

# OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 29 April 2015

The Council met at Eleven o'clock

## MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

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 CYD HO SAU-LAN, J.P.

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.

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

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

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 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, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

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.

THE HONOURABLE KWOK WAI-KEUNG

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

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

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

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

THE HONOURABLE TANG KA-PIU, J.P.

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, B.B.S.

**MEMBERS ABSENT:**

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

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 CLAUDIA MO

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE DENNIS KWOK

**PUBLIC OFFICERS ATTENDING:**

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

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

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

PROF SOPHIA CHAN SIU-CHEE, J.P.  
UNDER SECRETARY FOR FOOD AND HEALTH

MR GODFREY LEUNG KING-KWOK, J.P.  
UNDER SECRETARY FOR COMMERCE AND ECONOMIC  
DEVELOPMENT

**CLERKS IN ATTENDANCE:**

MR KENNETH CHEN WEI-ON, S.B.S., SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, DEPUTY SECRETARY GENERAL

MS ANITA SIT, ASSISTANT SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL

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

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

## TABLING OF PAPERS

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

Subsidiary Legislation/Instrument	<i>L.N. No.</i>
Legal Aid (Assessment of Resources and Contributions) (Amendment) Regulation 2015.....	78/2015
Other Paper	
No. 91 — Language Fund Financial statements for the year ended 31 August 2014	

## WRITTEN ANSWERS TO QUESTIONS

### Decline in Number of Visitors to Hong Kong

1. **MR JEFFREY LAM** (in Chinese): *President, it has been reported that the number of visitors to Hong Kong in recent months has declined evidently, resulting in decreases in the receipts of the tourism, catering and retail industries. Some members from these industries have pointed out that the decline in the number of visitors to Hong Kong is related to the earlier protests against parallel traders. In this connection, will the Government inform this Council:*

- (1) *of the number of visitor arrivals to Hong Kong in each of the past six months and, among such arrivals, the respective numbers of those from the Mainland, Southeast Asia and long-haul markets; of the regions which had greater rates of decrease in numbers of visitors to*

*Hong Kong, and the respective per capita spending in Hong Kong by visitors from such regions, as well as the rates of decrease in the receipts of Hong Kong's tourism and retail industries caused by the decline in the number of such visitors;*

- (2) *according to the authorities' assessment, of the causes for the decline in the number of visitor arrivals to Hong Kong and, in case such situation persists, the impacts it may have on Hong Kong's tourism and retail industries, employment rate as well as overall economy; and*
- (3) *what new measures the authorities will introduce to attract more visitors to Hong Kong and stimulate the growth in the retail industry; whether the authorities will step up efforts to maintain order in respect of protests against parallel traders, and step up publicity work outside Hong Kong to convey the messages that the impoliteness towards or violence against visitors happened earlier were only isolated incidents and that Hong Kong is still a hospitable city?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Chinese): President, the tourism industry is one of the four pillar industries in Hong Kong. It accounts for 5% of our Gross Domestic Product and offers 270 000 direct employment opportunities, of which around 240 000 are related to inbound tourism, and most of the jobs are for the grassroots and with relatively lower skill requirements. It can be seen that inbound tourism contributes significantly to Hong Kong's economy and employment opportunities. The HKSAR Government also attaches great importance to the long-term and healthy development of the tourism industry.

Our replies to the questions raised by Mr Jeffrey LAM are as follows:

- (1) and (2)

Various factors have affected the desire of visitors to travel to Hong Kong in recent months, such as the persisting uncertain outlook for the global economy, continued strengthening of the Hong Kong dollar as well as depreciation of currencies and relaxation of visa policies of other popular tourist destinations (for example, Europe,

Japan, South Korea, and so on). Furthermore, the anti-parallel trading protests in recent months have also damaged Hong Kong's hospitable image and affected the desire of visitors (especially Mainland visitors) to travel to Hong Kong.

According to the statistics provided by the Hong Kong Tourism Board (HKTB), the total visitor arrivals and visitor arrivals from the Mainland, Southeast Asia and long-haul markets respectively in the past six months are set out in the table below:

<i>Month</i>	<i>Total visitor arrivals</i>	<i>Mainland visitor arrivals</i>	<i>Southeast Asian visitor arrivals*</i>	<i>Visitor arrivals from long-haul markets<sup>@</sup></i>
Oct 2014	5 213 702 (+12.6%)	4 027 944 (+18.3%)	234 172 (-12.0%)	432 200 (-2.6%)
Nov 2014	5 299 680 (+15.7%)	4 155 524 (+24.1%)	262 327 (-18.1%)	393 315 (-1.6%)
Dec 2014	5 666 362 (+8.5%)	4 401 845 (+13.2%)	358 554 (-10.7%)	350 700 (-1.4%)
Jan 2015 <sup>^</sup>	5 609 698 (+2.8%)	4 490 420 (+3.3%)	229 138 (-0.6%)	349 743 (+3.3%)
Feb 2015 <sup>^</sup>	5 405 689 (+22.4%)	4 551 825 (+31.6%)	138 241 (-32.9%)	258 817 (-7.3%)
Mar 2015	4 405 298 (-8.7%)	3 240 825 (-10.0%)	248 683 (-16.3%)	410 193 (-0.2%)

Notes:

As the total visitor arrivals also include visitors from North Asia, Taiwan, New Market countries (for example, Russia), and so on, the numbers of visitor arrivals from the Mainland, Southeast Asia and Long-haul markets do not add up to total visitor arrivals.

( ) Year-on-year change is shown in the bracket.

\* The major sources of South Asian visitor arrivals are Indonesia, Malaysia, Philippines, Singapore, Thailand, Vietnam, and so on.

@ The major sources of visitors from the long-haul markets are the USA, Canada, United Kingdom, France, Germany, Australia, and so on.

<sup>^</sup> The Chinese New Year was in February in 2015 but in January in 2014. The fluctuation in the year-on-year changes in visitor arrivals may therefore be larger.

In the past six months, amongst the visitor arrivals from the three sources mentioned above, the drop in Southeast Asian visitor arrivals was relatively bigger, followed by the visitor arrivals from long-haul markets. Both the visitor arrivals from Southeast Asia and long-haul markets recorded the biggest drop in February 2015 over the last six months.

According to the statistics provided by the HKTB, the average per capita spending of Southeast Asian and long-haul visitors in 2014 are set out in the table below:

	<i>Overnight visitor (HK\$)</i>
Southeast Asian visitors	6,837
Long-haul visitors	7,266

Source: The HKTB's Departing Visitors Survey

As visitor arrivals decrease, the direct spending and employment opportunities brought about by the visitors for the tourism industry and relevant industries (for example, retail industry, food and beverage services industry, hotel industry, and so on) in Hong Kong will drop correspondingly. If visitor arrivals continue to drop, it is expected that the business environment and livelihood of the practitioners of the relevant industries will be affected more severely. It may even bring about a more unfavourable impact on the overall economy of Hong Kong. As regards the specific extent of impact on the relevant industries, it will depend on the actual change in visitor arrivals and average per capita spending in the future. The HKSAR Government will continue to monitor the relevant situation closely.

- (3) In response to recent protests against parallel traders, the Police have strengthened their manpower and made corresponding deployment in districts with higher risk, such as mobilizing police manpower of various regions to deal with emergencies. Deployment is also strengthened during holidays at places more frequented by visitors and in districts clustered by protesters. In addition, the Police have enhanced communications with shopping malls, shop operators and public transport companies, and so on, in districts with higher risk for minimizing the impact on personal safety, public order and

public transport services during such protests. In the period ahead, the Police will continue to keep a close watch on the situation and adopt all necessary measures to ensure public order and public safety.

To rebuild the positive image of Hong Kong as a hospitable travel destination, the HKTB has already joined hands with the local travel trade to launch promotions in various short-haul markets, including Japan, South Korea and Singapore in early 2015.

In the 2015-2016 Budget, the Financial Secretary has also allocated an additional \$80 million to the HKTB for strengthening the image of Hong Kong as a premier tourist destination. The HKTB will make use of the funding to roll out two rounds of spending-stimulation promotion in partnership with the retail and catering trades. The first round of promotion is to support the "Happy@hongkong Super JETSO" campaign organized by the Quality Tourism Service Association from 27 April to 28 May, which aims at stimulating visitor and local spending through providing spending offers from local merchants. The second round of promotion will be the HKTB's annual summer promotion, the "Hong Kong Summer Fun" from June to August, which will include stepping up promotions in short-haul markets, provision of various visitor offers from the travel trade and staging a large-scale lucky draw to attract overnight visitors. Besides, the HKTB will arrange large-scale familiarization tours for overseas travel trade, expand the scale of overseas promotion fairs and waive local traders' participation fees.

As regards promotional efforts in the Mainland, the HKTB will roll out new videos on its "My Time for Hong Kong" promotional platform in collaboration with nationwide media organizations and online video platforms in 2015-2016, and broadcast them on TV and digital marketing channels to promote Hong Kong's hospitable image and unique tourism experiences. The HKTB will also enhance promotion of these themes to consumers through newspapers, magazines and outdoor promotions in the Mainland.

**Asian Infrastructure Investment Bank**

2. **MR NG LEUNG-SING** (in Chinese): *President, twenty one Asian countries including China, India and Singapore signed in October last year the Memorandum of Understanding on Establishing the Asian Infrastructure Investment Bank for the establishment of the Asian Infrastructure Investment Bank (AIIB). It has been reported that as at 15 April this year, a total of 57 countries were included as the prospective founding members of AIIB, including European countries such as the United Kingdom. In this connection, will the Government inform this Council:*

- (1) *whether it has assessed the impact of the establishment of AIIB on Hong Kong as an international financial centre; if it has, of the results;*
- (2) *of the latest progress regarding Hong Kong's application for joining AIIB; and*
- (3) *whether it has assessed the specific functions to be performed by Hong Kong in AIIB; if it has, of the results?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): *President, the Asian Infrastructure Investment Bank (AIIB) is an open and inclusive multilateral development institution. The AIIB is integrally related to the national strategy of the Silk Road Economic Belt and the 21st Century Maritime Silk Road, and plays an important role in supporting infrastructure development in and promoting connectivity among the AIIB members along the Belt and Road.*

At present, 57 prospective founding members, including China, are discussing the draft Articles of Agreement for the establishment of the AIIB, including the procedures and rules for admission of new members. The work is to be completed by end June 2015 and the AIIB is targeted to commence operation by end 2015.

My reply to the question raised by Mr NG Leung-sing is as follows:

(1) and (3)

The HKSAR Government has examined the feasibility and potential benefits of Hong Kong's joining the AIIB. According to a study conducted by the Asian Development Bank, enhancing infrastructure connectivity can deepen and widen the regional production capacity, thereby strengthening the economic growth momentum of Asia in the future.

It is noted that there is enormous demand for infrastructure investment in Asia, and that infrastructure projects generally involve huge capital commitments and a rather long implementation and payback period. Our financing and asset management professionals and various financial products can support the operation of the AIIB in areas such as project financing, bond issuance, investment, financial management and foreign exchange management. As we have experience and talents in managing large-scale works projects; experts in project negotiation, preparation of works and management contracts and international law; as well as professional arbitration services, Hong Kong can take part in the planning, implementation and operation of these projects and is also an ideal place for holding bilateral meetings, contract negotiation and dispute resolution. Our professional services and financial services industries will stand to benefit which will help reinforce our position as an international financial centre.

(2) Last December, the HKSAR Government indicated to the Central Government its intent to join the AIIB and has received positive responses from the Central Government. Representatives of the HKSAR Government attended the Chief Negotiators' Meetings held in late March and late April as members of the Chinese delegation, and contributed to discussions on the Articles of Agreement. We will continue to discuss with the Central Government an appropriate arrangement for Hong Kong to join the AIIB as a non-sovereign territory. The HKSAR Government will report the details to the Legislative Council prior to Hong Kong's joining the AIIB.

**Making Use of Mobile Applications to Offer Taxi-call Services**

3. **MR FRANKIE YICK** (in Chinese): *President, it has been reported that it has become increasingly common among members of the public to call taxis using mobile applications (Apps), and App developers (developers) offer, for the purpose of soliciting business, fare concessions, discounts, cash rebates etc. to attract customers. In this connection, will the Government inform this Council:*

- (1) *as the authorities indicated in reply to a question of a Member of this Council on 12 November last year that under regulation 40 of the Road Traffic (Public Service Vehicles) Regulations, any taxi driver or person who offers a fare discount on his/her own initiative to induce passengers to make use of his/her vehicle is engaging in soliciting activities, irrespective of whether such arrangements are made through Apps, telephone calls or other means, and he/she commits an offence if there is no reasonable excuse, but nothing has been heard so far about the Police issuing warnings or instituting prosecutions against any person for involvement in soliciting activities conducted using Apps, and recently some developers have publicized and promoted their Apps on the streets, whether the authorities will step up law enforcement efforts to curb soliciting activities;*
- (2) *as I have learnt that some developers deposit the fare discounts into passengers' accounts registered on App platforms so as to cover up the illegal acts, whether the authorities will review the existing legislation to plug the loophole; if they will, of the details; if not, the means in place to curb such acts by the authorities; and*
- (3) *whether the authorities will consider reviewing the existing legislation to prohibit drivers from operating their mobile phones with their fingertips or placing several mobile phones on the dashboards while driving, in order to safeguard the safety of passengers and other road users; if they will conduct such a review, of the details and implementation timetable; if not, the reasons for that?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, my reply to the various parts of Mr Frankie YICK's question is as follows:

(1) and (2)

There are provisions in Regulation 40 of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374D) (the Regulations) to regulate taxi "soliciting" behaviour. According to this Regulation 40, no taxi driver or person acting or purporting to act on behalf of a taxi driver shall in any manner attract any person in order to induce such person to make use of the vehicle. Any person convicted of such an offence is liable to a maximum fine of \$10,000 and imprisonment for six months. Under the Regulations, any taxi driver or person acting or purporting to act on behalf of a taxi driver who offers a fare discount on his own initiative to induce passengers to make use of his vehicle is engaging in "soliciting" activities, irrespective of whether such arrangements are made through mobile applications (Apps), telephone calls or other means. He commits an offence if there is no reasonable excuse.

The Police notice that Apps have been used for taxi-hailing. This kind of Apps mainly facilitates the communication between passengers and taxi drivers. Using taxi-hailing Apps solely for hiring taxi service is not illegal in itself. The Police have reviewed the operational modes of the use of taxi-hailing Apps in the market, and consider that there is no clear evidence to show that such Apps have been used to attract passengers by offering discounts.

In handling each case of alleged contravention of Regulation 40 of the Regulations, the Police have to take into account all the evidence, including the exact arrangements between the taxi driver and the App developer and/or operator concerned, the extent of knowledge and participation of various parties involved in arranging taxi service through the use of the Apps concerned, and other details of the case. Whether prosecution on grounds of "soliciting" can be initiated would depend on whether there is sufficient evidence to prove that the App developer/operator or the taxi driver involved has deliberately offered a fare discount through the Apps to attract passengers to use taxi service. Given that the facts of individual

cases may vary, consideration has to be made on a case-by-case basis. The Police would decide how a case should be handled having regard to the particular facts of each case. As to whether individual App developer's offer of cash or other benefits to customers for promotional purpose is illegal, the Police are now seeking legal advice.

Meanwhile, the Transport Department (TD) would remind taxi drivers to abide by the law through different channels, such as dissemination of messages in the regular publication "Taxi Newsletter", publicity leaflets and regular meetings with the taxi industry. Moreover, the TD will continue to remind taxi passengers of the legal requirement to pay fares according to the taxi meters. Publicity will be made through for example posting notices in taxi compartments.

- (3) Under the Road Traffic (Traffic Control) Regulations (Cap. 374G), it is an offence for a driver to use a mobile phone while holding it in his hand or between his head and shoulder if the motor vehicle being driven by him is in motion. Although there is no provision under the existing legislation prohibiting a driver from using his mobile phone through "swiping" while driving or restricting the number of mobile phones mounted on the dashboard of a vehicle, the driver may still be liable to prosecution for "dangerous driving" or "careless driving" offences under the Road Traffic Ordinance (Cap. 374) if there is evidence to prove that his driving behaviour is adversely affected by such or related act.

From the road safety perspective, drivers should be attentive and avoid being distracted while driving. Therefore, drivers should avoid using mobile phones while driving. However, in considering whether to further tightening up the control over the use of mobile phones while driving, the Government should carefully assess its impact on drivers as well as enforcement and other related issues. The Government is collecting data for carrying out a study on this subject, including the Police to record the number of mobile phones mounted on the dashboards of vehicles involved in traffic accidents with casualties and the TD to collate overseas information regarding regulation on the use of mobile phones while driving and relevant

studies. At the same time, the Government has invited the Road Safety Research Committee under the Road Safety Council to conduct a study in this regard. Upon completion of the study, the Government will consider whether there is a need to further tighten up the control over the use of mobile phones by drivers while driving.

The Road Safety Council, in collaboration with the Police and the TD, has stepped up its publicity and education activities on urging drivers to refrain from using mobile phones while driving, including production and broadcasting of Announcements in the Public Interest, distribution of promotional leaflets, and so on, and reminding drivers to be attentive and not to be distracted. The TD also reminds drivers to avoid using mobile phones or other electronic devices while driving through the Road Safety Bulletin distributed to drivers. Besides, the TD will continue to communicate with the transport trades to remind them of the legal requirements and to urge them to refrain from using mobile phones while driving.

## **Fuel Prices**

4. **DR ELIZABETH QUAT** (in Chinese): *President, it has been reported that international oil prices fell by a cumulative 30% during the whole of last year, while retail fuel prices in Hong Kong dropped merely by about 10% in the same period. There are comments that as fuel prices have a significant impact on people's livelihood, the Government is duty-bound to monitor them strictly. In this connection, will the Government inform this Council:*

- (1) *whether, under existing government policies, there is any regulation of the determination of retail fuel prices by oil companies; if so, of the details; if not, the reasons for that;*
- (2) *as retail fuel prices in Hong Kong have all along been criticized for being "quick to rise and slow to drop", whether the Government will formulate policies to eradicate such situation, so as to protect consumers' interests; if so, of the details; if not, the reasons for that; and*

- (3) *as some members of the transport sector have suggested that the Government should classify fuels as strategic commodities for stepping up monitoring, whether the Government has studied the feasibility of such a suggestion, and whether such practice can better protect consumers' interests; if it has studied, of the details; if it has not studied, the reasons for that?*

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

- (1) Retail prices of auto-fuels in Hong Kong are determined by oil companies having regard to commercial practices and their operating costs. The Government appreciates the impact of the auto-fuels prices on the public and has been monitoring the changes in local retail prices of auto-fuels and comparing them with the trend movements of international oil prices (benchmarked against the Singapore free-on-board (FOB) prices for unleaded petrol and motor vehicle diesel). We have been in close contact with oil companies and in time of international oil price reduction, urge them to adjust prices promptly to lessen the burden on the public.
- (2) Hong Kong has no oil refinery. All auto-fuels sold locally are imported refined oil products instead of crude oil. Refined oil products (such as unleaded petrol and motor vehicle diesel) are products produced from crude oil after refinery processes and are different from crude oil. Therefore, changes in international crude oil price and prices of unleaded petrol and motor vehicle diesel are not necessarily the same. When comparing international oil prices and the local retail prices of auto-fuels, it is more appropriate to make reference to Singapore FOB prices (that is, Means of Platts Singapore (MOPS)) and the prices of importing oil products by oil companies. The Government observes that the trend movements of local retail prices of auto-fuels and MOPS are generally in line and there is no sign of "quick going up and slow coming down". However, the changes in prices are not exactly the same in terms of magnitude and frequency due to the following reasons:
- (i) MOPS prices fluctuate day to day, but oil companies do not adjust their auto-fuels price daily;

- (ii) Import price of refined oil product is only one of the costs of local retail price. Retail price also includes tax (\$6.06/litre for unleaded petrol and tax free for diesel), and other operating costs, such as land costs, government rent, staff costs, transportation, promotion, operation of oil terminal, and so on. When oil companies adjust their prices, apart from the import prices of oil products, they also take into account changes in these operating costs; and
- (iii) Oil companies generally provide various kinds of discounts and promotions to customers and drivers. Therefore, the actual selling prices of auto-fuels are effectively lower than their listed pump prices.

When the international oil prices drop, the percentage change in pump prices must be lower than that of the international oil prices given the amounts of tax and other operating costs remain unchanged. On the contrary, when international oil prices rise, the magnitude of increase in pump prices will be smaller than that of the international oil prices. Therefore, it is not appropriate to simply compare the percentage change of local auto-fuels pump prices with that of international oil prices.

To sum up, we do not consider that the Government should set an appropriate retail price for the auto-fuels industry or other consumer products related industries in a free market economy. The role of the Government is to make its best effort to ensure a stable fuel supply, maintain market openness, and remove barriers to enter into the market to enhance competition. We also endeavor to improve transparency of auto-fuels products prices to facilitate consumers to obtain sufficient information for making choices.

- (3) The purpose of trade control on strategic commodities in Hong Kong is to regulate the import and export of munition items to prevent Hong Kong from being used as a conduit for the proliferation of weapons of mass destruction. The control on strategic commodities is not relevant to price control.

According to the Oil (Conservation and Control) Ordinance (Cap. 264), the Government could regulate the storage, supply, acquisition, disposal or consumption of oil under special circumstances. The Government has also drawn up a contingency plan to co-ordinate the implementation of energy conservation measures by both the public and the private sectors, as well as the allocation and consumption of oil in the event of a disruption in oil supply.

