures of the Bill have come into force, the AFCD will monitor the situation of the fisheries resources and when more information on the state of fisheries resources is available, it will study whether leisure fishing activities should be regulated. As a matter of fact, the Bill permits the use of fishing methods by members of the public which do not cause any adverse impact on fisheries resources.

The Bill empowers the Secretary for Food and Health to designate FPAs and appoint by notice in the Gazette an Authority for the implementation of the Ordinance. The Authority may impose rules for the management and control of fishing in the FPAs. At this stage, we plan to establish FPAs in the Tolo Channel and Long Harbour and the Port Shelter which are important fish spawning and nursing grounds in Hong Kong waters. We will first consult the sector before deciding to designate these places as FPAs or otherwise and to determine their size. We will introduce subsidiary legislation for that purpose to the Council for scrutiny.

President, we have made the preparations and we are ready to launch various tasks regarding the Bill, including its enforcement. Subject to the passage of the Bill, the AFCD will launch the publicity campaign to enhance the awareness of provisions in the Ordinance among members of the sector and the public. We will make fishermen associations and the fishermen our primary targets and we will explain to them the requirements on application for registration of local fishing vessels.

President, Hong Kong is one of the few economies in the world which impose a total ban on trawling. This is an important achievement of the current-term Government. As we look forward, we need to work through the Bill to control the number of fishing vessels and our fishing effort, as well as restricting fishing activities with the use or aid of non-fishing vessels and prohibiting fishing activities with the use or aid of non-local fishing vessels. The passage of this Bill will mark a milestone in the endeavour of the current-term Government in restoring local fisheries resources, and this is a sign that we attach great importance to the tradition of Hong Kong as a fishing port. I implore Members to support and pass the Bill as well as the amendments to be proposed by the Government later on.

Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Fisheries Protection (Amendment) Bill 2011 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

Mr WONG Yuk-man rose to claim a division.

PRESIDENT (in Cantonese): Mr WONG Yuk-man 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.

Dr Raymond HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr CHEUNG Man-kwong, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Mr LEUNG Yiu-chung, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Emily LAU, Mr Abraham SHEK, Ms LI Fung-ying, Ms Audrey EU, Mr Vincent FANG, Mr WONG Kwok-hing, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHEUNG Hok-ming, Mr Ronny TONG, Mr CHIM Pui-chung, Prof Patrick LAU, Mr KAM Nai-wai, Ms Cyd HO, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Dr Priscilla LEUNG, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Mr WONG Sing-chi, Mr WONG Kwok-kin, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE, Dr Samson TAM, Mr Alan LEONG, Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man voted for the motion.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that there were 45 Members present and 44 were in favour of the motion. Since the question was agreed by a majority of the Members present, he therefore declared that the motion was passed.

CLERK (in Cantonese): Fisheries Protection (Amendment) Bill 2011.

Council went into Committee.

Committee Stage

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

FISHERIES PROTECTION (AMENDMENT) BILL 2011

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Fisheries Protection (Amendment) Bill 2011.

CLERK (in Cantonese): Clauses 1, 2, 3, 5 to 9, 11 to 14, 16, 18, 19 and 20.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 4 and 10.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Chairman, I move that clauses 4(5) and 10(1) of the Fisheries Protection (Amendment) Bill 2011 be amended as set out in the paper circularized to Members. I would now like to explain briefly the amendments.

The Government proposes to amend the definition of "圍塘" (impoundment) in the Chinese text of clause 4(5) to mean "指用網或其他可移走的透水構築物圍起的香港水域範圍，其用途或設計是供作魚類養殖"; and to delete "removable or" in the English text and to substitute by "removable and"; as well as to delete the pause punctuation "、" in clause 10(1) of the Chinese text of the Bill.

These amendments will hopefully meet the contemporary language standards required in law drafting and enable the sector and the public to understand the relevant provisions of the Bill more easily.

The Bills Committee has discussed these amendments in detail and agreed to them. With these remarks, I hope Members will support the passage of the amendments.

Thank you, Chairman.

Proposed amendments

Clause 4 (see Annex I)

Clause 10 (see Annex I)

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

MR ALBERT CHAN (in Cantonese): Chairman, I would agree basically with the content and original intent of the amendment explained by the Secretary just now. It can be seen from this amendment that when drafting any Bill, we should pay attention to the punctuation, wording as well as consistency in the meaning of the English and Chinese texts. Therefore, when deliberating on Bills, Members,

government officials and experts alike should all have a responsibility to focus their attention on the use of the relevant terms.

In the next Bill which we are going to discuss, there are 1 300 amendments, with many of them being amendments to certain terms. This is in line with the spirit of the speech made by the Secretary on the Fisheries Protection (Amendment) Bill 2011 and the amendments thereof. We would not accuse the Secretary of abusing the parliamentary procedure and proposing amendments of a frivolous nature. This is because we are not as ignorant and shameless as other Members who make political attacks on the contents of other people's amendments for purposes of opposing them. At the Committee stage, it is incumbent upon us as Members to discharge our duties and owing to this reason, although I would often not agree with the remarks made by the Secretary, I would support his amendments.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): Secretary for Food and Health, do you wish to speak again?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): I do not need to speak again.

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 4 and 10 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 4 and 10 as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clause 15.

CHAIRMAN (in Cantonese): The Secretary for Food and Health has given notice to move amendments to clause 15. The Secretary's amendments to clause 15 seek to amend the proposed section 16(1) and section 42(1) in the Bill.

In addition, Mr Albert CHAN has also given notice to move an amendment to clause 15. Mr Albert CHAN's amendment seek to add subsections 3(a), (b) and (c) to the proposed section 42 in the Bill.

Irrespective of whether the amendments of the Secretary for Food and Health are passed or not, Mr Albert CHAN may move his amendment.

Members may now have a joint debate on the original provision, the amendments of the Secretary for Food and Health and Mr Albert CHAN. I will

first call upon the Secretary for Food and Health to speak and move his amendment.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Chairman, I move that clause 15 of the Fisheries Protection (Amendment) Bill 2011 be amended as set out in the paper circularized to Members.

The Government proposes to amend the wording of clause 15 of the Bill as follows:

In the proposed section 16(1), in the Chinese text, by deleting "署長可按其認為合適而施加符合以下說明的條件：任何人可按照該等條件，使用或借助任何已登記船隻而捕魚。該等" and substituting "署長可就使用或借助已登記船隻捕魚施加署長認為合適的條件，如署長有施加該等條件，則使用或借助該船隻捕魚須按照該等條件進行。署長可施加的".

In the proposed section 42(1), in the English text, by adding "is" before "required".

The amendments are meant to meet the contemporary language standards of law drafting of the provisions and enable Members and the public to understand the content of the relevant provisions more easily when reading them.

The Bills Committee has discussed the amendments in detail and agreed with the relevant amendments. With these remarks, I hope Members will support the passage of the amendments.

Thank you, Chairman.

Proposed amendment

Clause 15 (see Annex I)

CHAIRMAN (in Cantonese): I now call upon Mr Albert CHAN to speak, but he cannot move his amendment at this stage.

MR ALBERT CHAN (in Cantonese): Chairman, the amendment proposed by me seeks to protect the fundamental interest of the fishermen. This is because the application for a licence and whether or not the documents related to the licence can be delivered to the fisherman concerned are both very important matters.

When the Bill was being scrutinized by the Bills Committee, as members were worried that there might be cases of the documents being wrongly delivered or lost, so the Government gave an unequivocal pledge — Mr WONG Yung-kan can confirm this — that the documents would be delivered by registered post. We have handled many complaints of this kind in the districts, especially those about applications for public rental housing. In these complaints, the residents have waited for three, four or even five years and eventually the Housing Department (HD) sends them a letter saying that they have been allocated a flat. But very often the residents are unable to get the notification papers as many as on three consecutive occasions. As much time as a whole year is involved in this course. Since they do not get the papers, so they cannot give a reply to the HD and choose a flat. As a result of this, even though they have waited for many years, they are disqualified from applying for public housing. We have received cases of this sort and the residents are very upset.

For the fishermen, it is very important for them to apply for a fishing vessel licence because they make their living from operating fishing vessels. So I have pointed out to the Government in the Bills Committee that since the Government has clearly said and promised that registered post will be used, then why does the Government not specify it in the provision? If this is not specified in the provision and if the document is not sent by registered post and the document is lost and the fisherman concerned does not receive it, but the Government thinks that he has received it, then there will be a delay in licence application. This will prevent the fisherman from engaging in fishing activities, in detriment to his living. He may operate without a licence and he is liable to criminal prosecution and a fine amounting to tens of thousand dollars. This is all very unfair to the fishermen. But the reply given by the Government is that this cannot and should not be specified, for in so doing would deprive the law of flexibility. The Government sounds very lofty and not only does it promise that registered post will be used but also delivery will be made in person. If delivery can really be made in person to ensure delivery, I think registered post can also be used to

ensure that the document is delivered. The Government can make such a specification, but it has refused.

I hope Members can understand that this piece of legislation is flawed. The Government has made such a promise but it has refused to specify it in the law. If this promise is not honoured, there will be no protection for the fishermen. This amendment by me seeks to ensure that the Government will honour its promise or fulfil its duty. Therefore, I think that since the Government has made such a promise and a verbal undertaking if Members can recall it, in the case of the listing of The Link REIT, the Government had made many promises in the old Legislative Council Building, not in this Chamber. LEUNG Chin-man had also made many pledges, had he not? The Government vowed and swore that tenants would not see their tenancy agreements terminated for no reason and that the mode of operation would basically remain unchanged and residents of public rental housing would not see their interests affected, and so on. But what has really happened?

Those of us who have been Members for a long time will know that it will not work if we just rely on a verbal undertaking from the Government. The Government may not honour its pledge or it may say one thing but do another. It may deny a pledge made after some personnel change has taken place. Or some technical reasons are used to cancel the remarks made in the Chamber. TUNG Chee-hwa is an exemplar of this when he made the statement that something which had not been mentioned would cease to exist.

About this amendment, actually it is a very technical one. It does not carry any political element at all. It does not mean to serve any attempt to cause any delay or filibuster. It is all meant for the interest of the fishermen. So if the DAB does not support it, I would really think that this could mean that the DAB is saying one thing but doing another. How can it claim that it will help the fishermen? Mr TAM Yiu-chung claimed in his reply to my speech earlier that the DAB attached great importance to the interests of the fishermen. If the DAB Mr WONG Yung-kan is the representative of the fisheries sector, why does he not ask the Government to formulate stricter and more stringent provisions? Since the Government has made a verbal undertaking that the documents concerned will be sent by registered post and the documents will even be delivered to the fishermen in person, then why is it not willing to specify the same clearly in the provisions? Without such specification, should the fishermen fail to receive the documents, then the responsibility will fall on the

Government. If the fishermen are prosecuted or penalized, unequivocal provisions will stand as proof that the Government has not acted according to the law and it is not the responsibility of the fishermen. Hence the responsibility is clear.

I believe few Members have read my amendment, so I will read out my amendment to clause 15:

"In the proposed section 42, by adding -

(3)(a) Despite subsection (1), any of the following documentation, that may be or is required to be sent to an individual or a company must be sent by any of the means specified in paragraph (c) -

- (i) certificate of registration;
- (ii) research fishing permit;
- (iii) replacement certificate or permit issued under section 30;
- (iv) duplicate certificate or permit issued under section 32;
- (v) any notice, document or information in relation to subparagraph (i), (ii), (iii) or (iv);
- (vi) any notice, document or information in relation to section 33 or 34.

(b) Paragraph (a) only applies to documentation that is sent by a public officer or the Administrative Appeal Board to a person other than a public officer or to a company.

(c) The means are -

- (i) if the documentation is sent to an individual, by delivering it to the individual personally, or by leaving it with some person for the individual at the individual's last known address, or by sending it to the individual by registered post to that address;

- (ii) if the documentation is sent to a company, by delivering it at or sending it by registered post to the principal office of the company."

Chairman, this proposed amendment to clause 15 is entirely about the handling of documents. The most important point is to specify that the form of delivery by registered post should be used for individuals and companies alike. This is consistent with the undertaking made by the Government when the Bills Committee was deliberating on the Bill. By enacting this amended provision, the interests of fishermen can be protected beyond any doubt. This amendment does not carry any political element at all, nor does it contravene or run counter to the practice or argument put forward by the Government in the Bills Committee. So if Members do not support it, it will be an undisguised show of the absurdity of executive hegemony of the Government. It is also proof that the DAB is saying one thing but doing another, and it completely overlooks the fundamental interests of the fishermen. I hope the DAB can give an explanation in public as to why it does not support this amendment which seeks to protect the interests of the fishermen.

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

MR WONG YUNG-KAN (in Cantonese): Chairman, the DAB will not lend its support to this amendment. I have asked the Government how it is going to deliver this kind of mail, documentation or licence to us. I have got a reply from the Government after they have checked the relevant information. As a matter of fact, I knew a long time ago how they would be delivered. Ten years ago when I applied for renewal of a fish culture licence, the Government had used registered post to deliver it to my home. I have asked other friends in the fishing sector and learnt that for things posted by the Agriculture, Fisheries and Conservation Department (AFCD) and for licences and other important documentation like papers relating to a licence for vessels and loan applications, and so on, they are all sent by registered post. And if privacy information is involved, there will be special delivery in person.

Since this practice is used by the Government and what is being done is just to follow the former practice, so why do we have to specify that in the Bill? I think that the question is not about what kind of method is specified in the Bill,

it is more important to have an undertaking from the Government that the former practice will be followed. This has got nothing to do with the question of whether the DAB will uphold the interests of the fishermen or not. How can it be said that we do not? If the Government does not promise that delivery will be made by registered post, I will definitely say "No". Given that the Government has made a pledge and since it has been put into practice, why do we have to write it into the Bill?

I have read other related papers from the Government and it has said that this kind of provision may not be clearly set out in other papers or laws. We made it clear to officials from the AFCD in a meeting that there might be a possibility that some fishermen would not be able to receive this kind of documents when they were out fishing in the sea. The officials said that efforts would be made to deliver the mail to these fishermen. This dispelled our worries and concern.

I hope that Mr Albert CHAN would not take the moral high ground on an issue like this as he often would. When he has got his political ethics, I have also got mine. He cannot say that the DAB does nothing. I am more concerned about this Bill on fisheries protection than anyone else. The DAB is more concerned than anyone else. If it is not because of the effort made by Mr TAM Yiu-chung, how can we have this Bill? This shows that we do care very much about this Bill because it affects the living of many fishermen.

Chairman, we will not support the amendment by Mr Albert CHAN but we will support the proposals from the Government. Thank you, Chairman.

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

MR ALBERT CHAN (in Cantonese): Chairman, the speech by Mr WONG Yung-kan shows this mentality of the DAB, that they support rule by individuals instead of rule of law. As a representative of the people and as a popularly elected Member of this Council, he should not regard an undertaking by someone as the best kind of assurance. The matter should not be seen as someone making a promise or someone not making a promise and that is all. Talking about promises, in the example of The Link REIT cited by me, now those people living

in public rental housing units at that time the DAB agreed that The Link REIT should be listed. Then when The Link increased the rents and terminated its tenancy agreements with the tenants, the DAB was the first to stage a protest. This is exactly like what the Government did in this Chamber before — it made a promise in this Chamber to Members that it would protect the rights of the tenants but in the end it did not honour its promise.

Now we can do nothing to pursue the matter with the Government because all the laws have been passed. Things we want to pursue are all condoned by the law and there is nothing we can pursue. With respect to this Bill, if we can compel the Government to honour its pledge by way of legislation and as Mr WONG Yung-kan has talked about the pledge, if he has been getting his documents all along for more than a decade through registered mail, then we should stipulate in the law that this must be done in future, instead of just getting a verbal undertaking from one or two officials. Secretary Dr York CHOW has not made any verbal undertaking in this Chamber and it is only when the Bill was being deliberated that his deputy made this verbal undertaking in the Bills Committee which was not at all categorical. From the relevant minutes of meeting we can see that the undertaking is not at all categorical. After that deputy had spoken in the Bills Committee, I followed up and pointed out that his remarks were ambiguous and the practice which he had talked about was not absolutely necessary or mandatory. He only said that it was the past practice and it would be adopted also in future.

So, as seen from the example of The Link REIT, we should protect the fundamental interests of each and every fisherman. We can specify at the Committee stage that the relevant documents must be sent by registered post and this can subject the Government to the regulation of the provisions concerned. If Mr WONG Yung-kan can show his support for this idea, then those who oppose this amendment are clearly those who come to the defence of the Government. They submit to the dominance of the Government and yield to its hegemony. They neglect the importance of legal protection, preferring the dignity of the Government to the interests of the fisherman community. This must be condemned and put on record.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I just happen to pass by.

I would also like to talk a bit about our duties as Members of the Legislative Council. With respect to this Bill what is our constitutional system like? The Government will introduce a Bill and it will find a stamp and that stamp can be made of either rubber or iron, in sum, there must be enough votes to pass Bills introduced by the Government. Under the Rules of Procedure, a Bill introduced by the Government only requires the support from a majority of Members in attendance to pass through the Council. So the Government has all the favours and advantages in its hands and it will certainly win. But it is rare for Members to enjoy this privilege.

The argument of Mr Albert CHAN just now is simple enough. It is just meant to ensure that some articles can be posted to certain people and those people are stakeholders in the sector. Of course, I know the essence of functional constituencies, unlike the claim made by many Members who defend the existence of functional constituencies that they work for the interests of their respective functional constituency as a whole. A functional constituency will only seek to advance the benefits of certain chosen people in that constituency. Like the Hebrews in the *Bible*, they are the chosen people and the children of God

CHAIRMAN (in Cantonese): Mr LEUNG, please speak on the original provision and the amendment to clause 15. If you sidetrack, I will have to stop you from speaking.

MR LEUNG KWOK-HUNG (in Cantonese): I am responding to the comments of Mr Albert CHAN. I think he is right. I agree with him. I hope other people will also support him.

People for the functional constituencies make nice-sounding remarks. They say that they will protect all the people in that functional constituency. But it is certainly not the fact. It is like the case of the Communist Party of China. All the members of the party obey the Central Committee and the Central Committee obeys the Politburo.

CHAIRMAN (in Cantonese): Mr LEUNG, please speak on the original provision and the amendment to clause 15.

MR LEUNG KWOK-HUNG (in Cantonese): The Politburo members obey the members of the Standing Committee of the Politburo. The Standing Committee of the Politburo obeys the Party Secretary. So it is a matter of selection at each level of the hierarchy. Functional constituencies

CHAIRMAN (in Cantonese): Mr LEUNG, if you sidetrack, I will have to stop you. Please speak on the original clause 15 and the amendment to it.

MR LEUNG KWOK-HUNG (in Cantonese): When a matter as simple as registered mail cannot be done, how can we vote for the Bill? Chairman, we can say that it used to be a problem to post things by registered mail. But now we have DHL. Do I have to teach them this? Use the service of the DHL and it will be all right. And an added benefit of that is to boost employment. Right? When a demand like this is rejected, when the Government does not agree to doing something as simple as this, and it asks us to pass this Bill

A popular saying goes like this, the door of a government office is made of iron and it is always there, but the officials are like water and they just flow by and will not stay long. Please refute me after I have finished speaking. Now this is like "the officials are like water flowing by and the promises they make are like floating clouds". Things are just going overboard.

Chairman, I know that you are losing your patience. But there is nothing I can do except agreeing with Mr Albert CHAN. The Government has stood firm after introducing this Bill. I am not a Member of that Bills Committee. I only happened to pass by and heard the speech by Mr Albert CHAN. Then at the Committee stage, an official who is like flowing water is fetched and he gives a promise like clouds and mists. He only says, "We will do it." But he is not willing to write his promise into the law. What kind of thing is that? Nothing more than a lie or a promise meant to be broken. Chairman, why should Members vote in favour of it?

Honourable Members, this is not the first time this sort of thing has happened. Back in those days when we discussed the MTR and the MTRCL, I was pointed out by the then President, Mrs Rita FAN, that I had deviated from the question. But that was the last occasion when matters like gates, toilets and fares could be raised. It was only on that occasion that the Government would lend its ears to our remarks.

CHAIRMAN (in Cantonese): Mr LEUNG.

MR LEUNG KWOK-HUNG (in Cantonese): Yes. What is it?

CHAIRMAN (in Cantonese): Now you have wandered off. Please speak on the original clause 15 and the amendment to it. I hope Members will not make a lengthy response after they have heard some remarks from other Members just because they happen to pass by. If Members want to take part in the debate, I hope they can sit down and listen carefully to the speeches made by other Members.

MR LEUNG KWOK-HUNG (in Cantonese): All right. Chairman, I have listened. But some people have not.

CHAIRMAN (in Cantonese): Please speak on the original clause 15 and the amendment.

MR LEUNG KWOK-HUNG (in Cantonese): About verbal undertakings, now deliberations on the Bill have reached this stage and only verbal undertakings are given. Is this not an insult to this Council when only verbal undertakings are given at this stage? Chairman, do you believe in me when I say to you that I will make you a government official tomorrow? I know that you would not even want to become the Chief Executive. May I ask you to ask Secretary Dr York CHOW if he wants to make us government officials? I can tell you, if I am offered the post of a government official, I can refuse it. This is because it is

a matter of my personal choice. But we cannot compromise on this question of the right of the stakeholders to receive mail without any misdelivery. Chairman, fame and fortune do not really matter, but we cannot give up other people's rights on their behalf. Back then Michael SUEN could read from the Bible in this Council, but it is not right if you do not allow me to speak.

Let me come back to the question. Chairman, it is because of this problem that we do not think there is any good reason for us to vote in favour of the Government. Why do we have to lend it our support? When the issue was not given serious thoughts back then, why do we have to think about it now? The more we think about it, the more trouble we find. And the conflict becomes so intense that we cannot cast our votes on that. Chairman, I know that you think I am just a passer-by and so I should not cut in when I have just heard something by chance. This is correct. But there is something called logic and logic is built-in. Suppose someone walks by and sees something illogical, he will surely speak out. This Council is supposed to work for the people and even for Members from the functional constituencies, they will have to work for all stakeholders in their respective constituencies, irrespective of whether they are the chosen ones.

The problem with functional constituencies is that some people who are not the chosen ones will say that they have no right to vote. But there is already a representative for each functional constituency and they are elected. Do these representatives stand for every person in the sector? I do not know, but some people would think so. This is the problem encountered by us in deliberating on this Bill. This functional constituency of the fisheries and agriculture sectors has so many votes in its hands in the Chief Executive Election and the number of votes is almost greater than this Council. But is it the case that all people who work in the fisheries and agriculture sectors have the right to choose their representative and have this representative speak for their interests under this system of representative government?

CHAIRMAN (in Cantonese): Mr LEUNG, you have deviated from the question. Please speak on clause 15.

MR LEUNG KWOK-HUNG (in Cantonese): The problem before us now is like this: This Bill is introduced to this Council, and a Member has proposed an amendment to it and asked that mail should be delivered by registered post which is a means of delivery recognized throughout the world. But even for a demand like this, the Government cannot guarantee that this can be done. Then even if this Bill is passed, will it not just become some scrap paper? This is what I think: no more than a piece of scrap paper.

I am not going to deviate from the question now. I know you understand what I mean when I say that I am not deviating from the question. This is something you like to hear most and that is, I am saying that I am not deviating. This is because it means "That is all I want to say." So this is not deviating from the question? Thank you, Chairman.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): Secretary for Food and Health, do you wish to speak again?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Chairman, the Government opposes the amendment proposed by Mr Albert CHAN to clause 15 of the Fisheries Protection (Amendment) Bill 2011.

Under the proposed amendment, it is suggested that section 42 should specify that the authorities or the Administrative Appeals Board (AAB) shall deliver the documentation to the individual concerned personally, leave it with some person or send it to the individual by registered post. All this and especially subsection (3)(a)(v) will substantially increase the types of documentation that shall be delivered personally to the individual concerned, left to some person or sent by registered post. Such types of documentation will include all the general documents related to applications for a certificate of registration or a research fishing permit. This goes far beyond the scope proposed by Mr CHAN in the Bills Committee. At that time, the focus of

discussion in the Bills Committee was only on notices of greater importance, that is, those notices issued for the purpose of cancelling a certain registration item or research fishing permit as found in the proposed section 33(d). We have undertaken in the meeting that more important notices will be sent by registered post.

The proposed section 42 of the Bill does not impose any restrictions on the arrangement to deliver the relevant documents by ordinary post. When the Authority issues a certain document, it may make any arrangement that is appropriate considering the importance of the document in question and the needs of the practical circumstances. These may be in the form of delivery in person, leaving it with some person or sending it by ordinary post, registered post or electronic mail transmission. Alternatively, the document may be delivered by more than one ways. It is not uncommon in the existing legislation to allow a multitude of means to deliver a document, such as delivering it in personal, by mail or by electronic mail transmission. Examples of this are found in other existing ordinances like the Securities and Futures Ordinance and the Clearing and Settlement Systems Ordinance. In our opinion, this requirement to permit the delivery of documents by multiple means can maintain a suitable degree of adaptability and flexibility. This will enable the Authority to adopt the most suitable method of delivery while taking into account the different circumstances and importance of the documents concerned.

It is our view that the proposals made by Mr CHAN, especially that relating to subsection (a)(v) which limits the Authority to the delivery of all the documents only in the forms of delivery in person, leaving them to someone or sending them by registered post will unnecessarily limit the adaptability and flexibility of the proposed section 42(1) of the Bill, and hence will not be helpful to the actual operation of the Bill.

In addition, the notice, document and information mentioned by Mr CHAN in subsections (3)(a)(i) to (iv) and (vi) are not issued and delivered by the AAB. As to the question of whether subsection (3)(a)(v) includes a requirement that the AAB shall deliver the notice, document or information of an appeal lodged under the Bill, in the manners specified in the proposed amendment, there is no clear prescription. As a matter of fact, there is no such stipulation in the Bill to require the AAB to deliver the said notice, document or information in any prescribed manner. In other words, the AAB will deliver the relevant document

or issue the relevant notice in line with the requirements found in the Administrative Appeal Ordinance (Cap. 442). Such a practice is consistent with other appeals handled by the AAB lodged under other Ordinances. Therefore, the proposal made by Mr CHAN regarding subsection (3)(a)(v) is unclear and may lead to a conflict with the well-established practice adopted by the AAB regarding the delivery of documents for appeal cases lodged under the Administrative Appeal Ordinance. It may also lead to a violation of the Ordinance as well. We therefore consider that the amendments should not stand part of the Bill.

With these remarks, Chairman, I implore Members to oppose the amendment.

MR ALBERT CHAN (in Cantonese): Chairman, maybe I did not hear it very clearly just now because when Mr WONG Yung-kan spoke just now, he said that the Government had made an undertaking but in his speech just now, the Secretary denied having made the undertaking, saying that flexibility was needed. Does the Secretary want to formally repudiate, at the Committee stage now, the comments made by his representatives during the meetings of the Bills Committee?

CHAIRMAN (in Cantonese): Secretary, do you wish to respond?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Secretary, all along, we have undertaken that it would be ensured that important documents will be delivered into the hands of fishermen, so in this regard, usually, we would invariably make use of registered post. Of course, some fishermen may have gone out to sea or there are other circumstances, so we believe greater flexibility is needed in dealing with this. The ultimate aim is to ensure that they will receive the documents.

MR ALBERT CHAN (in Cantonese): Can the Secretary explain what, in his opinion, are "important documents"?

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

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Chairman, we have said that we would adopt this approach in respect of the registration of all fishing vessels and all relevant documents.

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

(Members raised their hands)

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

(Members raised their hands)

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

CHAIRMAN (in Cantonese): Mr Albert CHAN, you may now move your amendment.

MR ALBERT CHAN (in Cantonese): Chairman, I move that clause 15 be further amended.

Proposed amendment

Clause 15 (see Annex I)

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

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

CHAIRMAN (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for five minutes.

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

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

Functional Constituencies:

Dr Joseph LEE, Dr LEUNG Ka-lau and Mr CHEUNG Kwok-che voted for the amendments.

Dr Raymond HO, Mr CHEUNG Man-kwong, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Abraham SHEK, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou and Mr Paul TSE voted against the amendments.

Ms LI Fung-ying abstained.

Geographical Constituencies:

Mr LEUNG Yiu-chung, Ms Cyd HO, Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man voted for the amendments.

