

OFFICIAL RECORD OF PROCEEDINGS

Friday, 9 May 2014

The Council continued to meet at Nine o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

DR THE HONOURABLE LAU WONG-FAT, G.B.M., G.B.S., J.P.

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

THE HONOURABLE ABRAHAM SHEK LAI-HIM, G.B.S., J.P.

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

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, B.B.S., M.H.

PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P., Ph.D.,
R.N.

THE HONOURABLE JEFFREY LAM KIN-FUNG, G.B.S., J.P.

THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

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

THE HONOURABLE RONNY TONG KA-WAH, S.C.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING, J.P.

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

THE HONOURABLE CHAN HAK-KAN, J.P.

THE HONOURABLE CHAN KIN-POR, B.B.S., J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN, S.B.S., J.P.

THE HONOURABLE CHEUNG KWOK-CHE

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

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

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

THE HONOURABLE PAUL TSE WAI-CHUN, J.P.

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

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE CLAUDIA MO

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.B.S., J.P.

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

THE HONOURABLE NG LEUNG-SING, S.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN

THE HONOURABLE FRANKIE YICK CHI-MING

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING

THE HONOURABLE GARY FAN KWOK-WAI

THE HONOURABLE MA FUNG-KWOK, S.B.S., J.P.

THE HONOURABLE CHARLES PETER MOK

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN

DR THE HONOURABLE KENNETH CHAN KA-LOK

THE HONOURABLE CHAN YUEN-HAN, S.B.S., J.P.

THE HONOURABLE LEUNG CHE-CHEUNG, B.B.S., M.H., J.P.

THE HONOURABLE KENNETH LEUNG

THE HONOURABLE ALICE MAK MEI-KUEN, J.P.

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK

THE HONOURABLE CHRISTOPHER CHEUNG WAH-FUNG, J.P.

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

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, J.P.

THE HONOURABLE POON SIU-PING, B.B.S., M.H.

THE HONOURABLE TANG KA-PIU

DR THE HONOURABLE CHIANG LAI-WAN, J.P.

IR DR THE HONOURABLE LO WAI-KWOK, B.B.S., M.H., J.P.

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE CHRISTOPHER CHUNG SHU-KUN, B.B.S., M.H., J.P.

THE HONOURABLE TONY TSE WAI-CHUEN

MEMBERS ABSENT:

DR THE HONOURABLE LEUNG KA-LAU

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

PUBLIC OFFICERS ATTENDING:

DR THE HONOURABLE KO WING-MAN, B.B.S., J.P.
SECRETARY FOR FOOD AND HEALTH

THE HONOURABLE WONG KAM-SING, J.P.
SECRETARY FOR THE ENVIRONMENT

MR JAMES HENRY LAU JR., J.P.
UNDER SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

CLERKS IN ATTENDANCE:

MR ANDY LAU KWOK-CHEONG, ASSISTANT SECRETARY GENERAL

MISS FLORA TAI YIN-PING, ASSISTANT SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

BILLS**Committee Stage**

CHAIRMAN (in Cantonese): Good morning, Members. Council now resumes. Committee will now continue with the second joint debate in respect of the Appropriation Bill 2014.

APPROPRIATION BILL 2014

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman, there are only a few Members in the Chamber now. I would like to wait for more Members returning to the Chamber before I speak. I request a headcount.

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

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

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

MR CHAN CHI-CHUEN (in Cantonese): Good morning, Chairman and Members. Good morning, Directors of Bureaux. As this Council is still in the second joint debate today and has yet proceeded to the third joint debate concerning food safety and health, I would like to continue speaking on "Head 142 — Government Secretariat: Offices of the Chief Secretary for Administration and the Financial Secretary". I have proposed five amendments to head 142, that is, Amendment Nos 716, 723, 734, 739 and 754. I would like to discuss them altogether. Let me first briefly talk about each of the amendments.

Amendment No 716 seeks to resolve that head 142 be reduced by \$105,003,000 in respect of subhead 000. That is to reduce the annual estimated operating expenses of the Central Policy Unit (CPU) to \$1,000. As I mentioned yesterday, the discrepancy with Dr Helena WONG's amendment is \$1,000. Amendment No 723 seeks to reduce an amount approximately equivalent to the CPU's annual estimated expenditure for conducting research projects. In other words, one is targeted on the CPU as a whole, while the other is on research projects only. Amendment No 734 seeks to reduce an amount approximately equivalent to the annual estimated expenditure for the emoluments of the Head of the CPU, that is, to cut the salary of Mr SHIU Sin-por. The remaining two are Amendment Nos 739 and 754. Amendment No 739 seeks to reduce an amount approximately equivalent to the annual estimated expenditure for the interim gratuity paid to the Head of the CPU. I already pointed out the problems concerning interim gratuity in my speech yesterday. As for the last amendment, that is, Amendment No 754, it seeks to reduce an amount approximately equivalent to the annual estimated expenditure for the allowances payable to the Head of the CPU.

As I mentioned yesterday, the CPU is under the Administration Wing of the Chief Secretary for Administration's Office (CSO), that is, Programme (3) of head 142, according to the Government's classification of expenditure heads. Without an inquisitive mind, Members may not be able to locate it. I would first like to talk about the problems concerning interim gratuity. When we examined the expenditure estimates for 2013-2014 last year, some Members already noted the surge in expenditure on the emoluments of the Head of the CPU from \$2,923,000 in 2008-2009 to \$4,967,000 in 2012-2013, when discussing the expenses of the CPU. The amount covered end-of-contract gratuity and represented an increase of over 60%.

Members were shocked at noting the figures at that time, questioning why the emoluments had risen so significantly in just a couple of years. They also wondered how the emoluments of the head of the CPU were determined. At that time, the Deputy Head of the CPU could only explain that the salary level was endorsed by the Finance Committee when the CPU was formed in 1989 and the salary of the post was pegged to Point 8 of the Directorate Pay Scale. When the Director of Administration added subsequently that there was an end-of-contract gratuity, Members seemed like waking up to the existence of such gratuity.

Apart from the end-of-contract gratuity, my amendment particularly focuses on the "tricky" interim gratuity. In 2010-2011, the Head of the CPU was employed under a five-year contract and entitled to an interim gratuity. The end-of-contract gratuity was paid in 2012-2013. Therefore, his remuneration in 2010-2011 and 2012-2013 appeared to be higher than that of the other financial years. At that time, even the Deputy Head of the CPU himself could not immediately give a clear account to Members. Why were such arrangements not clearly spelt out in the Budget? Why is it often the case that the Government does not disclose information until Members raise questions and information is disclosed bit by bit like "squeezing a tube of toothpaste"?

The public already have serious doubts about the transparency of the CPU. Why did the Government not make public the relevant contracts and financial details in advance with foresight? This is also an area for which the CPU has been criticized. I would not talk about the research projects right now, as I will discuss whether they should be made public later. However, the Government did not make clear the structures and terms of employment, let alone giving an account to the public. It only disclosed information bit by bit when questioned by the Finance Committee. This is not reasonable.

Meanwhile, should the authorities review whether the arrangement of interim gratuity is appropriate? I have thus proposed this amendment. I believe Members should all understand the purpose of an end-of-contract gratuity. An end-of-contract gratuity serves to retain talents and reduce staff turnover. Therefore, Members of the Legislative Council are also entitled to end-of-contract gratuity. If Members resign and then run again in a by-election, they have to pay a price for making such choice — forfeiting their end-of-contract gratuity. However, why is there an interim gratuity? It is very weird. If an interim or annual gratuity is to be offered to Members of the Legislative Council so that we can receive a gratuity after working for a year, "Long Hair" would surely support it, right? He can trigger a *de facto* referendum at any time. However, there is no such need. The end-of-contract gratuity is already questionable, let alone interim gratuity.

Since LEUNG Chun-ying assumed office, a number of politically accountable officials of the Government have resigned. It is especially the case for Political Assistants. When asked about the "ship-jumping theory", or "ship-jumping frenzy", Mr SHIU Sin-por, Head of the CPU, said that it was normal for even more officials to "jump ship". Do Members still remember the reply given by Mr SHIU Sin-por that day regarding the "ship-jumping frenzy"?

Besides, he also pointed out that it was outdated for journalists to ask such questions. He cited some cases in the United States, saying that the terms of office of secretaries there is less than three years now. In other words, the five-year term of office for Bureau Directors in Hong Kong is already too long. He also admitted that there were inadequate political talents in Hong Kong, rendering the appointment of senior officials from previous administrations as Bureau Directors necessary. I am now refuting him with his own argument. SHIU Sin-por, you are the Head of the CPU. You said that the terms of office for officials should not be too long. They should be appointed on a two-year term, instead of a three-year term which is already outdated and inflexible. We are still stuck in the old mindset with a five-year term. Why do you not propose reviewing afresh the terms of contract for all political appointees? Should their tenures not be capped at three years? Should we not keep in line with the international trend?

Coming back to the case of SHIU Sin-por, why is he entitled to an interim gratuity? Why is it so weird? Following his logic, it is not necessary to retain talents. There is no need to worry about appointees not remaining in office for the whole five-year term. If a person quits after working for two years, we can find a better replacement. Why is it necessary to offer such a financial incentive using taxpayers' money? Besides, SHIU Sin-por, Head of the CPU, said that it is normal for people to "jump ship" and those who do not "jump" are actually abnormal. In that case, the Government should not continue offering an interim gratuity to prevent people from "jumping ship". For this reason, I suggest Members should seriously consider my amendment which seeks to reduce head 142 by \$1,626,659 in respect of subhead 000, an amount approximately equivalent to the annual estimated expenditure for the interim gratuity payable to the Head of the CPU.

If you do not support this proposal, I think we, as Members of the Legislative Council monitoring the CPU, should at least support a reduction of his allowances. I think it should be the "minimum reduction". If you give SHIU Sin-por the benefit of the doubt and oppose a total reduction, you should support Amendment No 754 proposed by me to reduce an amount approximately equivalent to the annual estimated expenditure for the allowances payable to the Head of the CPU. As it only covers the allowances, the amount at stake is as meagre as \$576,506. Why did I say it is the "minimum reduction" which should be supported by all Members? As I often and just said again, when we cannot monitor the use of funding, we should not approve it, even though we are authorized to do so. It is not that we have fulfilled our duties by just signing and

raising our hands. If the CPU continues to disclose information bit by bit when questioned and does not take the initiative to review the terms of contracts and give a clear account to Members and the Financial Committee, we should not approve the funding. Therefore, by reducing a tiny amount (over \$500,000) ... I believe colleagues of the pro-establishment camp also have many queries about the CPU. If I ask you right now, you cannot answer me either.

Let us take a look at the whole Budget and see what it says. What are we doing today? The reason why we insist on discussing government policies here is that we want to uphold the principle of financial prudence as preached by the Financial Secretary. I also have to quote the Financial Secretary's Budget speech, which states in paragraph 165 that "A philosopher once said, 'Society is a partnership. It is a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.' Past generations have laid a solid foundation for economic and financial development in Hong Kong." Therefore, these remarks of his have made us feel more compelled to avoid squandering money, as the funds we are approving now is not just ours, but also those of our past generations. Therefore, we have to be very prudent in approving the funding for the CPU.

Who is the philosopher he referred to? I remember that Mr LEUNG Kwok-hung once asked about the identity of the philosopher. The reply given by the Director of Administration, Ms Kitty CHOI, at that time was: "The Financial Secretary's concluding remarks in the Budget aim to illustrate that it is necessary for the Government to have long-term planning in managing public finances, or else it will have far-reaching impacts on the community. Had she answered the question? It was as if she took an examination and answered the question of who the author was by talking about the rhetoric of texts. The Director of Administration is very creative. We have seen the Director of Administration reply in a clear and orderly manner about the details of contracts. I admire her in this regard. However, it would be better if she could take the initiative to make such disclosures, so that we did not have to raise 10 or 20 questions to ...

CHAIRMAN (in Cantonese): Mr CHAN, what you are saying right now is not relevant to your proposed amendments.

MR CHAN CHI-CHUEN (in Cantonese): No, the CPU is under Programme (3) "CSO — Administration Wing". The CPU serves not only the Administration Wing, but also the Office of the Financial Secretary. I believe the CPU also played an important role in the Budget prepared by the Financial Secretary. Therefore, people there should have read the Budget. If they could not even answer us who the philosopher ... Therefore, it has a shortcoming. Yet, I would not argue and continue talking about this point.

Instead of the irrelevant reply given by the Director of Administration, let me come back to the CPU. SHIU Sin-por, Head of the CPU, has a most peculiar character, so to speak. Whenever he makes a public remark, he can drum up public sentiments. This is a neutral expression. In fact, he can stir up public sentiments. However, what is the major function of the CPU as reiterated by the authorities? It is to provide advice to the Chief Executive, the Chief Secretary for Administration and the Financial Secretary. Therefore, I cannot understand why it is placed under the Administration Wing of the CSO to be overseen by Mrs Carrie LAM. We always think that the CPU is overseen by LEUNG Chun-ying and should be placed under the Chief Executive's Office (CEO).

Policy research undertaken by the CPU includes specific topics assigned by the Chief Executive, the Chief Secretary for Administration and the Financial Secretary, covering social, political and economic spheres, often involving cross-bureau policy issues. The CPU's research aims to offer forward-looking thinking and ideas from various perspectives for the Government's internal reference and discussion. Therefore, apart from the Financial Secretary and the Director of Administration, the CPU should also be held responsible for the Budget being, as I pointed out just now, not well written. The major role played by the CPU is supposed to be assisting in administration, rather than openly discussing policies. It should not take up the role of current affairs commentators, let alone "White House spokesperson". In fact, every word and deed of SHIU Sin-por, Head of the CPU, has long highlighted the fact that "one country, two systems" is on the brink of breaking down.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, good morning. Although the Amber Rainstorm Warning Signal was issued by the Hong Kong Observatory today, almost all Members are present here. It really makes me feel very embarrassed. When I was on my way here, I met many colleagues hurrying back to the Legislative Council.

Chairman, the CPU is responsible for formulating policies. This is the problem mentioned by Mr CHAN Chi-chuen just now. It makes me think of Financial Secretary John TSANG. Is he a philosopher? As Karl MARX said, "The philosophers have only interpreted the world, in various ways. The point, however, is to change it." He is a philosopher as well as an economist. However, the two are of different levels. Buddy, name-dropping is useless. As I said yesterday, he does not even match up to Adam SMITH.

Why do I say so? First things first, a group of refugees is now cowering downstairs off the Legislative Council Complex. They are looking for Mr TAM Yiu-chung. They want me to pass a note to Mr TAM Yiu-chung, which reads, "Shame on TAM Yiu-chung", "ISS Member TAM Yiu-chung immediately explains the corruption cases". Please help me pass it to Mr TAM. I am just championing the interest of the public. Can it be passed to him this way? Never mind, I do not want him to accuse me of hurling things at him ...

CHAIRMAN (in Cantonese): Mr LEUNG, this is already the 13th time you are speaking. If you keep making remarks irrelevant to the amendments under discussion, I have to stop you from speaking.

MR LEUNG KWOK-HUNG (in Cantonese): Yes, I got it. Simply put, the CPU would give advice to the Chief Secretary for Administration and the Financial Secretary on social, political and economic issues. The Chief Secretary for Administration and the Financial Secretary are responsible for managing various Policy Bureaux. As for how the funding should be spent, it is relevant to the problem concerning Mr TAM. Chairman, is that right? What does it say in our mobile phones? We know that an important policy of TUNG Chee-hwa ...

CHAIRMAN (in Cantonese): Mr LEUNG, which amendment are you discussing now?

MR LEUNG KWOK-HUNG (in Cantonese): I am talking about the amendments proposed by Mr CHAN Chi-chuen, numbering 754, 755 and 756. They are about the emoluments and allowances of SHIU Sin-por, Head of the CPU.

The fundamental function of the CPU is offering advice. The problem I mentioned just now about Mr TAM is the outsourcing of social welfare services. It must be related to the CPU. This practice has been maintained since the TUNG Chee-hwa era. It has stood the test of time and is even becoming increasingly common now. As far as I can see it, all heads of the CPU, including the predecessor of SHIU Sin-por, have failed to make "turnaround" suggestions to the Chief Secretary for Administration and the Financial Secretary. They are lame. As I mentioned just now, the CPU has to offer advice on political, economic and social issues — cross-bureau policy issues.

This is very simple. Let us first talk about social welfare. From the political perspective, if the Government puts social services and social welfare — it is certainly a very important concept of a modern society or country. According to one of the international human rights covenants, that is, the International Covenant on Economic, Social and Cultural Rights (ICESCR), everyone should be entitled to proper social welfare services. Whether it can be achieved or not has nothing to do with the allocation of funding by the Government. In fact, the Government has allocated funding ...

CHAIRMAN (in Cantonese): Mr LEUNG, if you do not mean to stray away from the question, you have completely no idea of the functions of the CPU.

MR LEUNG KWOK-HUNG (in Cantonese): Yes, please enlighten me.

CHAIRMAN (in Cantonese): If you do not focus your speech on the amendments currently under discussion, I have to stop you from speaking.

MR LEUNG KWOK-HUNG (in Cantonese): Alright, then. I now can only say that Mr TAM Yiu-chung has escaped a disaster today.

Let me talk about SHIU Sin-por first. I have not talked about him before, as I was stopped the first time I tried to do so. What are the duties of SHIU Sin-por? As I mentioned just now, he is actually responsible for offering advice to the Chief Secretary for Administration and the Financial Secretary on cross-bureau policy issues covering the social, economic and political spheres. Now, let us take a look at whether SHIU Sin-por has worked hard to perform his duties. Let us first take a look at what SHIU Sin-por has done. For example, as the Head of the CPU, SHIU Sin-por certainly has to take responsibility for all affairs of the CPU, right? Take for example the appointment of principal officials under Hong Kong's bureaucratic system. As we all know, our political system has evolved from the two academic models of politics in the colonial era, namely the politics of consultation and the politics of administrative absorption. This is an outstanding research result of LAU Siu-kai. This practice had been followed until LAU Siu-kai left the CPU. However, there were rules governing it, which could be altered. Take for example our then sovereign state, the United Kingdom. It endorsed the principles governing recruitment and selection. Even though it did not involve genuine election, there were several principles governing the selection. One of the principles was to make public the appointees, that is, disclosing their identities prior to the formal appointment. Secretary Dr KO, it would be nice if we have such a principle in place. You would not be in such a "terrible" situation. For example, if "Long Hair" is to be appointed as the Secretary for Security and TSANG Tak-sing voices objection to it, the Panel on Security ...

CHAIRMAN (in Cantonese): Mr LEUNG, you have strayed away from the question. This is already the 13th time you are speaking. Please refrain from expressing opinions which are irrelevant to the amendments under discussion now. Otherwise, I have to stop you from speaking.

MR LEUNG KWOK-HUNG (in Cantonese): How come my remarks are irrelevant to the amendments? I am now talking about Sophia KAO's expansion of powers and the controversial selection of honours recipients. In the recent incident of the Express Rail Link (XRL), Sophia KAO also failed to fulfil her duties of keeping Prof Anthony CHEUNG informed.

CHAIRMAN (in Cantonese): How is this incident related to the amendments you are discussing now?

MR LEUNG KWOK-HUNG (in Cantonese): Of course, they are related as Sophia KAO is a member of the CPU.

CHAIRMAN (in Cantonese): The amendments under discussion now do not concern Sophia KAO.

MR LEUNG KWOK-HUNG (in Cantonese): SHIU Sin-por, being overall in charge, failed to notice these problems. Should he not be held accountable? In other words, no one should be held responsible for the XRL incident, right? If that is really the case, it goes against the view widely held in the whole community that someone has to be held accountable for the XRL incident. The public have maintained this view all along ...

CHAIRMAN (in Cantonese): Mr LEUNG, I have already reminded you. You have spoken for more than 10 times in this joint debate. Please do not stray away from the question.

MR LEUNG KWOK-HUNG (in Cantonese): Alright, but this is only the first time I speak on the CPU. Chairman, if you count it that way, you might as well count all my speeches altogether.

CHAIRMAN (in Cantonese): Mr LEUNG, I have already reminded you. Please do not stray away from the question.

MR LEUNG KWOK-HUNG (in Cantonese): Mr TAM Yiu-chung has stood up. He was accused of corruption. Let him leave the Chamber. People are waiting for him.

CHAIRMAN (in Cantonese): Mr LEUNG, if you still do not follow the Rules of Procedures, I have to stop you from speaking.

MR LEUNG KWOK-HUNG (in Cantonese): You can review the video recording to see what we are arguing right now. Chairman, may I ask how many times I have spoken on the CPU? When did I speak on it?

CHAIRMAN (in Cantonese): Mr LEUNG, the point lies not in how many times you have spoken on the CPU.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, there is no need to continue arguing. I think you are always right. Yet, I have an "imperial sword", that is, summoning Members back to see who is right and who is wrong. Chairman, I invoke Rule 17(3) of the Rules of Procedures to summon Members back. Let me save my anger. I am here not to play these games.

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

(While the summoning bell was ringing, Mr LEUNG Kwok-hung yelled)

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, please do not yell in the Chamber.

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

CHAIRMAN (in Cantonese): Mr LEUNG, please continue.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, you are indeed right. I am also right. After calming down for a moment, I think your ruling is correct. I flicked through the documents too quickly just now. I should be talking about

Amendment No 714 regarding "Head 142 — Government Secretariat: Offices of the Chief Secretary for Administration and the Financial Secretary". The amendment seeks to "resolve that head 142 be reduced by \$105,004,000 in respect of subhead 000". It must be covered there, as the amount includes the annual estimated expenditures for SHIU Sin-por as well as the whole CPU. Do you get it? As it covers the whole CPU and Sophia KAO is one of its members, they must be related. Of course, SHIU Sin-por should not let her do whatever she likes. It is thus relevant, right? She has a relationship with him and the whole organization. You have nothing to say now, do you?

It is probably too early in the morning that I am not fully awake. The point made by the Chairman is correct. Let me now return to the subject under discussion and continue with my speech. If my remarks do not count, LAU Siu-kai's remarks count, right? LAU Siu-kai is a veteran of the CPU. He once mentioned something about Sophia KAO when commenting on a weird phenomenon. To put it vulgarly, Sophia KAO simply "pooed at where she ate". That means she did something that begged suspicions of power abuse. I do not know Sophia KAO. What had she done that led to public suspicions and discussions? In fact, as Mr WONG Kwok-hing said, many Members raised questions about it at the panel meeting. Why did Sophia KAO do something that had never been done by other members of the CPU? That was about the selection problem.

Apart from the selection of honours recipients, it is also necessary to decide who to be consulted when it comes to the politics of consultation. The Chairman just told me not to stray away from the question. I thus say ...

CHAIRMAN (in Cantonese): Mr LEUNG, I have to remind you again that this problem had been mentioned by other Members in their speeches. Please avoid repeating what other Members' have said by all means.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I just go by the book then. "In 2014 ... it should be 2013, that is last year, the Finance Committee approved the creation of a position of Full-time Member in the CPU and Sophia KAO" — I just skipped the two words "LEUNG's fan" in a neutral stance — "was appointed to fill this position. Her main duty — I should say "mission" — "is to

oversee the appointments to all government advisory and statutory bodies". This position was created with specific funding allocation. Is it relevant to the expenditures? There was originally no such position, as was the case during the decade when LAU Siu-kai was working there. After the problem had emerged, Prof LAU commented that this position should not be created. There should be prudent financial management. Was it created because Sophia KAO is taller?

This is very simple. She did one thing that was incomprehensible, that is, appointing herself as an honour recipient. Do you not think it is funny? I should say "nominating" not "appointing", as honours recipients cannot be appointed. That was exactly the case of "pooing at where one is eating ", as I said just now. Mr WONG Kwok-hing also cannot help laughing. She could not act in that way. As an appointee responsible for nomination, she should never ... not only must justice be done, it must also be seen to be done. It is useless for justice to be done secretly. It is necessary to let the community see that she acts in a way without serving any self-interest at all.

Chairman, let me put it in simpler terms. I must explain this issue to all Members. As Secretary Dr KO is in the Chamber, I must explain it to him. Even a functional constituency election is still an election. Defeated candidates have to respect the voting results, so, there is no problem. They can only blame the whole system. However, selection is different from election. It becomes all the more necessary for people to abide by all the rules, including the unwritten rules. Although Sophia KAO was recruited with a fat salary, she broke the system after joining the unit. That is a proven system that Hong Kong people find it no problem to let it operate on its own. In that case, should we pay her any salary? Frankly speaking, if the salary of SHIU Sin-por cannot be cut, I can only slash the whole ... direct. Members of the pro-establishment camp, you are all victims. Honestly, are you convinced? It should be you who were appointed as a Justice of the Peace and awarded the Gold Bauhinia Star, or nominated to a committee. Yet, Sophia KAO acted like that. Chairman, what a pity.

Chairman, you rightly pointed out my mistakes today, so that I could return to the subject under discussion. I am really grateful to you. For all people on earth who have to tolerate this terrible selection system, I have to ... Mr Christopher CHUNG is also a victim. He should have scaled new heights, but was hindered by Sophia KAO, right? The same goes for all. Chairman, for

this issue, I have to ... Frankly speaking, if Members do not think Sophia KAO should be fired, let us fire SHIU Sin-por then. If Members think that the whole system is terrible, let us abolish the whole system, right? I am actually helping Secretary Dr KO now, as he has to oversee many advisory committees. Right?

MR GARY FAN (in Cantonese): Chairman, in this joint debate, I am going to speak on Amendment No 588 proposed by me concerning "Head 122 — Hong Kong Police Force". This amendment seeks to reduce \$1,348,800 in respect of subhead 000, an amount equivalent to the estimated expenditure for six months' salaries of the Commissioner of Police. I will give a detailed explanation in the time that follows.

Chairman, since Andy TSANG assumed office as Commissioner of Police in January 2011, a series of incidents which smacks of politicization of the Police Force have happened. They included the controversy over the use of pepper spray in protests and demonstrations, the "dark shadow theory" which was criticized by the Independent Police Complaints Council as obstructing news coverage, and the dereliction of duty in the incident of attack on Kevin LAU in February 2014. All these incidents have completely tarnished the Hong Kong Police Force's long-standing image of impartial law enforcement, undermining the authority and credibility of the Police Force, and worsening the relationship between the police and the public. Andy TSANG cannot escape the blame for all this. We should hold him responsible by cutting his salary.

Chairman, since Andy TSANG assumed office as Commissioner of Police, the way the Police Force deal with protests and demonstrations has repeatedly been questioned by the public, commentators and the media. The police have been complained for excessive use of force in many protests and demonstrations, with the police powers expanding quietly. When Andy TSANG responded to a complaint of indiscriminate use of pepper spray in March 2011, he remarked that "it was absurd to apologize for maintaining law and order". It immediately caused an outcry among the media, questioning if the maintenance of law and order was an "imperial sword" which the police could throw its weight around. Yet, what kind of law and order was Andy TSANG trying to maintain? Whose law and order was being protected? To date, Hong Kong people still cannot figure it out what Andy TSANG was referring to.

When the then Vice-Premier LI Keqiang visited the Laguna City in Kwun Tong in August 2011, the police were on high alert with heavy security arrangements. They even dragged away a resident wearing a T-shirt with the slogan "vindicate the June 4 incident" on it, claiming that the area was designated as a "core security zone", a practice totally unheard of, even to the Independent Police Complaints Council. Worse still, a police officer also used his hands to block the camera of a media photographer, further fuelling the controversy of politicized law enforcement by the police. Andy TSANG later proclaimed a preposterous "dark shadow theory", claiming that the police officer saw a "dark shadow" flash through and instinctively used his hands to block the object, causing one of his hands stuck in the camera. He said that the police officer had not intended to block the journalist's camera. Chairman, such a ludicrous remark has seriously undermined the Police Force's neutrality and its corresponding authority. By repeatedly condoning acts of obstructing media coverage, the top brass of the Police Force have trampled on Hong Kong's press freedom.

Chairman, as the head of the Police Force, Andy TSANG had failed his duty in the investigation into the attack on Kevin LAU in February 2014. As a result, the mastermind who pulled the strings behind the scene is still at large. On 26 February 2014, the former chief editor of *Ming Pao Daily News*, Mr Kevin LAU, was slashed six times by a hatchet man in an ambush and was once in critical condition. The attack was obviously planned and organized. According to various sources of information, Kevin LAU does not have any money dispute with other people. CHEUNG Kin-por, Editorial Director of *Ming Pao*, also openly expressed his personal judgment that the attack on Kevin LAU was most likely related to news reporting. In early March, he also provided the police with more than 10 sensitive news stories handled by Kevin LAU during his tenure as the chief editor. He thought that those news stories might have "ruffled some feathers" and provided them to the police as clues for tracking down the mastermind.

However, what has our Commissioner of Police, Andy TSANG, done? In mid-March, Andy TSANG held a press conference in a serious manner, announcing in a high profile the arrest of two hatchet men and nine suspects. However, he had all along evaded the question of whether the mastermind had been detected, only stressing five times at the press conference that there was no direct evidence linking the attack on Kevin LAU to press freedom. I wish to

point out that the arrested hatchet men were still in Dongguan then and the police had yet interrogated them when the press conference was held. Yet, he came out and made an announcement in a high profile to the media, the public and the community, hastily defining the nature of Kevin LAU's case and claiming there was no evidence when the search for evidence was still in progress. Chairman, Andy TSANG obviously attempted to handle the case with political consideration and sought to lead public opinion. That was not what a law-enforcement agency should do. Andy TSANG should be condemned for his handling of this case. It also made Hong Kong people worry that the police would pass judgment before investigation to rule out the factor of press freedom. It even made people feel that the police would handle Kevin LAU's case by ignoring the mastermind so as to close the case.

Later, the Secretary for Security, LAI Tung-kwok, made amends for the Commissioner of Police — he even made it necessary the Secretary for Security to make amends for him — at the meeting of the Panel on Security by changing his tone and saying that the police were investigating the case from the perspective of Kevin LAU's media work. He also said that my proposal to "set a detection deadline" was inappropriate, claiming that that the police had arrested 11 people should be regarded as some sort of achievement and so Members of the Legislative Council should not exert too much pressure on the police. Chairman, such a claim is unreasonable and absurd. I would like to stress that I was trying to exert pressure on the Commissioner of Police and the Security Bureau, with a view to ensuring that no factor would be excluded from the investigation and they would actively track down the mastermind. However, the Secretary for Security said that I was exerting pressure on front-line police officers. Chairman, the incident has happened for some time, but only two hatchet men have been prosecuted so far. For this reason, Andy TSANG absolutely has not discharged his duties well. He even smacked of dereliction of duty, as he acted partially and attempted to treat the case politically. Therefore, I think cutting his salary is a proper and forceful sanction.

Chairman, apart from the aforesaid shocking incidents that have aroused the concern of the whole community, the Police Force have, since Andy TSANG assumed office, gradually tightened the space for peaceful demonstrators to express opinions in various protests and demonstrations, big or small. The area designated for demonstration has become increasingly limited. March and protest organizers have been nitpicked by the police on the demonstration route. More often than not, they gave an impression that they were deliberately stirring

up discontent among the protesters, so as to stoke up more conflicts. Worse still, we sometimes saw the police use excessive force to treat unarmed protesters. The latest hot-button issue, of course, is — "Long Hair" has left the Chamber — the anti-XRL protest held last Sunday. Police officers fired pepper spray at "Long Hair" when he was already subdued with both his hands held. Despite knowing clearly that "Long Hair" could not make any resistance, they directly sprayed him from a short distant. Chairman, it would cause serious physical harm to a protester. Such use of pepper spray in defiance of the police guidelines has become increasingly common and frequent, even since Andy TSANG assumed office. Andy TSANG has obviously transformed himself into a public security officer to fulfil a political mission and to serve the Government, tightening the space available for anti-government protesters to express opinions.

The hawkish style of Andy TSANG has drawn many criticisms from the community. There are many voices questioning the politicization of the Hong Kong Police Force to defend the Government. Their use of excessive force has made people skeptical about that the police power continuously expanding in an unreasonable way. If we continue to let Andy TSANG act wantonly, it will only continue tarnishing the image of the Hong Kong Police Force. As a result, the image of a fair and impartial image established prior to the reunification will be shattered, triggering more conflicts between the police and the public. Chairman, I have therefore on behalf of the Neo Democrats proposed an amendment to cut the estimated expenditure for six months' salaries of the Commissioner of Police in respect of subhead 000 under "Head 122 — Hong Kong Police Force".

Chairman, I so submit.

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

MR ALBERT CHAN (in Cantonese): Chairman, I talked about the salary cut for the Financial Secretary yesterday. In fact, the problems are related to not just himself, but also his other assistants, especially the political assistant's performance. Amendment No 745 seeks to "resolve that head 142 be reduced by \$1,180,000 in respect of subhead 000". The amount reduced is approximately equivalent to the annual estimated expenditure for the remuneration of the Political Assistant to the Financial Secretary. This position

is currently held by Mr LAW Wing-chung. Among the many Political Assistants, he is more willing to communicate with Members, and more capable of communicating with Members of different backgrounds or parties and groupings. Therefore, as far as communication is concerned, his performance is quite good. However, as I criticized yesterday of various problems, judging from the performance of the Financial Secretary, there are certainly serious inadequacies and problems with the support and assistance he, as a political assistant, has provided.

Many people may not have a clear idea of the duties of the Political Assistant to the Financial Secretary. Let me first briefly describe his scope of responsibilities before illustrating why I think he, a person relatively better known to me, should be fired. The duties of political assistants are as follows: render support to the Chief Secretary for Administration and the Financial Secretary in co-ordinating cross-cutting political issues and providing strategies and political advice, such as providing advice from the political perspective for consideration by the Chief Secretary for Administration and the Financial Secretary; contributing to formulation of policy and legislative initiatives, as well as assisting in mapping out overall strategies by giving inputs with a political viewpoint; advising on submission to the Legislative Council and other publications, highlighting any aspect which they consider has political implications, and handling sensitive political points according to the direction of the Chief Secretary for Administration and the Financial Secretary, such as drafting speeches, liaising with the media, liaising with members of political groups, and providing advice on the handling of invitations and correspondence from political parties/groups, among others.

Let us review the performance of the Financial Secretary over the years, especially the period when LAW Wing-chung has worked as his assistant since November 2012. He used to work in the media sector. This kind of government positions are mostly filled by people with connections. However, it is different for the Financial Secretary's Office for, unlike the CEO, the relevant positions are rarely filled by the former employees of *Wen Wei Po*. The connection with the media is very often an important consideration of senior government officials in appointments to these positions. In fact, LAW Wing-chung works more like a spin doctor than rendering assistance in carrying out the aforesaid duties.

As shown in a number of budgets prepared by the Financial Secretary, he actually has not handled many sensitive political issues in Hong Kong. On the

contrary, he has intensified and worsened the political conflicts in Hong Kong. Let us take a look at the overall situation of the Hong Kong community over the years, especially the period when John TSANG has become the Financial Secretary. Overall speaking, the conflicts in the political sphere and the rifts among various community groups have become more and more intensified, not to mention Hong Kong-Mainland conflicts. Therefore, it very often requires the policy and administrative support of the Financial Secretary in formulating policies and deploying resources to ease the relevant conflicts and rifts in society.

Although Mr LAW has worked for more than a year in this position, we cannot see any improvement on the whole. The situation has not improved, but worsened. We found that there is not much administrative information for our reference. For example, how many times have the responsible officers liaised with the various deputations and representatives, or attended the District Council meetings and the Legislative Council meetings? We cannot find any relevant figures. Although the Budget includes many measures beneficial to the public, the popularity rating of the Financial Secretary has dropped significantly after the announcement of the Budget. It implies a wrong political judgment. If he is responsible for providing advice and strategies to senior government officials, the policies concerned certainly have a bearing on the popularity rating of the Government. He originally thought that the announcement of those measures could raise the popularity of the Financial Secretary. Yet, it has done the opposite. It shows that the relevant measures and strategies were not accurately conceived.

Therefore, it is obvious that John TSANG has recently underperformed in gauging public opinions and keeping tabs on public sentiments. As I pointed out yesterday, the blog article he wrote in May regarding the political development of the democrats has also clearly shown that his grasp of the situation is entirely wrong. The inadequate support of the Political Assistant has caused problems to the Financial Secretary's performance. Therefore, this post should be abolished. I thus propose deleting this post.

Chairman, another amendment that relates to the post of the Chief Secretary for Administration is Amendment No 729. It seeks to "resolve that head 142 be reduced by \$3,750,000 in respect of subhead 000", an amount approximately equivalent to the annual estimated expenditure for the remuneration of the Chief Secretary for Administration.

Chairman, as we seeks to cut the salary of the Financial Secretary, the salary of the Chief Secretary for Administration should also be cut. Of course, we all think that the Chief Secretary for Administration is a "tough fighter" and has performed well. She oversees many policies. When Bureau Directors were embroiled in a political crisis — such as with the national education issue earlier faced by the Secretary for Education — the Chief Secretary for Administration also has to share the relevant responsibilities.

However, I think it is absolutely a mismatch for her to be responsible for policy co-ordination as well as political reform. All Policy Bureaux are facing countless problems. For example, the Development Bureau is making a mess of securing land. The Education Bureau offers much room for improvement in its handling of various problems like that of the cross-border students, which had led to a public outrage. Recently, a kindergarten was forced to cease operation. It has aroused discontent among many parents and probably left a psychological trauma on kids which may hinder their development in future.

Therefore, the Chief Secretary should support or monitor the performance of all the Bureaux under her purview. I think it is indeed absolutely wrong for her to lead the political reform. Why has she taken up this responsibility? Is it out of her own political ambition? Or is it due to other special reasons? Therefore, in view of the controversial nature of the political reform, I think we should delete this post so that she does not have any manpower to help her lead the public consultation on political reform, and then she can re-focus on her duties as the Chief Secretary for Administration.

As regards the work of the Chief Secretary for Administration, she currently has to handle many enormous tasks which have far-reaching impacts on the whole community of Hong Kong. For example, she has to take charge of the Commission on Poverty, the Steering Committee on Population Policy, and so on. However, as I said just now, as she has a heavy workload and has to handle many other tasks, the relevant problems have no way out. At present, she still shows no signs of being able to give a clear and reasonable account of how to tackle the poverty and ageing problems, not to mention making improvement. The situation is worsening to such an extent that it has led to the Government's failure in properly handling problems in the community. It is Hong Kong citizens who are the ultimate victims.

As regards the political reform, the Central Government has of course set the tone for it. When the public consultation on political reform, which is responsible by the Chief Secretary for Administration, had yet been initiated, the Central Government already sent officials here to set the tone for political reform. When LI Fei came to Hong Kong, he explicitly defined the scope of the political reform. Therefore, it further indicates that the Secretary may not be on good terms with the Central Government. Otherwise, the Central Government would not have sent officials here to advise on issues under her purview, and pre-set a framework before she launched the public consultation. Such a relationship has affected and hindered the progress of the public consultation in charge by her.