### **Social Mobility in Hong Kong**

5. **DR KWOK KA-KI** (in Chinese): *President, a Research Brief on "Social mobility in Hong Kong" published by the Legislative Council Secretariat on 12 January this year points that there are limited opportunities for people moving higher on the social ladder and sustained economic growth is key to providing earnings mobility to a society. The median monthly employment earnings of the overall local workforce surged by a total of 139% in real terms during the period from 1976 to 1996, but the growth rate moderated to a mere 14% during the period from 1997 to 2013. The subdued growth in people's earnings has added to the difficulties in home ownership. The average flat price for a small residential unit surged by a total of 188% during the period from 2006 to 2013, whereas the median monthly household income increased by only 30% over the same period. In the recent public sale of a new batch of Home Ownership Scheme (HOS) flats, the Hong Kong Housing Authority received a total of 128 900 applications, representing a record-breaking oversubscription rate of 59 times. On the education front, the expansion of post-secondary education places has been concentrated on the self-financed sub-degree sector. Yet, higher educational attainment has not led to better job prospects, with an increasing share of people engaged in lower-paid associate professional jobs. In this connection, will the Government inform this Council:*

- (1) *whether it will formulate new measures to boost the economic growth of Hong Kong, with a view to comprehensively increasing the income levels of Hong Kong people; if it will, of the details;*
- (2) *whether it will consider according priority to young people in allocating public rental housing units as well as selling flats under HOS and Urban Renewal Authority's development projects; if it will, of the details; whether the authorities will consider re-launching the*

*Sandwich Class Housing Scheme to assist those whose income and asset levels have exceeded the eligibility criteria for HOS in achieving home ownership; if they will, of the details;*

- (3) *whether it will formulate new measures to assist post-secondary graduates in pursuing further studies and seeking employment; if it will, of the details; and*
- (4) *whether it will consider granting a partial waiver of student loans to post-secondary graduates so as to relieve their financial pressure; if it will, of the details?*

**SECRETARY FOR EDUCATION** (in Chinese): President, young people are the future of Hong Kong. The Government has always been concerned about the development of young people and their opportunities for upward mobility. The Government has been working on promoting diversified economic development, improving the overall employment structure, and opening up more opportunities for employment and mobility. Also, it has been providing diversified education and training opportunities for young people with different aspirations with a view to enabling our next generation to give full play to their strengths and skills.

As Dr KWOK's question covers a number of policy areas, the Education Bureau, in consultation with the relevant bureaux and departments, gives the following reply on behalf of the Government:

- (1) The Government attaches great importance to economic development for creating employment and business opportunities, enhancing the overall competitiveness of Hong Kong and enabling the public to increase their income. Established in 2013 and personally led by the Chief Executive, the Economic Development Commission (EDC) has been providing visionary direction and advice on the overall strategy and policy to broaden our economic base and enhance our long-term development. It has submitted specific recommendations on supporting the development of individual industries over the past two years for the Government's consideration and implementation as appropriate. The EDC will continue to explore and identify growth sectors which present opportunities for Hong Kong's further economic growth, and

recommend possible policy and other support measures for these industries.

- (2) Given limited public rental housing (PRH) and subsidized sale flats resources, there is a need for the Government and the Hong Kong Housing Authority (HA) to set priority. Our current policy is to accord priority to families and the elderly. During the public consultation on the Long Term Housing Strategy, many respondents also agreed that the HA should continue to accord higher priority to families and the elderly over non-elderly one-person applicants for PRH. We will continue our efforts to build more PRH flats, ensure the rational use of PRH resources, and provide more subsidized sale flats to address the housing needs of low to middle-income people, including the youngsters.

As for the suggestion to re-introduce Sandwich Class Housing Scheme (SCHS), as development of land for housing requires substantial amount of public resources, including land, financial and manpower resources, and given limited resources, our priorities are to house PRH applicants to PRH flats, and to assist low and middle-income families to achieve home ownership. The Government will strive to achieve the supply targets of PRH and subsidized sale flats under the 2014 Long Term Housing Strategy. From the policy perspective, the Government currently has no plan to re-introduce SCHS.

As regards the Urban Renewal Authority (URA), all along, the redevelopment projects of URA have been targeting the private property market and the standard of finishing as well as the sale price of the URA flats is different from those of flats sold under the Home Ownership Scheme (HOS). As pointed out in the Chief Executive's 2015 Policy Address, high property prices decrease the public's relative ability to purchase a home and result in a marked increase in demand from low and middle-income families for subsidized sale flats. The Government must explore ways to increase the supply of subsidized sale flats through a multi-pronged approach by engaging public organizations, including URA. In view of the difference in standard of finishing, the sale price and target purchasers of the subsidized sale flats to be provided by URA

may not necessarily follow that of the HOS. The Government is awaiting concrete proposals with details from the URA Board. There are no concrete proposals, including proposal on target purchaser group, finalized at this stage.

- (3) The Government attaches great importance to the development of post-secondary education and strives to provide the younger generation with flexible and diversified articulation pathways with multiple entry and exit points. Currently, over 46% of our young people in the relevant cohort have access to degree-level education. If sub-degree places are also taken into account, the rate of youth pursuing post-secondary programmes is nearly 70%. Under the new academic structure, post-secondary institutions have revamped their curriculum to equip young people with a broad knowledge base, strengthen their language proficiency and other generic skills for enhancing their whole-person development and lifelong learning capabilities, which will help lay a solid foundation for them to seek employment in various sectors.

The 2014 Policy Address has put forward a series of measures which include broadening the opportunities for students to receive higher education, strengthening vocational education to provide more opportunities for youngsters to pursue professional development, and establishing a \$1 billion Qualifications Framework Fund to promote lifelong learning and enhance the competitiveness of the local workforce. Measures concerning employment and articulation opportunities for post-secondary graduates are set out below:

- (i) increasing the number of University Grants Committee-funded senior year undergraduate intake places to 5 000 per annum by the 2018-2019 academic year to provide meritorious sub-degree graduates with more opportunities for articulation to the last two years of a publicly-funded undergraduate programme;
- (ii) introducing from the 2015-2016 academic year the Study Subsidy Scheme for Designated Professions/Sectors to subsidize about 1 000 students per cohort to pursue self-financing undergraduate programmes in selected

disciplines to nurture talents for industries with keen demand for manpower and encourage the self-financing sector to develop programmes that meet Hong Kong's social and economic needs. The Scheme will benefit three cohorts of students, and its effectiveness will then be reviewed; and

- (iii) vocational education plays a pivotal role in integrating education and employment. It provides young people and the working population with comprehensive and diversified opportunities in articulation and career development, thereby nurturing talent in support of Hong Kong's development. Apart from launching various measures to strengthen vocational education, the Education Bureau set up the Task Force on Promotion of Vocational Education in June 2014. The Task Force will submit a report to the Secretary for Education in mid-2015 with a strategy and concrete proposals to raise the public's awareness and recognition of vocational education. The Government will examine and consider the report in due course.

Moreover, to assist young people in obtaining employment, the Labour Department (LD) puts in place the Youth Employment and Training Programme (YETP) which provides one-stop pre-employment and on-the-job training for young school leavers aged 15 to 24 with educational attainment at sub-degree or below. The LD encourages employers, through the provision of training allowance, to employ young people joining YETP and provide them with on-the-job training. In 2014, LD furthered its collaboration with employers and various organizations to launch six pilot employment projects under YETP, making available about 760 on-the-job training places to enhance the employability of young people and promote their employment. These pilot projects were to address the employment needs of specific groups of young people including sub-degree holders or to cater for industries with recruitment needs. In 2015, LD will continue to explore suitable pilot projects. So far, two projects have been launched for young people seeking a career in the hospitality industry or culture and publishing industry.

In addition, the Employees Retraining Board (ERB) provides diversified vocation skills training courses for local residents aged 15 or above with education level at sub-degree level or below. Young people may enrol in some 800 ERB courses according to their education levels, career aspirations and training needs.

- (4) To ensure that no eligible students will be denied access to education due to a lack of means, the Government has implemented various student financial assistance schemes to provide appropriate support to needy tertiary students, which include means-tested schemes such as the Tertiary Student Finance Scheme — Publicly-funded Programmes and the Financial Assistance Scheme for Post-secondary Students, as well as non-means-tested schemes such as the Non-means-tested Loan Schemes. The former provides eligible students with a grant and/or a low-interest loan to cover tuition fees, academic expenses and living expenses, while the latter provides eligible students with a loan to cover tuition fees.

To relieve the repayment burden of student loan borrowers, the Government has implemented a series of measures to improve the means-tested financial assistance schemes as well as non-means-tested loan schemes since the 2012-2013 academic year. The improvement measures include:

- (i) lowering the annual interest rate of the means-tested loan schemes from 2.5% to 1%<sup>(1)</sup> and extending the standard repayment period from five to 15 years;
- (ii) reducing the risk-adjusted-factor rate of non-means-tested loan schemes from 1.5% to zero (subject to review in three years after implementation). The current interest rate is 1.395%<sup>(2)</sup> per annum and the standard repayment period has been extended from 10 years to 15 years; and

(1) The rate is fixed.

(2) Subject to adjustment according to the movement of average best lending rate of note-issuing banks in Hong Kong.

- (iii) making the relaxed deferment arrangements a standing practice. Borrowers who fail to make loan repayment on time on grounds of further full-time studies, financial hardship or serious illness may apply for deferment of repayment. If their deferment applications are approved, loan borrowers would enjoy an interest-free deferment and extension of the standard loan repayment period for a maximum of two years, meaning that the entire repayment period can be up to 17 years.

Moreover, in the 2012-2013 and 2013-2014 Budgets, the Government introduced a measure to give student loan borrowers who complete their studies in 2012 and 2013 the option of starting the repayment of their student loans one year after completion of studies. Since the measure could effectively alleviate the financial burden of fresh graduates and allow them more time to secure a stable job, it was announced in the 2014 Policy Address that the Government would make this a standing practice.

The above measures have greatly eased the repayment burden of student loan borrowers and offered appropriate support to students in need. Student loans are financed by government funding. It is against the principle of proper use of public money to grant a waiver of student loans.

### **Reclaimed Water Produced by Sewage Treatment Facilities**

6. **MR CHAN HAK-KAN** (in Chinese): *President, in reply to my question, the authorities said on 26 February this year that the Drainage Services Department was planning to expand the Shek Wu Hui Sewage Treatment Works (SWH STW) and upgrade its treatment technology and, taking the opportunity, the Water Supplies Department had in collaboration with the relevant departments studied the feasibility of producing reclaimed water of acceptable standard through further processing of the tertiary treated sewage effluent from SWH STW for supplying the district for non-potable uses (including irrigation, toilet flushing, etc.). In this connection, will the Government inform this Council:*

- (1) *of the quantity of seawater used for toilet flushing and the average quantity of seawater used by each household for toilet flushing, in each of the past three years;*
- (2) *of the number of households or population currently using potable water for toilet flushing, with a breakdown by the 18 District Council districts;*
- (3) *of the estimated annual number of customers who can be supplied with the reclaimed water produced by SWH STW for toilet flushing;*
- (4) *given that the authorities plan to produce reclaimed water of acceptable standard through further processing of the tertiary treated sewage effluent from SWH STW, of the procedures involved in such "further processing";*
- (5) *whether it knows the overseas countries or regions in which reclaimed water is more commonly used for toilet flushing; the respective quality standards adopted in those countries or regions for reclaimed water;*
- (6) *of the current quality standards adopted in Hong Kong for reclaimed water, and the authorities' basis or rationale for setting those standards; and*
- (7) *given that a member of the Advisory Committee on Water Resources and Quality of Water Supplies has pointed out that in foreign countries, reclaimed water which has undergone only relatively simple secondary treatment and processing is able to meet the needs for toilet flushing and landscape irrigation in metropolitan areas, whether it has studied if the tertiary treated sewage effluent from SWH STW can be used, without further treatment, for toilet flushing; if the outcome of the study is in the negative, of the reasons for that?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, developing reclaimed water is one of the initiatives for managing water supply under the Total Water Management Strategy adopted by the Government in 2008 in

pursuance of sustainable use of water resources in Hong Kong. The results of two pilot schemes for reclaimed water conducted by the Government at Ngong Ping and Shek Wu Hui demonstrate that it is technically feasible to use water reclaimed from tertiary treated effluent of sewage treatment works for non-potable uses.

To cope with the development of North East New Territories (NENT) New Development Areas, the Drainage Services Department needs to expand Shek Wu Hui Sewage Treatment Works and upgrade its treatment technology to tertiary-level to deal with the additional effluent load as well as to comply with the standard set by the Environmental Protection Department for discharging treated effluent to Deep Bay. The Water Supplies Department (WSD) has taken this opportunity to jointly study with departments concerned the feasibility of producing reclaimed water by further processing tertiary treated effluent of Shek Wu Hui Sewage Treatment Works for non-potable uses, including toilet flushing, within NENT region. The findings show that supplying reclaimed water within this region is cost-effective as the additional process required for producing reclaimed water from tertiary treated effluent is relatively simple.

The WSD has started planning for the infrastructure works for supplying reclaimed water for non-potable uses within NENT region. Supply of reclaimed water is expected to commence by 2022.

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

- (1) The quantity of seawater used for toilet flushing in the past three years is tabled below:

<i>Year</i>	<i>Quantity of seawater used (million cubic metres)</i>
2012	273
2013	278
2014	271

As there is no water meter for measuring the quantity of seawater used for toilet flushing by each household, the average annual quantity of seawater used by each household is not available.

- (2) There are around 33 500 domestic accounts, involving about 20% of the population in Hong Kong, using potable water for toilet flushing. The distribution of these accounts is as follows:

<i>Region</i>	<i>Number of Domestic Accounts Using Potable Water for Toilet Flushing</i>
Hong Kong and Islands Region	8 700
Kowloon Region	700
New Territories East Region	9 400
New Territories West Region	14 700
Total	33 500

Notes:

- (1) Normally, for supply of potable water for toilet flushing, only one meter is installed for all consumers, both domestic and non-domestic, in a building. The WSD does not maintain any statistics on the distribution of these accounts by 18 District Council districts.
- (2) The total number of domestic accounts using potable water for toilet flushing includes mixed accounts (that is, both domestic and non-domestic consumers) that use potable water for toilet flushing.
- (3) As mentioned above, WSD has started planning the infrastructures for supplying reclaimed water for non-potable uses within NENT region. According to the current estimate, around 450 000 people will have access to reclaimed water for toilet flushing.
- (4) "Further processing" refers to the process of adding chlorine to the tertiary treated effluent of Shek Wu Hui Sewage Treatment Plant for disinfection and decolourization purpose before distributing it for use by the public.
- (5) and (6)

While it is common practice in many places around the world, including Singapore, United States, and so on, to use reclaimed water for irrigation and other non-potable purposes, potable water is generally used for toilet flushing. Using reclaimed water for toilet flushing remains uncommon because the buildings abroad generally do not have separate internal plumbing system for flushing water,

which is a pre-requisite for using reclaimed water for toilet flushing. The case for Hong Kong is different. We have been using seawater for toilet flushing for years. Our buildings generally have separate internal plumbing systems for toilet flushing, which facilitates the conversion to using reclaimed water for toilet flushing.

The water quality standards for reclaimed water around the world are formulated with due consideration for its scope of uses (for example, industrial use, irrigation), its sensory impact (for example, color and odor) and safeguarding public health. When formulating the water quality standards for reclaimed water for non-potable uses in Hong Kong, we have also considered these factors and made reference to the standards of reclaimed water around the world to ensure that the reclaimed water is hygienic and safe for public use. The key parameters for the water quality standards of reclaimed water in Hong Kong are set out in the Annex.

- (7) As mentioned in part (4) above, the tertiary treated effluent from the Shek Wu Hui Sewage Treatment Works must be disinfected and decolourized by adding chlorine. This is a mandatory process before the reclaimed water can be distributed for public use. In fact, the seawater supplied by WSD for toilet flushing also needs to undergo chlorination before being distributed for public use.

Annex

Key Parameters of Water Quality Standard of Reclaimed Water in Hong Kong  
(for non-potable uses, including toilet flushing)

<i>Key Parameters</i>	<i>Unit</i>	<i>Water Quality Standard</i>	<i>Justification</i>
E. Coli	colony forming units/100mL	Not Detectable	A bacterial benchmark for safeguarding the hygienic quality of reclaimed water and public health.
Total Residual Chlorine	mg/Litre	After treatment $\geq 1$ ; At point of use $\geq 0.2$	To contain bacterial growth by maintaining a sufficient concentration of residual chlorine in the distribution system of reclaimed water.

<i>Key Parameters</i>	<i>Unit</i>	<i>Water Quality Standard</i>	<i>Justification</i>
Dissolved Oxygen	mg/Litre	$\geq 2$	To prevent odour being generated in a low-oxygen environment by reducing organic materials in reclaimed water.
Total Suspended Solids	mg/Litre	$\leq 5$	A general water quality benchmark for ensuring that reclaimed water reaches acceptable level in sensory terms.
Colour spectrum	Hazen unit	$\leq 20$	

### **Public Library Services**

7. **MR CHRISTOPHER CHUNG** (in Chinese): *President, regarding public library services, will the Government inform this Council:*

- (1) *of the number of new libraries opened in the past five years, with a breakdown by type of libraries;*
- (2) *of the locations where mobile libraries were replaced by major/small libraries in providing services in the past five years;*
- (3) *whether it has plans to set up small libraries in all the districts or housing estates in which only mobile library services are currently available, in order to provide more comprehensive services;*
- (4) *since some members of the public have relayed to me that as the working hours of Hong Kong people are getting longer while the opening hours of libraries in general end at 8 pm the latest on weekdays, quite a number of working persons are unable to use library services on weekdays, whether the authorities have plans to extend the opening hours of libraries in various districts at night on weekdays;*
- (5) *given that the Leisure and Cultural Services Department (LCSD) has launched a pilot scheme in six selected branch libraries by deploying Radio Frequency Identification (RFID) technology to handle self-service borrowing and returning of library materials as well as*

*to assist in the searching and sorting of library collections, and the review of the scheme has confirmed a prima facie case for full RFID implementation, whether LCSD has decided to put RFID into full implementation in various libraries; if LCSD has, of the latest progress; and*

- (6) *whether it has plans to follow the practices of Shenzhen or Taiwan by setting up round-the-clock self-service libraries in various districts?*

**SECRETARY FOR HOME AFFAIRS** (in Chinese): President, my reply to various parts of the question is as follows:

- (1) In the past five years, there were a total of six new public libraries (libraries) opened by the Leisure and Cultural Services Department (LCSD). Details are listed in the table below:

<i>Year</i>	<i>Library</i>	<i>Type of Library</i>	<i>Remarks</i>
2010	Tung Chung Public Library	District Library	Reprovisioning and upgrading of the former small library located at Yat Tung Estate, Tung Chung
	Butterfly Estate Public Library	Small Library	Reprovisioning and expansion of the former small library located at Butterfly Estate, Tuen Mun
2011	Siu Sai Wan Public Library	Small Library	Newly-built library
2013	Ping Shan Tin Shui Wai Public Library	Major Library	Reprovisioning and upgrading of the former district library located at Kingswood Ginza, Tin Shui Wai
	Lam Tin Public Library	District Library	Reprovisioning and upgrading of the former small library located at Tak Tin Estate, Lam Tin

<i>Year</i>	<i>Library</i>	<i>Type of Library</i>	<i>Remarks</i>
2014	Shek Kip Mei Public Library	Small Library	Reprovisioning and expansion of the former small library located at Pak Tin Estate, Sham Shui Po

- (2) In the past five years, the new libraries were provided mainly for the reprovisioning of the existing libraries in the same districts, with expansion of floor areas and reading spaces, and enhancement of services and facilities. The Government has no plans to replace existing mobile library stops with these new libraries.
- (3) In considering the provision of a library, the LCSD will take into account various factors including the guidelines of the Hong Kong Planning Standards and Guidelines; as well as the geographical location, transport facilities and demographic characteristics of the district; the utilization of the existing libraries; the development of infrastructural and community facilities of the district; the changing needs (including demographic changes) of the community; and the cost-effectiveness of the services. Where appropriate, the LCSD will provide small libraries or mobile libraries to supplement the services of major libraries and district libraries. Mobile libraries are particularly effective in serving residents in sparsely-populated or remote areas to support the static library network. Given the cost-effectiveness of mobile libraries in serving residents in remote areas, the Government has no plans to replace mobile library services completely with small libraries. The LCSD will continue to collaborate with local organizations to set up more community libraries in order to provide more flexible and convenient library services for local residents.
- (4) In response to the public demand for longer opening hours of libraries, the Government has, since 1 April 2009, extended and standardized the weekly opening hours of all major and district libraries from 61 or 62 hours to the present 71 hours, providing services to the public seven days a week. Under the current arrangement, 35 major and district libraries open until 8 pm during weekdays and Saturdays and until 5 pm on Sundays so that the public may spend longer time at libraries after work and during

weekends. Overall, the existing arrangement on opening hours has catered for the needs of most people. Indeed, the feedback collected by the LCSD from the annual customer liaison meetings in the past three years showed that over 90% of the respondents were satisfied with the current opening hours.

As libraries require substantial resources and manpower to operate, further extension of the opening hours of libraries at night will involve a significant increase in expenditure and staffing. To strike a balance between the public needs and resource efficiency, the Government has no plans to further extend the opening hours of libraries at this stage.

We will make good use of the new technology and information technology to actively develop the "library without walls" on a continual basis to provide the public with library services beyond the confines of time and space, including 24-hour online library services which allow readers to view their personal accounts, search library catalogues, renew and reserve library materials, use the reference enquiry service, read e-books, search e-databases and browse digitized materials in the Multimedia Information System through the Internet at home. The following table shows the number of single visit to the relevant websites/online services of the Hong Kong Public Libraries in the past three years:

	<i>2012</i>	<i>2013</i>	<i>2014</i>
Virtual visits	19 136 947	19 219 526	20 762 230

(5) and (6)

The Radio Frequency Identification (RFID) pilot scheme, which has been launched by LCSD in six libraries since late 2011, includes the introduction of RFID-enabled self-charging terminals, self-returning stations and book sorter systems. The findings suggest that the RFID technology is effective in enhancing library services. Yet, we are considering the feasibility of the full implementation of the RFID technology (including the provision of round-the-clock self-service libraries). There is no specific timetable at this stage.

## Construction and Administration Costs in Production of Public Rental Housing and HOS Flats

8. **MR ABRAHAM SHEK:** *President, regarding the construction and administration costs in the production of public rental housing (PRH) and Home Ownership Scheme (HOS) flats by the Hong Kong Housing Authority (HA), will the Government inform this Council of:*

- (1) *(i) the estimated and actual average construction costs per square foot (ft<sup>2</sup>) of construction floor area (CFA), (ii) the estimated and actual average construction costs per flat, as well as (iii) the estimated and actual average administration costs per flat, of the PRH flats constructed/to be constructed by HA in each of the past five years and the five years starting from this year (set out the information in the table below); and*

Year	Estimated	Actual	Estimated	Actual	Estimated	Actual
	(i)		(ii)		(iii)	
2010-2011						
2011-2012						
2012-2013						
2013-2014						
2014-2015						
2015-2016		Not applicable		Not applicable		Not applicable
2016-2017						
2017-2018						
2018-2019						
2019-2020						

- (2) *(iv) the estimated and actual average construction costs per ft<sup>2</sup> of CFA, (v) the estimated and actual average construction costs per flat, and (vi) the estimated and actual average administration costs per flat, of the HOS flats constructed/to be constructed by HA in each of the past three years and the five years starting from this year (set out the information in the table below)?*

Year	Estimated	Actual	Estimated	Actual	Estimated	Actual
	(iv)		(v)		(vi)	
2012-2013						
2013-2014						
2014-2015						
2015-2016		Not applicable		Not applicable		Not applicable
2016-2017						
2017-2018						
2018-2019						
2019-2020						

**SECRETARY FOR TRANSPORT AND HOUSING:** President, my reply to the question raised by Mr Abraham SHEK is as follows:

The average construction costs per square foot of construction floor area (CFA) and the average construction costs per flat of the public rental housing (PRH) flats completed/to be completed by the Hong Kong Housing Authority (HA) during the period from 2010-2011 to 2018-2019 are as follows:

Financial Year	Average Construction Cost (\$) per square foot of CFA	Average Construction Cost (\$) per flat
2010-2011	640	312,700
2011-2012	704	355,100
2012-2013	786	383,200
2013-2014	850	416,300
2014-2015	1,015	509,800
2015-2016	1,201*	612,200*
2016-2017	1,285*	696,500*
2017-2018	1,385*	772,600*
2018-2019	1,623*	885,500*

Note:

\* Estimated costs of PRH flats scheduled for completion in the respective financial years.