Mr Fred LI, Mr CHAN Kam-lam, Mr LAU Kong-wah, Ms Emily LAU, Mr TAM Yiu-chung, Mr Frederick FUNG, Ms Audrey EU, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Mr Ronny TONG, Mr KAM Nai-wai, Dr Priscilla LEUNG, Mr WONG Sing-chi, Mr WONG Kwok-kin, Mr Alan LEONG and Miss Tanya CHAN voted against the amendments.

THE CHAIRMAN, Mr Jasper TSANG, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 23 were present, three were in favour of the amendments, 19 against them and one abstained; while among the Members returned by geographical constituencies through direct elections, 22 were present, five were in favour of the amendments and 16 against them. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendments were negatived.

CLERK (in Cantonese): Clause 15 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clause 15 as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clause 17.

CHAIRMAN (in Cantonese): The Secretary for Food and Health has given notice to move amendments to clause 17. The Secretary's amendments to clause 17 seek to add section 1A to the proposed Schedule 2 and to amend the proposed section 3 in the Bill.

In addition, Mr Albert CHAN has also given notice to move amendments to clause 17. Mr Albert CHAN's amendments to clause 17 seek to add sections 4 and 5 to the proposed Schedule 2 in the Bill.

Irrespective of whether the amendments of the Secretary for Food and Health are passed or not, Mr Albert CHAN may move his amendments.

Members may now have a joint debate on the original clause, and the amendments of the Secretary for Food and Health and Mr Albert CHAN. I will first call upon the Secretary to speak and move his amendments.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Chairman, I move the amendment to clause 17 of the Fisheries Protection (Amendment) Bill 2011, as set out in the paper circularized to Members. I will now give a brief explanation on the amendment.

The Government proposes to amend clause 17 by adding section 1A, which states "fishing with the use or aid of a hand net" to the proposed Schedule 2, and amend the wording of section 3 by adding "any" before "hand nets".

We believe that while fisheries resources in Hong Kong should be protected, the impact of the Bill on recreational fishing undertaken by the public should be minimized. The Bill proposes that the following be set out in Schedule 2 as fishing activities permitted with the use or aid of vessels other than non-local fishing vessels: Fishing by means of a line with hooks or jigs operated by hand, fishing without the use or aid of any fishing gear, as well as fishing during diving supported by self-contained underwater breathing apparatus.

The aforesaid amendment relating to section 1A was proposed in response to the views expressed by Members during the scrutiny of the Bill. Some Members considered that proposed Schedule 2 under the Bill should also permit the public to catch fish using hand nets on board this category of vessels, including pleasure craft. After careful deliberation, we accepted that hand net is a common type of fishing gear used by the public in recreational fishing activities and the relevant proposal would have little impact on the fisheries resources of Hong Kong. For this reason, we agreed to adding the provision on hand nets to proposed Schedule 2 under the Bill.

Concerning the third amendment, it is hoped that our policy intent could be expressed more clearly by permitting fishing with the use of hand nets, spear guns or hooks, during diving supported by self-contained underwater breathing apparatus.

The Bills Committee has deliberated the aforesaid amendments and also agrees with the relevant amendment. With these remarks, I hope Members will support and pass the aforesaid amendment.

Thank you, Chairman.

Proposed amendment

Clause 17 (see Annex I)

CHAIRMAN (in Cantonese): I now call upon Mr Albert CHAN to speak, but he cannot move his amendment at this stage.

MR ALBERT CHAN (in Cantonese): Chairman, first at all, I have to clarify and correct the comments made by the Secretary in relation to clause 15 just now. He claimed that the amendment proposed by me was different from what I said initially in the Bills Committee. I wish to point out that the Secretary has never attended any meetings of the Bills Committee. It was his subordinates who did so, so he was not involved throughout the whole process. In the past few months, he has never discussed or made enquiries with me, consulted me or chatted with me either, so I think all his comments were misleading to Members. The part about delivery by mail proposed by me in the Bills Committee specifies that it is necessary to

CHAIRMAN (in Cantonese): Mr CHAN, clause 15 and the various relevant amendments have already been put to the vote, so please do not comment on that clause and the amendments anymore.

MR ALBERT CHAN (in Cantonese): I understand. This is because I wish to put on record the fact that what the Secretary said just now was wrong. I wish to add briefly that at that time, I pointed out that registered post must involve the part relating to licence application. I wish to clarify the facts.

Chairman, the Secretary's reference to hand nets just now is a piece of mash-up works. The amendment proposed by me consists of three parts, the first being hand nets, the second being cage traps, for example, cage traps less than 1 cu m in size and the third being nets. Initially, I proposed these three types. At the beginning, Mr WONG Yung-kan also supported me but subsequently, after the Government had had discussions with the DAB, it created a piece of mash-up works by copying my proposal on hand nets and then proposed its amendment. Since the Government did not propose any amendment relating to the other two types, I took it upon myself to propose them. Therefore, I wish to point out that the amendment relating to hand nets proposed by the Secretary is a piece of mash-up works and that I am the true "copyright" owner. In fact, from the outset, I pointed out the absurdity in the Bills Committee and so did Mr WONG Yung-kan. How can it be so absurd that even instances of a child using a small net to catch fish at the seaside or members of the public netting fish on small boats can constitute a criminal offence? Subsequently, it was only after I had pointed out the absurdity that the

Government woke up to the problem. From the scrutiny of this clause and the identification of this problem, it can be seen how absurd, bureaucratic and ossified the entire government department is.

I have already pointed out in the Second Reading that the absurdity of the entire Bill lies in using one single licensing regime to control a wide range of activities. In all civilized societies and many countries, for example, in European countries, the United States, Canada, Australia and New Zealand, two licensing regimes are used to regulate fish capture or fishing, one being licences for commercial or professional fishermen, the other being recreational fishing or recreational fish capture licences. The regulation is two-tier and legislative control is imposed and the scope is prescribed according to the nature of the licence. However, due to the indolence, ignorance, incompetence or autocracy of the Hong Kong Government, one type of licence is used for the purpose of regulation, and it is specified that a fishing licence is required for all types of fishing activities and that fishing without a licence constitutes an offence. The usual activities in the daily life of the public are brought within the scope of regulation but in fact, they are not professional fishing activities.

Therefore, I was also very astonished to find that the amendment moved just now was opposed by so many Members in the pro-democracy camp. They would oppose whatever is proposed by the People Power and totally disregard the seriousness of the problems. Therefore, this type of people who completely disregard the seriousness of the problems for the sake of stymieing political dissents must be condemned.

Similarly, both amendments proposed by me are related to the general public, in particular, part of the daily life of Hong Kong people who live by the seaside or own small boats. In relation to this issue, I have visited Mui Wo, Peng Chau, Cheung Chau and Ma Wan to have discussions with the fishermen in those areas, and I have also discussed this issue with some of the residents in Tuen Mun. Many of them own pleasure vessels. Several weeks ago, during a discussion with them, I found that they had no idea whatsoever of the fact that the present Bill would make using hand nets or rabbitfish traps to catch fish on their small vessels in the sea a criminal offence. All of them had no idea of this.

The Government talks about consultation frequently, so I asked whom it had consulted. It replied that it mainly visited the local communities to consult

fishermen organizations. On the issue of rabbitfish traps, Mr WONG Yung-kan said that he had consulted the fishermen and the latter opposed the proposal relating to pleasure craft. Among the many fishermen whom I had consulted, not a single one of them opposed it. The fishermen consulted by him and those consulted by me were different. I went to Cheung Chau and Peng Chau to have discussions with the fishermen there and not a single one of them opposed it. The most frustrating point to the public is that there are many pleasure craft at Peng Chau that do not belong to the category specified by the Government in the licence. Many people like to set sail to fish and sometimes, they would use fishing nets. This is simply part of the pleasure of leisure life, but I wish to point out solemnly and clearly to all Hong Kong people that the present Bill of the Government will outlaw all commonplace recreational fishing activities.

In the face of this change, it looks as though Hong Kong people think that nothing has happened. Members of the pro-democracy camp also think that nothing has happened and that this has nothing to do with them — if those gear cannot be used, so be it and there would not be any serious consequences. If cage traps could be used in the past to catch fish but not now, just do not use them and if one could use small boats to net fish at sea but not now, just do not do so. It looks as though this has nothing whatsoever to do with them. However, I wish very much to point out solemnly that this provision will deprive the public of a very fundamental way of life and right without consulting them through legal and administrative hegemony.

Some people live in the villages and by the seaside, leading a peaceful life detached from the madding crowd. Small boats and sampans may be unaffordable to them but owning an inflatable dinghy is easy. They would set sail to catch fish whenever they have the time but now, this kind of peaceful lifestyle will also be banned. My friends, it will be banned. Throughout so many years, even a communist regime would not ban this kind of activities. This is to lead a peaceful life and there is nothing political, only a part of life that ordinary people like. If Hong Kong goes on like this, I would call Secretary Dr York CHOW "Secretary Exterminator" because he has exterminated many things. Mr LAU Wong-fat has a good idea of this. The chicken rearing, duck rearing, quail rearing and partridge rearing activities in the New Territories have all been eradicated. Initially, on the issue of eliminating pig farms, at that time, I put forward two proposals at the same time. I sent the whole document to Secretary Dr York CHOW, saying that although the Government should withdraw pig farm

licences, at the same time, it had to establish a centralized pig farm to rear pigs. However, he accepted the first part but turned a blind eye to the second part. After killing all pigs, of course, not many pig farms are left.

The initial proposal put forward by me was an all-win proposal. Even as he eliminates something, he has to ensure the existence of certain things instead of just caring about elimination. He is also paying no heed to those toxic drug capsules and just sits idly by. He is a medical expert, but on these matters that have a bearing on people's livelihood and health, he pretends not to see them and still sits by idly after the problem came to light on the Mainland. It was not until the *Oriental Daily News* and the *Sun Daily* exercised their fourth power by having the capsules tested that it was found that 50% of the capsules were tainted and in the worst instance, the standard was exceeded by 40 times. It was only then that he woke up to the problem.

However, when he wants to exterminate certain things, he surely would not pull punches and now, what he is going to exterminate is a part of life of ordinary people leading a peaceful life. Have these people killed all his family members? Why does he have to eradicate even such a way of life of these people? Therefore, Members really have to wake up. My friends, can you wake up a little? Are you awake now? Does this not mean that the Government thinks that some acts will impact on its authority, that certain acts would affect the hegemony of property developers and the financial sector, that certain acts would affect the supremacy of the DAB, so it has to suppress them? Is that so? This includes prescribing the "Internet Article 23" in an attempt to control the Internet. However, for the Government itself can copy the works of other people, can it not? Recently, a band called FAMA also pointed out on the Internet that the song used by the DAB in its election campaign was actually a plagiarized copy of its work. After this, Mr CHAN Kam-lam continued to lash out at others solemnly, asking why the public had to retouch other people's photos. This is such a humble request and it is only about a very simple established way of life. I like to go fishing at the seaside and want to go out to sea in a boat to catch fish with nets but now, even this will be banned. What kind of society is this? This is even more brutal and worse than Nazi Germany.

My friends, furthermore, this is not the original legislative intent either. This is definitely not the original legislative intent. The original legislative intent was to regulate fish capture by fishing boats and the target was professional

fishing activities. However, due to the indolence and high-handedness of the Government, even a part of the daily life of ordinary people leading a peaceful life will have to be completely banned and turned into an offence, so what sort of Government is this? If Members condone and support this sort of acts by the Government, they will have made a mistake but now, they are also sitting idly by and the royalist camp has even lent all its support to this. If the royalist camp throws all of its weight behind the Government, I will understand this, but will Members of the pro-democracy camp wake up? At present, they are the accomplices who help the Government eliminate a part of the life of Hong Kong people, but they too are just sitting by.

Chairman, during the scrutiny of this Bill, I felt a great deal of lament and what I found lamentable was the indifference of Hong Kong people. When there are no chances for Members in the legislature to get media exposure, to win political kudos or gain political clout for doing something, they would pay no heed whatsoever to it. When we lobby for the minor rights of the public, since we do not have enough votes and no group feels any concern, no one would take any notice. If the amendment was passed, even if we continue to do our utmost to wage struggles for the sake of the public, the public still would not be grateful to us. However, this is actually a very important attitude and manifestation of the protection for part of the way of life in Hong Kong. How can we let the Government make use of a Bill that runs totally counter to its original legislative intent to ban some normal activities through the regulation of certain activities? How can we let the Government do whatever it wishes, disregarding the original legislative intent, the established way of life and the rights to the living of the public?

Chairman, I believe that it is useless even if I exhort Members loudly any further. I only hope to put on record the fact that the legislature of Hong Kong is condoning the brutal abuse of power by the Government, so Hong Kong people can only fend for themselves. Our life is being eroded continually by various kinds of brutal administrative intervention. Take for example the conduct of the Commissioner of Police, who keeps ordering the deployment of pepper spray, using it time and again. Then, he advanced the "dark shadow theory", so he is utterly shameless and he has no sense of shame whatsoever. He is just like the President of the Philippines, who did not have to apologize even though he had said or done something wrong, without any sense of shame whatsoever. This is precisely because the legislature condones such conduct, condoning the

administrative abuses and executive hegemony of the Government and giving a free rein to our "Secretary Exterminator" — he can neither safeguard the health of the public in their life, nor can he protect the lives and safety of the public but in our life, he just keeps eliminating everything.

Therefore, here, while I call on Members to wake up, I also take this opportunity to condemn the brutal administrative abuse of the "Secretary Exterminator".

MR WONG YUNG-KAN (in Cantonese): Chairman, I have read the amendment proposed by Mr Albert CHAN again. Two items of it, that is, the addition of sections 4 and 5 to the Schedule to state that each pleasure craft can carry no more than three cage traps for catching rabbitfish and two nets not exceeding 80 sq m in area. To us in the fisheries industry, the so-called net with an area of 80 sq m actually means throwing a very large net into the sea. That does not mean it is rectangular in shape and it is the area — I am not sure if this is the interpretation and maybe "Hulk" will explain later.

The Government has not defined what is meant by recreational fishing vessels and at present, there is no definition for it. After fishermen have registered, they can use these cage traps and hand nets but the nets are not mono-layer ones, not the mono-layer gill netting ones proposed by Mr Albert CHAN now. I also said earlier that presently, nobody in Hong Kong knows how to make mono-layer gill nets and those who know would still prefer to make trammel nets. Why? Because the making of mono-layer gill nets requires weaving the nets one by one manually and they are not purchased from the Mainland as a whole piece. Therefore, I do not understand why it has to be included in the Bill. If someone wants to make one, he has to find an elderly fisherman to weave it using synthetic threads part by part in order to make this kind of fishing net.

In fact, initially, I considered that the Government should relax these requirements. However, subsequently, after further discussions with members of the sector, I believe that if the Government permits the operation of recreational fishing vessels, in the future fishing nets and trap cages should not be used to catch fish in recreational fishing.

I remember that several years ago, when I made a duty visit to New Zealand with some fisherman friends, we went angling in the sea and I asked the boat captain why there were no trap cages and fish nets on board. They said such gear was not allowed by the Government and they could only take people out to the sea for angling and could not do anything else. To cite a simple example, some fish species are protected, for example, there is a shark species called the blue shark and if such sharks are trapped by nets, they would be in great trouble because once entangled by nets, they cannot break free and if the net is hauled on board only half a day later, they would surely die. This is very unreasonable from the environmental protection perspective and also unreasonable from the perspective of protecting fishery resources and the marine ecology. On that day, it so happened that I also caught a blue shark and the captain said that it had to be released back to the sea and could not be eaten. This is the overseas practice.

If someone at the seaside throws a net that is 80 sq m in area into the sea if a boat is a registered fishing vessel, there is no restriction and the net can be thrown into the sea. However, if the vessel is not a fishing vessel but a recreational fishing vessel, should an accident happen when hauling the fish net on board, can we bear to see that? Therefore, I think we have to consider this aspect.

Some people would ask: What about rabbitfish traps? Do you mean that even rabbitfish traps cannot be used? If rabbitfish traps can be used, some people would ask, "What about serpentine cage traps?" How big is a serpentine cage trap? The size of a serpentine cage trap can be 400 cu m to 500 cu m. I am talking about just one serpentine cage rather than many. Is the deployment of serpentine cage traps permitted? However, big fish, small fish and even fish fry can all be trapped by a serpentine cage trap, so what impact would this have on fisheries resources? What about those professional fishermen? Since they are professional fishermen, certainly, they will not catch small fish but if one wants to catch rabbitfish, they should just catch rabbitfish. I think the Government subsequently, members of the sector said we should just forget about all these, suggesting that I should support the Government instead.

Some people may think that since I was returned by a functional constituency, of course, I would listen to members of the sector. If I am painted in this light, this is really unfair. It turns out that if a functional constituency

supports conservation, it would be considered as having sectoral interests in mind. This is just like an Honourable colleague — "Long Hair" — who believes that Mr LEUNG Chun-ying, in talking about offshore fishing, is only engaging in grandiose talk or even empty talk that cannot be realized. Let me tell "Long Hair" frankly that in 2000, I proposed the development of offshore fishing and even now, I am still very angry with the Administration then and the Secretary in charge of this. I can tell Members that I feel very angry. If the Government at that time could provide a small loan to my three fishing vessels, so that they could move in this direction — in fact, the details had been sorted out and matters relating to the loans had also been sorted out, only that some departments did not agree — fishing vessels from Hong Kong would have been sailing in the Indian Ocean now. "Long Hair", now, we have no opportunity to enter the Indian Ocean and what is the reason for this? Because the Government considered offshore fishing unnecessary and the Government at that time, including Mr TUNG, did not like it. Since the authorities did not like it, naturally, nothing could be done.

However, the present situation is not like this because Hong Kong fishermen are co-operating with Mainland fishermen. Let me tell you that I have gone to the Indian Ocean and the Atlantic to capture tuna together with Mainland fishermen. Of course, the fishing vessels are not those "three have-not" ones, rather, they have obtained permission and it is stipulated that the fish captured has to be sold to Japan. Members must not think that nobody is working in this trade. There is this company, Luen Thai, operating offshore fishing with dozens of fishing vessels in Palau. How can it be said that there is no offshore fishing industry? If Members do not know the actual situation, they should not say there is none.

Therefore, I hope that the Government can make consideration from various perspectives. I said just now that last year, I took part in the inauguration ceremony of the China Recreational Angling Association and stated in clear terms that in the future, the Mainland also had to develop recreational fishing. The development of the recreational fishing industry is primarily geared towards the conservation of resources. I hope the SAR Government will also have the opportunity to play a part in such activities. What is meant by recreational fishing industry? It means changing the way of fish capture of some members of the fisheries industry, so that the fisheries industry can have sustainable development. Of course, development does not mean the application

of techniques to net tonnes of fish but an alternative way of fish capture, so that people who are interested can enhance their knowledge of fishery resources and various species of fish.

About two years ago, I made a visit to Japan and found that what was under development there was not recreational fishing but first-hand experience of the life of fishermen. They would invite a family or a tour group of about eight to 10 people to try for themselves how to catch fish by purse seining in the sea. After catching some squids or other kinds of fish, everyone could have a look at them and try them, so as to appreciate the hardship of fishermen in catching fish from the sea. I hope the Government can give more consideration to this area.

Therefore, I do not agree with the addition of this amendment by Mr Albert CHAN. Some people may say that it seems I am not helping the sector. I am precisely speaking for the sector. The whole sector says that if everyone takes a fishing net and several cage traps when going out to sea to catch fish at present, some licensed pleasure crafts with numbers that start with "8" or "3", have even outnumbered fishing vessels. The number of such vessels registered with the Marine Department of Hong Kong is close to 7 000 but our fishing vessels, together with those overseas, number only some 5 000 and in Hong Kong waters, there are only the Government claims that there are 400 trawlers and over 3 000 sampans, so the total is 4 000, or almost 4 000 vessels, but the number of vessels that take passengers on pleasure trips stands at almost 7 000. If passengers on each of these vessels bring along three cage traps and two fishing nets, what would be the consequence? I do not know. Will Members please tell me what the consequence would be?

Let us ask our own conscience, do we support everything that the Government does? If something is reasonable and justified, of course, we would support it; otherwise, we would argue continually with the Government endlessly without ceding any ground. However, what is being discussed today is the issue of fishing nets and cage traps. Be it members of the sector or operators of recreational vessels — I have been to Sai Kung to have discussions with the fishermen there — everyone thinks that in taking people out to sea on pleasure trips, it is preferable not to carry fishing nets and cage traps. If they are available, visitors may make certain requests and in that event, it would be difficult for them to refuse to place the gear into the sea but if they do, I am worried that the fishing nets may hurt the fish and may even cause injury to

people. Therefore, it would be preferable to organize fewer such activities. People living there all think that it would be most preferable to refrain from doing certain things. If visitors want to have fun and if they want to angle, they can do so and if they like to fish for squids, a spot light can be turned on for them to fish for squids and that would not be a problem. These things can be done very easily, moreover, accidents involving people and leading to irreparable consequences would not happen so easily. If it is said that one can just get a sampan and bring several nets and cage traps along, then go out to sea, I am worried that this would cause problems to people who do not know about fishing.

Therefore, Chairman, I call on Honourable colleagues — of course, I am not speaking for the Government — I hope Honourable colleagues will oppose the amendment proposed by Mr Albert CHAN. Thank you, Chairman.

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

MR ALBERT CHAN (in Cantonese): Chairman, to advance specious arguments and distort the truth for the sake of supporting the Government is precisely the true nature of the DAB.

Mr WONG Yung-kan said just now that currently thousands of pleasure vessels are not subject to regulation and no matter how many fishing nets or cage traps there are on board, at present, they are all permitted. Throughout so many years, has he ever raised this issue and requested the Government to impose regulation? I have never heard Mr WONG Yung-kan propose on any occasion or in the legislature that pleasure crafts be regulated by banning the use of fishing nets and rabbitfish traps on board. In other words, in actual operation, for many years prior to the enactment of this piece of legislation, the use of rabbitfish traps and fishing nets for recreational fishing on board pleasure crafts has not affected fishermen in any way. At present, among the 7 000 to 8 000 pleasure crafts, I wonder if those with fishing nets would number more than 50 or 60, so the number is arguably very small. Moreover, only a fraction of them have such gear as cage traps or rabbitfish traps on board, so the number is small. The great majority of these crafts are used for angling and this is also permitted under the existing law.

Concerning my amendment, the claims made by Mr WONG Yung-kan just now have completely distorted the facts and the original intention. My intention is not to encourage existing vessels to use such gear by distributing several fishing nets to each vessel for fishing in the sea. I only want to ensure that some of the ways of life and activities of the public will not be affected by the regulation of professional fish capture activities, that is, the fishing activities of fishermen. The original aim of my amendment is to protect the existing way of life and this is also stipulated in the Basic Law. May I ask how one can distort this into permitting each of the more than 7 000 crafts to use two fishing nets or three cage traps to catch fish? Had people wanted to use such gear on board these vessels, they would have used them for many years, so why did Mr WONG Yung-kan not propose the enactment of legislation to impose regulation at an early stage?

Now, my amendment has set an upper limit. Without it, using 10 or even 100 fishing nets or 100 cage traps is permitted but my proposal provides that no more than two fishing nets can be used. Mr WONG Yung-kan did not look at my amendment carefully, so he alleged that I demanded that fishing nets that were 80 m in length should be permitted but in fact, what I propose is that the area be not more than 80 sq m. A fishing net can be 2 m times 40 m or 1 m times 80 m in area because I have consulted people taking part in such recreational activities. They said that some fishing nets were 2 m in length and some were 1.5 m in length. Therefore, I do not want to prescribe any requirements on the length or the width. Rather, I hope to deal with this matter from the angle of the total square metres instead, so as to give the people concerned flexibility.

May I ask what impact could a few rabbitfish traps cause? The DAB did not address the part relating to safeguarding the way of life of Hong Kong people and is only concerned about fishermen's rights, claiming that using a couple of fishing nets more would affect the operation of professional fishermen. This being so, why did they not demand the enactment of legislation to ban the fishing activities of all other people? They may as well ban all fishing activities altogether.

In fact, for more than a decade, apart from demanding that the Government regulate fishing activities by banning the use of trammel nets or hang trawlers as well as the excavation of the seabed that causes damages, we have also proposed

a number of times that fishing activities be regulated. The number of fish caught is also regulated overseas, for example, recently, in Vancouver, it has been specified that each person can only catch one grouper daily and that this number cannot be exceeded. This is because a number of years ago, the Chinese there (some of them were Hong Kong people and some were people from the Mainland) caught nearly all the groupers in the ocean and after returning from the sea, they would give them away to their acquaintances, so regulation was imposed there on the number of fish caught through recreational fishing. In fact, Hong Kong should also impose regulation on what kind of fish that can be caught during what periods.

To fishermen, recreational fishing is actually a highly desirable career. Back then, when the 10 core programme projects were being implemented, I reflected this view to a number of Secretaries of Departments and Directors of Bureaux and Mr WONG Yung-kan probably knows about this quite well. We should build more artificial reefs in Hong Kong waters, the Government should then breed or culture more fish at these artificial reefs and specify that licences would be issued to fishermen only, so that they can take people to these artificial reefs for fishing, while other parts of the sea will be designated as prohibited areas. With regulation through licensing, a secure means of living can be assured for fishermen by means of recreational fishing and all these have been discussed for over a decade.

Back then, the Government also promised to build a large number of artificial reefs in the sea 1 km off the southern coast of Lantau Island but so far, this has not materialized. Apart from undertaking some of the work relating to artificial reefs in Tolo Harbour, which falls within Mr WONG Yung-kan's district, this kind of work that the Government promised to undertake as early as the 1990s has yet to be carried out, the only exception being the waters off the airport. Due to the environmental problems caused by supplying aviation fuel, the Advisory Council on the Environment vetoed the Government's proposal on three occasions and eventually, the Airport Authority was forced to pay \$500 million for the construction of artificial reefs in the northwest of the airport and as a result, the dolphins are protected and taken care of. Apart from this, many of the artificial reefs for which drawings have been prepared and initial proposals put forward as early as the 1990s subsequently have not been put in place.

On providing security to fishermen's living through recreational fishing activities, so that the fishing industry can see more diverse development, we have talked about this for innumerable times in the course of more than two decades. May I ask Mr WONG Yung-kan if the senior level of the Government has ever taken on board his views? They only know how to defend the hegemony of property developers and the financial sector, so do you think LEUNG Chun-ying can make it? Similarly, he would only hold debates in which the Chief Executive would yap like a dog and by that time, there is no knowing what sort of yapping it would turn into. He would forget something after saying it and he knows only how to talk about his political platform over and over again. Of course, the fishermen were awesome this time because they have 60 votes in their hands in the Chief Executive Election, which accounted for almost one tenth of the votes won by Mr LEUNG Chun-ying. With regard to what the fishermen said, of course, he would pretend to be sincere in attitude.

In fact, I absolutely agree with the comment made by Mr WONG Yung-kan, that Hong Kong should develop an offshore fishing fleet. More than a decade ago, I also submitted a proposal to the Government with reference made to the part on the development of the fisheries industry in the National Development Plan in Taiwan, proposing that Hong Kong could also make reference to the development of the fisheries industry in Taiwan by building artificial reefs on the one hand and developing aquaculture on the other, to be followed by the development of an offshore fishing fleet.

In fact, Hong Kong is well positioned to develop an offshore fishing fleet. Back then, the fishing fleets of the Mainland were not very sophisticated and, had the Hong Kong Government been willing to make investments and provide financial assistance, Hong Kong absolutely would have had the conditions to develop an offshore fishing fleet. Since Japan and Taiwan can make it, why cannot Hong Kong?

The focus of the amendment proposed today lies in safeguarding the way of life of the public and it is not at odds with the interest of fishermen. Not only is it not at odds, in contrast, it would even enhance the protection for fishermen. The existing legislation does not regulate how many fishing nets and cage traps can be used on board pleasure crafts. The Government is only trying to regulate fishing vessels through licensing. As I said just now, the original aim in

proposing the amendment to the legislation is not to regulate pleasure crafts and now, they are only affected accidentally.

Since licences regulating fishing vessels have to be issued, the problem of dealing with fishing vessels used for recreational purposes has thus arisen. The authorities proposed exempting this type of vessels, so that vessels using one fishing rod, one fishing line and one fishing hook would not be affected. To some extent, this will grant exemption to angling by permitting angling on board fishing vessels as an exemption for recreational fishing. However, there are still some grey areas in this regard. Although vessels using one fishing rod, one fishing line and one fishing hook are exempted, some anglers like to put three hooks onto one fishing line and this will be an offence. I have to remind these friends that under this piece of legislation, putting a number of hooks onto one line is an offence.