Besides, Chairman, the expenditure increase for the Offices of the Chief Secretary for Administration and the Financial Secretary is the highest among all departments. The expenditure of their own offices has increased by 18%, while the expenditure of other government-watchdog departments has only risen by 0.5%. Senior government officials should not take the attitude of "starving the bottom to fatten the top", and "being harsh with subordinates but lenient with themselves". Therefore, I have proposed amendments to cut the annual remunerations of the Chief Secretary for Administration and the Financial Secretary respectively, so as to indicate our disappointment with the harsh treatment received by other government departments.

Chairman, another amendment proposed by me is Amendment No 724, which seeks to "resolve that head 142 be reduced by \$8,530,000 in respect of subhead 000". The reduced amount is approximately equivalent to the estimated expenditure for the annual emoluments of 14 administrative supporting staff members of the Office of the Chief Secretary for Administration.

I would like to point out that the expenditure of the Office of the Chief Secretary for Administration has increased by 18%. However, in terms of grade strength, ranks and responsibilities, its staff establishment is not transparent enough. As far as supporting staff are concerned, other Policy Bureaux have, on average, seven such staff members. However, there are 14 such staff members for the Office of the Chief Secretary for Administration, doubling that of other Policy Bureaux. If the sum of the annual emoluments of these staff members is \$8.53 million, each of them will earn an annual salary of \$600,000 on average. That means their monthly salaries reach \$50,000 each. I found that they have unclear division of responsibilities and their duties are not so special. However, their number is twice that of other Bureaux. We think it is absolutely improper.

To achieve value for money and enhance the transparency and accountability of the Government, I have proposed this reduction to demonstrate how unacceptable this expenditure item is in terms of its estimated amount and rationale.

MR WONG YUK-MAN (in Cantonese): Chairman, I now speak for the second time in the second joint debate. I would mainly discuss Amendment Nos 14, 17 and 38 in respect of "Head 21 — Chief Executive's Office".

Amendment No 14 seeks to reduce \$6,210,859, an amount approximately equivalent to the annual estimated expenditure for staff emoluments and relevant expenses incurred by the provision of domestic services for the Chief Executive's official residences. In addition, Amendment No 17 is also related to "Head 21 — Chief Executive's Office" covered in the second joint debate. It seeks to reduce \$5,056,752, an amount approximately equivalent to the annual expenditure on the emoluments (including salaries and non-accountable entertainment allowance) of the Chief Executive. The third amendment proposed by me is Amendment No 38, which seeks to reduce \$834,200, an amount approximately equivalent to the annual expenditure on the non-accountable entertainment allowance for the Chief Executive.

Obviously, I have proposed these amendments to show that I think this Chief Executive ... the so-called Chief Executive ... I would not acknowledge him as the legitimate Chief Executive. Yet, the political reality is that he is the person in charge of governing Hong Kong. The reason for my proposing the amendments is basically to highlight an obvious fact — he is not up to his job. As such, it is necessary to cut his salary and allowance. There are, of course, numerous reasons to illustrate that he is not up to his job. I already mentioned that when I spoke for the first time. I have no problem spending a whole day talking about this guy — "689". I have only jotted down the main points, but they already add up to a huge pile of papers. How many times do you think I can speak on it? I promise I will make no repetitions.

As shown by his track record over the past year or two — including the earlier time when he ran in the small-circle election — he is a despicable liar without an ounce of integrity. We know all too well that these are his evil traits. As Members could see it clearly over the past two years, he is a narrow-minded man with a tit-for-tat mentality. To dissidents, retaliation is a certainty. When it comes to comments that are not music to his ears, he would exhaust all means

to seek revenge implicitly or explicitly. That is crystal clear to all people. If this Chief Executive was elected by "one person, one vote", he would have been forced to step down long ago. How can he possibly be wagging his finger and saying this and that now? It is only that our lives are still affected by the policies formulated by him on various fronts.

First of all, the whole SAR Government has now been dogged by waves after waves of administrative blunders. Bureau Directors are in hot water. The Secretary sitting in this Chamber listening to my speech now should be the one with the highest popularity rating. However, he also has to be careful and must never outshine his boss. Otherwise, given LEUNG Chun-ying's personality, this Secretary will one day be in danger. Having said that, I am still quite confident of Secretary Dr KO Wing-man, as he is, after all, a doctor. Yet, he has already racked his brain as a principal official under the accountability system now. Let me tell him something. He does not know how to play nasty political tactics and now is time for him to gradually open his eyes to it. Maybe he will feel it is time to call it a day two years later, and there is no need to recruit him to join the next-term Government. He should not dream of one day being elected as the Chief Executive because of his high popularity rating. Given LEUNG Chun-ying's personality, he would be "game over" once people mention his name.

Administrative blunders are, of course, hateful. Yet, as king to his people, LEUNG Chun-ying treats Hong Kong people or public opinions arrogantly with his pig-headed face. That is even more loathsome. He treats Hong Kong people this way. How about the Communist Party of China (CPC)? He becomes a skittish and deferential yes-man. He badly treats the general public, but not the CPC. Chairman, you know it very well, right? The CPC was formed by the masses. Chinese leaders have been keen on making inspection tours to build a public-friendly image. Whenever this "689" visits the districts, he would be surrounded by a crowd of people, including cops and triads. Have you seen XI Jinping go on an inspection tour and surrounded by a crowd of people, including cops, triads and public security officials?

As we all know, LEUNG Chun-ying, or "689", is an underground member of the CPC. When he attended our Question and Answer Session on 9 May last year, he fervently sang praises of the so-called achievements of the CPC in its ongoing anti-corruption drive. Commenting on Hong Kong people's opposition to the \$100-million donation, which they branded as a "blind donation" to the

Sichuan Provincial Government, he said that such accusation was groundless and overboard. I remember this remark very well, as I had made a three-minute speech at a Finance Committee meeting of the Legislative Council opposing the \$100-million donation to the Sichuan Provincial Government. I wonder if the Chairman knows that the video footage could even pass the censorship on the Mainland, receiving millions of clicks. I have suddenly become a Member of the Legislative Council known to many Mainlanders. In his opinion, it was a rather groundless and overboard accusation for Hong Kong people to oppose donating \$100 million to the Sichuan Provincial Government and denounce it as a "blind donation". He thought we should not oppose the donation. Besides, he particularly mentioned that it was unfair to the large majority of Mainland officials who were hard-working and dedicated to serving the public, and was of no help to maintaining the relationship between Hong Kong and the Mainland.

The CPC has ruled China for more than six decades. In the last 30 years, especially the two decades when JIANG Zemin and HU Jintao were in power, China became the most corrupt nation in the world. Chairman, you can do the computations for yourself, right? There are many concrete figures, including cases uncovered by XI Jinping and WANG Qishan in their current anti-corruption drive. Judging from the corruption scandals and their underlying details, you would know that China has become the world's most corrupt nation in history under the rule of JIANG Zemin and HU Jintao.

CHAIRMAN (in Cantonese): Mr WONG, how is it related to the question currently under discussion?

MR WONG YUK-MAN (in Cantonese): I wish that Chairman was not acting out of love for the CPC to remind me. Right?

I would like to point out that my whole set of arguments is very clear. First, LEUNG Chun-ying is cocky and arrogant in treating public opinions, but skittish and deferential in front of the CPC. He even covers up his shortcomings. I thus pointed out just now that he said it was a groundless accusation for Hong Kong people to criticize the Sichuan Provincial Government's failure in its disaster relief efforts and oppose the \$100-million donation, while commenting it was unfair to most Mainland officials and singing the praises of the so-called achievements in China's anti-corruption drive. This

guy, or "689", really ... he was definitely shameless, if not ignorant. If he did not know that China is the world's most corrupt nation in history, he was ignorant. If he knowingly made that remark, he was shameless.

LEUNG Chun-ying even said that most cadres were hard-working and dedicated to serving the public, criticizing those Hong Kong people who warned about the corruption of the CPC ... I think he was calling white black and confounding right with wrong. He just wanted to suck up to the CPC. These remarks were incredibly made by the government head who rules Hong Kong, utterly in defiance of the political ethics. LEUNG Chun-ying set aside the feelings of Hong Kong people in his attempt to please the CPC regime, thus hurting the people of Hong Kong. As a lackey of the CPC, he absolutely cannot govern Hong Kong. Why should we still pay him salary?

Second, LEUNG Chun-ying always boasts himself as the "Father of the Individual Visit Scheme". We really have to thank him enormously! The Individual Visit Scheme (IVS) has led to soaring rents, inflation and the homogeneity of the local retail sector. A recent research study conducted by the Legislative Council Secretariat shows that the IVS has led to the increasing homogeneity of the local retail sector. The retail sector is now mainly dominated by cosmetics retailers, goldsmiths shops, and so on. The IVS has also lead to soaring rents. Other retail market players like houseware and stationery stores also have to suffer high rents and fold up one after another. There are goldsmiths shops and pharmacies all along the Nathan Road. The pharmacies there are selling formula milk and baby diapers, or dried seafood in the case of high-end pharmacies.

Responding to the questions on the IVS, particularly those raised at the Question and Answer Session of the Legislative Council, LEUNG Chun-ying said, as I remember, that many neighboring countries and regions are very envious of the current situation of Hong Kong. He completely neglected Hong Kong people's suffering from the ravage of the overbearing tourists and parallel traders from the Mainland. He also turned a blind eye to the "sing red, strike black" demonstrations and the "anti-locust" protests held every Sunday recently. The clashes among community groups and the Hong Kong-Mainland conflicts are all triggered by the IVS. Instead of adding fuel to the fire, why did he not review the IVS policy?

As the so-called Chief Executive, has "689" examined the pros and cons of this policy? Is it necessary for him to engage in some bitter self-reflections and conduct a review afterwards? He needs to understand the feelings of Hong Kong people. When IVS tourists pooped on the street, did he understand the feelings of Hong Kong people? Gregory SO said that we have to show tolerance towards those "pooping" tourists. Yet, when people mailed him faeces, he reported to the police instead of showing tolerance. Many issues are triggered by the IVS, aren't they? As the Chief Executive, he ... of course, the IVS has somehow boosted the retail sales of Hong Kong. However, how much benefit has it brought to the overall economy? It is clearly shown in the relevant data. How big is its share in the GDP? Yet, we have to pay a huge price for it. Therefore, some colleagues in the Legislative Council — Members from the People Power — earlier proposed imposing an arrival tax on visitors coming on land. Yet, they responded that we should not expect the Mainland would not do the same if we impose such a tax. If I had a gun at that time, I really wanted to shoot them dead. They were confounding right with wrong. Which side did they speak for? Should they not speak for Hong Kong people? Yet, they only kept saying that the same would be done to us if we impose a tax on visitors? Come on, let them do so then, buddy!

More often than not, we can see Mainlanders harbouring the so-called "boon-giver" mentality. They think that it is them who grant boons to Hong Kong people. If it were not for them, we would not have potable water. However, as polluted Dongjiang water flowing all the way to here, why do they not think about how much we have paid them every year to purify the polluted water? Have we not paid them for all the basic foodstuffs imported into Hong Kong? Do we not have to pay for all the basic necessities of life imported into Hong Kong? What is more, we may have eaten their "tainted foods" at any time. Right? The Government has the responsibility to review all these problems.

As the Secretary for Food and Health, Dr KO Wing-man is also very concerned about the safety of foods like chickens. Right? As chickens imported from the Mainland are mixed with those raised in Hong Kong, we have to cull all chickens, including those raised in Hong Kong, even only one chicken from the Mainland is found to be contaminated. Yet, they would not mention these things. When Members made a proposal, he should heed it. However, he hit back and said that the same would have been done to us if we impose a tax on them.

Now, 100 000 foreign visitors will come to Hong Kong every day. At the same time, 180 000 Hong Kong residents will be going abroad for work or travelling every day. Frankly speaking, were it not for the crackdown on sex trade in Dongguan ... let us count the travelling and trade activities and see whether we have a trade surplus or a trade deficit against the Mainland. Facilitated by the 24-hour border crossing, Hong Kong's "dirty singles" can travel to the Mainland to patronize prostitutes. How much do you think they have spent on them? Over 10 million of mobile population in Dongguan and Shenzhen are engaged in this business. May I ask whom they are depending on to support their lives? Hong Kong people would not talk about these things. They would not talk like "boon-givers". Right?

As the Mainland economy has slightly improved, they have now turned their noses up at us, saying that Hong Kong people share a xenophobic sentiment as they are jealous of the booming economy on the Mainland. Buddy, please think about who helped them implement the four modernizations. Were the factories on the Mainland not mostly opened and invested by Hong Kong people? How many workers had Hong Kong fed? How did they implement the four modernizations? Did they rely on Hong Kong people to implement economic reform and opening up ...

CHAIRMAN (in Cantonese): Mr WONG, you have strayed away from the question.

MR WONG YUK-MAN (in Cantonese): ... Hong Kong people have never mentioned that. Chairman, is that right? Let me tell you this: you do not have to remind me as I have a large pile of documents here. You had better remind other people. This is only the second time I speak. I am going to list things one by one and that will take quite a long time. As I am currently talking about the IVS, I of course have to elaborate a bit. I am not here "filibustering", I am speaking on my amendment. Chairman, every remark made by me has substance. As I now still have tens of seconds left, please let me make full use of the remaining time. Every remark of mine has substance. They can reflect how terrible the Hong Kong Government's policies are, and help those who are watching the live broadcast now to "enhance their knowledge", to borrow a Mainland jargon.

I still have much to say later on. However, I have been in pretty bad shape health-wise these days. Otherwise, I could have spoken for a much longer time. I will speak again later on. Do not worry, there are many people in the Chamber now.

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman, I continue to speak on the three amendments which seek to reduce the estimated expenditure for SHIU Sin-por, Head of the Central Policy Unit (CPU). They include Amendment No 734 concerning his annual emoluments, Amendment No 739 concerning his interim gratuity, and Amendment No 754 concerning his allowance.

I earlier mentioned many contentious remarks made by SHIU Sin-por, including the "ship-jumping theory". In fact, he also made many other interesting remarks. Let me cite one or two of them. I hope that Members, after hearing them, would feel it absurd and support slashing his remuneration. SHIU Sin-por openly advised people to rely on the "Western District" and told Hong Kong people to accept the intervention of the Liaison Office of the Central People's Government (LOCPG) without any regard to "one country, two systems". He thinks that the LOCPG is part of the Hong Kong community, instead of an outside force. Its officials can get involved in Hong Kong's affairs, both officially and personally. Besides, he thinks that the LOCPG has of course taken part in lobbying the Legislative Council. In this regard, I really have to grant him an "honesty award". He indicated that such a practice has existed since the eras of former Chief Executive TUNG Chee-hwa and Donald TSANG, and it is a done deal which Hong Kong people must accept as a fact of life.

As the Head of the CPU, SHIU Sin-por did not even know the long-established Article 22 of the Basic Law. It is unimaginable for the Head of the CPU to have no knowledge of the Basic Law, despite the fact that the Government has spent so much money to promote the Basic Law. I will talk about the relevant spending of over \$10 million by the Constitutional and Mainland Affairs Bureau later. Article 22 of the Basic Law specifies that "No department of the Central People's Government and no province, autonomous region, or municipality directly under the Central Government may interfere in

the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law." Simply put, Mr SHIU, in effect, admitted that the LOCPG has interfered in Hong Kong's affairs and even violated the Basic Law. The Head of the CPU, who receives such a high salary every year, does not even have such basic knowledge. How can he offer quality advice to the Chief Executive, the Chief Secretary for Administration and the Financial Secretary? He does not have such basic political and legal knowledge. How can we believe that the researches conducted by him are reliable? I am now commenting on him as a person. I will later talk about his research work. However, they are in fact "one for two and two for one" and the expenditures concerned can be cut as a whole.

Under the leadership of SHIU Sin-por, the word "Central" in the unit's name — "Central Policy Unit" — should be denoted as the "Central Authorities" in Beijing. Instead of saying that he is the Head of the CPU, it is more proper to describe him as the "Chief Defender" of the LOCPG. He even spoke bluntly about the current situation of this Council and the operation of elections, among others. He thought that it was impossible for the LOCPG to have no interest in Hong Kong's elections. What did he mean by "interest"? If the LOCPG is concerned with an election, the elects would naturally be those who have certain connection with the LOCPG. The LOCPG is also concerned about policy stances, communication and exchange of views with Members. In fact, I think Mr SHIU has got it wrong. I think it is excusable for the LOCPG to be concerned about us. Yet, if it meddles with elections and even canvasses votes to affect the election results, it has crossed the line. The Head of the CPU even blatantly confirmed such a fact and practice. It is very difficult to account for that to Hong Kong people. Does it mean that LEUNG Chun-ying has been made a mere figurehead and has become a puppet Chief Executive?

When we said that the LOCPG meddled with elections, it was just a conjecture without any concrete evidence. However, as the Head of the CPU admitted this fact, the phrase "Hong Kong people ruling Hong Kong with a high degree of autonomy" has really been "made to disappear" — an expression commonly used on the Mainland. "Central" does not work and the "Western District" has taken charge. SHIU Sin-por is now occupying "Central", or the "Western District" is now occupying "Central". Why do the authorities not make a ruling? Why do other government officials not come forward to set the record straight? Why do they allow him to disrupt the order in Hong Kong and

wreak havoc on democracy and people's livelihood in Hong Kong? Why do the authorities not speak out for Hong Kong?

SHIU Sin-por recently said universal suffrage would do no good to Hong Kong. He was singing a different tune from that advocated by Carrie LAM in the existing public consultation on universal suffrage. The public consultation is now ongoing, seeking to let people talk and achieve universal suffrage together. However, the CPU, under the Office of the Chief Secretary for Administration, sang a different tune, making the Government extremely embarrassed. Although Raymond TAM is not his supervisor, he came forward and stated that he would not comment on SHIU Sin-por's remark as it was tinted with personal peculiarity. To prevent the Head of the CPU from spoiling things — if universal suffrage is really dragged down at that time, he must take a fair share of the blame — I implore Members to support that head 142 be reduced by \$2,755,737 (SHIU Sin-por's annual emoluments), \$1,626,659 (interim gratuity) and \$576,506 (allowance) respectively.

After discussing the amendments concerning him as a person, I now come to Amendment No 723, which seeks to reduce head 142 by \$9,800,000 in respect of subhead 000. It covers the expenditure for his research projects. I am discussing the expenditure reduction concerning him and his work separately. As the Head of the CPU is not trustworthy, do the research projects of the CPU also have serious flaws? In fact, some colleagues have already pointed it out in the past couple of days and indicated support for my amendment. The project that caught most public attention is the one named "Trend of Discussions on Social and Political Issues in the Mass Media", which has received funding totalling more than \$2 million in three consecutive financial years. After SHIU Sin-por had become the Head of the CPU, the project received a funding of \$368,000 in its first year. In its second year, the project received a funding of \$772,800, an amount significantly larger than that of the previous year. If the Estimates of Expenditure 2014-2015 is passed by the Legislative Council, the One Country Two Systems Research Institute can obtain a public funding of over \$700,000. This organization headed by CHEUNG Chi-kong will then conduct the study on "Trend of Discussions on Social and Political Issues in the Mass Media" for the third time. A total of approximately \$2 million of public funds will be spent on this project. The amount does not cover another study named "Study on The Mainland's Development" which was mentioned by Members before.

As reported in the media, it is noteworthy that among the 11 research projects commissioned by the CPU, four were conducted by the One Country Two Systems Research Institute, six were conducted by the University of Hong Kong and The Chinese University of Hong Kong, and one by the Guangdong University of Foreign Studies. However, during the Donald TSANG era, the One Country Two Systems Research Institute had never received funding from the CPU. In the past, the CPU only provided funding for the eight universities in Hong Kong to conduct studies. The Deputy Head of the CPU, Olivia NIP, indicated in the Legislative Council that the CPU had followed the Government's procurement procedures to provide for fair competition among tenderers and all contracts were awarded in accordance with the Stores and Procurement Regulations. I would not go into the details of the procedures, as all government projects have to follow the tender procedures. She also said that the study results are for internal reference only, but they can be made public provided that they do not involve sensitive information and have no impact on daily operation. To members of the public, the study on "Trend of Discussions on Social and Political Issues in the Mass Media" can hardly involve any sensitive information as public opinions, or public discussions, can be found in newspapers, radio and television programmes. Why would its study result involves sensitive and confidential information? Why can it not be made public?

We then asked if the Executive Director of the One Country Two Systems Research Institute, CHEUNG Chi-kong, had been transferred any benefit and if public funds had been used to "foot the bill". Let us take a look at the actual figures. Some Members queried why this study was not conducted by Information Coordinator Andrew FUNG who earns a monthly salary of \$180,000, or the Information Services Department which spends \$400 million of public funds every year. In fact, newspaper clippings are released and analysed by the Information Services Department, or Information Coordinator. Why should the study on public opinions be outsourced to a research centre. Is it unnecessary? Have the authorities explained why it is necessary to do so?

Some online media platforms even suspected that the relevant public funds were used for other purpose. They checked all the local newspaper clippings dating back to the early 2012 and found that the person-in-charge of the One Country Two Systems Research Institute, CHEUNG Chi-kong, has published many articles over the past two years, totalling 812 articles in five newspapers. For example, he published 583 articles in the *Oriental Daily News*, and 80 articles in the *Hong Kong Daily News*, not to mention those published in the leftist

newspapers. They also made a rough estimate of the articles. The topics covered include criticism of the Occupy Central movement, the rulings of the Court of Final Appeal, write-ups in support of the North East New Territories New Development Areas and the CPU, as well as free-market discussion and the relationship between Hong Kong and the Mainland. These 800-odd articles add up to a total of more than 700 000 words. He has not disclosed how much remuneration he was paid for publishing these articles. He obtained funding from the CPU to conduct policy research, while publishing his own articles. In other words, we are allocating funds to feed a columnist.

Besides, we have no mechanism in place to check the remuneration he received for publishing articles. However, he triggered public discussion and then conducted a study on it. He himself is involved in stirring up public discussions on political issues in the media. Sometimes, he would even raise some sensitive issues to trigger a war of words and stir up public discussions. As such, the study on "Trend of Discussions on Social and Political Issues in the Mass Media" was a study on its own activities, but it was funded and commissioned by the CPU. Do you not think it is problematic? Is there any problem with the neutrality of the study? According to the past practice, all universities would not keep publishing commentary articles on media platforms, as it would affect their neutrality. Therefore, the way the One Country Two Systems Research Institute conducts its studies is unfair. I believe justice lies in people's hearts.

I do not wish to further criticize the One Country Two Systems Research Institute in this session. Instead of setting aside so much money for such a controversial research institute to conduct these studies, why did the CPU not allocate funding to different universities to do so, as there are so many universities in Hong Kong? Is there any conflict of interest in the roles played by different parties? For example, when the Government awarded the relevant project in 2011, CHEUNG Chi-kong and the One Country Two Systems Research Institute had published at least 600 articles in newspapers. As the CPU indicated that it had acted according to an established mechanism, complied with the Stores and Procurement Regulations, and followed the Government's procurement procedures, should it be aware of these problems in the course of procurement? If it had been aware of these problems, had the research institute made any relevant declaration in its tender submission? If not, there was a fundamental problem concerning procedural fairness. In that case, why would the CPU still opt for the One Country Two Systems Research Institute? How

can it explain to this Council its previous claim of compliance with the Stores and Procurement Regulations? If it knew but ignored the conflict of interest involved in selecting that institute, not only should the expenditure on this research project be cut, but the Head of the One Country Two Systems Research Institute should also be held responsible. That is all I have to say about this research project.

Next I will talk about the Head of the CPU, SHIU Sin-por, seizing the vetting power of the Public Policy Research Funding Scheme from the Research Grants Council (RGC). I believe many Members were very disappointed at that time, especially the Member representing the education sector. He would be even more discontented now. At that time, SHIU Sin-por made excuses to criticize the RGC (*The buzzer sounded*) ...

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, good morning. You were right just now when you said that my remark was irrelevant to the question. Examples of SHIU Sin-por's poor performance are countless. I believe I cannot finish illustrating them all even until the end of the Session. However, according to the document submitted by the CPU to this Council in 2013, the main duties of a full-time member of the CPU, both in the past and at present, include studying "Hong Kong's social and welfare issues, such as poverty, social security and welfare as well as community concerns and public opinions". The International Social Service (ISS), of which Mr TAM Yiu-chung is a member, as I mentioned just now, is exactly a study topic of the CPU.

The CPU offers advice to the Offices of the Chief Secretary for Administration and the Financial Secretary. The Administration provides funding to it in return for policy advice. In fact, this is the best example to illustrate the expenditures of the current Budget. That is the way the Government administers our city. You said that we should not comment on whether the CPU has fulfilled its advisory and other duties on this occasion. I think it is particularly arguable.

I know that "Money hurts relationships". As Members of the Legislative Council are also involved, I would not talk about it for the moment. Let me cite

a very simple example. An area of work of the CPU is to study "Hong Kong's political development and Mainland related issues". Prior to the establishment of the fourth-term Government, three full-time Members of the CPU focused on three main areas of work. That means each member was responsible for one area of work. I do not know which member was responsible for which area of work. However, SHIU Sin-por must have been involved, as he held a higher-ranking position — the organization structure is not shown on the display screen — the Head of the CPU should earn a handsome salary, as it is remunerated at Directorate Pay Scale D8. We are now commenting on a prominent figure who earns a handsome salary but with limited power. On the Mainland, he is equivalent to someone overseeing the Publicity Department. Things have changed now. As its duties have been changed, the CPU has transformed from a research department into a publicity department,. Why? Let me quote the relevant text: "The fourth-term Government will accord high priority to policy research. The CPU will play a more significant role in policy formulation and will be involved in a wider spectrum of political, social and economic issues and be responsible for policy research in the following four areas ...". I would not quote the remaining text, lest you say that my speech is too tedious.

Mr CHAN Chi-chuen had not fully studied the details, and thus did not mention this aspect in his speech just now. In fact, SHIU Sin-por must have to do these things, as he has pledged to do so. Mr CHAN Chi-chuen compared the current CPU with the past — when SHIU Sin-por has yet taken the helm and LEUNG Chun-ying has yet assumed office. They cannot be compared. The document states at the outset that the fourth-term SAR Government is different from before. How can you blame it? It has drawn up its policy agenda. Mr CHAN made a wrong accusation. We would stand on the side of facts. He misunderstood the whole issue.

Simply put, the CPU has clearly explained the study on public opinion in its document submitted to the Legislative Council in 2013, only that nobody has paid attention to it. What is set out in the document regarding the study on public opinion? It is mentioned that "Public opinion and the new media" — that is online media — "are playing an increasing role in public policy formulation. It is necessary for the Government to keep track of the latest development, to listen to people's views, to understand public opinions, so as to assess public views and opinions and keep our finger on the community's pulse for providing

reference to policy formulation. CPU has been collecting public opinions through opinion surveys and will strengthen its capability in policy research in relation to public opinion and the new media. The aim is to support the Government's policy formulation process by taking into account public opinions and sentiments in a timely manner."

Do you think Mr CHAN Chi-chuen's remarks are wrong? Their job is to conduct studies. That is exactly where the problem lies. Does Hong Kong lack talents now? Is it necessary to designate the CPU or assign "LEUNG's fans" to handle these jobs? LAU Siu-kai has now been promoted to work in the National Association of Studying on Hong Kong and Macau, something like that. Please do not think that you can bully him as he has gone to Beijing. Can you invite him back? These few "brats" are now doing things behind closed doors to benefit their own protégés. Chairman, you also know them, but you cannot say openly now — is he really without peer? If so, he should be an academic dignitary and a prolific author. Yet, that is not the case. Now, it is like a case of "a water ghost having been elevated to goddess status", and as if "one man rises to power, all his protégés come into power too". SHIU Sin-por came back after serving in the army and immediately rose to this position. What procedures had been followed in this regard? Why did the Government not select me LEUNG Kwok-hung? I have accumulated decades of experience in researching Hong Kong. I can hold forth on the community campaigns spearheaded by me. Why was I not selected for this position? Buddy, that is exactly nepotism. Professor, is that right? Are you a professor?

Therefore, Mr CHAN Chi-chuen was wrong on this issue. He cannot control the study areas of the CPU. We are now talking about "due process". With defined areas of study, one can still exercise public powers to achieve private ends. Chairman, I would like to know the relevant procedures. How did the Government find a recruit for this position? Had it written letters?

I know many young professors who are unemployed right now. They are all overseas graduates. They are unlike John TSANG who can boss around after graduating from the Harvard University. Excuse me, they are doctoral graduates specializing in conducting these studies. They have studied the social movements of the United States. Have you ever approached them? The answer is no. As for China experts, are they also the right persons?

Today, we are discussing how the money is spent. I am not going to argue whether he has the power to change policies. Mr CHAN Chi-chuen thinks that he does not have the power to change policies. I, however, think that he has the power to change policies and set a target for his own unit. We do not just set our sight on input and output. I have said it many times before like a teacher — I am really qualified to be a teacher — we should not scrutinize whether his \$2 million spending can achieve \$4 million worth of effect. Rather, we should examine if his \$2 million spending can achieve the social target set by him.

Chairman, he now says that he is going to study universal suffrage. I am not going to talk about the example quoted by Mr CHAN Chi-chuen just now. At this most critical moment, he incredibly came forward to say that it would be best for Hong Kong to have no universal suffrage. Was he sick? The Central Government, that is, the CPC, has already said that it is necessary to have universal suffrage. The problem is how to implement universal suffrage. He, of course, has academic freedom. If he spoke from his conscience that universal suffrage is dispensable, he should step down as the Head of the CPU so that Raymond TAM did not have to make amends and take the fall for him. Raymond TAM is really great. Does he have his own personal opinion? No, except when he is playing mahjong. Of course, the Government would not pay for him if he loses by discard. As a prominent government official holding a D8 post, he proclaims himself as a public opinion professional, but he has no idea of the weight his remarks carry in society. He should just pack up and go home. I earn much less than he does. My knowledge is not as vast as his. Yet, the Government would also listen to my remarks made here, saying that the remarks made by "Long Hair" are too rude with a bit of vulgarity. Had SHIU Sin-por served in the US army for so long that he acts like a G.I. Joe using the powerful M-16 assault rifle to mow us? This is where the problem lies.

Therefore, Mr CHAN Chi-chuen has misunderstood the whole issue. We cannot push for changes in government policies in the Budget debate. In our opinion, as government policies are unchangeable, we should use the social targets set for each policy to judge if a policy has achieved its target. Therefore, under the leadership of SHIU Sin-por, the CPU has actually undergone changes. That is to say, the situation under the previous three administrations cannot even be ... It is very simple. Chairman, you are also a member of the Commission on Strategic Development (CSD). "In 1998, the role and function of CPU were further expanded upon the setting up of the CSD. Its staffing ... " Where is the

CSD now? Has a review been carried out? Yet, it is certainly not his problem. It is LAU Siu-kai's problem.

If the CPU no longer needs to serve the CSD ... have you attended any meeting of the CSD lately? A meeting should be held once every six months. The CSD Secretariat does not have to contact members for any meeting. Why did it apply for so much funding? Has there been any review to demand the Government to put the CSD on the back burner? As the saying goes, "policies come with the rise of a leader and end with the death of a leader". Such a rascal! Do Members still remember the CSD? Serving the CSD is one of the key duties of the CPU. After SHIU Sin-por had assumed office, he wanted to change its function. However, there is no mention of the current situation of the CSD. The CSD is still there now. Therefore, the Government's administration is a mess. What is wrong and what is right with the previous part — LAU Siu-kai's part? You dare not touch it and reform it, leaving a bloated structure there. Since LAU Siu-kai's rank is equivalent to "the emperor's teacher" and currently works in the National Association of Studying on Hong Kong and Macau, can you touch him? It is not that easy. Well, since it was founded by LAU Siu-kai, it will continuously be deemed as alive and kicking despite it having been crippled. You further add something on top of it. What has become of the CPU?

Besides, as the saying goes, "don't tie your shoelaces in a melon patch, and don't adjust your hat under a plum tree", right? You would not tie your shoelaces in a melon patch. This is Chinese people's way of being an official. It is the simplest wisdom. He is Chinese too. As he is so keen on conducting national studies, would he please stop providing funding to CHEUNG Chi-kong. He earns a salary while doing business. He makes use of the study results to write articles and get paid, before publishing books through the One Country Two Systems Research Institute. I know that the One Country Two Systems Research Institute also published a book written by Dr Priscilla LEUNG — she is not in the Chamber — but she was later accused of plagiarism. Albert CHEN let go of it, saying that he believed she has not copied his work. The One Country Two Systems Research Institute, which he has funded and heavily relied on, is engaged in these shady businesses. I have yet to settle these scores with him. Chairman, his wrongdoings are countless, right? As a Chinese quote goes, "Even after using up all the bamboo of the South Mountain for writing, they are not enough to inscribe all the crimes". Chairman, as you are leaving this Chamber, I do not feel like talking about it anymore as the Deputy Chairman may

not understand what I am saying. I do not mean to offend him. It is only because he came in just now. Please do not laugh. Mr CHAN Hak-kan, you have to refine your attitude.

(THE CHAIRMAN'S DEPUTY, MR ANDREW LEUNG, took the Chair)

Deputy Chairman, I think we are right in criticizing the CPU on this whole issue. Let me cite an example. Take Mr CHAN Hak-kan as an example. When he worked as Special Assistant of the CEO, he was at first responsible for photo-copying. Of course, he later took up other duties. As we can see him here, he was subsequently elected as a Member here. He is exactly a product of the Government. Now, the CPU wants to recruit talents again. What does the people working in the CPU look like. Human Beings? Ghosts? Neither. They are neither fish nor fowl. This unit which claims to help Hong Kong people ... its first policy change is recruiting talents. Let us take a look at Mr CHAN Hak-kan. He is a living example of such talents. He worked in the CEO, doing photo-copying for a brief period of time. He then studied law and incredibly became a Member of the Legislative Council. I now bet with my head ... what kind of talents is the CPU nurturing? Is it nurturing people like Sophia KAO? Deputy Chairman, I shall stop here.

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

MR ALBERT CHAN (in Cantonese): Deputy Chairman, "Long Hair" does not quite know that among the present "LEUNG's fans", a number of them come from the CPU. Many of us wish to reduce the estimated expenditure of the Information Coordinator. As a matter of fact, this Information Coordinator had taken up a post in the CPU before.

Deputy Chairman, speaking of the CPU, the nature of the CPU has now changed. There has also been a decline in its quality. This is indeed saddening. I remember that when it was first established, many of its responsible persons were brilliant Administrative Officers or senior officials with good performance in the Government. The CPU was headed by these people who were not old at all. Even "Uncle Kai" — LAU Siu-kai who later assumed

office — was quite reputable in the academic circle. The socio-political researches previously conducted by him were innovative, unique, and quite outstanding. For instance, he had conducted researches into the social structure of Hong Kong, discussed the impacts of connections on power, social structure and political decisions. Over the past 20 years, many studies ...

MR LEUNG KWOK-HUNG (in Cantonese): Deputy Chairman, point of order. I request invoking Rule 17(3) of the Rules of Procedure to summon Members of this Council to return and gather in the Chamber.

DEPUTY CHAIRMAN (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

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

DEPUTY CHAIRMAN (in Cantonese): Mr Albert CHAN, please continue.

MR ALBERT CHAN (in Cantonese): Deputy Chairman, I was talking about the reason for the decline in the quality of the CPU, which is the failure in appointing the right candidates. It is certain that the performance of "Uncle Kai" has been worsening. As his social circle and exposure became increasingly narrower, this problem of worsening performance in grasping public opinions and sentiments was bound to happen. When he had established political inclinations, the academic research conducted by him would certainly be biased. When he had established political inclinations, the independence of his academic research would certainly be affected. Similarly, his understanding of academic theories would also be affected. Thus, insofar as the march on 1 July 2013 was concerned, I estimated 300 000 to 400 000 people had joined the march on that day. "Uncle Kai" estimated that under 50 000 people had joined the march. His incomprehensive contact with the community, society and groups, as well as his partiality to certain groups, rendered him incapable of grasping the actual situation, which inevitably led to errors in many of his studies or analyses. Hence, the People Power fully supports the proposals of deleting the CPU put forth by a number of Members.

The CPU should be able to keep tabs on the overall pulse of Hong Kong. When launching various training programmes for District Council members over the past years, I have always said at the outset, "Irrespective of whether you are a District Council member or a responsible person of government departments — particularly that of the central agencies — you must keep tabs on the pulse of society. Your pulse must throb together with the pulse of the community you represent. When you cannot feel the pulse of the community, you should leave. When you cannot feel the pulse of the community, it means that you have distanced yourself from the community, which gives rise to the problem of 'alienation', in Marxist parlance. If this is the case, it will certainly lead to many errors, or differences and wrong judgments in terms of awareness. Public administrative workers must absolutely not be like that. This is also absolutely not healthy."

Just now "Long Hair" criticized Mr CHAN Chi-chuen for misunderstanding the functions and duties of the CPU. Based on this reason, he alleged that the criticism of Mr CHAN Chi-chuen was not appropriate. I hold that the public speaking skill of Mr LEUNG Kwok-hung ranks top among all Members of the Legislative Council. His descriptions are vivid and creative. However, his biggest problem is not listening carefully when others speak, which is quite similar to Mr WONG Kwok-hing. As Mr WONG Kwok-hing is unwilling to listen to others, he uses his own abstract thinking to imagine the meanings of others, and thus, comes to many wrong conclusions. Given that Mr LEUNG Kwok-hung had not listened carefully to the analysis of Mr CHAN Chi-chuen just now, he had misunderstood the argument of Mr CHAN Chi-chuen on the performance of Sophia KAO of the CPU, particularly the part of CPU having exceeded its functions and duties in being responsible for recruiting many public officers. Since Mr LEUNG Kwok-hung was not clear about Mr CHAN's argument, he had drawn a wrong conclusion. Mr CHAN Chi-chuen is now present. He may give Mr LEUNG a further explanation later.

One of the reasons for our proposal of deleting the CPU is that the CPU should return to simplicity and brevity, and go back to its basic and fundamental work: conducting research and analysis on important policies for the Government; assessing public opinions and sentiments; and subsequently providing advice to the Government. When the CPU is engaged in the political arena, and in particular, the recruitment of people, it will inevitably give rise to errors and bias in its so-called "impartial analysis". This is because certain people joined certain organizations on the recommendation of the CPU. It is

imperative that the CPU, as an impartial body without special political inclinations, should maintain its independence and impartiality in providing advice to the Government. When the CPU has lost its independence and impartiality, especially when the CPU is carrying out a political mission, the recommendations it makes to the Government are bound to be flawed.

SHIU Sin-por stated clearly ... we know very well that with his fiery gesture and strong stance, he is absolutely not suitable to conduct policy research. On the contrary, if he takes up the post of a Bureau Director and engages in a single fight with us in the Legislative Council, it is possible that with his eloquent arguments during debates, he may be capable of establishing the authority of the Government. This is because he is unlike certain officials who often huddle up and dare not come forth.