There is no Home Ownership Scheme (HOS) flat completed during the period from 2010-2011 to 2015-2016. The estimated average construction costs per square foot of CFA and the estimated average construction costs per flat of

the HOS flats to be completed by the HA during the period from 2016-2017 to 2018-2019 are as follows:

<i>Financial Year</i>	<i>Estimated Average Construction Cost (\$) per square foot of CFA</i>	<i>Estimated Average Construction Cost (\$) per flat</i>
2016-2017	1,738	1,172,400
2017-2018	1,691	1,135,500
2018-2019	1,851	1,292,300

The average Direct Costs and Overheads charged to PRH and HOS projects of the HA (including mainly personal emolument costs of Housing Department staff involved in the construction of PRH and HOS, and other related expenses) for the period from 2010-2011 to 2018-2019 are estimated to be about 16% of the total construction cost.

### **Right of Abode in Hong Kong of Mainland Children who were Born to Hong Kong Residents**

9. **MR ALBERT CHAN** (in Chinese): *President, in reply to my question on 4 November 2009, the Government said that there were then 11 children and young people born on the Mainland and whose father or mother was a Hong Kong resident. These persons claimed that they could not obtain Permits for Proceeding to Hong Kong and Macao (commonly known as "One Way Permit") as they did not have mainland household registration. Subsequent to their illegal entry into Hong Kong, they had stayed in Hong Kong for seven years or more and had been granted permission for receiving education here. However, according to the Registration of Persons Ordinance (Cap. 177) and the established policy, they were not eligible to be granted Hong Kong identity cards as they were illegal entrants. Recently, some members of the public have relayed to me that quite a number of children and young people of the same birth background as that of the aforesaid cases have entered Hong Kong illegally. In this connection, will the Government inform this Council:*

- (1) *whether it has exercised its discretion to issue Hong Kong identity cards to the aforesaid 11 children and young people; if it has, of the details;*

- (2) *of the numbers of children and young people staying in Hong Kong in each year since 2009 who were born on the Mainland and whose father or mother was a Hong Kong resident; the reasons for the increase or decrease in such annual numbers; and*
- (3) *whether the authorities will consider amending the relevant legislation to grant these children and young people the right of abode in Hong Kong so that they can be issued with Hong Kong identity cards, thereby enabling them to live normally and grow up healthily in Hong Kong; if they will, of the details; if not, the reasons for that?*

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

- (1) Of the aforesaid 11 children and young people, six have been granted permission to remain in Hong Kong at the discretion of the Director of Immigration, two have returned to the Mainland and the remaining three are still in Hong Kong.
- (2) Since 2010, the number of new cases each year concerning children and young people born on the Mainland, whose father or mother is a Hong Kong resident, and who claimed to the Immigration Department that they could not obtain One-way Permit as they do not have Mainland household registration, and have stayed in Hong Kong for seven years or more after illegal entry and have been granted permission for schooling is tabulated as follows:

<i>Year</i>	<i>New cases</i>
2010	3
2011	1
2012	2
2013	2
2014	1

As at end March 2015, a total of five children and young people involved in the above cases remained in Hong Kong.

- (3) Mainland residents who wish to settle in Hong Kong must apply for One-way Permits from the Exit and Entry Administration Offices of the Public Security Bureau of the Mainland at the places of their household registration. It is an offence to enter Hong Kong illegally or to overstay after entry. Mainland residents who remain in Hong Kong illegally should return to the Mainland as soon as possible and apply for settlement in Hong Kong through the proper channel.

### **Road Safety of Franchised Buses**

10. **DR KWOK KA-KI** (in Chinese): *President, it has been reported that early this month, a bus of New Lantau Bus Company (1973) Limited (Lantau Bus Company) with 60 passengers on board had an accident, which was suspected to have been caused by failure of its braking system, when it was travelling down a slope on its way from Tung Chung to Tai O, and it nearly fell off the hill. Some residents of Lantau Island have relayed to me that as the buses of Lantau Bus Company are their major means of transport and many tourists take the buses of Lantau Bus Company to tour around various tourist spots on Lantau Island at the weekends, they are particularly concerned about the aforesaid accident. Regarding the road safety of franchised buses, will the Government inform this Council:*

- (1) *whether it knows the details of the system adopted by Lantau Bus Company at present for examining the driving skills and behaviour of its bus drivers; whether the authorities carried out regular and surprise inspections in the past three years in respect of the road safety of buses of Lantau Bus Company; if they did, of the respective numbers and results of these two types of inspections, and whether they uncovered any breaches of traffic rules (e.g. speeding and failing to comply with traffic signals) by bus drivers; if they did, of the number of such cases; and*
- (2) *as some bus drivers have relayed to me that franchised bus companies from time to time arrange their bus drivers to carry out duties as "relief drivers" so as to save expenditure on drivers' overtime pay, whether the authorities have looked into the prevalence of such arrangement at present and its impact on the rest time of bus drivers and road safety; if they have, of the details; if not, the reasons for that?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, the Government has all along been attaching great importance to driving safety. With regard to franchised buses, the Transport Department (TD) and the franchised bus companies have implemented appropriate measures in various areas like the rest time arrangement for bus captains, driving skills and vehicle inspection, with a view to ensuring the driving safety of franchised buses.

My reply to Dr KWOK Ka-ki's question is as follows:

- (1) According to the Road Traffic Ordinance, all franchised bus captains must pass the TD's driving test and hold a valid driving licence for "Public Bus" or "Public Bus-Franchised Bus" for driving franchise buses. Moreover, the franchised bus companies have provided various types of training to their regular and part-time bus captains. With regard to the New Lantao Bus Company (1973) Limited (Lantao Bus Company), all newly-recruited bus captains must have passed the TD's driving test prior to the employment and hold a valid driving licence. They would receive training for three to five days provided by the company to learn and familiarize themselves with the bus operation, road conditions of bus routes and the location of bus stops en route. Moreover, the Lantao Bus Company would arrange bus captains to attend road safety courses and seminars so as to enhance their road safety awareness.

With regard to monitoring the driving skill and behaviour of bus captains, the Lantao Bus Company has installed an electronic tachograph (commonly known as "black box") on its whole fleet to record the operational data of vehicles (such as journey speed, time and details, and so on). Such record can help monitor the bus captains' behaviour and investigate accidents. The Lantao Bus Company would also conduct surprise inspection from time to time at different road sections and take appropriate disciplinary action against bus captains with improper driving behaviour. Over the past three years, the Lantao Bus Company was involved in about 50 traffic accidents, accounting for less than 0.8% of the total franchised bus traffic accidents (Lantao Bus Company fleet makes up of about 2% of the total franchised bus fleet); and its accident rate per million vehicle-kilometre is lower than that of the overall rate of franchised buses. During the same period, the Lantao Bus Company has conducted over 130 surprise inspection and four bus

captains were given verbal warning due to a slight speeding. Moreover, the Police would initiate prosecution action against drivers who violate traffic regulations. Over the past three years, the Lantao Bus Company bus captains were involved in 13 cases of careless driving.

- (2) A franchised bus company has the responsibility to employ sufficient qualified bus captains so as to operate bus services in accordance with the routing, timetable, frequency and bus allocation as stipulated in the Schedule of Service approved by the TD. Similar to other franchised bus companies, apart from employing regular bus captains, the Lantao Bus Company would employ part-time bus captains to meet the needs of daily manpower deployment and additional passenger demand on some specific dates and hours. Such arrangements are not for reducing expenditures on regular drivers' overtime payment. In fact, the employment of part-time bus captains can help reduce the need for regular bus captains to work overtime and can give them sufficient rest time, thereby enhancing driving safety. For the Lantao Bus Company, part-time bus captains are mainly deployed to operate additional bus departures during weekends and holidays to meet extra passenger demand. To enhance monitoring of the manpower situation of bus captains, the franchised bus companies are required to submit monthly reports on the manpower situation of bus captains using a standardized form to TD since the beginning of this year. Should there be any sign of manpower shortage, franchised bus companies will be urged to implement improvement measures as soon as possible.

To ensure that bus captains have sufficient rest time in the interest of driving safety, the TD has issued the Guidelines on Bus Captain Working Hours, Rest Times and Meal Breaks (the Guidelines) (see Annex) for franchised bus companies for arranging work schedules for regular and part-time bus captains. To ensure the compliance of the Guidelines by the franchised bus companies, the franchised bus companies are required to submit quarterly reports on the implementation of the Guidelines to the TD. The TD also engages independent contractors to carry out annual compliance surveys on working hours, rest time and meal breaks of bus captains. The report submitted by the Lantao Bus Company and the TD's survey

findings both indicate that the Lantao Bus Company has generally complied with the Guidelines in arranging work schedules. The TD will continue to closely monitor the implementation of the Guidelines, and take follow-up action where necessary.

Annex

Guidelines on Bus Captain  
Working Hours, Rest Times and Meal Breaks issued by the TD  
(Revised in October 2010)

- Guideline A - Bus captains should have a **rest time**<sup>(1)</sup> of at least 30 minutes after six hours of duty and within that six-hour duty, they should have **rest times** totalling 20 minutes of which no less than 12 minutes should be within the first four hours of duty. **The time bus captains spend at a terminal point preparing for the next departure and monitoring boarding of passengers should not be regarded as rest time.**
- Guideline B - Maximum duty (including all **rest times**) in a **working** day should not exceed 14 hours.
- Guideline C - Driving duty (that is, maximum duty less all **rest times** each of 30 minutes or more) in a **working** day should not exceed 11 hours.
- Guideline D - The break between successive working days should not be less than **10** hours.
- Guideline E - Bus captains working for a duty of not less than eight hours in a working day should have a meal break. Bus companies should complete the improvement of meal breaks to no less than 45 minutes by the third quarter of 2011, and further improvement to no less than one hour in one year thereafter.**

Notes:

Improvements introduced in the revised Guidelines issued in October 2010 are marked in bold.

(1) Meal break is regarded as rest time.

**Combating Activities Carried out by Banks to Assist Clients in Evading Taxes**

11. **MR FREDERICK FUNG** (in Chinese): *President, it has been reported that an investigation conducted jointly by an international organization and overseas media revealed that HSBC Group's Swiss private bank was suspected of assisting more than 100 000 clients, including those from Hong Kong, in evading taxes by means of trust funds, shell companies, offshore accounts, etc. A number of countries have conducted investigations into or commenced legal proceedings on the incidents. For example, the judiciary of France has initiated legal proceedings against HSBC Group for assisting its clients in evading tax payments in France. Regarding regulators' efforts in combating activities carried out by banks to assist their clients in evading taxes, will the Government inform this Council:*

- (1) *whether the Hong Kong Monetary Authority (HKMA) has approached overseas regulators so as to understand the aforesaid incidents; if HKMA has, of the details; if not, the reasons for that; whether HKMA or other law enforcement authorities will conduct investigations into the incidents; if they will, of the details; if not, the reasons for that; and*
- (2) *whether it has assessed if the existing mechanism and legislation in Hong Kong are sufficient for combating activities carried out by banks to assist their clients in evading taxes, concealing assets or laundering money; how the authorities monitor the carrying out of such activities by local banks through their overseas branches?*

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

- (1) We take the relevant allegations seriously, insofar as they may affect the integrity of Hong Kong as an international financial centre. The Hong Kong Monetary Authority (HKMA) has assessed the allegations and, in the course of that assessment, the relevant bank has confirmed that the alleged cases concerning a Switzerland-incorporated subsidiary of its group company assisting

clients to evade tax during 2005-2007 did not relate to the banking group's operation in Hong Kong. The HKMA and the relevant enforcement authorities will continue to monitor closely the developments emanating from enquiries or investigations in other jurisdictions, and will liaise with overseas regulators as appropriate. The HKMA and the relevant enforcement authorities will take actions if there is any contravention of Hong Kong laws or regulations by any entity or person.

- (2) The Government and regulators are fully committed to combatting money laundering and tax evasion. The Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance (Cap. 615) imposes on financial institutions stringent customer due diligence and record-keeping requirements that are consistent with the international standards promulgated by the Financial Action Task Force, and are applicable to overseas branches and subsidiaries of locally-incorporated banks. The HKMA attaches great importance to maintaining effective systems and controls against money laundering and terrorist financing in banks in Hong Kong, and overseas branches and subsidiaries of locally-incorporated banks, including requiring these banks to take effective measures to mitigate risks arising from tax evasion. The HKMA has recently published a guidance paper on anti-money laundering controls over tax evasion. It conducts regular on-site examination on banks' anti-money laundering and counter-terrorist financing controls, including tax-related controls. It also maintains dialogues with overseas regulators to share various supervisory matters on banking groups. In addition, financial institutions are required to report any suspicious transactions in relation to proceeds potentially arising from crimes (including money laundering and tax evasion) to the Joint Financial Intelligence Unit, established by the Hong Kong Police Force and the Customs and Excise Department, under the Organized and Serious Crimes Ordinance (Cap. 455). Also, under the Inland Revenue Ordinance (Cap. 112), it is a criminal offence for any person who wilfully with intent to evade or assist any other person to evade tax.

**Reprovisioning of a School in Yue Wan Estate**

12. **DR KENNETH CHAN** (in Chinese): *President, it has been reported that the authorities have rezoned the site of a vacant school premises in Yue Wan Estate, Chai Wan, for residential use and plan to build a public rental housing (PRH) block there (PRH scheme). I have learnt that the ELCHK Faith Love Lutheran School (Lutheran School) is adjacent to the vacant school premises, and the premises of the school are far below the current standards in terms of area, space and facilities. The Lutheran School has all along been lobbying the Government to improve its school premises for years, and has suggested that the authorities study the reprovisioning of the school at the same time when it plans for the PRH scheme. In this connection, will the Government inform this Council:*

- (1) *whether the authorities will consider conducting a joint planning for the PRH scheme and the reprovisioning of the Lutheran School; if they will, of the details, and whether the authorities will reprovision the Lutheran School on sites in or near Yue Wan Estate; in the course of reprovisioning the Lutheran School, whether the authorities will provide the school with temporary school premises; if they will, of the specific arrangements; if not, the reasons for that; and*
- (2) *regarding the reprovisioning of the Lutheran School, whether the authorities will meet with and gauge the views of different stakeholders, including the teachers, students and parents of the school, as well as the residents in the district and the Eastern District Council; if they will, of the specific arrangements; if not, the reasons for that?*

**SECRETARY FOR EDUCATION** (in Chinese): *President, regarding the issues relating to the premises of the ELCHK Faith Love Lutheran School (Lutheran School), our response is as follows:*

- (1) *The vacant school premises of the former TWGHS & LKWFSL Mrs Fung Yiu Hing Memorial Primary School is located in Yue Wan Estate, Chai Wan. Upon request from the Housing Department (HD), the Education Bureau had returned that vacant school premises to HD for residential use in 2013. According to the*

approved Chai Wan Outline Zoning Plan No. S/H20/21, the site on which the vacant school premises is located is zoned "Residential (A)". According to information provided by HD, the HD plans to demolish that vacant school premises to construct a public rental housing block. This development project and the redevelopment of Yue Wan Estate are two different projects under HD.

Lutheran School is an operating aided primary school. It is also located in Yue Wan Estate adjacent to that vacant school premises. Regarding the improvement of the premises of Lutheran School, the Education Bureau has all along maintained close contact with the school so as to understand and follow up its development needs, as well as to provide appropriate support for improving its environment and facilities. The Education Bureau has received and is following up the proposal from Lutheran School for in-situ redevelopment/extension. Factors to be considered are the operation track record and quality of the school; the area, facilities, conditions and age of the existing premises; as well as the future development of Yue Wan Estate where the school is located, and so on.

As regards the suggestion of reprovisioning Lutheran School, the School Sponsoring Body (SSB) of Lutheran school may consider making an application for reprovisioning the school through the School Allocation Exercises (SAE) to improve its teaching and learning environment. Under the established mechanism, when Education Bureau has identified a school site/premises for reprovisioning of all existing public sector primary schools in the territory, the allocation of the relevant school site/premises is generally conducted through SAE for which all eligible SSBs in the territory can apply. School allocation is generally conducted on a competitive basis amongst the SSBs. In assessing the applications for reprovisioning, quality of education is the prime consideration of the School Allocation Committee comprising both official and non-official members. Other factors to be considered include the operation track record of the SSB, the proposed school plan after reprovisioning, and the physical conditions of the school's existing premises, and so on.

- (2) As mentioned in the paragraphs above, the Education Bureau is following up the proposal from Lutheran School for in-situ redevelopment/extension. Before a concrete plan has been made, it is still premature to discuss the specific arrangement of the consultation work at this stage. In accordance with the usual school building procedures, when there is further information on a school building project, the Education Bureau and the relevant departments will closely liaise with the relevant stakeholders. Public consultation will be carried out timely to consult the relevant District Council and the local community.

### **Mini-storages in Industrial Buildings**

13. **MR PAUL TSE** (in Chinese): *President, it has been reported that the Lands Department earlier issued warning letters to the owners of two industrial building units, alleging that they had breached the land lease conditions by operating mini-storages in their units, and requiring them to make rectification before the deadlines. Subsequently, as the owners concerned had not made rectification, the Lands Department registered the warning letters at the Land Registry (commonly known as "imposing an encumbrance"). Regarding the operation of mini-storages, will the Government inform this Council:*

- (1) *whether it has conducted any investigation into or compiled statistics on the respective numbers of industrial building units in various traditional industrial areas (e.g. Kowloon Bay, Kwun Tong, Yau Tong, San Po Kong and Wong Chuk Hang) which have been converted into mini-storages; if so, of the breakdown of (i) the number of mini-storages and (ii) the number of tenants, by whether or not the use of the units concerned for such a purpose is in breach of the land lease conditions;*
- (2) *of the channels for members of the public to enquire whether individual mini-storages are operating in breach of the land lease conditions; whether there is any policy on or plan for the eradication of all those mini-storages operating in breach of the relevant land lease conditions and prosecution of the owners concerned; if so, of the details, and how the authorities will mitigate the impact of the eradication on the users of mini-storages; and*

- (3) *as there are comments that with the newly-built residential units getting smaller and housing units with an area of 200 to 300 square feet are very common, members of the public have an increasingly keen demand for mini-storages, of the Government's policies on or plans for meeting such a demand of the residents in various districts?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, in general, when the Lands Department (LandsD) receives a complaint or referral of a suspected breach of land lease, it will conduct site inspections and, depending on the facts and circumstances of the case and the conditions of the relevant land lease, determine whether there is any breach of the land lease. If a breach is found, the LandsD will take appropriate actions to rectify the breach of land lease. This same approach is applied in handling cases relating to "mini-storages"; the LandsD has not initiated any special actions targeted at "mini-storages".

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

- (1) The LandsD does not have statistics on the number of units in industrial buildings being used and rented out for "mini-storages".
- (2) Whether a "mini-storage" is in breach of the land lease cannot be generalized and depends on the actual operation of the "mini-storage" concerned and the terms and conditions of the relevant lease of the lot. Taking a "mini-storage" in an industrial building as an example, if the relevant land lease specifies or permits "industrial" use only, the operation of any godown, including "mini-storage", is in general in breach of the land lease. For industrial buildings whose land leases specify "industrial and/or godown" use or "godown" use, the LandsD has recently sought legal advice again and is of the view that a "mini-storage", which generally stores personal belongings or domestic items for customers, will not be considered to be in breach of the "godown" use stipulated in a land lease, even though goods stored in such a "mini-storage" are not the same as those stored in conventional godowns. Nonetheless, if an industrial building unit were to operate as a "mini-storage" in name but in fact was used not for

godown but for other purposes such as office or retail purposes, it would not be in compliance with the "godown" use stipulated in the land lease.

We believe the above can help the industry understand our position and alleviate any unnecessary concerns. Nonetheless, we would like to reiterate that whether a "mini-storage" is in breach of land lease will depend on the operation of that "mini-storage" and the lease conditions of the lot concerned and cannot be over-generalized.

So far, there are only a handful of cases where the operations of "mini-storages" in industrial buildings are considered to be in breach of the land lease. The LandsD will take into account the above overall considerations and assess each case based on the actual operations. If there is a breach of the lease conditions, LandsD, as the landlord, will take lease enforcement actions; such actions do not involve prosecution. The LandsD will issue a warning letter to the owner concerned, requesting rectification of the breach. If the owner does not rectify the breach by the deadline, the LandsD will register the warning letter at the Land Registry, commonly known as "imposing an encumbrance". In such a case, the public will know about the breach relating to the property concerned by obtaining information from the Land Registry.

In general, even if a particular use is not in compliance with the lease conditions, there is an established avenue for an owner to apply for a short term waiver to have the restriction temporarily waived upon payment of a waiver fee, or the owner may even apply for a lease modification upon payment of land premium. The LandsD will process such applications according to the established mechanism.

- (3) According to the Definition of Terms agreed by the Town Planning Board, "mini-storage" use is categorized as a type of "non-polluting industrial use" which is always permitted within "Industrial" zone or "Other Specified Uses" annotated "Business" (OU(B)) zone from the planning perspective. In other words, industrial buildings located at "Industrial" or "OU(B)" zones are eligible to be used for "mini-storage" use, so long as they are in compliance with the lease terms and conditions or their owners have obtained the relevant

waiver (including the special waiver for wholesale conversion of industrial buildings). Whether or not individual owners would use their industrial buildings for "mini-storages" is a commercial decision driven by the market.