No matter how, through this opportunity, I have been able to debate with Mr WONG Yung-kan as well as giving the Government and the public more information. The fisheries policy of Hong Kong, in particular, the entire agriculture and fisheries policy under the reign of Secretary Dr York CHOW, can be described as an absolute failure and he has only kept curtailing the scope for the survival and development of the agriculture and fisheries industry. Even though regulation will be imposed through this Bill and sometime ago, funding has been approved by the Legislative Council Finance Committee to compensate fishermen, catastrophic consequences would still arise. Of course, I agree that in respect of inshore operations, the regulation of fishing activities should be strengthened through the issue of licences to prevent overfishing and damages to the marine ecology and the seabed which will affect the natural ecology. However, the Government has the responsibility to take forward the long-term development of the fisheries industry, including developing an offshore fishing fleet, recreational fishing and inshore operations.

Just now, several Members who have received deputations from the fisheries industry pointed out that there were still many problems with the existing compensation mechanism. My office has tried a number of times to make an appointment with the Agriculture, Fisheries and Conservation Department to discuss issues relating to the actual implementation of the compensation package approved last year, but our invitations were turned down. They are still unwilling to disclose the relevant details. This is most absurd

because the funding has been approved and now, legislation is being enacted for the purpose of issuing licences but regarding the many details of how the amounts of compensation are calculated, this is still at the stage of "black box operation". It seems a claim has emerged, alleging that people with close connections to Mr WONG Yung-kan will receive more in compensation and that fleets with on better terms with him and the DAB will receive more in compensation, while people of relatively distant affinity with them will receive less. This is a claim doing its rounds among fishermen now and they are very dissatisfied with this approach that makes affinity distinction. This situation is attributable to the lack of transparency under the relevant mechanism and the lack of clear criteria for the entire compensation package. In the future, after the committee responsible for formulating and examining the details has proposed the detailed compensation packages, one can either accept them or lodge an appeal, but in the latter case, one has to wait for an even longer time. For many years, fishermen have harboured strong dissatisfaction with many aspects of the compensation arrangements which are all attributable to the lack of transparency and the high-handedness in operating the entire framework.

President, lastly, what I find pathetic is that Hong Kong, as a fishing port, and with many Hong Kong people living close to the sea, even though people who like recreational fishing are not that many, it turns out that due to the crudeness of a piece of legislation, a basic way of life of some members of the public will be wiped out and this is indeed a great shame. I want to put my lament on record, so as to strongly condemn this attitude that disregards the protection for the way of life of the public as displayed by some Members in the Chamber.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, Mr WONG Yung-kan queried why I said offshore fishing would not be developed. After being elected, Mr LEUNG Chun-ying has not said a word about this — I am his adversary, so I pay a lot of attention to him — he has not even mentioned the word "fish" once and this is a fact. What have I heard him say? Regarding the measures involving Hong Kong in the 12th National Five-year Plan, he would surely implement them; regarding the development projects involving both sides of the boundary under the Framework Agreement on Hong Kong/Guangdong Co-operation, he would surely implement them, only that fisheries is not included; regarding the more than 30 preferential measures proposed by LI

Keqiang during his visit to Hong Kong, which caused the "dark shadow" controversy, he would surely implement them. Buddy, there are written records in this world, are there not? I have really never heard him talk about the development in this area. Of course, there are also written records on the relevant remarks, so if you do not believe me, you might as well ask one of his cabinet members, Mr Paul CHAN, if they have discussed this issue. I did not make this up and I also have some personal experience, that is, during the reign of "Old TUNG", I have a football buddy who went to Africa — and he really went there in an offshore boat — his licence

CHAIRMAN (in Cantonese): Mr LEUNG, please note that under Rule 45(1) of the Rules of Procedure, the Chairman of a committee of the whole Council, after having called to attention the conduct of a Member who persists in irrelevance in the debate, may direct him to discontinue his speech. Therefore, please do not keep raising irrelevant issues.

MR LEUNG KWOK-HUNG (in Cantonese): This is relevant. What is being discussed is offshore sailing, so I am talking about offshore fishing and I am precisely talking about this part.

CHAIRMAN (in Cantonese): What is being debated is the original clause 17 and the amendment to it. Please go on.

MR LEUNG KWOK-HUNG (in Cantonese): Mr WONG Yung-kan also talked about this just now. He said I did not know about this and when he accused me

CHAIRMAN (in Cantonese): If you want to respond to Mr WONG Yung-kan, just be to the point and do not keep raising irrelevant issues.

MR LEUNG KWOK-HUNG (in Cantonese): Yes. According to the amendment proposed by Mr Albert CHAN, offshore fishing ought to be

developed and he also talked about this point just now, and so did Mr WONG Yung-kan. Since these two prominent Members have both talked about this point, a humble Member like me should also be allowed to talk about this point. Both of them talked about they also talked about a so-called irrelevant subject matter and I think what I am talking about is relevant to what they talked about, so it is relevant to the subject matter. It is definitely relevant. This is a very simple rationale. If we really want to help Hong Kong fishermen, why is it necessary to go through so much formality and make so much fanfare? Back in those years, I also assisted a team-mate whose boat was disabled by a typhoon that he encountered while fishing in East Africa. He needed to renew the fishing papers issued to him by the SAR — I wonder if Secretary Dr York CHOW was in office at that time — the authorities told him that he had to come back to make an application personally, that he could not entrust other people to renew the licence for him in Hong Kong, nor could he send his papers by speedpost to renew his licence. That was terrible and his business involving several million dollars was ruined. Chairman, why do I talk about this?

CHAIRMAN (in Cantonese): Please speak on the original clause 17 and the amendment.

MR LEUNG KWOK-HUNG (in Cantonese): Right. Now, concerning Mr Albert CHAN's criticisms of the amendment, in fact, I can understand their aim and I think that they are advancing reasonable arguments, only that the arguments are a bit far-fetched. In fact, what they mean is: If we do not drive people to a dead end, require that the size of fishing nets on pleasure crafts be 80 sq m in area or ban the use of various types of cage traps, when fishermen are asked to register their fishing vessels, they would switch to using pleasure crafts to carry out their operations instead. Buddy, everyone understands this rationale, so why do we need to say more? Secretary Dr York CHOW likes to do this the most. When other people demanded that smoking in offices be banned, he implemented an "all-weather" ban that includes the fifth floor of this building, where the sun can scorch you dead. This is a typical example of how the Government deceives Members when enacting legislation, is this not? His thinking is: Since it is necessary to ban smoking in offices, so all places under the surveillance and control of the Government are also considered offices and he banned smoking

across the board without considering any special circumstances, and just keeps expanding the scope of the smoking ban. After considering the comments made by Mr Albert CHAN, they believed that if certain types of vessels were exempted, many fishermen would switch to using those so-called pleasure crafts to engage in the banned activities. In that case, what figures are available to support this? You have your justifications, you have done some logical reasoning and you also have arguments to back up yourself, but do you have any figures to prove this? How did you derive the relevant figures? Rightly as pointed out by Mr Albert CHAN, in the future, why would they do something that they have never done before? Do you mean that a lot of fishermen would exploit the loophole in law? Why would they do so?

In enacting legislation to ban trawling, the aim is to avoid damaging the seabed. At present, how would using a rabbitfish trap or a fishing net with an area of 80 sq m operated by machine damage the seabed? How would a fishing net measuring 80 sq m operated by boats damage the seabed? Therefore, in my view, the crux of this problem lies in whether or not long-term financial assistance can be provided to the fisheries industry in Hong Kong, so that fishermen do not have to damage Hong Kong's marine environment in order to make a living, nor do they have to switch to fishing with pleasure crafts or rent their pleasure crafts to others to carry out *de facto* fishing in order to make a living. Which amendment proposed by Mr Albert CHAN will give rise to such an effect? Why will that be so? The problem is that after a fishing vessel has been registered, it will be subjected to regulation, while pleasure crafts will not be, so fishermen think that they will be at a disadvantage and here lies the crux of the problem. In my opinion, the matter that needs to be discussed is: What would the consequences be if no exemption is granted?

Chairman, I think that the Government under the leadership of LEUNG Chun-ying should understand the state of the fisheries industry in Hong Kong. Some Members said that it was necessary to develop offshore fishing. Since this was stated from the outset, why are pleasure crafts banned from fishing activities that they are originally permitted to engage in? Why do we not focus our efforts on developing the offshore fishing industry? Chairman, at the end of the day, I think that this matter is related to our political system. In the elections of functional constituencies, the situation of a few people representing a small number of voters would surely arise, as I said in my first speech, such that the

interests of people in various sectors cannot be fully represented. Simply put, if conflicts between the interests of fishermen and those of pleasure crafts owners arise, how can they be resolved? Chairman, please look at me.

CHAIRMAN (in Cantonese): Mr LEUNG, please do not repeat your points.

MR LEUNG KWOK-HUNG (in Cantonese): No, what I have talked about is a new point because at present, there is not any functional constituency for people organizing recreational fishing activities.

CHAIRMAN (in Cantonese): We are now debating the original clause 17 and the amendment.

MR LEUNG KWOK-HUNG (in Cantonese): Fine, since you say so, I will not argue anymore. I think your judgment is astute.

May I ask you to enlighten me: Is there any functional constituency representing people organizing recreational fishing activities? There is none, right? How can the interests of these people be protected? Here lies the crux.

I am not going to repeat the relevant arguments anymore. I only wish to say that if the Chief Executive elect, LEUNG Chun-ying, really wants to develop offshore fishing, will he please take the trouble of announcing this loud and clear to the whole world, so that we do not have to guess how he is going to deal with this area?

Thank you, Chairman.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): Secretary for Food and Health, do you wish to speak again?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Chairman, the Government opposes the amendment proposed by Mr Albert CHAN to clause 17 of the Fisheries Protection (Amendment) Bill 2011 (the Bill).

We wish to point out that the Bill seeks to regulate fishing activities which add pressure to the depleting fisheries resources while keeping the impact on public enjoyment of recreational fishing as a leisure activity by the Bill to a minimum. Common fishing methods used by the public on board non-fishing vessels, such as pleasure crafts, are already permitted under the proposed Schedule 2. These methods include: Fishing by means of a line with jigs or hooks operated by hand, fishing without the use or aid of any fishing gear, fishing during diving supported by self-contained underwater breathing apparatus, as well as fishing with the aid of hand nets, which was added just now. Since the Schedule seeks to list common fishing methods used by the public for recreational purposes, any gear used in commercial fishing should not be included in the Schedule.

Mr Albert CHAN's amendment proposes to allow the use of not more than three cage traps hanging from a vessel and each cage trap must not exceed 1 cu m in size, and not more than two fishing nets operated from the vessel, each net not exceeding 80 sq m in area. We oppose these proposals. First of all, the use of such fishing gear is uncommon among recreational fishers. Some fishermen who are actively engaged in the recreational fishing business have also confirmed that the deployment of the above means in fishing is rare because of the limited skills of participants in recreational fishing activities and the fact that cage traps generate a pungent smell. The fishing gear that Mr CHAN proposed to permit is not different from the fishing gear used by fishermen and a cage trap of one cu m is even bigger than the rabbitfish cage commonly used by fishermen.

Not only does proposed Schedule 2 to the Bill apply to non-fishing vessels, it also applies to local fishing vessels with licences issued by the Marine Department. The original intent of the Bill is to specify the relevant fishing gear for local fishing vessels by specifying the conditions of registration through the fishing vessel registration scheme. As at the end of 2011, there are about 5 800

local fishing vessels and some 7 500 local non-fishing vessels (including pleasure crafts) in Hong Kong with licences issued by the Marine Department. If these two proposals put forward by Mr CHAN are passed, a total of over 10 000 vessels will be free from the regulation of the fishing vessel registration system and they can employ the fishing methods proposed by Mr CHAN at any time. Such a situation is not in line with our legislative intent.

In addition, the proposals put forward by Mr CHAN are also impracticable. First, fishing activities are carried out at sea and there is some degree of difficulty in law enforcement if we want to track fishers who deploy from their vessels cage traps or fishing nets that are larger than those permitted by the law. Second, after cage traps or fishing nets have been placed into the water, it would be difficult for law-enforcement agencies to ascertain the number or size of the cage traps or fishing nets used in fishing. I hope Members will understand that a regulatory provision that has grey areas and is difficult to enforce will lead to a lot of difficulties in enforcement in the future.

After the Ordinance has come into effect, we will evaluate the effectiveness of the fisheries management measures in rehabilitating fisheries resources and the impact of recreational fishing activities on fisheries resources in Hong Kong. If necessary, after adequate consultation with the stakeholders, the Director of Agriculture, Fisheries and Conservation can amend the proposed Schedule 2 of the Bill by notice in the Gazette to permit using vessels other than non-local fishing vessels to catch fish by other methods.

With these remarks, I implore Members to oppose the relevant amendment.

Thank you, Chairman.

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

(Members raised their hands)

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

(Members raised their hands)

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

CHAIRMAN (in Cantonese): Mr Albert CHAN, you may now move your amendment.

MR ALBERT CHAN (in Cantonese): Chairman, I move that clause 17 be further amended.

Proposed amendment

Clause 17 (see Annex I)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the amendment moved by Mr Albert CHAN be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr Albert CHAN rose to claim a division.

CHAIRMAN (in Cantonese): Mr Albert CHAN has claimed a division. The division bell will ring for five minutes.

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

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

Functional Constituencies:

Dr Raymond HO, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Mr Abraham SHEK, Ms LI Fung-ying, Mr Vincent FANG, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Prof Patrick LAU, Dr LAM Tai-fai, Mr Paul CHAN, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him and Dr PAN Pey-chyou voted against the amendment.

Mr CHIM Pui-chung, Dr LEUNG Ka-lau and Mr Paul TSE abstained.

Geographical Constituencies:

Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man voted for the amendment.

Mr Albert HO, Mr Fred LI, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Mr LAU Kong-wah, Ms Emily LAU, Mr Andrew CHENG, Mr TAM Yiu-chung, Ms Audrey EU, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Sing-chi, Mr WONG Kwok-kin, Mr Alan LEONG and Miss Tanya CHAN voted against the amendment.

THE CHAIRMAN, Mr Jasper TSANG, did not cast any vote.

THE CHAIRMAN announced that among the Members returned by functional constituencies, 22 were present, 19 were against the amendment and three abstained; while among the Members returned by geographical constituencies through direct elections, 25 were present, three were in favour of the amendment and 21 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.

CLERK (in Cantonese): Clause 17 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clause 17 as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

PRESIDENT (in Cantonese): Bill: Third Reading.

FISHERIES PROTECTION (AMENDMENT) BILL 2011

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, the

Fisheries Protection (Amendment) Bill 2011

has passed through Committee with amendments. I move that this Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Fisheries Protection (Amendment) Bill 2011 be read the Third time and do pass.

Does any Member wish to speak?

MR ALBERT CHAN (in Cantonese): President, the People Power supports this motion during the Second Reading. As I said in the Second Reading, the request made is to regulate fish culture and enhance the regulation of fishing activities, including the prohibition of trammel net and trawling, especially, fishing activities like hang trawling which cause damage to the seabed. So we agree that the issue of licences for that purpose should be adopted as a general direction.

During the deliberation stage, we have put forward suggestions constantly that the Government should strengthen some basic provisions regarding the issue of licences. These include restricting the size of the eyes of the fish nets in order to prevent indiscriminate capture and the capture of undersized fish before they have grown up. But the suggestion has been turned down. When Secretary Dr York CHOW said earlier in response to my amendment that if pleasure crafts can have a fish net not larger more than 80 sq m and if a few rabbitfish traps can be placed, then the catches will be affected. This is absolutely nonsense because what should be regulated are not regulated.

In the case of angling, we have urged many times that a licensing regime be imposed not just for professional fishing but also recreational fishing and lining. In respect of lining, what should be regulated is the size of the fish and

number. This is because lining can be a very important economic activity. Recently, some fishermen at Ma Wan caught some yellow croakers by lining. A yellow croaker that weighs 3.7 kg can be sold for \$30,000. Their income on that night as a result of lining was close to \$100,000. So the regulation of lining can affect the catch in inshore fishing operations and other related matters.

However, the regulation imposed by the Government in this regard is extremely sloppy and weak. If the Bill is passed, it will be a complete contradiction of the legislative intent. The legislative intent is to regulate professional fishing and fishing vessels, but the regulation sought to be imposed has completely missed the mark. It affects the daily activities of the general public. This is depriving the people of their basic rights.

Secretary Dr York CHOW is smiling. He fails to hear what I am saying. How shameless. He smiles when he deprives the rights of the people. He is about to retire in 52 days. He is about to go. This kind of Bureau Director who deprives people of their rights or neglects them must be condemned. Just pack and go. I

PRESIDENT (in Cantonese): Mr CHAN, in the debate on the Third Reading of the Bill, you should only explain your voting decision to be made later.

MR ALBERT CHAN (in Cantonese): I understand. It is just because I get furious and think it is a shameless act for a Bureau Director not to respect Members as they make their speeches. He is wearing a clownish smile and does not care what decency is, and he has no sense of shame. It makes people mad to see him wearing that stupid smile when he is scolded.

So put that on record. In future, if there is any citizen of Hong Kong who out of ignorance or inadvertence has been prosecuted for using a cage trap or a net to catch fish and the act is regarded as a criminal offence and he is subsequently unable to practise as a doctor or lawyer, then York CHOW will have to bear the main responsibility. Those Members who oppose my amendment also bear this responsibility. Just see how many citizens of Hong Kong will be prosecuted and have their lives ruined because of this Bill and

because of this blatant disregard by Members of the people's rights. Those Members who support this Bill will be responsible.

The two Members from the People Power will vote against the Bill at Third Reading.

PRESIDENT (in Cantonese): Does any other 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.

(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 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.

Mr Albert HO, Dr Raymond HO, Mr Fred LI, Mr CHAN Kam-lam, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Emily LAU, Mr Andrew CHENG, Mr TAM Yiu-chung, Mr Abraham SHEK, Ms LI Fung-ying, Mr Vincent FANG, Mr WONG Kwok-hing, Dr Joseph LEE, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr Ronny TONG, Prof Patrick LAU, Mr KAM Nai-wai, Ms Cyd HO, Ms Starry LEE, Dr LAM Tai-fai, Mr CHAN Hak-kan, Mr Paul CHAN, Mr CHAN Kin-por, Dr Priscilla LEUNG, Dr LEUNG Ka-lau, Mr WONG Sing-chi, Mr WONG Kwok-kin, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE, Dr Samson TAM, Mr Alan LEONG and Miss Tanya CHAN voted for the motion.

Mr LEUNG Kwok-hung, Mr Albert CHAN and Mr WONG Yuk-man voted against the motion.

Mr LEUNG Yiu-chung abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that there were 46 Members present, 41 were in favour of the motion, three against it and one abstained. Since the question was agreed by a majority of the Members present, he therefore declared that the motion was passed.

CLERK (in Cantonese): Fisheries Protection (Amendment) Bill 2011.

MR LEUNG KWOK-HUNG (in Cantonese): I have a request and that is, I wish to move an adjournment debate under Rule 16(2) of the Rules of Procedure. May I present my reasons for this now?

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung has sought my approval to move an adjournment debate under Rule 16(2) of the Rules of Procedure. As Mr LEUNG Kwok-hung has presented the grounds for this request in writing, he does not have to present his arguments in detail here.

MR LEUNG KWOK-HUNG (in Cantonese): OK.

PRESIDENT (in Cantonese): Mr LEUNG has sought my approval to move the following adjournment debate: That this Council shall now adjourn to debate on the case of Mr CHEN Guangcheng and his nephew CHEN Kegui.

I have received a letter from Mr LEUNG earlier, setting out the grounds for moving this adjournment debate. After considering his arguments carefully, I have decided not to grant my approval. I will write to Mr LEUNG and Members later, listing the reasons for this decision in detail. The meeting will now resume.

Resumption of Second Reading Debate on Bills

PRESIDENT (in Cantonese): We now resume the Second Reading debate on the Electoral Legislation (Miscellaneous Amendments) Bill 2012.

ELECTORAL LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2012

Resumption of debate on Second Reading which was moved on 8 February 2012

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

MR IP KWOK-HIM (in Cantonese): President, in my capacity as Chairman of the Bills Committee on the Electoral Legislation (Miscellaneous Amendments)

Bill 2012 (the Bills Committee), I shall now brief the Council on the major deliberations of the Bills Committee.

The major proposals of the Electoral Legislation (Miscellaneous Amendments) Bill 2012 (the Bill) introduce a number of amendments to the regulatory regime of election advertisements and the relevant arrangements for various elections. With respect to the regulation of election advertisements, members welcome the proposal of the Administration in allowing a candidate to post election advertisements or digital images of election advertisements electronically onto an open platform either maintained by the Registration and Electoral Office (REO) or by the candidate himself, with a view to obviating the need for the candidate to submit election advertisements to the appropriate Returning Officer. In respect of the consent for support in election advertisements, the Bill provides that a candidate is not required to obtain prior written consent from those who provide support in election advertisements if the candidate has neither requested or directed nor authorized any other person to request or direct the inclusion of such support in election advertisements. Members support the relevant amendment.

With regard to a candidate contravening the requirements in relation to election advertisements, members support the Administration's proposed penalty of a fine of \$5,000 and imprisonment for six months. However, members have expressed concern that the penalty to punish non-compliance with the requirements in relation to election advertisements under section 34 of the Elections (Corrupt and Illegal Conduct) Ordinance, that is, a fine of \$200,000 and imprisonment for six months, only applies to the New Territories Heung Yee Kuk (HYK) and Rural Committee elections.

The Administration has explained that the HYK and Rural Committee elections are presently not under the regulation of the Electoral Affairs Commission (EAC). The Home Affairs Bureau, which is the Policy Bureau for matters relating to the HYK and Rural Committee elections, will conduct a review regarding these elections. The Home Affairs Bureau will brief the relevant panel of the Legislative Council of the result of the review. At the Bills Committee's request, the Constitutional and Mainland Affairs Bureau has undertaken to relay members' views to the Home Affairs Bureau for consideration.

Regarding the proposed central counting arrangements for counting ballot papers of the District Council (second) Functional Constituency (DC (second) FC), members are concerned that given the large number of ballot papers involved in Geographical Constituencies (GCs) and DC (second) FC, the Administration's proposed arrangement will cause delay to the counting process. According to the Administration, based on past experience, it is estimated that at least 15% of the polling stations are too small to set up two sets of counting tables for counting both GC and DC (second) FC ballot papers in parallel. Under the polling-cum-counting arrangement, the counting of DC (second) FC votes can start only after the completion of counting GC votes. Given the large number of ballot papers involved in GCs and DC (second) FC, two consecutive rounds of counting, including the consolidation of counting results, will unlikely be completed before 6 am of the following day.

In response to members' request for improvement of the counting arrangement, the Administration has proposed amendments to the effect that the ballot papers in at least one of the ballot boxes of the main counting station must be mixed with the ballot papers from the small polling stations or the ballot paper sorting stations or the dedicated polling stations. As a result, the counting of votes of the ballot papers in the remaining ballot boxes of the main counting station can commence before the arrival of the ballots papers from the above stations.

In respect of the voter register format, most members support the Administration's amendment in which the voter register can set out the names of the electors in accordance with their principal residential addresses apart from the original format which sets out electors in accordance with their names. However, a member is concerned that the proposal may infringe on personal privacy. According to the Administration, it has consulted the Privacy Commissioner for Personal Data on the proposal. The Privacy Commissioner for Personal Data is of the view that the proposal will only involve a new sorting sequence and will not involve disclosure of additional personal data of voters.

President, the foregoing is my report on the work of the Bills Committee. Below are the views I present on behalf of the DAB. The DAB supports the Bill. Targeting at the declaration of election advertisements, the legislative amendment this time around has provided for new arrangements. Nowadays, diversified and various promotional methods adopted by many candidates and

their teams change with each passing day, ranging from simple promotional leaflets, posters and banners in the past, to the current utilization of websites and mobile phone Apps. Insofar as the procedures and arrangements in relation to declarations of election advertisements are concerned, if corresponding amendments are not made in the relevant areas, they will subsequently become tedious and complicated. With this amendment, candidates will be able to adopt the new practice in the Legislative Council Election in September. The practice of declaration of election advertisements by posting the advertisements onto an open platform either maintained by the REO or by the candidate can be considered as killing two birds with one stone. Not only will it facilitate the candidates, it will also simplify the work of the REO, saving manpower as well as resources. The REO will launch a trial scheme of the declaration platform shortly. The DAB hopes that the REO will accept the views collected during the trial period and make consequential improvements in order that this declaration platform of election advertisements will operate smoothly during the election period in September. The DAB is also prepared to participate in the trial scheme.

The new DC (second) FC will certainly become the focus of all in the September election. The election of this constituency involves over 3 million electors in Hong Kong. How the large number of ballot papers can be handled efficiently, so that the results of the counting and the final election results can be made public as early as possible will certainly be the concern of the candidates and the public. According to my past experience, with only 400-odd electors in the District Council Functional Constituency, that is, the current District Council (first) Functional Constituency in which I stood for, do you have any idea how long it took from delivering the ballot boxes from the polling stations to the central counting station, sorting of ballot papers, completion of counting, to the formal announcement of the election results? The answer is six hours. It took that long to count 400-odd ballot papers. You can imagine how long it will take to count over 3 million ballot papers this time around. I hope that the Administration, learning from the past experience, will be able to drastically shorten the time needed for the counting procedure. Of course, the shortening of time must not affect the accuracy of the results.

In the course of deliberations on the Bill, the Government has repeatedly explained that due to the limited areas of some polling stations, it is impossible to count the ballot papers of both GCs and DC (second) FC in the same venue.

Besides, the venues have to be returned to the relevant organizations or institutions according to the scheduled time, so it will be impossible to convert the polling stations into counting stations. We understand the difficulties in this regard. However, we hold that the Government should make more efforts to resolve the problem. I believe it is most appropriate for the polling and counting procedures of the two elections to take place in the same venue, which will enhance the efficiency and ensure the smooth conduct of the entire counting procedure.

As for the relevant amendment proposed by the Government on the basis of the current decision to the effect that the ballot papers in at least one of the ballot boxes of the main counting station must be mixed with the ballot papers from the small polling stations or the ballot paper sorting stations or dedicated polling stations, thereby shortening the time required for completing the counting, we consider the amendment acceptable. Thus, the DAB agrees to the relevant amendment.

With respect to the upcoming Legislative Council Election, over 3 million electors can take part in the election to return new Members of the DC (second) FC by "one person, two votes". The new issue of enabling electors to distinguish between the elections of GCs and DC (second) FC is no easy task. If the same numbering sequence for the lists of candidates of GCs is allowed to be continued in this so-called "Super District Council" election, it will certainly be confusing to electors. Thus, the arrangement of a 3-digit number proposed by the Government is supported by the DAB. The DAB also proposes to start the numbering sequence from eight with a view to enabling electors to clearly distinguish candidates of GCs from candidates of DC (second) FC.

President, the Bill also involves arrangements related to the voter register. On the polling days of a number of past elections, many electors found that their registrations had been deleted from the voter register for reasons unknown. Such cases were numerous. In order to further facilitate electors in checking their registrations, the Government has proposed an amendment to the effect that the voter register will continue with its original format to allow electors to make enquiry in accordance with their names, as well as checking whether they are already registered as electors in accordance with their residential addresses. The DAB supports this amendment. I have also noted that a member has great

reservation about this and opposes the amendment. From the perspective of privacy, the member is concerned that the proposal will have certain effect in this regard. I am concerned about this and have carefully listened to this argument. However, I came to the view that since the voter register has been put in place, the key factor is electors will be allowed to check more quickly whether they have been disqualified from being electors. There are too many electors with identical names and surnames. It will be more specific if they are allowed to conduct checks in accordance with their residential addresses. Thus, the DAB supports the amendment proposed by the Government.

With these remarks, President, I support the Bill on behalf of the DAB. Thank you, President.

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

MS EMILY LAU (in Cantonese): President, I speak in support of the resumed Second Reading of the Electoral Legislation (Miscellaneous Amendments) Bill 2012.