I hold that government officials should come forth and exchange their views with Members. That is why I held the then Secretary Dr Arthur LI in appreciation. Despite the fact that he was criticized by many people for being too tough, I hold that if you take up the post of a Bureau Director, it is only through adopting this kind of attitude that you can show your confidence, instead of reading from a script every time you speak. Nowadays, officials are very good at reading from scripts. They do not even know what they have said after reading from their scripts. Therefore, regarding the amendments proposed by several Members on individual aspects of the CPU — some amendments have proposed reducing the estimates for the emoluments of certain posts; other amendments have proposed a comprehensive reduction of the estimated operational expenses of the entire CPU — I support all of them.

My remarks just now were meant to respond to the issues raised by Mr LEUNG Kwok-hung on the CPU. As I have pointed out just now, the most important thing is the CPU must return to being impartial in conducting studies and academic research; otherwise, this agency will only be studded with political "hatchet men" who flex their muscles all the time, or degenerate into another mechanism for transfer of political benefits, and use of crony connections for personal gains. All these were definitely not the specified functions and duties of the CPU at the time it was established. Nor were they in the interest of the people of Hong Kong. Therefore, deleting the CPU was the most simple and straightforward approach.

Deputy Chairman, returning to the amendment proposed by me. Amendment No 726 : Resolve that head 142 be reduced by \$4,550,000 in respect of subhead 000; that is, reducing an amount approximately equivalent to the estimated annual expenses in honoraria for members of committees under the Offices of the Chief Secretary and the Financial Secretary.

I mentioned the issue of appointment just now. In fact, there are two kinds of appointments. Members serving on certain committees are not paid. I had joined various committees before. For instance, I was a member of the Advisory Council on the Environment and I was not paid. I had to read stacks of papers when I attended the meetings. As I served at the time when the new airport was under construction, there were many research reports on the environment, noise pollution and water quality. There were stacks of reports, all written in English. Back then, I had to read the reports as well as put forth views at meetings. I was not paid. However, members of some committees are paid.

Whether members are remunerated is not related to workload. Even after reviewing the entire development history, I still do not know what criteria are adopted to determine members of which committees will be remunerated while other committees will not. It turns out that whether members are remunerated is usually based on historical factors, or the individual inclination and decision of the then incumbent Secretaries of Departments and Directors of Bureaux. In any case, members of some committees are remunerated, including the committees co-ordinated, managed and controlled by the Offices of the Chief Secretary and the Financial Secretary. Honoraria for members of committees as mentioned under head 142 are mainly related to four committees, including the Administrative Appeals Board, the Municipal Services Appeals Board, the Associate Members Scheme and the Public Policy Research Funding Scheme Assessment Panel. The total number of members is 134, among whom 49 are members of the two Appeal Boards.

As I asked just now, why are members of the abovementioned committees remunerated while members of other committees are not? Even after analysing their history and information, we still cannot identify the rationale for this. Is it because if these members are not remunerated, nobody will be willing to serve as members? As I said just now, and according to the analysis made by Mr CHAN Chi-chuen just now, at present, it is basically through political connections and certain relationships that a person can be appointed to these committees. If a

person comes from the "LEUNG's fans" camp or directly a "LEUNG's fans", very often he will be granted a "special passage". Therefore, to a certain extent, appointments to committees (particularly those committees whose members are remunerated) are a kind of transfer of benefits. There are presently many avenues for transfer of benefits, such as the conduct of studies as I mentioned just now. If a certain person is a Member of the Executive Council who happens to operate a research organization, and if his good friend is responsible for vetting and approval, he will be granted hundreds of thousand dollars or even several million dollars to conduct researches. If we compare last year's figure with the figure for the year before last, we will find that last year's provision had increased by one-fold. In fact, all these examples are too numerous to mention.

We can see from these examples that the extent of corruption towards which the entire administrative operation is moving is indeed shocking. It really horrifies us all. This corruption has caused the declining quality of the entire governance of Hong Kong, which inevitably renders the failure of bringing justice into play. Very often appointments are not based on ability or recognition of participation in society, but rather the political connections with LEUNG Chun-ying. We absolutely should not encourage this practice of cronyism. This is particularly so with remunerated work for which no fair, just and reasonable recruitment criteria and mechanism are put in place, but over \$4 million will be spent. We hold that it must be abolished.

As I said just now, many of the current appointments are made in "black-box operation" according to very vague selection criteria. It is absolutely inappropriate that the appointments are controlled by the CPU. The existing appointment system has already degenerated into a club of "LEUNG's fans" and the "affluent second generation". Earlier, a member of the "affluent second generation" spoke on current affairs and policies, which only made a mockery of the person himself. I do not know whether the script had been written by the LOCPG for him to read out. Over the years, we have not heard the "affluent second generation" speak on issues of people's livelihood and politics, and have not seen them take part in activities related to these issues. However, all of a sudden, particularly on the recent issue of the Occupy Central movement, many members of the "affluent second generation" have come forth and expressed a strong and clear stance without understanding what the Occupy Central movement is basically about. They were only reading from scripts. This kind of situation should not have arisen.

Furthermore, we can see that many members of the Appeals Board are (*The buzzer sounded*) ... I will provide additional information in this respect later on.

Thank you, Deputy Chairman.

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

MR LEUNG YIU-CHUNG (in Cantonese): Deputy Chairman, today, I am going to speak on the amendment proposed by Mr Gary FAN to deduct the emoluments of the Commissioner of Police for six months. I have risen to speak because I wish to express my support for this amendment by Mr Gary FAN. However, Deputy Chairman, before explaining why I support his amendment, I would like to ask Mr Gary FAN why he has sought to deduct the emoluments of the Commissioner of Police for six months instead of a year? I have found that in other amendments, he has sought to reduce expenditure on a yearly basis and rarely has he sought to reduce expenditure by six months. Of course, there are such cases, but they are very few in number. Hence, I wish to know why he has done so. Is it because in the next six months, there will be a number of large-scale processions, demonstrations and assemblies, so he has set a period of six months? In the coming six months, there will be activities such as the 4 June rallies and the 1 July march. Does Mr FAN wish that the Commissioner will step back during this period of time, refrain from being responsible for the relevant work so as to prevent him from making things worse, thus, he has sought to deduct his emoluments for six months?

Deputy Chairman, in any case, I hold that Mr Gary FAN's proposal of deducting his emoluments this time around is justified. Why? Yesterday I pointed out that a deduction of wages was not justified on the ground that even if the official or person concerned is not doing a good job, he should be dismissed according to a mechanism, or he should not be allowed to occupy the post anymore, rather than deducting his emoluments. But unfortunately, such a mechanism or system is lacking currently. Therefore, we have no other option but to deduct his emoluments in order to express our dissatisfaction with his work performance, hoping that some improvement will be made by him.

(THE CHAIRMAN resumed the Chair)

Chairman, insofar as actions taken in processions, assemblies and demonstrations are concerned, since his assumption of office, the Commissioner of Police has surpassed previous Commissioners. Of course, I believe his objective is to intimidate the public, so as to discourage people from organizing so many processions, demonstrations and assemblies, and expressing persistently dissatisfactions against the administration of the Government. However, Chairman, I would like to point out that this kind of wish will not come true. When there are policy blunders or when the Administration insists on implementing policies that are not in line with public sentiments and public opinions, no matter how the Government attempts to suppress them, the public will still indignantly come forth, they will still organize assemblies and demonstrations in protest. Hence, I hope the Commissioner will not adopt this kind of concept to deal with processions and demonstrations. There is a very simple truth which, I believe, the Chairman understands very well — the greater the suppression, the stronger the resistance. Therefore, I advise the Commissioner of Police against adopting this kind of concept again; otherwise, he is only playing with fire and will ultimately draw fire onto himself, which is not beneficial to him at all.

Chairman, coming back to the question — why do I support Mr Gary FAN's amendment of deducting the emoluments of the Commissioner of Police for six months? My principal target is the Commissioner's remarks which are completely irresponsible. I hold that this is a very important issue. Just now Mr Gary FAN pointed out that the most shocking remark of Commissioner of Police Andy TSANG was the "dark shadow theory". He described the situation in great detail just now, thus, I am not going to repeat it. However, I would like to provide some additional information. Apart from the untrue remark of Commissioner Andy TSANG, the most important thing is, after the Independent Police Complaints Council had published the interim report on the "dark shadow theory" incident — this report pointed out that the allegation relating to the police's act of impeding news coverage was substantiated, that is, the conclusion was that the police had been wrong — in responding to this report on 8 May 2012, Commissioner Andy TSANG actually said that it was impractical to withdraw the remark which had already been made.

Chairman, when we have made some remarks that are considered to have offended other Members, you will ask whether we will withdraw them. What is

the meaning of "withdrawal"? It is because we think that our remarks on certain matters are wrong, hence, we are willing to withdraw them. In other words, we know about the matter, we know what is right and what is wrong. However, the Commissioner could outrageously say that the remark could not be withdrawn since it had already been made. Chairman, would you tolerate this? If we once again made some remarks that offended other Members, would you ask us to withdraw them? If I answer in the manner Commissioner Andy TSANG did, saying that it is impossible to withdraw the remark which already made, how would you deal with it? Before the reunification, the approach adopted to deal with me was expelling me from the Chamber. However, Commissioner Andy TSANG had publicly made such remarks, has anyone dealt with him? The answer is no. What I am referring to is not the public, but the Government — his employer. Has the Government dealt with him? It has absolutely not. It has allowed him to do whatever he likes. How can it adopt such an attitude? If a remark an official makes about the incident dealt with by him turns out to be wrong, and he insists on not withdrawing the remark since it has already been made, reiterating that nothing wrong has been done, how can the Government tolerate the official for not withdrawing the remark? Is that a responsible official? Thus, based on this, I really hold that he is not competent as the Commissioner, and he should not take up the post of the Commissioner. There is this saying that having a sense of shame is akin to courage. Basically he is totally devoid of any sense of shame. I hold that he absolutely does not deserve to act as the Commissioner.

Chairman, apart from the "dark shadow theory", there is another issue which has caused a public uproar. What is it? It is the so-called "fantasy remark". What is the "fantasy remark" about? It all started on 6 March 2011 when a procession against the Budget was organized by some members of the public. There were scuffles between protesters and the police, subsequent to which, the police applied force to resolve the incident. After the incident, Commissioner Andy TSANG said that the scene was chaotic and public order was disrupted, thus the police was obliged to take resolute actions to maintain public order. He also pointed out that the protest had blocked the roads and paralysed traffic to such an extent that necessitated the taking of action to remove the protesters. However, back then, the Commissioner was criticized for the use of excessive force. Why was he criticized for that? It was because pepper spray was used on a boy at the scene. Back then, a reporter at the scene asked

the Commissioner whether it was necessary to tender an apology. He replied by saying that it was something of a fantasy to tender an apology for maintaining law and order.

Chairman, if it were a necessary action to maintain law and order, how would the public have asked him to tender an apology? On the contrary, they would have voiced their applauses and commendation. The question was whether the action was appropriate. There were children at the scene, so was it necessary for the police to use pepper spray to control the crowd? This was the crux of the issue. Just as the "dark shadow theory" mentioned earlier, he had actually disregarded the real facts, blindly defended the so-called "major directions", misled the public and defended his own mistakes. These situations have occurred over and over again. Is such a Commissioner still qualified for his job? Should he be allowed to remain in office?

Chairman, as a matter of fact, among all previous and current Commissioners, the incumbent has commanded the lowest popularity rating. Why is his rating the lowest? Because all the policies adopted by him in so-called maintaining public order have attracted strong criticisms. Apart from this, his remarks are totally irresponsible, having no regard for the true facts. This is the most important issue. Today, we often say that the community criticizes this person or that person for setting bad examples. Are these not setting bad examples? He was not talking about true facts but something untrue. Refusing to admit any mistake, he spoke in a high sounding manner that it was not necessary to tender any apology or withdraw the remark. He was unwilling to face his own mistakes. So how can we face such a Commissioner? Unfortunately, as I have said just now, the mechanism that renders him unable to remain in office is not in place; thus all we can do is to deduct his emoluments. Chairman, we have no other option but to take this action. Although I have mentioned just now that I have some opinions about Mr Gary FAN's proposal of deducting his emoluments for six months, I will still support his amendment.

Chairman, I so submit.

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman, first of all, I do not understand why Mr LEUNG Kwok-hung claimed that I did not know the functions and duties of the Central Policy Unit (CPU). When I talked about reducing the expenditure estimate on the salary of SHIU Sin-por, Head of the CPU, this morning, I certainly did not talk about every function and duty of the CPU in great detail. But I believe I had touched on this matter and given a clear account in my speech. Let me briefly illustrate it in a few sentences. The work of the CPU includes: conducting policy research, drafting the Chief Executive's annual Policy Address, analysing and assessing community concerns and public opinions, undertaking work for the Hong Kong Guangdong Strategic Development Research Group and providing secretariat support for the Commission on Strategic Development. As for the detailed explanation of the abovementioned points, Members can browse the column of "About Us" in the homepage of the CPU for a detailed explanation.

The focus of my previous discussion was not only on whether I know the functions and duties of its work, but also on my view that the nature of the CPU has changed, and it has changed under the leadership of Mr SHIU Sin-por, Head of the CPU. That is why I have proposed to reduce the expenditure for his emoluments for a full year. Furthermore, regarding the issue of the CPU's full-time member Sophia KAO, I had not dealt with this issue in that part of the debate. Therefore, I hope that Mr LEUNG Kwok-hung will comment on whether I know the functions and duties of the CPU after listening to my analysis of the CPU.

Just now I was talking about Amendment No 723, the objective of which is to reduce an amount approximately equivalent to the annual estimated expenditure for the CPU to conduct consultancy study projects. I also mentioned that SHIU Sin-por of the CPU had seized the power of vetting and approval of the Public Policy Research Funding Scheme under the Research Grants Council (RGC), which had caused dissatisfaction among many members of the education sector and the academia. Back then, he had used certain pretexts to criticize the RGC, alleging that there was a lack of communication between scholars funded by the RGC and the relevant bureaux. However, he had forgotten that one of the important duties of the CPU is to play the role of centralized liaison between different bureaux and scholars.

The homepage mentioned just now also clearly stipulates that with respect to undertaking policy research, "the CPU has a broad network of contacts". This

network of contacts certainly includes contacts with the academia. The CPU also "consults different experts, scholars, and in particular its Associate Members before tendering policy advice. It also funds specific consultancy studies by commissioning experts from different sectors of the community." This kind of communication with the academia is basically one of the functions and responsibilities of the CPU. It is one of its jobs. It had not only failed to do its job properly, but it had even used this as a reason to seize power, using the lack of communication between scholars and bureaux as a pretext to take back the power of vetting and approval.

Looking back at the development of the incident, after SHIU Sin-por has taken control of the ultimate decision-making power of funding, he gives people an impression that his objective is to "purge" the academia, and in particular, the work of public opinion surveys conducted by universities. Using the makeover of the research projects of the CPU to establish a unique style as a pretext, he has, in reality, attempted to belittle and control these studies. Even if there are different opinions, they may have to be screened, rendering them some kind of a consultation service only.

The funding for research projects, in addition to stringent academic rules, should have been able to foster the culture of conducting public policy research on the one hand, and improve policy formulation on the other hand, with the two complementing one another in order to enhance the effectiveness of both. However, it seems that the CPU now hopes to have all the power amassed in its hand, even to the extent of distorting this desirable mechanism into what we suspect to be a machine for transfer of benefits or an instrument for power. It is not necessary for me to give a detailed account. As evident to all, SHIU Sin-por has brought in the One Country Two Systems Research Institute — where he used to work as the Head — as a non-government think-tank to conduct a number of studies. As I mentioned just now, he has also subcontracted a majority of research projects to this Institute. Hence, in order not to foster the undesirable trend of distorting the spirit of research by the CPU, I implore Members to delete the provision of \$9.8 million to the CPU for undertaking consultancy study projects, until the CPU engages in an introspection of its functions and duties, and establishes a relationship of genuine co-operation with the academia. It is by then that the provision can be reconsidered.

I will now deal with another of my proposals regarding head 142, that is, the amendment under Amendment No 716. Many Members have put forth the

same proposal, seeking to deduct \$105,004,000 stipulated under head 142. My proposal is to deduct \$105,003,000 from the amount and reduce it to \$1,000. The actual effect is not significant. Regarding this deduction, it is rare that five Members have simultaneously put forth this proposal. They include Mr WONG Yuk-man, Dr Helena WONG, Mr LEUNG Kwok-hung and Mr CHEUNG Kwok-che. These four Members have proposed to deduct \$105,004,000, while I have proposed to deduct \$105,003,000. It is thus evident that ... "Long Hair" is here, you will have to explain the criticism you have made against me later on. I will finish my speech on this part first before responding to you.

It is thus evident that this is the harshest amendment. It can almost render the entire CPU powerless. I believe each Member who has put forth his amendment has his own reasons. However, I believe one of the reasons is the one I have to mention eventually — the latest cause of criticism against the CPU: the appointment of the full-time member Sophia KAO. Since the single item of expenditure on the post of Sophia KAO cannot be identified, many Members have to cut the entire arm because this scar cannot be found. This is their logic.

As we have pointed out just now, insofar as the case of CHEUNG Chi-kong of the One Country Two Systems Research Institute is concerned, he has been conducting studies on himself. Now with the case of the full-time member Sophia KAO of the CPU, KAO is suspected of appointing herself. Both cases involve the issue of significant interests. Subsequent to the Government's appointment of Sophia KAO as a full-time member of the CPU, Chief Executive LEUNG Chun-ying has required that in submitting recommendations for appointments of public officers, all Bureaux must include the views of Sophia KAO at the same time. This packaging of the art of "hypocritical rhetoric" is quite brilliant, for in other words, it has virtually enabled her to have the power of nomination and review in staff appointment, which means she is in control of the substantive power of appointment. Back then, this move had aroused a great controversy. It was considered to be an act of seizing power from officials because nominations from officials are not good enough. They must be reviewed by her, enabling her to have the final say in who gets the appointment. With respect to qualifying for appointment, even though the making of nominations still rests with government officials, the power of approving who gets the appointment rests with Sophia KAO.

It is even more outrageous later on. The Government announced the establishment of the Honours and Non-official Justices of the Peace Selection

Committee to replace the Honours Committee and the Non-official JPs Selection Committee, so as to oversee the future selection of suitable candidates of Honours and Non-official Justices of the Peace for recommendation to the Chief Executive. It can thus be seen how great the power of Sophia KAO is. Those who wish to receive a higher honour should promptly invite her to tea and dinner. However, after carrying out a lot of search, I still cannot find a job description of the CPU that includes this. The most outrageous thing is that one of the members of the newly established Committee mentioned just now is Member (3) of the CPU, that is, Sophia KAO herself. On the one hand, she controls the appointment of public officers, and on the other, she is appointed as a member of the newly established Committee. Is this not tantamount to appointing herself — with the first step of nominating herself and then approving her own nomination? This involves significant interests. What is the problem with this? It is when Ms KAO has this power, other members will feel that they have a position to serve is probably due to her allowing them to get the appointment. As such, will her view not reign supreme? Will anyone dare contradict this senior member who can get you appointed?

The homepage of the CPU provides information on its work and I briefly read out the information just now. Then why has another duty of making recommendations for candidates of Honours and Non-official Justices of the Peace been added to it? Let me not talk about comments such as "LEUNG's fans" and "pie-sharing" for the time being, but will this not become an instrument biased towards the Government? Even if there are some "fish let through the mesh", such as the cases of some "thorns in the flesh" nominated by secretaries who are naïve and are not "licensed LEUNG's fans" to join these consultative frameworks, they will have means to screen them out. This is the most serious issue of screening.

Chairman, in fact, the CPU has become a big monster. Let us browse its homepage. I wonder how many people will really study carefully the job description of nearly 1 000 words posted on it. It is not necessary for it to be accountable at all. We do not have a set of criteria to conduct value-for-money audits on it or evaluate the effectiveness of its work. Even if the Audit Commission wishes to conduct an audit on the CPU, it will be difficult for it to do so. Hence, whether this scar is actually a wound scar or a tumor, benign or malignant, Members can certainly hold debates and speak on it. But I believe when the appointment of all public officers rests with a member of the CPU, and

this person holding the ultimate decision-making power subsequently appoints herself, then this monster will only do more harm than good to Hong Kong.

For this reason, I implore Members to support the harshest part of the amendment. If you do not wish to support Members engaging in the so-called filibuster, you can support the amendment proposed by Dr Helena WONG of the Democratic Party or the amendment proposed by Mr CHEUNG Kwok-che of the Labour Party. The purpose of these amendments is the same, for they seek to reduce \$105,004,000, which is approximately equivalent to the estimated annual operating expenses of the CPU.

I so submit.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, what does it mean by sharing the same feeling as if one experienced it oneself? The topic that I am talking about now is exactly related to this. Amendment No 870 proposed by Mr Albert CHAN, which concerns "Government Secretariat: Security Bureau", seeks to resolve that head 151 be reduced by \$89,173,000 in respect of subhead 000. The amount of reduction is approximately equivalent to the annual estimated expenditure for general departmental expenses of the Security Bureau.

Earlier Mr LEUNG Yiu-chung criticized Andy TSANG for his lame performance. In fact, need I say more? I am personally an illustration. I can only say that even though he brings calamity to the country and the people, the LOCPG or the CPC has to appoint him. Why do we have the Occupy Central movement? The reason is that in the evening of 1 January 2013, a group of people was demonstrating in Central — Members can see the video which is viral on the Internet — facing 200-odd police officers on my own, I was standing on the road, surrounded by 200-odd police officers. I was trapped at that time and could only chant slogans. After chanting slogans for tens of minutes, the police officers advised me to stop speaking as soon as they came up to me. I asked, "Why am I not allowed to speak and on what grounds can you arrest me?" The police said that no grounds were necessary. And they just arrested me first before saying anything. Mr Benny TAI, the leader of the Occupy Central movement, has watched this video. Of course, he did not know our conversation at that time. All that he could see was my unreasonable arrest. The police said that I was blocking the road. If a man is standing in the middle of a road, even if

he really intends to block the road, can he really do that? The answer is no. Since he is not blocking the road, they should accuse him of jaywalking, which is commonly referred to as crossing roads in a careless way, arrest him and charge him of this offence. If he stubbornly resists, they should push him aside before dealing with him. But how can he block the road? Hundreds of police officers surrounded a man, blocking the road, yet they put the blame on that man. Frankly, that was a bit stupid, right? This is one of the reasons why I wish to reduce his emoluments. Mr Benny TAI clearly stated since he had witnessed that scene, he thought that it was not right. And "Long Hair" is already 57 years old, yet he was humiliated in such a way. He felt that he could not leave me to fight alone and decided to keep me company. Benny TAI, an associate professor, is younger than me, therefore he decided to participate in it as I am too old and weak to make it a success.

Andy TSANG was definitely watching the television that day, since he quickly issued a statement condemning our behaviour. Is Andy TSANG capable of taking action at such a level? He slurs when he speaks. Certainly after he had reported to the Security Bureau, the latter decided to condemn us immediately for blocking the road and finally arrested Mr Albert CHAN who was about to leave. It was simply a conspiracy. I actually did not block the road, but the police surrounded me on all sides and then accused me of blocking the road, framing me up. Should I agree to allocating any provision for him? This is tantamount to throwing money into a rice urn, simply a laughing stock. I was busy, for I had to attend "the filibuster". I am referring to last year. This year it is not "a filibuster", only making comments.

In respect of this incident, he did not come out to tender apologies, nor did he come out with a speech. Earlier Mr LEUNG Yiu-chung also spoke on the same topic, and what he said referred to the clearance operation on 6 March 2011. Chairman, I used to live in the "Seventh Heaven", and this is what the triads in Chai Wan are like. No sooner had you accidentally kicked over an incense burner at his doorstep than he came up to say, "He who makes the provocation is lowly and should not complain even if he is beaten to death." Then he would beat you hard until you give him money. If you are dealing with cases that you consider to be law-breaking, you are given explicit guidelines stating when and how to use those harmful weapons, so is there a problem with Andy TSANG's brain? People asked whether he needed to handle it this way. He replied that it was simply law enforcement. In that case, you had better throw away the so-called guidelines, right? Even children were treated that way. "A fierce tiger

will not harm its cubs". Even tigers will not eat their own cubs. "Caring for other children as one's own", and talking about the so-called quintessence of Chinese culture all the time? Can I spray Andy TSANG and his son with pepper spray? He even defended himself by saying that an apology was not necessary since he was just maintaining law and order. This is also the same case for the Tiananmen Square incident in Beijing. They said that the army was deployed simply because there were no riot police. Buddy, does this mean you can use the army to kill people?

How can a man of such low intelligence be a department head? People asked him questions, yet he gave irrelevant answers. Therefore, he continues to do that, spraying other people after spraying children. The recent incident of mine has become viral. What is better than having a victim in this Council depicting his own experience, who can tell Members how lame this department head is. As soon as I pulled at the mills barriers, they wanted to arrest or kill me at once. Is this behaviour any different from the triads? You said that I touched you, therefore I could not complain even if I were beaten to death. After being beaten hard, I said, I had just accidentally hit your incense burner, but you said, I had hit your incense burner, and you were not sure about what I wanted to do, so you beat me up, and I should consider it lucky if I were only beaten to half-dead. May I ask the Secretary for Security what kind of a person his subordinate Andy TSANG is? People asked, "Has he used unnecessary violence?" Yet he replied that he was just enforcing law, and there was no need to apologize. What was he saying? Chairman, if he speaks like that in this Council, you will also say that he has strayed away from the question, right? Such quality, yet he thought he was clever and eloquent. How shameful!

Chairman, from our investigation into him over the incident on 6 March 2011 and his refusal to tender apologies to the recent incident of spraying me with pepper spray — three police officers sprayed me in the wrong place; others sprayed my eyes, but they sprayed my nose — Buddy, they should deploy the spray 2 ft from me, but they did it within 1 ft, and over my nose ... The guidelines state that they cannot spray on the muscles, yet they deliberately sprayed on the muscles, which would lead to permanent disability of the muscles. Buddy, have you conducted any reviews? I also spoke to a police officer after the spraying. He said, "Mr LEUNG, Mr LEUNG, don't!" Then this police officer sprayed me. Mr LEUNG, don't what? I felt as if I was crucified, with my arms being pulled, and another person came up to take advantage of the situation by spraying me again.

Chairman, if the person at the top is bad, those under him are of course miserable, right? A second-generation pampered fop will certainly produce a third-generation pampered fop. The Commissioner of Police deliberately distorts the facts by calling a stag a horse, and all police officers will also call any four-legged animal (including dogs) they see a horse. Since they can call a stag a horse, of course they can also call a dog a horse. He has set an example, right? Honestly, Chairman, this is not his fault. If we say it is somebody's fault, many such faults, such as the so-called "dark shadow theory", is the fault of that police officer in charge. He has made a mistake, just let us say he is wrong then. This is very simple, Chairman ...

CHAIRMAN (in Cantonese): Mr LEUNG, please put on your microphone properly, so that it would not be too difficult for Members to catch you when you move. Moreover, you need not speak at such a loud voice.

MR LEUNG KWOK-HUNG (in Cantonese): No, I am too indignant when it comes to my own affairs.

Let me cite an example. In the case of the Marine Department, Francis LIU refused to apologize, thus Anthony CHEUNG came out to admit their mistake, and then Francis LIU apologized, right? Anthony CHEUNG is 10 000 times better than him. His subordinate refused to admit their mistake, therefore he did it. The "Big Brother" has eaten, and the "Younger Brother" of course comes out to say that he will eat as well, even if he has to eat faeces, right? Setting an example means taking the lead. If he takes the lead to refuse admitting the mistake, his subordinates will certainly follow his example. In fact, I absolutely believe that Andy TSANG has no personal grudges against me, and he will not tell them, "When you see "Long Hair", spray him a few more shots. Certainly he will not do that. It is not playing a game, isn't it? A great man must do great things, right? Yet, he defended his subordinates after they had done such a thing.

Chairman, if an Honourable colleague comes up to me and slaps me, I will say, "Chairman, it is not right to slap me." The Chairman will not respond by saying, "What is the problem with slapping you? You are making noises here. I ask you not to speak too loudly, but you speak so loudly, so what is the problem with slapping you?" This is exactly excessive force, you know? Do you still

want me to act as a teacher? Come to think of it, I really should not be a Member, but a teacher. We should not beat people, and the Chairman can tell Members, "If Members speak too loudly or do anything improper here, I will drive them out of the Chamber. If this fails, I will push them out, but we cannot beat them." Right? The Chairman will not say, Mr LEUNG Kwok-hung is always like that, and he deserves a good beating. The Chairman will not handle it this way. Therefore, you are Jasper TSANG and he is Andy TSANG, and the TSANG clan should discipline him ...

CHAIRMAN (in Cantonese): Mr LEUNG, you have strayed away from the question.

MR LEUNG KWOK-HUNG (in Cantonese): Really? Okay. If he is incapable of disciplining his subordinates ... In fact there are several principles for being a government official, one of which is "being the Second Uncle of the Southwest (a Cantonese slang)", that is, sitting on problems and letting them run their natural course. The majority of government officials are behaving in this way, remaining silent and letting him die. Yet he does exactly the opposite. He himself also uses excessive force, and says that he supports them. Buddy, how can he stay? I have not finished complaining yet. Indeed, there are too incidents to mention, and those involving me alone have been too many, right? When LI Keqiang visited Hong Kong, my car travelled past the Hong Kong Convention and Exhibition Centre, and the police stopped my driver, saying they needed to inspect the car. My driver asked them for the reason. They told him not to ask so much and just followed them, otherwise they would arrest him, and then when it reached ... They could not see clearly because my car looked like a van. The police said my car was a van, therefore they needed to weigh it. I said, "It is a private car", and then he said, no need to weigh, just remove everything. Buddy, what is it if it is not an abuse of power?

Certainly, I am aware that the police are a political tool, but according to our political ethics, the police cannot act in that manner. Therefore, the police must be disguised as a non-political tool, especially when the Government denies it. The principle of a liar is to deny in a serious manner. Now the lie is completely exposed by himself. Is he actually a fan of the pro-democracy camp, with "his body in a certain place while his heart rests elsewhere", enduring humiliation in order to expose the Government's stupidity? How can such a man

be appointed to any office? Even from the perspective of a ruler, such a man cannot be appointed, let alone from the perspective of human rights. From the perspective of a regime, it is his own fault ... The "dark shadow theory" is a joke, buddy, saying that a hand reached out. It is not that ridiculous, is it? What does he think Hong Kong people are? Even if he lies, he should be more careful, at least like LEUNG Chun-ying, so that people do not understand what he has said. Yet, he said that his subordinate reached out his hand to block the camera because he had seen a dark shadow.

Chairman, I do not hold any personal grudges against Andy TSANG. Honestly, I rarely criticize him, yet, how can this be acceptable? The whole Security Bureau is manipulated by him, right? A reporter was arrested for asking the President questions a bit too loud. For what reason? Because of the sonic wave power? Buddy, if the President does not like to hear those questions, he can wear earplugs. There are earplugs in this world, and he can be equipped with one. Chairman, if I am a "flatterer", I will do this, "President HU, I have prepared an earplug for you, which can only receive low frequency, therefore you will not hear any yelling voices." This will solve the problem, since all demonstrations are full of yelling voices, and so is the asking of questions. Just ignore it if you cannot hear it. Please buy a tool with your money, so that it would not be so ugly.

But the point is, lastly he said that the reporter of the *Apple Daily* did not observe the public order and used his voice to disrupt the order. Buddy, is there anything wrong with him? The reporter asked the President whether he remembered the 4 June incident or not, and he did not make any personal insults or actions. He was arrested and questioned for that? And this would also lead to conflicts between reporters at the scene and the police? What if the reporters at the scene have conflicts with the police, resulting in loss of life and property? What has Andy TSANG said? I asked Andy TSANG what he had said. I do not mean that he should not be paid, but we must tell what his worth is. Honestly, you will also bargain if you visit the demi-monde, right? For what reason is the payment of public money now even lower in standard than visiting the demi-monde? Therefore, Chairman, I think (*The buzzer sounded*) ... I have not finished. I will speak again next time.

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

MR ALBERT CHAN (in Cantonese): Chairman, I should first talk about what I did not finish earlier regarding the emoluments of the relevant Committees under the Chief Secretary for Administration's Office and the Financial Secretary's Office. However, Mr LEUNG Kwok-hung just mentioned cutting the expenditure of the Security Bureau. I think I should first make a response and express my views together in this regard, so as to make a better connection, for I am involved, or perhaps a victim myself, in several incidents mentioned by Mr LEUNG Kwok-hung earlier.

I have to declare an interest. I was arrested by the police on 1 July 2011 and 1 January 2013, eventually prosecuted and found guilty in the two cases. In the case on 1 January 2013, I was charged with two offences. One was unlawful assembly, and the other was participating in an unauthorized procession. I was acquitted of the former, while the Government won the case of the latter, but both of the two lawsuits are under appeal now.

I simply wish to point out that the overall problem associated with the two offences concerns the operation of the Police Force led by Andy TSANG. I myself have been participating in processions since the 1980s, and in the past 30 years I have organized numerous processions and demonstrations indeed, sometimes up to 100 a year, but there have never been such violent, irrational and brutal practices of police officers, emerging after the incident in 2011. I have never seen that in the past 30 years. This is a classic example of Andy TSANG successfully transforming the operation mode of the Hong Kong Police Force into the "*chengguan* (urban management) mode".

With regard to the abuse of pepper spray and excessive use of violence, Members may not feel it without being personally at the scene. If I have not personally experienced that situation, I myself would not believe that the quality of the Hong Kong Police Force could have deteriorated at such a terrible speed, as I am acquainted with quite a number of police officers, and in the past I have dealt with many complaints of police officers. Over the past few years I have been assisting tens of police officers who were ordered by the former Commissioner of Police to retire early due to financial reasons, and some of them have even lost their pensions. Many of these are grievance cases, and the data also clearly indicate the Government's administrative injustice. Although police officers have lost in some of these lawsuits, the overall situation of injustice is very apparent.

For this reason, in the course of these proceedings, I have come to understand a lot of the operation guidelines and modes of the police, as well as the relationship among police officers, especially the relationship between senior officers and their subordinates. Basically it is again an issue of "cronyism". For those well acquainted with certain people, they can almost run away innocent even if they have committed murder. And if there should be a little bias, for example, even though some police officers had borrowed money to purchase flats at the peak period in 1997 through entirely legitimate channels and were officially approved by banks, they were dismissed or ordered to retire early, since somebody felt that the mortgage repayment might put pressure on their pay and considered this as poor financial management.

Therefore, although the Police Force often publicize the police as being righteous, honest and manly, the "urban management mode" emerging after Andy TSANG's assumption of office has led to an overall low quality of policing services. Hence, since he assumed office, we have seen police officers raping girls in police stations, engaging in drugs trafficking and stealing deposits, and an increasing number of police officers misbehaving and committing crimes in police stations. The complete change and the "urban management mode" in the police culture have resulted in the low quality.

Back to the two incidents that Mr LEUNG Kwok-hung mentioned earlier, one of them is the procession for democracy and freedom on 1 January 2013 organized by me. I described LEUNG Kwok-hung as JING Ke assassinating Emperor QIN back then, standing alone in the street, with 200 soldiers surrounding him. That picture is very shocking, and it also stimulated Benny TAI to organize the Occupy Central movement. He has openly admitted that he was motivated by the attitude of the police and the determination of the public fighting for democracy in the procession on 1 January 2013, which inspired him to organize the Occupy Central movement.

In fact, the year of 2013 fully demonstrates the shamelessness of the police and their unprofessional attitude of handling issues. I have also raised a number of allegations and evidence in Court, so that I can be acquitted of unlawful assembly. Since the case is under appeal, I do not wish to affect the impartiality of the Judiciary, but basically, the police held press conferences a number of times via television broadcast — which has never happened before — every half an hour or every hour, four or five times in one night, alleging that the procession participants were blocking the road. But, this is not the truth. We were

walking on the pavement while the police sent more than a hundred police officers to block the lane ahead. There were still more than 100 m before the mass arrived, but they had already blocked the lane and then accused the procession participants of blocking the road. The accusation was utterly preposterous. Then "Long Hair" walked alone to the vicinity of Cheung Kong Centre, and he was surrounded by 200 police officers. Who says this is not a scene of JING Ke assassinating Emperor QIN? This picture reminds me of a scene of WANG Yu in those days, dressed in white, with a machete in his hand and blood all over his body, right? This is a film produced more than 30 years ago.

CHAIRMAN (in Cantonese): Mr Albert CHAN, please do not elaborate too much on the details.

MR ALBERT CHAN (in Cantonese): Mr WONG Ting-kwong cracked a smile immediately, recalling those scenes as well. That scene was a classic back then, Chairman. I was still young then. The point is that many police officers feel ashamed of the "urban management mode" of the police which affects their identification with their own force, as well as their work confidence and performance. Therefore, reducing the emoluments of Andy TSANG and part of expenditure of the Security Bureau can display the public discontent against him.

As for the abuse of pepper spray by the police, many Members have had the experience of being sprayed by pepper spray. My first experience was on 1 July 2011, when we stood hand-in-hand, emulating the posture of the democratic procession organized by Martin Luther KING in the 1960s. Recently, the Occupy Central movement has also taken the hand-in-hand posture, like me, to a certain extent, emulating the symbolic meaning of the democratic procession of Martin Luther KING. I have reviewed a number of documentaries again. It appears that Martin Luther KING had never been sprayed by pepper spray, right? Pepper spray already existed many years ago.

CHAIRMAN (in Cantonese): Mr CHAN, I must remind you once again not to elaborate too lengthily on the specific details.

MR ALBERT CHAN (in Cantonese): I just wish to reveal the backwardness of Hong Kong and the "urban management mode" of Hong Kong police officers. Chairman, I have a very profound feeling about this. You have never been sprayed by pepper spray or beaten by police officers, thus you may not have such a deep feeling. I felt very sad after Mr LEUNG Kwok-hung had made his speech earlier. Back then on 1 July, I was sprayed by pepper spray while I was standing hand-in-hand with others, and then I was punched in the chest at once. A black fist mark immediately appeared on my chest and was photographed. The *Apple Daily* also published it. We had no weapons, nor did we possess any articles that might hurt people, yet the police had used pepper spray against me before punching me, until I fell to the ground, and then they stepped on me several times. My hands and my back were all bruised, black and blue all over.

Lawmakers of Hong Kong led a group of people to rally in Central, yet the police displayed their authority. When the police warn you not to proceed forward, then you cannot do it; we did not move forward, simply walking up to the police officers, standing still. Then they acted as if they were facing a formidable enemy and regarded us as if we were the murderers of their fathers, whereas they were not so fierce when they arrested criminals, and they did not hole up in the face of triads societies sometimes, but they all hole up as soon as they are intimidated by triads.

Andy TSANG is known for his brutality. I heard a retired police officer say that 20 years ago, at the early stage of his career, he beat somebody up until he was seriously injured, but finally nothing occurred after an investigation. I do not know whether the victim was beaten to death or not, and rumour had it that he was beaten to death. Nobody dared answer me when I further asked the police officers. I openly urge those who knew this incident back then to disclose it through the media, or provide information to us via Facebook, so that we can have a better understanding of the cruel means of the incumbent Commissioner of Police.