### **Promoting Green Burials**

14. **MR CHAN HAK-KAN** (in Chinese): *President, it is learnt that the Government started to promote green burials in 2007 by fostering the necessary change in mindset in the community and encouraging the public to use more environment-friendly and sustainable means for handling cremated ashes of the deceased, such as scattering the ashes in Gardens of Remembrance (GoRs) or at sea. However, it has been reported that the utilization rates of GoRs are rather low and there is a shortfall in the supply of public niches (niches). Regarding reviewing the current policy on burials for the purpose of enhancing the effectiveness of funeral facilities, will the Government inform this Council:*

- (1) *of the respective numbers of cases in which cremated ashes were scattered in GoRs and at sea in each of the past 10 years, as well as the respective percentages of the relevant numbers of the deceased in the number of total deaths in that year; the size of each GoR at present;*
- (2) *of the total number of applications for niches in the past 10 years, and the percentage of applications in respect of which niches were allocated;*
- (3) *as some members of the public have relayed that some GoRs are poorly managed (such as being used for keeping miscellaneous items), how the Government manages GoRs at present and maintains their solemnity;*
- (4) *whether it has reviewed the existing measures for promoting green burials; whether it will provide incentives to further foster the necessary mindset change in the community, and set a target number of cases in which green burial services are used by Hong Kong people each year;*

- (5) *of the criteria adopted by the Government for determining the number of GoRs need to be constructed as well as for site selection; given that the Government indicated in 2013 that it had identified 24 potential sites for columbarium development, whether the Government will set aside space in each site for constructing GoRs, and how it balances the demand for and supply of niches and GoRs;*
- (6) *of the anticipated number of new niches to be provided by the Government in each of the coming 10 years and their locations; and*
- (7) *whether it will review the existing niche allocation system and accord priority in purchasing niches to those applicants who have participated in several ballots but still have not been allocated niches; if it will, of the details; if not, the reasons for that?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, the Government has been taking active steps to promote green burials and bring about a gradual change in mindset and culture such that environment-friendly and sustainable means of handling human ashes would become more widely accepted. Green burials include the scattering of ashes in gardens of remembrance (GoRs) or at sea, and the use of a memorial website to pay tribute to the deceased. It takes time to foster the necessary mindset change. In the case of cremation, it takes over 50 years to achieve the present annual cremation rate (the number of cremations as a percentage of the number of deaths) of over 90%.

The Government has constructed some new GoRs of bigger size in recent years, and will provide GoRs in public columbarium projects under planning wherever feasible. In 2015, we will install additional memorial walls at the Cape Collinson GoR for mounting plaques for the deceased whose ashes were scattered there. To encourage scattering of ashes at sea, the Food and Environmental Hygiene Department (FEHD) has increased the number of free ferry trips and employed a bigger vessel for more comfortable sea voyages. Starting from the Ching Ming Festival in 2014, we invite descendants to a free ride on ferry around the grave-sweeping seasons to pay respect to the deceased whose ashes were scattered at sea.

In addition to the Internet Memorial Service (IMS) website, the FEHD has also launched its mobile version and is planning to introduce a mobile application by the end of 2015 to facilitate paying tribute to the deceased via computer or

mobile devices any time and anywhere. Starting from July 2014, apart from the family members and friends of the deceased whose bodies/exhumed remains/cremated ashes were interred or kept in public cemeteries, crematoria or public columbarium facilities of the FEHD, the IMS is also available to the family members and friends of the deceased who were Hong Kong residents and whose bodies/exhumed remains/cremated ashes were interred or kept in Hong Kong private cemeteries or private columbaria.

To further promote green burials, relevant information compiled by the FEHD is hyperlinked with websites of other related government departments (including the Department of Health, the Environmental Protection Department and the Social Welfare Department) and non-governmental organizations providing after-death services, as well as with portals for the elderly and the youth. Moreover, following the promulgation of our television Announcement of Public Interest (API) on green burials in 2013, a new television API is in production for broadcasting in 2015.

My reply to the question is as follows:

- (1) The respective number of deaths, the number of cases in which cremated ashes were scattered in GoRs and at sea in each of the past 10 years, and the proportion of these cases expressed as a percentage of the total number of cremations in the relevant year are tabulated below:

<i>Year</i>	<i>Number of deaths</i>	<i>Number of cremations</i>	<i>Number of cases of scattering ashes in GoRs</i>	<i>As a percentage of Number of cremations</i>	<i>Number of cases of scattering ashes at sea</i>	<i>As a percentage of Number of cremations</i>
2005	38 683	33 288	37	0.11%	17 (before 2007)	N.A.
2006	37 415	32 215	58	0.18%		
2007	39 963	34 427	175	0.51%	160	0.46%
2008	41 530	36 410	383	1.05%	243	0.67%
2009	41 034	36 486	650	1.78%	279	0.76%
2010	42 705	38 006	1 171	3.08%	804	2.12%
2011	42 188	37 916	1 648	4.35%	661	1.74%
2012	43 672	39 494	2 023	5.12%	791	2.00%
2013	43 399	38 914	2 354	6.05%	797	2.05%
2014	45 710	41 244	2 697	6.54%	856	2.08%

The size of the 11 GoRs under the FEHD is tabulated below:

<i>GoRs</i>	<i>Cape Collinson (new)</i>	<i>Cape Collinson (old)</i>	<i>Diamond Hill (new)</i>	<i>Diamond Hill (old)</i>	<i>Kwai Chung</i>	<i>Fu Shan</i>	<i>Wo Hop Shek (Phase V)</i>	<i>Wo Hop Shek (Phase III)</i>	<i>Cheung Chau</i>	<i>Peng Chau</i>	<i>Lamma Island</i>
Approximate area (sq m)	900	80	2 360	50	155	108	2 000	800	50	10	10

- (2) The FEHD has been allocating new niches by computer balloting since 2006. Of the 3 374 new niches at the Kwai Chung Columbarium and 18 501 new niches at the Diamond Hill Columbarium offered for allocation in February and June 2009 respectively, all applicants were invited to select a new niche by the end of the allocation exercises. The FEHD also offers 43 710 new niches at the Wo Hop Shek Kiu Tau Road Columbarium (Phase V) and 1 540 new niches at the Diamond Hill Columbarium in three phases for allocation by computer balloting, with the first phase commencing in September 2012. Based on current progress, we expect that the majority of applicants in this allocation exercise will be invited to select a new niche before completion of the third phase of the exercise ends in August 2015. The 1 000 new niches in the Cheung Chau Cemetery Extension are available for allocation, until all niches are taken up.
- (3) The daily cleaning and gardening work of the 11 FEHD GoRs is undertaken by the FEHD or its service contractors. To ensure a clean and hygienic environment in GoRs, the FEHD has stepped up supervision in this respect, disallowing placing any unauthorized sundry items in GoRs.
- (4) Our work in promoting green burials involves changing the mindset of members of the public. It takes time for them to see their way to accepting green burials as a sustainable means of handling human ashes. We consider it appropriate to go about gaining wider public acceptance through publicity, promotion and education. Our promotion work has started to bear fruit in that the total number of cases where ashes were scattered at sea and in GoRs increased by over 25% from 2012 to 2014. We will continue to improve our green burial facilities and services while stepping up our promotion efforts.

- (5) To increase the supply of public niches, the Government has in recent years been actively promoting the district-based columbarium development scheme, under which all districts collectively share the responsibility of developing columbaria. The Government identified 24 potential sites in the 18 districts for potential columbarium development. GoRs will be provided in new public columbarium projects under planning wherever feasible. Over the past few years, the Government has constructed some new GoRs of bigger size in existing cemeteries and columbaria as well as improved the environment of GoRs in operation. We recognize that it takes time to foster the necessary mindset change and are ever conscious that successful promotion of green burials cannot be achieved overnight.
- (6) Between 2015 and 2017, the Board of Management of the Chinese Permanent Cemeteries expects to provide about 25 000 new niches, and religious bodies will provide a total of some 47 000 new niches.

The Government estimates that more than 249 000 niches will be provided in the coming five years from 2016 to 2020, including 160 000 niches at Tsang Tsui, Tuen Mun, 44 000 at the Wo Hop Shek Cemetery extension (Phase 1), 20 000 at Tsing Tsuen Road, Kwai Chung, and 25 000 at Cape Collinson, Chai Wan. Subject to the support of District Councils and the Legislative Council for the other projects under the district-based scheme, it is estimated that the number of new niches that may be supplied in the years up to 2031 will amount to hundreds of thousands.

- (7) The FEHD has recently reviewed the arrangement for allocation of niches. After taking into account the merits and demerits of various arrangements, it decided to adopt the existing arrangement. Nevertheless, upon completion of the current allocation exercise in 2015, the FEHD will review the allocation arrangement again. We will, as in the past, consult the Independent Commission Against Corruption, listen to different views in the community and weigh the merits and demerits of various options before making a decision on the future allocation arrangement.

## **Inspection of Communication of Hong Kong Residents by Law Enforcement Agencies**

15. **MR KENNETH LEUNG** (in Chinese): *President, Article 30 of the Basic Law stipulates that the freedom and privacy of communication of Hong Kong residents shall be protected by law. No department or individual may, on any grounds, infringe upon the freedom and privacy of communication of residents except that the relevant authorities may inspect communication in accordance with legal procedures to meet the needs of public security or of investigation into criminal offences. In this connection, will the Government inform this Council:*

- (1) *of the existing legislation which respectively empowers law enforcement agencies to (i) intercept the short messages transmitted through mobile phone networks, (ii) intercept communication transmitted through the Internet, including e-mails and communication transmitted through instant messaging programs/platforms (e.g. Google Hangouts, WhatsApp, Telegram) and (iii) demand mobile phone/Internet service providers to provide the user communication information stored in their servers (including users' personal information, metadata and contents of communication); and*
- (2) *whether law enforcement agencies, prior to carrying out the three types of operations mentioned in (1), are required to obtain authorizations from panel judges or authorizing officers under the Interception of Communications and Surveillance Ordinance (Cap. 589); if they are not, of the mechanism and procedures for authorizing law enforcement agencies to carry out such operations; if they are required to do so, in each of the past five years, the respective numbers of applications for judge's authorizations made by various law enforcement agencies to panel judges for each type of operations and, among them, the numbers of judge's authorizations granted (with a breakdown of the figures relating to operations of types (i) and (ii) by year and name of law enforcement agency, as well as a breakdown of the figures relating to operations of type (iii) by year, name of law enforcement agency and business nature of service provider)?*

**SECRETARY FOR SECURITY** (in Chinese): President, the Member's question involves two different areas of work undertaken by law-enforcement agencies (LEAs), namely covert operations conducted under the Interception of Communications and Surveillance Ordinance (Cap. 589) (ICSO) and routine work in combating crime. The Government's reply is as follows:

*The Interception of Communications and Surveillance Ordinance*

Article 30 of the Basic Law stipulates that the freedom and privacy of communication of Hong Kong residents shall be protected by law. No department or individual may, on any grounds, infringe upon the freedom and privacy of communication of residents except that the relevant authorities may inspect communication in accordance with legal procedures to meet the needs of public security or of investigation into criminal offences.

The primary objective of the ICSO is to regulate LEAs' interception of communications and covert surveillance for prevention and detection of serious crimes and protection of public security. It provides a stringent regime to ensure that the LEAs' covert operations must be carried out in accordance with the requirements therein. Under the ICSO, no public officer shall, directly or indirectly (whether through any other person or otherwise), conduct any interception or covert surveillance, while LEAs are required to obtain authorization from a panel judge or a designated authorizing officer prior to any interception of communications or covert surveillance.

Under section 8 of the ICSO, an officer of an LEA may apply to a panel judge for the issue of a judge's authorization for any interception or Type 1 surveillance to be carried out by or on behalf of any of the officers of the LEA. As defined in section 2(1), "interception", in relation to any communication, means the carrying out of any intercepting act in respect of that communication; or when appearing in a context with no specific reference to any communication, means the carrying out of any intercepting act in respect of any communication; and "intercepting act", in relation to any communication, means the inspection of some or all of the contents of the communication, in the course of its transmission by a postal service or by a telecommunications system, by a person other than its sender or intended recipient.

The Commissioner on Interception of Communications and Surveillance (the Commissioner) is the independent oversight authority established under the ICSO. Pursuant to the ICSO, the Commissioner is required to submit an annual

report to the Chief Executive every year. Section 49 of the ICSO also specifies the information and data to be set out in an annual report, including respective numbers and average duration of different types of authorizations, respective numbers of applications for renewal, major categories of offences involved, and reviews and overall assessments conducted by the Commissioner during the year.

Figures of applications for new authorization and renewal for interception submitted to panel judges by LEAs, as well as figures of authorizations issued and renewed by panel judges, as published in the annual reports of the past five years (from 2009 to 2013), are at Annex A.

Given that operations carried out by LEAs under the ICSO are of a confidential nature, disclosing details of such detailed operational arrangements may reveal law-enforcement capabilities of LEAs to criminals, who may be able to elude justice, thus undermining their strength in crime investigation and protection of public safety. Provision of further information is, therefore, inappropriate.

#### *Law-enforcement efforts in general*

When investigating crime cases, LEAs may, having regard to the nature of the cases and for the purpose of crime prevention and detection, request necessary information related to crime detection from persons or organizations concerned, including subscribers' information (such as account name and Internet Protocol address (IP address)) and log records from local or overseas Internet service providers (ISPs), for locating witnesses, evidence or suspects. Such enquiries do not involve requests for records of the content of any non-open communications. Figures of requests for information made by LEAs to local and overseas ISPs in the past five years are at Annex B.

If in suspicion of any person having committed an offence, LEAs shall apply for court warrants (search warrants) in accordance with relevant legal requirements for obtaining documents or information as evidence.

As part of LEAs' routine law-enforcement efforts, requesting users' information from ISPs and obtaining evidence by means of court warrants are beyond the regulatory scope of the ICSO.

## Annex A

Figures of applications for authorization and renewal for interception submitted by LEAs to panel judges under the Ordinance; and figures of authorizations issued and renewed by panel judges between 2009 and 2013

<i>Year</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>
Applications for authorization and renewal for interception	1 796	1 385	1 204	1 168	1 372
Authorizations issued and renewed	1 781	1 375	1 196	1 161	1 365

Source: Annual Reports of the Commissioner on Interception of Communications and Surveillance

## Annex B

Figures of requests for information made by LEAs to local and overseas ISPs and requests acceded to between 2010 and 2014

Figures of requests for information made by the Hong Kong Police Force (HKPF) and the Hong Kong Customs and Excise Department (C&ED) to local and overseas ISPs are as follows:

<i>Year</i>	<i>HKPF</i>	<i>C&amp;ED</i>
2010	3 785	495
2011	4 103	603
2012	4 613	579
2013	4 389	881
2014	4 000	498

Note:

Information requested from ISPs was Metadata in nature, including IP addresses and users' information and/or log records.

### **Possible Abuse of Mechanism for Making Claims for Non-refoulement Protection Against Expulsion, Return or Extradition from Hong Kong**

16. **DR ELIZABETH QUAT** (in Chinese): *President, the Government implemented the "unified screening mechanism" in March 2014 to determine claims for non-refoulement protection against expulsion, return or extradition from Hong Kong to another country on applicable grounds, including risks of torture under Part VIIC of the Immigration Ordinance (Cap. 115); torture or cruel, inhuman or degrading treatment or punishment under Article 3 of the Hong Kong Bill of Rights in section 8 of the Hong Kong Bill of Rights Ordinance (Cap. 383); and persecution with reference to the non-refoulement principle under Article 33 of the 1951 Convention relating to the Status of Refugees (non-refoulement claims). It has been reported that recently 13 men of Indian nationality made non-refoulement claims immediately upon their arrival in Hong Kong by air (with 12 of them taking the same flight), and nominated the same lawyer in Hong Kong of South Asian descent to represent them. Moreover, six non-refoulement claimants from Africa and three others of South Asian descent were arrested earlier for engaging in drug trafficking and illegal employment respectively during their stay in Hong Kong. When attending a committee meeting of this Council last month, some government officials pointed out that the number of non-refoulement claims received between March and the end of last year was significantly higher than before, and considered that there might be an abuse of the relevant mechanism. In this connection, will the Government inform this Council:*

- (1) *of the maximum number of non-refoulement claims that the authorities can process annually, calculated on the basis of the existing screening mechanism and resources;*
- (2) *as government information indicates that the number of pending non-refoulement claims was 9 618 as at the end of 2014, and that the number of such claims is on the rise, of the measures that the authorities will take to enhance the efficiency of the screening procedures, as well as the timetable for and details of a review of the unified screening mechanism;*
- (3) *what items of humanitarian assistance that the authorities currently provide to non-refoulement claimants, as well as the number of*

*recipients of such assistance and the relevant expenditure per person in each of the past three years;*

- (4) of the number of non-refoulement claimants arrested by the Police in each of the past three years during their stay in Hong Kong, with a breakdown by type of offences in which they were involved; of the authorities' measures to ensure that such claimants will not pose any problem to Hong Kong's law and order;*
- (5) whether the authorities will review the arrangements for granting visa-free access to nationals of certain countries, with a view to eliminating any abuse of the mechanism for non-refoulement claims and the problem of people working illegally in Hong Kong through making such claims;*
- (6) of the average length of stay in Hong Kong of non-refoulement claimants at present, and whether the authorities have assessed if it is common among such claimants to prolong the screening procedures by deliberately being uncooperative;*
- (7) of the current number of duty lawyers providing "publicly-funded legal assistance" to non-refoulement claimants and the arrangements for such claimants to nominate lawyers to represent them; among the lawyers who handled non-refoulement claims in the past five years, of the respective numbers of claims handled by the top 20 lawyers who had cumulatively handled the greatest numbers of such claims, and the number of such claims which were eventually found substantiated;*
- (8) whether the authorities will consider abolishing the arrangements for non-refoulement claimants to nominate lawyers to represent them, so as to eliminate the abuse of the mechanisms for non-refoulement claims and for publicly-funded legal assistance; if they will, of the details; if not, the reasons for that; and*
- (9) given that the estimated expenditure on publicly-funded legal assistance for non-refoulement claims in 2015-2016 is \$108 million, of the authorities' measures to reduce such expenditure?*

**SECRETARY FOR SECURITY** (in Chinese): President, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) has been applied to Hong Kong since 1992. Article 3 of the CAT stipulates that "no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture." In June 2004, the Court of Final Appeal (CFA) ruled in *Prabakar* that the Government must screen claims lodged under Article 3 of the CAT (torture claims) under procedures that met "high standards of fairness". In December 2008, the Court of First Instance (CFI) ruled in *FB* that the Government must implement a series of measures, including the provision of publicly-funded legal assistance to claimants during the torture claim screening process, to meet the high standards of fairness required.

The Government commenced operating an enhanced administrative mechanism in December 2009 to ensure that torture claims were screened under procedures meeting the high standards of fairness required by law. The statutory procedures underpinning the enhanced administrative mechanism commenced in early December 2012. Subsequently, pursuant to two relevant rulings by the CFA in December 2012 and March 2013, the Government commenced operating a unified screening mechanism (USM) (the procedure of which follows those of the statutory screening mechanism for torture claims) to screen non-refoulement claims lodged by foreigners subject or liable to be removed from Hong Kong to another country on applicable grounds. Apart from torture, these applicable grounds include (i) cruel, inhuman, or degrading treatment or punishment under Article 3 of the Hong Kong Bill of Rights, and (ii) persecution drawing reference to Article 33 of the 1951 Convention relating to the Status of Refugees (the Refugee Convention). Torture claims lodged before commencement of the USM in March 2014 have become non-refoulement claims under applicable transitional arrangements.

Non-refoulement claims lodged under the USM are not asylum claims. The Refugee Convention and its 1967 Protocol have never applied to Hong Kong. The Government maintains a firm policy of not granting asylum to or determining the refugee status of anyone.

Our policy objective is to screen non-refoulement claims effectively and in accordance with the high standards of fairness required by law, to provide non-refoulement protection to those substantiated claimants, and to remove rejected claimants from Hong Kong as soon as possible. Lodging a claim does

not change the fact that non-refoulement claimants are illegal immigrants or overstayers. The Immigration Department (ImmD) will periodically review a claim even if it has been substantiated; if the risk giving rise to the claim has ceased to exist due to changes in circumstances of the claimant or the risk state, the ImmD will consider revoking his non-refoulement protection and removing him from Hong Kong.

My reply to the various parts of Dr QUAT's question is as follows:

- (1) After commencement of the USM, in 2014-2015, the ImmD has determined 1 509 non-refoulement claims. With the experience garnered, the ImmD expects that, with its existing manpower, the number of non-refoulement claims determined will increase to at least 2 000 in 2015-2016.
- (2) Having regard to operating experience, the Government is reviewing the existing screening procedures for more effectiveness while meeting the high standards of fairness. Our initial proposals include (i) improving the claim form, (ii) streamlining the arrangements for scheduling screening interviews, (iii) providing screening bundles to claimants to save them from having to lodge a personal data access request and their lawyers' time and costs for having to go through personal records that are irrelevant to the claim, and (iv) with reference to overseas experience (from other common law jurisdictions including the United Kingdom, Canada, and Australia), considering the introduction of a standardized legal cost for handling each claim (which can be increased where the individual circumstances so justify). The Hong Kong Bar Association (HKBA), The Law Society of Hong Kong (LSHK), the Duty Lawyer Service (DLS), and some non-governmental organizations have provided initial responses to our proposals. The Government is consolidating and considering their views.
- (3) Non-refoulement claimants are illegal immigrants or overstayers. According to the Immigration Ordinance, Cap. 115, they may not take up employment in Hong Kong. On humanitarian grounds, the Government, in collaboration with non-governmental organization, has been offering in-kind assistance, including temporary accommodation, food, clothing, other basic necessities, transport and

public utilities allowances, and counselling to claimants in need to prevent them from becoming destitute. The relevant expenditure and service users during the past three years are tabulated below:

<i>Financial year</i>	<i>Humanitarian assistance (\$million)</i>	<i>Service users (monthly average)</i>
2012-2013	191	5 687
2013-2014	204	5 153
2014-2015	246	7 357

In addition, the Hospital Authority or the Social Welfare Department will grant one-off waivers of medical expenses at public clinics or hospitals to claimants on a case-by-case basis. If minor claimants will not be removed from Hong Kong within a short period and would wish to attend school whilst here, the Education Bureau will arrange for their school placements as appropriate.