Just as Mr IP Kwok-him, the Chairman of the Bills Committee, said just now, members of the Bills Committee have reached a consensus on and agreed to the majority of the items during the deliberations on the Bill. We welcome the proposal of submitting various documents and advertisements by electronic means. We hope that the Administration will really be careful in handling this so that there will not be any problems. It will be awful if it turns into a joke. I can understand that the Administration is rather anxious because there will be elections of different forms by that time. Besides, there will be many candidates as well. President, I guess you have heard that there will be a large number of candidates in some constituencies, with the lists of candidates reaching as many as 20. Thus, I hope that this will not be taken lightly by the Administration.

Just now, Mr IP mentioned there might be a trial scheme. If there is such a scheme, the Democratic Party will like to participate as well. I believe the Administration will also encourage others to participate so that all of us can familiarize ourselves with the procedure. If problems are identified, they can be

resolved expeditiously. We absolutely do not wish to encounter system malfunctions or other problems once the election process has commenced. That will pose enormous troubles. I hope that the Secretary will really undertake to provide adequate resources, manpower and professionals to assist the Administration in handling this task properly.

Moreover, President, Mr IP also mentioned the central counting arrangement just now. With respect to the DC (second) FC, I also hope that the Administration will really handle this carefully. Since this is a new form of election, we hope that many members of the public will cast their votes in this election. The Democratic Party has all along promoted "one person, two votes". We are happy to find that an increasing number of people have been informed of this. If many people turn out to cast their votes, the 500-odd polling stations will be crowded with people on that day. At the final stage, some ballot boxes will have to be left in the polling stations for counting, while some will have to be delivered to the AsiaWorld-Expo at the Airport for central counting. We must not underestimate the problems or difficulties we will encounter during this course.

This will pose an enormous challenge to the Secretary, his colleagues and the REO. The Secretary said that a few thousand or more civil servants will be recruited to assist in the entire process. President, during the discussions with the Administration, the Democratic Party has all along expressed the wish that the staff in charge of polling stations will be genuinely independent, fair and objective. We had discussed with the Administration about a number of complaints received in the past. They had completely ignored certain cases. The Returning Officer did not have time to tackle the cases. Reporting the cases to them was equivalent to empty talk. I hope that such cases will be handled properly in the upcoming election. And I hope that some independent and impartial persons will be in charge of polling stations. We particularly do not wish to see the scenario of people casting ballot papers into the wrong ballot boxes.

According to the Administration, it may help to pre-empt the scenario of casting ballot papers into the wrong ballot box if the colour of the folded ballot paper is the same as the colour of the ballot box. President, it is not that misplaced ballot papers cannot be counted, but you know how tedious the whole procedure is. Mr IP said just now that it took six hours to count 400-odd ballot papers. If there are 2 million ballot papers, I really do not know how long the

Administration has to rent the AsiaWorld-Expo for counting all ballot papers. It may easily take three or four days to count the ballot papers at the AsiaWorld-Expo. That will really be ridiculous. Thus, I hope that the matter will not be taken lightly by the Administration. We hope that the civil servants in charge will be open, fair and impartial. We have asked the Administration not to deploy those who work in the local areas to be stationed at the polling stations. This is because they are familiar with the local residents. When they find local residents entering the polling station, they will say, "Uncle CHAN, Mrs HO, let me take you into the venue." We have heard many complaints of this kind. There are also complaints that when elderly people or people with disabilities enter the polling station, officers will assign staff to accompany them into the venue to cast votes. All these are non-compliant practices. I hope that they will be handled by the Administration in a stringent manner this time around.

As for the Airport, President, at the moment, whether there will be transportation arrangements is not yet known to us. You know very well that the polling stations will close after 10 pm. After the polling stations have been closed, volunteers and candidates are already very tired. But they still have to go to the AsiaWorld-Expo. They do not know what the transportation arrangements are and how long they have to work over there. Thus, I hope that the Administration and those at the AsiaWorld-Expo will be able to provide food and places where they can take a break. They have to keep on working, not knowing how long they have to work. If certain ballot boxes cannot be delivered or ballot papers are cast into the wrong ballot boxes, they will really have no idea how long it will take to complete the task. If it takes six hours to handle 600-odd ballot papers, how many days will it take to handle 2 million ballot papers?

Secretary, maybe you can tell us later in your response. According to your estimation, how many hours will it take to handle the ballot papers? Mr LI has estimated that the task will be completed at noon on Monday (that is, 10 September). I believe it is certainly impossible. I wonder whether it can be completed on 11 September or even at noon on 12 September. Thus, we hope that the procedure of casting votes and counting votes of this mega election can be arranged properly so that confusion will not arise.

Mr IP mentioned the numbering arrangement just now. Very often, members of the public will ask which candidate has been allocated which

number. Usually it is 1, 2, 3, 4. Since we have two sets of ballot papers now, we agree to the adoption of two different sets of numbers, that is, we agree that 1, 2, 3, 4 will continue to be adopted for the GCs; and a 3-digit number will be adopted for the territory-wide DC (second) FC. Initially the Administration had proposed using bus numbers familiar to the public, such as 101, 111, 102, 103. In the course of subsequent discussions, someone suggested it would be better to use the numeral 8 as this is a favourite number of the general public. Besides, starting the numbers with 8 will be easier to distinguish them from the numbers of 1, 2, 3, 4. The Democratic Party had discussed the proposal and agreed to using 801, 802, 803. Initially someone also suggested using English alphabets. However, some members of the public may not know English alphabets at all, so it will be impossible to use A, B, C, D. Thus, it was decided to adopt a 3-digit number to represent the candidates of the territory-wide DC (second) FC, while single-digit numbers 1, 2, 3, 4 will continue to be adopted in GCs single-digit numbers may not be used, because there may be 15 or 20 lists in some GCs; the same numbering sequence will continue to be adopted in these GCs. President, all these methods are new attempts. And I hope it will be the last time for us to use them, President, for we do not quite like these methods. However, we hold that this kind of handling method represents breaking the deadlock and moving towards universal suffrage, "one person, two votes". This is the decision made by the Democratic Party. Of course, we hope that universal suffrage will be implemented as soon as possible by 2016. Therefore, LEUNG Chun-ying and his team should respond to the aspirations of the public as soon as possible.

Finally, President, I would like to talk about the format of the voter register. I know that Mrs Sophie LEUNG takes issue with this. Maybe she will speak later in the meeting. How does the Administration reply to this? It has already agreed to the relevant format. In the past, looking at the voter register was like facing a tidal flood. We could not distinguish in which unit the elector was residing. Why are we so anxious in demanding the Administration to set out the electors in accordance with their residential units? For instance, how many electors are there in Flat C on the 18th Floor, or Flat B, or Flat A? Looking at the register in such a sequence, we will be able to ask why there are 20 electors registered at a certain unit. Hadn't the Democratic Party lodged a few hundred cases of complaints, the number of which almost amounted to 1 000, with the Administration, the Independent Commission Against Corruption (ICAC), the REO, and the police years ago? President, this is due to the

problem of vote rigging. Thus, the Administration has also agreed to facilitate the public in inspecting the voter register in order to check irregular registrations. President, this is not only an irregular practice, but also an offence. If you do not live in that unit but register the unit as your address, and cast your vote under that address, your act will bring disgrace to Hong Kong.

Now, the ICAC has to conduct investigations into many cases. I would also like to take this opportunity to ask the ICAC to expedite the investigations. We are very pleased to hear that the Privacy Commissioner for Personal Data considers this not an infringement on privacy. This has been explained by the Administration. We hope that the explanation will enable the public to know that, if they feel like doing so, they can check the voter register to see if someone has been vote rigging in their addresses, or check whether there are irregular registrations in other addresses.

Further, President, the most important thing is that — through this process — we hope the Administration will devote more efforts to educating the public that they should not take part in vote rigging, which is illegal. We often say that though there is no democracy in Hong Kong, and members of the public do not have a right to choose their own Government, our voting system is "clean". Unfortunately, after the incidents that took place last year, after so many cases of complaints, now we dare not say that anymore.

Thus, we support this practice. As a matter of fact, it is still not enough. We have put forth many proposals to the Administration. We hope that the Administration will really carry out investigations. On finding out that many people have registered under the same address — more than six or seven people have registered under one household — the Administration has said that it will conduct random sampling checks, a message should be sent to the entire community so as to let people know that someone actually are engaging in such filthy acts. We must be alert. And we must urge those people who have engaged in such acts to stop doing so. In addition, the Administration must be vigorous in carrying out investigations. This is only a very humble proposal.

We hope that the Legislative Council will support the amendments proposed by the Secretary today. We hope to strike home the message that such a practice is not intended to infringe on the privacy of anyone. Given that there are many suspected cases and complaints of vote rigging, this is only one of the arrangements to facilitate the public and the community in tracing and checking

irregularities. There are many other methods. The Democratic Party will continue exploring. We also encourage the public to report such activities. We call on the public not to engage in vote rigging. Members of the public must not tempt the law.

President, we have also held discussions with the Administration on the subject of Hong Kong permanent residents residing in the Mainland. The Basic Law specifies that they have the right to vote. However, it is stipulated in the laws of Hong Kong that only those who ordinarily reside in Hong Kong with a Hong Kong address can be registered as electors. I do not know how the Administration is going to verify their eligibility if they have already moved to the Mainland. This is a difficult question. We are worried that these members of the "airborne corps" will make their move before the election — a group of people registered under a certain address for some unknown reasons — so that there are a few hundred to a thousand additional votes in a certain constituency. The Secretary should understand our anxiety. All of us hope that the election is conducted in an open, fair and impartial manner. However, there are so many problems which are often reported by the media. Recently there have been reports that the Liaison Office of the Central People's Government in Hong Kong Special Administrative Region has set up in Shenzhen some kind of a "squad", which will formulate plans for 500 000 electors to come to Hong Kong to cast votes. These are the issues which must be addressed by the Administration. We must not stand trembling after CAO Erbao has reprimanded Gabriel LEUNG. I believe the Administration will lose face if we cannot even defend our polling system.

President, we believe that after this Bill is passed, the Secretary will have a lot of work to do. If something goes wrong on 9 September to the extent that the entire election is plagued with problems, the Secretary and his colleagues can hardly absolve themselves from the blame. The Legislative Council will support the Government in various aspects. The Legislative Council will render support to the Government if it needs resources. The Legislative Council will also render support if the Government needs to make legislative amendments. Thus, I hope that the Government will make every effort to organize a successful election which we consider a tiny step of progress forward. I will say this one more time — the Democratic Party agrees to breaking the deadlock and moving towards universal suffrage. President, I hope we do not have to wait too long for this.

MR RONNY TONG (in Cantonese): President, last year's District Council Election had caused a public uproar. Many problems have successively emerged. President, frankly speaking, under an unjust political system, if the Administration cannot convince people that the electoral system is clean and impartial, people in Hong Kong will completely lose their confidence in the constitutional arrangement.

President, I must commend Secretary Raymond TAM. Back then, he wasted no time in coming forward to say words of assurance to the people. I believe many colleagues will agree that he has done a better job in this aspect than the former Secretary, Stephen LAM. At least he is unlike Secretary Stephen LAM, who blindly defended the existing system without reviewing and identifying what improvements could be made. Unfortunately, when Secretary Raymond TAM came forward, he "talked as if he was invincible, but he did not possess any actual capability". Eventually, the various proposed improvements were simply amendments or new arrangements in relation to the registration of electors, which represent a very limited and tiny step forward. President, we are very disappointed with this.

Of course, the Secretary may claim this is because the Administration cannot deal with all the problems in such a pressing time frame. We do not know whether he will remain in office, or whether the next-term Government will appoint a person who is more concerned about the electoral system of Hong Kong, a person of enhanced integrity and impartiality to be the next Secretary, who will review the electoral system to see what room for improvement there is. Nevertheless, I still think that the miscellaneous amendments related to the arrangements of the voter register is a tiny improvement which is worthy of our support.

President, of course I am aware that some colleagues in the Council, such as Mrs LEUNG, consider the arrangement in question may infringe on privacy, and thus, have reservation about this amendment. I have no idea whether she will speak later on in the meeting, but I have gained some understanding of her rationale after reading media reports. President, I absolutely agree that the privacy of Hong Kong people must be protected. I have firmly expressed my view to the Administration on many occasions that we need a law which will genuinely protect the privacy of Hong Kong people, and not the existing ordinance which claims to protect privacy, but is actually a "toothless tiger".

However, President, privacy is not an absolute social value. Similar to many other social values we respect and cherish, when there are conflicts to be

considered, we will need to strike a balance between the two. Even under the existing Personal Data (Privacy) Ordinance, we can find that many circumstances are exempted under the legislation. This is particularly so when the protection of privacy is in conflict with the prevention of crime, the requirement of privacy protection will have to be dispensed with.

President, similarly, the arrangements related to the voter register under discussion now are, in fact we cannot say they will be able to eliminate, but at least they can deter some people from abusing the electoral procedure. These are measures that can be more easily dealt with and are likely to be effective. President, to put it simply, if many people in Hong Kong think that they can change their addresses at will, or even attempt to assemble names for registration under one address, with a view to influencing election results, we absolutely must not allow them to do so. For this fundamental reason of exemption from the protection of privacy, such minor changes are worthy of consideration.

President, as a matter of fact, it is impossible for the privacy of Hong Kong people to be completely protected. Loopholes of privacy infringement have already been found in the existing voter register. Anyone who gets hold of a person's name can easily find his address in the voter register. One's address is certainly his privacy. Hence it is evident that certain concessions should be made in relations to the so-called privacy right, from a certain perspective, for instance, in maintaining the integrity and impartiality of an election. I hope colleagues can understand this and cease to insist on opposing this amendment.

President, I have to talk briefly about the remaining amendments. A colleague has mentioned just now that the counting arrangement eventually has to take place in the remote AsiaWorld-Expo located in Chep Lap Kok. President, I think this is entirely a technical issue, not a matter of principle. Of course, if the Government can make early arrangements to refine the counting procedure, it will be more convenient to all. However, this will not make me think that the relevant arrangement is unacceptable. The most important consideration is the counting arrangement can be completed smoothly and conducted in an impartial and honest manner. This is our prime consideration.

President, with respect to the "super" election of DC (second) FC, another set of arrangement will be made in the hope that the public will not be confused.

President, I also agree to this. I hold that with the introduction of last year's constitutional reform package, people in Hong Kong can now enjoy a fairer arrangement since the reunification. In the past, apart from the 200 000-odd persons who could each cast two votes, each of the remaining 2.7 million-odd people had only one vote. This is the first time each of the 3 million electors territory-wide has two votes. From this perspective, it is a fairer arrangement. I find this encouraging.

However, President, how they use their right to vote is also very important. I think not only must the Administration remind them to pay special attention to the name of the functional constituency of the candidate for the super District Council election at the moment when they cast their votes; it must also mobilize suitable resources to widely promote the new arrangement throughout the territory by all means so that the 3 million-odd electors can clearly understand the arrangement. I hope that the Secretary will not focus his efforts on passing this legislation only, regarding that as an accomplished task of refining the new electoral arrangement. I hope the Secretary will continue — at least until 30 June — to mobilize adequate resources to promote the new arrangement of "one person, two votes" so that people in Hong Kong will not only have the right to vote, but also know how to vote, and how to exercise their new political right. I hope the Secretary will take one more step and make more effort in this regard.

President, we support this Bill.

MS CYD HO (in Cantonese): President, as a matter of fact, this Bill deals with a number of administrative arrangements in respect of elections. Thus, in general, we support this Bill.

The first arrangement is the registration of electors' addresses. Since the emergence of many vote rigging activities last year, we have become very anxious. If there are so many corrupt practices in an election, the election result will not be accepted by the society, nor will it be trusted and respected. It will be an election in vain. Thus, with respect to the registration of electors, another option is now provided to allow public inspection in accordance with the addresses. A sticker will also be provided through mail to a candidate to facilitate him in checking in accordance with the addresses, with a view to allowing candidates to see clearly whether the relevant premises is involved in suspected activities of vote rigging. Another merit of this practice is that

candidates can choose to be more environment-friendly; and opt for one copy of election bulletin to be sent to each premises, instead of sending copies which will be a waste of paper.

However, I must state that the arrangement of allowing candidates and electors to check in accordance with addresses is a supplementary tool only. It is imperative for the staff of the REO responsible for the voter register to do a proper job of the basic gate-keeping at the time of registration. On inputting the name of a new elector under the relevant address, if the staff discover too many different names are registered under the relevant premises, they should find out whether this is actually a reasonable or unreasonable phenomenon. The staff should take proactive actions to follow up at this stage, instead of waiting until the publication of the voter register when everyone can point out the suspicious cases.

The second arrangement is the submission of election advertisements on-line. The REO will also provide an electronic platform on which candidates will be able to release information. This is a very good and modernized arrangement. As a matter of fact, many electoral activities have already been dealt with electronically. However, in the course of deliberations, we found that the Administration had underestimated possible attacks by hackers. When we raised our questions in this regard, the Administration gave only one reply — it would be safe and sound, and that it would not be hacked. It is obvious that the Administration had underestimated the risk. Given that this is the first time that an electronic platform is used, we hope that the Government will be more careful and will not take the issue lightly. It will be absurd if a lot of bizarre and untrue information not provided by candidates is found on the Internet, and particularly on the platform maintained by the Government. It will be disastrously ridiculous.

The third is the vote counting arrangement for the five seats of the DC (second) FC. As a matter of fact, I am perplexed. Why can the ballot papers cast for the several seats of DC (second) FC not be counted immediately after the polling stations are converted to counting stations, just like the practice in the direct elections of GCs? The existing central counting arrangement is time-consuming and cumbersome. We had that experience before. Officers, staff, media, candidates and campaign teams found that tortuous. Election results were not announced after 20-odd hours. At one time, it was 3 am or 4 am when they started counting. Why? It was because the number of ballot

papers issued by the polling station did not tally with the number of ballot papers collected. They had to look for the lost ballot papers or account for the number before they could start counting.

There will be three kinds of ballot boxes this time around. They are boxes for the original FCs, GCs, and the five seats of DC (second) FC respectively. We are worried that in case ballot papers are misplaced, and there is no way for them to be found instantly, the commencement of the counting procedure for both elections will be delayed. However, the Government has told us that by that time, even if the number of ballot papers issued does not tally with that instantly emptied from the ballot boxes, counting will still commence. This is a more reasonable arrangement and should be implemented.

Nevertheless, President, it all boils down to this — we oppose the 2010 constitutional reform package. Why? Because this is not genuinely "one person, two votes". The so-called "one person, two votes" cannot change the fact that the electorate base of the existing 23 traditional FCs is small. The total number of votes of the existing 23 FCs — not the number of electors, President, but the number of votes, because there are many corporate votes — is 70 000-odd votes, under 80 000 votes, amounting to slightly more than 1% of the Hong Kong population. Thus, even if the five seats of DC (second) FC are counted as seats returned by a mixed method of indirect and direct elections, the total number of seats with directly elected elements is 40 only. In the new term of the Legislative Council, only four seventh of the seats, that is, 57.6% of the seats can be said to be elected by "one person, one vote". However, in the Council, this 57.6% will still be unable to beat the 23 FC seats controlled by 70 000-odd people; they will still be unable to beat the separate voting system under which motions proposed for the 3 million-odd people in Hong Kong can be negated. This is the reason why we oppose "one person, two votes".

President, I very much hope that all seats can be returned by universal suffrage in 2016. By then we will not have to bother about or haggle over the trivial issues of how we should count the ballot papers and deliver the ballot boxes of the five seats of DC (second) FC. It all boils down to one question, and that is, all seats of the Legislative Council returned by universal suffrage on the basis of "one person, one vote" should be implemented expeditiously. Thank you, President.

MRS SOPHIE LEUNG (in Cantonese): President, I am glad that I could take part in the discussions of the Bills Committee on the Electoral Legislation (Miscellaneous Amendments) Bill 2012 (the Bill). I have almost sat through all the discussions. I am pleased that some proposals put forward by us in the course of deliberations — particularly the proposals on arrangements, such as whether we should wait until all the ballot boxes have arrived before we commence counting — and many views put forth by us have been accepted by the Administration.

President, although it is not my intention to adjourn the Bill, I cannot feel at ease if I do not speak out on certain matters. With respect to the part on the voter register being made public, since it involves a series of matters, I will not vote for it in the voting later in the meeting.

The Government has proposed to make available to candidates the voter register that set out the names of the electors in accordance with their addresses in order to facilitate candidates in their electioneering campaign. I have no objection against this. However, I oppose to making available the voter register for public inspection. I do not subscribe to the view of the Government and the Privacy Commissioner for Personal Data, and that is, "the proposal will only involve a new sorting sequence and will not involve disclosure of additional personal data of voters". I disagree to this point. When Mr Ronny TONG spoke just now, it seemed his voice got lower and lower. I hope he can hear my argument clearly now. As a matter of fact, I totally agree to all the functions that may be served by setting out the names of electors in accordance with addresses in the voter register. We should be able to have all these functions, only that we should not make public the voter register.

In the past when the voter register was set out in accordance with the names, only the registered addresses of the electors would be shown. If the voter register is set out in accordance with the addresses, it will show all persons living together. It will show clearly the persons living at the same address. Such sensitive information as family relationships and marriage status of members of the public may then be disclosed. And the information is related to the privacy of the public. It will not be a problem if the voter register is made available to candidates only, because any candidate has to declare that the information made available to him will only be used for election-related purposes. But making the voter register public will infringe on privacy.

The Government has also claimed that making public the voter register will facilitate public monitoring so that electors will be able to check irregular registrations. In fact, this argument is even more ridiculous. Checking irregular registrations should be the responsibility of the Government. For instance, looking out for cases of multiple electors with different surnames registered under one address, and identifying suspected cases of vote rigging are duties of the REO. It must not rely on the public to do its job. Of course, after the voter register is made available to the candidates, if problems are identified, they can also inform the REO for the latter to carry out investigation, and the REO should do its job properly. Candidates discovering irregular registrations will naturally make a report immediately. The Government cannot use public monitoring as a reason to shirk its responsibility to the public, not to mention public monitoring is unreasonable as it infringes on the privacy right of the public.

President, as I also pointed out just now, the CD-ROM of the voter register that sets out electors in accordance with their addresses can be made available to candidates to facilitate their electioneering campaign. I have also proposed at the meetings that on discovering multiple electors being registered under one address, the Administration should study how it can send information in a more environmentally friendly manner by sending one envelop with information enclosed to the relevant electors. This is feasible. But the voter register must not be made public. If a member of the public wishes to check whether his address has been used by other people, he can check with the REO, which is the existing practice. On receiving a request for checking, the REO will check thoroughly how many persons have registered under the address of the person concerned. The REO will use the information set out in the same format as made available to the candidates for its check, but it will not make public the voter register which sets out the electors in accordance with their addresses.

Thus, I do not think I will pose any obstruction to the convenience of all Members and the Bills Committee seeking access. I do not pose any obstruction in this regard. I believe we should consider this more carefully and thoroughly. We must not throw out the baby with the bathwater. We must not be obsessed by anxieties caused by the numerous reports on vote rigging activities to the extent that we have forgotten the need for gate-keeping.

Privacy right is a basic human right of extreme importance. Many members and colleagues have cried out at the top of their voice about the need for

basic human right. How can we forget this now? According to Article 12 of the Universal Declaration of Human Rights, "No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.". Each person has the right to control the information related to his privacy, and not allow others to know about or interfere with his private life. This is precisely the point I wish to put forth. We can accomplish what we wish to do, but we can adopt a more logical method to accomplish the task without imposing an infringement on the privacy right of other people.

The Government is duty-bound to protect the privacy of the public and should set an example. In dealing with information related to privacy, the Government must adopt the principle founded on a "need to know" basis, and only allows limited disclosure of privacy of the public where necessary. I heard Mr TONG say just now there might be a need to strike a balance when it was absolutely necessary. But we can strike a balance without infringing on privacy. Why do we not think clearly about it? The proposal of the Government will make public the voter register for the inspection of everyone. This has obviously gone beyond the bottomline of the "need to know" basis.

President, I absolutely agree that elections must be fair and impartial. This is a very important value. I also think that the vote rigging behaviour which interferes with elections must be seriously penalized. But we have to think clearly whether we should deploy "the machete" on impulse. Once the personal privacy of the public is disclosed, it is impossible to retrieve. We have to take into account the personal interest of the public, and facilitate political participation of the public. After last year's District Council Election, the Government has tightened up the registration of electors and uncovered many things. This is understandable, but it has caused 20 000-odd electors to choose to cancel their registration in order to avoid inviting troubles. Will this cause more people to cancel their registration in order to protect their privacy this time around? However, this is not the most important issue. The most important issue is, even if there is no instant consequence, we still have the responsibility to protect the personal privacy of the public.

President, I have put forth these views more than once in the meetings of the Bills Committee. Unfortunately, since some members do not attend the

meetings frequently, my views are not comprehended by colleagues. I have all along believed that Hong Kong is a free place where members of the public attach great importance to their freedom. They attach great importance to not being put under the fluorescent light for viewing by other people. We can decide by ourselves to live alone, so that we will not be interfered by others, and our private life will not be monitored by others. Protecting privacy right is a core value of Hong Kong, which we must cherish and make every effort to uphold.

I remember that not so long ago, probably several years ago, when we were discussing the smart identity card, several Members in the Council had argued at the top of their voice why the information had to be placed in the identity card. Even though the information is placed in the card to facilitate checking by us and the Administration, they were very anxious. Today, when it involves elections — as a matter of fact, my proposal will not obstruct elections, it will not obstruct elections at all — why do we give up the personal privacy of the public so easily?

President, I have this feeling and I would like to share it with Members. I think we are becoming increasingly political. Sometimes politicization will make us lose our direction. It seems that in this Council, everything is done to canvass votes. When we try to get a job done, we have our focus on votes only. If we give up the core value of Hong Kong for the sake of votes, or give up this core value to facilitate elections, we will be condemned by Hong Kong society in the many years to come. I hope every Member will think about this calmly and composedly, just like when I speak, in a calm and composed manner.

It is not my intention to obstruct the passage of the Bill today. I believe the Bill will be passed eventually. However, I hope Members will use a discerning heart and discerning eyes to see the case clearly. We may have to return to the Council to revise the proposal of making public the voter register which sets out the electors in accordance with the addresses.

President, I so submit.

MR LEE WING-TAT (in Cantonese): President, I speak in support of the Second Reading of the Bill.

President, over the past year, with regard to the Electoral Legislation (Miscellaneous Amendments) Bill 2012 (the Bill), apart from the issue of distribution of seats, the other major issues are: first, the issue related to the voter register and suspected cases of vote rigging; second, more aspects of election advertisements to be handled electronically; third, the arrangements for polling stations. President, I am more concerned about the first point. Compared to the neighbouring regions, the electoral culture in Hong Kong is quite commendable. I have all along thought highly of the electoral culture of Hong Kong. First of all, comparatively speaking, we spend less money on elections, and I very much oppose spending too much money on elections. President, the United States spends nearly US\$100 million in electing their President. Although the country is important, apart from the candidates of the Republican Party and the Democratic Party, it is impossible or very difficult for a third candidate to stand in the presidential election. Occasionally a third candidate might stand for elections, but he must be all very wealthy. The United States claims to be democratic, but it is impossible for the poor to stand in presidential elections. As for Hong Kong, hinging on section 17 of the Chief Executive Election Ordinance, I hope that candidates, irrespective of whether they come from the poor, the wealthy, or the middle class, will have sufficient money to stand for the Chief Executive Election.

Another merit of the electoral culture of Hong Kong is that it is relatively fair and impartial, with a high degree of transparency, that is, in general, our rules of operation are commendable, including the design of polling stations, the casting of votes, handling of ballot boxes, and counting of ballot papers. We have done a good job in all of these aspects. I think this system is worthy of public commendation. However, over the past several years, the part of the system which has been most disagreeable to me is the arrangement for the registration of electors. This has given rise to discontent amongst many of those who have taken part in the conduct of elections and worked for political parties. They have queried why the REO and the then Constitutional Affairs Bureau were unable to expedite the handling of the relevant issues.

The first issue to be dealt with this year is certainly the controversial issue of vote rigging. Members know that this issue is in fact not complicated.

Those who have taken part in the conduct of elections also know that if someone intends to engage in vote rigging, unless he uses the method of intensive and meticulous farming, it is not very difficult to find out how votes are rigged by him and what methods he has used in rigging. The common form of vote rigging is obviously to look for some addresses, and register the names of irrelevant people under them, in the hope that the REO will not become aware of this and the trick will pull off.