Chairman, in response to what Mr LEUNG Kwok-hung said earlier, the "urban management" condition of policing work in Hong Kong must be stopped. Ultimately when someone becomes a victim, we will experience the situation ourselves. In the past two or three years, as Mr LEUNG Kwok-hung said, I have shared the same feeling as if I experienced it myself, witnessing it myself, and thus I was injured myself. For this reason, this situation must be singled out, since many young people have been abused or ill-treated these days. The

incident of the Hong Kong University is one of the cases. The abuse of power by the police in recent processions and demonstrations, the unfair treatment of Falun Gong, the Loving Hong Kong Movement ... all those organizations that have the Chinese character "love" in their names can act outrageously, and in several operations there was participation by quite a number of active or retired police officers. The LOCPG has certainly exerted its influence behind the scene. Mr LEUNG Che-cheung is also very helpful, and their New Territories Association of Societies is very similar to those triad societies in name ...

CHAIRMAN (in Cantonese): Mr Albert CHAN, I have reminded you several times.

MR ALBERT CHAN (in Cantonese): Thank you, Chairman. I am going to change the topic, just that when I saw Mr LEUNG Che-cheung looked so excited, I felt the need to point out this issue.

Since so many Members are not interested in listening to this issue, please ask them to come back and have a better understanding of the Police Force transforming into the "urban management mode". Chairman, I request a headcount.

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

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

CHAIRMAN (in Cantonese): Mr Albert CHAN, please continue.

MR ALBERT CHAN (in Cantonese): Chairman, regarding the issue of Andy TSANG mentioned earlier, let me cite one more example before moving on to the next topic. I remember that in the year of 2000 I was assisting the factory operators of the Wah Kai Industrial Centre to face the land resumption problem. Since there were more than 100 factory operators opposing the resumption, more

than 200 Police Tactical Unit officers were deployed then to assist in resuming the land and had direct conflicts with the factory operators. The whole conflict scene was actually rather intense, resulting in damage of some mills barriers, and I was also at the scene and helped pull at the mills barriers, so as to prevent the police from barging in. The police officers did not use any slight force or violence back then, and now pepper spray is used immediately as soon as there is a small social movement scene emerging, followed by arrests and beatings, which are a complete change in nature.

I think two examples are rather classic, one of which is the land resumption of the Wah Kai Industrial Centre that occurred in 2000 of 14 years ago. I am not sure whether television stations possess the related footages or not. At that time some mills barriers were damaged. Imagine how strong the power of people is. Some mills barriers were so fragile that they could be pulled into pieces, yet this is history, and it is indeed very sad to see those scenes. Let us leave it to Mr LEUNG Kwok-hung to talk about his experience later. He definitely has a deeper and better understanding than me about this.

Chairman, I wish to return to Amendment No 726 mentioned earlier by me, which concerns Appeals Boards becoming a "LEUNG's fan club". Let us look at the Municipal Services Appeals Board. Its members include a number of Members present in this Chamber, such as Miss Alice MAK and Mr Christopher CHUNG, as well as Mr LAM Wai-keung, a former Member, and Ms CHAU Chuen-heung, a core member of the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB), and so on. This is a big problem when we see that the members of these Appeals Boards are "LEUNG's fans" once again, since most of the appeals are targeted against the policies of the Government or certain committees. The policies are originally formulated by a group of people, yet the appeals are handled by the so-called best friends, old friends or members of the same party of those who formulated or implemented the policies in the first place.

For instance, certain Directors of Bureaux are members of the DAB (*The buzzer sounded*) ... let me comment on this issue again in detail in my next speech.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, there are two directions in social science studies, one of which is longitudinal comparison, and the other is horizontal comparison. If we are to assess whether the performance of Andy

TSANG is good or not, certainly we must compare him with the two Commissioners of Police before him. One of them is my alumni, Mr LEE Ming-kwai. I will cite the issue of admitting one's mistake as an example.

Chairman, at the reunification ceremony in 1997, you were inside the Hong Kong Convention and Exhibition Centre whereas I was outside. Members are all aware that there was the "Beethoven incident" back then, that is, the authorities broadcast Beethoven's magnificent music to cover the slogan being chanted by demonstrators, which was "seeking vindication of the 4 June and pursuing responsibility for the massacre". At the beginning, Mr LEE Ming-kwai intended to advance specious arguments, explaining that he broadcast music for everybody as the atmosphere was very intense during the last few days of the reunification. He also pointed out that not only Beethoven music, but Cantonese opera music and pop music were also broadcast. Later, he finally admitted that he had done it for a better wish, which was, he did not want to have conflicts, hoping that the music could cover the noise from the demonstration, so that the people inside the Centre would not be annoyed and those outside would think it was simply broadcasting music — I thought so myself back then — thereby pre-empting a conflict. Certainly, this approach was wrong and the price was constraint on the right of expression. He admitted his mistake, and I gave him an audio tape of Beethoven when he was driving away. He accepted it, feeling he was wrong himself and should not have done so. This is an acceptance of teaching.

As George WASHINGTON said, he had felled the tree and admitted it, no big deal, and when his father questioned him with the axe in his hand, of course he had to admit it. Public opinion is that axe. However, Andy TSANG is still "sticking to his stance doggedly" even though he is condemned by the public. Frankly, if Mr LEE Ming-kwai deserves an emolument of \$300,000, he does not even deserve \$30,000 then. We often emphasize accountability, but what is meant by accountability? It means that the top person in charge will be responsible for his subordinates, and even for those as lowly as garbage collectors, forcing his subordinates to account for the truth under his accountability, as well as finding out the truth through his accountability.

Chairman, we have already said a lot, and I have even personally experienced it. Try to picture this, I am a Member in any case, and I am also the person whom most Hong Kong people recognize in any case, yet the police

officers actually "attacked" in broad daylight a person widely recognized by the Hong Kong community, without scruple. So what will they do to ordinary citizens? I am not doing this for myself. I know that I am lucky to have the media monitoring me round the clock, and people talk about me even when I am sleeping ... What? What is wrong?

As a Member, am I not allowed to fight for the interest of the public, explaining why his emoluments must be deducted? Could it be said that Members should only talk about their own affairs? The subordinates of a Police Commissioner can use excessive violence in broad daylight against a Member widely recognized throughout the territory. Imagine what his subordinates would do in a dark room? What would they do in a back alley? What would they do in the absence of a camera lens? If they can spray me with pepper spray, they can also beat people up. Therefore, I am not fighting for the interest of myself. Do not talk nonsense. Let me question the DAB and other Members, how many cases involving the police using violence do you have at hand?

CHAIRMAN (in Cantonese): Mr LEUNG, please address the Chair when you speak.

MR LEUNG KWOK-HUNG (in Cantonese): Yes, Chairman. I am sorry. Honestly, I am becoming more and more annoyed when I speak.

CHAIRMAN (in Cantonese): May I remind you again that this is the 16th time you are speaking in this joint debate. Please do not repeat the views already expressed.

MR LEUNG KWOK-HUNG (in Cantonese): No, no, no, I have not. I am now making a longitudinal comparison. Mr LEE Ming-kwai is a man who will admit his mistakes, and so will Mr TANG King-shing. In the case of "uploading and downloading" — I have nearly forgotten about that incident — in that case, I questioned whether there was any problem with his conduct and why that "King of Heaven" was arrested; why his uploading was breaking the law for others had done the downloading from the Internet for him. I asked him whether he had

made a mistake and how he enforced the law, and then he apologized again, saying that the approach was wrong and incorrect. This is setting an example. With this longitudinal comparison, do not say that I am using my own ruler to compare people; I am comparing him with his predecessors. Does Mr LEE Ming-kwai have no face, no skin or no filth?

Why is it necessary to admit one's mistake? A mistake is a mistake, because he is aware of the consequences if a person holding an important and powerful position does not apologize. "Old MAO" said there was nothing wrong with the Three Red Banners Movement, and then 30 million people died. More people died during the Cultural Revolution because he did not admit his mistake, but fortunately there were no natural disasters then, otherwise more people would have died. We are now paying public money to ask a person to exercise a significant authority, that is, the authority to suppress, like what LIN Biao said, what is meant by the authority to suppress ... How can we not monitor it?

This is a longitudinal comparison. Mr LEE Ming-kwai and Mr TANG King-shing did not admit all of their mistakes, only those which they clearly knew that they could not deny. What more can we ask for? When has Andy TSANG ever apologized? I now ask netizens to find out whether Andy TSANG has ever said he is sorry, except those occasions when he had stepped on someone else's foot, of course. Has he ever said in public, "I am sorry. I am really wrong."? I have never heard it. Is he really invincible, never committing any mistakes? At present, there is a bigwig with authority, and all his subordinates are holding authority as well. If he refuses to admit his mistakes, it is telling his subordinates to follow his example. The police must admit indecently assaulting and raping young girls in police stations. We just cannot monitor the police stations all the time, right? It is impossible. Therefore, when there are times that you cannot deny your mistake, just admit it. Frankly, it is not Andy TSANG admitting it.

Well, what we are discussing today is not to pay him, asking the Security Bureau not to pay him — nobody from the Security Bureau is here, for a medical person has been sent here in attendance. On the other hand, the Security Bureau will ask people to apologize. Why do I say that the Security Bureau will ask people to apologize? LAI Tung-kwok went to the Philippines to request an apology, "Hey, your police have acted badly," and that is it. The Security Bureau can request the Chief of Police in the Philippines to tender apologies, then

why can the Security Bureau not request the Commissioner of the Hong Kong Police Force to apologize? Chairman, why does he use one finger to point at other people while his other four fingers are pointing at himself? Members may say that there are no casualties at the moment, yet are they only going to apologize after somebody has died?

Therefore, I can say that Mr LAI Tung-kwok is in fact not entirely heroic and mighty in the Filipino hostage incident, but at least he has done it, yet why does he fail to apply the same to his subordinates? Today I am going to tell him in this Chamber that under his Bureau and his eyelids, there is this man refusing to admit his mistakes, conniving craftiness and wickedness. I am not saying that all police officers are crafty and wicked. I am referring to those moved and inspired by Andy TSANG's remarks, as if they were under the spell of black magic, are crafty and wicked. Today I am here to hold him accountable. What have I done wrong in doing this?

Many things have happened after Andy TSANG took over. With regard to the handling of conflicts between the police and members of the public, it is obvious to all. For conflicts between masses and masses, everyone has got it wrong, for not all organizations carrying the Chinese character "love" in their names are kindly treated by the authorities. For another organization, "Occupy Central with Love and Peace" which also carries the Chinese character "love" in its name, the authorities have treated it very badly. Therefore, not all organizations with the Chinese character "love" will receive kind treatment. Nobody understands that.

Chairman, I have had a personal experience in Mong Kok. As soon as I arrived at the scene, some retired police officers immediately surrounded me ... This is exactly what they encourage, which is inappropriate, yet it is settled by leaving it unsettled. They dare say that when a retired police officer has returned his "pass" (appointment card), he is not a police officer any longer. Buddy, he is receiving his salary. In that case, is he a police officer? Does he have a chance to exercise his public power again? Back then, a large group of people surrounded me and beat me up, hurling at me expletives that are all forbidden here, and they even insulted my mother. Do Members have any idea of what that police officer said? He said, "Go away quickly, Mr LEUNG", and then there were six or seven men pushing me away. I do have freedom of speech. I had just finished playing football and gone there for a look. I was

late, which was wrong, since I had just finished playing football before going there. Those police officers explained that they had to ensure my safety. Does this make sense? The police officer added further, "Mr LEUNG, if you refuse to leave, we have to arrest you because what you are doing will disrupt the public order at any time." What are those people? I know that the police officer was embarrassed, because his eyes looked in the other direction when he was speaking to me.

How did the police enforce the law exactly? There was a large number of former police officers among them, and I dare not say whether there were serving police officers among them or not. I really could not tell. However, does he encourage this practice? Leaving political views aside, Members of the royalist camp now say "Long Hair's" political views are right, yet his ugly look is wrong. I am not at all ugly when compared to them. Everything they say is insulting women. They can do that without attracting any criticism, claiming that the so-called retired police officers, having returned the "pass", have the right to express their political views. I do not think so. They are from a disciplined force, not ordinary civil servants. Even ordinary civil servants cannot do so. His answer is he has returned the "pass", thus he has no public power and can continue to do so. What he said is nonsense, isn't it? On what grounds can he teach me? On what grounds can he accuse Mr LEUNG Kwok-hung of bad manner and violence?

Chairman, bias is a manifestation of malignancy. Being biased while encouraging malignancy is evil. Andy TSANG always confuses the public, so that his subordinates receive misleading messages, thinking that they can abuse their power in treating those people they dislike. The more they dislike those whom they are treating, the more they can abuse their power. If an abuse of power is not possible, they resort to excessive use of violence. Honestly, the police in Hong Kong are not too violent at all, yet I can tell everybody, what Mr Albert CHAN said is right. Once the urban management mode is adopted, it would be the end of us. I have not yet spoken on the part regarding the Hawker Control Team, but I would like to talk about this subhead later.

Members all know that there are four major disciplined forces in Hong Kong. If the performance of the Commissioner of Police is poor, it will affect the other disciplined forces. This is why I have to comment on the Security Bureau, not particularly targeting at them. When the Customs and Excise

Department arrest criminals, for example, can they beat a person if they discover that he is making "porn discs"? In the case of firemen, can they beat a person if he is hindering them from putting out a fire? This is not allowed. A person with authority is similar to a person practising martial arts. As John TSANG said, he will not easily take actions, and each time when he does, he will know when to stop. This is like fighting in a boxing match. We should not viciously beat our opponents until they are seriously hurt simply because we are allowed to use our strength. This is a misconception. Among the four major disciplined forces, the most disciplined one should be the Police Force, followed by the C&ED, and the Fire Services Department (FSD). However, at present the Police Force actually keep telling the other disciplined forces the so-called ... Chairman, I am now referring to the Security Bureau. All of the above forces are managed by the Security Bureau, therefore please do not stop me. There are three major disciplined forces following the lead of the Police Force.

LAI Tung-kwok points at someone else with one finger while his other four fingers are pointing at himself. His criticism of others is fierce, yet he remains silent when it comes to the misconduct of the Commissioner of Police directly under him. Taking the current Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link as an example, I really think that the speeches of some Members are ridiculous, for they say the most important thing now is not firing the people concerned and allowing them to continue working. Everybody has seen that José MOURINHO had to leave immediately as soon as he lost the football match. Nobody can stay. In the Spanish League Championship and the English Premier League, all have to leave immediately as soon as they lose. Those are just business organizations, but they can act this way, not to mention a public body. How can they continue to stay? Is it that they want to lose two more matches before leaving? What kind of bureaucratic culture is this? Therefore, today I am going to hold him accountable. A leader must be very careful with what he says, otherwise it may lead to serious consequences. He is well aware that he himself is the head of four major disciplined forces, and the Secretary is also aware that he is the head of the disciplined forces, yet he turns a blind eye to his apparent abuse of power.

There is one more issue. The FSD is a disciplined force as well, yet they went up to the *Oriental Daily News* to inspect the agency's computer room, claiming a fire was likely to break out. Even though the agency responded that

the room had been inspected recently, the FSD insisted on entering the computer room for inspection, which is exactly an abuse of power. The FSD thought they were a disciplined force and the *Oriental Daily News* had made a fool of them, therefore they had to inspect the agency's computer room, which is exactly an abuse of power. Not only me, but the *Oriental Daily News* also realize that they need to strike back. Even though this may turn into a big controversy, they insist on doing so. Members can imagine how bad the current situation is.

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman, a quorum is not present in the Chamber now. I request a headcount.

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

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

CHAIRMAN (in Cantonese): With only 10 minutes to go before 1 pm, I now suspend the meeting until 3 pm, or the Committee shall resume 15 minutes after conclusion of the House Committee meeting.

12.50 pm

Meeting suspended.

4.04 pm

Committee then resumed.

CHAIRMAN (in Cantonese): Committee now resumes. The Committee will continue with the examination of the Appropriation Bill 2014, and proceed to the second joint debate.

Does any Member wish to speak?

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I protest that Members do not respect you. I am invoking Rule 17(3) of the Rules of Procedure to summon them back to this Chamber to see your goodself. How surprising that there are less than 10 Members in the Chamber.

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

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

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman, I have spoken a number of times this morning, focused on the Central Policy Unit (CPU). This part has come to an end now, yet I hope Members will support the various amendments I proposed on the CPU concerning consultancy expenses, consultancy studies and the operational expenses of the CPU as a whole. I implore Members to support these amendments.

Next, I will come to another part, the part on "Head 174 — Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service". This item belonging to the scope of public service is under Amendment No 1 055 proposed by Mr WONG Yuk-man. The expenditure amount under this item is not big. I will first brief Members on the services under the purview of the Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service ("the Joint Secretariat"), which include the following five committees in gist: Standing Commission on Civil Service Salaries and Conditions of Service, Standing Committee on Disciplined Service Salaries and Conditions of Service, Standing

Committee on Directorate Salaries and Conditions of Service, Standing Committee on Judicial Salaries and Conditions of Service and Advisory Committee on Post-service Employment of Civil Servants.

The original estimated expenditure for the Joint Secretariat for the year 2013-2014 was \$30 million, and the actual expenditure was \$30.3 million. Yet for the year 2014-2015, the estimated expenditure is reduced to \$29.7 million. Though the amount of expenditure is insignificant, it does not mean that there is no problem and no need for concern. The reduction in expenditure proposed under Mr WONG Yuk-man's amendment for this item is small. I think if the expenditure for the Joint Secretariat as a whole is deducted, it will affect the salary adjustment of civil servants. Such a move will delay pay increases and prevent civil servants from getting more money, so it will definitely be regarded as a heinous crime. For this reason, a gestural reduction in the official entertainment expenditure for the year, which only amounts to \$23,000, is proposed.

Last month, the annual pay trend survey for the Civil Service commenced, and about 130 private enterprises have taken part. The trade unions estimate that the pay increases of the majority of large enterprises in the past year were adjusted according to the private market, and thus the 160 000 civil servants hope that there will be a pay increase of 4%. At the same time, the Government has to conduct the Pay Level Survey which is conducted once every six years to compare the pay level of civil servants with their counterparts in the private market, and decide whether adjustments to the Civil Service Pay Scale are required.

According to the information provided by the Administration, the Pay Trend Survey Committee has completed the survey. The survey methodology adopted this year is broadly in line with that in the past, but two new criteria have been included. These include the exclusion of new recruits who are not subject to pay adjustment decisions as a result of company policy and the imposition of a two-year freeze on companies opted out of the survey without justifiable reasons by not inviting them to join the survey. The Committee has completed the collection of data, so the Pay Trend Survey affecting 160 000 civil servants will soon be completed. It has been learnt that the results will be announced next week.

Last year, some organizations from the staff side expressed disapproval of the pay trend survey mechanism and withdrew from the Pay Trend Survey Committee (PTSC). The Administration said that it has implored staff-side

representatives to reconsider participating in the work of the PTSC, and meeting papers have been provided to withdrawn members continuously by the Secretariat and they are welcomed to express their views. However, according to the latest report on 9 May, the three Staff Associations of the Police Force Council (PFC) had withdrawn from the PTSC last year due to their disapproval of the adjustment mechanism. The Junior Police Officers' Association of the Hong Kong Police Force (the Association), which is a member of the PFC, started collecting pay increase figures from enterprises in recent months and discovered that the average pay increase for wage earners this year is 4.9%. After taking into consideration the inflation rate and financial position of the Government, the Association considers that the pay increase for civil servants this year should be 5.2%. Some time ago, the Association wrote to the Civil Service Bureau to request a review of the pay framework of police officers but to no vain. The Association convened a general meeting again. It does not rule out the possibility of initiating further action to strive for a reasonable pay increase ...

(Mr Gary FAN stood up)

CHAIRMAN (in Cantonese): Mr Gary FAN, what is your point?

MR GARY FAN (in Cantonese): Chairman, earlier on, at the meeting of the House Committee, I tried to fulfil my responsibility by proposing invoking the Legislative Council (Powers and Privileges) Ordinance to investigate the Express Rail Link incident, but Members of the pro-establishment camp disapproved my proposal. Now, I hope that they will fulfil their responsibility as Members by returning to the Chamber to take part in the discussion. Chairman, please do a headcount.

CHAIRMAN (in Cantonese): If a Member requests a headcount, please state it in a direct manner and refrain from giving a long explanation.

Will the Clerk please ring the bell to summon Members back to the Chamber.

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

CHAIRMAN (in Cantonese): Mr CHAN Chi-chuen, please continue.

MR CHAN CHI-CHUEN (in Cantonese): Chairman, I will continue to speak on the reduction of the expenditure of the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service. Some time ago, the Junior Police Officers' Association of the Hong Kong Police Force (the Association) compared the pay framework of junior police officers with that of the Clerical Officer grade adopting the same entry educational requirement. The results indicate that though the minimum salary point of police officers is \$7,570 higher than that of Assistant Clerical Officer, the salary difference between the two grades narrows as the seniority of officers increases, and at the maximum salary point, the salary of a police officer is only \$3,000 higher than that of an Assistant Clerical Officer. The Association submitted a report to the Civil Service Bureau and requested that a review of the salary framework of police officers be conducted. But the request was turned down by the Bureau ...

CHAIRMAN (in Cantonese): Mr CHAN, you have been speaking for more than five minutes but I still do not discern the relationship between the situation you just mentioned and the official entertainment expense of the Joint Secretariat.

MR CHAN CHI-CHUEN (in Cantonese): Yes, there is a relationship. Let me explain it to you, Chairman. Members may not be familiar with the programme of work of the Joint Secretariat. The aim of the Joint Secretariat is to assist in maintaining efficient and stable civil and judicial services through the advice of the advisory bodies. I am now saying that the Joint Secretariat has failed to perform this function and will soon explain it. I have now learnt that there is unrest among the disciplined services, particularly the junior officers of the Police Force ...

CHAIRMAN (in Cantonese): You are now speaking on the reduction of the official entertainment expenses of the Joint Secretariat.

MR CHAN CHI-CHUEN (in Cantonese): Right, I am going to point out that if the Joint Secretariat fails to perform this function, why will it need to be involved in entertainment activities like dinning and eating? If the Joint Secretariat is

performing well, we should certainly sign the cheque so that the Joint Secretariat may continue to host entertainment. But it is not doing a good job, so I have to persuade Members to support my reduction of the entertainment expenses of the Joint Secretariat.

As I have explained in the beginning, if the reduction involves all the expenditure ... I guess it is the primary intent of Mr WONG Yuk-man that if he proposes a reduction of the expenditure of the Joint Secretariat as a whole for a year, the Joint Secretariat will be paralysed and the salary review of civil servants cannot be carried out, which will prevent the Civil Service as whole from getting a pay rise. It will be a heinous crime. So, by means of this minor reduction ... The amount is indeed insignificant, only \$23,000. If Members promise me that they will vote for the amendment later without my further explanation, I will end my speech here. If not, I hope the Chairman will give me some time, no longer than this time slot, to explain the case clearly to Members. If I fail to convince Members, I will accept it readily. I hope Members will support the \$23,000 reduction. Chairman, I will try to be precise, alright?

Which areas does the staff side of the Police Force Council (PFC) consider most unsatisfactory? It is the unilateral change of the Civil Service Pay Adjustment Mechanism. In the past, the Administration will fully consider the six major factors in pay adjustment, including the condition of Hong Kong economy, the Government's fiscal position, changes in cost of living, the pay claims of the staff side and the morale of the Civil Service, and so on. But now, the Administration lays particular stress on the pay trend indicators and overlooks other figures that need to be considered, and the first three factors of the six major factors are not given any consideration at all. As for the Joint Secretariat — I will now point out the inadequacies of the Joint Secretariat — it refuses to explain openly how the six factors are considered.

Many civil servants cannot but doubt that the Joint Secretariat may have a hidden political agenda and has thus altered the due pay adjustment rate. Some people even doubt that there is collusion between the Government and the business sector. That is the reason. No wonder certain Members may not support this amendment even though it is only a reduction of \$23,000. The staff side of the PFC is not satisfied with the Report of the Pay Trend Survey Committee 2013 because they consider the report compiled by the Pay Trend Survey Committee (PTSC) problematic and unreliable, failing to reflect fully the actual pay trend in Hong Kong.

The staff side of the PFC has raised four issues, and I will explain them briefly. First, the calculation of salary is a very complicated matter, but upon the establishment of the PTSC, questionnaires for issue to companies are drafted unilaterally on the basis of individual knowledge and experience of members of the PTSC in the absence of professional judgment. The salaries prevailing in business framework of Hong Kong, which are relatively complicated, are glibly divided into three levels for comparison with the salaries of civil servants. The approach is simple and unreliable.

Second, the findings of the pay survey rely on the honest replies of surveyed companies. When members of the PTSC find the data of the survey problematic, they cannot verify the authenticity of the data direct but can only wait for the results from the investigation team which will seek clarification from the company concerned. If the company in question refuses to give any further explanation, the PTSC cannot make any further verification.

Third, apart from the aforementioned factors, the attitude of the surveyed companies will also affect the reliability of the data collected. For instance, if the data provider lacks proactivity and honesty, or the surveyed company does not make a proactive effort to submit all the data and has reservation for whatever reason, the results of the survey will be affected.

The last point is that the salary of civil servants plays a guiding role in the market and companies providing the data know that the data they provide will have a bearing on the upward or downward salary adjustment and the rate of adjustment of the civil service pay. In the labour market, the salaries of civil servants are regarded as the reference for general salary and linked with the salaries of organizations. It will easily beg doubts about the comprehensiveness and authenticity of the data provided by companies. Therefore, among the 109 companies successfully surveyed, only 41 companies have provided a uniform pay adjustment rate instead of separate pay adjustment rates according to lower, middle and upper salary bands.

Certainly, it is disputable to compare the salaries of the disciplined services in this manner. Let me cite a simple example to conclude my speech in this part. A few years ago, when Anthony CHEUNG was not yet a Director of Bureau but a professor, he published an article warning about the opening of the Pandora's Box. He said that the salaries of the disciplined services involved an inter-comparative relationship underpinned by historical factors and the

comparative relationship with civilian staff in the Civil Service, and the relationships should not be overlooked today and everything started from scratch, lest it would intensify the desire for incessant comparison and vicious antagonistic actions. He considered that the salaries of the disciplined services should be handled in a reasonable manner and must be considered from the four aspects: (a) respecting history; (b) avoiding further internal division; (c) allowing slight adjustment to existing individual salary frameworks to keep abreast of the times with reference to new factors rather than making those frameworks unchangeable; and (d) drawing reference from the salary difference between the disciplined services and civilian staff in overseas countries or big cities ...

CHAIRMAN (in Cantonese): Mr CHAN, I do not think that the different views expressed on the pay survey of the disciplined services are directly related to the amendment.

MR CHAN CHI-CHUEN (in Cantonese): Alright, I have come to my conclusion, my last two sentences. Therefore, instead of spending efforts on official entertainment activities, the Joint Secretariat should make a focused effort to address the aspiration of the disciplined services for salary by reviewing the pay mechanism as a whole.

Therefore, I implore Members to support Amendment No 1 055 proposed by Mr WONG Yuk-man, which seeks to resolve that \$23,000, an amount approximately equivalent to the official entertainment expenditure of the Joint Secretariat for the year, be deducted.

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

MR GARY FAN (in Cantonese): Chairman, I nearly wronged the Liberal Party earlier. I would like to ask the DAB, the New People's Party and the Business and Professionals Alliance of Hong Kong to return to the Chamber. Chairman, please do a headcount.

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

(While the summoning bell was ringing, Mr LEUNG Kwok-hung stood up)

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

MR LEUNG KWOK-HUNG (in Cantonese): There is a sparrow in the Chamber. Its droppings will spread avian flu. Buddy, I warn you formally that if the sparrow is not removed, I will not attend the meeting.

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, you should not speak at will in the Chamber.

MR LEUNG KWOK-HUNG (in Cantonese): It is a real case. No kidding, there is an avian flu crisis now.

CHAIRMAN (in Cantonese): If the sparrow violates the Rules of Procedure like you do, I will instruct staff members to ask it to go out.

MR LEUNG KWOK-HUNG (in Cantonese): It has violated the Rules of Procedure by laying droppings. It is no kidding.

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, please keep quiet and return to your seat.

(Some Members were talking in the Chamber)

CHAIRMAN (in Cantonese): Will Members please keep quiet and be seated.

(Some Members kept talking in the Chamber)

CHAIRMAN (in Cantonese): No matter a sparrow is here or not, this is still the Chamber.

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

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I have been speaking in a systematic manner. In my previous speech before the meal, I mentioned that the Secretary for Security had failed to give instructions to the Commissioner of Police, Andy TSANG, which would definitely undermine the order and discipline of other disciplined service.

I will now talk about Head 45 ...

CHAIRMAN (in Cantonese): Please state the Amendment No first.

MR LEUNG KWOK-HUNG (in Cantonese): It is Amendment No 192 on "Head 45 — Fire Services Department" proposed by Mr WONG Yuk-man, which seeks to resolve that head 45 be reduced by \$1,828,000 in respect of subhead 000. The amount involved is small, and the reduction seeks to reduce an amount approximately equivalent to a whole year salary expenditure for the five additional posts created under the Fire Services Department (FSD) to enhance the support for increasing land supply.

Honestly, in the Civil Service, postmen and firemen are well respected. The latter risk their lives in adversities to save people's lives and the former make tireless efforts to go everywhere to deliver letters to us, so we love them both. The present reduction is a light punishment to stop the FSD from expanding its service on the pretext of increased land supply, pressing them to redeploy resources to achieve this purpose. Why do we have to punish it? It is obvious to all that the FSD is most unfairly treated in comparison to other disciplined services. They have to receive special training and face great dangers, but their salaries are the lowest. How can we bear to see this?

As for the FSD, if your memory is good, you should remember that at the end of my previous speech, I mentioned the *Oriental Daily News* incident, revealing the severity of power abuse. Why should we impose a punishment? It is said that a strange incident happened last June. A team of firemen visited the office of the *Oriental Daily News* in a building in response to a complaint, requesting entry into the computer room to inspect the computer facilities out of the concern for fire hazards and possible failure of fire service equipment. When the team of firemen was asked about the complaint they had received and the aspects they had to inspected, they unexpectedly replied that they did not know and only reiterated their request to enter the computer room for an inspection.

It is evident from the incident that the FSD has deteriorated into a tool of power abuse to certain officials or their subordinates. Certainly, I am not saying it is the case of the FSD as a whole, and I am only talking about this individual incident. Earlier on, I spent quite some time to illustrate that the practices of Andy TSANG will definitely affect other disciplined services, yet I did not request a salary reduction for Andy TSANG but a reduction of the expenditure for the Security Bureau. But this time around, I will state clearly that the FSD has to be punished even though the FSD is only being affected as in the case of a victim being infected with the contagious avian flu.

In this connection, on that day, the *Oriental Daily News* had criticized the Government repeatedly that the FSD had insisted on entering the room even though it had presented specific proof of maintenance of the fire service equipment, and that the FSD had claimed that the *Oriental Daily News* would violate the laws if it refused the entry of the FSD. The FSD definitely has the authority to do so. However, there was no follow-up on the case after the inspection and no explanation about who had made the complaint. It is true that the FSD should protect the privacy of the complainant, but ...

CHAIRMAN (in Cantonese): Mr LEUNG, the amendment which you now focus on is about reducing the expenditure for the salary of the five posts created for enhancing the support to increase land supply. You do not need to give detailed comments on the particulars of an individual incident. Please be concise.

MR LEUNG KWOK-HUNG (in Cantonese): Alright, be concise. I will then talk about other issues. I understand what you mean. You mean I need only cite the example and I do not need to go into the details, just like drawing a man, I do not need to draw his innards other than his figure.

The second incident will make Members feel more frustrated. The Hong Kong Fire Services Department Ambulancemen's Union has written to the Chief Executive to strive for alienation from the FSD. Members can imagine that ambulancemen, who have been included in the establishment of the FSD for a long time, are subject to unfair treatment, yet their problems have remained not addressed all along. The Panel on Security of this Council has addressed this issue, but this Council has not. Mrs Regina IP is now in the Chamber. They have been petitioning for the junior staff and ambulancemen in the FSD for a long time. Despite the views expressed by us repeatedly, the authorities continues to turn a deaf ear to the problem. Unfortunately, Mrs Regina IP is not in a position to speak today, otherwise, she would have joined the debate, for the chairman of the Association is her friend. Chairman, you said earlier that I need only cite the example. Yet on the issue that ambulancemen under the establishment of the FSD are denied equal treatment in comparison with the staff of the FSD, it is in violation of the principle of equal pay for equal work. I will put aside this point for the time being.

There is another incident — I will only give a chronicle account of these cases to avoid disputes, yet these cases are too numerous to recount. In the Audit report in 2013, it was pointed out that due to the improper monitoring of the FSD on fire service installation and equipment, a large number of fire service installations and equipment had to be written off, and had proper maintenance been conducted, they would not have to be written off. Should we still make the provision to the FSD then? I understand the original intent of Mr WONG Yuk-man, for he does not want to be too harsh to them, so I support Mr WONG Yuk-man's proposal of tightening the provision for the FSD.

Another incident is even more ridiculous, just like the Legislative Council today. It is about unwanted alarm cases. The number of unwanted alarm cases reaches 100 times per annum. In other words, the FSD has responded to unwanted alarm 100 times every year. It is obvious to all that when the alarm rings, the traffic in the vicinity will be stopped to enable the firemen on duty to launch an operation immediately. Is the situation of unwanted alarm acceptable? This situation is revealed in the Audit report in 2013.

As for the improper monitoring of ventilation systems, it is straightforward and needs no further explanation. Now, the FSD is like the Legislative Council, the ventilation systems and fire service systems share the same system, and the purpose of monitoring is prevention. However, when the monitoring of the maintenance of the ventilation system is improper, equipment installed cannot be used. How can the FSD be so sloppy? These cases are all set out in the Audit report of 2013, so I will not go into the details, lest the Chairman stops me again.

However, for the point on delay in handling complains mentioned in the report, I must bring it up again. In following up and handling outstanding issues, there is delay on the part of the FSD in execution, denying complainants a reasonable reply and resulting in a waste of time. However, in the *Oriental Daily News* incident, the FSD insisted on investigating the sensitive area of the media based on an anonymous complaint. In fact, entry into premises of the media should not be made arbitrarily. Worse still, the forced entry for inspecting the maintenance of the ventilation system was based on an anonymous complaint. In fact, the party concerned had pointed out that the system was inspected just a month ago, but the officers insisted on entering the room for an inspection, simply ignoring the proof presented.

Regarding the misuse of ambulance service, I think I need not say too much, for Members know it clearly. However, regarding the failure to achieve the performance pledge of arriving at the scene in 12 minutes, where longer time is often required, and the increase in accidents involving ambulances, we should be fairer. Chairman, you may not know that, for you do not attend the meetings of panels. The increase in accidents involving ambulances should be attributed to the slow progress and long lead time for procurement of ambulances. Moreover the roads and streets in Hong Kong are very narrow. The specifications of ambulances in Hong Kong are too poor to mention. Therefore, the increase in the number of accidents involving ambulances may be handled with discretion.

Honourable Members, one more issue, the Legislative Council is a place of extreme forgetfulness. Once new issues are brought up, the old ones will be forgotten. At one time, the fire at Fa Yuen Street in Mong Kok was the talk of the town. Chairman, I am sure you have heard that. When the District Council member IP Ngo-tung of your political party arrived at the scene, I reminded him where he should go and whom he should visit. After the No. 4 alarm fire at Fa Yuen Street in 2011, Coroner CHAN Pik-kiu criticized that there was fault on the

part of the FSD. It has been a number of years since the outbreak of the fire in 2011. Even though Coroner CHAN Pik-kiu has handed down the ruling, let it be made in the year 2012 or 2013 ...

CHAIRMAN (in Cantonese): Mr LEUNG, what is the relationship between these incidents and the five newly created posts under discussion?

MR LEUNG KWOK-HUNG (in Cantonese): The five posts are created to facilitate the FSD in expanding its service in land supply, which means to let them have more land ...

CHAIRMAN (in Cantonese): How is it related to the fire at Fa Yuen Street which you just mentioned?

MR LEUNG KWOK-HUNG (in Cantonese): It is simple. Maybe you should listen to me first, for you do not understand my approach. Mr WONG Yuk-man considers that the FSD has made good efforts and contribution, and a reduction of the services provided by the FSD may be life-threatening. We understand this point, so we have not proposed any expenditure reduction affecting their services, that is expenses spent on saving people and putting out fires, and we have only proposed cutting the expenditure for service expansion. Do you get it? We are not that unreasonable as those people claim. If the expenditure on services of the FSD is reduced, people will query what the FSD can do. We do not want to get entangled on this issue further. But if the FSD has to expand its service, it needs to identify additional sites, and when it finds the suitable site, they will need more provision. Under our present proposal, provision will not be provided for this purpose, and the FSD is required to improve its services. Do Members understand it? It is the exercise of discretion, not an arbitrary reduction.

Therefore, if staff from the Security Bureau or the FSD were in the Chamber today, they would have known from my speech that if they do not improve the aforementioned situation, they would not have any opportunity to expand, and they could only humbly stay in their old fire stations. I have been to the fire station in Wong Chuk Hang, and the condition there is extremely poor.

Frankly, we cannot do anything about it, can we? According to the existing system, Members can only propose a reduction but not an increase in expenditure, so we cannot grant an additional provision to them as an incentive for service enhancement, for the approval of John TSANG is required.

So you will understand it if you care to listen to me first. I believe if you were in my position, you would also do the same, for I cannot think of any reason for not doing so. In my view, the key to the issue as a whole lies in whether or not the problems identified in the report of the Fa Yuen Street fire have seen any amelioration since then. For after the Fa Yuen Street fire, the Government has been paying particular attention to fire service installations and equipment in buildings similar to those in Fa Yuen Street and buildings with sub-divided units. As I said earlier, the Development Bureau has stated the intention to revitalize industrial buildings for the construction of 10 000 sub-divided units with better conditions. However, some sub-divided units with poor conditions are still in operation. Are the fire exists in compliance with the specified standard? Are the materials of the scaffoldings non-inflammable? Members may as well go to Fa Yuen Street or the nearby areas to check whether the conditions there have been improved.

Another issue is about the condition of facilities like emergency lights, fire hoses and fire alarms. Specified requirements have been laid down by the FSD, yet all kinds of incompliance still exist. For instance, some may hang their umbrellas on fire hoses. Such a practice exerts prolonged pressure on the hoses and may disable or damage these facilities.

Therefore, Chairman, I think you now understand my intention. I will now use the last minute to make it very clear to all firemen that I respect them. It is no longer the time when corruption prevailed and firemen would only put out fires after receipt of bribes. Today, most of the firemen fulfil their duties responsibly. I have visited them and know that their work is very demanding. Regrettably, the officials in the FSD are incapable, so Mr WONG Yuk-man has to propose this amendment to reduce the expenditure of the FSD. It is not targeted at firemen, but the FSD. I beg their understanding. This approach is "feeding the scholar with dog food". People who watch Cantonese operas should know that. If we feed a scholar with dog food, it will prompt him to make a great effort to strive for success. This folk opera of "feeding the scholar with dog food" is the thrust of this speech. Thank you, Chairman.