- (4) Any person in Hong Kong, regardless of his background, should abide by the laws of Hong Kong. Since 2012, the numbers of non-ethnic Chinese illegal immigrants or overstayers on recognizance (mostly non-refoulement claimants) arrested for unlawful employment or other criminal offences (mainly theft, physical assault, or drug-related offences) are tabulated below:

<i>Year</i>	<i>Unlawful employment</i>	<i>Other criminal offences</i>
2012	190	493
2013	165	659
2014	166	738
2015 (January to March)	40	225

In recent years, we have observed that unlawful employment activities of non-Chinese illegal workers had shifted from traditional black spots of illegal workers in urban areas (for example, where they transport goods or hawk, and so on) to dispersed remote areas of the New Territories such as recycling yards, scrap yards, and so on. The ImmD will continue to take comprehensive enforcement action on the basis of intelligence and expand the area of operations,

making the operations more effective. The ImmD will also strengthen its co-ordination with other law-enforcement agencies (including the Police and the Labour Department) to take joint action, and dispatch personnel to black spots for inspections and arrests. In 2014, the ImmD has conducted over 13 000 anti-illegal workers actions, of which over 500 were joint actions with other departments. Further, to raise public awareness of the serious consequences of unlawful employment, the ImmD launched a series of promotional activities, such as distributing leaflets in different languages and issuing press releases. New Announcement in the Public Interest is also launched on radio to raise public awareness of the serious consequences of employing illegal workers. Any person who employs a person not lawfully employable is liable to a maximum fine of \$350,000 and three years' imprisonment.

- (5) As at end March 2015, 9 738 non-refoulement claims were pending determination. These claimants are mostly from Pakistan (20%), India (19%), Bangladesh (13%), Vietnam (13%), Indonesia (11%), the Philippines (4%), and Sri Lanka (3%). At present, among these countries, persons with a passport issued by India, Indonesia, or the Philippines enjoy visa-free access to Hong Kong.

The ImmD will review the visa policies from time to time and introduce changes where circumstances so warrant, with a view to striking an appropriate balance between providing travel convenience, promoting economic and trade activities, and maintaining effective immigration control. The ImmD will continue to impose effective immigration control and take enforcement action. It will also process entry applications into Hong Kong for visit, employment, investment, training, residence and study in accordance with the prevailing immigration policies and procedures, and prevent undesirable persons who are likely to pose a threat to the security, prosperity and well-being of Hong Kong from entry.

- (6) When the screening procedures commence, a non-refoulement claimant must return a non-refoulement claim form to set out the basis of his claim, together with any supporting document(s). In addition to the statutory period of 28 days stipulated under Part VIIC

of the Immigration Ordinance, Cap. 115, the Government agreed to the DLS' request last year to provide an extra 21 days to complete the claim form through administrative means so that the USM could commence smoothly (the Government will review in due course whether to continue to provide the extra 21 days), bringing the total to 49 days (claimants in need may apply for extension). After receiving the claim form, the ImmD will arrange screening interview(s) with the claimant; arranging and completing the screening interview(s) generally require 13 weeks. After obtaining all relevant information (including the claimant submitting the claim form and supporting documents and attending the screening interview(s) arranged by the ImmD), the ImmD may determine the claim in around five weeks. In other words, the ImmD can usually determine a non-refoulement claim six months after the screening procedures have commenced.

However, the time required to screen a claim depends on whether the claimant is co-operative in providing the relevant grounds and documents. The processing time would be longer if the claimant does not co-operate (for example, failing to contact his assigned duty lawyer, failing to attend scheduled interviews without reasonable excuse, failing to submit further supporting documents and evidences after obtaining time extension, and so on). However, under the present jurisprudence, even if a person is suspected to be abusing the mechanism (including lodging a claim through his legal representative before arriving Hong Kong) or fails to co-operate with the ImmD, the ImmD must still handle every step of the screening procedures in accordance with the high standards of fairness required by law, otherwise the claimant may seek to lodge a judicial review on grounds of procedural unfairness, which further delays his removal. If the delay in processing a claim is related to the claimant's legal representative (for example, there had been cases where a duty lawyer seeks an extension on grounds that he is taking an overseas vacation), the ImmD will raise the issue with the DLS or the relevant legal professional body.

Amongst the 9 738 claimants pending determination at end March 2015, the duration of their presence in Hong Kong (since first lodging a claim) averages at 2.7 years.

(7) to (9)

After commencement of the USM, non-refoulement claimants continue to receive publicly-funded legal assistance during the whole screening process in accordance with the CFI's ruling in FB. Such assistance has been provided through the DLS since commencement of the enhanced administrative mechanism in December 2009. At present, there are around 480 duty lawyers (including barristers and solicitors) who have received specialized training on DLS' roster to provide assistance to claimants.

When the screening procedures commence, the ImmD would refer a non-refoulement claimant to the DLS, which would assign a duty lawyer in accordance with its prevailing assignment system to handle the case. The assignment system is set up by the DLS and its Council (which comprises mostly of members appointed by the HKBA and the LSHK). Generally speaking, if a claimant does not request for a nominated lawyer, the DLS will assign a duty lawyer to the claimant according to its roster, subject to the requirement that a duty lawyer may not handle more than 25 claims at any one time. A claimant may request for a nominated lawyer, which will be decided by the Administrator of the DLS on a discretionary basis. If the claimant has a pre-existing lawyer-client relationship with the nominated lawyer, that lawyer is handling less than 25 claims at that time, and the Administrator considers that the nominated lawyer can handle the case in a timely and efficient manner, the Administrator would normally approve the claimant's request to be represented by that nominated lawyer. According to the DLS' records, the number of cases handled by lawyers who has been assigned most cases since December 2009 is tabulated at Annex.

The estimate for providing legal assistance to non-refoulement claimants for 2015-2016 is \$108 million, which increased by \$17.5 million over last year. Drawing reference to overseas experience (from other common law jurisdictions including the United Kingdom, Canada, and Australia), the Government is considering the introduction of a standardized legal cost for handling each claim (which can be increased where the individual circumstances so justify). The Government will continue to work

with the DLS and remind them to uphold the principle of effective use of public funds. We will also liaise with relevant stakeholders (including the HKBA and the LSHK) to constantly improve the operation of the publicly-funded legal assistance scheme to ensure that public resources are put into best uses.

## Annex

Number of cases handled by duty lawyers with the most cases<sup>(1)</sup> assigned since commencement of the enhanced administrative screening mechanism for torture claims in December 2009

<i>Duty Lawyer</i>	<i>Number of cases assigned</i>	<i>Number of active cases being handled</i>	<i>Number of cases substantiated</i>
1.	73	29	2
2.	65	18	0
3.	62	17	0
4.	62	26	1
5.	57	4	3
6.	55	10	1
7.	44	12	0
8.	42	7	0
9.	42	4	0
10.	40	5	0
11.	37	7	1
12.	37	6	1
13.	36	4	0
14.	36	3	0
15.	36	2	0
16.	35	5	0
17.	35	7	1
18.	35	1	0
19.	34	5	0
20.	34	1	0
21.	34	3	0

(1) Including torture claims and (after commencement of the USM in March 2014) non-refoulement claims.

<i>Duty Lawyer</i>	<i>Number of cases assigned</i>	<i>Number of active cases being handled</i>	<i>Number of cases substantiated</i>
22.	34	5	0
23.	34	5	0

Source: The Duty Lawyer Service

### **Development of Cinemas in Hong Kong**

17. **MR TANG KA-PIU** (in Chinese): *President, the Chief Executive announced in his Policy Address this year that the Government would consider reserving space for cinemas in major cultural and entertainment development areas, and explore ways to facilitate cinema development through land sale and planning. I have learnt that there is general expectation among members of the film industry that such initiatives can reverse the continuous downward trend in the number of cinemas and rectify the uneven distribution of cinemas, thus facilitating the long term development of the film industry. In this connection, will the Government inform this Council:*

- (1) *whether it knows the number of cinemas and their total seating capacity in each of the past 10 years (set out the information in a table by District Council district);*
- (2) *whether it will consider changing the existing classification under the Hong Kong Planning Standards and Guidelines to reclassify cinemas as "cultural facilities" instead of "retail facilities"; whether it will reserve sites for building cinemas when developing new towns, or include clauses requiring the grantees to build cinemas when putting up land for sale; if it will, of the details; if not, the reasons for that; and*
- (3) *whether it will take specific measures to support the development of cinemas, e.g. (i) assisting the film industry in setting up cinemas in districts (e.g. North District and Tai Po) where there is a lack of such facilities, (ii) extending the validity period of the places of public entertainment licence (cinema/theatre), (iii) reducing the annual fees of such licences, and (iv) streamlining the procedure for licence renewal; if it will, of the details of the measures and the implementation timetable; if not, the reasons for that?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Chinese): President, in the 2015 Policy Address, the Chief Executive announced that the Government would continue to promote the development of Hong Kong's film industry through a four-pronged strategy. The initiatives include: encouraging more local film production; nurturing production talent; promoting film appreciation among students and young people to build up audiences; and showcasing and promoting the brand of "Hong Kong Films" in the Mainland, Taiwan and overseas markets, facilitating the participation of local films in international film festivals, and helping to drive Hong Kong's development as a film financing platform in Asia. As regards the support for the development of cinemas, the Government will consider reserving space for cinemas in major cultural and entertainment development areas, and will explore ways to facilitate cinema development through land sale and planning.

My reply to the question raised by Mr TANG Ka-piu is as follows:

- (1) We can only provide the number of cinemas and seats by District Council (DC) district as at end-2014, which is at Annex 1. The total number of cinemas and seats by year between 2005 and 2014 is at Annex 2.
- (2) The Hong Kong Planning Standards and Guidelines (HKPSG) stipulates the general guidelines for determining the scale, location and site requirements of various land uses, community facilities and infrastructures according to the population and other factors. The relevant guidelines aim to serve as general reference to ensure that, during the planning stage, the Government will reserve adequate land for social and economic development and provide appropriate public facilities to meet the needs of the public.

According to the prevailing HKPSG, cinemas operating on a commercial basis are categorized under retail activities, and they can be located within land-use zones planned for various permitted commercial uses, including retail use. Generally speaking, the provision of commercial and retail facilities should be market-led and the Government does not have planning standards for cinemas. The arts venues in the context of the HKPSG refer to the physical accommodation for the undertaking of arts activities but exclude commercial-oriented and profit making entertainment venues such as cinema.

When the Government plans for the major cultural and entertainment development areas, the Commerce and Economic Development Bureau will work with the relevant bureaux and departments to explore the reservation of space for cinemas in these areas and study ways to facilitate cinema development through land sale conditions and/or planning. The Commerce and Economic Development Bureau is open to suggestions on the initiatives.

- (3) As shown in Annex 1, there is no commercial cinema in certain DC districts. The location of commercial cinemas is a commercial matter decided by the operators concerned. It would not be appropriate for the Government to be involved in the locational matters. However, in view of the demand of cinema-goers in some districts, the Commerce and Economic Development Bureau will explore with relevant bureaux and departments the provision or upgrading of screening facilities in certain government premises to facilitate the conduct of film screening activities by various organizations in the community.

Issues relating to places of public entertainment licence (cinema/theatre) are under the policy purview of the Home Affairs Bureau. The Places of Public Entertainment Ordinance (the Ordinance) aims to ensure public safety through the regulation of places for public entertainment activities. The arrangement of licence renewal at regular intervals is required under the Ordinance to ensure the compliance with relevant safety requirements by those premises. The current licence fee for cinemas under the Ordinance ranges from \$13,775 to 24,785 per annum (depending on the number of persons to be accommodated). In the 2013-2014 Budget Speech, the Financial Secretary pointed out the need to review fees and charges systematically for upholding the "user pays" principle. In this connection, the Government is now conducting a comprehensive review on the licence fees required under the Ordinance on the basis of the "user pays" principle, including the review on the fee structure and enhancement procedures. The fee review also covers the procedures of and charges for licence renewal.

## Annex 1

Number of cinemas and seats by District Council district  
(Position as at end-2014)

<i>District</i>	<i>Cinema</i>	<i>Seat</i>
Central & Western	2	1 151
Eastern	3	3 449
Southern	1	789
Wan Chai	5	2 351
Kowloon City	3	3 001
Kwun Tong	5	4 344
Sham Shui Po	-	-
Wong Tai Sin	1	1 625
Yau Tsim Mong	12	10 973
Islands	2	1 492
Kwan Tsing	2	1 300
North	-	-
Sai Kung	2	1 576
Sha Tin	2	956
Tai Po	-	-
Tsuen Wan	2	1 439
Tuen Mun	3	2 329
Yuen Long	2	1 006
Total	47	37 781

## Annex 2

Total number of cinemas and seats by year between 2005 and 2014

<i>Year</i>	<i>Cinema</i>	<i>Seat</i>
2005	57	50 686
2006	48	42 530
2007	48	41 332
2008	48	40 635
2009	49	40 906
2010	49	41 157
2011	48	40 033
2012	48	39 485

Year	Cinema	Seat
2013	45	35 937
2014	47	37 781

### **Increasing Supply of Subsidized Sale Flats Through Hong Kong Settlers Housing Corporation Limited**

18. **MR FREDERICK FUNG** (in Chinese): *President, the Chief Executive has indicated in this year's Policy Address that the Government must actively explore ways to increase the supply of subsidized sale flats through a multi-pronged approach by engaging public or non-profit-making organizations including the Hong Kong Housing Authority (HA), the Hong Kong Housing Society (HKHS), the Urban Renewal Authority and the Hong Kong Settlers Housing Corporation Limited (HKSHCL). By so doing, more property choices and home ownership opportunities will be provided for low and middle-income families. It has been reported that one of the directors of HKSHCL told the media in June and September last year that HKSHCL was considering the demolition of Tai Hang Sai (THS) Estate, the only private low-cost housing estate owned by HKSHCL, for redevelopment into 5 000 Home Ownership Scheme (HOS) flats. That director told the media in January this year that authorization had been obtained in respect of the redevelopment plan of THS Estate, and the offer of cash compensation to residents of the Estate in lieu of rehousing arrangement was under consideration. It has also been reported that the chairperson of the mutual aid committee of Block 8 of THS Estate published the results of a survey in early February this year which showed that 82% and 35% of the residents of THS Estate surveyed supported the redevelopment of the Estate into a public rental housing (PRH) estate and an HOS court respectively. The Concern Group on the Rights of Tai Hang Sai Estate Residents and the Hong Kong Association for Democracy and People's Livelihood organized a residents' meeting and a community forum on redevelopment issues in January and March this year respectively, and the 400 named residents of THS Estate attending the events had indicated support for the suggestions that the Government participates in the redevelopment of the Estate, takes up the responsibility of providing in-situ rehousing by rehousing residents of THS Estate in the PRH units either in the original district or in the original estate, as well as gives them the concession of having priority to buy HOS flats. In this connection, will the Government inform this Council:*

- (1) *of the latest work progress in increasing the supply of subsidized sale flats through HKSHCL; the difficulties encountered in the work; whether it knows the redevelopment approach of THS Estate;*
- (2) *whether, prior to the delivery of this year's Policy Address, the authorities held any formal or informal discussions with HKSHCL the increasing of the supply of subsidized sale flats, and discussed with HKSHCL the idea of building an HOS court on the site of THS Estate; if they did not, of the basis on or the conditions under which the authorities included HKSHCL in the Policy Address as one of the organizations to be engaged in increasing the supply of subsidized sale flats;*
- (3) *as it was stated in the written representation made by the representative of HKSHCL to the Town Planning Board in 2010 that "the representer [HKSHCL] acted as a custodian of public resources for the benefit of the public. The land within the representation site [the site of THS Estate] was a public resource to meet the housing need of low-income group ...", and the Government granted the present site at a concessionary rate in 1961 for the development of THS Estate and stipulated in the land lease that HKSHCL should build flats on the site for letting to persons with low income, whether the authorities have assessed (i) if HKSHCL possesses the skills, capabilities and statutory authority required for developing subsidized sale flats as HA and HKHS (the two organizations responsible for providing subsidized housing) do, (ii) if the proposed practice of providing cash compensation to residents of THS Estate is in line with the established practices of HA and HKHS, and if such practice is in the best interests of those residents, and (iii) if the development of subsidized sale flats will violate the lease terms of the site of THS Estate; if the assessment outcome is that it will violate the lease terms, of the factors the authorities will take into account in considering whether to approve HKSHCL's application for lease modification; and*
- (4) *given that as indicated in a report of the 2011 Population Census, more than 30% of residents in THS Estate are elderly people aged above 65, and the residents of the Estate have clearly expressed their wish for the Government to step in by participating in the*

*redevelopment of the Estate, and have requested the Government to offer in-situ rehousing to the affected residents by rehousing them in the PRH units either in the original district or in the original estate, as well as give them the concession of having priority to buy HOS flats, whether the authorities have formulated plans to respond to the aspirations of the residents; whether the authorities will repossess the site of THS Estate by invoking the relevant lease terms of the site of the Estate, rehouse the residents of THS Estate by following the practices adopted by HA for rehousing residents affected by PRH redevelopment, and reserve the site for PRH development; if they will not, of the reasons for that?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, with inputs from the Development Bureau, my reply to Mr Frederick FUNG's question is as follows.

For some low and middle-income families, Home Ownership Scheme (HOS) flats and other forms of subsidized sale flats often serve as their first step of home ownership. As the Chief Executive stated in the 2015 Policy Address, there is a marked increase in demand from low and middle-income families for HOS flats or other subsidized flats. The Government will actively explore ways to increase the supply of subsidized sale flats through a multi-pronged approach by engaging public or non-profit-making organizations including the Hong Kong Housing Authority (HA), the Hong Kong Housing Society, the Urban Renewal Authority and the Hong Kong Settlers Housing Corporation Limited (HKSHCL). By so doing, more choices and home ownership opportunities will be made available for low and middle-income families.

In respect of HKSHCL, the Government granted a parcel of land at a concessionary rate to HKSHCL in 1961 for the development of Tai Hang Sai Estate and stipulated under the land lease that HKSHCL should build on the land granted at least 1 600 flats for letting to persons of small means. As a private rental housing estate, Tai Hang Sai Estate was built and managed by HKSHCL as the lessee, and not owned or managed by the Government or the HA. The redevelopment arrangements of Tai Hang Sai Estate are also determined by HKSHCL.

HKSHCL from time to time seeks the Government's views on its ideas to redevelop Tai Hang Sai Estate, including whether its ideas comply with the planning requirements and lease conditions of the lot concerned. As far as the Government understands, HKSHCL is still considering various feasible options to redevelop Tai Hang Sai Estate on its own. At present, HKSHCL has no intention to surrender the land on which Tai Hang Sai Estate stands to the Government. Upon the submission of a more concrete proposal by HKSHCL, the Government will consider matters relating to compliance with planning requirements and modification of lease conditions of the lot concerned according to the applicable policies. At present, the Government has no plan to resume the land concerned.

As the redeveloper, in examining various redevelopment proposals, HKSHCL should continue to cater for the housing needs of the residents of Tai Hang Sai Estate and to properly rehouse them. Currently, the number of people awaiting allocation of the HA's public rental housing (PRH) flats is large and is continuously increasing. The demand for HOS flats is also keen. From the policy perspective, the HA cannot substitute HKSHCL in rehousing residents affected by its redevelopment plan. Otherwise, it would be unfair to other PRH and HOS applicants.

In accordance with the current mechanism, Tai Hang Sai Estate tenants who have the need to reside in the HA's PRH flats and satisfy the eligibility criteria may submit applications and wait for PRH allocation according to their priority. Tenants who have imminent needs to reside in PRH flats on health and social grounds can apply for "Compassionate Rehousing" through recommendation by the Social Welfare Department.

### **Implementation of Section 33 of Personal Data (Privacy) Ordinance**

19. **MR KENNETH LEUNG** (in Chinese): *President, while the Personal Data (Privacy) Ordinance (Cap. 486) was enacted in 1995, section 33 of it, which regulates the acts of transfer of personal data to places outside Hong Kong, is not yet in operation. In this connection, will the Government inform this Council:*

- (1) *as Cap. 486 has been enacted for 20 years, why the Government has not yet implemented section 33 of it; when the Government plans to implement this provision;*

- (2) *of the measures currently in place to regulate the acts of transfer of personal data to places outside Hong Kong and to protect the personal data concerned; and*
- (3) *whether the authorities and the Privacy Commissioner for Personal Data have assessed and studied the current situation of the transfer of personal data to places outside Hong Kong (including the purposes, modes and scales of transfer, protective measures, as well as the types and sensitivity of the personal data involved); if so, of the details?*

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

- (1) Bringing section 33 of the Personal Data (Privacy) Ordinance (the Ordinance) into force will impose more stringent regulation on cross-border data transfers in different sectors, and requires preparation on multiple fronts. The Government is working closely with the Office of the Privacy Commissioner for Personal Data (PCPD) on the tasks involved, including commissioning a consultant to look into compliance measures required of data users to meet the requirements of the provision, studying the relevant practices of other jurisdictions in compliance and law enforcement, and examining the implementation details (for example, the arrangement for reviewing the list of specified places), and so on. Such preparation work is to ensure that the conditions necessary for implementing the provision are in place. The Government will also closely monitor the actual situation of and feedback from relevant sectors in their voluntary compliance with the Guidance on Personal Data Protection in Cross-border Data Transfer issued by the PCPD. When all the preparation work has been completed, the Government will consider setting a commencement date for the provision.
- (2) Although section 33 of the Ordinance is not yet brought into force, the acts of data users in cross-border transfers of personal data, including the holding, processing or use of the personal data transferred outside Hong Kong by the data user or by a person

authorized by the data user, are subject to regulation by other provisions of the Ordinance.

By virtue of Data Protection Principle 3 under the Ordinance, personal data can be transferred outside Hong Kong only if the purpose of the transfer of personal data is the same as or directly related to the original purpose of collecting the data, or with the consent of the data subject. According to section 65(2) of the Ordinance, if a data user transfers personal data to an overseas person authorized by the data user to engage in any activity (such as data processing), the acts of the authorized person shall be treated as acts done by the data user and regulated by the Ordinance.

If a data user engages a data processor to process personal data outside Hong Kong on the data user's behalf, Data Protection Principles 2(3) and 4(2) require that the data user must adopt contractual or other means to prevent any personal data transferred to the data processor from (i) being kept longer than is necessary for processing the data or (ii) unauthorized or accidental access, processing, erasure, loss or use.

- (3) In the PCPD's assessment, with the advancement of technology and changes in the modes of operation and practices of organizations, international electronic data transfer is taking place in an increasing scale. Transfer of digitized personal data has become common, with diversified modes of cross-border data flow. For instance, some organizations adopt dispersed data storage in multiple jurisdictions with the use of cloud computing technologies, while some organizations outsource data processing procedures to contractors around the world.