President, there is another method of vote rigging, and that is, making use of some of the places in Hong Kong where the addresses are still undefined, particularly those in the rural areas of the New Territories, because not every place in these areas has mail delivery. Moreover, for some residential and non-residential buildings in Hong Kong, there is no direct distinction between the two. This is because some workers have to live in warehouses, offices or other places of management companies. It is not very difficult if you really want to distinguish them. But it is most disappointing that the REO did not take proactive actions in this regard in the past two elections.

I remember that several years ago, the Audit Commission had released a report in which the REO was criticized for not doing a proper job in handling the registration of electors. The phenomenon of suspected cases of vote rigging in this election is inconceivable. Not to mention the cases of "seven surnames with over 10 votes" reported by the newspapers, there are too many other examples which are inconceivable. For instance, the addresses of warehouses or pump houses are used in voter registration and providing just the name of the village for the registered address. Registrations of all sorts of inconceivable forms have taken place.

If only the REO can heighten its sensitivity, first, it will not be difficult to identify the relevant names through inspection and enquiries; and second, it will not be difficult to trace suspected cases of vote rigging. After the legislative amendment this time around, I hope the REO will be more proactive in discharging its duties. I also hope that the Secretary will be prepared psychologically and in terms of work. I remember that the provisional voter register will be published around May or June. I believe there will be a lot of overtime work for you, your colleagues in the Bureau as well as the REO, because everyone will be studying the voter register very closely and carefully.

Reporters will monitor it. We will also monitor it. If suspected cases of vote rigging, or very inappropriate examples can still be found, such as registering without an address at all, or using swimming pools, pump houses and other places not suitable for dwelling for voter registration — I cannot say it is definite that pump houses are uninhabitable, but the Government should investigate when such scenarios arise. The Government, the REO or the Bureau should be more alert to these phenomena, otherwise some other laughable examples will be reported, and the Government will be found to be inadequate in follow-up.

The Chief Electoral Officer is listening to this debate now. A lot of administrative work is being followed up by the REO. President, we are supportive of his work. As we have said many times before, if there is a shortage of manpower, we will support allocating more manpower to the Chief Electoral Officer and recruiting more temporary staff for the conduct of checks. We know a lot of manpower is needed for the task of checking.

Moreover, President, a question was dealt with by the Secretary at the meeting of the Panel on Constitutional Affairs in February this year. However, he has not replied to the question. To date, I have not received any reply. Perhaps the Secretary does not wish to provide a concrete reply. President, in fact, the question I raised is known to everyone. It is about the issue of an increasing number of Hong Kong permanent residents returning to the Mainland for settlement. The reason for their returning to the Mainland is not because of vote rigging. I believe for 99% of them, this is not their reason. There are many reasons for them to do so. Some are settling in their hometowns after retirement. Some have to do so because the rents in Hong Kong are unaffordable. For those who live in North District or Tai Po, the rent in North District is \$6,000. It costs only \$2,000 if they move and live on the other side of the Shenzhen River. They will choose to use \$2,000 to rent a home, and cross the boundary to work every day. President, there are people who choose to do that.

President, I do not think people who live or work in Shenzhen, or settle in Shenzhen after retirement choose to do so for the purpose of vote rigging. Some people may do that, but they account for only the minority. However, it is unacceptable to me that, so far, the Secretary has not told those people President, assuming that I am really over 60 or 70 years of age, and have to retire.

If I settle in Guangdong Province after retirement, I will not have a permanent residence in Hong Kong. President, assuming that I am an elderly singleton and I really do not have a dwelling place, the Government asks me to make a legal voter registration which will not be queried, what am I going to do? There are several ways of doing that — anyhow, the Secretary refuses to give me a reply — one of the ways is to use my last address. For instance, I last lived in XX at Block Three of Shek Lei Estate; I will register under this address because I do not have any other addresses. Or the Government allows me to use the address of my closest relative, for instance, my brother or nephew or niece. The Government will need to give a reasonable explanation; otherwise, those who settle in the Mainland after retirement will become apprehensive when they hear that vote rigging is being investigated in Hong Kong, and those without permanent addresses may be suspected if they return to Hong Kong for polling. President, this is particularly so because coming back to cast their votes in this way may violate the Election (Corrupt and Illegal Conduct) Ordinance. This is because the conviction for not casting votes may be lighter; casting votes will be alleged of voting deliberately after vote rigging. I had asked the Secretary about this, but he said this issue remained a major headache, and that he did not know how to answer as each case was different. As a matter of fact, I did not ask him to give a reply related to the relevant case. President, there are only several categories of people who return to the Mainland for settlement, and the number of these people is increasing. It is not a good policy of the Government if the problem is not tackled. President, we should be honest and open in discussing how these people can be registered legally as electors. For those who have identity cards of Hong Kong permanent residents, if they do not live in Hong Kong but live outside Hong Kong, and they are not involved in vote rigging, how can we reassure them so that they can return to Hong Kong to cast their votes without any worries? The Secretary should give us a proper answer.

President, today I once again I do not know how many times I have asked the Secretary this question. You are smiling. This is the fourth or the fifth time. What should these people do? I am referring to people of the second category. President, some people return to the Mainland for work, some return to the Mainland because the rents are too high here. They indeed live in Guangdong Province and no longer have a permanent address in Hong Kong. So how should they register? Should they register according to the ways I have mentioned just now, that is, using the last address to register as electors, or

registering under other addresses so that they will not be queried and will not be prosecuted when they cast their votes? There is such a category of people. The Secretary is grinning. Even if you have answered the question four or five times before, I hope that you will answer the question one more time today. You have to give us a clear answer; otherwise, people will not be happy about it.

Moreover, are there any other examples? As a matter of fact, there are many examples under this category. For instance, there are many residential care homes for the elderly and elderly centres in Hong Kong. Secretary, some elderly people staying in residential care homes are not living there on a permanent basis. They may stay there for half a year or one year. They will register under the address of the residential care homes. After leaving the residential care homes, they may not change the address again. You have to think up a suitable explanation, so that these people will know what they should do when they register to be electors in the future; otherwise they will be suspected of vote rigging intentions, and this will make them apprehensive after they have cast their votes. According to our system, we will encourage those who have registered in good faith to cast their votes.

President, my last point no, I still wish to talk about two points. The first point is about compulsory registration of electors. Citing the Australian system as an example, the Legislative Council has held debates on this system before. From the time Stephen LAM assumed the office of the Secretary up till now, the Government has opposed this. Why do we not implement compulsory registration for adults aged 18? Under this system, members of the public do not have to register separately. They need only tell which constituency they come under. Australia requires its citizens to become electors automatically at the age of 18. I am not sure whether Australia adopts the system under which members are returned by universal suffrage through geographical constituencies. If such a system is adopted, an elector has to tell which constituency he comes under. It is the same in Hong Kong. There are five constituencies in Hong Kong. If compulsory registration is implemented, an elector needs only tell which constituency he comes under, for instance, New Territory West or Hong Kong Island. Since the present situation is not like that, we have to allocate a sum of money to the Government each year, and the REO must make substantial

publicity efforts and devote a lot of efforts to encouraging the public to register as electors. Why do we not reconsider adopting this system now?

There is an argument which seemed to be reasonable in the past. However, I still think it is not right. The argument is that if all adults have to complete the registration on a compulsory basis, they will lose their freedom completely. If this is the case, the Government can provide an opt out system under which those who are unwilling can opt not to become electors, right? At the moment, the Secretary is also forcing others to do something against their will. With respect to the DC (second) FC, if an elector does not reply to the letter of the Government, the Government will regard him as a member of the sector. So the Government can put in place an opt out system. If an elector is unwilling, he can inform the Government that he does not want to be an elector.

In the past, there was another reason for the Government's dislike of this system. Once this system is implemented, the turnout rate will be very low. President, this is unavoidable. At present, we have 3.3 million electors. The turnout rate is approximately over 50%, that is, 1.8 million people may cast their votes. It is estimated that there are 4 million to 5 million adults in Hong Kong. If we do not see an increase in the number of electors who cast their votes, the percentage will really drop. Probably it will no longer be over 50% but only over 30%. However, President, this does not matter. What is the problem with this? It is not necessary for us to make the figure look particularly good. This percentage is not necessarily below par. President, when we take a look at the elections of the House of Representatives and the Senate of the United States, especially the House of Representatives, sometimes the turnout rate is just over 40%. The United States is a world power, but the turnout rate of the elections of their House of Representatives is under 50%, with just over 40%; lower than the turnout rate of 70% to 80% of Taiwan, or 80% to 90% of some African countries or emerging economies. Thus, I believe this is not a reason. Should the issue of compulsory registration be given serious consideration?

President, one last point — only a minute or so is left — it is about whether a cooling-off period should be put in place before polling. Over the previous elections, this had been the subject of argument between Mr IP Kwok-him and us. Those who have taken part in direct elections know that canvassing is a hard job. Canvassing on polling day no longer serves any meaningful purpose. A

cooling-off period is implemented in many countries where there is no canvassing on the polling day. I hope that the pro-establishment camp will consider this proposal. As a matter of fact, this is a more civilized practice. It does not mean that on the polling day — President, you have taken part in so many direct elections before — if a candidate gives a leaflet to an elector, the elector will vote for him. If this is so, does this imply that he does not have to do anything on other days? If electors are given a leaflet on the polling day by the candidate, then they will vote for the candidate, then that candidate will not have to do anything in the four years. It will serve the purpose if electors cast their votes for him on the polling day. All of us know that this is not scientific.

However, all candidates have to line up their strong campaign teams. President, when the opponents line up 3 000 people as a show of strength, the Democratic Party can only line up 200 people. Buddy, though it is 10 versus one, we still have to line up 200 people. It is hard work, buddy. If this is the case, why do we not consider this system? This will enable society to become mature. There is no need for us to rely on the Government's efforts of promotion. There is no need for anyone to canvass votes with a view to creating a better atmosphere at the polling stations. If society is mature and the atmosphere is calm, electors will be happy when they cast their votes.

Thank you, President.

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

DR PRISCILLA LEUNG (in Cantonese): President, in wake of the District Council elections last November, a series of vote rigging allegations have emerged, resulting in strong voices from the community calling for amendment to the electoral legislation. Vote rigging is an intolerable behaviour. I hold that such behaviour must be seriously penalized. However, when many colleagues talk about the problem of vote rigging, they have knowingly or unknowingly generalized by "knocking all down in one stroke" with their implications. We have had many experiences related to this since last year, including the one at the meeting last Wednesday, when Mr James TO repeatedly alleged that due to my

complaint letter to the Housing Department, some of their posters were not allowed to be posted in the housing estates. Some newspapers also carried the same report. But consequently, the written replies given to me by Secretary Eva CHENG and the Department pointed out that the person who lodged the complaint was not me; instead, it should be a certain person from the pro-democracy camp.

Similarly, in the vote rigging cases as alleged by them, the persons arrested due to more serious incidents were eventually found to be not related to those they had initially alleged. I only wish to point out, when accusations and suspicions are levelled, or when it is believed that certain people are caught red-handed, evidence and basic facts must first be obtained. I think that the persons involved in these cases must be penalized. We should also trust that the Government and law-enforcement agencies will seriously deal with these vote rigging cases.

I particularly wish to put forth two points today. First, one of my objectives of rising to speak is to render support to the issue raised by Mrs Sophie LEUNG just now, and that is, the issue related to privacy. We have also discussed this at the meetings of the Bills Committee. Under the existing system, those who formally stand for elections and become candidates of elections will receive a CD-ROM loaded with information of all registered electors from the REO. Usually candidates will use the resources and skills available to them to collate the information.

As a matter of fact, questionable cases should be most easily discovered by candidates, because during the period when they collate the information, it is easy to discover whether electors of five or six surnames are registered under one unit. Candidates have to bear an immense responsibility. After a candidate is given the abovementioned CD-ROM, he must not use it for purposes other than election-related purposes, including any commercial purposes. He is subject to criminal liability if he is involved in any behaviour of disclosing the information. Thus, each candidate has an enormous legal responsibility when he is given the CD-ROM.

We have put forward our view to the Government and I have also written to Secretary Raymond TAM. I have pointed out that the best method to deal

with this is to increase the manpower of the REO. If candidates are able to use the techniques available to them to collate the relevant data within a very short time, why can more resources not be allocated to the Administration, with the objective of identifying relevant problems before the CD-ROMs are distributed to candidates? As a matter of fact, problems should not be identified by candidates; instead, they should be identified in time within the Government, because once checking is conducted, they will not be able to hide. My knowledge of technology is very limited, but my colleagues or volunteers are able to use their limited skills to sort and categorize information collected to the extent that they know some electors possibly come from ethnic minorities. Then why can the Government not do that?

As I have pointed out many times, since the issue aroused such a great controversy in town last year, if the Government needs to submit a funding application to deal with it, the Legislative Council will certainly approve the application. However, the Government has never made an effort to deal with it. Instead, it acts as if it is afraid of encountering thieves that it simply opens the door of the warehouse and allows the thieves to take whatever they like, claiming there are no thieves at all. We must not do that because privacy is an important right and should be respected. I do not think there is a need to allow everyone access to such information. A student had once told me that a young man was courting her. But she was living with another young man, and she did not want anyone to know that. Given this, what she could do was to give up registering as an elector in order that what she was doing could be kept confidential. This is an issue the Government has to consider because this is legitimate expectation. She is young and beautiful, with a lot of admirers. What is wrong if she does not want anyone to know that she has a boyfriend already? I am not going to repeat the many issues raised by Mrs Sophie LEUNG. But with regard to the worries and the need to protect privacy raised by her, I am supportive of her view.

The second point is related to the question of whether Hong Kong people who have settled in the Mainland can cast their votes after returning to Hong Kong. The Basic Law clearly provides that permanent residents of Hong Kong shall have the right to vote. At present, the Government has provided in the local electoral legislation that an elector must have an address where he ordinarily resides. We have pointed out many times that the Government must give a clear explanation on this issue. Under the existing major trend, the Government has

vigorously encouraged Hong Kong people to go north; young people should go North to develop their careers; elderly people should go North for retirement. We even have to implement a retirement scheme in Guangdong and set up retirement villages there. The Government must inform members of the public who wish to go North that if they settle in the Mainland according to that scheme, they will lose their right to vote, or they may easily run into trouble on returning to Hong Kong for polling.

Among these people, many of them have told me that they felt being insulted, as if the vote rigging incidents were related to them. They hold that those Members who condemn them or making innuendoes are simply insulting them. We must respect their feelings, but the Government is only concerned about shifting its responsibility, and disregards the fact that it has the responsibility to clarify. If these people have a registered address in Hong Kong, their situation is similar to that of those prisoners using the address last registered before imprisonment — a subject we have discussed before. This arrangement is to pre-empt their using the prison as their registered address, resulting in the prison becoming a small constituency of all prisoners. We have agreed that this is a reasonable practice. Among those Hong Kong people who go North, many of them are my friends. They spend most of their time in the Mainland, for reasons already mentioned by Members just now, probably because the cost of living is lower while the working conditions are better. The children of some of them study in the schools of Hong Kong. But they return to Shenzhen immediately after school. The parents of these children may not necessarily return to Hong Kong often, and they do not have money left to secure another accommodation in Hong Kong. Under such circumstances, will they lose their right to vote?

While these people are living and working in the Mainland, they have proudly claimed to be Hong Kong people, who can often return to Hong Kong, whenever they choose to do so; while the elderly people can also come back to Hong Kong for the "fruit grant". However, now that there are vote rigging allegations, we have to discuss whether they have the right to vote. This is indeed unfair to them. In proposing this amendment, the Government has all along been evading this issue. I am of the view that this is irresponsible. When the voter qualification of a large number of Hong Kong permanent residents is queried, the Administration should address the issue squarely.

Of course, they can adopt the most popular method now, and that is, filing an application for judicial review whenever challenged, with a view to forcing the Government to introduce amendments. And I believe they will win the case. A person deprived of the right to vote files an application for judicial review will result in another lawsuit. Thus, this is an issue to be addressed and not to be evaded. But the Administration ignores it. The Government has responded to some issues raised by the community and improved the system of the registration of electors. But at the same time, it has opened another door which may invite future allegations related to infringement of privacy; or it has shifted the responsibility of reporting irregular registrations to the public without investigating how the people will make use of the information after access. Will the information be disclosed to organizations that should not have access to such relevant information? Moreover, someone may deliberately make some enquires, packaging their behaviour in the name of reporting acts of misconduct related to elections, but in fact, they may make use of the information for other purposes.

Since the development of the matter has come to this stage, as a Member who has taken part in the discussions of the Bills Committee, I have the responsibility to clearly state my views. I wish to point out to the Government once again that with regard to those Hong Kong people of different ages who go North for work or settlement in the Mainland, the Government should clarify their right to vote, and deal with the right to vote of permanent residents in a fair and impartial manner.

Thank you, President.

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

(No Member indicated a wish to speak)

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): First of all, President, I would like to take this opportunity to thank Mr IP Kwok-him, Chairman of the Bills Committee formed to study the Electoral Legislation (Miscellaneous Amendments) Bill 2012 (the Bill), and members of the Bills Committee for their efforts in deliberating the Bill over the past couple of months.

The Bill amends various pieces of legislation relating to elections to introduce amendments to the regulatory regime of election advertisements; to introduce amendments relating to the names of organizations which are constituents of several functional constituencies (FCs) of the Legislative Council or subsectors of the Election Committee (EC); to improve the electoral procedures for various elections; to provide for the counting arrangements for the District Council (second) functional constituency (DC (second) FC); to make technical amendments to the Elections (Corrupt and Illegal Conduct) Ordinance (ECICO); and to make related and incidental amendments.

Under the proposed arrangements for regulation of election advertisements, a candidate can post his election advertisements onto a central portal maintained by the Registration and Electoral Office (REO) or an election website maintained by the candidate for public inspection within one working day after the publication of the election advertisements. Compared with the existing arrangements which require a candidate to make a declaration and submission of election advertisements to the Returning Officer (RO) before publishing the election advertisements, the proposal will as a result greatly simplify the arrangements for regulating election advertisements.

In addition, the proposal set out in the Bill simplifies the arrangements for handling the consent of support in election advertisements. Under the proposed arrangements, a candidate or a person is not required to obtain prior written consent from those who provide support in the election advertisements if the candidate or person has neither requested or directed nor authorized any other person to request or direct the inclusion of such support in election advertisements.

This proposed arrangement seeks to protect a candidate or person from being inadvertently caught under the relevant provision of the ECICO in

circumstances under which it is difficult to obtain prior written consent from third parties indicating support for the candidate of their own volition.

We trust that the proposed arrangements mentioned above can facilitate candidates in conducting electioneering activities and simplify the procedures for handling election advertisements while maintaining the integrity, fairness and openness of elections.

Regarding the point raised by a Member just now about system tests of the relevant websites, I believe colleagues of the REO will definitely maintain communication with Members to ensure that the system will operate without any problems.

The Legislative Council (Amendment) Bill 2010 enacted in March 2011 includes amendments to the electoral base of FCs. Although a comprehensive review of the electoral base of FCs was already conducted before the aforesaid legislative exercise, as a regular exercise before each Legislative Council election, we will review whether there is a need to propose technical amendments to the electoral base of FCs to reflect the latest developments.

After review, we have made some technical amendments to the qualifications of electors of some FCs in the Bill, which include updating the names of certain bodies which are registered or are eligible to be registered as electors. This is because these bodies are no longer operating under their old names. The updating does not change the composition of the FCs concerned. Furthermore, the Bill will also delete those bodies that have ceased operation, and these bodies are no longer on the final register.

The said technical amendments will also be applicable to the bodies in those EC subsectors with the same names as the corresponding FCs.

President, to prepare for the Legislative Council Election this year, and to provide for consequential electoral procedures for the newly created DC (second) FC, the Bill introduces amendments to the Electoral Affairs Commission (Electoral Procedure)(Legislative Council) Regulation to provide for the central counting arrangements for the DC (second) FC. The matters prescribed in these provisions include delivering the ballot boxes containing the ballot papers for the DC (second) FC from polling stations to the central counting station; sorting

ballot papers and verifying the ballot paper account at the central counting station; and delegating power and duties from the RO of the DC (second) FC to the Assistant ROs of the DC (second) FC for the latter to make decisions on questionable ballot papers.

Regarding the matters mentioned by Ms Emily LAU in her speech in relation to the transport and meal arrangements for the central counting station, the REO has undertaken to make vigorous efforts to follow up the matter.

In the light of the views of the Bills Committee and the Legislative Council Secretariat on the Bill, we will propose Committee stage amendments (CSAs) to the Bill to amend the constituents of FCs, improve the electoral procedures, amend the format of the voter register to facilitate inspection of the register by voters, and make some technical amendments to improve the textual presentation of the Bill.

Currently, it is already provided clearly in the Legislative Council Ordinance (LCO) that consular posts which enjoy privileges and immunities under the Consular Relations Ordinance, organizations applicable under section 2 of the International Organizations and Diplomatic Privileges Ordinance and international organizations as defined under section 2 of the International Organizations (Privileges and Immunities) Ordinance are not eligible to be registered as corporate electors for FCs. Under the LCO, however, an office or agency which is a representative of a government or an administration which does not enjoy any privilege or immunity or is not accorded the status of an international organization under the local legislation may still register as a corporate elector for FCs. Examples include an office in Hong Kong representing a city of a foreign country. The CSAs now propose to amend the LCO to the effect that a body which is a department or an agency of a foreign government, whether at national, regional or municipal level, is not eligible to be registered as a corporate elector for FCs.

The CSAs also seek to clarify the provisions relating to the DC (second) FC by stating clearly that the provision that a FC candidate must be eligible to be registered as a DC (second) FC voter and has already registered as such is not applicable to a candidate nominated for the DC (second) FC.

In order to expedite the progress of vote counting for the Legislative Council Election and the coming District Councils Election, the CSAs will amend the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation and the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation to stipulate that the counting of ballot papers at the main counting stations can proceed before the arrival of the ballot papers from the small polling stations, ballot paper sorting stations, or dedicated polling stations (DPSs) without the need to mix all the ballot papers of the main counting station together with the ballot papers that have been delivered to the main counting station from small polling stations, ballot paper sorting stations or DPSs. Nevertheless, for the purpose of ensuring confidentiality of the ballot papers, the CSAs provide that the ballot papers in at least one of the ballot boxes of the main counting station must be mixed with the ballot papers from the small polling stations, the ballot paper sorting stations or DPSs. If there is only one ballot box containing ballot papers in the main counting station, the existing practice shall continue to apply, that is, the mixing will have to be done before the counting of votes.

The CSAs also seek to revise the numbering arrangements for candidates for the DC (second) FC. Under the existing legislation, FCs, including the DC (second) FC, will be allocated a letter of the alphabet, which will be printed alongside the number allocated to a candidate or a list of candidates on the ballot papers of the relevant FCs. As for geographical constituencies (GCs), the list of candidates will be allocated a number, which will likewise be printed on the ballot papers of the relevant GCs. As most of the GC electors are expected to be registered as electors of DC (second) FC, it may be confusing to them when they cast their votes if the lists of candidates for both GCs and DC (second) FC are referred to by the same numbering sequence starting from 1 and followed by 2, 3, 4, and so on. To pre-empt misunderstanding, the CSAs provide that a 3-digit number is to be allocated to each list of candidates appearing on a FC ballot paper for the DC (second) FC.

Just now, Mr Ronny TONG expressed his hope that publicity could be enhanced for this arrangement and the way of voting for the DC (second) FC. We will follow up this matter with colleagues of the REO. Meanwhile, Mr TONG also mentioned ways to address the concern about the so-called vote rigging during voter registration. From his speech, I am afraid he may have

misunderstood some of my way and style of handling things. Hence, I hope to spend some time here to provide some additional information.

Regarding the occurrence of the so-called vote rigging incident in the wake of the District Councils Election last year, we have proceeded immediately to deal with it in three areas. First, to follow up the complaints through law-enforcement agencies; second, to take follow-up actions with administrative measures; and third, to propose legislative amendments when there is a need to amend the law. Our overriding principle is that we must act stringently to ensure that the voter registration system meets the requirements in terms of openness, fairness and impartiality. As I have mentioned on many previous occasions, the law-enforcement agencies, particularly the Independent Commission Against Corruption (ICAC) and the police, have spared no effort in taking stringent measures to follow up all the complaint cases. In fact, some of these cases are being investigated or handled by the Court. In this respect, I do not think I need to make any further supplement.

Secondly, as regards administrative measures, in the wake of the concern about the so-called vote rigging incident, we have implemented a series of stringent administrative measures jointly with the REO since January this year to ensure the correctness of the information in the voter register. We have undertaken work in at least seven areas and achieved certain results.

First of all, every registered address with registered electors or registered electors having different surnames exceeding a certain number will be checked by the REO. Secondly, with effect from January this year, 3% of the 3 million-odd electors will be selected for random checks, and they will be requested to produce address proof. Third, the household information maintained by the Housing Department and Hong Kong Housing Society will be compared with the registered information maintained by the REO to check if there is a need to take follow-up actions and update the addresses. Fourth, the Buildings Department and the Rating and Valuation Department have submitted a list of buildings which have been demolished for some time and buildings which will be demolished to the REO for follow-up actions to check if there is a need for the relevant electors to update their address information. Fifth, having regard to the view put forward by many political parties and people in the community during the consultation period, that the registration sentiment will be dampened if newly registered electors are required to produce address proof, we have switched to

targeting the new registration applications received by the REO for random checks and submission of address proof as a supplementary administrative measure. Sixth, the REO will also conduct targeted random checks should there be a sudden surge in the number of voter registration applications in certain constituencies. Seventh, we have issued letters to the 3.5 million-odd electors in the territory during late January and February this year to inform each elector by post of the "one-person-two-votes" arrangement. It is also specified on the envelope that should the relevant households find that the recipient specified in the letter or the recipient has already moved out, they may put a "tick" in the relevant box on the envelope and return the letter to us by putting it into mail boxes. As of today, the number of these "returned" letters has reached 130 000. The REO will take follow-up actions accordingly.

President, the third aspect involves legislative amendments, which are among our proposed amendment items in the Bill today, that is, changing the listing of voters' particulars in the voter register. Between January and early March this year, a public consultation was conducted by the Constitutional and Mainland Affairs Bureau on taking further measures to enhance voter registration, especially the need to introduce legislative amendments. In the light of the outcome of the consultation, we propose today to revise the listing of voters' particulars in the voter register so that the particulars of registered electors may be listed by residential addresses, in addition to being listed by surnames according to the existing practice, with a view to facilitating inspection of the register by electors in order to help monitor irregularities. In this respect, it was absolutely wrong for a Member to think that we had shifted the relevant responsibility to candidates or members of the public. The REO will certainly undertake work in this respect. Nevertheless, it is a requirement in law for the provisional register to be issued to ensure that the relevant information is available for inspection by all the people in Hong Kong as an essential step to ensure openness, fairness and impartiality. This proposal is also applicable to the Legislative Council Election, District Councils elections and Village Representative elections.

President, we fully understand Mrs Sophie LEUNG's concern about the possible privacy problem arising from the proposal of changing the listing of voters' particulars in the voter register. In fact, during the public consultation held early this year on measures to further enhance the voter registration system, concerns were also raised by some political parties and bodies as well as

members of the public in their submissions about the privacy problem triggered by the proposal. But meanwhile, it was shared by the vast majority of the submissions that the proposal had a positive impact on enhancing the accuracy of the voter register. In addition to the detailed discussion held by the Bills Committee on the proposal during the deliberations on the Bill, various political parties and Members have expressed their views on the proposal, too.

In the light of the concerns raised by Members and the public, we have consulted the Commissioner for Personal Data for advice, and it has been ascertained that the proposal does not violate the Personal Data (Privacy) Ordinance before it is included in the CSAs. Should the proposal be passed by the Legislative Council, the Administration will definitely take concrete steps to keep its enforcement in view when it is put into implementation.

As the views put forward by Mr LEE Wing-tat and Dr Priscilla LEUNG in their speeches involve some fundamental issues relating to voter registration which not directly related to the Bill, I believe we have to exchange views with the relevant Members on another occasion since the content of the Bill is not involved.