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

MR GARY FAN (in Cantonese): I request a headcount.

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

(While the summoning bell was ringing, Mr LEUNG Kwok-hung stood up and yelled in the Chamber)

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, if you continue to make sudden yells in your seat, I will consider your conduct as grossly disorderly and order you to leave the Chamber.

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

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

MR ALBERT CHAN (in Cantonese): Chairman, the arguments on the FSD put forth by "Long Hair" just now are barely convincing. However, regarding his doubts about the possible power abuse on the part of senior officials of the FSD in demonstrating their authority to certain people or organizations, the possibility of such practice cannot be ruled out. To use the Budget as a means to strike home the message is one of the ways available. In general, among the various disciplined services, the FSD is recognized and respected by Hong Kong people.

Chairman, I will then return to Amendment No 726 which I mentioned last time, concerning the reduction of the honoraria of members of committees under the Offices of the Chief Secretary for Administration and the Financial Secretary. I think not many people would have noticed the significant increase in the provision for the honoraria, which is a ridiculous increase from \$16.6 million last year to \$45.5 this year. Regarding the increase, the Administration explains that

it is due to the anticipated increase in the number of hearing sessions of appeals and preparation of written decisions for the Administrative Appeals Board (AAB). What cases are involved in these appeals?

If my understanding is correct, the administration appeals in this respect involve security company licences. In the past couple of years, security company licences were issued accordingly and appeal cases in this respect should not increase significantly. It then comes to the refusal of applications for business registration certificates. By the same token, the issue of business registration certificates has been in operation for many years and there are no abrupt changes, so a significant increase in appeal cases in this respect should not be expected. I guess and suspect it is highly likely related to the agriculture and fisheries sector, involving the refusal of applications for fishing licences. Members know that some time ago, the Finance Committee approved the provision for making compensation for the recall of various types of fishing vessel licence. There will be drastic changes in the fishing industry as a whole. It cannot be ruled out that the changes may be disastrous, where in-shore fishing may even be wiped out and shrimp trawlers will no longer be found in Hong Kong. Middle-aged fishermen aged 40 to 50 may lose their means of living on which they have relied for years, let alone the old fishermen. For this reason, there will be a great number of disputes relating to these licences. I thus suspect and guess that the significant increase in financial provision is related to the appeals related to fishing licences.

If it is true, we should refer to the background of the appointed members of the AAB. We all know that the agriculture and fisheries sector is the major source of votes for the DAB and "689". Based on the population of Hong Kong, the weighting accorded to the agricultural and fisheries sector is absolutely out of proportion. Despite the relatively small number of members in the agriculture and fisheries sector in comparison with other industries and sectors, the agriculture and fisheries sector holds the same number of seats as certain major industries in the coterie elections of the functional constituencies. I thus say political relationship and interests are inevitable. As many Members have said earlier, many appointments are led and manipulated by the Central Policy Unit (CPU) and "LEUNG's fans". Many members of the AAB are closely related to the DAB and LEUNG Chun-ying, and I have already mentioned some of the names of those members earlier. Against this background, the provision is increased significantly by nearly three times, from \$16.6 million to \$45.5 million. Will this involves another kind of transfer of benefits or secret?

In view of the difficulty in monitoring, we have openly urged the Audit Commission to step up its efforts in auditing in this aspect. Unfortunately, the increase in provision for the Audit Commission as proposed by the Government is lower than the overall average increase for government departments. It is obviously biased. It has restricted the specific work to be carried out by the Audit Commission through provision manipulation, for a lower-than-average increase is tantamount to a reduction in expenditure in some measure.

In respect of the increase in honoraria, the Government has not given a detailed account and explanation in making the provision. These committees involving in appeals may be a mere black box, where the mode of operation is not open and transparent. This is a typical feature of Hong Kong communists ruling Hong Kong. Many issues are negotiated and settled behind the scene. Even for certain legal procedures, more and more are carried out in the dark. We consider this absolutely intolerable. Therefore, we have proposed a reduction of the provision for the committees under the Offices of the Chief Secretary for Administration and the Financial Secretary.

Chairman, a number of major policy areas and the relevant amendments have been dealt with. Regarding the provisions concerning the Chief Executive, the Chief Executive's Office, the Executive Council, the CPU, the Financial Secretary and the Chief Secretary for Administration, and so on, and the part involving the Correctional Services Department, we have already expressed our views. Basically, more than half of the items in the second joint debate have been completed. Your goodself should be quite satisfied with this progress.

I will then turn to a new topic, Amendment No 478, which is proposed by Mr LEUNG Kwok-hung. Regarding this amendment proposed by "Long Hair", I have done some research. The amendment proposes that "Head 92 be reduced by \$3,500,000 in respect of subhead 000", which is equivalent to the estimated expenditure for the salary of the Secretary for Justice for the year. When it comes to criticizing Rimsky YUEN or reducing his salary, it is more difficult to advance forceful arguments or justifications than in the proposals on salary reduction of other posts. As in the case of reducing the salary of SHIU Sin-por, every Member may quote a number of examples to support it. As in the case of cutting the expenditure of the CPU, if the Chairman allows, the discussion on the relevant examples can go on and on for even three days and three nights. Yet for Rimsky YUEN, he is relatively low-profile, does not have much achievement and does not speak much in public. What has he spoken or done is considered

wrong, causing "Long Hair" to propose reducing his salary? I will wait for "Long Hair" to explain this later, for he has not yet spoken on this amendment. My progress is ahead of him, so I will talk about this topic first.

In my view, he should be fired because he does not speak and lacks performance. It is very important. I consider it greatly disappointing that he has made no achievement in the following two aspects. First, it is about the investigation, complaints and persecution of "covetous TSANG". It cannot be proved to date whether he has done anything concerning this issue, and I am only guessing. Regarding the land, sea and air corruption case of Donald TSANG, the former Chief Executive, it has been almost two years since I lodged an official complaint to the Independent Commission Against Corruption (ICAC). Since I have made a number of complaints in the past, I understand that I would in general be informed within a month or two that certain complaints had been put under investigation, and that the investigation into certain complaints had ceased due to insufficient evidence and no follow-ups were required.

In the past 20 to 30 years, I had carried banners to the ICAC or written to the ICAC in private to lodge complaints, or passed on important confidential materials obtained through certain channels to the ICAC. A number of major cases investigated by the ICAC were based on the official complaints I made by passing the information to the ICAC, where the subsequent persecutions were successful. Certainly, the information on "covetous TSANG" is open to public. Thanks to the media for disclosing his "land, sea and air corruption" case, revealing the incident bit by bit. For this reason, the Fourth Estate is extremely important.

In fact, the *prima facie* information is quite substantial. I have quoted the following example on various occasions, where a civil servant was dismissed on the grounds of borrowing a few hundred dollars. Buddy, he had been a staff member of the Leisure and Cultural Services Department (LCSD) for 20 years and he had only borrowed a few hundred dollars from a tennis coach. He had returned the money later, but still he was dismissed. However, the punishment mechanism of the Civil Service is not applicable to the Chief Executive. Therefore, the Prevention of Bribery Ordinance is the only means of sanction on the Chief Executive. In the investigation into the "land, sea and air corruption" case, since most of the information has been disclosed, Donald TSANG probably would not co-operate if he was invited to assist in the investigation, and he would exercise his right to remain silent and say nothing. However, it has been more

than one year since then, and I have not received any reply. That means the information has been shelved by somebody and the ICAC cannot complete the investigation. If that is the case, I will infer that there is sufficient evidence for initiating persecution, and if that is the case, who is responsible for not initiating any prosecution? It is definitely Rimsky YUEN.

The investigation has been in progress for more than a year, according to the information disclosed in newspaper ... In the cases handled by me in the last few decades, civil servants involved had been subjected to disciplinary action and dismissed. However, as I mentioned earlier, some police officers who had borrowed money for home purchase through legal and reasonable channels were ordered to take premature retirement on the grounds that they had borrowed too much money as a result of the 1997 financial crisis. A staff member of the LCSD who had only borrowed a few hundred dollars was alleged of abuse of power for personal gain, a violation of discipline, and was thus dismissed. Buddy, look at the "land, sea and air corruption" case. He has only paid a few hundred dollars for a ride on the pleasure boat. I wonder how much he had paid for the flight to Japan in a private jet. In view of all these incidents, how would there be insufficient evidence for initiating a persecution? The evidence has been submitted, yet the Secretary has taken no action. He is being partial and practicing favouratism.

Had I said anything wrong, I hope Rimsky YUEN would come forward to say openly that "Hulk" is wrong. If so, I will apologize to him immediately. However, this issue has been disputed for some time, causing 180 000 civil servants to feel heart broken and angry, and the ICAC's impartiality in handling the case is doubted by the media and the public unduly. I do not have any secret source. The ICAC has not told me anything either. I have looked at the issue merely based on my previous experience in handling these cases, the pace I have learnt and the justification involved.

In this incident, there is dereliction of duty on the part of Rimsky YUEN. The respect for governance in Hong Kong and its effectiveness relies on monitoring by the ICAC. And the public trust the ICAC for it ensures that the core values of Hong Kong are upheld. Therefore, Rimsky YUEN's inaction or his indecision due to certain concerns in respect of this issue has seriously affected the governance of Hong Kong, society, the ICAC and the 180 000 civil servants.

If my earlier inference is fair, reasonable and correct, Rimsky YUEN should be regarded as the culprit causing the rule of law in Hong Kong and the governance of the ICAC to become ineffective. As I said earlier, this is merely my inference, yet I believe it is not too far from the truth. To allow a senior government official involved in "land, sea and air corruption" to escape is absolutely a dereliction of duty. For either of these reasons, Members should support cutting the provision of \$3.5 million for the salary of the Secretary for Justice for the year.

I will talk about another reason which I consider there is dereliction of duty on his part later on.

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

MR CHAN CHI-CHUEN (in Cantonese): I will now come to deal with a very important head, that is, Head 144 — Government Secretariat: Constitutional and Mainland Affairs Bureau. The policy area involved is human rights. Among the amendments proposed this time around, 38 amendments namely from number 772 to 809 are about the Constitutional and Mainland Affairs Bureau. Last year I had prepared some very detailed information on the Constitutional and Mainland Affairs Bureau, especially on human rights matters. But at that time the President cut off the filibuster and the joint debate was compressed. I did not have the time to discuss this part. So I have become smarter on this occasion and I will not leave what I would want most to talk about to the end. This is because once the President takes action, the debate will come to an end. So I hope to speak earlier and this gives me ample time.

The Constitutional and Mainland Affairs Bureau has done a very bad job in human rights matters. Therefore, I support slashing the general expenditure for the Bureau and the salary of the officials in the Bureau, including that for the Secretary, Deputy Secretary and Political Assistant. Chairman, there was news that Members had received telephone calls to remind them to get prepared for the joint debate for the next batch of amendments. It indicated that the Chairman was ready to end the second joint debate at any time. But it was found out later that the news was wrong and that it was just about some administrative procedure and that does not mean that the Chairman is going to take action tonight. I would still want to talk about the most important part. Therefore, Members

should not wait any longer and they can avoid tasting the bitter fruit as I did last year. I have learnt to be smarter ...

CHAIRMAN (in Cantonese): Mr CHAN, if you manage your speaking time well and refrain from speaking in an excessively lengthy and verbose manner, then you will not take up the time of other Members who wish to speak. So please speak to the point and do not speak on matters not related to the amendments. This is the 16th time you are speaking in this joint debate. Please keep the time in your group.

MR CHAN CHI-CHUEN (in Cantonese): Yes. But this is the first time I speak on Head 144 — Government Secretariat: Constitutional and Mainland Affairs Bureau. Chairman, thank you for your reminder.

About the Constitutional and Mainland Affairs Bureau, by its name alone, we may think that the Bureau is in charge of constitutional and Mainland affairs. Actually, the duties of the Bureau can be divided into four areas. The first is the promotion of the Basic Law. The second is promoting the constitutional development of Hong Kong. The third is strengthening the communication and ties with the Mainland and Taiwan, trade relationship and investment promotion in these places, as well as providing support and assistance whatever possible for Hong Kong citizens in distress on the Mainland. The fourth is the area on which I will discuss in detail. This is on human rights matters, concern and protection for privacy and all kinds of rights of the individual including human rights, as well as promoting equal opportunities in gender, family status, race and sexual orientation.

I talked about some matters on constitutional affairs when I discussed election affairs earlier. I do not want to talk about many constitutional affairs issues in this session. Of course, I am sure among the 38 amendments proposed by Members, there are bound to be some on constitutional affairs. For example, Mr Gary FAN has proposed to slash the expenditure for the entire constitutional reform consultation. I am sure he will speak later. The Bureau is in charge of not too many matters among the Bureaux of the Government. Therefore, the expenditure involved is among the least and it is only \$582.9 million. Previously some Members even felt that much of the work done by the Bureau was not necessary. If we were to vote on abolishing one bureau, I would think

the Constitutional and Mainland Affairs Bureau will get the largest number of votes because its work can be given to other departments. The promotion of the Basic Law can be given to the Education Bureau or other bureaux. Constitutional development can be taken up by the Constitutional Development Task Force which is a high-level organ. LEUNG Chun-ying has done a much better job of homeland relationship than Raymond TAM and the Office of the Chief Executive or the CPU would do a better job in homeland relationship.

However, I do not think the Constitutional and Mainland Affairs Bureau can evade the part on human rights matters and it must shoulder its responsibility according to the division of labour within the Government. I wish to tell the people of Hong Kong and the world that these top officials in the Constitutional and Mainland Affairs Bureau have done nothing in protecting the human rights of the Hong Kong people, especially the rights of the minorities. So I will first speak in support of slashing the salary of the Deputy Secretary of the Constitutional and Mainland Affairs Bureau for the whole year. Mr WONG Yuk-man has proposed Amendment No 798 and another Member has proposed Amendment No 799. Both Members have coincidentally proposed similar amendments on a reduction of annual emoluments including allowances at \$2.2 million. LAU Kong-wah gets paid \$2.2 million a year.

Last year, Deputy Secretary of the Constitutional and Mainland Affairs Bureau LAU Kong-wah represented the SAR Government in attending the meeting of the United Nations Human Rights Committee in Geneva. In the meeting when the issue of discrimination on the ground of sexual orientation was discussed, the Deputy Secretary spoke in a bureaucratic manner and pointed out to representatives of the United Nations that for many years, through work done in public education, the citizens had been made to realize that sexual minorities should not be subject to discrimination, and he reiterated that the stand held by the SAR Government was it was against discrimination on the ground of sexual orientation. But at that time Members of the United Nations Human Rights Committee made the criticism on the spot that the stand held by the Hong Kong Government was weak and fragile. They queried LAU Kong-wah that if laws were not enacted to prohibit discrimination on the ground of sexual orientation, how discrimination could be banned and what could be done to help those who were subject to discrimination. A member pointed out that the so-called anti-discrimination policy implemented by the Hong Kong Government would at most serve to reduce discrimination on the ground of sexual orientation in government departments. But other than government departments, the kind of

anti-discrimination protection provided by the Hong Kong Government was nothing. An example is that the Courts cannot deal with any case of discrimination on the ground of sexual orientation. Another member pointed out that discrimination stemmed from the lack of understanding on the part of the public of norms of discrimination and anti-discrimination law. Anti-discrimination protection needs a clear definition in law to enable citizens to know how they are protected by law against discrimination and the member urged the Hong Kong Government to enact laws to prohibit discrimination on the ground of sexual orientation. At the meeting, LAU Kong-wah responded in a typically bureaucratic manner and said that the Hong Kong Government had conducted extensive publicity on equal opportunities enjoyed by sexual minorities and funding had been increased for relevant work. He also undertook that the Hong Kong Government would study the relevant administrative and legislative measures in overseas countries.

This year the United Nations has called meetings to deliberate on reports regarding compliance with the International Covenant on Economic, Social and Cultural Rights. A few days ago, some Members of this Council did not attend Council meetings because they had to attend meetings in the United Nations. They exercised their own judgment in this matter. The Equal Opportunities Commission represented Hong Kong and speeches were given in the United Nations. It was said that no legislation on discrimination on the ground of sexual orientation was enacted in Hong Kong and it was regarded that the problem of discrimination on the ground of sexual orientation was very serious. It was hoped that the United Nations could urge the Hong Kong Government to enact laws as soon as possible. The United Nations Committee on Economic, Social and Cultural Rights issued a check list on the problems after the hearing and the enactment of legislation against discrimination on the ground of sexual orientation was listed as one of the issues receiving the highest concern for Hong Kong. We can wait and see what explanation Deputy Secretary LAU Kong-wah will give to the Hong Kong citizens and the sexual minorities when he comes back from the United Nations. Hong Kong has also sent some sexual minorities groups to attend the hearings. There was a group called The Sexual Orientation Discrimination Legislation Front. I will not go into the details of the speeches made by these representatives. I just wish to talk about one point. They said that last year a lesbian had killed herself by jumping from a building. The last SMS she sent was about the discrimination she had suffered and she was very upset. Also, I will speak later on a Christian school requiring its teachers to sign a declaration that if they were found to be a homosexual or if they wanted to

undergo gender transformation, they might be dismissed. However, neither the SAR Government nor the Constitutional and Mainland Affairs Bureau has taken any serious action.

Secretary Raymond TAM does not want to legislate and he only wants to increase resources and funding. Let us look at the relevant figures. For the coming year, there will be a minimal increase in the estimated expenditure of the Bureau on rights of the individual. There is only a slight increase from \$20 million in 2013-2014 to \$23.2 million. A considerable part of the funding is for minorities or disadvantaged groups — these minorities including ethnic minorities and children rights get a large part of the funding. On children, I hope other Members can speak up and condemn the Government for not setting up a children's council. This shows that the Bureau has been negligent of its duties. I wish to state that it is not that allocating resources to the ethnic minorities is not important, but insofar as an issue like rights of the individual which is so wide in scope is concerned, at least it should include human rights related to three areas, that is, ethnic minorities, children and sexual minorities. Sexual minorities can be subdivided into LGBTIQ. If an increase in funding amounting to \$3 million is made for the coming year, and the funding will also be used on the ethnic minorities and children's rights, then how much is left for use in this area? Was the Government therefore lying to the United Nations? The Government said that for the time being, there is no need to enact laws and resources can be increased.

Earlier on, I have asked the Administration a written question. I asked about the details of promotion of the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation. When the Government refuses to enact legislation, it likes to do two things: first, allocate more resources: and second, education. What has the Government done in education? The efforts made are nothing more than placing TV advertisements. But when the viewers have seen the TV ads, they are unable to get any message. But the Code of Practice is very concrete. The Government said in response that the Code of Practice would be promoted through various channels in both the public and private sectors. These channels include placing advertisements, holding seminars and briefing sessions and writing letters to employers of public and private organizations in Hong Kong to call on them to adopt the Code of Practice. In 2014, the Government will work through various channels and make more publicity efforts in both the public and private sectors. At that time, I raised a written question. Then I also asked an oral question. But the Bureau cannot

provide any concrete figures to me to date. In other words, the Government issued letters to these organizations but it did not keep any statistics on the number of organizations which had signed up to adopt the Code of Practice or even those which had given a reply. It can be said that work done does not mean work done effectively.

Government officials have been talking in a most bureaucratic manner before this Council. I have asked the Administration many times about the number of these organizations, the types of these organizations and the forms of promotion used, and so on. Unfortunately, no direct reply came from the Government. I raised a written question first, then I asked an oral question. And when I was not happy with the reply to the oral question, I asked another supplementary question. I think the Government should not blame us for asking thousands of questions. It is because it does not give us any reply. When no reply is given, of course, I have to raise more questions. I think I will ask 1 000 more questions next year. At last the Government gave me a reply. With respect to the Code of Practice, the Government said that last year letters were sent to 90 large public and private organizations. I think Members can comment on whether they are happy with this number of 90 organizations. The Government urged these organizations to adopt the Code of Practice. To date, a total of 40 organizations have indicated that they will adopt the Code of Practice. And the Bureau will make more efforts in promotion, calling for ...

CHAIRMAN (in Cantonese): Mr CHAN, I have reminded Members earlier that if an amendment is to demand that the salary of an official be reduced, the Members speaking should focus on the performance of the official in question. As for policies, as you have said, we can certainly begin a long debate on any policy, but it would not be appropriate to engage in such a debate in this joint session. Please focus your discussion on the performance of the officials which makes you think that their salary should be slashed.

MR CHAN CHI-CHUEN (in Cantonese): All right, thank you, Chairman. This is because the authorities have not honoured their promise. They promised to increase resources but not doing it. And action is taken in a most perfunctory manner. The Code of Practice has been issued, but no action is taken to implement it. However, I will not argue over this point.

In fact, the Gender Identity and Sexual Orientation Unit was set up under the Constitutional and Mainland Affairs Bureau in 2005. It is responsible for monitoring the Equal Opportunity (Sexual Orientation) Subsidy Scheme and to operate a hotline to deal with enquiries and complaints about gender identity and sexual orientation. I am now examining government accounts. I noticed that the manpower establishment of that Unit has been under criticism for many years. The Unit has got only two full-time staff, including one of a rank equivalent to Executive Officer I and one ranked at Executive Officer II. Apart from monitoring the Equal Opportunity (Sexual Orientation) Subsidy Scheme and handling enquiries and complaints about gender identity and sexual orientation, the Unit also holds publicity and public education activities, including those on the promotion of the Code of Practice mentioned earlier. How much money has the Unit spent? Under Programme (4) Rights of the Individual, the revised estimates for 2013-2014 for promoting equal opportunities among people with different sexual orientations and transgendered persons are only \$2.98 million. Of this amount, the staff expenses for the Unit take up \$930,000. That means only about \$2 million was expended on promoting equal opportunities matters among sexual minorities. The relevant expenditure next year will be increased slightly to \$3.5 million. But this only takes up 15% of the total expenditure on Rights of the Individual under Programme (4) which is \$23 million.

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

MR LEUNG KWOK-HUNG (in Cantonese): Please do a headcount because I can see that a quorum is not present.

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

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

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, in the speech I made earlier, I talked about the problem of abuse of power in the disciplined forces. This is a question of when those at the top like it then those below will do all the more. I now speak on the Correctional Services Department (CSD) of the disciplined forces.

I now focus on Amendment No 90 and it is: "RESOLVED that head 30 be reduced by \$13,080,000 in respect of subhead 000". The amount to be slashed is approximately equivalent to the annual estimated expenditure of the CSD on vocational training for inmates. Members may be baffled when I propose that the funding for the CSD be reduced. They may wonder what is wrong with the provision of vocational training. We have to ask this question: What is the aim of organizing vocational training programmes? It is to enable ex-prisoners to find jobs. Since the idea is to educate offenders while giving them the punishment they deserve, the focus should be on rehabilitation and education, instead of punishment. It is therefore right to provide vocational training.

Chairman, I am sure you will find it very odd that I should be talking about this. When we Members of the Legislative Council asked the CSD what the employment rate for the ex-offenders is after they are taught so many skills and whether or not they can make use of what they have learnt, the reply from the CSD is interesting. It said that after the inmates are released, they are no longer under the control of the CSD and hence it is not known whether or not they have found any jobs or they can make use of the skills learnt to find jobs.

Chairman, this is the point. If the CSD does not know whether ex-prisoners have any jobs or whether or not they can make use of the skills learnt to look for a job, then I must ask the CSD this question: How does it know the effect of the vocational training given to prisoners? This is really a big question. I know that after the prisoners are released, they need not report to the CSD what kind of work they are engaged in. But in social surveys there is something called a tracking study. The CSD can tell the ex-prisoners that a survey will be conducted and they will be tracked for one or two years in order to trace their employment situation. I have told the CSD that if it can be proved that the vocational training is effective, then the funding is worthwhile. But under the present circumstances, the money can be considered wasted. This is because there is no way for us to know the result after the funding is given to the CSD.

The Society for Community Organization (SOCO) is not a government department, but a civilian organization. It has conducted a study on the obstacles to employment of rehabilitated persons. This is obvious better than what the CSD is doing. The SOCO uses all kinds of ways to look for these ex-prisoners and see whether they can find any jobs after discharge. This paper lists many details, but I will not cite them one by one.

Of the inmates interviewed in the survey, 31.6% said that they are interested in enrolling in computer classes; 31.2% said that they are interested in sitting for public examinations or receiving vocational training. But it turns out that no one has ever joined any computer class and only 2.5% of the interviewees have taken part in any training or professional examination. Although the CSD said that it provides skills training to the inmates, in fact the inmates are only required to do manual labour. If the inmates want to find a job by making use of the vocational training provided by the CSD, it can be said that they will certainly be disappointed. This is because the vocational training provided by the CSD is like training the ears of a deaf man. It is only poise. Let me tell you, the CSD used to run workshops to produce candles and matches. Were it not for a Member like me, they would have continued to make candles and matches because the manufacture of candles and matches used to be one of the most buoyant industries in Hong Kong.

Therefore, the CSD should, like the SOCO, conduct a survey on the employment situation of ex-prisoners. If the inmates do not want to be rehabilitated and all they want is to use the wage they earn from work in the laundry room to buy cigarettes and candies ... I was once in jail and so I know that many inmates think that all they need is to brace up and tide over the difficult times and their life will be better after release. But if we are to use public money to provide this kind of so-called vocational training, the situation now is that it is not vocational training in its real sense. What we have now is the worst possible kind.

It follows that my proposal of not allocating funding to the CSD to provide vocational training for the inmates is justified. If it is found that the training provided is not useful, we should rethink it. Moreover, Chairman, the purpose of education is to provide education for all and make it available to all. It does not matter what the inmates want to learn; they should be provided whatever training they hope to receive. Chairman, however, the CSD does not have any adult education that the inmates can receive. For example, if an inmate wants to

take the Advanced Level (AL) examination, the CSD does not provide any daytime regular AL programme, not to say other kinds of education programmes.

Is this not a waste of money? The CSD always wants the inmates to learn something. But even if they have learnt anything, it would be useless. And the inmates do not want to engage in learning either. For example, the inmates are told to learn carpentry, but it is hard to make a living from carpentry these days. The inmates want to learn computer and graphics. Actually, I have a lot of information on this. But I will not read it all out to the Chairman. The CSD can conduct some tracking studies like what the SOCO has done and it can find out the effects of the vocational training provided to the inmates. The CSD should have some policy objectives and it cannot say that it has spent, say, \$1,000 to enable five inmates to undertake training in carpentry and it is all right when only \$200 is required for each one of them. The kind of results we hope to see is the employment of rehabilitated persons.

Chairman, the same survey report shows that since rehabilitated persons face a serious difficulty in seeking employment, their relapse rate is very high. Put it bluntly, they get in and then come out. The process of going in and coming out of jail is like the constitutional reform now. It is very easy to get in, but it is very difficult to get out, meaning that they have difficulty in correcting their ways. So their relapse rate is very high, standing at 41.6%. Chairman, we have wasted so much money on vocational training, aimed at rehabilitation and enabling inmates to learn a skill which they are interested in and which can help them in seeking employment in future. But one out of two inmates who have undergone vocational training will eventually relapse and become an offender again. The result is far from being satisfactory. Is the money spent like being dumped into the sea?

Of course, this is only one of the many examples. The fact that they have difficulties in employment is not just because these people lack skills, they are also often asked whether they have been offenders when they look for a job. This is another handicap. The latter is a problem in rehabilitation. I will not discuss it here. But I wish to ask this question: The CSD has been doing such work for so many years, but what the inmates learn are still some outdated skills, so would the CSD be doing us a disservice when it asks us to approve a funding? If it really wants to help them, the question is simple enough, it can ask the SOCO or undertake a survey which the inmates can join on a voluntary basis.

Chairman, it is really very simple to conduct a survey. No one likes to be asked questions in a survey. But if there can be some incentive, the problem can be solved. I was once in jail and I know what is being done by the CSD. Inmates who go to church can get a stick of cigarette. So everybody likes to go to church. At that time, a pack of cigarettes could be shared among the inmates. So if on a certain day, there are not many believers who go to church, there will be plenty of people who go to church because they can get more cigarettes. What I mean is, if the money used on providing vocational training can be used for conversion into an incentive scheme, such that after they have finished a course in GCE or other courses, they can be exempted from working during the day. This is because studying is a hard effort. Chairman, there is something interesting about inmates. After they have finished work in the laundry room, they will pull a joint or read some martial arts fiction by Jin Yong. Then they can go to sleep. This is a most pleasurable thing. But it is tough to study. If the inmates choose to study, they should be allowed to do so. And it does not matter what they will want to study. This is an incentive and an opportunity given to them.

Now only more than 20% of the inmates want to learn to use the computer and so they should be allowed to do so. They should not always be told to learn carpentry and such like outdated trades in the construction industry because they will not find a job in future. It is already an incentive when they are allowed to learn what they want. I have to emphasize that this is an incentive given to them. It is because they want to study and so they should be given a chance to rehabilitate. For the rest of the inmates, they will just want to pass the time until they are discharged and they can continue to do what they used to do before. It does not matter if these people are not rehabilitated. If only there is such an incentive scheme available and the annual estimates used by the CSD on providing vocational training to inmates can be used on this scheme, then things will be very different.

Chairman, please do not misunderstand this. When we say that inmates should be given vocational training, we are not referring to the work they do while they are in prison. They have to work in jail and that is for sure. For example, they may be told to dispose of the refuse. But this can never be said to be vocational training. In other words, when inmates are given training, this will not affect the routine operation of the CSD. I am just suggesting that an incentive scheme be used so that inmates can receive vocational training in the

course of their rehabilitation. Chairman, I am sure you must have heard about this fable. If you want a person takes off his clothes, the constant blowing of gusty winds will only make him want to put on more clothes. But if the sun comes out, he will take off his clothes by himself at once.

If we want to educate people while giving them punishment, we must do this. I have been in jail and I can really see that there are some people who have got the talents to study and it is only unfortunate that they do not have the chance. Chairman, I wish to mention in passing that the CSD allows inmates to enrol in evening schools and extra-mural studies. This is actually something that the department boasts about because once someone with brilliant examination results is found, the CSD will be reported in the newspapers. But the question now is a lot of money is wasted to organize these meaningless vocational training programmes.

Honestly, the prison is the best place to sharpen a person's will. But I can tell you that it is not 100% successful. However, if 20% of the people in prison can be trained, it is really a considerable number of people. Then we can concentrate our efforts on training up this 20% of the people. And we do not have to go for all the people and try to get the most out of everything. You people may ask why I have spent 15 minutes to talk only about one topic. This is because I think it is where all the problem lies. If it is the aim of the CSD to reform through education, then it must help those who want to forge ahead and learn and help their rehabilitation.

Chairman, I met a man today whom I came to know in prison 10 years ago. Now he holds a masters degree. I hope other inmates can have the chance to study for a masters degree, and they do not have to study at night but doing so during daytime.

CHAIRMAN (in Cantonese): Mr LEUNG, if the contents of the speech you make every time are like this one, I will not consider you straying away from the question or making repetitions.

Does any other Member wish to speak?

MR ALBERT CHAN (in Cantonese): Chairman, on the question of retraining or education of ex-prisoners, I think we may find the International Social Service Hong Kong Branch or the New Territories Association of Societies or groups like the one which has a name beginning with the word "love", and so on, and a lot of work can be done. It is because these groups have such an extensive network and so much funding from these stability maintenance funds ...

CHAIRMAN (in Cantonese): Mr CHAN, please indicate which amendment you are speaking on.

MR ALBERT CHAN (in Cantonese): I am just responding to the remarks made by Mr LEUNG Kwok-hung just now. He feels annoyed and I am just giving him a reminder.

Chairman, actually I wanted to talk about Amendment No 478 and it is on slashing the salary of the Secretary for Justice. But I only said half of what I wanted to say just now. Owing to his failure to come to a prosecution decision regarding the case of Donald TSANG presently being investigated by the ICAC, I consider that he should be dismissed. Another part is about his work and I think he has been negligent in his duties. He fails to defend the legal system in Hong Kong and more importantly, he cannot uphold the spirit of the rule of law in Hong Kong. Why am I saying that, Chairman? Hong Kong attaches great importance to the freedom of speech and that means any person can air his views on politics, the Basic Law and the law. I respect this. The Government should not prohibit this and it should all the more encourage it. When important issues arise, we will look at the response made by the relevant officials to the remarks made by certain people in order to show the Government's concern about these issues.

Why did I say that the Secretary for Justice Rimsky YUEN has failed to defend the legal system and uphold the spirit of the rule of law in Hong Kong? It is mainly because when RAO Geping, a Mainland scholar, said that a candidate for the Chief Executive Election must love his country and Hong Kong. Mrs Carrie LAM, the "fighter" Chief Secretary for Administration who is in charge of the constitutional reform review also thinks that the view expressed by RAO is decisive, that he has a certain rationale and standing on this issue. But as the Secretary for Justice and at such a critical moment, he should have readily come

forward. On issues like the Occupy Central movement and civil nomination, he has come out bravely and at a very early time, pointing out with authority and strongly that civil nomination is in breach of the Basic Law. However, the question of loving the party and Hong Kong does not bear too much difference from the issue of civil nomination as a matter of argument. Regardless of what is found in the Basic Law, or on the numerous occasions when we took part in elections, we cannot find in the wording, law, rationale, or in any of the papers we have seen mention of candidates must love the party and the country. Likewise, with respect to the electoral system, nothing is said that civil nomination cannot be used.

As to the question of what is meant by civil nomination and what form of nomination should be adopted, I think Members can argue over these issues. But as a matter of belief and concept, we cannot see any rejection of civil nomination in the provisions. But the Secretary for Justice dismissed in a very authoritative manner civil nomination. Maybe I have to declare my interest. I advocate civil nomination. I have pointed out many times that civil nomination is the same as nominations in District Council elections and nominations in Legislative Council elections. All these are examples of civil nomination. Right? There is no reason why civil nomination is recognized in these two lower-level elections — perhaps we should not say that they are of a lower level — they are elections under different systems and have been practised for 30 years, but not in the election of the Chief Executive. But he pointed out that with respect to the Chief Executive Election, civil nomination is in breach of the law. But now some new requirements are involved and they require that candidates ... The Chief Executive Election has been held for a number of times. TUNG Chee-hwa was returned. So was "689". And also Donald TSANG who is knighted. He has got the citation of a knight. To whom did he swear allegiance? Do knights not have to swear allegiance to the Queen? When he does not give up his honour of being a knight, can we not say that to a certain extent he maintains that tie with the British Empire? How can this person who has an honorific title of the British Empire love China and Hong Kong? Are there any requirements for that in terms of definition in law?

So when someone with such obvious political influence speaks in such an authoritative manner and at such a critical moment in history, that is, at this hour of constitutional reform consultation, that candidates must love the country and Hong Kong, it is amazing to see that the official who holds the highest position in the hierarchy of the Government in legal matters can have refrained from making

any comments or pointed out that this so-called requirement of a love for the country and Hong Kong is a concept which Hong Kong people do not understand or not something that they have understood throughout the many years past. He did not point out the unreasonable nature of the political system or say that it is a proposal or interpretation totally devoid of any legal basis. I fail to see that he has taken any concrete action in this, not to say making a flat denial or strong criticism. At least he could do something in a polite manner ... he should not behave like boors like me or "Long Hair". Actually, "Long Hair" is a very cultured man. People often misunderstand "Long Hair". He is in fact a cultured man with an analytical mind. And regarding this ...

CHAIRMAN (in Cantonese): Mr CHAN, this is the 16th time you are speaking. Please do not talk about matters not related to the amendments.

MR ALBERT CHAN (in Cantonese): Chairman, I was just making one or two remarks to praise my Honourable colleague. I have praised you for your wisdom many times ...

CHAIRMAN (in Cantonese): Mr CHAN, the amendments are on slashing the salary of the officials. I have said that Members can criticize the performance of the officials, but it is not appropriate for them to make a debate in detail on a certain point.

MR ALBERT CHAN (in Cantonese): Well, I have finished. Chairman, I see your point. Chairman, I am using two arguments to support slashing the salary of the Secretary for Justice. First, it is about the "covetous TSANG". The other is on the discussion on having a love for the country and Hong Kong. So basically I have finished my comments.

So with respect to what he has done, that is, not making any forceful or polite clarification, he was negligent of his duties when he failed to do that. Or maybe he is afraid of those Mainland scholars, thinking that they may be special envoys appointed by the "sovereign up North" decree what Hong Kong should do. We also suspect the capacity of these scholars. But any way, this is outside the topic of this discussion. When he is a Secretary for Justice and when he does not make any statement or take any action or resist this sort of

intervention or speak up for Hong Kong people, he has committed a heinous crime and hence his salary should be slashed.

Chairman, I am doing this at a fast pace and I am not delaying things at all. On the next amendment, that is, No 474, which is: "Resolved that head 92 be reduced by \$79,800,000 in respect of subhead 000", or roughly about the annual provision for the salary of the 100 staff or so under the programme on legal policy. Chairman, we have done some study and collected some information in this aspect. On the number of staff under the financial provision for this Head, there are about 100 persons. They are the staff of the Legal Policy Division in the Department of Justice. Last year, five more persons were added to that Division. But Chairman, we would find it hard to accept when we see the work they have done. This is because they need such huge financial support and manpower to carry out work in this aspect. Let me describe briefly what they do. If we look at the Matters Requiring Special Attention in 2014-2015, we can find that the projects under the Legal Policy Division belong to the following areas. I will comment on them one by one.

The first area is on promoting the use of arbitration in Hong Kong and publicizing the new arbitration law after enactment by the Legislative Council. If Members would still remember it, on the issue of promoting Hong Kong as an arbitration centre or mediation centre, I have been striving to promote and encourage this for many years. I support and encourage work in this area and I have written a detailed proposal to the Government. In the proposal, I urge the Government to adopt mediation and arbitration with respect to two important areas, that is, the resumption of land and compensation. New laws should be enacted to enforce new arrangements in mediation and arbitration. I have also provided information to the Government, saying that in certain provinces in Australia or Alberta in Canada, there are laws requiring the government there to deal with disputes on land to adopt an approach of using mediation first, followed by arbitration in matters regarding land resumption and compensation. Many states and provinces in Australia and Canada have carried out this kind of work for more than 10 years. But the Hong Kong Government still refuses to borrow this approach. When I raised a question in this Council earlier, Secretary for Development Paul CHAN, notorious for his sub-division of a flat, still insisted on refusing to introduce this measure in land resumption. I think the Department of Justice lacks in professionalism in this issue and as a result, arbitration in Hong Kong has become a laughing stock. The Department of Justice says that it will study how new laws on arbitration are to be enacted. The Hong Kong

Government has powers and its influence is the greatest, but the most unfair thing it does to the people is on the issue of land resumption and compensation. This makes many people kill themselves by jumping from buildings and others may have to live a destitute life. Of course, there are also many people, including the Secretary for Development, who have made more than \$10 million in profits from land acquisition. Right? There are many injustices done to the disadvantaged groups in society. I fail to see any progressive thinking on the part of the Department of Justice or any measure to help the public. No improvement has been made in helping the disadvantaged people in this respect.