As mentioned in part (1) above, the Government will engage a consultant to conduct an assessment on the conditions needed for bringing section 33 of the Ordinance into force. The actual situation of current cross-border transfers of personal data by data users will be covered by that study.

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

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

**INLAND REVENUE (AMENDMENT) (NO. 2) BILL 2015**

**CLERK** (in Cantonese): Inland Revenue (Amendment) (No. 2) Bill 2015.

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

**Second Reading of Bills**

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

**INLAND REVENUE (AMENDMENT) (NO. 2) BILL 2015**

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, I move the Second Reading of the Inland Revenue (Amendment) (No. 2) Bill 2015.

The purpose of the Bill is to amend the Inland Revenue Ordinance to implement the concessionary revenue measures proposed in the 2015-2016 Budget.

First of all, to ease the burden of taxpayers in raising their children, the Bill proposes to increase the existing child allowances under the salaries tax and tax under personal assessment from the year of assessment 2015-2016 onwards. The child allowance for each eligible child will be increased from the current \$70,000 to \$100,000, while the additional one-off child allowance in the year of birth for each eligible child will also be adjusted by the same rate. The relevant proposal will benefit some 370 000 taxpayers, costing the Government approximately \$2 billion a year.

Besides, the Government has also proposed a number of counter-cyclical one-off relief measures in the 2015-2016 Budget, including the proposals put forward in the Bill to reduce salaries tax, tax under personal assessment and profits tax for the year of assessment 2014-2015 by 75%, subject to a ceiling of \$20,000 per case. The reduction will be reflected in the final tax payable for that year of assessment. The relevant concessionary revenue measures will benefit some 1.82 million taxpayers and about 130 000 tax-paying corporations and unincorporated businesses respectively. The government revenue forgone is about \$17.7 billion in total.

The proposed amendments are already explained in detail in the Legislative Council Brief submitted to the Legislative Council on 15 April.

President, I hope Members can support the Bill and enable its passage as soon as possible, so that we can implement the said concessionary revenue measures earlier.

I so submit. Thank you, President.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Inland Revenue (Amendment) (No. 2) Bill 2015 be read the Second time.

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

Council went into Committee.

### **Committee Stage**

**CHAIRMAN** (in Cantonese): Committee stage. Council is now in Committee to continue to consider the Schedule to the Appropriation Bill 2015. The Committee continues the second debate.

**APPROPRIATION BILL 2015**

(Mr LEE Cheuk-yan stood up)

**CHAIRMAN** (in Cantonese): Mr LEE Cheuk-yan, what is your point?

**MR LEE CHEUK-YAN** (in Cantonese): Point of order. I understand that after Members have delivered their speeches or while they are speaking, government officials can have the chance to speak. However, even though we have spoken a lot on the issue of water cannon vehicles, government officials have not made any response so far, and we will continue to discuss many constitutional issues today. Chairman, arrangement should have been made for government officials to have time to respond. But then, we are worried that the Government actually pays no attention to our debate, as we can see that very often, the officials sitting in the Chamber are not those of the Policy Bureaux responsible for the subject we are debating. For instance, when we discussed water cannon vehicles, Secretary LAI Tung-kwok was not present in this Chamber.

Therefore, Chairman, I would like to know what arrangements there are in this regard. Have you any idea whether the Government will speak in this debate or in the many debates to follow? Then, we can have more meaningful debates with the Government, instead of just having we Members speak and the Government only waits for us to vote.

**CHAIRMAN** (in Cantonese): According to the flow of the debate, before the start of each debate, I will first call on Members who have proposed amendments covered in the debate concerned to speak, before asking other Members to speak. After Members have spoken, I will invite government officials to speak, and then invite Members who have proposed amendments to speak for the last time. After that, I will conclude that debate. Of course, after I have invited government officials to speak, it is for the Government to decide which official will speak or whether they will do so.

I would like to remind Members that the second debate had carried on for 12 and a half hours last week, and a total of 42 speeches had been made. As I told Members earlier, I intend to let this debate continue until around 6 pm

tomorrow. The meeting today will suspend at around 8 pm. Since arrangements have been made for Members to have a joint meeting with District Council Members tomorrow morning, this meeting will only resume at 2.30 pm. In other words, around three and a half hours will be left tomorrow for this second debate.

According to the flow of debate I told Members earlier, we will leave some time for officials and all Members who have proposed amendments to deliver their final speeches. As this debate involves amendments proposed by 11 Members, I expect most of the afternoon tomorrow will be reserved for officials and Members who have proposed amendments to speak. I sincerely hope that all Members who intend to speak, in particular those who have not spoken, will make an effort to do so before the meeting is suspended at 8 pm this evening. Would Members please press the "Request to Speak" button as soon as possible.

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, thank you for your explanation. However, I would like to find out through you, Chairman, whether officials are prepared to speak. Take the present situation as an example. When no Members indicate a wish to speak, you will proceed to ask if officials want to speak. Of course, if officials do not want to speak, we can continue to speak because we are in the Committee stage. Right now, I cannot see the Secretary of Security in attendance to respond to the water cannon vehicle issue. Yet, if he has the intention to respond, we really would like to listen to how he is to respond to our concern and strong discontent.

So, Chairman, can we learn through you whether officials are prepared to speak? If they are, say at 4 pm, I believe Members will accept that and would like to listen to how they are to respond. Then, the debate will be meaningful. Chairman, can we learn through you if officials will speak or not?

**CHAIRMAN** (in Cantonese): Would Members please note that it is for the Government to decide which official will be present at what time, and to attend which debate.

I remember when we were scrutinizing the Appropriation Bill 2014 last year, attending officials had responded to questions raised by Members, but the subjects did not belong to their policy areas. Thus, my understanding is that the Administration will make a holistic consideration when making arrangements for

officials to attend Legislative Council meetings. If the Administration has to respond to certain subject, the official in attendance will respond, but he may not be responsible for the subject concerned. Let me emphasize again that it is for the Administration to decide whether or not officials will ultimately respond, or which official is to respond.

Since a Member has made this request, I can ask Secretariat colleagues to check with the Administration at what time it intends to arrange for which official to respond to which subject. If the Government furnishes the information, the Secretariat will surely inform Members.

The Council now continues with the second debate. Members who intend to speak will please press the "Request to speak" button. Does any Member wish to speak?

**MR ALBERT CHAN** (in Cantonese): Chairman, I would like to thank Secretary Gregory SO for sparing the time to attend the meeting. He may have been aware that I am going to comment on the licensing issue concerning the Hong Kong Television Network Limited (HKTV).

I would like to discuss Amendment No 1, which seeks to reduce the annual estimated expenditure for the Chief Executive's Office, including reducing the expenditure for the Executive Council and the emoluments for the Chief Executive's Office from \$100 million to \$1,000. Chairman, this reduction has to do with the latest verdict delivered by the High Court on 24 April.

Chairman, the High Court returned the verdict after I had proposed the amendment. I do not have foresight, but the High Court's verdict covered a lot of issues, especially the behaviour and decision of the Executive Council and the Chief Executive. In the entire licensing process involving the HKTV, we kept on making comments in the related Panels and through other avenues, asking the Government to explain. Regrettably, the Government failed to explain in detail to the Legislative Council. This fully reflects that the Government has ignored the relationship with the Legislative Council and the basic principle that the executive arm should be responsible to the legislature. Thus, it can be said that the High Court's verdict has provided us with adequate justification in support of our amendments, in particular those seeking to reduce the expenditure of the Executive Council and the emolument for the Chief Executive.

Reducing the salary of the Chief Executive or the expenditure for the entire Executive Council is a serious and important decision. We did not propose the many amendments for the sake of "filibustering", as alleged by some people. It is after conducting research in various aspects and gathering sufficient justifications that we propose an amendment. This shows how serious we are. In the 24 April verdict, the High Court pointed out that the Chief Executive and the Executive Council had changed the licensing criteria arbitrarily, and there was no legal justification or logic. It is unbelievable that such a high-level political institution, with so many senior political figures and former government officials sitting on it, could have made such a ridiculous decision. It would be a big joke if he continues to get paid. It also represents irresponsible use of public funds.

If we study the High Court's 24 April judgment in detail, we can clearly see how the Chief Executive-in-Council had distorted the fact and how unreasonable and careless it had been when making the licensing decision. It can be said that the High Court's judgment has re-examined the performance of LEUNG Chun-ying and the Executive Council. The whole world knows that CY the wolf is incapable to govern, and thinks that he is a "complete liar" and a pathological "political conman". When he was elected two or three years ago, I had already pointed out in public that he was a habitual liar. It is absolutely inappropriate for such a person to be the Chief Executive, to lead the Government and the Executive Council. Although the words I used earlier were not those used by the Judge in his judgment, Justice Thomas AU's judgment had clearly identified the crux of the matter.

Chairman, Justice Thomas AU's judgment pointed out clearly that since the Government reviewed the television broadcasting policy in 1998, it had over and over again emphasized that no limit would be set for the number of licences to be granted. In the press releases issued in February 1998 and April 2000, the documents tabled to the Legislative Council in 1998 and the written reply to Legislative Council Members in 2010, it had made it clear that it was the Government's policy not to set a limit. Nonetheless, when granting licences afterwards, CY the wolf suddenly changed the policy and adopted the so-called gradual and orderly approach. Although there were opposing views ... I believe some of those views came from certain Executive Council Members and the Communications Authority — the Executive Council ultimately resolved not to grant HKTV a licence, thus triggering the judicial review procedure.

I believe all Members of the Legislative Council should study the related documents carefully. Chairman, one of the problems highlighted by the Judge was that those Members who supported the Government in not granting the licence committed the same mistake as the Government. Perhaps Members have not gone through the documents, or they have been habitual supporters of the Government. Once the Government presses the button, they will dance along like puppets. This puppet show can be said to have reflected the ugliness of Hong Kong's politics.

The Judge pointed out that in various documents, the Government had expressed clearly that the Government's policy was not to set a limit on the number of licences to be granted. Apart from saying that technological limitation was no longer a reason, the Government cited as the reasons the need to encourage competition and provide more channels for the public to choose, so as to turn Hong Kong into a regional broadcasting hub. Chairman, if Members still remember, the authorities had brought up this direction in the 1990s.

I have been following up the broadcasting policy ever since the Government issued the first paid cable television licence. At that time, the scope was even wider. The Government claimed that community television stations would be established in the future, enabling the public not only to watch the programmes, but also to take part in them. Through liberalizing its broadcasting policy and granting more licences, the authorities would allow religious, sports, cultural and arts, as well as educational organizations to participate in the production of television programmes. Therefore, judging from the development of the broadcasting policy over the last two decades or so, and the various consultation and policy documents of the Government then, the Judge was fully justified in giving his judgment. Moreover, the Judge also pointed out that the Executive Council had deviated from the established licensing policy when it decided against granting HKTV a licence. Thus, Members who supported the Government and "689" in not granting a licence had also deviated from the established licensing policy themselves. What they had done was very wrong and inappropriate.

Chairman, another amendment, numbered at 10, seeks to reduce roughly the amount of the annual estimated expenditure for the Executive Council, involving \$21.3 million. Chairman, the Judge slapped the Executive Council twice when he pointed out that being the highest decision-making body, the Executive Council had failed completely to discharge its functions as the mistake

committed was very serious. In this connection, members of the Executive Council should resign *en masse* for deciding against granting a licence. This is a sensitive issue. Despite rounds of deliberations, such a mistake was committed. It is natural for the public to lose confidence in this structure. Just as the Judge said, the Government had obviously deviated from the established licensing policy. If an employee is at fault, he should be dismissed; if a political institution is at fault, its members should resign *en masse*. Yet, LEUNG Chun-ying never admits a fault, and he is unrepentant. He surely will not disband the Executive Council. He will only lead Hong Kong into a cul-de-sac, plunging Hong Kong into disasters.

Chairman, in his judgment, the Judge pointed out that when the Executive Council decided against granting HKTV a licence, it had not considered the reasonable expectation of HKTV. Regarding reasonable expectation, the Court of Final Appeal has also delivered a verdict backed by legal justifications, as the public has reasonable expectation for the behaviour and decision of the Government. In the same way, at present, the bunch of lapses of the Police have repeatedly dashed the public's reasonable expectation for them. For instance, the taking of a member of the public to a dark corner by seven police officers to have him beaten up is definitely not a part of reasonable expectation. As past comments and documents of the Government all indicated that no ceiling would be set for the number of television stations, the granting of licences would not be hindered by a saturation of the number of television stations, and the Government had over and over again expressed that it would enhance technology and competition to give the public more choices and to provide more avenues for public participation to turn Hong Kong into a broadcasting hub, HKTV thus submitted its application, with the expectation that it would be granted a licence. Unexpectedly, the Government suddenly changed the policy, thereby undermining HKTV's reasonable expectation.

Chairman, although the Judge also considered that the Government had the right to change established policies, we all know that for any policy to be changed, the Government has to go through established procedures, criteria and directions. Once the licensing mechanism has been activated, in the absence of any reasonable, appropriate and legal procedures, revising a policy simply because of the decision of "one single man" is totally in breach of fair and impartial administrative procedures, (*The buzzer sounded*) ... and in disregard of reasonable expectation.

**MR GARY FAN** (in Cantonese): Chairman, I would like to speak on the amendment relating to "Head 21 — Chief Executive's Office". The Neo Democrats supports Amendment Nos 45 and 46 proposed by Mr Albert CHAN and Mr WONG Yuk-man to reduce head 21 by \$790,000 in respect of subhead 000 to deduct the estimated annual management expenditure of the Fanling Lodge.

Since the SAR Government's introduction of the specific proposal concerning the North East New Territories New Development Areas in 2012, the Neo Democrats has been collaborating with other concern groups in the community to advocate for using the development of Fanling Golf Course as an alternative to the North East New Territories development plan, with a view to preventing the SAR Government from resorting to "destroying families and villages" to forcibly develop the Kwu Tung North and Fanling North areas. The Fanling Golf Course where the Chief Executive's lodge is located in has an area of 170 hectares. When the alternative proposal relating to the Fanling Golf Course was widely discussed in the community in 2013, Chief Executive LEUNG Chun-ying once undertook to include his Fanling lodge as part of the North East New Territories New Development Areas to make possible the development. From this we can see that the lodge did not have much use value to the Chief Executive.

The Fanling Lodge was built in the colonial era. Since the sovereignty handover in 1997, the Lodge has seldom been used by the previous Chief Executives as a place of resort or venue to receive foreign guests. According to the paper submitted by the Chief Executive's Office to the Legislative Council, only one official activity was held at the Lodge between April 2014 and February 2015, and there were only 11 occasions where such activities were hosted there for the past five years in total. The management of the Lodge costs almost \$800,000 public money per year, I do not think this is in line with the value for money principle.

Chairman, Chief Executive LEUNG Chun-ying likes to travel overseas while on vacation in recent years. And early this year, he was spotted vacationing in Maldives by the media. With an annual remuneration of over \$5 million, which is higher than that of many state leaders in the world, the Chief Executive can surely afford to pay for his overseas vacations each year. Hence, it is indeed not necessary to spend further public money on maintaining the Fanling Lodge for receiving foreign guests or for the Chief Executive's resort purpose.

According to some recent media report, the government departments concerned have completed the Preliminary Feasibility Study on Developing the New Territories North, including the study on the development of the Fanling Golf Course locates and the Fanling Lodge located therein. It is noted that the Government considers the 170-hectare golf course unfeasible for housing construction, given the restriction of the narrow-shaped topography and the need to avoid a large number of old trees and graves in the planning process, and that it expects only a total of some 10 000 small/medium units can be developed there. As such, the Government concludes that it is not possible to replace the North East New Territories New Development Areas with the development of the golf course-cum-Fanling Lodge site.

However, though it is claimed that the entire North East New Territories New Development Areas Project covers an area of 614 hectares, the sites designated for residential purpose amount to 96 hectares only. Basing on the 6:4 public/private housing ratio adopted currently by the SAR Government, we can see that only 36 hectares of land will be allocated for public housing and Home Ownership Scheme (HOS) flats. Chairman, only 36 hectares out of the 614-hectare site will be used for public housing and HOS flats, producing some 36 000 flats in total; as for the remaining land lots, they will be used to develop private residential flats and luxury housing units. Therefore, if the golf course site can be used to develop 10 000-odd small/medium public housing units, it is indeed possible to replace the North East New Territories New Development Areas as an option to address Hong Kong people's demand for public housing.

An Expert Panel under the Antiquities and Monuments Office recommended in late 2013 that the Fanling Lodge for the Chief Executive be graded as Grade 1 historic building, which is defined as "building of outstanding merit, which every effort should be made to preserve if possible." Immediately, some people like Joseph YAM were drawn to divert public attention and express opinions against using the golf course as a site for development, citing the preservation value as justification. The Neo Democrats certainly agrees that we cannot ignore the importance of heritage conservation, yet we also hold that we can adopt other models of development instead of always resorting to destroying families and villages and demolishing everything for reconstruction, as if so doing is the only way available. Historic buildings like the Fanling Lodge of course deserve to be conserved as leisure areas for local residents in future, but this is not the reason for the authorities to refrain from resuming the Fanling Lodge and the entire golf course site for development.

Given that the Chief Executive's Fanling Lodge has rarely been used throughout the years and the Chief Executive is able to receive foreign guests in the Government House, the Neo Democrats considers it unnecessary to keep the Lodge in operation, and that the estimated annual management expenditure for the Fanling Lodge should be reduced. Besides, in seeking to provide public housing units to alleviate the people's demands for public housing, the Government should adopt the alternative proposal recommended by resident groups and develop the Fanling Golf Course rather than the North East New Territories New Development Areas.

Chairman, I would also like to speak in support Amendment Nos 29, 30, 31 and 32 proposed respectively by Mr WONG Yuk-man, Mr Albert CHAN, Mr CHAN Chi-chuen and Dr Kenneth CHAN, which seek to reduce "Head 21 — Chief Executive's Office" in respect of subhead 000 to deduct the estimated expenditure on the annual emoluments for the Information Coordinator of the Chief Executive's Office, and the amount involved is \$2.76 million.

Chairman, according to the paper submitted by the previous term of Government to the Finance Committee of the Legislative Council in 2005 for the recreation of the post of Information Coordinator, the functions of the post include formulating the media and public relations strategy for the Chief Executive's major policies; planning and implementing programme of public functions for the Chief Executive, including overseas visits and community visits; liaising with local and international media on behalf of the Chief Executive; and acting as Spokesman for the Chief Executive as and when required. However, Chairman, what has been happening before our eyes? The Neo Democrats considers that since the incumbent Information Coordinator, Andrew FUNG, took office in December 2013, he has been failing to effectively carry out the duties of an Information Coordinator which I have referred to just now.

Since he has come into office, Andrew FUNG has been provoking incidents over social websites. Last week, the media suspected him of engaging in a war of words with other reporters and experienced journalists on social media during office hours. Besides, he has become a laughingstock among the press and the media due to his numerous indiscreet remarks. During the Umbrella Movement, Andrew FUNG uploaded to the social media an image showing an injured police officer from a TV drama produced by the Hong Kong Television Network Limited, and purported the image as live news photo from the scene. This was subsequently covered by a media website in the United States which pointed out that the act to share the fake photo had backfired. There was also the issue of accessing to computer with dishonest intent. As an officer to liaise

with local and international media on behalf of the Chief Executive, Andrew FUNG fails to gain the respect of local and international media. On the contrary, he even finds pleasure in making enemies, damaging the relation with the media repeatedly.

Chairman, apart from frequently making indiscreet remarks, Andrew FUNG, the Spokesman for the Chief Executive, has even been exposed as "KAM Chung Yan" who writes to newspapers to criticize bitterly people opposing the Government's administration. Such sneaky act is certainly irresponsible, and it has also caused the general public in Hong Kong query about the integrity of this Information Coordinator.

Chairman, even though Andrew FUNG has compared himself to the White House Press Secretary shortly after taking office, he is not respected by the public because of his poor relationship with the media. Indeed, he is lagging way behind his White House Press Secretary counterpart. Nevertheless, Andrew FUNG earns an annual remuneration of HK\$2.76 million, almost HK\$1.5 million more than the incumbent White House Press Secretary whose annual salary is US\$170,000 or some HK\$1.3 million. Andrew FUNG absolutely does not deserve such a generous level of remuneration whether one is judging him in terms of the function of his post or his personal capability and integrity. In view of such, the Neo Democrats considers that the estimated expenditure for the annual remuneration of the Information Coordinator of the Chief Executive's Office should be deducted.

Chairman, I so submit.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, when Mr Gary FAN was talking about Andrew FUNG, I received a WhatsApp message which goes: "Mr LEUNG, as I am working in Admiralty also, I just hope he would stop using the pen name '金鐘仁' (Admiralty Ren, implied meaning of which is 'someone in Admiralty'). Please make sure that this view of mine will be heard." This is the public opinion, which could not be covered up simply by using the pen name "Admiralty Ren".

Chairman, now that I have touched upon the issue, I might as well take this opportunity to say something about Andrew FUNG. Andrew FUNG is earning a handsome salary but he should actually be put to death for causing worries and troubles to Carrie LAM, not to mention other controversies surrounding him. When Chief Secretary Carrie LAM paid a district visit to Mei Foo Sun Chuen,

rather than "staying high up above" she was indeed putting her feet on the solid ground; but then, no information whatsoever had been given to the media by Andrew FUNG about the visit of the Chief Executive. When Carrie LAM was seriously and earnestly trying to do her job well, a man suddenly appeared and handed her a bottle of cough syrup.

Chairman, it is already a dereliction of duty on his part for causing such an extremely chaotic scene. It is his duty to maintain good communication with the media when the Chief Executive makes any official trips overseas, visits the various districts across Hong Kong, or delivers a speech. However, he has failed to inform the media this time, and it is an unknown whether the Police has been informed at all. LEUNG Chun-ying is so popular that when people catch sight of him, they really cannot help laughing or "cannot help yelling" if I put it wryly. Certainly, I may put it even more wryly.

Chairman, is this not dereliction of duty on his part? Sometimes back in this Council, we queried Ms June TENG why she earned such a high salary but had not accompanied the Chief Executive on his official visits, and Ms June TENG quitted the job upon learning our query. She did so on the ground of age but in fact, she could no longer work for and stand the torture of that "one single man" who he always left the territory whenever he was in trouble. She just could not take that anymore. The query was indeed a criticism for her self-betterment, as Ms TENG had been said to be a person with excellent ability and extensive experience in the media sector before retirement, and it was our Chief Executive LEUNG Chun-ying who urged her to make a comeback and take up the important position. I once queried about her huge salary, and Ms TENG really quitted the job subsequently. It is the general view of many people that no one would listen to what "Long Hair" says in this Council, but that actually depends on what one has in mind. Those who have the least sense of shame would naturally resign on their own accord upon realizing the points in Mr LEUNG's remarks. But then, no one could have imagined that such well-intentioned remarks would lead to hell, opening up a door to another person whose capability has not yet been put to the test.