Having regard to the views of the Legislative Council Secretariat on the Bill, we have introduced certain technical amendments in our CSAs in order to improve the textual presentation of the Bill. I will explain the content of other relatively minor amendments when various CSAs are discussed in the Committee of the whole Council.

President, the Bill and the CSAs proposed by the Administration seek to amend the election-related arrangements to ensure that the Legislative Council Election on 9 September 2012 can be conducted smoothly. We hope Members can support and pass the Bill and the CSAs proposed by the Administration. Subject to the passage of the Bill and various CSAs, the relevant Ordinance will take effect on or before 1 June in phases in time to usher in the Legislative Council Election in September this year.

With these remarks, President, I move the resumed Second Reading of the Electoral Legislation (Miscellaneous Amendments) Bill 2012.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Electoral Legislation (Miscellaneous Amendments) Bill 2012 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Electoral Legislation (Miscellaneous Amendments) Bill 2012.

Council went into Committee.

Committee Stage

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

ELECTORAL LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2012

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Electoral Legislation (Miscellaneous Amendments) Bill 2012.

CLERK (in Cantonese): Clauses 2, 4 to 30, 32, 33, 34, 36, 37, 39 to 44 and 46 to 67.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 1, 3, 31, 35, 38 and 45.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Chairman, I move that the clauses read out just now be amended.

First of all, we propose that clause 1(3) be amended by adding, and I quote, "(except Division 6)" (end of quote), because the relevant provisions in the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011 as amended by Division 6 have not yet come into effect. The amendments to the form of ballot papers for the DC (second) FC in the proposed new clauses 52D, 52E and 52F shall commence operation on the date of gazettal of the Bill, so that all the clauses shall come into effect on 1 June 2012.

Having regard to the advice tendered by the Assistant Legal Adviser of the Legislative Council and after discussions with colleagues in the Department of

Justice (D of J), we consider that clauses 3(2) and 3(4) may be amended to express our policy intent more clearly.

According to the analyses made by the Assistant Legal Adviser and colleagues in the D of J, the newly amended sections 27(1B)(a) and 27(2B)(a) of the Elections (Corrupt and Illegal Conduct) Ordinance should be read and interpreted together with the newly amended sections 27(1) and 27(2). Given that sections 27(1) and 27(2) have already specified the inclusion of the name, logo or pictorial representation of any person or organization and relevant requirements in the relevant election advertisements, it is unnecessary for all these to be repeated in sections 27(1B)(a) and 27(2B)(a).

Such CSAs, which are merely technical in nature, will have no impact on our proposal of simplifying the arrangements for handling election advertisements.

Meanwhile, the Bill seeks to update the names of certain organizations which are registered as electors in FCs because they no longer operate under their old names. We propose to make some textual amendments to clauses 31, 35(1), 35(2) and 35(3) to make the form of the Bill more consistent.

Having regard to the newly added clauses 38A, 38B, 45A, 51A, 51B, 52C, 52D, 52E and 52F, we propose to make a technical amendment to clause 38.

The amendment to clause 45, which is technical in nature, seeks to update the English text of the original clause 45.

We have briefed the Bills Committee on these amendments, which are all technical in nature. Our proposal is also supported by the Bills Committee. I implore Members to support these amendments.

Thank you, Chairman.

Proposed amendments

Clause 1 (see Annex II)

Clause 3 (see Annex II)

Clause 31 (see Annex II)

Clause 35 (see Annex II)

Clause 38 (see Annex II)

Clause 45 (see Annex II)

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 1, 3, 31, 35, 38 and 45 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 1, 3, 31, 35, 38 and 45 as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): New clause 33A

Section 31 amended (when person is disqualified from being registered as an elector)

New clause 35 A

Schedule 1B amended (composition of the sports, performing arts, culture and publication functional constituency)

New Division heading before new clause 38A

Division 1A — Amendments to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)

New clause 38A

Section 13 amended (Electoral Registration Officer to publish a notice that provisional register is available for public inspection)

New clause 38B	Section 20 amended (Electoral Registration Officer to publish notice of final register and to make final register available for public inspection)
New clause 45A	Section 75 amended (counting of votes for geographical constituencies)
New clause 51A	Section 76 amended (counting of votes)
New Division heading before new clause 52A	Division 4 — Amendments to Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation (Cap. 541 sub. leg. K)
New clause 52A	Section 22 amended (ERO to publish notice that provisional register is available for public inspection)
New clause 52B	Section 30 amended (ERO to publish notice of final register and to make final register available for public inspection)
New Division heading before new clause 52C	Division 5 — Amendments to Legislative Council Ordinance (Cap. 542)

New clause 52C	Section 37 amended (who is eligible to be nominated as a candidate)
New Division heading before new clause 52D	Division 6 — Amendments to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011 (L.N. 73 of 2011)
New clause 52D	Section 24 amended (section 21 amended (Returning Officer to publish a notice of particulars of validly nominated candidates))
New clause 52E	Section 33 amended (section 49 amended (form of ballot papers and order of appearance of lists or names of candidates on ballot papers))
New clause 52F	Section 42 amended (Schedule 3 amended (forms of ballot papers for a general election/by-election)).

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Chairman, I move that the new clauses and new Division headings read out just now be read the Second time.

New clause 33A amends section 31 of the Legislative Council Ordinance (LCO) regarding when a person is disqualified from being registered as an elector

by adding section 31(5) to provide that a government of a place outside the People's Republic of China, whether at national, regional or municipal level, is ineligible to be registered as a corporate elector.

New clause 35A amends Schedule 1B to the LCO to change the name of an organization of the sports, performing arts, culture and publication functional constituency from "新界區體育協會" to "新界區體育總會".

New clauses 38A and 38B amend sections 13 and 20 of the Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation to empower the Electoral Registration Officer (ERO) to make available an additional copy of the voter register in a format which he considers appropriate for public inspection. After amendment, the voter register can set out the names of the electors according to their principal residential addresses apart from the original format which sets out electors according to their names, so as to facilitate the electors in checking any irregular registrations when inspecting the register.

To expedite the progress of vote counting, new clauses 45A and 51A amend section 75 of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation and section 75 of the Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation respectively to allow the counting of ballot papers at the main counting stations to proceed before the arrival of the ballot papers from the small polling stations, ballot paper sorting stations, or dedicated polling stations (DPSs). Nevertheless, for the sake of ensuring confidentiality of the polling, the ballot papers in at least one of the ballot boxes of the main counting station must be mixed with the ballot papers from the small polling stations, the ballot paper sorting stations or DPSs.

Similar to the amendments in the aforesaid new clauses 38A and 38B, we propose to amend sections 22 and 30 of the Electoral Affairs Commission (Registration of Electors) (Village Representative Election) Regulation to empower the ERO to make available an additional copy of the voter register for Village Representative elections. The voter register can set out the names of the electors according to their principal residential addresses to facilitate inspection by electors.

New clause 52C amends section 37(2)(b) of the LCO to clearly provide that the requirement that a FC candidate must have registered and is qualified to be registered as an elector of the FC is applicable to the case of a FC other than the DC (second) FC.

As most of the GC electors are expected to be registered as electors of DC (second) FC, it may be confusing to them when they cast their votes if the lists of candidates for both GCs and DC (second) FC are referred to by the same numbering sequence starting from 1 and followed by 2, 3, 4 and so on.

To pre-empt misunderstanding, clauses 52D, 52E and 52F amend section 49 of the Electoral Affairs Commission (Electoral Procedure)(Legislative Council)(Amendment) Regulation and Schedule 3 to the Regulation to provide that a 3-digit number is to be allocated to the list of candidates for the DC (second) FC.

We have briefed the Bills Committee on the aforesaid amendments. Our proposals are also generally supported by the Bills Committee. I implore Members to support these amendments.

Thank you, Chairman.

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That new clauses 33A and 35A, new Division heading before new clause 38A, new clauses 38A, 38B, 45A and 51A, new Division heading before new clause 52A, new clauses 52A and 52B, new Division heading before new clause 52C, new clause 52C, new Division heading before new clause 52D, and new clauses 52D, 52E and 52F be read the Second time.

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

MRS SOPHIE LEUNG (in Cantonese): Chairman, I will strive to take this opportunity to make another call on Members (that is, Members of this Council), to reconsider these amendments. After making the speech just now, I have received emails from a couple of friends of mine — I did not expect them to

watch the live television broadcast — calling for Members' assistance in protecting privacy. I hope more people will in future remind Members elected by them not to forget the importance of the privacy of every citizen in Hong Kong for their own expediency.

In his response to our speeches just now, the Secretary has somehow made it clear that the register has to be disclosed in response to the proposal made by Members of different backgrounds. I hope Members will not forget resolving the issue in a more rational manner just because of their momentary desire to combat vote rigging.

As I explained just now, Chairman, my proposal will not hinder any Members or candidates for they can still obtain CD-ROMs and carry out electioneering activities according to the voter registration information sorted according to residential addresses. Should suspected vote rigging be found, they can notify the Electoral Affairs Commission for follow-up actions. We ought not to disclose the privacy of members of the public for our own expediency. I hope Members can think twice about this. I also hope members of the public can set a higher expectation for Members elected by them to be meticulous and not to forget about people's privacy for the sake of ballots.

With these remarks, Chairman, I hope my stance in opposing these amendments can be put on record. Thank you.

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

MS EMILY LAU (in Cantonese): Chairman, I speak in support of the Secretary's amendments. In particular, we support the sorting arrangement for the voter register not for the sake of ballots, as pointed out by Mrs Sophie LEUNG just now, but for the sake of establishing a cleaner system in opposition to vote rigging in the hope that members of the public can understand what is proposed today. Concerning Mrs LEUNG's remark that she has received several messages, I hope people with such messages can let us know, too, as I have not received any messages. Nevertheless, during our discussions over the past several months, many people expressed great anger at vote rigging.

Just now, the Secretary set out a series of initiatives to be implemented. I hope the Government can really put them into implementation to combat vote rigging. In this respect, the Secretary has looked up the information very carefully and confirmed that privacy will not be infringed as a result. Certainly, we welcome the idea of examining whether there are any opinions in the community after the implementation of these initiatives. I also hope to receive feedback from the public to see if the outcome is really extremely poor. We hope the Secretary will examine this, and so will we as a political party. However, we hope, through this minor amendment as well as this arrangement, all members of the community will take it seriously and participate in the monitoring work to deter people intent on vote rigging.

Chairman, I appreciate the concern of certain Members, but we are not doing this for the sake of ballots. We only hope to see a fair system whereby the exact number of people in each household is registered. Chairman, it was previously very difficult for inspections to be made. We hope the Secretary and the Electoral Affairs Commission (EAC) can do better this time around to enable the public to really inspect the register. We will see if the matter of Mrs LEUNG's concern will really arise. I believe the EAC will submit a report after the election in September, and we will also have a lot of opportunities to examine this new arrangement.

Nevertheless, I personally think that it is all the more necessary for vigorous and effective efforts to be made to strike home the message to every member of the community, that vote rigging is not tolerated in Hong Kong. In my opinion, actions must be taken to arrest anyone found to engage in vote rigging. Thank you, Chairman.

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

MR IP KWOK-HIM (in Cantonese): Chairman, the DAB supports making available an additional copy of the voter register for inspection. We have all along understood that information can be found in the existing voter register. The DAB, however, has some reservations about whether making an additional copy of the voter register for inspection available can serve the purpose of combating vote rigging, because even without an additional copy, the voter

register is already available for inspection and search. This is why I wish to clarify this here.

But why does the DAB render its support? It is because many of the people known to us, especially the elderly, find it very difficult to find their names in the provisional register or simply have no idea that they have been disqualified as an elector for no reason at all. They can easily find their names if searches can be conducted by way of addresses. Hence, we support this proposal.

All vote rigging acts are unlawful, and vigorous enforcement actions must be taken to ensure that these unlawful acts are duly punished. I very much hope that the Government can step up publicity to bring home to the people of Hong Kong the cleanliness and fairness of the elections. Here I hope to tell Mrs Sophie LEUNG that we seek not to discuss other electoral issues but to enable electors to protect their own voting right more effectively.

Thank you, Chairman.

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

MR TAM YIU-CHUNG (in Cantonese): Chairman, I have one point to add because just now I heard the Secretary say that the Government had conducted some random checks by issuance of letters, and among the reply letters received, 130 000 were undelivered. Certainly, we do not have any opinion about the Government's effort to step up random checks. Nevertheless, I am worried that if these checks are not conducted carefully enough, some electors will invariably give up their right for they may find it very cumbersome. They may think in this manner, "Leave me alone. What am I supposed to do? I am just an elector, and I have already fulfilled my civic obligation." In particular, some elderly electors who do not have a clear idea will simply return the letters for cancellation by the Government to save trouble. Since 130 000 is not a small number, attention should be paid to this.

When I set up a station on the street in Tuen Mun last Sunday, a man approached me and said quite angrily that he had received a letter from the

Registration and Electoral Office (REO) requesting him to report his address because the village house in which he lived had no house number. Despite this, he would definitely receive letters addressed to him probably because postmen were familiar with the place and knew where he lived, even though his village house had no number. He explained that he could still receive letters, including the one issued by the REO, even though he had got no number on his village house.

When he replied to the REO explaining that he could receive letters even though his village house had no number, the REO told him that he would be disqualified as an elector if he could not provide a house number, unless he could prove where he lived by making a declaration or seeking assistance from a Justice of Peace. He then complained very angrily to me because he found it very troublesome. Hence, I hope the Secretary can handle such cases more carefully to prevent some people from finding such requirements a great hassle and ending up giving up their voter qualification.

Thank you, Chairman.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): If not, I now call upon the Secretary to speak again.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Chairman, I have only a couple of points to add. Concerning the concern raised by Mrs Sophie LEUNG just now, I have already given a response in my earlier speech on the resumed Second Reading of the Bill. Furthermore, as mentioned by Ms Emily LAU just now, the Electoral Affairs Commission (EAC) will definitely compile a report related to the election after the Legislative Council Election in September. I believe the EAC will also touch on the concern raised by Mrs Sophie LEUNG in its report.

As regards the figure of 130 000 mentioned by Mr TAM Yiu-chung, I must explain it more clearly that this is not the number of random checks. I believe Mr TAM should recall that letters were addressed separately to 3.5 million-odd electors throughout the territory between January and February to explain to them the new electoral arrangements, and three boxes for returning the mail were printed on the envelope for them to choose. Among the 130 000 returned letters, 80 000 were returned because they were undeliverable. This number is quite similar to the number of, for instance, the undelivered poll cards issued by us every year. However, some 50 000 letters were completed and returned by the relevant occupants. As Mr TAM said, colleagues in the EAC will follow up these letters with great care.

I have also heard of the feedback of some people and kaifongs mentioned by Mr TAM just now. I believe we must, as I have emphasized repeatedly, strike a balance in certain areas in implementing measures to improve voter registration to avoid causing excessive disturbance to the public. Nonetheless, some measures may still cause inconvenience to the electors, and I hope they will understand. I so submit.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That new clauses 33A and 35A, new Division heading before new clause 38A, new clauses 38A, 38B, 45A and 51A, new Division heading before new clause 52A, new clauses 52A and 52B, new Division heading before new clause 52C, new clause 52C, new Division heading before new clause 52D, and new clauses 52D, 52E and 52F be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

CHAIRMAN (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for five minutes.

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

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

Mr Albert HO, Dr Raymond HO, Mr Fred LI, Dr Margaret NG, Mr CHEUNG Man-kwong, Mr CHAN Kam-lam, Mr LEUNG Yiu-chung, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Kong-wah, Mr LAU Wong-fat, Ms Miriam LAU, Ms Emily LAU, Mr Andrew CHENG, Mr TAM Yiu-chung, Mr Abraham SHEK, Ms LI Fung-ying, Ms Audrey EU, Mr WONG Kwok-hing, Mr LEE Wing-tat, Dr Joseph LEE, Mr CHEUNG Hok-ming, Mr WONG Ting-kwong, Mr Ronny TONG, Mr CHIM Pui-chung, Mr KAM Nai-wai, Ms Cyd HO, Ms Starry LEE, Dr LAM Tai-fai, Mr CHAN Hak-kan, Mr Paul CHAN, Mr CHAN Kin-por, Dr LEUNG Ka-lau, Mr CHEUNG Kwok-che, Mr WONG Sing-chi, Mr WONG Kwok-kin, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE, Dr Samson TAM, Mr Alan LEONG, Mr LEUNG Kwok-hung, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted for the motion.

Mrs Sophie LEUNG and Dr Priscilla LEUNG voted against the motion.

Mr Andrew LEUNG abstained.

THE CHAIRMAN, Mr Jasper TSANG, did not cast any vote.

THE CHAIRMAN announced that there were 50 Members present, 46 were in favour of the motion, two against it and one abstained. Since the question was agreed by a majority of the Members present, he therefore declared that the motion was passed.

CLERK (in Cantonese): New clauses 33A and 35A, new Division heading before new clause 38A, new clauses 38A, 38B, 45A and 51A, new Division heading before new clause 52A, new clauses 52A and 52B, new Division heading before new clause 52C, new clause 52C, new Division heading before new clause 52D, and new clauses 52D, 52E and 52F.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Chairman, I move that the new clauses and new Division headings read out just now be added to the Bill.

Proposed additions

New clause 33A (see Annex II)

New clause 35A (see Annex II)

New Division heading before new clause 38A (see Annex II)

New clause 38A (see Annex II)

New clause 38B (see Annex II)

New clause 45A (see Annex II)

New clause 51A (see Annex II)

New Division heading before new clause 52A (see Annex II)

New clause 52A (see Annex II)

New clause 52B (see Annex II)

New Division heading before new clause 52C (see Annex II)

New clause 52C (see Annex II)

New Division heading before new clause 52D (see Annex II)

New clause 52D (see Annex II)

New clause 52E (see Annex II)

New clause 52F (see Annex II)

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the new clauses and new Division headings read out just now be added to the Bill.

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

(Members raised their hands)

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

(No hands raised)

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

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

PRESIDENT (in Cantonese): Bill: Reading.

**ELECTORAL LEGISLATION (MISCELLANEOUS AMENDMENTS)
BILL 2012**

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

Electoral Legislation (Miscellaneous Amendments) Bill 2012

has passed through Committee with amendments. I move that this Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Electoral Legislation (Miscellaneous Amendments) Bill 2012 be read the Third time and do pass.

Does any Member wish to speak?

(Mr LEUNG Kwok-hung stood up)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

MR LEUNG KWOK-HUNG (in Cantonese): I am trying to see how many Members are in the Chamber.

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

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Electoral Legislation (Miscellaneous Amendments) Bill 2012.

(Bill originally scheduled to be dealt with at the last Council meeting)

Committee Stage

CHAIRMAN (in Cantonese): Council is in Committee. We now continue to examine the clauses of the Legislative Council (Amendment) Bill 2012 and the amendments thereto.

LEGISLATIVE COUNCIL (AMENDMENT) BILL 2012

CHAIRMAN (in Cantonese): Mr WONG Yuk-man has given notice to move 74 amendments to amend clauses 1, 2 and 3. The Secretary for Constitutional and Mainland Affairs has also given notice to move one amendment to amend clause 3. In addition, Mr Albert CHAN has also given notice to move 1 232 amendments to amend clause 3. There are a total of 1 307 amendments to this Bill.

MS AUDREY EU (in Cantonese): Chairman, point of order. I move that further proceedings of the Committee be now adjourned under Rule 40(4) of the Rules of Procedure (RoP).

CHAIRMAN (in Cantonese): As Ms Audrey EU has moved a motion for adjournment, I must deal with this motion first. I now propose the question to you and that is: That further proceedings of the Committee be now adjourned.

As Members have already been informed, I will suspend the meeting at lunch and dinner time during the Committee stage of this Bill for Members and officials to take their meals. I now suspend the meeting until 8:30 pm.

7.32 pm

Meeting suspended.

8.29 pm

Committee then resumed.

CHAIRMAN (in Cantonese): The meeting now resumes. We now continue to deal with the motion for adjournment moved by Ms Audrey EU.

MOTION UNDER RULE 40(4) OF THE RULES OF PROCEDURE THAT FURTHER PROCEEDINGS OF THE COMMITTEE OF THE WHOLE COUNCIL BE NOW ADJOURNED

MS AUDREY EU (in Cantonese): Chairman, I would like to explain the reasons why I moved this motion relating to the procedure.

Under Rule 40(4) of the RoP, Members are allowed to move this motion without notice at the Committee stage. As you, Mr Chairman, have just read out, we are now at the Committee stage of the Legislative Council (Amendment) Bill 2012, and there are a total of 1 307 amendments to the Bill. I have moved this procedural motion in the hope that this debate in the Committee as well as these 1 300-odd amendments can be adjourned. This will enable the Government to reintroduce the Bill in due course as it only requires a notice period of five days — an even shorter notice is allowed with the consent of the President — and the Bill can be reintroduced to the Legislative Council anytime.

Under this Rule, I am actually not required to give a notice, but I did give a notice at the meeting of the House Committee of the Legislative Council last

Friday. I also wrote to the Secretary and Honourable colleagues on Monday explaining why I would move this procedural motion today. I gave a notice because I hope that the Secretary and Honourable colleagues can have sufficient time to thoroughly consider the underlying reasons why I would move this procedural motion, and I also hope that I can have Members' support.

The reason is that as this procedural motion can be moved only once, there will not be another opportunity to move this motion. If this motion for adjournment were voted down by Members today, the debate on these 1 300-odd amendments would go on continuously, and in the event that the meeting is aborted or caught in lengthy procedures, there will be no way for Members to turn back and reconsider this procedural motion. Therefore, I hope Members can give careful consideration to this motion moved by me today.

When the debate on this Bill was resumed at the meeting of the Legislative Council last week, many Members in the democratic camp, including the five members of our Civic Party, had actually spoken against the resumed Second Reading of this Bill. We have explained our position, and I am not going to repeat the reasons for opposing the Bill today. But we did make it clear that we would oppose the Second Reading of the Bill and if the motion on the Second Reading of the Bill were passed — as we know that the pro-establishment Members are the majority in this Council — we would, after voting against the Second Reading of the Bill, leave the Chamber in protest and would not take part in the debate on the Committee stage amendments (CSAs).

Certainly, if the pro-establishment Members support this Bill, they have to sit properly here in the Legislative Council to defend the Bill, in order to ensure the passage of the Bill despite our opposition. But on the second day of the meeting — it was after we had left the Chamber on Wednesday and in the morning the next day (that is, Thursday) — the pro-establishment Members who should be defending the Bill failed to do their part properly because at 9 am the next morning, they were unable to gather up some 30 Members to make a quorum for the meeting. As a result, the meeting was aborted on Thursday morning and the debate was then postponed until it is resumed today.

This morning, I noticed that Secretary Raymond TAM had explained to the reporters that he did not support my procedural motion because the Government

would not "withdraw" this Bill. In fact, I have written a clear letter to the Secretary and in the letter I used bold types and underscores to stress that this is not about "withdrawing" the Bill. To withdraw the Bill, a motion has to be moved under Rule 64 of the RoP, though we certainly hope that the Government can withdraw it. But even though the Government is unwilling to withdraw the Bill and the pro-establishment camp insist that they will support the passage of the Bill, they can still support the motion for adjournment moved by me under Rule 40 of the RoP now, because it does not suggest the withdrawal of the Bill. It only seeks to reverse the order, so that the debate on these amendments can be postponed. When the Government thinks that preparations are well made to ensure the attendance of a sufficient number of pro-establishment Members, or when other more important matters have been dealt with, the Government can reintroduce the Bill to the Legislative Council anytime by giving only five days' notice as I have just mentioned.

So, I would like to tell the Secretary clearly that he has got it wrong, for this is not about withdrawal. It does not involve withdrawal of this Bill. Besides, another reason that he gave to the reporters this morning is that the procedure under Rule 40 has never been applied before. Chairman, he was also wrong, as this procedure has been applied before. It was applied in respect of the "five geographical constituencies referendum" recently when Ms Cyd HO proposed to adjourn the proceedings of the meeting under Rule 40 of the RoP. At the meeting of the House Committee last week, I already consulted the Legal Adviser and the Secretariat, and I learnt that this procedure is clear, that it is suitable and applicable, and that it will not stand in the way of the Government. If the Government wants to reintroduce the Bill to the Legislative Council for passage, it can do so anytime when it has secured a sufficient number of votes. Therefore, it is absolutely not the case that this procedure has never been applied before. The Secretary should not be afraid of the application of this procedure.

Meanwhile, I wish to clearly point out that apart from the issues that need to be discussed in the Council, I noticed that the Chief Executive elect has also expressed concern that aborted meetings and filibustering in the Legislative Council will cause obstruction to his reorganization of the Government. Therefore, if the current Government of Donald TSANG wishes to ensure a seamless transition and to work at fast speed to assist the new Government in carrying out its work, including the reorganization of the Government, this is also

an effective way, for it can ensure that we will deal with other matters first and then return to the discussion on these 1 300-odd amendments in the Legislative Council.

Apart from the need to discuss important livelihood issues, I also wish to look at how many Bills will need to be dealt with in the Legislative Council. First of all, I have done some counting, and there should be nine more meetings of the Legislative Council — Chairman, please correct me if I am wrong; there are about nine more meetings — but quite a number of Bills remain outstanding. I have looked up the records and found that around 35 Bills are passed in the Legislative Council yearly. In 2007-2008, that is, the last Session of the last term, 35 bills were passed. In this last Session of the current term, that is, this year, we also need to pass 35 bills. Chairman, after doing some counting, I found that 16 Bills remain outstanding, and this number does not include the Bill on the reorganization of the Government as planned by Mr LEUNG Chun-ying which has not yet been introduced. Chairman, I would like to read out these 16 Bills to remind Members how many Bills we still need to handle.

The Legal Practitioners (Amendment) Bill 2010, Competition Bill, Companies Bill, Copyright (Amendment) Bill 2011, Personal Data (Privacy) (Amendment) Bill 2011, Immigration (Amendment) Bill 2011, Mediation Bill, Buildings Legislation (Amendment) Bill 2011, Mandatory Provident Fund Schemes (Amendment) (No. 2) Bill 2011, United Nations (Anti-Terrorism Measures) (Amendment) Bill 2012, Construction Industry Legislation (Miscellaneous Amendments) Bill 2012, Trade Descriptions (Unfair Trade Practices) (Amendment) Bill 2012, Residential Properties (First-hand Sales) Bill, Statute Law (Miscellaneous Provisions) Bill 2012, Inland Revenue (Amendment) Bill 2012 and Professional Accountants (Amendment) Bill 2012.

As I said just now, this number does not even include the Bill on government reorganization. At the meeting of the Panel on Constitutional Affairs this morning, we decided on many dates for holding public hearings and for scrutinizing the Bill to be introduced. Therefore, I have proposed this procedural motion today for the sake of these outstanding issues. If this meeting of the Legislative Council runs on and on, there will be basically no time for handling those Bills read out by me just now. There will be no time not only for these Bills to be introduced to the Legislative Council for deliberations, but it is

also very likely that there will not be sufficient time even for the respective Bills Committees to scrutinize the Bills.

This morning, apart from attending the meeting of the Panel on Constitutional Affairs, I also attended the meeting of the Bills Committee on the Bill relating to first-hand residential properties, the Chairman of which is Mr CHAN Kam-lam. As he should remember, there were only three or four Members, including myself, attending the meeting most of the time. The Bills Committee will have to hold 15 more meetings but if this meeting of the Legislative Council runs on and on, it would be impossible for other meetings to be held. Therefore, this is one of the reasons why I have to propose this motion.

Another reason is that from what I have seen last week and this week, if the pro-establishment Members want to pass this Bill, they need to ensure the attendance of a sufficient number of Members in this Chamber because the democratic camp will not support the passage of the Bill. This is why we will not stay in the Chamber to pass a Bill that we do not support and consider to be unfair and unjust. But I know that they have put together a roster for circulation among them, and I know that they still find it hard to ensure sufficient attendance. They have even claimed that there will be a high chance for the meeting to abort at certain times tomorrow.

I hope that the pro-establishment Members can really think twice, because if they do not support this procedural motion moved by me today and if the meeting were aborted tomorrow, they would have to take all the blame. Chairman, even if the meeting is not aborted, and if this meeting goes on continuously, what about the deliberations on the Bills on first-hand residential properties, buildings, and so on? How could various Bills Committees hold meetings? So, Chairman, I hope that priorities can be adjusted, and this Bill really has no urgency to be handled most pressingly. I hope that Members will not oppose it on the ground of political opinions, but truly accord priorities to the more pressing issues, in order to sense the urgency of the people.