Owing to this unfair situation, I think that there is a need slash the financial provision for the Secretary for Justice in order to show our discontent. So this is about work in the programme on legal policy. We must state clearly that we are not targeting the conduct of certain individuals or their professionalism, but it is because of the area of work that we feel very ridiculous and enraged. On arbitration, there are things that it should do but has not done. Of course, we cannot put the blame entirely on the Department of Justice or the Secretary for Justice. But they do bear some measure of responsibility for this.

The second point is its work in the coming year and it is about the Mainland. Whenever I see this kind of wording, my blood pressure will rise and this is about the Mainland and that spells corruption and abuse of power. It is about exploring with the Mainland authorities further opportunities for the legal profession to provide services in the Mainland and assist in the implementation of arrangements with the Mainland, including the Mainland and Hong Kong Closer Economic Partnership Arrangement. I am sure Members must have seen the brave action taken by the young people of Taiwan and which has led to the abortion of the Cross-Strait Service Trade Agreement. There is no justification to spend the money of Hong Kong people to do such things, that is, to forge a closer partnership with the Mainland. It is more so undesirable to provide support and opportunities through law. We have to defend our local interest and sever ties and exchanges in this regard, and place our focus of attention on defending our local interest. This is the crux of the whole problem. So we strongly oppose any attempt by government departments to forge stronger ties with the Mainland, especially on matters regarding trade and economic matters. This is because the result will make Hong Kong an economic colony of the Mainland, something we must resist, and any measure or arrangement for this must be prohibited by all means.

Chairman, another point I wish to talk about is the future work of the Department of Justice, that is, to provide legal advice in respect of the implementation of the Basic Law and the development of the new constitutional order. Since the Secretary does not dare criticize RAO Geping, what kind of legal advice can we expect from him? He has dug his head in the sand. This is of course the responsibility of the Secretary for Justice (*The buzzer sounded*) ... Thank you, Chairman.

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman, let me continue with my speech on "Head 144 — Government Secretariat: Constitutional and Mainland Affairs Bureau". I will give some more details to explain my justifications for supporting the reduction of the annual remuneration for the Under Secretary for Constitutional and Mainland Affairs. Just now, I already gave an account of the performance of Under Secretary LAU Kong-wah. According to the latest update, he is still attending a meeting held in Geneva by the United Nations Committee on Economic, Social and Cultural Rights. I consider his response at this meeting unacceptable. Moreover, he is suspected of dereliction of duty.

At its meeting held over the past couple of days, the United Nations Committee on Economic, Social and Cultural Rights criticized the SAR Government for failing to comply with the requirements of the relevant Covenant in taking care of the grassroots, anti-discrimination, and protecting children's rights. Each year, the Government will answer questions asked by others with its old scripts. What did Under Secretary LAU Kong-wah say in reply to the allegation that Hong Kong had failed in looking after the grassroots? He said that the Statutory Minimum Wage rate was already introduced in 2011 by the Government. This year, he still repeated the same line. Last year, he said that a poverty line had been drawn up and, what was more, a household subsidy for low-income earners had been introduced, too. In other words, some past efforts were used to pacify the United Nations in order to create an impression that certain matters had been dealt with.

Certainly, as I mentioned just now, the topic of sexual minorities was discussed as well. A member representing Mauritius has asked a question about the housing difficulties faced by same-sex partners in Hong Kong. Certainly, it

is impossible for such difficulties to be resolved now. Since two men or women without a marital relation are not entitled to a civil union, it is impossible for them to make a joint application for public housing. Therefore, there is no way to respond to the requirements of the United Nations International Covenant on Economic, Social and Cultural Rights. I have often said that if the SAR Government really has no intention to do anything, it should cease to be a member of the Covenant. It should not ask the Under Secretary to trot out the old script to pacify the United Nations and then apply for exemptions. Afterwards, many people from Hong Kong will pay for the air tickets to the United Nations out of their own pockets and put up the same show again and again in order to point an accusing finger at the Constitutional and Mainland Affairs Bureau.

In my opinion, the Bureau really has no retention value. As I said just now, it is most preferable for constitutional matters and Mainland affairs to be taken charge of by Carrie LAM and LEUNG Chun-ying respectively. Members can see that the Bureau actually has no wish to do anything insofar as human rights affairs are concerned, for the efforts made have been reduced to the minimum. Even if it must do something half-heartedly in the face of severe criticisms, it will still not make much effort, not to mention enacting legislation. Regarding my request for the provision of additional resources for education, what additional resources have actually been provided?

Just now, I was unable to spell out the figures because time was running out. Under Programme (4): Rights of the Individual, the estimate for promoting equal opportunities for people of different sexual orientations and transgendered persons was only \$2.98 million, or \$2 million after deducting wages and staff cost. Compared with the Programme as a whole, the estimated expenditure of \$23 million for rights of the individual actually represents only 15% of the estimated expenditure on human rights, or a mere 11% after deducting wages. This sum is simply inadequate.

In 2013-2014, the Government allocated \$830,000 to community organizations to undertake work related to equal opportunities and sexual orientations. However, many of the restrictions imposed are very strange. Firstly, the employment of full-time staff is prohibited. Secondly, the procurement of assets is prohibited. This means that one can only rent a table but not buy one valued at \$80. In other words, one is allowed to spend \$100 on renting a table rather than spending \$80 on buying it. Although the estimate for

this subsidy programme has been increased to \$1.25 million in 2014-2015, its restrictions are still fossilized, which means that full-time staff cannot be employed to cope with a large workload ...

CHAIRMAN (in Cantonese): Mr CHAN, I would like to remind you again that as your request is to reduce the remuneration for a government official, you should not discuss in detail the policy under his charge.

MR CHAN CHI-CHUEN (in Cantonese): Fine, I will leave it here. Let me come back to how the Constitutional and Mainland Affairs Bureau ... As I have no idea whether it is the Under Secretary or the Secretary, the remunerations for both of them should be reduced. In order to pacify us, they said that legislation would not be enacted, and an Advisory Group on Eliminating Discrimination against Sexual Minorities was already set up with four meetings held. Although I was one of the participants, I cannot disclose the details of the meetings because they should be kept confidential. Nevertheless, I can tell Members that quarrels have been the order of the day, and the effectiveness of the Advisory Group is questionable. This brilliant idea was conceived by the Government, or the Secretary. As the term of the Advisory Group lasts two years, its members are not allowed to talk about other issues. Moreover, they can only hold discussions within the Advisory Group and discuss the next step when the two-year period is over.

After a delay of two years, the Government has again kept saying that publicity and education will be undertaken, but what has been done on these two fronts? The Secretary and the Under Secretary are still holding the same few items, saying that efforts have been made. Even I can recite to them what they have said. Let me cite an actual example to illustrate that the Code of Practice against Discrimination in Employment on the Ground of Sexual Orientation, as I mentioned just now, is simply useless. If Members have paid attention to news reports, they should have noted that employees in an international Christian school in Sha Tin have been required to sign to declare that they are not homosexuals or have no problems with gender identity, or else they will be fired. In response to a letter subsequently written by me to the Government, the Education Bureau has taken some actions to follow up and deal with the matter. Nevertheless, there is nothing the Education Bureau can do other than advising

the school to comply with the relevant Code of Practice. However, the school has made it clear that it will not comply with the Code of Practice because it is a denominational school. So, no follow-up actions have been taken since then.

Actually, the Constitutional and Mainland Affairs Bureau should play the most important role in these issues. However, not only has it failed to take the initiative to intervene in such situations, it has also sought to adopt an evasive attitude by all means. Another example of its evasive attitude is the recent Marriage (Amendment) Bill 2014. I have once talked to a high-ranking official about his matter, but he smiled and told me that it had nothing to do with him because it should be dealt with by the Security Bureau — which means that we should not give them any trouble this time around because this matter, which is related to marriage, should be dealt with by the Security Bureau.

This again reflects the mindset of bureaucrats and their half-heartedness. In fact, the Constitutional and Mainland Affairs Bureau, which is responsible for human rights affairs, should take the initiative to review if it has a role to play in any policies and ordinances. Members who have observed the public hearing would have heard the remarks made by churches on the point that transsexual persons could get married in future. They asked if churches could be exempted from providing marriage solemnization services for these persons. If asked this question, LAI Tung-kwok will be unable to give a reply because he is only responsible for laws that require signatures by the Registrar of Marriages. Exemptions and enactment of legislation about the provision of such marriage solemnization services involve human rights or anti-discrimination legislation. Although the Constitutional and Mainland Affairs Bureau should play this role, I can see that it actually has no intention to do so. This is why I am proposing to delete the expenditure for the Constitutional and Mainland Affairs Bureau altogether, rather than reducing the Secretary's remuneration.

I now speak in support of Amendment No 772, which seeks to reduce the estimated annual general departmental expenses for the Constitutional and Mainland Affairs Bureau because there is simply no need for the Bureau to exist at all. The several areas I mentioned just now can actually be taken up by others. Insofar as the scope of human rights is concerned, the Secretary has no wish to do anything. Neither has he done anything. Let us examine our conscience and reflect on ourselves — Secretary Raymond TAM is not present — what improvements in the human rights condition have been made in Hong Kong

since he took office — "Long Hair", if you can spare some time, you should think over this question and tell Members if you manage to figure out an answer — in my opinion, no improvements have been made. Furthermore, it is some sort of a retrogression. Is the Secretary getting paid for no reason? Is the Bureau wasting money for no reason?

On the other hand, one of the major functions of the Constitutional and Mainland Affairs Bureau is to promote the Basic Law, which is really laughable. This also gives me a chance to make constant criticisms year after year. Regarding this sum of money, an amendment will be proposed to the expenditure for promoting the Basic Law. Amendments Nos 783 and 784, proposed by Mr LEUNG Kwok-hung and Mr WONG Yuk-man respectively, seek to reduce \$16 million, that is, the estimated annual expenditure for the promotion of the Basic Law by the Constitutional and Mainland Affairs Bureau.

The method of promoting the Basic Law is practically wrong. To start with, the law is to be complied with rather than supported. What is the Constitutional and Mainland Affairs Bureau best at? Back in the era when the Basic Law was freshly brought into operation, the Bureau would purchase a time slot from Television Broadcasts Limited and spend several million dollars on organizing an evening show feathering some comical shows to be followed by a few old songs with new lyrics supporting the Basic Law. How much do Hong Kong people know about the Basic Law after so much money has been spent on doing all these things?

In fact, the so-called promotion of the Basic Law, it means that members of the public should get to know and discuss the Basic Law because its provisions are not "dead" and cannot be supported. Much of its content is very controversial. For instance, you and I might have different interpretations of Article 45. You, I and the Court might also interpret "Hong Kong resident" differently. How can we support the Basic Law? It can be embraced in this manner, though. Therefore, I will support Mr LEUNG Kwok-hung's proposal of reducing the expenditure on the promotion of the Basic Law.

Now, the Government is using political packaging which is beneficial to its promotion of the Basic Law. Insofar as the present constitutional reform consultation exercise is concerned, the same goes for the advertisements publicizing the Basic Law, which say "let's talk" and "a clear basis for achieving universal suffrage". In other words, they are brainwashing advertisements.

This is why a Member will propose later on to reduce the publicity expenses for the Bureau as a whole in the hope of deterring the so-called "brainwashing education" and the use of government resources, APIs produced by the Government or advertisements paid by the Government.

Honestly, the advertisements produced by the Constitutional and Mainland Affairs Bureau cannot achieve any effects. Actually, they are counterproductive because they are as fossilized as ever over the years. Not only is the design of its posters devoid of creativity, its publicity approach also lacks creativity. Do you think these pens bearing these slogans, namely "Let's talk", "Let's listen" and "Let's achieve universal suffrage together", can serve the purpose of promoting constitutional reform consultation and the Basic Law? This approach is entirely wrong. Therefore, I will definitely support reducing the expenditure on the promotion of the Basic Law.

All in all, insofar as the efforts made by the Constitutional and Mainland Affairs Bureau in human rights are concerned, I really hope that we can either reduce the overall expenditure for the entire Bureau or reduce the remunerations for the two Secretaries for one year or six months to induce them to properly reflect on these questions: What have they done for Hong Kong people, especially in human rights affairs? What have they done for the disadvantaged groups (including people with disabilities and sexual minorities) in Hong Kong?

The last point I would like to raise concerns Programme (5) Subvention: Equal Opportunities Commission (EOC) and Office of the Privacy Commissioner for Personal Data. To my understanding, there is actually no communication between the Government and the EOC, and many resources are not matched and put to use. For example, the Advisory Group on Eliminating Discrimination against Sexual Minorities mentioned by me just now has been allocated hundreds of thousand dollars to conduct focused studies on sexual minorities. The EOC has also spent a sum of money on conducting similar studies. Certainly, the funding received by the EOC, amounting to nearly \$1 million, is greater than ours. Hence, it can undertake more studies, including conducting consultation on the enactment of legislation in the future. However, throughout our dialogue, we found that there is no communication between the Government and the EOC. The same goes for the Marriage (Amendment) Bill 2014. The positions of the EOC and the Government are actually diametrically opposite.

Did the Government consult the EOC when drafting this piece of legislation — the Marriage (Amendment) Bill 2014? The answer is in the negative. Like ordinary citizens, the EOC will assign only one representative to give a three-minute speech in public hearings to state its views. However, the EOC is not just an ordinary community organization. According to the Budget, the Government will apply to the Legislative Council for funding. This year, it has received nearly \$100 million in funding. But it turns out that the Government has still adopted the mindset that since it has to be explain to the United Nations, so this organization set up in Hong Kong will continue to receive funding. Nevertheless, there is a lack of communication. Neither does the Government show any respect for the EOC's views. Instead, it just goes ahead with its plan despite the opposition, which is evident in many policies. Therefore, regarding these 38 amendments proposed today in relation to the Constitutional and Mainland Affairs Bureau, I have not highlighted the need to reduce the estimated expenditure for a number of offices set up on the Mainland and economic and trade offices set up in Guangdong.

I believe other Members who have proposed amendments will go into the details when they have time to do so later on. I particularly support the reduction of (*The buzzer sounded*) ... let's talk about it again next time.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, in case I forget, I shall follow Mr CHAN Chi-chuen in giving a speech because I have proposed many amendments in relation to the Constitutional and Mainland Affairs Bureau. Actually, I am talking about commonsense only because there are indeed too many ignorant and incompetent people in this Chamber.

When it comes to the two Covenants mentioned, I think Mr CHAN Chi-chuen does not understand that all signatory states can express reservations about a certain provision and refuse to sign it, and no one can impose any restrictions on them. The British Hong Kong Government, for instance, would rather be killed than implementing universal suffrage. Moreover, no one would pursue this matter even if it said that universal suffrage would not be implemented because Hong Kong was a colony. So, the Government simply acted in accordance with the established rules, meaning that no universal suffrage would be implemented even after the reunification. The issue is now brought up

for discussion only because the CPC Government, or the Central Government, has indicated to allow us to implement universal suffrage. Honestly, according to the International Covenant on Civil and Political Rights, a signatory state is simply not obliged to implement universal suffrage. Hence, it is a waste of time to fight for human rights according to international standards. It is the spirit of the Covenant, not the Covenant itself, which gives the drive to every rights campaign. Insofar as this issue is concerned, Members must not mess around. The International Covenant on Economic, Social and Cultural Rights (ICESCR) is mainly ... we must not waste any time because Hong Kong is simply not a signatory to the ICESCR. This is the point.

Let me come back to the issue mentioned by Mr CHAN Chi-chuen, that is, the one concerning human rights. Both LAU Kwong-wah and Raymond TAM, being the top officials of the Constitutional and Mainland Affairs Bureau, are so busy that they cannot perform so many tasks. Actually, they might as well set up a human rights commission or committee which is funded by the Government, and that can settle the matter for good. Moreover, they do not have to perform the task personally. The relevant arrangement should follow the example of the EOC. For instance, a retired senior official, be it LAM Woon-kwong or someone else, can be employed to work somewhere else rather than to serve LEUNG Chun-ying again. He will be authorized by the Government to oversee everything. If there is anything he cannot accomplish, he will let the Bureau know. Likewise, the Bureau will let him know if there is anything it cannot accomplish. This way, the human rights meetings held in Geneva can ...

CHAIRMAN (in Cantonese): Mr LEUNG, which amendment are you talking about now?

MR LEUNG KWOK-HUNG (in Cantonese): Certainly, buddy, you do not even think of it, even though it is so easy to do. Furthermore, we ... Chairman ...

CHAIRMAN (in Cantonese): Which amendment are you speaking on?

MR LEUNG KWOK-HUNG (in Cantonese): All the amendments. The Bureau's annual remunerations or the remuneration for the Under Secretary or the Secretary can be reduced. Let me begin with the Secretary and the Under

Secretary. The function of the Secretary is to properly perform all the tasks in his brief. If there is something he cannot do, the Under Secretary will do it. Political Assistants are only responsible for liaising with people of all quarters. Later, I will propose reducing the remuneration for Ronald CHAN for six months because he has treated me quite well recently. He responded to my telephone call at around 11 pm or 12 pm. He is really fit for the post, even when he was drunk. I am merely discussing the issue *per se*.

Chairman, my speech today is not empty talk. I am the only one talking — Mr TAM Yiu-chung should know best, but he is not going to speak today — I have always asked these questions: Where is the Human Rights Committee? Where is the Human Rights Commission? The Government might as well proceed to establish one. There is no point in creating so much trouble for itself. No government would prove whether or not it has done anything about human rights. This is an international practice. There are no such posts as Human Rights Ministers in the establishment of governments around the world. Only a human rights committee recognized by the Government can be set up to monitor the Government itself. It can simply be called a NGO or whatever.

Regarding this Covenant signed by the SAR Government with some provisions deleted and some retained, I will not spell out the provisions here in detail. The Secretary and the Under Secretary should have proposed the establishment of such a commission by the Government. Just now, Mr CHAN Chi-chuen criticized them for having done nothing. Honestly, I think that even if they do nothing at all, they should make some suggestions. Buddy, I have talked about this issue for many years. Why do they not deal with it? It can actually be resolved once and for all. This is why I have proposed not to give them any funding. Why do they not do what they can do? If they do, only the person in charge of the human rights committee will be scolded by Ms Emily LAU rather than them. Why do they fail to do so? If the performance of the Government is really so poor, it serves them right for being condemned by the human rights committee, too. That said, this matter must be handled in an impartial manner. The entire government system must move forward, thus obviating constant criticisms by me.

I would not go any further after making the remarks here. I hope Members can understand this, too. I will not dwell on this matter any further, or else I will be criticized for being repetitive. Honestly, I am not being repetitive.

No one has ever talked about this concept of setting up a human rights committee. If it works in other countries, it can be set up in Hong Kong in the future, right?

Certainly, there are a number of reasons for me to propose not to allocate funding to the Secretary who has picked the wrong man. He should be responsible for picking LAU Kwong-wah as the Under Secretary. I have to demonstrate that LAU Kwong-wah is incompetent before I can prove that the Secretary has picked a wrong aide. It will be fatal if a leader picks a wrong deputy. As in the case of Chairman MAO, he nearly died because he selected LIN Biao as Vice Chairman. It is definitely a fatal mistake for the Secretary to have wrongly chosen LAU Kwong-wah. Although I do not at all like LAU Kwong-wah, I will not attack him because he has ceased to be a Legislative Council Member for a long time. Why do I think that the Secretary has picked the wrong man? LAU Kwong-wah has never regarded "serving the Government" as his goal of participating in politics. The Government is like giving him a death sentence in appointing him as an official after he was not elected as a Legislative Council Member. It is because he was previously responsible for monitoring the Government, but now he has to defend the Government. As a result, he has no idea of what is the right thing to do.

The appointment of Raymond TAM is problematic, too. It is also a rule of the bureaucracy. He was deployed from another department, which had something to do with the CEO. As he came from the "Shaolin Temple", I certainly have to ask him what he has done which makes it necessary for me to reduce his remuneration. Does he know anything about the Basic Law? No, he does not. Even though he knows nothing about Mainland affairs, the constitutional system, human rights, the constitutional and Mainland affairs and other matters concerning the Basic Law, he was parachuted by the Government into the Bureau. Can Members tell me how he can lead his subordinates? Given that he is unable to do anything, why do I not reduce his entire remuneration? If a man is arranged to do something even though he is actually not fit for the task, he cannot refuse because it is an "imperial order". As such, the amount of the reduced remuneration should be less. But the point is: Do we have a way to go around it? I think the Budget should most preferably propose reducing the remuneration for the Secretary who forces him to do all these things in order to compensate him, but nothing has been done now.

Actually, I would like to ask this question: Why does the word "Mainland" appear in "Constitutional and Mainland Affairs Bureau"? It is because of Hong Kong's increasing exchanges with the Mainland. Chairman, let us examine the

four major Mainland offices whose funding, according to my request, has to be reduced. These offices are situated in Chengdu, Shanghai, Wuhan and Beijing. Incidentally, they share one point in common, and that is, I ... Chairman, I have once referred to you some cases related to the forced resumption of buildings for further referrals. This is actually the duty of the SAR Government's Hong Kong Economic and Trade Offices (HKETOs) on the Mainland because we cannot tell our sovereign State that we have political ties with these places. Buddy, this is like the Xinhua News Agency in the past. It was called a news agency because it was impossible to tell the British Hong Kong Government that there was another government in Hong Kong. Hence, to a certain extent, the HKETOs set up on the Mainland can be compared to the official courts of law in ancient China. Hong Kong businessmen, operators or Hong Kong people encountering disputes on the Mainland can liaise with these offices when they have problems. Do Members really think that they deal with economic issues only, buddy? Nevertheless, have these offices dealt with such issues? I can tell you that at least 40% of the cases handled by the various major political parties and kept in the safes of District Council members or Legislative Council Members can be classified as belonging to this category. Fine, Chairman, can you refer such cases to these offices? Can they deal with such cases? Since they have failed to deal with such cases, I have requested to reduce their estimated annual expenditure. In fact, a more delicate approach is to reduce their expenditure by half for the benefit of doubt, and this is a catchphrase currently. Hence, my remark is not unfounded.

In fact, the best opportunity for reform of the offices set up by the Constitutional and Mainland Affairs Bureau in various places is to turn them into offices not purely used to deal with economic and trade affairs. Since they are given this name, I understand that they have their political problems. Honestly, administration has nothing to do with names. What matters most is competence. If these four offices can shoulder this responsibility, or their branches can deal with these matters, and be accountable to the Legislative Council, additional funding can be granted to them. It is because with more frequent exchanges in real life, many problems will certainly arise. I do not wish to talk about these four offices any further. Apart from the inappropriate purchase of a *siheyuan* (a compound with houses around a courtyard) by the HKETO in Beijing, which warrants punishment, other HKETOs are actually working very hard.

I shall now say a few words about the promotion of the Basic Law. Amendments Nos 783 and 784 are proposed separately by Mr WONG Yuk-man

and me to reduce a sum approximately equivalent to the estimated annual expenditure used to promote the Basic Law by the Constitutional and Mainland Affairs Bureau. Why do we have to do so? Because the Basic Law has to be promoted in an appropriate manner. There was a saying when we were students that "we should learn with an inquisitive mind". In other words, the entire statue book should not simply be taught from cover to cover. This is not the correct way of teaching. Buddy, you used to be a teacher and should know that teaching should be tailored to students' varied abilities. Both the students and readers should "learn with an inquisitive mind", which means that we should learn things we do not know but are useful to us. However, I have observed how the Basic Law is promoted and found that it is like giving orders. This is why the problem of "upholding" the Basic Law has emerged, as mentioned by Mr CHAN Chi-chuen. In fact, the word "embrace" should be used instead because the act of "embracing" is visible. But how can we see someone uphold the Basic Law? It is meaningless to use such words.

Why do we have to reduce their expenditure? I do not mean that the Basic Law should not be promoted, only that the Basic Law is not promoted in an appropriate manner. Like teaching, the promotion of the Basic Law is regarded as a mission. Chairman, when it comes to constitutional issues, how should the Basic Law be promoted? It is a very simple task. The part concerning District Councils should be promoted when District Council elections are to be held. Likewise, the part concerning the Legislative Council should be promoted when Legislative Council elections are to be held. However, the authorities do not regard them as separate issues. What can be achieved in a gala? This pen was given to me as a gift for the promotion of the Basic Law. Although it is useful for writing, what is the point? This is why the Basic Law is not promoted in an appropriate manner. In my opinion, both the Under Secretary and the Secretary have performed poorly in playing their monitoring role, and their subordinates have failed to come up with solutions.

Honestly, the Basic Law Promotion Steering Committee only needs to instruct the "nine guardians of the Basic Law" ... what do the "nine guardians of the Basic Law" refer to? This expression refers to the nine members of the Basic Law Promotion Steering Committee. They should each prepare their own teaching materials and then compile them into nine scripts for computer animations. The result will be much better. People who have read the comic book entitled "Zhuang Zi" written by TSAI Chih-chung could have remembered it very well. How come a book containing the Basic Law is distributed to the public? Furthermore, the nine members have often expressed their views,

including Elsie LEUNG. Why can they not use the words and expressions used by laymen and their angle in promoting the Basic Law? It is pointless to organize the so-called gala or adopt the solemn way of teaching, for it is absolutely a waste of time to do so. Insofar as this point is concerned, they will absolutely not make any improvement if their expenditure is not reduced.

Chairman, in my opinion — actually, I have not expressed all my ideas — I think that the best way to promote the Basic Law is for the nine guardians to answer all the questions asked, as if they are Dr RUTH. Have Members watched the shows hosted by Dr RUTH before? She is the one who talks specifically about issues related to sex. She hosts a very popular programme on the television station, namely ABC, in the United States to specifically answer questions about sex. Certainly, the nine guardians will not answer questions about sex. Instead, people should be allowed to ask questions freely about the Basic Law (*The buzzer sounded*) ... then all the problems can be solved, provided that the Government is willing to purchase air time. Even such a boring television programme as "News Bar Talk" could have drawn an audience ...

CHAIRMAN (in Cantonese): Mr LEUNG, please stop speaking.

MR LEUNG KWOK-HUNG (in Cantonese): Fine, sorry about that.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I see that we do not have a quorum since there are more sparrows than Members here. A headcount, please.

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

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

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

MR ALBERT CHAN (in Cantonese): Chairman, Amendment No 474, which I mentioned just now, seeks to reduce the estimated expenditure for the Legal Policy Division (LPD) of the Department of Justice (DoJ) under the Legal Policy Programme.

Just now, I already expressed my views on the LPD in respect of arbitration, the Basic Law and legal liaison with the Mainland. My next topic concerns one of its work priorities in the coming year, that is, providing timely and reliable human rights advice including advice in respect of anti-discrimination legislation, and attending hearings before the United Nations treaty monitoring bodies.

Chairman, I have never attended any United Nations meetings before, but quite a number of organizations have attended such meetings, including some political parties in this Council, Hong Kong's human rights watchdogs, and some concern groups on anti-discrimination. I am most impressed by Dr Margaret NG who had attended such meetings on numerous occasions. After each meeting, she would invariably voice great indignation because the report presented by the Government at the meeting — some examples were cited by some Members just now — was basically ... firstly, although I absolutely trust the professionalism and independence of the relevant professionals, they are absolutely not responsible for making the final decision as to whether the report can be made public and what key points can be or cannot be made public. Nevertheless, I believe people who are concerned about human rights in Hong Kong and their actual condition will generally have this simple and direct feeling after reading the relevant report — it is incomplete and inaccurate, and some of its contents cannot truly reflect Hong Kong's actual human rights condition and problems. In particular, the report is very often extremely perfunctory with regard to the improvements required to be made by the Government. Furthermore, it is incomplete and inaccurate.

(THE CHAIRMAN'S DEPUTY, MR ANDREW LEUNG, took the Chair)

Besides these problems I have noticed in the report, both "Long Hair" and I also pointed out just now that the examples of abuse of power and the use of

excessive violence by the Hong Kong Police Force under the Security Bureau can indeed be described as innumerable. I have just participated in the recording of an Internet programme, in which a former member of the Special Duties Unit who used to be an ammunition instructor of the police training school was also invited to attend an interview. During our conversation which lasted more than half an hour, he clearly demonstrated his basic attitude towards the violence currently used by the Police Force, including the use of pepper spray and firing of shots, as well as the tactics adopted to handle peaceful demonstrators. According to his professional experience and his experience in working as an instructor in the police training school, he considered the tactics currently used by front-line police officers or the tactics used by them in accordance with the orders given by their superiors absolutely undesirable. As he was an instructor between the 1900s and the year 2000, some of the current high-ranking officers in the Police Force might be his former students, too. He also pointed out that 20% of the trainees were from the Mainland, with some of them probably coming from the Public Security Bureau or other departments.

The LPD under the DoJ seeks to provide legal support, legal advice and professional support. Compared with its established portfolio and from my standpoint, it has basically failed to perform its role properly. Simply put, its performance is not up to the standards of a passing grade. Since the reunification, we can see a worsening trend in the freedom of speech, freedom of the press and the freedom of assembly. Although the LPD may not aid and abet the wrongdoer, it has at least failed to use its expertise and influence to safeguard and protect the freedom of speech, freedom of the press and human rights in Hong Kong, and maintain these freedoms at their due standards. As the LPD has failed to prevent the problems from deteriorating, we might as well do away with it and stop wasting money.

One of the duties of the LPD is to "provide legal advice in respect of constitutional reforms and development, and on election matters (including by-elections and post-election matters)". Just now, I already mentioned the part concerning constitutional reform. Since the attitude of the Secretary is weak and ambiguous, and the remaining work of the LPD is basically dispensable, we might as well terminate its operation.

Another specified annual work priority is to "develop expertise in respect of legislative powers, procedures and practices in the context of the Basic Law". I earnest hope that the LPD can express its views on whether or not the

requirement for Chief Executive candidates to love China and Hong Kong is consistent with the Basic Law. Nevertheless, I believe this is not possible because the Secretaries of Department ... one of the two Secretaries of Department remains silent, whereas the other one has said that the final word has been given and the tone basically set. Of all the questions concerning the Basic Law, we simply do not know the questions on which he dares not express his views due to political pressure and the ones which original meaning has to be distorted because he has received the political decree to do so. What is more, he might even have to bury his conscience, such that he is reluctant or dares not indicate his position and present his analyses and views. Given that in the present political climate, the 100 or so employees are unable to bring their potentials into play and speak freely, we might as well terminate the operation of the LPD.

Another work priority is to "develop working relationships with counterparts in the Mainland in particular areas which call for co-operation between HKSAR and the Mainland". I do not understand it at all. Does it mean that they should get together to drink Muotai? Does it mean that, like the Commissioner of the Independent Commission Against Corruption, they have to spend public money and eat bovine offal? Our worst fear is to rub shoulders with Mainland organs, not to mention developing work relationships, without being told specifically what it means. Very often, there are no reports, explanations and follow-up actions for such "work", so to speak, and we have no idea where to proceed. Hong Kong might be better than the Mainland, where "689" will be invited by various provinces, municipalities and major cities to basically establish ties and relationships for the sake of corruption. This is indeed not beneficial to Hong Kong people.

When I talk about the Constitutional and Mainland Affairs Bureau later, I will say a few words on the changes in the mindset and values of the government officials who have maintained long-term contacts with Mainland organizations and units. Upon the completion of their mission, they will stay in the Mainland to work as consultants to really make money.

I find the work involving liaison with the Mainland saddening and shocking. PO Yang has said that for Hong Kong officials, the Mainland's bureaucracy is full of all sorts of temptations. I do not know how many Members here have read PO Yang's books. During our adolescence, many people were his readers. His description of "醬缸" (meaning "a jar of soybean

paste") is most remarkable. Certainly, the word "醬" in "醬缸" should be the same as the word "醬" used in "醬油" (meaning "soy sauce"). But very often, it was pronounced as "蔣" (referring to "CHIANG") to imply and ridicule CHIANG Kai-shek. This is the political characteristic of using Chinese language to write articles which seek to make a mockery of the autocracy of CHIANG's autocracy. Of course, this is a digression.

The establishment of working relationships with Mainland organs, where there are all sorts of temptations, will not do Hong Kong any good. Since Hong Kong will gradually become corrupt with its exchanges and contacts with the Mainland, the ties between the two places should be severed. Taiwan is obviously a successful example. Hong Kong should regard it as a role model and follow its act of opposing the General Agreement on Trade in Services by gradually severing ties with the Mainland. Only doing so can Hong Kong stand any chance of truly developing into an international metropolis, thereby preventing itself from being reduced to a most corrupt city under the rule of the "red dynasty".

Another work priority is to "promote Hong Kong as a regional centre for legal services and dispute resolution". In principle and on the surface of it, this is good for Hong Kong — if this can be achieved. Nevertheless, we have received complaints in the districts — I believe every Member must have received quite a lot of complaints — relating to the unfair, unreasonable and even unlawful treatment of Hong Kong people on the Mainland. Owing to the excessive administrative detention and imprisonment powers of the Public Security Bureau of the Mainland, many cases have seen judgment passed before trial. As a result, many victims of business, property and family disputes have become prisoners, thereby causing them mental and physical suffering as well as financial losses.

Owing to the difference between the two places in terms of law and culture, I hope the authorities will not be so ambitious. Certainly, LEUNG Chun-ying is eager to do everything. As the saying goes, one's ability does not match one's wishes. Despite his lack of practical experience in governance, he follows in the footsteps of TUNG Chee-hwa, who said that Hong Kong had to develop a Traditional Chinese Medicine Harbour, a Cyberport, and so on, immediately after he had assumed office. In the end, he was made a fool because all the projects were turned into property projects. Hence, in order to develop these centres ... certainly, LEUNG Chun-ying has been relying on the support of the professional

sector to "climb up". I recall that as early as more than two decades ago, he already formed professional organizations and led deputations on visits to the Mainland. He also indicated that similar professional bodies could pursue development on the Mainland in future. As a result, some professionals hoped that they could make a lot of money in future. Unfortunately, some people who went to the Mainland for development were cheated and bullied and lost all standing and reputation in the end. Such examples are indeed innumerable.

To develop Hong Kong as a regional centre for legal services and dispute resolution will easily cause the inflow of the "red capital", a symbol of corruption, into Hong Kong and enable people involved in corruption to use the relevant services to mitigate and resolve their problems. As a result, Hong Kong might be turned into a capital of corruption. Therefore, it is absolutely inappropriate for Hong Kong to do so. Since it is not in the interest of Hong Kong to do so, such efforts should be prohibited.

Chairman, my speech on this topic will soon come to an end. The last work priority of the LPD is to "organize talks, seminars, visits and training programmes for Mainland officers in order to develop and enhance mutual understanding of the legal systems ...". I do not wish to read out the details, or else I will be criticized for being frivolous. Actually, such efforts are entirely unnecessary because "strong China" has the support of the Central Government. Members can see that China's delegations have already visited the whole world, including the United Kingdom, the United States, Canada, Australia and New Zealand. Hong Kong must not think too highly of itself. It is said that Hong Kong is now relying on the Individual Visit Scheme (IVS) to keep itself afloat. Hong Kong people are so poor that they have to rely on IVS tourists. Therefore, Hong Kong must not think that it can share with others its professional experience through seminars. Hong Kong is simply arrogant and opinionated.

We had better step up our efforts, perform our tasks properly, play our role properly and enhance Hong Kong's mechanism to prevent Hong Kong (*The buzzer sounded*) ... from being reduced to a capital of corruption.

DEPUTY CHAIRMAN (in Cantonese): Mr CHAN, your speaking time is up. Does any other Member wish to speak?

MR CHAN CHI-CHUEN (in Cantonese): Deputy Chairman, I would like to begin this speech by supplementing the justifications for supporting the amendments proposed by Mr LEUNG Kwok-hung and Mr WONG Yuk-man. The relevant amendments, Nos 783 and 784, seek to reduce the annual expenditure for promotion of the Basic Law by the Constitutional and Mainland Affairs Bureau by \$16 million. Incidentally, the objectives of the amendments proposed by both Honourable colleagues are identical.

The promotion of the Basic Law, which falls within Programme (2): Constitutional and Mainland Affairs, is one of the important areas of constitutional and Mainland affairs. Certainly, the substantial increase of 24.3% in the estimate under this Programme this year has something to do with constitutional reform. The expenditure of \$16 million on promoting the Basic Law, so to speak, is actually related to constitutional reform, too. We can see that the aims of the Bureau are to "advise on and oversee the implementation of the Basic Law". Actually, the Basic Law has all along been implemented in Hong Kong. It is stated in the Programme that the Bureau is responsible for "advising bureaux and departments on matters relating to the implementation of the Basic Law, and promoting public awareness and understanding of the Basic Law".

Why should \$16 million, which is indeed a large provision, be allocated to promoting the Basic Law? I think people with a clear mind would have realized that the Chinese side is not satisfied with Hong Kong people's poor understanding of the Basic Law despite the lapse of 17 years after the handover of sovereignty. What aspect am I talking about? Why is civil nomination supported by so many Hong Kong people although it is considered by the Chinese side to be in contravention of Article 45 of the Basic Law? Obviously, Hong Kong people have no knowledge of the Basic Law. From the perspective of the Chinese side, since Hong Kong people are not well versed in and do not understand the Basic Law, additional resources have to be allocated as a remedial measure to promote the Basic Law to make Hong Kong people understand it. I believe the \$16 million provision will mostly be spent on promoting Article 45 to "brainwash" Hong Kong people, to make them understand that the nominating committee is the only nomination method and stop them from talking about other methods, such as civil nomination, nomination by political parties, and so on, because all of them are in contravention of the Basic Law. Since Hong Kong people are unable to absorb this message, such a large investment has to be made to promote the Basic Law.

Therefore, when it comes to reducing the expenditure on promoting the Basic Law, Amendment Nos 786, 787 and 788 should be supported altogether. These three amendments, proposed by Mr Gary FAN, Mr LEUNG Kwok-hung and Mr WONG Yuk-man respectively, seek to reduce the estimated annual expenditure on the public consultation work undertaken by the Constitutional and Mainland Affairs Bureau in relation to the methods for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2016.

Although the expenditure on constitutional reform consultation is only \$12 million, the expenditure on promoting the Basic Law is estimated to stand at \$16 million, even though the promotion of the Basic Law is meant to lay a foundation for the constitutional reform consultation only. If there is no need to promote constitutional reform consultation, the spending of \$16 million to promote the Basic Law is definitely unnecessary.

Deputy Chairman, during the first round of consultation which lasted five months, Chief Secretary for Administration Carrie LAM, Secretary for Justice Rimsky YUEN and Secretary Raymond TAM, called the "constitutional reform trio" by people from outside the Government, already wasted no time in meeting with different political parties, organizations and sectors. Chief Secretary Carrie LAM has already given us a detailed account in table form of the numbers of consultations she has held and organizations she has met in order to tell the Chinese side as well as Hong Kong people that she has really listened to people's views. Despite her listening to people's views, does it mean that discussions have been conducted? Members of the public should know the answer in their minds. I do not wish to elaborate on the several hundred seminars, the views expressed by the several hundred organizations and the 130 000 or so submissions. Actually, I can only say that she pretends to be "ready to talk", saying she has no pre-set position and will listen extensively to views expressed by various parties. But on the other hand, she has continued to screen out her opponents, lambast civil nomination through different channels, and use some slogans indicating her position to criticize civil nomination for being idealistic, thus making it difficult to pass the test in law.