Frankly speaking, the accomplishments of Andrew FUNG remain unknown to those in the media sector. Just like an author with many works to his credit, Ms June TENG also possesses good qualifications to her credit. Moreover, even though she does not have sufficient energy to deal with the job, her curriculum vitae can still prove beyond doubt her competence for the position. However, apart from making improper remarks, what special knowledge or ability does Andrew FUNG have? Perhaps he is doing that

deliberately because this is exactly the reason why he is hired for the job. By performing worse than CY, he would give CY a chance to get away when people cannot help laughing at what he has said.

Mr Gary FAN, have you ever read the novel *Romance of the Three Kingdoms*? The strategy in question is called "Borrowing Arrows with Thatched Boats", which seeks to trick the enemy into shooting all arrows at dummy soldiers made of straw. If Andrew FUNG has really performed such a function, I think it would be good value for money to hire him as the Information Coordinator as far as the Chief Executive is concerned. Regrettably, what we are talking about now is not a feudal vassal. I wonder if the Chairman can recall that back in those years when you were still a Member and not the President of this Council, Andrew LO had called himself a parrot. Since we have the responsibility to hold the Government accountable to the people, we asked the former Chief Executive TUNG Chee-hwa his reasons for employing Mr LO, and his reply was that as Mr LO had worked for him as an assistant for a long time, he should be allowed to continue with his work.

It is reasonable to hire someone you know to do a job. Even though the criteria adopted by Mr TUNG was not very agreeable to me, it might be true that he considered himself a person who knew his subordinates' capability well and could tell the merits of the faithful employees. Nevertheless, if this is the case, I really have to ask since when has Andrew FUNG developed such an extraordinary working relationship with LEUNG Chun-ying, so much so that only LEUNG Chun-ying but no other person could perceive the strengths in him? Therefore, I hold that Andrew FUNG should have been dismissed a long time ago.

Besides, there is another issue involved, that is, when LEUNG Chun-ying followed the footsteps of all other public officers and suddenly turned up in the visit to Mei Foo Sun Chuen, he had made some remarks half-heartedly, handed out a bottle of throat-soothing drinks and then disappeared without a trace. Hence, he is once again "staying way above ground". There should be a certain kind of consistency in the Chief Executive's behaviour, and yet after identifying a co-ordinator to assist him in providing information services, he just turns up at one time and is nowhere to be found at another time. Not only has Andrew FUNG failed to release the necessary information to the public, he is always not reachable by phone even though he has a responsibility to liaise with the media.

Chairman, the media is a public instrument and naturally what could be released to the media could also be made known to the public, right? The public

will learn about it sooner or later as the truth cannot be concealed. However, whenever I tried to reach Andrew FUNG by phone, nine out of 10 times the call was not received and all I could hear was a message stating that "I am 'Admiralty Ren'". In monitoring the performance of the Chief Executive, the media is exercising the power of the fourth estate. This is a consensus and is realized through the freedom of the press prescribed under the Basic Law. After all, I am a Member of this Council and I would like to know the whereabouts of the Chief Executive. Regardless of whether I would be welcomed, booed or given some personal advice, I should be provided with the requested information. However, my request for information was in vain. That being the case, can we say this Information Coordinator has he performed his duty to conscientiously serve as a channel of communication between the Chief Executive and the general public? Chairman, do try to give him a call if you do not believe me, and a message saying that "I am 'Admiralty Ren'" would be all you could get. I do not want to talk about him anymore as far as the issue is concerned. Now, let me say something about the issues concerning Members of the Executive Council.

I propose to reduce in respect of the relevant subhead an amount equivalent to the estimated expenditure of the annual emoluments for the 13 non-official Executive Council Members and the issues involved are rather complicated. Monitoring the work of the Government is a really tedious task and I simply lack the patience needed to do so. Dr Kenneth CHAN of the Civic Party had asked for the attendance records of such Members in discharging the duty to monitor the Government. Do you understand that, Mr LEE Cheuk-yan? Chairman, the attendance records of Members of this Council are open information and you have personally pointed out in introducing the operations of this Council that we need to take attendance at meetings of this Council for record purposes. Although Members of the pro-establishment camp have always criticized me for throwing things and using it as a way to get away from meetings, I wonder if they would feel shameful at all in saying so. It is simply a waste of time to discuss the issue of attendance rates with me.

It would be fair to say that we are in an inferior position, which means that we have less power to exercise. Chairman, I believe you also understand that everything I have mentioned in my speech here will never happen, unless I throw things while speaking and thus get expelled from the Chamber by you. However, a high degree of public authority is enjoyed by the Chief Executive and Executive Council Members and therefore they should be subject to more stringent monitoring. Do you agree, Secretary SO? You have more power than I do, and should therefore be subject to monitoring. As for me, I am only

one of the 70 Members here and what I say would, as suggested by the Chief Executive, at most be a joke. Right?

This is in fact a big scandal since they have received emoluments for the post but their attendance records remain unknown to everyone. Dr Kenneth CHAN has inquired about the matter with the Permanent Secretary of the Chief Executive's Office, Alice LAU. Alice LAU had ganged up with Donald TSANG on me and she should of course be appreciated in a different light today. Dr Kenneth CHAN has inquired about the reasons for not keeping statistics on the meeting attendance rates of Executive Council Members. This is a good question. We should have an inquisitive mind, and we have been instructed to nurture an inquisitive mind since we were primary students. As a matter of fact, the same question had also been raised in the year before last and the answer was in the negative. Dr Kenneth CHAN is a teacher and he is naturally as inquisitive as a student, but can Members imagine how Ms Alice LAU replied?

In order to be fair, I dare not leave out a single word in her reply. She said: "A full record has been kept for each meeting to record each Executive Council Member's attendance rate and the number of withdrawal from meetings ... However, taking into consideration of the complexity of the issue, an accurate picture cannot be presented if we only provide information on the number of meetings held each year and the number of meetings attended by each Executive Council Member." Chairman, being a veteran teacher, can you tell me what she is talking about? If the reason she gives stands, Chairman, I have to seek your advice. Should the Legislative Council Commission be asked to state more correctly the number of meetings attended by each Member? As meetings are convened more frequently and for longer hours in this Council, the situation here is definitely more complicated than the Executive Council, right? I also agree and hope that a more complete attendance record could be kept, lest people would make the incorrect statement that I tend to throw things and then use it as a way to get away from meetings.

Chairman, I have no intention to reduce the salary of Ms Alice LAU, I am only trying to quote the remarks she has made. The emoluments of Executive Council Members are paid by public money so that they would perform the duty of assisting the Chief Executive in public administration. Given that they have to discuss vigorously with him about the issues brought up at Executive Council meetings, how could their attendance records be unavailable? I do not believe that Ms Alice LAU is really so audacious as to refuse, on the ground of the complexity involved, to provide information which could have been provided without seeking prior instructions from the Chief Executive. Instructions must

have been sought from the Chief Executive, bearing in mind that she is the Permanent Secretary of the Chief Executive's Office, which is an extremely important post tantamount to the minister of an office of military and political affairs.

As the first question raised was to no avail, Ms Cyd HO followed up by asking, "While it is stated in the written reply that no statistics has been kept on the attendance rates of Executive Council Members at Executive Council meetings, you have verbally pointed out that a full record has been kept. By saying that no statistics has been kept, are you suggesting that no statistical data has been collected or such data is not available? Obviously, you are playing with words." She then replied, "I am not playing with games of words. Minutes of Executive Council meetings have been maintained and clear attendance records have been kept for each Member. However, statistical data regarding the attendance rate of and the number of withdrawal from meetings by individual Executive Council Member as requested in the question are not available."

Buddy, is it because she is in such a frequent contact with that man that she is blackened with the ink she touches? Since Alice LAU is in frequent contact with LEUNG Chun-ying, she has taken on the approach of LEUNG and accused us of not asking our questions clearly and thereby making it impossible for her to give us an answer. Why must she do that? There is actually a reason: the attendance rates of some Executive Council Members are so embarrassing that it would not be a good idea to make them public. Among those Members with commercial background, two are with low attendance rates. One of them is Laura CHA, and her attendance rate is 80%. Laura CHA is referred to as the intimidating CHA by the corrupt Mainland officials because she is working on the securities regulatory system in China.

There is also another hotshot (*The buzzer sounded*) ... Sorry, I have to elaborate in further detail in my next speech. Nevertheless, Chairman, my speech is just like footsteps in a deserted valley ...

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

**MR LEUNG KWOK-HUNG** (in Cantonese): I wish to invoke Rule 17(3) of the Rules of Procedure to summon Members back here to listen to my speech. Buddy, please do not tell me you cannot help laughing.

**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 LEE Cheuk-yan, please speak.

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, I speak in support of amending head 21 to reduce the remuneration of the Chief Executive by \$4,462,620, and amending head 144 to reduce the remuneration of the Secretary for Labour and Welfare by \$3.58 million. A sum of \$8 million is involved here. Why do I support reducing the expenditure on these two items? Why do I have to speak on these two items together? It is because the Chief Executive and the Secretary for Labour and Welfare themselves ... I have to square accounts with them today. I will square the universal suffrage account later. And now, I just want to square the labour account. We know that the Labour Day on 1 May is approaching. More than 100 years ago, a lot of American workers were shot dead in the protest fighting for an eight-hour working day, thus triggering off an Eight-hour-day Movement across the world. Eventually in about 1920, the International Labour Conventions were drawn up and the eight-hour working day was stipulated.

However, Chairman, let us look at Hong Kong today. The Chief Executive has originally undertaken to introduce legislation on standard working hours, or using his version, to study taking forward the legislation on standard working hours. The result now is, however, to study how to stifle the legislation on standard working hours. Mr LEUNG Kwok-hung staged a protest during the Labour Day reception. LEUNG Chun-ying was nothing but shameless and even said that he "could not help laughing". Chairman, I was full of grief and indignation at that time. I felt grief because when he said that he "could not help laughing", a lot of people at the event were also laughing with him. Let us think who were at the event? Of course, those people from the business sector laughed with him, and I did not feel surprised at all about that. Nevertheless, there were a lot of people from the trade unions, including The Hong Kong Federation of Trade Unions (FTU), and these people were also laughing with him. When Mr WONG Kwok-hing was being criticized of betraying the

workers' rights and interests, he told the people to shut up. However, Mr WONG Kwok-hing was also at the event then, why did he not tell the Chief Executive to shut up when LEUNG Chun-ying betrayed the workers' rights and interests and was in default of his undertakings? Therefore, I find that sometimes the existing trade unions in Hong Kong are not united. Seeing that LEUNG Chun-ying was in default of his undertakings, their people at the event still continued to clink glasses and drank with him. At that time, I immediately went forward and, on behalf of the Hong Kong Confederation of Trade Unions (CTU), asked LEUNG Chun-ying to repay the debts and not to default of his undertakings, and even not to laugh. This is not funny at all. How funny is it when the Hong Kong employees have long working hours?

The Hong Kong employees have the longest working hours in the world. In the past, the employees in South Korea had the longest working hours. However, Hong Kong at present has definitely caught up with South Korea. South Korea's legislation on working hours has reduced the country's standard working hours from 48 hours to 44 hours per week, and further to 40 hours per week subsequently. Their existing standard working hours are 40 hours per week. Nevertheless, Hong Kong has nothing. Among 107 countries in the world, 100 countries have already legislated on working hours, but Hong Kong has no traces of such legislation at all.

We can conduct an assessment. The International Labour Conventions drawn up 100 years ago have already stipulated an eight-hour working day. However, Hong Kong still has no legislation at all at the present day. What will be the practical results? The Government always says that 700 000-odd people are engaging in occupations with long working hours, and the working hours for people engaging in these occupations are 10 hours, 12 hours or even 14 hours per day. We can check the data and see that some occupations are always involved. If the Government does not legislate on working hours, this problem can never be handled.

In regard to the issue of long working hours, the Government has done nothing and is still cheating the employees. Before the election, the Chief Executive already said that he would introduce legislation on working hours. What has he done after winning the election? He has set up the Standard Working Hours Committee (SWHC) and appointed many people to it, including labour representatives, members of the business sector and academia. However, they could never reach an agreement on the issues, and this could be expected.

After setting up the SWHC, two working groups were formed respectively, one responsible for studying the issue and the other one responsible for consultation. After completing their work, they submitted the reports to the SWHC. Afterwards, they said that a task force needed to be set up and that was the consensus reached by them. Nonetheless, the so-called consensus is astonishing. This is absolutely not the standpoint of the CTU, and Madam Han also said that this is not the standpoint of the FTU either. However, Mr NG Chau-pei told us that we had to deal with it gradually. I really have no idea what their standpoint is.

Nevertheless, the consensus concerned is very frightening and is also fooling us around. They said they would promote contract working hours. Is it something for them to promote? As verbal contract is also a form of contract, what is the point of asking employees to sign written contracts? What is the point if an employee only learns that he has to work for 12 hours a day from a written contract? What is the point if he learns that he will have no compensation for working overtime from a written contract? This cannot solve the problem.

Nevertheless, the SWHC said that this was its direction, and that it would discuss what to do afterwards at the end of this year. However, with some rough calculation, we can see that the Chief Executive has already been in the position for three years, while Matthew CHEUNG has already been idling in his position for three years. At this moment, after three years, they still do not know their direction. Even if they know, and even if the legislation is ready immediately — now it seems that he will keep on defaulting in fulfilling his undertakings — and even if they say the legislative process will commence immediately, the relevant work may not be completed in time, as the Department of Justice has not yet received any drafting instructions. Given the time limitation, it is basically impossible to finish the legislative work concerned. Hence, he has been procrastinating for three years.

Let us see what Secretary for Labour and Welfare Matthew CHEUNG has done in these three years? He has stifled the legislation on standard working hours. While employees have no standard working hours, the Government keeps on saying that it has to promote a family-friendly environment in Hong Kong. Why must the Government do this? When Hong Kong does not have standard working hours, how can a family-friendly environment be achieved? The Government asks the public to give birth to more children. When there are

no standard working hours, how can they give birth to more children? How can they have time to attack ... take care of their children? I said how could they have time to attack — I really attack the Government very often. The more I think about it, the angrier I become. I really have to attack the Government. How can they have time to take care of their children? When there are no standard working hours and the working hours are too long, they may really attack the children instead of taking care of them, so as to give vent to their anger. This may also be one of the reasons for child abuse.

The Government is only giving empty talks on family-friendly and population policies. When we talk about the most brilliant policy, and if Matthew CHEUNG will speak in reply later, he will definitely mention the implementation of the three-day paternity leave. How brilliant is that three-day paternity leave? What we ask for is that there should have at least seven days' paternity leave. Nonetheless, we leave the discussion of this issue for later. If we do not resolve the family space problem, how can people give birth to children? If the working hours problem is not settled, we will continue to be slaving in Hong Kong. We are the work slaves and housing slaves, and will never have the chance to free ourselves. We will be selling our blood and ourselves in the workplace forever, and can never strike a balance. Although we have been putting this forward for many years, what we get finally is ... Is it very funny? What LEUNG Chun-ying only knows is laughing, and so does Matthew CHEUNG. But this is only one of the debts.

Chairman, since we talk about their debts and their default on their undertakings, their remuneration of course has to be reduced and they should even step down. This is because we basically do not need them. They have done nothing. Besides, the Financial Services and the Treasury Bureau and the Labour and Welfare Bureau have been passing the buck on the problem of offsetting severance payments against Mandatory Provident Fund (MPF) accrued benefits. We are not alone in fighting for a solution to this problem all along. LEUNG Chun-ying also mentioned this in his political platform, but he defaulted on his undertaking again. We all know that he nearly mentioned this in the Policy Address last year. However, after the representatives of the four major chambers of commerce have met him in the Government House, the issue was then shelved, and LEUNG Chun-ying has not mentioned this again since then. Until recently when we asked about this, the Secretary for Financial Services and the Treasury and the Secretary for Labour and Welfare said that this matter was very complicated. Chairman, you were a teacher of mathematics. Is the

offsetting problem really so complicated? Even the political problem is not very complicated. In regard to the offsetting problem, the business sector is of course against touching the issue. However, the labour sector thinks that we should have retirement protection. If we have to prepare well for retirement, how can we let them offset each other? This is so simple and is not complicated at all. The problem lies in the standpoint. The Government was afraid of the opposition from the representatives of the business sector. It thus left it aside and said that the matter was very complicated. The problem is being procrastinated now and the Government is in default of its undertaking again.

Chairman, you can see that representatives of the business sector have the seats returned by functional constituencies. In the Election Committee and the future Nominating Committee (NC), they have one fourth of the seats, and I have not counted in the many people in the professional sector who are also representatives of the business sector. And together, they will control the NC. They then cheat us that we will have the chance to get nominated by the NC and become candidates. How can that be possible? In order to safeguard their vested interests, they will strive to manoeuvre the Chief Executive. Even if there is "one person, one vote" in the future, the 1 200 members will still be superior than the 5 million voters. Please do not cheat us.

Turning back to the issue, the Government is again in default of his undertaking on the MPF offsetting problem. If you ask Matthew CHEUNG what he has done in these three years, he may say that the minimum wage will be increased to \$32.5 from 1 May onwards. However, did he make it happen? The increase of the minimum wage to \$32.5 is indeed a debt, as the rate is reviewed every two years. Chairman, the arrangement at present is not a review every year. What we ask for is a review every year, but he is unable to implement it. Matthew CHEUNG cheated us that although it was written in the Ordinance that a review would be conducted every two years, the rate could be reviewed every year when necessary. What is meant by necessary? There has never been a review every year up till the present moment. At that time, the Secretary cheated us ... I cannot say that he has cheated us as many Members are willing to be cheated and to support him. Basically, the pro-establishment camp will suppress labour rights and interests. For the minimum wage is concerned, it is still under review every two years. What has the Secretary done? What is the use of having Matthew CHEUNG in these three years? No use at all, as he has done nothing.

Besides, he still has a debt which Members may not be aware of, as this is a debt owed 10 years ago. Why would I say that? The Government undertook to submit a piece of legislation 10 years ago. However, up till now, it has not been submitted to the Legislative Council yet, and this concerns the trade unions and the rights for reinstatement. Ten years ago or may be more than 10 years ago, it should be much earlier as under the governance of TUNG Chee-hwa, the then Government promised that when an employee was dismissed due to discrimination against trade unions, the Court could unilaterally rule for the validity of the rights for reinstatement. The Government has undertaken then and said that it would commence the legislative work. This was also carried in the Labour Advisory Board, and all the necessary work was ready. Nevertheless, the Supreme Court said that it was not feasible as some problems were found in the drafting of the legislation. Therefore, after going through so many procedures, the legislation still has not been submitted.

Secretary for Labour and Welfare Matthew CHEUNG promised me two years ago that the legislation should be ready for submission at the end of that year. Last year, he also said that it could be submitted at the end of that year. Every time, he would say that it could be submitted at the end of the year. Nonetheless, there is still nothing to date. How should this debt be calculated? I would like to ask Members: after taking into account the various factors, has Secretary for Labour and Welfare Matthew CHEUNG done any work in this past three years? If he has done nothing, we basically do not need to give him remuneration. If he does not need to do anything and the civil servants have done all the work, what is the point of having the Secretary for Labour and Welfare? He has done nothing except stifling everything. Matthew CHEUNG is actually the "Secretary for Stifling Labour Rights and Interests". He is the one responsible for stifling everything, and yet we still let him stand in the way.

Now let me turning back to the subject matter. It was not funny at all at the Labour Day reception that day. Living in this miserable world, Hong Kong employees have only employment but no family life. How funny can this be? However, LEUNG Chun-ying was laughing happily. He was taking spiteful, malicious delight in the misfortune of others. He has done nothing for the labour, and then he found it very funny. I think the worst part is that members from the trade unions at the event also laughed with him. Thank you, Chairman.

**MR CHAN CHI-CHUEN** (in Cantonese): Chairman, just now I have listened to Mr LEE Cheuk-yan's speech carefully. He was mainly talking about labour issues. While labour issues are under the purview of Secretary Matthew

CHEUNG, according to the debate arrangement, the theme of manpower should be dealt with in the sixth debate. Nevertheless, I understand it does not really matter what we touch upon in any debate session, as the Government will not send the corresponding public officer to sit in and listen to Members' speeches. Moreover, it is alright to speak on labour policy in this session, such as the issue on standard working hours. This is because we are going to "collect debt" from LEUNG Chun-ying regarding the pledge he had made before. In addition, the issue of standard working hours is also a part of the population policy. Hence, we can touch upon it in both this debate session and the sixth one, as Mrs Carrie LAM, being the Chairman of the Steering Committee on Population Policy (SCPP), has a responsibility to respond to this issue.

Just now Mr LEE Cheuk-yan mispronounced the word "湊 (cau3, babysit) in "no time to babysit" as "砌" (cai3, attack). In my view, Hong Kong people really have no time or patience to bear and raise a child, as it really takes time to "make" a baby. At present, as a policy on standard working hours has not been put in place, the public basically have no mood or patience to make love at all. That being the case, how can we enlarge the population size and the workforce? It is time to cut the emoluments of Carrie LAM. I consider that she should be held accountable as the SCPP is chaired by her. She has the responsibility to implement the standard working hours policy, so that Hong Kong people can have time to babysit their children, to make love, and to bear and raise children.

Since Secretary SO is present, I specially pick out some items which are related to Secretary SO from the copious information that I have at hand. I do this simply because I do not want to preach to deaf ears. Besides, I do not want public officers to feel bored or at a loss as how to they should respond in their speeches afterwards. As the Chairman has mentioned that they would respond to Members' speeches, it is possible that Secretary SO may devote a sheet of paper out of his reply notes to responding to the issue concerning water cannon vehicles, or he may devote a sheet of paper to the issue of standard working hours. But then, Members have no control as to whether the Government will reply or not.