This procedural motion absolutely does not call on the Government to withdraw the Bill, and it absolutely does not affect the chance of the Government reintroducing the Bill to the Legislative Council for deliberation. But once this motion is negated, Chairman, I can only say that the pro-establishment Members and the Government would be caught in their own trap, as they would

be tying themselves to a road of no return. In proposing this procedural motion, I am providing a way out for Members and I hope Members can think about it clearly and support this motion to postpone the debate for the time being. Thank you, Chairman.

CHAIRMAN (in Cantonese): Ms EU has raised a point on the RoP in her speech earlier on. I wish to make a clarification here.

She said earlier that this motion for adjournment can be moved only once and that this motion, if negated, cannot be moved for a second time. Ms EU cited Rule 40(3) of the RoP which provides that "..... the debate on the question then before the Council shall be continued and no further motion that the debate be now adjourned shall be moved during that debate except by a designated public officer." But if we look at Rule 40, we will see that the stipulations are meant to govern the motion mentioned in subrules (1) and (2), and subrules (1), (2) and (3) of Rule 40 actually refer to a meeting of the Council. If, during the debate on a certain motion at a meeting of the Council, a Member proposes a motion for adjournment, we will have to, as Ms EU has just said, put this motion to a vote first and if the motion is negated, the original debate will continue and no further motion for adjournment can be moved during the debate.

However, Ms EU's motion for adjournment was moved under subrule (4) which governs meetings of the Council in Committee, which is exactly the stage that we are in now. At a meeting of the Council in Committee, a Member can likewise move a motion without notice that further proceedings of the Committee be adjourned. If the motion is negated, the Committee shall continue with its proceedings, but there is no stipulation as to whether such a motion can be moved again.

I have studied with the Legal Adviser for some time the question of whether there is any omission in the drafting of subrule (4) and whether it has omitted certain parts as required for consistency with subrules (1), (2) and (3). Nevertheless, this is the way this subrule is written, and it does not stipulate that no further motion for adjournment can be moved.

The Legal Adviser considers that there can be one reason explaining this and that is, the debate governed by subrule (4) is different from that governed by

subrules (1), (2) and (3), in that subrule (4) involves the Committee stage which can be a lengthy process. Under the existing RoP, different Members are allowed to move a motion for adjournment at different times during the Committee stage. Of course, the President of the Legislative Council has the duty to look into whether the timing is reasonable for moving a motion for adjournment. For instance, if, after we have just finished debating the motion for adjournment moved by Ms EU which is subsequently negated in the vote, another Member immediately proceeds to move a same motion for adjournment, that would certainly be considered unreasonable, and I cannot permit it. Having said that, I wish to make a note here that with regard to Ms EU's earlier remark that no further motion for adjournment can be moved, the RoP has not clearly stipulated this point.

We now proceed to a debate on this motion. Secretary for Constitutional and Mainland Affairs, do you wish to speak?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Chairman, I rise to state clearly the Government's opposition to the motion for adjournment moved by Ms Audrey EU at the Committee stage in respect of the Legislative Council (Amendment) Bill 2012.

I certainly understand it very clearly, and I have repeatedly made clarification or explanation openly that at this stage when the Bill has been read the Second time in the Legislative Council, the withdrawal of the Bill is out of the question, and this is also a response to questions raised in the community. I also understand very clearly that Rule 40(4) of the RoP is mentioned in Ms Audrey EU's letter to me. I have read Ms EU's letter repeatedly, including the part in bold types that Ms EU has just pointed out.

I reiterated a number of points this morning. First, I reiterated my position and some of my views on the Bill which provides for the arrangements for filling vacancies in the Legislative Council. As Members will remember, this issue has been repeatedly discussed in society for quite a long period of time, spanning more than two years altogether. Two different proposals have been put forward. The first proposal, which was on the replacement mechanism, had aroused considerable feedback in society at the time and the Government decided to conduct a three-month public consultation. Subsequently, after collating the

30 000-odd written submissions received and opinion polls conducted by various organizations, as well as the voices and opinions expressed by members of the community through various channels, we introduced this new consolidated proposal. It sets out the arrangement that where a vacancy arises in the Legislative Council, a Member of the Legislative Council who has resigned from office is prohibited from standing in a by-election within six months of his resignation. Therefore, insofar as the general policy direction is concerned, the Government has, over a period of time, incorporated the public opinions received during the consultation exercise before introducing this new proposal.

Judging from the responses from various sectors of the community, this proposal is considered acceptable in society in general. Of course, many people still hold that the Government need not or should not further introduce a new proposal. From our perspective, the new proposal is most moderate. We have repeatedly stressed that this is a legitimate, sensible and reasonable proposal, representing a comparatively moderate and highly focused approach compared to the original proposal.

Certainly, we fully respect the procedures of the Legislative Council. We had first withdrawn the Bill on the original proposal from the Legislative Council and then tabled a new Bill to the Legislative Council for deliberations. A Bills Committee was formed in the Legislative Council to scrutinize the Bill in detail. Public hearings were held to listen to the different views expressed by different deputations. Following the conclusion of the work of the Bills Committee, the Second Reading debate of the Bill was resumed last Wednesday and the Bill was read the Second time in the Legislative Council after the debate, which has taken us to the Committee stage today.

I have taken the trouble to recap the background of our work in order to make one point clear and that is, this new proposal put forward by the Government has gone through due procedures, including public consultation and deliberations by the Legislative Council. As of today, I do not see any reason for this motion for adjournment to be considered necessary at this stage when the Bill has already entered the Committee stage.

Insofar as procedures are concerned, Ms Audrey EU has most earnestly proposed to us that priorities should be given to other more important Bills. I share Ms EU's concern and in fact, the Government also shares this concern.

We have, where the RoP permits and with the consent of the President of the Legislative Council, dealt with the Fisheries Protection (Amendment) Bill 2011 and the Electoral Legislation (Miscellaneous Amendments) Bill 2012 this afternoon. These Bills are related to the people's livelihood and the factor of timing. Thanks to the adjustment made and support from Members, we have dealt with both Bills in the six hours from 1:30 pm to the "break" at 7:30 pm and the Bills have been read the Third time. In other words, as long as the Government and Members can perform their respective roles and carried out their respective duties, it is really possible for the executive and the legislature to complete the tasks and work required of them within limited time. Therefore, we think that before the end of this term of the Legislative Council, with regard to the various Bills mentioned by Ms Audrey EU, we must strive to complete these tasks on schedule and faithfully by making the utmost effort to fully discharge our duties with the executive and the legislature effecting co-ordination together.

If we support this motion for adjournment today, it means that we are saying "No" to the normal operation of the Legislative Council. For this reason, I, as a representative of the executive, cannot accept this motion. In this connection, I appeal to Members in this Chamber not to call other Members "royalists" or pin other labels on them, because what we must assure is the normal operation of the Legislative Council and co-ordination between the executive and the legislature, in order to accomplish all the tasks required of us in the current term for the benefit of the public.

I so submit.

MR WONG YUK-MAN (in Cantonese): Chairman, in May 2011, in order to stop Members from making further resignations from office to trigger a *de facto* referendum, the SAR Government forced its way through at all costs by introducing a replacement mechanism that deprives the right to vote of Hong Kong people. Meetings of the Bills Committee were held successively for a week in an attempt to enact the legislation expeditiously to the neglect of the arguments advanced by the legal profession and the academia, with the Government insisting that no public consultation would be conducted and eventually driving 230 000 people to take to the streets on 1 July. The People Power mobilized the public to besiege the Legislative Council Building on 13, 14 and 15 July. I remember that on 8 June 2011 when we were still in the former

Legislative Council Building, the Secretary's former boss, Stephen LAM, introduced the Bill for First Reading in this Council in a most complacent, arrogant manner. I dashed towards him and was stopped by seven security guards. A couple of days ago, I replayed this scene in the programme hosted by me.

I remember that some time after 8 June and after the 1 July rally, I said to Secretary Stephen LAM, "You are approaching the end of your days, while we are gaining more and more momentum. The replacement mechanism is doomed to total failure." Today, I have to say this once again: "Stephen LAM is a total failure whereas Raymond TAM has succeeded him and carried on, holding an 'ancestral tablet' in his hand. He is also doomed to total failure in the end."

One will understand it by just looking at what happened during the Second Reading of the Bill last week. The meeting was aborted in the morning of Thursday. I can foretell that the meeting is going to be aborted this Friday or Thursday. What is the use of the roster? Show it to me. Only the communists are most compliant and disciplined, Chairman. I know that the 10 Members of the DAB and four Members of the Hong Kong Federation of Trade Unions will definitely be sitting here in this Chamber. They do command my admiration in this respect, and they should not be blamed for any aborted meeting, for it is just the problem with other people. Why did 37 people lose the battle against just two? Please explain it. Do not pass the buck to me. They are the majority bullying the minority, and I am just a small fry fighting against the big fish. There are just the two of us proposing these amendments and with the help of "Long Hair", this is a race of three people battling with 37 people.

Do not complain to other people that there is not even time for a piss, that this is inhuman, and so on and so forth. I think it is really pointless for those people to say those things. What are they talking about? Buddy, if they have a problem with the prostate, I can refer them to Dr LEONG Che-hung. What does it have to do with me when they cannot take a piss? They can go to the toilet and piss, so why is it inhuman? I need to piss, too. Are they the only ones who need to piss? This is not a reason. Obviously, this is a struggle. In this struggle, whoever has the perseverance and tolerance to fight till the last moment wins. I am all set for that. Buddy, I would not wish that the meeting will be aborted. I prefer to have the opportunity to speak, as there is still a whole stack of scripts that I have not yet brought here. Let me tell Members here that for

these 70-odd amendments plus the other 1 000-odd amendments, a script is prepared for all of them and this is why the President has given his permission. Mr IP Kwok-him said that the amendments are frivolous or meaningless. The President said that they are neither frivolous nor meaningless because it is a very important issue to deprive a person of his right to stand for election. The President is brilliant.

This struggle has begun since 8 June. Where is Stephen LAM now? Let me tell a joke here. Recently there is this riddle on the Internet: The clue is "an eunuch studies theology" and the answer is a four-worded expression. Members can make a guess but no prize will be given for guessing it right. In the 1 July rally, from the People Power alone there were as many as several thousand people taking part. After the rally, we staged a peaceful sit-in in Admiralty, and 138 people were arrested, 10 of whom having been prosecuted. "Hulk" and I are charged with three offences. I am the first defendant and a preliminary hearing will be held on 12 June. We do have to pay a price, Chairman. It is not the case that we need not pay a price in putting up resistance. It does carry a cost. We are not those people who sit in this Chamber, cast an opposition vote and then leave peacefully, saying "Today is the darkest day of Hong Kong" and then calling it a day. No, this is not the case. We have to pay a price. It is not easy to work out these 1 000-odd amendments. The entire clause contains only three lines, and it is a tall task to think up over 1 000 amendments from these three lines and what is more, to obtain the President's approval. Buddy, I do not want your admiration. LI Ao (李敖) once said this: "Those people scolding me on their mouths have all erected in their hearts a tablet for worshipping me". Of course, LI Ao is like a chaste woman who lost her chastity in her old age, and this remark cannot apply to him. That said, I would not say that it can apply to me either, but this is to spell out an objective fact.

Starting from May this year, the Second Reading debate will be resumed on two Bills relating to democracy and human rights and the freedom of speech, namely, the Legislative Council (Amendment) Bill 2011 and Copyright (Amendment) Bill 2011. The so-called replacement mechanism and "Internet Article 23" are approaching with menacing torrents. At first, the pan-democratic camp outrageously did not treat these Bills seriously and failed to arouse public concern in time. Mr Albert CHAN and I had given prior notice in June last year that if the Government introduced the Bill to the Legislative Council for Second Reading, we would propose over 1 000 amendments to it. We had already

prepared 1 000-odd amendments at that time, but the amendments were different from those being proposed now because the Bill has now been amended to the effect that a Member who resigned from office is prohibited from standing in an election within six months of his resignation. But the first proposal was different, and we had prepared over 1 000 amendments to it. We could not use the filibuster tactics back then because the Government had withdrawn the bill. The Government said at first that no consultation would be necessary. Then, it said that consultation would be conducted and the Bill was repeatedly put off. The Government must not think that we will accept it after repeated delays, for these arrangements to fill vacancies still amount to deprivation of our right to stand for election. This is an issue of enormous import and we will certainly continue to oppose it.

With regard to "Internet Article 23", which is the Copyright (Amendment) Bill 2011, some young people, HKGolden netizens and other netizens have approached to us. I told them, "Don't worry. We will certainly take actions." But what is most important now is the damnable replacement proposal. We have thought about how we can at the same time deal with the Copyright (Amendment) Bill 2011 while putting up resistance against the damnable replacement proposal. So, I have named these actions the "Campaign of the burning of chained ships", and this is the preliminary effect that we intend to achieve in the recourse to filibuster now.

With "the burning of chained ships", the first "ship" to bear the brunt is the Copyright (Amendment) Bill 2011, which was supposed to be introduced to the Legislative Council for Second Reading on 9 May (that is, today). At the last meeting of the Housing Committee, we said that we would submit 1 390 amendments to the Copyright (Amendment) Bill 2011 to the Legislative Council Secretariat by six o'clock on that day. The Secretary-General of the Legislative Council Secretariat made a request to the Government in the House Committee for postponing the Copyright (Amendment) Bill 2011. The Government said that they were prepared to postpone it in order to effect co-ordination with the Legislative Council. Judging from the current circumstances, Chairman, it will be difficult for the Copyright (Amendment) Bill 2011 to be introduced to this Council for Second Reading in the current term. This is why I said that this is a small victory for me. This is the first ship in the burning of chained ships.

I have no intention to make things difficult for LEUNG Chun-ying, but he wants to force his way through in rapidly putting forward a government structure made up of "five Secretaries of Department and 14 Directors of Bureau". Now that this proposal has been put forward, it will really be difficult for Members to find any leisure time. They will be busy singing praises of LEUNG Chun-ying, so that there will be a new look and a new government comprising "five Secretaries of Department and 14 Directors of Bureau" when he swears in, right? Is it better to be rejoicing in celebration and sharing the glory together, or is it better to defend this replacement proposal? Members will have to think about it. This proposed structure comprising "five Secretaries of Department and 14 Directors of Bureau" has to go through the same procedures when it is tabled to the Legislative Council. Secretary, let me tell you that you had better be psychologically prepared, for I will again take actions. Let me give the Secretary an advance warning here that I will again take actions. I am telling him this in advance, so that he can go back and talk to Fanny LAW, telling her that she had better do it properly, conduct more public consultation and allow more opportunities of participation by Hong Kong people. Otherwise, there is still a chance for miscarriage of their proposal. Let me tell the Secretary this, because I feel that the pan-democrats are taking a far harder line now.

So, it remains unknown as to whether the proposed structure comprising "five Secretaries of Department and 14 Directors of Bureau" can really be passed smoothly in the current term of the Legislative Council and officially established before 1 July. This action of ours today is no big deal. I am just doing what they did not do in the past. I remember that I have talked about this on radio for more than a decade, buddy. When I threw a banana, I was described as violent; when I threw "hell bank notes", I was also described as violent; when I spoke loudly, I was wrongly accused of using swear words — speaking of this, when have I ever used swear words in the Legislative Council? Can they make such false accusations as they like? — Then, the democratic camp supported the tightening of the RoP and now, it is further proposed that the RoP be revised. However bold these people sitting on my right hand side are, I do wish to see if they have the nerve to support the prohibition of filibuster. They may give it a try, and I will never be scared.

As regards "Internet Article 23", given the 1 390 amendments proposed by us, the Government has been forced to put off the vote on it, and it is very likely — I should say it is extremely likely — for things to start all over again in

LEUNG Chun-ying's era, but it will not be this Secretary then as there will be another Secretary taking over. The netizens can actually ask the candidates from various political parties and groupings for their views on the "Internet Article 23" in the Legislative Council Election in September. We consider this a fair, rational campaign of non-co-operation in compliance with the RoP. So, what is wrong with it?

The late Václav HAVEL, Czech thinker and former President of the Czech Republic, gave a good answer when his views were sought on resistance. He said, "I can act in ways that I consider appropriate. I deeply believe that every person should act this way, that is, to shoulder one's own responsibilities. Some people will oppose this and say that this is useless. My answer is very simple: it works." Some time ago, a Member of the Civic Party remarked that they would not take part in filibustering for the sake of filibustering, meaning that filibuster is useless. But in response to this remark and citing the words of Václav HAVEL, I would say that it works, and the result shows that it works, right?

For a small party in a representative assembly where the majority is oppressing the minority and where violence is used by the majority, if I do not resort to this means, tell me, what methods should I use? What other method is there for me to use? If I throw objects, I will be expelled by the Chairman. When I yell at people in this Chamber, I will be accused as a triad member, a rascal for no reason and still, the Chairman will make a ruling and drive me out. How absurd is this. But I can do nothing about it, because the Chairman is most superior here. This is like a story always told by us before. The Monkey King, SUN Wukong, possessed immense strengths in martial arts and sorcery, and was capable of doing everything, so how could it be tamed? Guanyin, the Goddess of Mercy, could only teach Monk Xuan Zhuang to chant the "incantation of the golden hoop" or was it Buddha? It seems to be Guanyin. Right, after Xuan Zhuang had learnt the "incantation of the golden hoop", the Monkey King was hoodwinked as it was told that it would become handsome after putting on the golden hoop. It, therefore, put the golden hoop onto its head and it was caught in big troubles once it was put onto its head. Xuan Zhuang would chant the incantation whenever he liked and the Monkey King would have to kneel down to beg for mercy. Even though the Monkey King was all powerful and mighty, it had to go down on its knees to beg for mercy, and this Monk Xuan Zhuang who chanted the incantation just confused right and wrong all the time — Members who have read *Journey to the West* will know that he always chanted

the incantation on unreasonable grounds — This is the incantation of the golden hoop, buddy.

Therefore, the resistance that we have put up is reasonable and logical, or else these people would not be condemned to such a sorry state where they are acting like "scrambling to pull up their falling pants" and becoming flustered and exasperated, right? The Secretary is also thinking about ways to fix it. No one knows this whole thing will unfold. This motion for adjournment today may not even be finished by 10 pm and will have to resume tomorrow morning. Members must pull themselves together tomorrow, so that what happened last time will not recur. But I am confident in Mr IP Kwok-him. The meeting definitely will not be aborted tomorrow morning. I have had a glance at that roster. All of them will certainly be sitting here tomorrow morning, but no one can tell whether they will continue to do so in the afternoon tomorrow, right? It is said that four of them will not attend the meeting tomorrow The other day Mrs Regina IP came to me and said that thanks to her daughter, she would have to attend her daughter's graduation ceremony in the United States and spend the Mother's Day with her daughter. Therefore, she would not have to watch our filibuster here, and she was thankful for that.

Chairman, I actually have a lot more to say but never mind, there is still a long time for me to speak later, so please do not let the meeting abort so soon, so that I can have a chance to give a performance here. Thank you, Chairman.

MR ALBERT HO (in Cantonese): Chairman, I rise to speak in support of Ms Audrey EU's motion that the debate of the Committee stage be adjourned.

During the resumed Second Reading debate of the Bill last week, we clearly pointed out that the Government should withdraw the Bill. The Bill clearly deprives I would like to emphasize that it unnecessarily, unreasonably and disproportionately deprives people of their right to vote and stand for election. The Secretary said that this is a "mild" deprivation. No matter how "mild" it is, it cannot constitute a justification for deprivation as deprivation is deprivation. If deprivation is unnecessary, unreasonable and disproportionate, it is a breach of the Bill of Rights and will be open to challenge.

I understand that a member of the public has filed an application for judicial review to the Court to challenge the Bill. However, Justice Johnson LAM has passed a ruling that the case will not be dealt with at the present stage. In other words, the case will not be dealt with at the moment until the Bill has been passed by the Legislative Council. By then, the case may be considered. We can see that this Bill will be subject to challenge in court. As we all know, the challenge this time around is not simple. I believe the Hong Kong Bar Association will unequivocally indicate its support that the challenge is justified.

Besides, I have to reiterate that the Bill definitely cannot achieve the objective mentioned by the authorities because the so-called *de facto* referendum can still occur. In other words, if there is an intention to instigate a *de facto* referendum, there can be no stopping it if a Member is barred from running in a by-election within six months after his resignation because other members of the political party concerned may participate in the by-election in his place. Under such circumstances, the Government has no justification to bulldoze the passage of the Bill. In my opinion, the authorities simply want to fulfil a political mission because of the need to be accountable to Beijing. I feel most sorry about this.

Under the RoP, as the Bill has passed Second Reading, it cannot be withdrawn. Therefore, Ms Audrey EU's motion seeks to give a way out to the authorities. Many Members of the pan-democratic camp have clearly indicated that they will withdraw from the meeting after the Second Reading. They will not participate in the further debate or voting on the Bill. Of course, the Government is also fully aware that it will face filibustering by Honourable colleagues as a means to protract the debate or even — as we can see it now — force the meeting to be aborted due to the lack of quorum. The Government has anticipated all these situations and Members of the pro-establishment camp are also well aware of it. Under such circumstances, we really have to consider adjourning the debate. The authorities also have no reason to criticize Members for resorting to the so-called filibustering tactic or abuse of procedures because I clearly remember that the Government has also employed such a tactic. During the motion debate on "scrapping" the Municipal Councils in 1999, we clearly remember that Michael SUEN had spoken for a few hours by repeating some meaningless remarks time and again when the Government did not have enough votes. This is the filibustering tactic employed by the Government.

Members should not be blamed for resorting to the tactic of quorum requirement, with the purpose of forcing the meeting to be aborted because Members of the pro-establishment camp have also resorted to it. Back then, when colleagues wished to explain the reasons for their resignation on "*de facto* referendum", Members of the pro-establishment camp refused to enter the Chamber, thereby forcing the meeting to be aborted. They even refused to give them the opportunity to speak. The incident is still vivid in our mind. Members who were involved are in the Chamber now. Therefore, every one of us will resort to such means. Today, the authorities can clearly foresee that some colleagues will make use of this tactic. They should not be blamed because the Government wants to bulldoze through a completely unnecessary Bill in an irrational manner. The authorities have the responsibility to garner enough supporters to endure this so-called battle of filibustering. This is the responsibility of the authorities. The original intent behind this is crystal clear. Those who insist on supporting the Government should not blame the others. If they want to play their role, they have to bear the hardship without complaining or blaming the others.

Chairman, as Ms Audrey EU has pointed out in detail just now, we have to deal with many important Bills in the near future, including the Competition Bill, the Companies Bill and the Residential Properties (First-hand Sales) Bill. Many of these Bills must be passed in this Session, or else the new term Legislative Council will need to conduct the relevant deliberations afresh.

It will take a long time for this Council to complete the Second Reading and Committee stage debates of a Bill after its introduction to this Council. We are really running out of time in our remaining term. If the Government remains so stubborn that it is reluctant to support — or Members of pro-establishment camp are reluctant to support — the adjournment motion moved by Ms Audrey EU, I will be pessimistic. It is expected that the meeting will certainly be aborted on the next two days or the third day.

Therefore, I strongly urge the Government to table all the Bills that have to be deliberated by this Council at each meeting just like what it did today. This is the only way out. Otherwise, it will prove that — I do not want to use the word "prove" — the authorities are completely irrational at the expense of the interests of Hong Kong people. I wish to tell everybody that we are anxious and ready to deal with Bills that have been cited by Ms Audrey EU at each of the

following meetings. Priority should be given to these Bills. But the best option right now is to pass the motion of adjournment today. Otherwise, I hope all important Bills or Bills that have to be dealt with should be given priority at the meeting on Wednesday in the coming fortnight.

Chairman, apart from these Bills, we have to deal with some other motions, such as the government restructuring plan proposed by LEUNG Chun-ying. But these motions may not be given priority. Furthermore, we have to deliberate amendments to the legislation on legal aid, which will be dealt with in the form of a motion. I hope that some Member will request the suspension of the RoP so that we can alter the order of business and deal with these motions first. If Members are determined to fight this Bill, they can postpone the Bill to the final stage. But for some important Bills and motions which need to be dealt with, we should brook no delay as further delay will cause great impact on society, the people's livelihood and public interest. This is the Government's responsibility and many Members have to carry this responsibility as well.

Chairman, I once again urge all Members to support the motion proposed by Ms Audrey EU.

DR MARGARET NG (in Cantonese): Chairman, after the introduction of the Legislative Council (Amendment) Bill 2012 by the Government, two Members announced that they would propose more than 1 300 amendments to the Bill. Last week, after the meeting was aborted, some people pointed an accusing finger at somebody. They said owing to some Members' filibustering tactic, the Government is unable to put livelihood-related Bills on the agenda. They have shifted the Government's responsibility to Members who resorted to filibuster. Secondly, as filibuster is allowed in this Council, it shows that there is a problem with the RoP. Chairman, the fact that Ms Audrey EU has proposed to adjourn the debate proves that these two allegations cannot hold water. Let me speak from a wider perspective to refute these two accusations. The RoP is formulated by the Legislative Council of its own accord in accordance with Article 75 of the Basic Law. The objectives are two-fold: First, to protect the functions of the Legislative Council; and second, to facilitate administration by the Government.

Let us examine how the RoP gives manifestation to these two points. On the first point, the Legislative Council is autonomous in dealing with any Council business. Any matters that have to be passed or dealt with by the Legislative Council will be handled of its own accord. The fact that the RoP seeks to protect the Legislative Council's functions is tantamount to protecting Members' constitutional powers and privileges, by which they can monitor the Government, and exercise checks and balances on the executive authorities. It is of the utmost important to protect these powers which include the right to speak or the freedom of speech, the right to move motions and the right to cast votes.

Let me cite an example. This is one of the most controversial issues, that is, Members' right to move a private Member's Bill. Chairman, as you may remember, after the reunification, the Basic Law has reduced Members' powers in introducing bills, or private Members' Bills. Under Article 74 of the Basic Law, "Members of the Legislative Council of the Hong Kong Special Administrative Region may introduce bills in accordance with the provisions of this Law and legal procedures. Bills which do not relate to public expenditure or political structure or the operation of the government may be introduced individually or jointly by members of the Council." Chairman, here, the restriction on Members in introducing Bills is that the Bills cannot relate to public expenditure, or the political structure or operation of the Government. These are the most crucial restrictions. Another restriction is that "The written consent of the Chief Executive shall be required before bills relating to government polices are introduced.". I think Mr Jeffrey LAM should have plenty of experience in this regard.

Almost all meaningful Bills will affect government policies. In other words, we can introduce a Bill if consent of the Chief Executive has been given. If consent is not given, we cannot do so. Therefore, the remaining powers we have are defined in the RoP. We will definitely not give them up easily and the powers we have include the power to propose amendments to Bills.

Chairman, we should distinguish these two clearly. Take the Legislative Council (Amendment) Bill 2012 as an example. This is a Bill because it seeks to amend the existing Legislative Council Ordinance. However, Committee stage amendments proposed by Mr WONG Yuk-man and Mr Albert CHAN are amendments and do not fall within the definition of Bills.

Chairman, as you may also remember, soon after the reunification, we had argued with the Administration on this point. The Administration considered that Bills should include amendments, but we insisted that the Basic Law should not be interpreted in this way. We had raised a lot of views and consulted some barriers. Despite our long discussion, the Administration still did not accept or agree with our views. Eventually, we and the Administration held different views and we adhered to ours. Therefore, we have to uphold Members' rights to propose amendments, which is a constitutional power under the Basic Law.

Chairman, our then argument that amendments did not fall within the definition of Bills is in fact well founded. It is because Article 74 of the Basic Law is executive-led under which all important Bills should be introduced by the Administration. Why do we think that amendments are not included? Because lots of restrictions have been imposed on the proposition of amendments. For instance, the amendments cannot exceed the original scope of the Bill, or have charged effect, and so on. Members are well aware of all this.

Furthermore, if an amendment not to the liking of the Government has been passed, the Government has the right to withdraw the Bill. Such a situation occurred once before the reunification. It was a Bill concerning the Independent Police Complaints Council. Mr James TO should have a vivid recollection of this incident. The Government suddenly withdrew the Bill as a whole before Third Reading after an amendment proposed by a Member had been passed. We were very surprised and protested against the Government, pointing out that if the amendment was so critical to the Government, it should give prior notice to Members so that we could weigh the advantages and disadvantages before deciding what to do.