I can explain it from two aspects. On the one hand, my political views are certainly different from those held by the Government, but on the other, why did the Government not state it clearly on the very first day if it is really so certain that civil nomination is impossible? Can it thus prevent so many resources from being wasted unnecessarily? The five-month consultation has turned out to be a

waste because many members of the public think that civil nomination is indispensable rather than absolutely impossible. Hence, the submissions already handed in are useless because they are against the law. The Chief Secretary will certainly not submit views considered unlawful by her — certainly not by me — to the Central Authorities.

Deputy Chairman, I have earlier followed up this issue by asking the Government a written question concerning the expenses on constitutional reform consultation and figures on the publication of publicity materials. I have found that the waste is appalling. The Government Logistics Department has in 2013-2014 published for the constitutional reform consultation a total of more than 620 000 copies of consultation documents and 68 000 posters, involving nearly \$900,000 in expenditure. However, I am only talking about publication expenses — Secretary WONG Kam-sing is now present — publicity is environmentally unfriendly. How can a balance be struck between publicity and environmental protection? Actually, this is a philosophical issue. We have suggested using electronic publicity, email and Portable Document Format, or PDF. How many hardcopies of consultation documents have to be published before it is considered appropriate? I have no idea if the Environment Bureau has given any advice to Mrs Carrie LAM. I believe it has not done so. Otherwise, these pens bearing the slogan "Let's talk and achieve universal suffrage" would not have been made. I do not want to argue if pens are environmentally-friendly. Certainly, plastic pens are not at all environmentally-friendly. The pens distributed to us were even wrapped in a plastic cover, probably to prevent the words printed on them from being damaged. However, the plastic covers are definitely environmentally unfriendly and a waste. Reducing more funds will be much more environmentally-friendly because less money will then be made available for making these souvenirs, so to speak ... I prefer pencils to pens. Of course, I do not know which one is more expensive, but pens might run out of ink in no time.

In 2014-2015, this amount of expenditure might continue to increase by nearly three times to more than \$3 million. I believe the Government might be prepared to publish the document for its second round of consultation or the report on its way forward. If we look up the 50-page constitutional reform consultation document, we will find that it is full of many ambiguous expressions, including "love the country and Hong Kong", "organizational nomination", "democratic procedures", "collective will", and so on. Actually, all of these are meant to serve the sole purpose of paving the way for the selection of the Chief

Executive by universal suffrage — they regard the procedures as "electoral procedures", but we regard them as "screening". As a result, a large amount of public money is wasted on publicizing a bogus consultation which seeks to limit the political rights of Hong Kong people. This is why we consider it unnecessary to continue to earmark expenditure for this bogus consultation because doing so is tantamount to dumping money into the sea.

In a constitutional reform seminar conducted the other day, Mrs Carrie LAM pointed out that quite a lot of views tended to stick to their own position. Furthermore, she said that some slogan-like comments seldom presented sound justifications or gave due regard to the political principles and provisions of the Basic Law. This is why the next "remedial measure" has to be taken to promote the Basic Law to enable Hong Kong people to give due regard to the political principles and provisions of the Basic Law. She also indicated her concern that should various parties continue to stick to their own views, the target of selecting the Chief Executive by universal suffrage in 2017 will end up like building a castle in the air, and democratic development in Hong Kong will again be stuck in a quagmire. Honestly, I believe Chief Secretary Carrie LAM saw through everything a long time ago and knew that the package selected by Hong Kong people through voting to pursue the so-called genuine universal suffrage was only a mirage that did not exist. Hence, the sum of money to be spent on constitutional reform consultation — I believe Members understand that constitutional reform is very likely to stay put — will be dumped into the sea.

Furthermore, I have noted that the estimate for the public consultation held on the two electoral methods will be increased substantially from \$7 million in 2013-2014 to \$12 million in 2014-2015, including \$8.5 million which represents the lion share of the expenditure, for publicity and consultation, so to speak. Moreover, the establishment will be expanded with the addition of seven time-limited posts, namely one two-month Administrative Officer Staff Grade C post and six one-year posts, including one Administrative Officer, one Senior Executive Officer, one Executive Officer II and three Assistant Clerical Officers. I consider all these estimates unnecessary and a waste. Do Members still remember what happened during the last phase of the previous constitutional reform consultation? The grand show of "Act Now" staged by Donald TSANG should still remain fresh in Members' memory. The Secretary who is now present was not yet a Secretary at that time. Like playing an insignificant role, the then Secretary stood at the back with stern embarrassment on his face and chanted the slogan "Act Now" again and again without having received any

training in acting. The scene is still fresh in my memory. What happened in the end? The one passed in the end was not this "All Wrong" proposal. Instead, it was the proposal discussed between the Democratic Party — all its Members have already left — and the LOCPG.

The constitutional reform consultation is nothing but a bogus consultation. "Let's talk" actually means the opposite because the Government's position was already decided a long time ago. During the latter part of the consultation, the room for discussion had become increasing narrow, probably because the three government officials were under pressure from the Chinese side. In the end, the nominating committee became the only option left for discussion for the nomination of Chief Executive candidates. If we were told about this a long time ago, we could decide either to accept or otherwise. Then people advocating "Occupy Central" and those accepting the Government's proposal can hold discussions. This is the simplest method of saving money and resources. But the Government pretended that it was ready to talk and tempted people to get together to write more than 100 000 submissions. Doing so is not only a waste of time and paper, but it is also most environmentally unfriendly. Now, the truth is evident to all of us. As their remarks become more and more blatant, we realize that genuine universal suffrage is hard to come by. We can absolutely not support a package with the elements of screening and bogus universal suffrage. I am not talking about whether or not I support it. Instead, I disapprove of allocating funding to public consultations held in relation to the methods for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2016. As a Legislative Council Member or a Member fighting for genuine universal suffrage, I can hardly support the allocation of \$12 million in funding. Therefore, I will definitely approve of reducing the funding. Instead of "taking a wrong step", I would rather maintain the *status quo*. Hong Kong people should be psychologically prepared that the electoral package for the 2017 Chief Executive Election can hardly be passed. Even the so-called moderates will find their room for manoeuvre very limited, too. Although the amount of \$10 million or so is just a minor issue, the impact or adverse consequences of passing the constitutional reform package on Hong Kong is a serious matter. Hence, I hope Members will support Amendment Nos 786 to 788, so that the Government can save more and stop wasting money on bogus consultation. I so submit.

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

MR LEUNG KWOK-HUNG (in Cantonese): Deputy Chairman, I request a headcount.

DEPUTY CHAIRMAN (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

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

DEPUTY CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, do you wish to speak?

MR LEUNG KWOK-HUNG (in Cantonese): Deputy Chairman, I am going to speak on head 72. Amendments pinpointing the Independent Commission Against Corruption (ICAC) can be found in Amendment Nos 194 to 369. Certainly, the setting up of the ICAC shows that "the system of peer investigation ends up achieving nothing". It was set up at a time when the Anti-Corruption Branch of the Police Force, also called a "coffin nail", was found unable to combat corruption. As no one knew anything about whom were being investigated by it, the ICAC was established. So, the ICAC originated from the "Oppose corruption and apprehend GODBER" campaign. Nevertheless, I will not elaborate on it here.

The ICAC has been subject to impacts and it has not been all smooth sailing in law enforcement. We know that a large number of police officers had once stormed into ICAC offices and assaulted its officers. Furthermore ...

DEPUTY CHAIRMAN (in Cantonese): Mr LEUNG, the content of your speech now is not directly related to this joint debate. Please focus on the relevant amendments.

MR LEUNG KWOK-HUNG (in Cantonese): They are directly related. I will come to the point soon. I would like to point out that the ICAC will still be subject to impacts. According to my observation, its law-enforcement efforts are still subject to impact today. A group of corrupt police officers once stormed into ICAC offices to threaten and assault the law-enforcement officers there. Subsequently, the ICAC indicated that an amnesty would be granted to them but they were not allowed to do the same thing in future, or else they would be arrested. I believe this notorious incident should still be fresh in the memory of the Deputy Chairman. Despite the police officers' blatant challenge to its authority, the ICAC finally decided to grant an amnesty and not to pursue the case because the number of police officers involved in corruption was too large.

This is related to the present question. Today, the people who stormed into the ICAC were covetous officials rather than police officers. What I refer to is certainly "covetous TSANG", previously strongly supported and defended by Members in this legislature, as well as Timothy TONG, whose crime was exposed afterwards. It is actually from this angle that I call on the Government to reduce a number of expenditure items for the ICAC, including its estimated annual expenditure on personal emoluments, investigation expenses, and so on. The ICAC as a gold-lacquered brand can be described as unrivalled in Asia. However, the incident involving "covetous TSANG" has not been dealt with and resolved two years after his departure. Furthermore, no one can handle the incidents that occurred when Timothy TONG was Commissioner of the ICAC. I find all this really strange. The Chief Executive once said that we must act at the "speed of Hong Kong", not the speed of other places, meaning that we must act quickly. So, may I ask Honourable Members who are present here why the ICAC has failed to deal with the cases involving these two high-ranking and powerful persons?

Deputy Chairman, you must not misunderstand my point. I do not mean that they must receive the capital punishment. In the end, they might not be found guilty. If Donald TSANG was found not guilty of corruption or misconduct on the part of a public officer, the ICAC should make it known to the public. Then, I will raise objection, lodge an appeal and apply for a judicial review. However, the ICAC is still reluctant to make it known to the public. So, we can only sit and watch. Secretary WONG Kam-sing, is this the case? I can apply for judicial review of a decision he made. Being the only anti-corruption organ in Hong Kong, the ICAC has all along failed to institute prosecution in respect of this incident, on which a conclusion has already been reached in society. We just cannot help suspecting whether the ICAC has given

them a favour by leaving them alone. Members must not misunderstand that I am asking the ICAC to bring "covetous TSANG" and "covetous TONG" to justice. I am only asking the ICAC to act more quickly and institute prosecution when there is sufficient evidence. If the evidence is found to be insufficient, we should give them a "favour" and let them go.

Deputy Chairman, let us proceed from a worse case to a bad one by beginning with "covetous TONG". In the Public Accounts Committee, "covetous TONG" ... actually, we have no intention to bring him to a public trial, only that the proceedings were made public because they were broadcast live on the television. Did his act involve the embezzlement of public funds in committing an inappropriate act, thereby constituting misconduct on the part of a public officer? In fact, a decision has already been made. Simply put, if I am told today that the investigation has yet to have an outcome, can an interim report be given to me? This is actually a very simple matter. This is the last time we placed our trust in the ICAC by asking it to investigate "covetous TONG". Very often, cases relating to the mistakes made by heads of many other organizations are referred to an independent committee for investigation. We have raised no objection even though this case is now being investigated by the ICAC.

Deputy Chairman, I do not wish to read out what Timothy TONG has done because Members should know it all too well. Of course, what he has committed is not an extremely serious crime in the commercial world. In the Mainland, it is called "embezzlement of public funds", which is a very minor offence of using public funds not in accordance with rules. For instance, he has split a bill with an upper ceiling of \$450 into two for the settling of payments. But the point is, the ICAC must set the record straight should it wish to make any achievement.

Furthermore, if the ICAC cannot succeed in investigating "covetous TONG", how can it succeed in investigating "covetous TSANG"? It is not easy to dig out their corruption evidence because both of them are veteran civil servants who should be very capable of avoiding corruption. If they are like "Mr X" — Do Members know whom I am talking about? The answer is Rafael HUI. He has now been brought to justice. Simply put, if his case can be investigated so thoroughly despite the involvement of such a large number of witnesses, the ICAC should be able to draw a conclusion to ask the Department of Justice to earmark \$3.4 million for a legal battle which might involve costs in excess of \$100 million. May I ask the Deputy Chairman why the ICAC should refuse to handle such a simple case with *prima facie* evidence already established

as it is only required to examine the confessions already made or generally known evidence before deciding whether or not charges can be filed?

DEPUTY CHAIRMAN (in Cantonese): Mr LEUNG, how are the two former senior officials mentioned by you directly related to Amendment Nos 194 to 369?

MR LEUNG KWOK-HUNG (in Cantonese): Simply put ...

DEPUTY CHAIRMAN (in Cantonese): Your request is to reduce the expenditure for the ICAC. Could you speak to the point?

MR LEUNG KWOK-HUNG (in Cantonese): Simply put, if the ICAC has failed to perform its duties properly, what can we do if its expenditure is not reduced ...

DEPUTY CHAIRMAN (in Cantonese): Have you finished speaking?

MR LEUNG KWOK-HUNG (in Cantonese): I have not finished yet. Simply put, I am a very reasonable man. The amendments proposed by me, that is, Amendment Nos 357 to 369, are even more remarkable than the set meals offered to Members on the menu. Members can choose freely from these amendments. For instance, Members who think that the ICAC officers have made the most serious mistake can reduce all personal emoluments to make them disappear. Members who think that they do not deserve the capital punishment might opt for supporting Amendment No 361 to resolve that head 72 be reduced in respect of subhead 000 by reducing the ICAC's estimated annual expenditure on publicity from \$17.5 million to \$10 to keep them alive. Honestly, it is such a good arrangement. After listening to my speech, Members will find that they have 10 options. Buddy, Members can only understand how irresponsible the ICAC is after listening to my speech.

Deputy Chairman, you are not mistaken now. I am explaining how terrible the performance of the ICAC is in dealing with these two eminent persons, so that Members can make their own choice. Some Members who think that this is the reality might opt for amendments resulting in less severe

punishment. For instance, they might opt to reduce the estimated annual expenditure on special appointments from \$2.95 million to \$100. This is a possible option. Deputy Chairman, you have let me begin my speech first. I will continue with my speech after you have finished yours.

If the case involving "covetous TONG" cannot be resolved, it will be very difficult to resolve the one involving "covetous TSANG" because, insofar as this issue is concerned, "covetous TSANG" has already made a confession himself. What is wrong? We, including the Deputy Chairman, opposed at that time invoking the Legislative Council (Powers and Privileges) Ordinance to investigate him ...

DEPUTY CHAIRMAN (in Cantonese): Mr LEUNG, how are the things previously done by the several government officials you mentioned directly related to your present request to reduce the expenditure for the ICAC?

MR LEUNG KWOK-HUNG (in Cantonese): Because the ICAC led by Simon PEH ...

DEPUTY CHAIRMAN (in Cantonese): You may talk about what the ICAC should do at the moment, but not the things previously done by former high-ranking officials.

MR LEUNG KWOK-HUNG (in Cantonese): Right, Deputy Chairman, you are perfectly right. Why are you so smart? This is really self-evident. You are right that it is a waste of time to talk about all these things. Simon PEH is really decisive in handling the case related to SONG Lin, who has yet to be convicted — I see the point now you have mentioned it — he is really unfortunate for he has only been reportedly subject to a disciplinary measure under which he is required to report to investigators at specific times and places for interrogations in another jurisdiction, that is, the Mainland. However, the ICAC has announced that appointment to the Hong Kong Ethics Development Advisory Committee (EDAC) has ceased. Buddy, how outrageous it is for such a swift decision to be made when no investigation has been conducted into the incident and no charges have been formally filed. SONG Lin, who was previously appointed to the

EDAC, is in trouble now. Although the rumour that an investigation is being conducted by the Mainland authorities is not yet substantiated, the ICAC has immediately removed him from office. Is there anything wrong with the ICAC? His removal from office by the ICAC took effect immediately after he had been lambasted by Mainland officials with the possibility of being charged. If he is found not guilty after the investigation, what can be done? On the contrary, both "covetous TSANG" and "covetous TONG" have made a confession in public in this solemn Legislative Council of their extravagant air-sea-land trips ... you disallow me to go on. Everyone knows about that. Secretary WONG Kam-sing, am I right? They are self-evident. You should know what I mean.

Insofar as this issue is concerned, you are right. May I ask once again why Simon PEH did not do anything? Actually, the answer is very simple. Although his visit has nothing to do with Timothy TONG's obvious embezzlement of public funds and suspected corruption because he was prepared to pay the visit, he already knew about the incident before the visit. Furthermore, it was easier for Simon PEH to learn about what Timothy TONG had done than anyone else because he was there. For instance, it is rumoured that Timothy TONG was seen preparing his medicine, drinking Moutai, handling the bills himself, and so on. Buddy, as this is the ICAC's own business, there is no need for other departments to provide information. The ICAC should be able to handle the case involving "covetous TONG" first.

According to a principle of the Basic Law, a case can be brought to the Court if *prima facie* evidence is sufficient. Before the Court, the accused will naturally use the principle of giving the defendant the benefit of doubt, that is, applying mercy amid doubts — this has been repeatedly mentioned today by Members and the Deputy Chairman — to defend himself. He might also cite inadequate information as the reason for not pressing charges. Should such a long delay not be considered as dereliction of duty? With all our eyes on him, we all hope that actions can be taken to deal with the incidents involving "covetous TONG" and "covetous TSANG".

Honestly, Deputy Chairman, you are right. Now I have to point out directly that Simon PEH has failed to perform his duties properly. His approach of dealing with SONG Lin is too violent, but his approach of dealing with his two former high-ranking bosses is too lenient. As a government official, he has certainly failed to perform his duties properly. Of course, I will not support paying him, either. Actually, I have something more to say. I will continue to

talk about the ICAC's other problems later on in the meeting. By then, the Chair should be resumed by the Chairman and you should no longer be required to take the Chair as Deputy Chairman.

Thank you, Deputy Chairman, for your indulgence. Thank you.

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

MR ALBERT CHAN (in Cantonese): Mr WONG Kwok-hing is now in attendance, so he can continue to analyse and hear our response and comments.

Deputy Chairman, we are making good progress and the debate items are disposed of very quickly and soon we have discussed up to Amendment No 469, that is: "RESOLVED that head 92 be reduced by \$310,200,000 in respect of subhead 000". The amount is stunning and it is \$300 million, equivalent to slashing the annual provision for the salary of the staff under the programme of prosecutions in the DoJ. Deputy Chairman, among the many items which we seek to reduce the provision, the one with the largest number of people is here. And the impact is far-reaching indeed. Why are we so cruel as to slash the total provision for prosecutions? This is because we are very disappointed with the work in prosecutions and prosecutions have become a political tool. We have stressed independence of the Judiciary and that professionals should exercise their professional judgment when they enforce the law and discharge their duties. But with respect to prosecutions, we think that this has gradually become a political tool. This is like the Police Force we mentioned earlier and especially when "Long Hair" has criticized Andy TSANG many times that he has destroyed the clean image of the Hong Kong Police Force and their professional and independent position.

(THE CHAIRMAN resumed the Chair)

The Prosecutions Division has 135 Government Counsels and 136 paralegals and 315 persons in charge of administrative, clerical and secretarial work. There are altogether 586 persons and it can be considered as quite a large team, the largest division in the DoJ. The annual expenditure on salary is as much as \$310 million.

Under the Programme of Prosecutions, we can see that its work is mainly to advise and decide whether or not criminal proceedings should be initiated. The relevant prosecution work is to take place in a court of law. "The Prosecutions Division advises upon and prosecutes criminal cases in all the Courts of Hong Kong. Apart from the Government Counsel in the Advocacy Sub-division, whose work is primarily advocacy, and who prosecutes the more serious cases", recently there are also cases which the Government Counsel is to "appear in appeals, applications for bail and asset recovery cases; and assist the coroner in inquests. Most cases in the Magistrates' Courts are prosecuted by Court Prosecutors."

As Members know, there are many cases, including the case which has caused an uproar in the community these two days in which the ICAC prosecuted a syndicate and the former Chief Secretary for Administration, which are briefed out to members of the bar in private practice. I wish to make these remarks which may appear to be digressive because I think that this shows a disrespect and lack of trust for the team of professionals in the department. Or it may be considered an offence to them in the professional sense. This is because when important cases are handled in this way, it means that the Division concerned is useless. The Division has got more than 100 lawyers and more than 100 paralegals. This is like saying that all of them are incapable. Right? Important cases have to be briefed out or even lawyers from the United Kingdom are employed. The Division should strive for excellence and it should aim at achieving good performance. It should fight to get important cases for handling by the Division itself. How can the Division be lacking so much in self-dignity and self-confidence and whenever it comes across big cases, it has to seek outside help? It is like the situation in China at the end of the Qing Dynasty when Chinese people were sneered as the sick men of the Far East. Is the Prosecutions Division a sick man in law? Is it incompetent and for important cases and for cases which bring great pressure to bear on it and require more expertise, it will need to seek outside help?

Our Chief Secretary is a very good fighter and when we have such an incompetent Division, we might as well remove it so that it would not become an eyesore. So in the face of such a weak organization and one without any dignity, as Members of this Council, we think that we should do something to force them to pursue self-enhancement and it is like just now ...

(Mr LEUNG Kwok-hung stood up)

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

MR LEUNG KWOK-HUNG (in Cantonese): Please do a headcount.

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

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

CHAIRMAN (in Cantonese): Mr Albert CHAN, please continue.

MR ALBERT CHAN (in Cantonese): Chairman, I thank Members for returning here.

Chairman, on the Prosecutions Division ...

(Some Members were speaking)

Chairman, are we having a meeting?

Never mind, Chairman. I welcome Members joining the discussion. They can stand up and speak, and they do not have to act in such a secretive manner.

Chairman, with respect to prosecutions, I have just said that there is no reason why a government department with over 100 people ... We would understand if once in a while there is a need to brief out one or two cases. Maybe the relevant expertise is lacking in certain cases or that the staff are too busy and they do not have the time. But if this is a regular practice and whenever there are major cases outside help is sought, I would be ashamed if I work in that department. I will feel the shame and disgrace. This is not just feeling shameful for myself and in front of members of the public, but also about what I have learnt. I do know from which universities they graduated. But I will certainly find it hard to accept.

I really want to slash the expenditure for that department. This will make the staff of that department come to their senses and fight on reason. From now on whenever there are major cases, they should show their determination and professionalism. If they have to seek outside help every time when there are major cases, how can the people of Hong Kong have the confidence to allocate funding amounting to some \$300 million to these lawyers? So based on these many reasons, we must criticize them.

Also, it is said that "The advisory function of the Prosecutions Division is performed by the Government Counsel in various sections. One section is involved in the Division's training and management matters". I find this ridiculous when I read it. Buddy, when they come across major cases, they will brief them out. Then who are to be trained? Since there is this lack of attention paid to the professional level of the barristers in litigation, then what is the point of conducting training?

Of course, it is hard to assert that they should not engage in this kind of work because the scope of their duties include "areas as diverse as corruption, fraud, labour and immigration, vice, obscenity, gambling, anti-terrorism, triads and organized crime, human rights and the Basic Law, complaints against the police, narcotics, the recovery of the proceeds of crime, customs and excise, computer crime, copyright and market misconduct."

The Prosecutions Division claimed that its performance in 2013 was satisfactory and it said that in 2014, it will "promote co-operation amongst prosecutors at the global level in the combat of crime". I do not know who wrote this, only a very brief remark that co-operation with prosecutors across the world will be promoted. But is it in criminal matters, human rights matters or about persons seeking international political assistance, that is, those seeking political asylum, or what else? Actually, on this co-operation at a global level, what is most needed is to combat those corrupt officials from the Mainland. They have invested hundreds or thousands of billion US dollars overseas. If work in this area is effective, I will definitely give it my support. If it is known how much expenditure is needed in this aspect, it is likely that it would be better if this part is taken away from the total expenditure. If the staff of the DoJ will co-operate with the Mainland and international authorities in tracking down the whereabouts of these corrupt officials, extradite them and initiate prosecutions, then this kind of co-operation should certainly be supported. But we should avoid modelling on the former Commissioner of the ICAC for when he says co-operation he is in fact drinking Moutai all the time with them.

They claimed that work in the coming year includes "promoting transparency in public prosecutions" — which is a good thing — "liaising closely with justice partners and reviewing the disclosure arrangements of law-enforcement agencies", "enhance the quality of criminal justice", "enhance the standards of advocacy and preparation in criminal cases" and "enhance the public's understanding of the criminal justice system and their role in the system".

Chairman, as we review the real situation and, as I have said at the beginning of my speech, the professionalism of the Prosecutions Division has been queried recently. This gives people a feeling that they are performing more and more political tasks. In this respect, I can cite some actual examples and data. I wish to declare again that I have been prosecuted by this department twice. I have mentioned this and I do not wish to repeat. I am only citing the figures again. When we look at the prosecution rate and the conviction rate, the impression we get is that there is a political purpose in the prosecutions. For if not, there is no reason why the conviction rate is so low. We all know clearly that many criminal offences will appear to be simple and direct on the surface, but when the conviction rate is so low, there are bound to be some other reasons.

I will cite some prosecution examples. In April 2011, "Long Hair" and colleagues from the League of Social Democrats threw hell banknotes at the award-giving ceremony of the MTR Corporation Limited and rushed onto the stage and snatched the microphone from the then Secretary for Transport and Housing Eva CHENG. They were arrested and prosecuted. But the defendants in that case won in their appeal recently in the Court of Final Appeal and their conviction was quashed. We can also look the numerous prosecutions staged recently and they are all about people who took part in peaceful rallies and demonstrations. The figures for 2012 and 2013 show that 35 persons were prosecuted in 2012 and 38 persons were prosecuted in 2013. But the numbers of persons convicted in 2012 are 15 and 12 in 2013 respectively. These figures show that in many of these cases, the chances of successful conviction are not great at all, but prosecution is nevertheless initiated because there was political pressure and a political need for it, that is, to suppress through prosecutions the human rights of those who engage in peaceful demonstrations.

Therefore, as we look at the scope and nature of prosecutions and the conviction rate, there is obviously a tendency of political prosecutions (*The buzzer sounded*).

CHAIRMAN (in Cantonese): Mr CHAN, your speaking time is up. Does any Member wish to speak?

MR CHAN CHI-CHUEN (in Cantonese): Chairman, now I will talk about Head 31 — Customs and Excise Department (C&ED). Among the 280 amendments covered in this joint debate, Mr LEUNG Kwok-hung has proposed 10 amendments in respect of the C&ED, namely Amendment Nos 96 to 105. These amendments are on the remuneration of the C&ED staff and departmental expanses.

The C&ED is a disciplined force and its annual expenditure is not too substantial. Its estimate for 2014-2015 is \$3,056 million, representing an increase by 2% compared with last year. According to the authorities, the C&ED plans to increase its manpower establishment by 138 persons this year in order to cope with the enforcement of the export control order on infant formula and the newly amended Trade Descriptions Ordinance.

But I wish to point out a set of rather suspicious figures found in Programme (1) Control and Enforcement. In 2013-2014, the original estimate was \$2,287.9 million but the actual expenditure is only \$2,184.5 million, which is 4.5% less than the original estimate. This is the first suspicious point.

The second suspicious point is the estimate for 2014-2015 is only \$2,227.9 million, less than the original estimate of \$2,287.9 million for 2013-2014. I think the annual expenditure for the C&ED should increase year on year. But Mr LEUNG Kwok-hung proposes in his amendments that the annual expenditure of the C&ED be reduced. I therefore find it difficult to lend my support to his amendments. I will explain it in my speech later.

Then why is there a 2.6% drop in the estimate of the C&ED in 2014-2015 as compared to 2013-2014? This is hard to understand. I wish to talk first on the problem of parallel goods. Mr LEUNG Kwok-hing requests that the salary of C&ED officers for the whole year be slashed. I find it really hard to lend it my support. This is because Hong Kong people are very concerned about Mainlanders engaging in trading parallel goods and smuggling infant formulas. We can read news stories about parallel goods every week in the newspapers, although these are no longer considered big news. Last week, for example the C&ED launched a campaign to combat the illegal export of infant formulas in New Territories North and seized 127 kg of infant formulas worth \$30,000.

Two men and two women were arrested for alleged control of persons engaging in parallel trading of infant formulas. Members all know that I very much support the policy on the powdered formula restriction order. I do not think we should ever think that this order should be lifted. Despite the fact that this order is in place, those parallel traders still do not give up and would risk everything to circumvent the law. I remember that when the restriction order was first imposed, there was really some hiccup among C&ED officers because all of a sudden they had a new duty. And at that time the law on this was not very clear and things like rice vermicelli and rice porridge were mistaken as powdered formulas. Arrests were made and later an apology was tendered.

As early as January this year, the C&ED announced that as at the end of last year, there were 4 300 cases of persons contravening the powdered formula restriction order. Offenders were found to carry large quantities of powdered formulas and the total amount of powdered formulas was 33 000 kg. Ninety percent of the arrests were made at the Lo Wu and Lok Ma Chau border control points. Do Members know how much does a can of powdered formula weigh? A can of powdered formula weighs 900 g and the total weight means that 36 000 cans of powdered formula were seized. Now the parallel traders have changed their tactic and each person will try to smuggle 12 to 16 cans of powdered formula and they will seize the opportunity when C&ED officers change shifts or when the border control point is about to be closed for the day. And their acting is getting better and better too. The fact that there are so many such cases shows that syndicates engaged in the smuggling of powdered formulas still exist. If the manpower of the C&ED is to be slashed, there will be a lack of C&ED officers stationed at the border control points. I am worried that there may be a shortage of powdered formulas in Hong Kong again. Therefore, I think it is really hard for me to support Mr LEUNG Kwok-hung's Amendment No 96 which requests that the annual remuneration of C&ED officers be slashed.

On the combat on parallel traders, although the C&ED has made some efforts, no concrete plan of any sort is in place. Let me cite a simple example. In a special meeting of the Finance Committee, a Member asked what plans the Government had to combat parallel traders. The reply from the C&ED said to this effect: Since September 2012 both Shenzhen and Hong Kong have joined hands to combat parallel traders and concrete results were obtained. In 2014-2015 the C&ED will continue to ensure the smooth operation of all border control points by engaging in exchanges of information, on-the-spot reports, enhanced sample inspections, order management and such like methods.

I suspect Mr LEUNG Kwok-hung may have felt that this reply from the C&ED is so abstract that a value-for-money audit may not be able to assess the results. So he has proposed these 10 amendments to reduce the expenditure of the C&ED and try to exert pressure on the C&ED. We understand this. The reply from the C&ED obviously shows that the authorities have not noticed that there has been a transformation of these parallel traders. They disguise as tourists and smuggle goods in small parcels. If Members care to visit places like Sheung Shui, they will know it very well. These parallel traders have changed their mode of operation. Previously they distributed the goods near the railway stations. Then they moved into the industrial buildings near Sheung Shui and the residential units there. Therefore, there is really a need for the law-enforcement agencies to increase their manpower and devise tactics to combat these activities. At the beginning of last month, for example, the Immigration Department (ImmD) joined force with the police and the C&ED to launch "Windsand" operations to combat illegal workers. More than 30 Mainland travellers who were alleged to have engaged in parallel trade and who had breached their conditions of stay were arrested in New Territories North. These persons were arrested with their goods seized. We can know something about how they operate and the most popular kinds of goods involved. Many of these goods are quite well-known to everyone and these are powdered formulas, diapers, wines, food, cosmetics, daily necessities, car parts, and so on. These people do not act alone but they are controlled by syndicates. Things that we often talk about like multi-entry visas, the IVS and so on all contribute to this state of affairs.

What the ImmD should crack down on are those illegal workers and parallel traders who have breached their conditions of stay and who work without permission from the ImmD. The "Windsand" operations can certainly achieve some effect. But if we rely only on these operations by the ImmD and the police, it will not be possible to curb parallel trade activities. I therefore think that the C&ED should increase their manpower in this area and devise more tactics to cope with the problem.

I wish to remind Members that I have asked in the special meeting of the Finance Committee about the number of cases over the past three years concerning Mainland travellers who have breached import and export control on commodities. According to figures given by the authorities, in 2013, 3 253 persons were arrested, in 2012, 842 persons were arrested, and in 2011, 819 persons were arrested. These figures show that there is an increase by four times from 819 persons to 842 persons, and then to 3 253 persons. So last time

when members of the Security Panel met with the Director of Immigration at Lok Ma Chau, the Director said that now there are no Mainlanders engaging in parallel trade activities and 90% of the parallel traders are Hong Kong citizens. I think he is only talking nonsense. I do not believe that only 10% of the parallel traders are Mainlanders. I do not know how he worked out that proportion. If this is true, if Hong Kong citizens bring parallel goods into the Mainland, they should be arrested by the Mainland customs and will it be true to say that there is no need for C&ED to arrest them?

About the part in the Budget on the C&ED, we fail to see that there is any specific need for the authorities to increase its funding. I said earlier that that the financial provision for the C&ED this year is 2.6% less when compared to 2013-2014 is surprising. Now Mr LEUNG Kwok-hung is back in the Chamber. What I want to say is, it is difficult for me to support his Amendment Nos 96 to 105, that is, urging that the overall funding and funding for each item of the C&ED be slashed. However, I suspect that he is doing this because he cannot find any policy or measures from the C&ED to combat the illegal import and export of commodities. Or maybe he has made the proposal to reduce the funding across the board without asking any reasons. This is what I have to say on parallel goods. However, I think Members may not know that the C&EDs' duties cover five major areas and they are performed not just by C&ED officers. Now I wish to talk briefly on these duties.

Earlier on I have talked about control and enforcement and it turns out that anti-narcotics investigation is also one of the duties of the C&ED. The third duty of the C&ED is related to intellectual property rights and consumer protection. About this, I will see if I still have got speaking time later on to discuss whether the overall funding of the C&ED should be increased. This is because after the passage of the Trade Descriptions Ordinance, its workload has greatly increased. The fourth one is revenue protection and collection. Do Members know what does this mean? An example is tobacco duty. The Bills Committee should not have any strong opinion on that and the proposal to increase tobacco duty will be passed. However, since the idea is to combat smoking by increasing tobacco duty, if the C&ED does not increase its resources for detecting illicit cigarettes, we know that the result is that the citizens will turn to buy illicit cigarettes. This will benefit those in the illicit cigarettes business but people will not smoke fewer cigarettes. So Programme (4) which is on revenue protection and collection is also an important duty of the C&ED. As for Programme (5) Trade Controls, I do not think I will talk about it.

Let us come back to Programme (3) Intellectual Property Rights and Consumer Protection. In line with the new amendments to the Trade Descriptions Ordinance which came into force on 19 July last year, the C&ED received a total of 2 360 complaints in 2013. This is triple the number of complaints in 2012 which is less than 600. The C&ED admits that this increase is shocking and among these 2 360 complaints, 85% were received after the commencement of the new law which came to force on 19 July last year. These complaints were mainly about fruits, food, domestic appliances, electronic products, health and cosmetic products, Chinese medicine, and so on. Since the newly amended Trade Descriptions Ordinance has expanded its ambit from commodities to also services, now if we want to complain about services such as those in tourism, beauty and hairdressing, education, physical fitness, investment and finance, we should approach the C&ED. As for the proportion of goods and services among the complaints, at present most complaints are on goods. The ratio is three to one. The overall prosecution figures are 55 cases. Figures after the commencement of the new law are still not available and we know that six to seven cases are pending the advice from the Department of Justice for a decision on prosecution.

So if Mr LEUNG Kwok-hung wants us to support his Amendments Nos 96 to 105 on reducing the expenditure of the subheads of the C&ED, I urge him to convince me with reasons. I have talked just now on the problem of parallel goods and contraventions of the Trade Descriptions Ordinance, which have greatly increased the workload of the C&ED. If we are to reduce the expenditure of the C&ED or the salary of the staff or reduce its manpower, I am sure they will have to bear much greater pressure at work. The effectiveness of their work in these two areas will be affected adversely. I hope Mr LEUNG Kwok-hung can consider this. If he has got stronger reasons, I urge him to make a response. I so submit.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, of course, if I must give an answer to every question, then I would be in big trouble. I will respond to "Slow Beat" later.

Chairman, what I am going to say now actually has nothing to do with the C&ED, and it is related to the Information Services Department (ISD). The

amendments in question are Amendment No 373 proposed by Mr Albert CHAN and Amendment No 374 proposed by me, resolving to deduct an amount which is approximately equivalent to the annual estimated expenditure on publicity of the ISD. My speech will also involve other matters, for too many issues are involved today, and I will talk about them in due course.

Let me first talk about Amendment No 370 proposed by me. It is about head 74, resolving that head 74 be reduced by \$242,534,000 in respect of subhead 000. Why? Actually I have said almost everything, but I will explain them to Members slowly later on.

First, the ISD is a ...

(Mr Albert CHAN stood up)

CHAIRMAN (in Cantonese): Mr Albert CHAN, what is your point?

MR ALBERT CHAN (in Cantonese): I think Mr LEUNG Kwok-hung is getting a bit tired and needs some rest. I request a headcount so that he can take a break and then continue to speak with a clear head. I request a headcount.

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

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

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, please continue.

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I will talk about Amendment Nos 373 and 374, which involve the annual estimated expenditure on publicity incurred by the ISD.

In fact, all the publicity efforts made by the ISD are useless. Representing the Government, it has attended many conferences on freedom of the press held

in places around the world ... The Controlling Officer gave a reply to us in respect of Programme (1) Public Relations Outside Hong Kong. Insofar as public relations outside Hong Kong is concerned, the expenditure this year actually has not increased much as there is only a mere 1.2% increase over last year. But compared with 2013-2014, the amount is reduced by 3.8%. If we compare it with that of the year before last, we can actually see a decrease in this expenditure. Why do I still have to propose a deduction then? If you carry out publicity overseas and for instance, if you speak on issues relating to the press in places around the around as a representative of Hong Kong, people will certainly raise the question of "free press" from the outset.

Chairman, I do not know what ability the ISD has to reverse a trend that very much warrants attention. What trend is it? That is, irrespective of the angle of assessment ... Let me first cite an example. Reporters Without Borders, which is a highly credible organization, published a report on World Press Freedom Index this year. Hong Kong's ranking has dropped from the 58th last year to the 61st, and there is obviously a drastic plunge compared to the 18th place in 2002 when Hong Kong was ranked the first time. Of course, the ranking of the ISD can hardly catch up with that in 2002, and we cannot blame the budget for the ISD this year or the publicity work carried out by it during overseas exchanges for the continual decline in our ranking over the years. We can see another problem if it is assessed from another angle and that is, the people's satisfaction with the press freedom condition has dropped from 74.6% to 27.1% last year. This is important, and it should be assessed by two sets of standards. In my view, it would be useless to further provide funding to it. As a saying goes, "A dead pig is not afraid of scalding water". Since it is already dead, it would be meaningless to further provide funding for it to carry out exchanges overseas and launch promotion campaigns to say that the press freedom condition in Hong Kong is not bad. Therefore, in order to save money ... Chairman, please do not misunderstand me. My logic is indeed a bit tortuous ...

CHAIRMAN (in Cantonese): Mr LEUNG, I do not see how the press freedom condition in Hong Kong is related to the ISD.

MR LEUNG KWOK-HUNG (in Cantonese): You do not get it.

CHAIRMAN (in Cantonese): I really do not understand it.

MR LEUNG KWOK-HUNG (in Cantonese): When the ISD promotes in overseas countries the work of the Hong Kong Government in respect of the press, that should be exchanges with other countries under Programme (1). Do you get it?

CHAIRMAN (in Cantonese): These exchanges are not only about the press in the Hong Kong.

MR LEUNG KWOK-HUNG (in Cantonese): What is included then? Certainly it is the press, or at least, a great part of them is ... What I mean is, as in the case of a patient in the terminal stage of cancer, there is no reason to keep on buying medicine when the illness becomes incurable, and this is why I propose to deduct its expenditure. Do you understand it? Is it reasonable to pour scalding water onto a dead pig? That is impossible. I understand that you think faster than I do, but I am more down to earth in thinking than you ...

CHAIRMAN (in Cantonese): What you have said is not related to this amendment. You are talking about the international ranking of freedom of the press in Hong Kong. What you are saying now has nothing to do with the funding of the ISD.

MR LEUNG KWOK-HUNG (in Cantonese): No, no. They are related. This is why I demand a deduction because no matter what it is saying, there is nothing much left for it to promote. Do you get it? The funding of the ISD to be spent on overseas exchanges comes under Programme (1). I am not suggesting a full deduction. I have only proposed to deduct this part of the expenditure. When you travel by air, train or sea to conduct exchanges overseas and when you said that you come from the ISD, people will say, "Buddy, sorry, because the Reporters Without Borders said that Hong Kong has dropped many places down the press freedom ranking in the 12 years from 2002 to 2014, or Hong Kong's ranking has dropped from the 58th last year to the 61st in the Report on World Press Freedom Index." Then people will further cite information to point out

that Hong Kong ranks low in terms of freedom of the press and that Hong Kong people's satisfaction with the press freedom condition has plunged drastically ... Frankly speaking, Chairman, this is simple. Do you see my point? You really do not get it? It is very simple ...

CHAIRMAN (in Cantonese): Mr LEUNG, with regard to the publicity work that you have mentioned, in point 4 of the Brief Description under Programme (1) of the head in question, it is said that "The Department's publicity efforts are geared to promoting Hong Kong as Asia's world city and a two-way platform for international firms seeking access to the Mainland market, and for Mainland companies reaching out to the world. The focus is on Hong Kong's role as a major business and financial services hub". It does not mention that their work includes the promotion on freedom of the press in Hong Kong.

MR LEUNG KWOK-HUNG (in Cantonese): ... No. In point 2 of the report it is mentioned that "The aim is to promote a favourable image of Hong Kong internationally". Chairman, the key point lies in the aim, and we must refer to the right Programme. Simple enough, when the ISD is instructed to promote a favourable image of Hong Kong internationally, how possibly can it refrain from mentioning freedom of the press? It is precisely promoting it with its funding. So, in my view, it is better not to conduct these exchanges.

Chairman, I see what you mean, and I will now mention the other areas of its publicity work. But its publicity efforts have failed to achieve results. When other people have belittled the ISD, it would be meaningless to carry out such work. What can you say if you even fail to promote freedom of the press properly? It is better to cut down on overseas promotion and focus on work under Programme (2) in order to save money. Chairman, just as John TSANG has said, we should spend properly and save wisely, and I am now asking it to economize on its expenditure. You may hold different views, and you are right because after listening to my speech ... Dr LAU Wong-fat does not know what I am saying after listening to me for a whole day and now he gets it, saying that I have a point because instead of pouring boiling water onto a dead pig, it had better save money and focus on the work under Programme (2). The objective is purely to save money because it has too much work to do. But Programme (2) is different. It is about other areas of work relating to local public relations and public information, which may be related to my Amendment

No 374. When it comes to Programme (2) — Local Public Relations and Public Information, some spending will be required.

With regard to Programme (2), the ISD is required to arrange for media facilities such as press conferences, briefings, interviews; issue press releases; arrange for officials to participate in radio phone-in and television public affairs programmes; broadcast press conferences on the government homepage; and deal with enquiries from the media and the public. It is better to save money for carrying such work and they are less likely to have a grudge even if their expenditure will have to be deducted.

The Controlling Officer then draws our attention to one point and that is, "Matters Requiring Special Attention in 2014-2015". Chairman, I know that you have that paper with you. It is head 74 — Information Services Department in page 587. It pointed out the matters requiring special attention in 2014.

Then, Programme (2) pointed out that "The aim is to map out co-ordinated public relations strategies and plans for the presentation of government policies locally; and to convey to the public information on ... government policies, plans, decisions, activities and services." Let me cite an example to show that things have turned out to be just the opposite. It is not a question of whether or not it has carried out work; the point is that it has not carried out its work effectively. Let me cite an example. In 2014, the "Hong Kong: Our Home" Campaign has a theme song entitled "Sail On" with lyrics by Abraham CHAN. It is said that the lyrics of "Sail On" had once been rejected and then revised to this less melancholic and less negative version. Certainly, when the Government pays you to do something, you must do whatever it dictates. But when the ISD interfered with the freedom of creation — of course, freedom of the press may not be related to freedom of creation — that would already be negative publicity. This is why I think it is undesirable to spend money in such a way. Simple enough, what good does it do to read out those lyrics? Speaking of "harmonization", why should I play it up with great fanfare? What is this "Hong Kong: Our Home" campaign? Chairman, you have received the book entitled "家是香港" (Our home is Hong Kong) from the Chief Executive. Ricky WONG once cited a paragraph from this book, making us laugh our heads off. Why? That is using a public instrument for private purposes. What does Hong Kong have to do with LEUNG Chun-ying's book? As there is this book, they therefore asked other people to make recordings for the song "Sail On" and what is more, they even sought to change the true feelings of the lyricist or the payee — His feelings for "Hong Kong: Our Home" were more melancholic —

frankly speaking, he was only expressing some of his sorrows. But you had to interfere with other people's freedom of creation. What is the point of doing that?

There is also another problem. After the problems with the "Hong Kong: Our Home" campaign, a new initiative was introduced, namely, "Bless HK". "Bless HK" was formally launched on the seventh day of the Lunar New Year this year, a day known as the "birthday of all human beings". Its main objective is to help the poor and foster mutual support. Again, something has happened now. Due to the incident of "Sail On", what was originally the responsibility of the ISD has been turned into a collaborative project between the Government and the community. Chairman, simply put, we have wasted far too much money. A song was written in the first place and after something went wrong, this major activity of "Bless HK" which was originally planned to be led and organized by the Chief Secretary for Administration and for which a time slot had already been arranged had to be turned into a collaborative project between the Government and the community, rather than being put under the charge of the ISD. Think about the many hassles in the process? Our money has been thrown down the drain.

Therefore, with regard to Programmes (1) and (2) that I mentioned earlier, I demand a deduction of the funding, and it is just this simple. I will talk about Programmes (3), (4) and (5) later, and this is reasonable and sensible. Members, "Uncle Fat", do you agree that no funding should be provided? Yes, you also agree with me.

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

MR ALBERT CHAN (in Cantonese): Chairman, "Long Hair" is too gentle and kind. He should not be conceived by some wording. Although the ISD claims to be a press department, it is actually a propaganda machine of the Hong Kong Government. It is a government machine which only sings praises of the Government or conducts lobbying for the Government in the international community and in various other aspects, and never does it speak badly of the Government. Therefore, when he made comments on the ISD from the angle of freedom of the press, Chairman, I knew after listening to just a few lines of his speech that he had barked up the wrong tree.

I absolutely support his proposal to deduct the funding for the ISD, but for reasons which are entirely different from his. However, I will express the view of the People Power on the ISD later. Just listen and we know who the Information Coordinator is. It is the Office of the Chief Executive (CEO).

(Mr LEUNG Kwok-hung stood up)

MR LEUNG KWOK-HUNG (in Cantonese): What use is there if I am the only person listening to you? It is useful only when other Members are also listening. I request that Members be summoned back under Rule 17(3) of the Rules of Procedure.

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

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

CHAIRMAN (in Cantonese): Mr Albert CHAN, please continue.

MR ALBERT CHAN (in Cantonese): Chairman, in my previous speech I talked about the deletion of the posts in the Prosecutions Division of the Department of Justice (DoJ), and I would like to provide some supplementary information in this respect. I think the posts should be deleted because they are biased in prosecution and have a political mission and also because there are political elements in the prosecution of peaceful demonstrators. These reasons aside, I wish to add another point relating to the marine disaster off Lamma Island.

I think many members of the public, especially the families of the victims, are disappointed with the entire DoJ. If I understand it correctly, as at today, no prosecution has been formally instituted against the officials or people concerned who caused this tragedy, especially the officials concerned in government departments. We think that this is disappointing to the victims because it has been more than one and a half years since the incident and the report was completed but still, no specific action has yet been taken. Is the DoJ shielding them or are government officials shielding one another or what? This is hardly

acceptable indeed. So, I think if Members are dissatisfied with the progress of criminal prosecution in relation to the marine disaster off Lamma Island, they should support my Amendment No 469 which proposes that head 92 be reduced by some \$300 million.

If Members consider a one-off deletion proposed in Amendment No 469 too harsh, they can support Amendment No 480 of "Long Hair" which proposes that head 92 be reduced by \$2.5 million in respect of subhead 000. This amount is approximately equivalent to the annual estimated expenditure on the salaries for the Director of Public Prosecutions of the DoJ, which means deleting the post held by Keith YEUNG.

Let me make a brief introduction. Keith YEUNG actually assumed office only in June 2013. At a meeting of the panel last week, I crossed swords with him on the question of whether the report should be made public. As we all know, before the completion of the report on the marine disaster, the Secretary for Transport and Housing, Prof Anthony CHEUNG, had repeatedly and vehemently sworn to the public, the media and the families of the victims that the report would definitely be made public in a most honest manner by all means, but it turns out that only about one tenth of the report which spans a few hundred pages has been made public. While the Secretary for Transport and Housing has not been an official for a long time, he already knows how to keep shirking the responsibility for not making public the report. In fact, I have time and again criticized the Secretary for Transport and Housing in this Chamber before, and I absolutely do not trust him. Being an exploiter in politics who sponge off other people, he is absolutely not a person of integrity.

One of the reasons for not publicizing this report is the problem concerning criminal prosecution raised by Keith YEUNG. He said that making public the report would render the work of criminal prosecution affected, while citing examples or precedents to point out that there were court judgments made in the past that the release of certain reports would constitute unfairness in criminal prosecution, which might cause criminal prosecution to fail. With regard to his explanation, many barristers and experts in the legal profession have openly made comments on it and accused him of not stating the whole truth.

However, for the other 90% of the report which will not be disclosed, do they all have implications on criminal prosecution? This is a major point. If the names or certain dates or a small paragraph is covered, will it constitute

prejudice or unfairness in criminal prosecution? But Members may recall that an extremely large number of reports had been made before the case of Raphael HUI was heard in court. So, for the many reports involved and the information disclosed in respect of many major cases in the past, do they not have more serious implications than the contents of this report? This is unacceptable and incomprehensible.

There were past cases in which investigations were carried out into accidents with fatalities. An example is the investigation into the Kwun Lung Lau incident in which I had personally participated. A large amount of information was obtained through the open hearings conducted by the Legislative Council in order to provide evidence for ascertaining certain responsibilities. Of course, some of the information was about things that happened in the distant past. Likewise, in this incident involving the sinking of a ship, some of the causes or reasons are the result of the acts of some officials many years ago. The incident occurred more than a year ago and the officials concerned have already retired. It is most unacceptable that it gives people the impression of letting off those people. Tens of victims lost their lives in the disaster but those officials who are accused and held responsible by this report could retire normally, enjoying the pension paid to them out of public coffers and taxpayers' money and enjoying a comfortable retirement life. How indignant and sad these families of the victims are feeling!

So, at that time, I criticized ... What I said to the Director of Public Prosecutions then was roughly this: I said although he claimed that he must uphold fairness in law, what about social justice? What are the rights of the families of the victims? He, being the Director of Public Prosecutions, cannot only insist on his own criteria of criminal prosecution completely to the neglect of social justice. He is paid out of taxpayers' money and he is making an income of \$2.5 million and yet, he is telling me that he is afraid that prosecution would end up in futile and that the chance of instituting prosecution successfully would be compromised and so, he is turning a blind eye to justice and the basic rights of the victims. I, therefore, condemned him for completely neglecting justice.

I wonder if Members have paid attention to this Mr YEUNG, Director of Public Prosecutions. He does not have much experience in criminal prosecution. Recently, I have looked up some information. Compared with the last Director of Public Prosecutions, Kevin ZERVOS, who is more experienced and authoritative in criminal prosecution, Keith YEUNG is actually

quite inexperienced. While Keith YEUNG had been in practice as a barrister for 25 years before he was appointed as Director of Public Prosecutions and as an experienced barrister, he was ranked the sixth by the Hong Kong Bar Association, he seldom took up work overseas or in other government departments. As far as I understand it and as revealed by some people, he actually did not wish to take up the office of Director of Public Prosecutions in the first place. He was approached only because no suitable candidate could be identified within the Government.

Chairman, according to the information, he had been in practice as a barrister for 25 years and before he was engaged in criminal prosecution, he was specialized mainly in commercial law, commercial crimes, securities law and market misconduct. Buddy, he should actually work for organizations such as the Stock Exchange of Hong Kong Limited, Securities and Futures Commission, and so on. The question now is about criminal prosecution and his main areas of practice are specialty laws, but he is telling me that he would not make public this report from his experience and professional judgment. I would say that this is grossly ridiculous.

Therefore, Chairman, even though I did look up the relevant information, I actually did not have any particular feeling or reaction when I read the amendment proposed by "Long Hair", because I knew nothing about the post of Director of Public Prosecutions. I did not know it well at all. But since I debated with him a week or so ago, I have carefully looked into the situation and I have also instructed my assistant to further look up information in this respect. After reading the relevant information, I all the more consider it necessary to delete the funding for the Director of Public Prosecutions, Keith YEUNG.

Besides, Chairman, I would like to further make a point on honesty because at the last meeting, like the Secretary for Transport and Housing, Keith YEUNG repeatedly stressed that they were honest but they refused to release 90% of the report. I once said that in darkness, no one can see what they have done and then they can claim to be honest. But no one can see what they will keep on doing. To claim to be honest in the dark is actually tantamount to telling lies. This is the most awesome thing about LEUNG Chun-ying's "hypocritical rhetoric". He always makes things sound really important, concrete and well-founded but they sometimes turn out to be hollow. Then, using specious interpretations and logic, he would argue that his past remarks have been distorted and misunderstood. For example, when he talked about the problem of

his unauthorized building works, he often claimed that he had never said that he had not done such things, and so on and so forth.

Therefore, if the Director of Public Prosecutions claimed that he is honest and that he must defend the dignity of criminal prosecution, I think that is sheer nonsense and a pack of lies. To the families of the victims, I would say that he is rubbing salt into their wounds. If we look at his qualifications, we would all the more think that he is actually not qualified to make those remarks. We should identify a professional who is more experienced in criminal prosecution to replace him.

There were a lot of rumours at the time. For example, it was rumoured that TSE Wah-yuen or Gerard McCOY, both of whom are still in practice, would take up this post. But perhaps it is because they can make a lot more money from practice in the profession that they may not wish to take up this job, or perhaps it is because recently, criminal cases can yield quite handsome returns that no one is willing to join the Government. So, for this reason, I hope that Members can accept ... Even if Members do not support the previous amendment which seeks to delete all the several hundred posts in the Prosecutions Division, I wish to call on them to support Amendment No 480 proposed by "Long Hair" to the effect that head 92 be reduced by \$2.5 million, even if they do not support my amendment.

MR DENNIS KWOK (in Cantonese): Chairman, I heard the Member mention the Director of Public Prosecutions in his speech earlier, and I wish to respond to those remarks as I heard him say that Mr Keith YEUNG, Senior Counsel, lacks the qualifications and experience to handle criminal cases.

I wish to point out that Mr Keith YEUNG and I do not see eye to eye on the question of the disclosure of the report on the marine disaster. I think the investigation report should be disclosed. But if Mr Keith YEUNG, Senior Counsel, is said to be lacking the qualifications and experience for handling criminal cases, I must point out that this is wrong. It is known to all in the legal profession that Mr Keith YEUNG, Senior Counsel, is very experienced in and fully qualified for handling criminal cases. Of course, we may hold different views on some issues, but if he is said to be not competent for the post of Director of Public Prosecutions, I think this is going way too far and inappropriate.

Therefore, Chairman, on this point, I wish to affirm the repute of Mr Keith YEUNG, Senior Counsel, in the legal profession. Thank you, Chairman.

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

MR ALBERT CHAN (in Cantonese): Chairman, I am not a member of the legal profession, still less a barrister. I do not have experience in this field, and I hope other Members can correct me if there is anything incorrect in the information collected by me. It is because according to the information, in terms of experience, Mr Keith YEUNG's ranking on the list of the Hong Kong Bar Association, as I have just said, shows that he is very experienced. In terms of seniority, he ranked the sixth and was among the top of the list. As far as I understand it, it is those barristers such as Martin LEE who rank the first or second on the list.

However, according to the information, he is good at cases involving commercial law, commercial crimes, securities law and market misconduct. Of course, these may still involve criminal elements, as commercial crimes are also criminal by nature. But we are not talking about commercial issues now. We are talking about dereliction of duty on the part of government officers or perhaps malpractices by government officers or issues relating to public administration law, rather than commercial crimes. Therefore, if anyone should defend Keith YEUNG and argue that he has the experience to deal with criminal cases, I would say ... Perhaps my choice of words was not clear enough. What I have pointed out is that there is a certain difference or gap between the criminal offences involved in the Lamma marine tragedy and the cases in which Keith YEUNG is specialized (or cases handled by him before). Therefore, if my understanding is correct, particularly when it comes to criminal prosecution, the criminal issues involved in the marine disaster off Lamma Island and specialization in commercial law, estate and other aspects are two different matters.

If Keith YEUNG can provide information to show that he has rich experience in cases similar to the Lamma marine disaster, I will formally and openly make an apology.

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

MR CHAN CHI-CHUEN (in Cantonese): Chairman, I will continue to speak on "Head 31 — Customs and Excise Department" (C&ED), focusing on the 10 amendments proposed by Mr LEUNG Kwok-hung (Amendment Nos 96 to 105). I mainly oppose Amendment Nos 96 and 97, for the reduction of the two items of expenditure will paralyse the C&ED, including the expenditure for the personal emoluments and general departmental expenses of the C&ED.

Earlier on, I have discussed the issue concerning parallel goods. I would like to explain two salient points in this part. One point is about a newly added function of the C&ED — it is not a function, for its functions remain the same — it is a newly added duty. Since last year, the C&ED has to take up the enforcement of the newly amended Trade Description Ordinance (the Amendment Ordinance). The Amendment Ordinance came into effect officially on 19 July last year. It seeks mainly to combat six types of unfair trade practices, including false trade descriptions of services, misleading omissions, bait advertising, aggressive commercial practices, bait-and-switch and wrongly accepting payment. The six main categories of unfair trade practices are the main targets to be combated.

In this discussion on the C&ED, more often than not, Members may overlook the second half of Programme (3): Consumer Protection. The C&ED is the primary department responsible for enforcing consumer protection legislation. Upon the enactment of the Amendment Ordinance, the C&ED expects to handle 4 400 complaints this year. The greatest progress of the Amendment Ordinance is the expansion of its ambit from goods to services, prohibiting false trade descriptions in respect of services made in consumer transactions. Certainly, the enforcement work in this respect will be extremely taxing on manpower. According to normal procedure, the C&ED will complete the collection of evidence within three months upon the receipt of a complaint and provide an initial conclusion. The case will then be submitted to the Department of Justice for consideration of whether there is sufficient evidence for initiating prosecution. Under the Amendment Ordinance, severe cases will be liable to criminal prosecution, and once convicted, the maximum penalty is a fine of \$500,000 and imprisonment for five years.

In fact, since the enactment of the Amendment Ordinance in July, the C&ED has successfully cracked many cases. I will only cite one or two examples to take this opportunity to educate the public and to support the enforcement work of the C&ED. What is the first convicted case, or the "first shot"? Do Members remember that? It is the case of combating the "fake special discount" offered by supermarkets, which means the special discount price is more expansive than the original price. Consumers may buy the goods upon seeing the special discount price tags, for they will never realize that they are being cheated. The "first shot" fired by the C&ED took place at a supermarket in Yau Ma Tei in July last year. It was discovered that the potato chips of a certain brand name was sold at \$5.5 per packet and at a special discount price of \$11.5 for two. The special discount price claimed by the supermarket was \$0.5 higher than the original price for two packets. Therefore, the C&ED pressed charge against the supermarket according to the Trade Description Ordinance (TDO), and the supermarket was fined \$10,000.

Another case occurred a few days ago. The C&ED seized some counterfeit brand rice which cannot be fully cooked in Yiu Tung Estate of Shau Kei Wan and successfully raided the warehouse for counterfeit brand rice in Yuen Long. It was found that someone had mixed the counterfeit brand rice with rice of the authentic brand and then sold it under a false trade mark, reaping a profit of \$100 per packet. I believe prosecution will be successfully initiated in this case.

When we discuss consumers' rights and interests, more often than not, we will only think of the Consumer Council, yet in actuality, the C&ED is the enforcement agency. Under Programme (3) of the estimates of the C&ED, in addition to law enforcement, it is also responsible for promotion and education. It should promote public and trader's awareness of intellectual property rights and consumer protection legislation, including the TDO which I mentioned today, through publicity and education programmes.

Members should not presume that education is an easy task. Regarding the six types of trade practices mentioned by me earlier, that is, the extended ambit of the Amendment Ordinance, many shops and stores, particularly those in the service trades, do not have a clear understanding. Even large consortia — just like the supermarket I mentioned earlier, I have no fear to make public its name, and it is the Wellcome — will make a significant mistake of offering "fake special discount". It is evident that the C&ED needs to step up the education in

this respect, not only among the public but also among traders, so that traders will not contravene the legislation and victimize consumers.

Moreover, the C&ED has to deal with online shopping in recent years. It is more difficult to deal with online shopping and more resources are required. The C&ED has to check whether the promotion online has violated the regulation of the TDO, and it is more difficult to identify online shops than physical shops. For this reason, Mr LEUNG Kwok-hung, I will continue to speak to try to convince you not to reduce the expenditure of the C&ED under Amendment Nos 96 and 97. If you have sufficient justification, I may consider accepting the other amendments, Amendment Nos 98 to 105.

In the remaining time, I will talk about another issue, which is under Programme (4) of the estimate of the C&ED: Revenue protection and collection. In the year 2014-2015, matters requiring special attention from the C&ED are: First, to strengthen enforcement actions against illicit cigarettes activities, especially in respect of cross-boundary smuggling and telephone-order peddling, and to strengthen regional co-operation with overseas customs administration in combating cigarettes smuggling.

In fact, the People Power strongly opposes the increase in tobacco duty imposed by the Government, for such increase is based on the principle of "the rich consuming cheaper wine but the poor having to smoke more expensive cigarettes". I will not argue over this here. However, when it comes to the discussion on issues relating to the C&ED, the Government should put in additional resource to combat illicit cigarettes, or else it will only benefit the illicit cigarettes traders. According to the latest news — I am not sure if it is today's or yesterday's news — when the C&ED examined an arriving container truck at the Man Kam To Control Point, it found \$1.9 million worth of duty-not-paid cigarettes hidden inside 47 fake dehumidifiers with only the outer shells.

The amount of duty involved in the \$1.9 million of duty-not-paid cigarettes is \$1.3 million. Therefore, Mr LEUNG, the effect of this approach outweighs the cost significantly. The C&ED should be given more manpower and resources, for the duty payable for an illicit cigarettes case already amounts to \$1.3 million. Actually, we all know that the Government seeks to reduce the smoking population by increasing tobacco duty, yet is this achievable in actuality?

According to the HK United Against Illicit Tobacco (the United Alliance), at present, 35.9% of the smokers are consuming illicit cigarettes, yet the Government disagrees with this. How does the United Alliance come up with this finding? It collects cigarette packets in refuse bins and even picks up cigarette butts for examination. However, at the last meeting of the Bills Committee, the Government considered the sampling approach problematic. I will not argue with the Government over this. Yet I want to stress that I hope the Government, the C&ED in particular, will continue to use resources in a flexible manner in protecting consumers' rights and interests and combating illicit cigarettes activities to achieve the targets. Otherwise, it will defeat the Government's purpose of reducing the smoking population by increasing tobacco duty. The Government should know that the numbers of women smokers and primary student smokers are on the rise, and we have mentioned this at the Committee. At present, the sales approaches of illicit cigarettes have changed, which are even more difficult to combat. The authorities may have to resort to undercover operation or other special means.

To conclude this part, I state that I oppose Mr LEUNG Kwok-hung's request for reducing the provision for the C&ED. I will speak on this issue again only if Mr LEUNG Kwok-hung has the time to respond this issue later.

I so submit.

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

MR LEUNG KWOK-HUNG (in Cantonese): Chairman, I certainly must give a response. Since he has said it, I am not going to speak on the heads or subheads any further, or else he would say that we are conspiring to filibuster.

First, we must understand that money should be spent on the most important areas. For example, Hong Kong has all along counted on its duty free port as one of its attractions. This is why we always do not care much about tax. If people want to buy wine, let them buy it. Parallel goods is only a question of duty difference. Mr CHAN Chi-chuen, you really do not understand what I have said today. When there is a duty difference, people will make use of this difference to bring a huge quantity of powdered formula out of Hong Kong, and

this is unexpected. So, on the part of Hong Kong, law enforcement is basically impossible. What is the ground for law enforcement? People who bring powdered formulas out of Hong Kong to the Mainland are evading tax on the Mainland. They are not evading tax in Hong Kong. So, from this we can see the Government's standard of administration. Parroting what others have suggested, LEUNG Chun-ying said that a powdered formula restriction order should be imposed but without an increase in the expenditure following the implementation of the restriction order, enforcement difficulties are certainly bound to arise. But in this Council, Members can only reduce the expenditure rather than increasing it. Mr CHAN Chi-chuen, have you studied a saying by Zhuang Zi: "置之死地而後生" (only by putting a person in desperate ground will he fight to live)? Desperate ground means an extremely perilous situation. If the Government is not told that implementation was impossible, how would it increase the expenditure? Given the duty difference, visitors then bought a few more cans of powdered formula and brought them out of Hong Kong and as a result, Hong Kong people were unable to buy powdered formulas. Law enforcement was originally impossible in this case but the Government introduced legislation in order to impose the powdered formula restriction order, hence making law enforcement possible. But after making law enforcement possible, the Government has not provided additional resources. This is exactly like the situation faced by Secretary WONG Kam-sing. People have often suggested that he should do more in respect of environmental protection but no budget has been approved for him and as a result, all he can do is landfilling, right?

Mr CHAN Chi-chuen, I have precisely noticed this point. Let me ask you this: Can you increase the funding for meeting expenditure? This is really absurd. Now you suggest the Government to levy a land arrival tax to help meet the expenditure but he refused. This precisely shows the Government's standard of administration. From the original duty-free arrangement or a duty difference to the current practice of prohibiting people from taking advantage of the duty difference, we are actually trying to help recover tax for the Motherland. Buddy, we are paying from our own pockets to help the Motherland recover tax. In view of this, we proposed to levy a tax on Mainland visitors on arrival but the Government said no. If no income can be generated and the expenditure is not increased, how can it be possible to do anything? This is one point. Second, the Government knows very well that the Trade Descriptions Ordinance — Just now Mr CHAN Chi-chuen has read out the provisions and I will not read them

out again — and yet, he still could not make it and worse still, he refused to increase the expenditure. This is why I have proposed a reduction of the expenditure. Frankly speaking, so long as a reduction is proposed, he would have "knelt down" immediately had there not been the support of the royalist camp. Members of the royalist camp will tell me not to do this because once there is a reduction, everything will really come to naught. This is precisely why it is truly necessary for the Government to increase the expenditure and discuss it with us properly. Let me cite an example. When John TSANG did not give the cash handout in the way they wished, the royalist Members went to him and then, they took a group photo and John TSANG said right away that he had heard the public view and that he was already working on it. This is proof that negotiation is possible. So, why should I not propose a reduction now?

Third, the problem of illicit cigarettes, which is even more bizarre. I wish to discuss the question of smoking in this Chamber. Frankly speaking, just look at my teeth and you will know. I have smoked to the extent that my teeth have been damaged. So, I certainly understand the problem of illicit cigarettes and its gravity. Do you really think that they are carrying illicit cigarettes to Hong Kong with the tactics of "ants moving home"? Don't be silly. Those are all duty-free cigarettes. They are shipping huge batches of duty-free cigarettes or duty-not-paid cigarettes from Malaysia and the Mainland to Hong Kong. This is how it is done now, and who has the guts to stick his oar in illicit cigarettes? It is entirely useless to arrest the "small potatoes", such as the peddlers, because syndicated corruption is involved and they have even made use of government warehouse to sell duty-free cigarettes or cigarettes with a price difference imported from other places. I once bought a pack of duty-free cigarettes at a 7-Eleven shop and only then did I come to know the story behind illicit cigarettes. I am afraid that I may get killed for disclosing this here. The Government said that a three-pronged approach would be adopted to tackle this problem but the fact is that the Customs and Excise Department (C&ED) does not have the funding and all is just empty talk. All the three problems mentioned above are the result of what LEUNG Chun-ying's Administration has done, disregarding whether or not they have heeded public opinions. Frankly speaking, if other people are made to ... In the case that I am talking about now, the C&ED is asked to implement a measure, and the staff of the C&ED may ask me in return what they should do. I will tell them that I think more funding should be provided to them to meet the expenditure incurred and they will certainly be happy to take up the task. But if I ask them what if the funding will not be increased, they will

definitely think that I am giving them an empty promise and they will simply go away. So, just now a staff member of the C&ED phoned me and said that I have done a great job because I have spoken their minds. We have a lot of elderly women, and elderly women are keenly concerned about what kinds of food or dishes they are going to cook, but they have no money to buy food. Even a clever housewife cannot cook without rice. They spend only out of one limited pool of funds.

So, Chairman, Mr CHAN Chi-chuen is really so inexperienced that he does not know that people speak paradoxically in this Legislative Council. Do you know what it means? Now you know what it means, right? If so, please show it by nodding. In other words, if we can obtain beforehand from the C&ED or the relevant Policy Bureau, namely, the Security Bureau, or the Financial Secretary ... The Financial Secretary should understand it. I have studied his policies because I am going to severely reprimand him next Wednesday. In fact, he had been the Commissioner of Customs and Excise before and he had made achievements in the C&ED. So, it would have been a right thing to do if he did not take up the office of the Financial Secretary. In the C&ED he had set up a special task force and made great achievements. Yet, he chose not to engage in decent work and switched to a position for which he is incompetent. He should know best that when he wanted to set up a special team, he must obtain funding for it. It is, of course, absolutely easier for him to seek funding than it is for "Long Hair" to do the same. Today, John TSANG has become a Controlling Officer and honestly, if he has not hence become oblivious of the hardships of the human world, he should recall that when he was the Commissioner of Customs and Excise, it was definitely easier for him to seek funding from his buddy, the then Financial Secretary Donald TSANG, right? John TSANG told Donald TSANG then that he wanted to set up a special task force to deal with problems relating to intellectual property rights. He had done a great job and members of the task force are even equipped with firearms.

From this we can see how rotten and decayed the political system is. John TSANG used to be the Commissioner of Customs and Excise. He wanted to set up a task force and he knew that it would require funding, establishment, equipment, and so on. Today, Mr CHAN Chi-chuen talked about three major problems, and he was so awesome indeed. He said that owing to the smoking ban, the collective consumption of illicit cigarettes has become rampant, doing harms to young and female smokers. Obviously, the Government has remained

indifferent to this. With the passage of the Trade Descriptions Ordinance, it is well aware that ... it is even putting forward a lot of demands with the aim of protecting consumers' interest. In short, arrests are made so easily that prosecution is instituted against incorrect or fraudulent trade descriptions. There is just too much work to do. There are five major grounds for enforcement with one objective and yet, no additional funding is provided in the Budget. Regarding the obvious targets for arrest following the enactment of legislation to curb problems arising from the duty difference now, they actually could not be arrested and they were free to bring powdered formulas out of Hong Kong in the past. Mr CHAN Chi-chuen, do you get it? The incumbent Chief Executive is over ambitious while the Financial Secretary is daydreaming. What should we do? I can only reduce their expenditure. Do you get it? As a common saying goes, "First, try crying; second, try fasting; third, try threatening to hang yourself". The Legislative Council has degenerated to such a sorry state. If a man does not treat a woman well, the woman will first, try crying; then, she will try to stop eating and starve herself and finally, she will hang herself. Mr Albert CHAN, this is true. Nowadays, men are like this too. I have seen some ...

CHAIRMAN (in Cantonese): Mr LEUNG, please do not stray away from the question.

MR LEUNG KWOK-HUNG (in Cantonese): Yes, I understand. Anyway, a person ... small children are like this too. If you do not give him money, they will beg — You have children, right? It is a daughter — If they are not given toys to play, they will beg, and we are exactly on the floor begging now, are we not? Please, I beg you to provide the funding. It is reluctant to spend money on good causes, yet prepared to waste it. Frankly speaking, Members of the DAB ... Dr Elizabeth QUAT, you are also engaged in work relating to intellectual property rights. Now that things have developed to such a sorry state. When the money has to be split into three parts, no satisfactory result can be achieved. Such being the case, I can only propose a one-off reduction of all the expenditure, in order to make them come to me for negotiation. Are you not very interested in work relating to intellectual property rights? But you can do nothing now. Those "porn discs" are really cheap. One day when I was in Mong Kok, someone asked me, "You want something?" I said, "What?" He said, "Porn discs". I said, "Buddy, what 'porn discs'?" Things have already

developed to such a state now. So, I must tell Mr CHAN Chi-chuen that he does not understand that I am well intentioned. Frankly speaking, I am enduring the humiliation in order to discharge an important duty. I am willing to become the fish meat on the chopping block, lying there for people to chop ...

CHAIRMAN (in Cantonese): Mr LEUNG, you are repeating your argument.

MR LEUNG KWOK-HUNG (in Cantonese): I understand. Right, I hope that Mr CHAN Chi-chuen will withdraw his remarks. Honestly, I am enduring all kinds of pain and hardships. I am giving them a hard time only for their own good. Chairman, I am going to stop. It is now late at night. As my words are so pleasant to the ears, requesting a headcount is going too far. Let me go on to say ... Let me tell you that there are still Members who would like to speak.

On the question of the C&ED, I have given a reply to Mr CHAN Chi-chuen, and I also have to respond to the remarks of Mr Dennis KWOK. Although I was having dinner in my office earlier on, I did watch the live broadcast of the meeting. It is pointless to argue over this issue. The status of Keith YEUNG, Senior Counsel, in the legal profession really should not be subject to criticism by Mr Albert CHAN, but his status in public office can be criticized by all the people. Why? Chairman, what is the principle of law or the rule of law? This has become a catch phrase now and everyone knows it. Before Margaret NG, a former Member of this Council, left this Council, she always stressed that it must not only be done but also seen to be done — "張" and "彰" are two different Chinese words, though with the same pronunciation "zoeng1". Buddy, what use is there if you have upheld justice but other people have not seen it being done? Simply enough, in this incident involving Keith YEUNG, if he dares to act against the will of the people, even Mr Dennis KWOK, who is in the younger generation, will take exception from his decision not to make public the report, and when he said that no prosecution would be instituted, I do not know where it will all end, and how can it be seen that he has upheld justice? Can we, being representatives of public opinions in the Legislative Council, bring up this point? In the legal profession or if I were a lawyer, I would certainly be afraid of him. But buddy, I am not afraid at all. I am a Member of the Legislative Council. I am a lawmaker, not a lawyer. Some are kingmakers, and they are certainly more awe-inspiring.

Mr KWOK, I think you really should not be so scared. No doubt he has a high reputation but our question now is ... Let me tell you this. Mr Albert CHAN will definitely teach you a lesson after seeing this. He will definitely write an article ... It is most popular now, as the SAR Government also writes blogs to comment on the remarks made by Members of the Legislative Council the day before, and a reply will be given.

My conclusion is simple. If he is holding this office, the importance of which is just second to that of the office of the Secretary for Justice, and if he thinks that he is unable to handle his work ... Mr Albert CHAN, you said that he always outsourced his work and this is exactly the case. He has to outsource his work when he said that he cannot do it. His name is "楊家雄" (Keith YEUNG Kar-hung) and he will bring in "雄家楊" (HUNG Kar-yeung) — "雄" is really a surname — He will bring in "雄家楊" to see how justice can be seen to be done. If prosecution cannot be instituted for the time being, he will engage "雄家楊" to take a look and that would do, because he always outsources his work. Why do they not outsource this case? Just outsource it to other people and let them take care of it. But this is so important, involving the lives of dozens of people. Buddy, less than 10 people were killed in the Philippines incident and even this incident has been handled in such a way. I will really let myself down if I do not bring it up now.

So, Members, I certainly respect ... Chairman, do you understand it? If a person whom you respect has done something which you think is wrong, will you not feel more heart-rending? When a person whom you respect has done something wrong, you will certainly question him loud and clear whether he is crazy or what. We, Members of this representative assembly, have only asked a simple question here. If this is what he is going to do, he had better quit and of course, he is not going to quit anyway.

There is another point. Frankly speaking, he did the same in his past service. When he let off a fan of LEUNG Chun-ying, his remarks were most outrageous. That person is Franklin LAM. Buddy, you will certainly say that I have strayed away from the question and so, I will not talk about it. Buddy, the flat had been put up for sale for several months and the commission was particularly raised just before the introduction of the "curb" measures and yet, he still denied that it was the reason. Are you kidding? For several months in the

past he had not told the estate agent that the commission would be increased and that he would offer them more ...

CHAIRMAN (in Cantonese): Mr LEUNG, as you must know, you have strayed away from the question. Please do not talk about this any further.

MR LEUNG KWOK-HUNG (in Cantonese): Right. That is to say, there is a line. When you have taken up the office of Director of Public Prosecutions, you must make even the blind see that you have caused justice done. Buddy, you must make even the blind see it. Do you get it? (*The buzzer sounded*)

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

MR ALBERT HO (in Cantonese): I would like to correct a point made by Mr LEUNG Kwok-hung in his speech earlier. "置之死地而後生" (Only by putting a person in desperate ground will he fight to live) was not a saying of Zhuang Zi. It was Sun Zi who said it. The whole sentence is "置之死地而後生" ...

(Mr LEUNG Kwok-hung yelled)

CHAIRMAN (in Cantonese): Mr LEUNG Kwok-hung, it is not your speaking time now.

MR ALBERT HO (in Cantonese): It will do so long as he knows that I have corrected it. We should not be frivolous in making such allusions.

(Mr LEUNG Kwok-hung kept yelling)

CHAIRMAN (in Cantonese): Mr LEUNG, if you wish to give me a reason to expel you from this Chamber, you had better leave it to the next meeting. I will

adjourn the meeting in a few minutes and what you are doing now carries little significance.

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the meeting until 11 am on Wednesday, 14 May 2014.

Adjourned accordingly at two minutes to Ten o'clock.