Therefore, Chairman, the RoP protects not only the powers of this Council, but also individual Members' right to move motions and propose amendments. These rights are well founded and play an important role in the constitutional system, that is, to check the executive authorities. The powers now protected by the RoP are essential and proper.

Chairman, as I said just now, another purpose of the RoP is to facilitate the administration of the Government. We accept that the relationship between the executive and the legislature under the framework of the Basic Law is one of co-ordination and mutual checks and balances. Regarding the checks and

balances I said just now, what role does the RoP play in respect of co-ordination? In fact, the RoP allows the Government to set its priorities according to its needs of administration. The procedures of this Council, in terms of the details and the procedures as a whole, respect the Government's power of decision and facilitate the Government in determining the priorities of various items according to its needs of administration as far as possible.

Chairman, let me cite an example. The Government takes the lead in the introduction of Bills, although Members may have also repeatedly requested the early introduction of Bills by the Government in relevant panels. As far as I can remember, the Chairman of the House Committee has constantly reminded the Government to introduce the relevant Bills expeditiously. However, the power of determining when a Bill should be introduced rests with the Government. After a Bill has been submitted to the Legislative Council by the Government, it will be deliberated by the Legislative Council of its own accord. However, regarding when the Second Reading will be resumed and whether or not the Second Reading will be resumed, the initiative fully rests with the Government. The Government needs only give notice. As for the order of resolutions and Bills, it is approved by the Legislative Council President because the proceedings should be determined by the Legislative Council on its own. However, just like what has happened in this meeting, the Government has requested that priority be given to a Bill concerning fisheries and an Amendment Bill concerning election. Although the Government has to seek the approval of the Legislative Council President first, the Legislative Council President will certainly grant approval according to his usual practice unless there are special reasons. Therefore, the initiative entirely rests in the hands of the Government.

So, please do not pass the buck to the others. Please do not think that you can shift the responsibility onto others. As a matter of fact, you have also admitted that you cannot get the job done without the initiative. As pointed out by Secretary Raymond TAM earlier, if the Government wants to change the priorities of deliberation of Bills, it will require the support of Members and approval of the President. The President can grant approval without the support of Members because he can exercise his power as President as long as he exercises it in a proper manner. As I mentioned earlier, this is the normal practice. It is not only the practice of the Legislative Council, but also the practice of the House Committee. If the Government hopes that the Legislative Council can give priority to Bills introduced, it has to present its request to the

Chairman of the House Committee. As to whether the Government's request is entertained, it depends on whether Members consent it or not. Generally speaking, unless there are other special reasons, Members will accede to the Government's requests. Therefore, the initiative always rests in the hands of the Government, which has the right to change the priority of deliberation depending on the urgency of the Bills such as those related to people's livelihood or administration. Therefore, if the Government does not change the priority, it should not blame Members for resorting to filibustering. It does not want to change the priority not because it cannot do so but because it is reluctant to do so. I think the Government should not mislead the public in this regard.

So, concerning the problem now before us, when Members have given notice to move more than 1 300 amendments, the Government can certainly deal with them by moving a motion as Ms Audrey EU did. As notice has already been given, the Government can move a motion to postpone deliberation of the Bill as early as possible. It can also move a motion to adjourn it in order to deal with other matters. Let me reiterate that the initiative rests in the hands of the Government. Even in dealing with the Legislative Council (Amendment) Bill 2012 that we are now discussing, the Government can still exercise the flexibility conferred by the RoP because it can table the second version of the Bill before withdrawing the first version. This is also because of the flexibility under the RoP.

In fact, Chairman, concerning incidents of the Government taking full advantage of this flexibility, I can always cite a lot of precedents. However, this flexibility does not always bring benefit to Members or the public. Take the legislation on Article 23 of the Basic Law in 2003 as an example, the Government did not withdraw the Bill after the march on 1 July. It had merely withdrawn the notice to the effect that the Second Reading would not be resumed for the time being. The Bill was still like a sword hanging over the head of the public. The authorities only needed to give notice in order to initiate the legislative process and pass the Bill if it could ensure that there were enough votes or the Bill could be passed.

On the whole, Chairman, the RoP can protect Members' constitutional powers in the Legislative Council so that they can exercise the powers on behalf of the people. Meanwhile, the RoP also gives the Government a great deal of flexibility. Therefore, I do not think the RoP favours Members or the

Government. However, the core condition for the operation is that the executive and the legislature are prepared to communicate with each other and adopt a pragmatic attitude.

But today we do not see that Secretary Raymond TAM has adopted such an attitude. It means that he refuses to concede when he has got the upper hand. He said he did not see why he should concede or why the debate should be adjourned. He added that if we agree to Ms Audrey EU's motion, it would mean that we say "No" to the normal operation. Does he mean that "normal operation" is tantamount to total compliance with his dictates? "Normal operation" should be mutual accommodation and mutual compromise. If the Government has not gone so far, there will not be filibustering today. However, if the Government continues to adopt such an approach, the situation cannot be improved no matter how the RoP is modified because amendments to the RoP are not based on a resolutely unco-operative spirit. If we only consider how to suppress the minority by making use of the majority so as to squeeze the minority of their space, the RoP will always be a blueprint for struggle.

Thank you, Chairman.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, after the defeat of Stephen LAM, it is now the turn for Secretary Raymond TAM to come on stage. Secretary Raymond TAM is busy enough. He has to dovetail with Fanny LAW and fraternize with her. On seeing such a scene outside the Legislative Council, I found it embarrassing, particularly on hearing that "The two of us will work together to deal with matters concerning five Secretaries of Departments and 14 Directors of Bureaux. Toady, I thank you for taking the trouble to come to convince Members of the pro-establishment camp to sit tight so as to save face for the Government."

In fact, I think Ms Audrey EU's motion is well-intentioned. She did not request that the Bill be withdrawn. Rather, she just said if the Government complains that the amendments are standing in the way, the debate should be

suspended so that other issues that are considered important by the Government can be discussed first.

The Government has made a judgment on the motion. Secretary TAM, you should not quibble. You do not say "No" to the normal operation of the Legislative Council. You say "No" to your earlier assertion that the public interest is given the first priority. Did you not once say that some matters could not be delayed and must be taken forward? Today, you have changed your line. You said that to support this motion means to say "No" to the normal operation of the Legislative Council. Under normal circumstances, this will certainly not happen. But you should remember that this is the procedure approved by the Chairman. Chairman, is the examination of these 1 300-odd amendments permitted by you the normal procedure of the Legislative Council approved by you? The answer is certainly in the affirmative. How come these do not belong to the normal procedure? Nevertheless, you are complaining. Thus, a small sign can indicate a great trend. Last week, the Secretary said that public interest should be put in the first place and urged for our co-operation. Do you want to intimidate the Chairman so that the Chairman would veto the examination of these amendments at the critical moment? Today, you have changed your line.

I really found it laughable. Neither our filibustering tactic nor requests for headcount can reflect the least bit of the political reality of Hong Kong. We the few are fighting the many and you the many are bullying the few. If this Council is returned by election based on universal suffrage, such a situation will not have happened today. The fact that we resort to the filibustering tactic and request headcounts has actually reflected the frustration of millions of people in Hong Kong because they have no right to elect Legislative Council Members by "one person, one vote". Back then, Stephen LAM proposed to respond to Dr Priscilla LEUNG's call for punishing Members who ran in the by-election after resignation. With some Members' support, Stephen LAM, who thought that he would achieve the purpose, introduced the Bill despite opposing voices in May last year.

Secretary Raymond TAM, you said the provisions are relatively mild after modification and supported by the community. On what basis could you make such a judgment? The Government has only held two consultation forums, one of which was gatecrashed by me and as a result I was sentenced to imprisonment.

How many consultation forums have been held by the Government? What do you mean by "relatively mild"? Can we measure our rights in such a way? Initially, you have deprived people 100% of their rights. But now you are going to only take away 40% of their rights. Is this mild enough to merit our agreement?

We, the minority, are here today fighting the majority not because we are heroes. Nor is it because we are omnipotent or Supermen. We do this because we have to be responsible to Hong Kong people who supported the "five geographical constituencies referendum" in 2010 or those who think that Hong Kong should implement universal suffrage. As the saying goes, one should seek justice against the appropriate perpetrators and collect debts from right debtors. If you can especially Members of the DAB who are sitting here, if you remember what you have said and if this Council is elected by universal suffrage, there will not be such a controversy. If Members of the DAB expressed Hong Kong people's aspirations for implementing universal suffrage in 2007 or 2008, there would not be such a dispute. Nor do we have to resign in 2010 to trigger a referendum.

We are just doing something allowed by the RoP. We do this not because we do not have to pay a price. It will carry a price. However, someone said, "I am not going to play the game." Let me reiterate that in 2010, the pro-establishment camp went away. Although they were urged to stand in the election in order to see whether people, as the voting results might indicate, supported dual universal suffrage in 2012, they refused to pay the price. They were like a "dead dog" that did not show any sign of reaction even being scalded with hot water. They really did not have to pay a price. They simply said that they were the majority and did not run in the by-election. It was widely rumoured that "Long Hair", who was such a nasty person in New Territories East, would certainly lose his seat to any member of the DAB. Then send someone to run in the election! If they did, how come we have this filibuster today? If I, "Hulk", "Yuk-man", Mr Alan LEONG and Miss Tanya CHAN had lost our five seats, will there be anyone resorting to filibuster?

What is the problem? The problem is that you do not want to give Hong Kong people a chance. We will certainly retain this right. If legislation on Article 23 of the Basic Law (Article 23) in future Dr Margaret NG reminded me that the Government can propose the enactment of the legislation on

Article 23 in the Legislative Council right away by giving just five days' notice. If a few Members have gone to jail, the legislation will be passed by an absolute majority of the remaining Members. Therefore, we must retain this right. In this distorted Council, in which half of its Members are returned by small-circle elections, you can always impose the draconian law on Article 23 on Hong Kong people. We must retain the last chance of upholding the rights of Hong Kong people by "five geographical constituencies referendum" through resignation to highlight the shamelessness and impropriety of the legislation on Article 23. I am not afraid of making these remarks in an unequivocal manner. What are you afraid of? Did you not say that we do not have to pay a price?

Chairman, because of this incident alone, this opposition to this goddamned replacement mechanism, dozens of people were arrested and some will be jailed. Why do you say that we do not have to pay a price? We have resorted to filibustering in this Council because we wish to highlight the absurdity of this Council in a most absurd way. This absurd Council has passed an absurd Bill which will deprive Hong Kong people of their rights to vote and stand for election.

I do not know what is in the mind of Stephen LAM. He is a person of iniquity. It is he who proposed this mechanism right from the beginning. It is he who said that consultation is not necessary. After being promoted to a higher rank, he handed it over to you, Secretary, to hard sell this product. It is also he who did this. He said he will study theology. What is the use of it? Every day he has to comply with the "12 commandments". What is his eleventh commandment? It is: "Do not be afraid of committing offence or be caught. Let it dry if you are spat on your face." Didn't he say that consultation was not necessary? Didn't he say that he could push through the Bill? Didn't he make the royalists who are complaining about the tough job of sitting in this Council believe that the Bill could be passed in July last year?

Stephen LAM has also complied with the twelfth commandment, that is, "Never admit your fault even though you are caught." He is still so shameless today, that he insists that he is always correct. Raymond TAM has no alternative but to hold his ancestral tablet high and insist that he is always correct.

Today, the Government urges us to pass the Bill which has been tabled to this Council. But we are still not sure whether the Bill is unconstitutional or not!

God bless us! What should we do if the Bill is passed and found to be unconstitutional in future? Secretary Raymond TAM, will you bet your head or official position on it? For those who support this Bill, they need not commit laparotomy suicide. However, will they take the responsibility and resign?

Chairman, we have given the Government the opportunity. We hope that the Government can withdraw this Bill which will deprive Hong Kong people the right to vote and the right to stand for election without justification. However, this apathetic Government keeps going on the wrong path. Let me repeat: What we are doing here is not for our own interests, but for upholding Hong Kong people's basic right to vote and to stand for election which are bestowed by the Basic Law. You ask: What is the problem of five months? What is the problem of having an individual who cannot run in an election? Let me tell you. During the process of enacting the legislation on Article 23, there will certainly be five Members who will resign. This cannot be prevented. This shows that what you have done is totally unfounded and outrageous. You said that it is necessary to prevent the waste of public money or guard against this or that. These are in fact all false. You simply want to punish those in the Legislative Council who administer justice and trigger "five geographical constituencies referendum" through resignation to reflect the public opinions so that Hong Kong people can express their views. They did all these on behalf of Hong Kong people who were suppressed by you. That is so simple. It is the remarks of Priscilla LEUNG right from the beginning.

Chairman, there are many ways to punish Members. The Government can canvass votes for candidates whom it supports. It can urge the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (LOCPG) to provide more funds for organizing social activities such as offering of snake feasts, vegetarian feasts, moon cakes and rice dumplings for electors. It can urge the LOCPG to request the Mainland countrymen to come to Hong Kong to vote. If they do not vote, harass their families. You can punish us in this way instead of enacting a law to disqualify us from competing with you.

Chairman, when I speak in this Council, a dear friend of mine has already been put in jail in Lai Chi Kok. I do not know whether he can have access to the television tonight. I will also be put in jail later. Could you imagine how we will be treated if the Bill is passed?

Chairman, I hope that the pan-democrats can unite together tomorrow. I hope that Members of the pro-establishment camp will get up early tomorrow and do not scold us anymore. We will make every effort to force the meeting to be aborted until Raymond TAM has changed his mind and started to contemplate whether it is more important to punish Members (*The buzzer sounded*)

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

MR LEUNG KWOK-HUNG (in Cantonese): or to attach weight to people's livelihood.

MS CYD HO (in Cantonese): Speaking on behalf of the Labour Party, I support Ms Audrey EU's motion for adjournment. A deadlock has been created in this Council in relation to the Bill on replacement mechanism. Members of the pan-democratic camp will certainly oppose any option which is detrimental to the integrity of the right to vote. Those Members who support the Government are not whole-hearted either. If they support it whole-heartedly, they will be in full attendance and the meeting last week would not have been aborted for the lack of a quorum. Stubbornly enough, the Government refuses to withdraw the Bill. The Government can actually invoke one of the sub-rules under Rule 40 of the RoP to allow a public officer to move that the debate be adjourned. But the Government refuses to do so. Therefore, a Member has proposed this motion as a reasonable and procedural method to untie the deadlock. I hope that Members can thoroughly consider supporting this motion.

As the end of Legislative Council Members' term is approaching, some of the Bills have come to their final stages of scrutiny. Examples include the Personal Data (Privacy)(Amendment) Bill 2011 that prevents the misuse of personal data in direct marketing as well as the Immigration (Amendment) Bill 2011 that materializes the protection of refugees who have suffered from torture for political reasons. The scrutiny of these bills is nearing the end. If these Bills cannot be enacted because of the current deadlock, all our preliminary stage of efforts will be in vain. This is most unfortunate. I believe this Council know what ought to be done and make good decisions.

The Government is the most capable organ to make decisions because the RoP has empowered the Government to withdraw any Bill at the amendment stage. Dr Margaret NG mentioned just now a Bill introduced for discussion prior to the handover of Hong Kong in 1997. I can cite another example, that is, a 1995 Bill on the protection of labour rights and interests. Mr LAU Chin-shek's amendment was passed at that time. The Government immediately withdrew the Bill, leading to LAU Chin-shek's resignation. He did not resign without a cause. His resignation was meant as a protest. Instead of participating in a by-election himself, LEE Cheuk-yan ran in the by-election in his place.

We have numerous examples. The Government should make good use of its power and act according to public opinion in order to maintain the integrity of the people's right to vote. Actually, the Government should have withdrawn this Bill long ago. If the withdrawal is only based on the worry that the scrutiny process of other Bills may have been delayed rather than a noble ground such as for the sake of implementing our rights to vote conferred by the International Covenant on Civil and Political Rights, then it is still worth reining in the horse at the precipice. Citing the Secretary's "four-word Chinese mantra", I advise the Government to rein in the horse at the precipice and urge Members of the pro-establishment camp to support the current motion.

Secretary Raymond TAM has just said something more in line with the facts than last week. He also blamed Members of the pan-democratic camp last week by saying that those who did not attend the debate were also accountable. I must tell Secretary Raymond TAM here that we oppose the passage of this Bill and we will not lend any one of us to him to make up the quorum. When we intend to move a motion against functional constituencies, will he lend us votes? It is because we all have a different political orientation and standpoint. However, what Secretary Raymond TAM said today is more in line with the facts. He urges us to assume our respective roles. Therefore, those who support this Bill should be present to attend to their own duties. Or else we all make a timely turn and support Ms Audrey EU's motion. However, if we insist on continuing to pass this Bill which is detrimental to the public's right to vote, then let us do what Secretary Raymond TAM said and discharge our duties so that we can help him pass this Bill depriving people of their right to vote.

Political parties would work according to their beliefs, well aware that there are things they should and should not do. When we boycott this draconian law, or when we realize that the only way to protect the public's right to vote is to refrain from participating in this legislative process, we will refuse to go into the Chamber to make a quorum. We must iterate that our entry to the legislature is not merely for the operation of this legislature, but also for protecting the people's right. We should not put the cart before the horse. We have to discharge our duties pursuant to the fundamental purpose of becoming a Legislative Council Member who stands and sits here.

I also fully understand that Members and political parties such as the DAB and FTU had done their job and attended the meeting last week. But the meeting was aborted for the lack of a quorum. Feeling quite indignant, some people said something not at all inappropriate. Chairman, I am not going to respond to these remarks. But I must reiterate this point. Whether the meeting tomorrow or day after tomorrow will be aborted for the lack of a quorum, I will make it a point to arrive at the Legislative Council Complex on time. I will let everyone see that I arrive at the workplace on time to pre-empt any understanding that we boycott this Bill with a different purpose. I will continue to arrive at 9 am at the Complex so that everyone can see me doing the best that I can to protect the people's right.

Chairman, lastly, I must reiterate that we oppose this Bill. If we cannot adjourn the legislative process of this Bill today, we will not attend the subsequent Committee stage. Let me stress this point again — we will not lend any one of us to the Government to enact this draconian law.

Thank you, Chairman.

SUSPENSION OF MEETING

CHAIRMAN (in Cantonese): It is now 9.56 pm. I now suspend the meeting until 9 am tomorrow.

Suspended accordingly at four minutes to Ten o'clock.

Fisheries Protection (Amendment) Bill 2011

Committee Stage

Amendments moved by the Secretary for Food and Health

<u>Clause</u>	<u>Amendment Proposed</u>
4(5)	In the proposed definition of <i>impoundment</i> , by deleting “removable or” and substituting “removable and”.
10(1)	In the Chinese text, by deleting “、”.
15	In the proposed section 16(1), in the Chinese text, by deleting “署長可按其認為合適而施加符合以下說明的條件：任何人可按照該等條件，使用或借助任何已登記船隻而捕魚。該等” and substituting “署長可就使用或借助已登記船隻捕魚施加署長認為合適的條件，如署長有施加該等條件，則使用或借助該船隻捕魚須按照該等條件進行。署長可施加的”.
15	In the proposed section 42(1), in the English text, by adding “is” before “required”.
17	In the proposed Schedule 2, by adding – “1A. Fishing with the use or aid of a hand net.”.
17	In the proposed Schedule 2, in item 3, by deleting “hand nets, spear guns or hooks” and substituting “any hand net, spear gun or hook”.

Fisheries Protection (Amendment) Bill 2011

Committee Stage

Amendments moved by the Honourable Albert CHAN Wai-yipClauseAmendment Proposed

15

NEGATIVED

In the proposed section 42, by adding —

“(3) (a) Despite subsection (1), any of the following documentation that may be or is required to be sent to an individual or a company must be sent by any of the means specified in paragraph (c) —

- (i) certificate of registration;
- (ii) research fishing permit;
- (iii) replacement certificate or permit issued under section 30;
- (iv) duplicate certificate or permit issued under section 32;
- (v) any notice, document or information in relation to subparagraph (i), (ii), (iii) or (iv);
- (vi) any notice, document or information in relation to section 33 or 34.

(b) Paragraph (a) only applies to documentation that is sent by a public officer or the Administrative Appeal Board to a person other than a public officer or to a company.

(c) The means are —

- (i) if the documentation is sent to an individual, by delivering it to the individual personally, or by leaving it with some person for the individual at the individual’s last known address, or by sending it to the individual by registered post to that address;
- (ii) if the documentation is sent to a company, by delivering it at or sending it by registered post to the principal office of the company.”.

17

NEGATIVED

In the proposed Schedule 2, by adding—

“4. Fishing by means of not more than 3 cage traps hung from the vessel, each not exceeding 1 cubic metre in size.

5. Fishing by means of not more than 2 single-layer nets, each not exceeding 80 square metres, operated from the vessel otherwise than by dragging or towing through the water column or on the seabed.”.

Annex II

Electoral Legislation (Miscellaneous Amendments) Bill 2012

Committee Stage

Amendments moved by the Secretary for Constitutional and Mainland Affairs

<u>Clause</u>	<u>Amendment Proposed</u>
1(3)	By adding “(except Division 6)” after “6”.
3(2)	By deleting the proposed section 27(1B)(a) and substituting— “(a) the election advertisement meets the condition specified in subsection (1A)(a) or (b); and”.
3(4)	By deleting the proposed section 27(2B)(a) and substituting— “(a) the election advertisement meets the condition specified in subsection (2A)(a) or (b); and”.
31	By deleting “35” and substituting “35A”.
New	By adding— <p style="margin-left: 40px;">“33A. Section 31 amended (when person is disqualified from being registered as an elector) After section 31(4)— Add</p> <p style="margin-left: 80px;">“(5) A body which is a department or an agency of a government of a place outside the People’s Republic of China, whether at national, regional or municipal level, is disqualified from being registered as a corporate elector.</p> <p style="margin-left: 80px;">(6) For the purposes of subsection (5), a body is not regarded as a department or an agency of a government of a place unless—</p> <p style="margin-left: 120px;">(a) the management of the body is appointed by the government and is answerable to the government;</p> <p style="margin-left: 120px;">(b) the principal function of the body is to</p>

advance the interest of the place; and
(c) the body is non-profit-making.”.”

- 35(1) By deleting “Limited” and substituting “Limited.”.
- 35(2) By deleting “Limited” and substituting “Limited.”.
- 35(3) In the English text, by deleting “Association” and substituting “Association.”.
- New In Part 4, by adding—

“35A. Schedule 1B amended (composition of the sports, performing arts, culture and publication functional constituency)

Schedule 1B, Part 3, item 50—

Repeal

“New Territories Regional Sports Association”

Substitute

“The New Territories Regional Sports Association”.”.

- 38 By deleting “2 and 3” and substituting “1A to 6”.

- Part 6 By adding—

“Division 1A—Amendments to Electoral Affairs Commission (Registration of Electors) (Legislative Council Geographical Constituencies) (District Council Constituencies) Regulation (Cap. 541 sub. leg. A)

38A. Section 13 amended (Electoral Registration Officer to publish a notice that provisional register is available for public inspection)

After section 13(4)—

Add

“(4A) For the purposes of subsections (3) and (4), the Electoral Registration Officer may further make available for public inspection an additional copy of the provisional register or an additional copy of a specific section or subsection of the

provisional register, in which entries are arranged in a manner that the Electoral Registration Officer considers appropriate for public inspection.”.

38B. Section 20 amended (Electoral Registration Officer to publish notice of final register and to make final register available for public inspection)

After section 20(4)—

Add

“(4A) For the purposes of subsections (3) and (4), the Electoral Registration Officer may further make available for public inspection an additional copy of the final register or an additional copy of a specific section or subsection of the final register, in which entries are arranged in a manner that the Electoral Registration Officer considers appropriate for public inspection.”.

45 In the proposed section 74AB(3), in the English text, by deleting “Assisting” and substituting “Assistant”.

New By adding—

“45A. Section 75 amended (counting of votes for geographical constituencies)

(1) Section 75(4A), after “must”—

Add

“, when counting the votes at the main counting station,”.

(2) Section 75(4A)—

Repeal

“of the polling station”

Substitute

“in at least one of the ballot boxes at the polling station”.

(3) Section 75(4A)(b), English text—

Repeal

“as may be appropriate,”

Substitute

“as may be appropriate.”.

- (4) Section 75(4A), English text—

Repeal

“before counting the votes at the main counting station.”.”.

New By adding—

“51A. Section 76 amended (counting of votes)

- (1) Section 76(2), after “must”—

Add

“, when counting the votes at the main counting station,”.

- (2) Section 76(2)—

Repeal

“of the polling station”

Substitute

“in at least one of the ballot boxes at the polling station”.

- (3) Section 76(2)(b), English text—

Repeal

“as may be appropriate,”

Substitute

“as may be appropriate.”.

- (4) Section 76(2), English text—

Repeal

“before counting the votes at the main counting station.”.”.

Part 6 By adding—

**“Division 4—Amendments to Electoral Affairs
Commission (Registration of Electors) (Village
Representative Election) Regulation (Cap. 541 sub. leg.
K)**

**52A. Section 22 amended (ERO to publish notice that
provisional register is available for public inspection)**

- (1) After section 22(5)—

Add

“(5A) For the purposes of subsections (4) and (5),

the ERO may further make available for public inspection an additional copy of the provisional register or an additional copy of a specific part or division of the provisional register, in which entries are arranged in a manner that the ERO considers appropriate for public inspection.”.

(2) Section 22(6), after “(5)” —

Add

“or (5A)”.

52B. Section 30 amended (ERO to publish notice of final register and to make final register available for public inspection)

(1) After section 30(5) —

Add

“(5A) For the purposes of subsections (4) and (5), the ERO may further make available for public inspection an additional copy of the final register or an additional copy of a specific part or division of the final register, in which entries are arranged in a manner that the ERO considers appropriate for public inspection.”.

(2) Section 30(6), after “(5)” —

Add

“or (5A)”.

Division 5—Amendment to Legislative Council Ordinance (Cap. 542)

52C. Section 37 amended (who is eligible to be nominated as a candidate)

Section 37(2)(b)(i), before “is” —

Add

“in the case of a functional constituency other than the District Council (second) functional constituency,”.

Division 6—Amendments to Electoral Affairs Commission (Electoral Procedure) (Legislative Council) (Amendment) Regulation 2011 (L.N. 73 of 2011)

52D. Section 24 amended (section 21 amended (Returning Officer to publish a notice of particulars of validly nominated candidates))

(1) Section 24(1), new section 21(4A)(b) —

Repeal

“state the letter of the alphabet assigned to that functional constituency”

Substitute

“the code assigned to that functional constituency under section 49(8)”.

- (2) After section 24(2)—

Add

- “(3) Section 21(5)(b)—

Repeal

“the letter of the alphabet assigned to that functional constituency followed by the number allocated to each candidate under section 49(8);”

Substitute

“the code assigned to that functional constituency under section 49(8) followed by the number allocated to each candidate under section 49(8A);”.

52E. Section 33 amended (section 49 amended (form of ballot papers and order of appearance of lists or names of candidates on ballot papers))

- (1) Section 33(3), new section 49(6A)—

Repeal

“number which is preceded by a letter of the alphabet assigned by the Chief Electoral Officer to the District Council (second) functional constituency”

Substitute

“3-digit number”.

- (2) Section 33(3), new section 49(6A)—

Repeal

“letter and number are”

Substitute

“number is”.

- (3) Section 33—

Repeal subsections (5) and (6)**Substitute**

- “(5) Section 49—

Repeal subsection (8)**Substitute**

“(8) Each ordinary functional constituency is to be assigned one or more letters of the alphabet by the Chief Electoral Officer as the code of the functional constituency.

(8A) Each candidate for an ordinary functional constituency (other than the District Council (second functional constituency) is to be allocated a number preceded by the code assigned under subsection (8), according to the result of the draw. The code and the number are to be printed on the ballot paper against the name of the candidate.”.”.

52F. Section 42 amended (Schedule 3 amended (forms of ballot papers for a general election/by-election))

Section 42—

Repeal subsection (2)

Substitute

“(2) Schedule 3, after Form 2—

Add

“FORM 2A

BALLOT PAPER FOR THE DISTRICT COUNCIL (SECOND)
FUNCTIONAL CONSTITUENCY