Nevertheless, Chairman, I have made some suggestions on two occasions last week when you were absent and the Deputy Chairman took the chair of the meeting. Given that the Government is willing to send public officers to attend the Committee stage of the Budget to listen to our debate, I have suggested it send some relevant public officers to the Chamber. In the past, the Government might say, "as you were filibustering, how could I know when you will finish your speech, and how could our public officers accommodate themselves to

you?" For that reason, I did not force them to act against their will. However, the situation is different this time. As far as the senior public officers are concerned, while the Chairman has painstakingly trimmed the Budget debate this time by deleting all the irrelevant items, they are all informed of the script and the debate session arrangement. Theoretically, if public officers wish to co-ordinate with our arranged debate sessions on different debate items, they may do so. However, I dare not make such a request. Chairman, I just have this humble request and I hope you will convey it to public officers. I brought up that suggestion last week, and Mr LEE Cheuk-yan has also brought it up just now. We would like the public officers to provide us a duty roster, so that we will know beforehand whether or not Secretary SO will attend this session and can thus make a better preparation for my speech by picking out the issue which is related to him. That way, we can prevent last week's situation from recurring. Last week, Secretary for Security LAI Tung-kwok attended the meeting very briefly and was substituted by Secretary Prof K C CHAN shortly after I had pressed the button and prepared to speak on the issue of water cannon vehicles, thereby making me preach to deaf ears again. Therefore, just now I have asked Secretary SO how long he would stay in the Chamber, and he said he would stay until 3 o'clock. If Members wish to express views on items under Secretary SO's scope of duties, they are strongly encouraged to do so before 3 o'clock.

The fifth debate session covers matters relating to commerce and industry, information technology and broadcasting. They are all under the Secretary's purview, including the Communications and Technology Branch, the Commerce, Industry and Tourism Branch as well as the Innovation and Technology Commission which is still under the leadership of Secretary SO. As such, I hope he will stay in this Chamber and listen to our debate. Perhaps he can provide us a timetable via the Secretariat, so that we can arrange our speeches with regard to him and speak on the relevant issues at a certain time slot. Indeed, everybody wants to get the job done and we do not want public officers to have nothing to do. Hence, the Government really should not send only one public officer to the Chamber to attend the debate as if he or she is just a prop, having nothing to do with the points we make in our speeches.

Let me switch back to matters concerning Secretary SO. I am going to speak on the reduction of the Executive Council's expenditure under "Head 21 — Chief Executive's Office". As Secretary SO is an *ex officio* Member of the Executive Council, I will first speak on the overall structure and function of the Executive Council, which I consider a monster. Then, I will focus on the free-to-air TV licence issue which has put the Executive Council under criticism over the past year, so as to elucidate the reasons why I support reducing the

honoraria for Executive Council Members. The amendments involved include Amendment No 13 proposed by Mr WONG Yuk-man to reduce \$14.32 million, an amount roughly equivalent to the annual estimated expenditure on the honoraria for non-official Members of the Executive Council; and Amendment No 15 proposed by Mr Albert CHAN to reduce \$12.85 million, which is roughly equivalent to the annual estimated expenditure on the honoraria for 14 non-official Members of the Executive Council (excluding the convener). I am not sure whether it is because some people are reluctant to reduce LAM Woon-kwong's honorarium that "Big Guy" has spared LAM from the amendment to give these people another option. I have also proposed Amendment No 18 to reduce \$9.2 million, which is roughly equivalent to the annual estimated expenditure on the honoraria for 10 non-official Members of the Executive Council.

Chairman, in fact, reducing the honoraria for Executive Council Members may not necessarily be able to annihilate the Executive Council, as I believe that they still wish and are willing to take up the duties even if they receive no honoraria at all. As such, my proposal to reduce the expenditure of the Executive Council Members can serve two purposes: saving public expenditure on the one hand, and expressing my disapproval of the structure, system and regime of the Executive Council on the other. I believe it is better to do without the Executive Council than having it in place, as its disadvantages outweigh its merits. According to Article 73(5) of the Basic Law, the Legislative Council shall "raise questions on the work of the Government", which means the Legislative Council can monitor the Government. However, Legislative Council Members have no way to raise questions on the work of the Executive Council.

As I always say, if we cannot monitor it, then we should not allocate funds to it, or it should not be our responsibility to approve the funding allocation. If we allocate funds to an organization which it is not under our watch, we cannot say anything or ask anything. In that case, how are we going to exercise our monitoring right?

We can oversee and criticize the Government via our Panels, questions, the Finance Committee and examination of the funding proposals set out in the Budget. As to the Executive Council — we can still criticize it in our normal speeches, but such criticisms are made as if we are shouting in a desolate valley where no echoes could be heard — according to the Basic Law, the Executive Council shall be an organ for assisting the Chief Executive in policy-making. I

am not sure if Members are familiar with the Executive Council. It has 15 *ex officio* Members (Directors of Bureaux and Secretaries of Departments) and 15 non-official Members. As I always say, if there is no Executive Council and only those 15 public officers are assisting the Chief Executive in policy-making, we can still ask them to be accountable and raise questions. However, the collective responsibility and confidentiality system upheld by the Chief Executive in Council has become the shield, protective umbrella or black box of this structure. Once any matter is presented to the Executive Council, it cannot be questioned anymore.

I remember we have regularly asked Secretary SO about the television licensing progress in those years, and he would habitually answer that the Executive Council was examining the matter. However, was the Executive Council actually examining the matter? We did not know. We did not know the priority of its agenda items. Actually, the Hong Kong people or Members are asking for a reduction in the expenditure of the Executive Council is — let us not go into the major principle or expound on theories — simply because a lot of the problems emerging in Hong Kong in recent years are rooted in the decisions made by the Chief Executive. Whether those so-called Executive Council decisions are really genuine collective decisions, or just the decisions by "one single man", LEUNG Chun-ying? Theoretically, we will never know, because the Executive Council upholds the principle of collective responsibility. Therefore, the Chief Executive in Council is the best shield for LEUNG Chun-ying.

The Executive Council is one of the very few organizations not subject to monitoring by the Legislative Council. It is not required to come to Legislative Council and answer questions on a regular basis. Unless it is absolutely necessary, it will not explain its policy decision to the people of Hong Kong. We do not know who has made those decisions that go against popular sentiment, nor do we know if they are made by ballot. Nobody knows about the process of decision-making. I still remember that when implementing the Principal Officials Accountability System, TUNG Chee-hwa has tried to form a so-called ruling coalition via the Executive Council. Chairman, you were an Executive Council Member at that time, and you once said the ruling coalition "only had its share of disgrace but not honour". I will remember this remark for the rest of my life. Since the Executive Council Members do not share any common notions of governance, the loosely-assembled coalition will only end up seeing its members intriguing against each other and scrambling for power and profit.

Certainly, we Legislative Council Members do not have the capability to annihilate this institution. The so-called confidentiality system of the Executive Council is even more interesting, as everything, big or trivial will have to be kept confidential. Someone has jokingly said that if anyone should give a call to the Executive Council Secretariat and ask for the meeting time of the Executive Council on Tuesday, the clerk would answer that it is confidential and could not be made public. However, the public may want to know when the meeting will be held so that they can go there and present their petitions — of course they could be Executive Council supporters like Andrew FUNG who come to take pictures with his cell phones, and they might be invited to block people trying to present their petitions or stage protest. But then, they have to keep these things confidential. I really do not know what they are afraid of. Are they afraid of the protesters who are coming to stage protest, or are they afraid of terrorist attack once the meeting time and venue are made public? Meeting schedules of the Legislative Council are always made public, and I do not consider that it will increase any kind of risk to Legislative Council Members after such schedules are made public. Even during the Occupy movement, it was rather safe for Members to attend meetings in the Legislative Council.

Earlier on, some Members have asked the Government about the attendance rate of Executive Council Members. "Long Hair" has recounted that just now. The Government has all along been claiming that in order to allow its Members to speak their minds freely, the Executive Council is upholding a confidentiality system. Therefore, what has been discussed in the Executive Council will not be disclosed, and Executive Council Members are prohibited from revealing the content of their discussions or the remarks made by other Executive Council Members at Executive Council meetings. Everything is confidential. Actually, the figures quoted by Mr LEUNG Kwok-hung just now were issued last year. We have asked Ms Alice LAU why even the attendance rate had to be kept confidential. At that time, she just made up some farfetched excuses to support the argument and provided all kinds of answers. She said that sometimes Executive Council Members who had any conflict of interest were required to withdraw from the discussion of certain agenda items. She was in fact trying to say that these Executive Council Members could not attend the meeting because they were required to withdraw from the discussions, and so they were not being lazy in apologizing for absent from the meetings. For that reason, the subsequent attendance rate put together would not be fair to the Executive Council Member concerned. At that time, I sympathized with her and I considered her answer made sense. However, after being pursued by the media for days, the Executive Council had no alternative but to disclose all the

relevant information. Indeed, using the confidentiality system as an excuse and a shield on every occasion will only arouse public resentment against the impression and decisions of the Executive Council as a whole, thereby causing the people to believe that the Executive Council is a black-box operation.

In this connection, I have to thank Dr Kenneth CHAN for his perseverance in pursuing the attendance rate of Executive Council Members this year. In fact, it may not hit the headlines if the Government is open-minded enough to answer it — the issue has become a media hype for several days as the attendance rate of Executive Council Members became a talking point among members of the public. I do not know what figures "Long Hair" has cited just now. Actually, we need not take the figures cited by "Long Hair" too seriously, because he may have cited the wrong figures. I wish to talk about the attendance figures of Laura CHA in order to set the record straight. In the year 2013-2014, Laura CHA's attendance rate was 71%, which was the lowest of all Executive Council Members. The second lowest was Arthur LI's 78%. Yet Arthur LI had explained that his absence was due to a family issue, as he had to take care of a family member. He has made the explanation.

This year, Laura CHA is again the Executive Council Member who has the lowest attendance rate. Her attendance rate has dropped below 70% and stands at 68%. In other words, she only attends 30 out of 44 meetings. Everyone can see that the Executive Council is completely ... In fact, the attendance rate is obtained as a result of the efforts made by we Legislative Council Members to battle with Alice LAU verbally — we almost got ourselves a mouthful of blood in the heated verbal exchange — and the relentless pursuit made by journalists. Besides, it is nothing more than a point to note. Should the honorarium of an Executive Council Member who has an attendance rate below 70% be cut? Should her term of office be renewed next year? We have nothing to do with all of these things, as they are decided by LEUNG Chun-ying alone. How many Members could the Executive Council have? It is also a matter for LEUNG Chun-ying to decide. If certain Members have resigned or are arrested, should he appoint other people to fill the vacancies? These issues really do not matter at all. If they do not matter, we had better reduce the size of the Executive Council as much as we can to make some saving. Therefore, I propose in my amendment that the total number of Executive Council Members should be reduced to five, by cutting away 10 of its existing Members. I hope Members will support my proposal. As I do not have adequate time to discuss the television licensing incident in this session, I will continue in the next session.

**DR KENNETH CHAN** (in Cantonese): Chairman, I will continue to speak on Amendment No 303, which is proposed by me. The amendment seeks to reduce "Head 122 — Hong Kong Police Force" by \$27 million in respect of subhead 603. The reduction amount is roughly equivalent to the estimated annual expenditure of the Police Force on the acquisition of specialized crowd management vehicles.

As the Chairman may recall, last week, the Administration attempted to hoodwink Members into supporting the Police Force's funding proposal for acquiring three water cannon vehicles by including it into this year's Budget. I have made two statements in this connection, the first one criticizing the Secretary for the Environment and the second one criticizing the Secretary for Security who left with a hypocritical smile after hearing my statement. Why do I need to speak this time? It is because I wish to provide additional information. I will not repeat myself and I do not need to.

I intend to speak because the Secretary for Security has not formally responded to us in any formal occasion congruent with the constitution. Besides, he did not make any comment on the spot or through the media on the day we made the criticism. However, in a radio interview this morning ... as quoted from a news report ... the Security Bureau responded to this issue this morning, saying that these water cannon vehicles will only inflict minimal physical harm, making people wet or fall to the ground. The response is odd because from what I learnt from a non-government organization, the physical harm inflicted by these water cannon vehicles is not as mild as what the Government or Members who acquired information from the Government have claimed. A public officer of the Security Bureau got in touch with Mr Dennis KWOK, the Member who sits behind me but is not present today, hoping to get some information on the concerns of some Members including me. The public officer asked him not to worry about this trivial matter. This is indeed a misleading response, which is not only hypocritical but also deceitful.

The one interviewed by the radio station this morning is Ambrose LEE, the former Secretary for Security. As he has a close relationship with the Security Bureau for sure, I believe his remark is more or less an intercession for the Security Bureau, an attempt to cover up the fact that the Bureau has lied. He said these water cannon vehicles were not tools for attacking people but for guarding against demonstrators. Moreover, we have also heard the

Commissioner of Police or a public officer of the Security Bureau asking on a public occasion that as the demonstrators requested the Police not to use batons, pepper strays, tear gas canisters or tear gas, what else the Police could use. I can now answer him. The Police should use their heart, their mind and their conscience. Should they not? All that the authorities can think of is "weapon, weapon, weapon, weapon" and "suppression, suppression, suppression, suppression". Their brains are full of such ideas, but they never use their hearts and minds. The authorities did not want to respond and sent Ambrose LEE to respond to us on their behalf and to back them up. However, it makes no difference to me. Although Ambrose LEE is not the incumbent Secretary for Security, I believe his remarks can certainly represent the stance of the Security Bureau.

An even more ridiculous thing is, a public officer told Mr Dennis KWOK, the Member sitting behind me, that the water pressure generated from the water of these vehicles were very weak and non-lethal, which would only make the demonstrators wet. I find this remark illogical. If the water jets will only wet the demonstrators, what is the point of procuring these vehicles? One must be responsible for the things one says, even though I will not disclose the name of this public officer because we have our political integrity. However, the authorities' various attempts to leak out information to "tone down" the matter can hardly help to address people's or my queries regarding the Police Force's proposal to acquire water cannon vehicles.

Besides, Chairman, when we debated the issue of water cannon vehicles here last week, I said these vehicles were a lethal weapon capable of inflicting skin burns on demonstrators, and that in places where these vehicles were used, there had been cases in which such vehicles rolled over some demonstrators and thus killed them. Besides, and in some cases, demonstrators almost lost their sight, experienced tinnitus and lost their hearing. How could the authorities say that these vehicles are not lethal and will not cause physical harm, but will only discharge jets of water to wet the demonstrators? Last week when I raised these issues, the Commissioner of Police were at the Eastern District Council collecting views as he might need to promote the constitutional reform package while some democratic members of the Eastern District Council also wished to ask him the reasons for procuring water cannon vehicles and their uses. An Eastern District Council member, Mr Christopher CHUNG, who is also a Legislative Council Member from the Democratic Alliance for the Betterment and Progress of Hong

Kong, said, "It is cheaper, better and faster to procure such vehicles from the Mainland. Let the demonstrators 'enjoy' them as soon as possible."

I thus tried to search for the outlook of these Mainland-made water cannon vehicles, which are shown here in these two diagrams I am holding. They are not different from any other lethal weapon to me. I have looked for information on them. The manufacturer of these Mainland-made water cannon vehicles solemnly declares that the water cannon of the vehicle can be used with pepper spray, chemical solution, foam and coloured solution; and that the vehicle can be equipped with a dozer blade in the front for clearing obstacles or barricades. The throw range of the water cannon is 70 m, which is stronger than their Germany-made counterpart in Europe, and the water pressure of the water cannon is similar to that of the European models, meaning that it will cause the same physical harm and is equally lethal to human. This is no joking at all.

Hence, may I ask the pro-establishment Members and the royalists ... Are they obsessed with hurting people? Is it that they no longer need to use their heart, their mind, their conscience but only rely on using batons, tear gas, tear gas canisters, water cannon vehicles, or even armoured vehicles and tanks to suppress the demonstrators? Is this the only way to safeguard this feeble and rotten governing clique and to maintain stability? Who can answer these questions? Who can tell us how the freedom of assembly and demonstration, which is enshrined in the Basic Law, will continue to be protected in the future? Or, there will be no more protection? It is because in every demonstration, apart from strengthening their cordon lines, the Police will use water cannon vehicles to suppress the demonstrators at any time. All in all, Mr Ambrose LEE was lying. He was lying for the Security Bureau, ignoring his conscience and the facts.

In a debate in the United Kingdom on the procurement of three second-hand water cannon vehicles made in Germany, the town council members and Members of Parliament opposing the procurement described these vehicles as "white elephants", saying that they were a waste of taxpayers' money and draining public coffers. The jets of water discharged from these water cannon vehicles will only disperse the crowd into side streets, which is quite meaningless. But these vehicles will cause the greatest harm when they are used in side streets. These water cannon vehicles cannot improve the relationship between the people and the Police, but ruining the culture of mutual trust between the Police and the

people instead. The procurement of water cannon vehicles in the United Kingdom serves only to let the police officers or responsible public officers feel better. They are talking hawk and acting chicken. Out of this mentality and intent they have sought funding for procuring these vehicles.

If Members believe the Administration in saying that the water cannon vehicles are not lethal, I hope Members will take a look at a report released by the Amnesty International. The report is about a peaceful demonstration in South Korea initiated by the Korean farmers to raise their objection to the Korean Government's decision to import beef from the United States. They came out to express their different view to the policy, but they were dispersed by the Korean police with water cannon vehicles. One of the demonstrators who was directly hit in the face by a jet of water from a water cannon vehicle testified to the Amnesty International that at that time he was standing at a considerable distance from the cordon line and the water cannon vehicle, at a spot far away from the police cordon, but still he was directly hit by the water spurting from the vehicle.

One could imagine that the water spurting from the water cannon of the vehicle might contain pepper spray, inflicting an electric shock or tear gas effect on the demonstrators. If a demonstrator is hit directly in the face by the water jets, the consequence will not be as simple as getting wet. The demonstrator concerned would be knocked off his feet and bounced back 2 m to 3 m from where he stands by the impact of the water pressure. If there are many people at the spot, people may press against each other by the water force. Actually, the consequence is like people stepping on people, which would cause serious casualties.

The Police Force has submitted three \$9 million funding proposals to separately procure these three so-called specialized crowd management vehicles, and total amount involve stands at \$27 million. While the officer of the Security Bureau told us in an information conversation that people would only get wet but no other harm, the former Secretary for Security Ambrose LEE — he is almost like speaking on behalf of the Security Bureau — has also said in a radio interview this morning that these vehicles would only cause the demonstrators to get wet or fall down, and that the Police would not attack the people proactively. But then, what they have said are but blatant lies.

Given that his remarks were "I cannot help laughing" when he was confronted by a demonstrating legislator who is fighting for the rights of Hong Kong people, I cannot help but wonder whether the wicked are now in power. We cannot help but wonder in agony and anxiety whether these wicked, barbarous or demoniac people would laugh out loud when the core values of Hong Kong are destroyed. One cannot disguise his laughs, but one can laugh in order to disguise one's incapability, cowardice or wrongdoings of all kinds. It is a way to get armour-plated for protection. This categorically shows that the Police Force has lost its confidence, its mind and conscience, and it has also lost its patience to mend their relationship with the people. Its only concern is to strengthen its weapons as if it is in a weapon competition, so that it can threaten Hong Kong people off and to force them to submit to its power.

This Hong Kong-style stability maintenance expenses should not be increased, as Hong Kong is supposed to be progressing towards democratic development. Chairman, the Police Force's funding application for procuring water cannon vehicles as its new equipment or weapon should be withdrawn or put on hold for Panel discussion, as it is also a policy issue. We need to know why the Police decides to procure these vehicles, where they will be procured, how much they will cost and how money will be spent. Instead of letting the authorities make all the decisions and then casually inform us before seeking our endorsement, we need to know the answers to all these questions. Their practice has completely distorted the procedural justice in the entire process of policy formulation and funding application, and has ignored the sound reasoning requirement involved.

Are there any other alternatives? Why do the authorities not work on improving the increasingly intensified relationships between the public officers and the people similar to the relationship between the Police and the people? Does it mean that if top public officers should get out from their cars when they make district visits, the authorities would deploy the three water cannon vehicles to go along and protect them? Does the Government have any integrity at all? Will the Government still put Hong Kong people and Hong Kong's core values first? Is it true that the Government wants to learn from the Communist Party and use weapons on unarmed demonstrators anytime and anywhere as it wishes? Has our style of governance become so Mainlandized now?

**MS EMILY LAU** (in Cantonese): Chairman, my speech for this debate is about the amendment proposed to reduce head 92 by \$1.85 million in respect of subhead 000 to deduct the expenditure of six month's emoluments for the Secretary for Justice.

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

Deputy Chairman, I propose to reduce the emoluments of the Secretary because we strongly disapprove of some of his doings. He, as the Secretary for Justice, is not merely a major and politically accountable official, he is also responsible for upholding the rule of law of the SAR, protecting its judiciary system and ensuring its judicial independence. On many incidents and issues, he acts as the legal advisor of the Government, but he should also convince the public that he is capable of providing advice in an independent and professional manner.

One thing that can reflect the independence of the Secretary for Justice and his department is the location of his office. Deputy Chairman, as you know, his office in Admiralty is not a part the Central Government Complex (CGC). At the time when the Government decided to build the new CGC with the concept of "Door Always Open" — today the CGC is however nicknamed "Door Always Closed" — the Secretary had no plan to move his office into the Complex. As a result, the Secretary for Justice's office is now inside the former Central Government Offices in Lower Albert Road, separated from the executive authority and the CGC, so as to highlight its independent position. He must safeguard the independence and integrity of the various professional sectors of the SAR relating to his policy areas.

However, as everyone can see recently, the Secretary, as a member of the "constitutional reform trio", went on a bus tour with the "constitutional reform trio" to promote constitutional reform. This would probably arouse public doubt as to whether it was necessary for him to do so in his capacity as the Secretary for Justice. He can certainly give his views during the process, but is it necessary for him to follow other officials and join the publicity campaign? Given that he has clearly taken side, the public doubt whether he can remain independent, professional and objective when considering certain issues.

Deputy Chairman, I attended the Ceremonial Opening of the Legal Year on 12 January. When the Secretary for Justice gave his speech for the event, he said, "Any constitutional development, including development towards universal suffrage, has to be built on the relevant legal and constitutional basis. The constitution and documents of constitutional nature represent the supreme law of the jurisdiction concerned, and provide the ultimate legal anchor for any constitutional development." He made the above remarks in his speech given on 12 January. No wonder when LEUNG Chun-ying attended the Chief Executive's Question and Answer Session on 26 March, he pointed out that the election method laid out in the constitution and law is universal suffrage. As such, Dr Helena WONG raised a follow-up question immediately: Would he say that certain countries like North Korea and Iran also have universal suffrage? In fact, the Secretary for Justice has already elaborated the relevant legal basis on the Ceremonial Opening of the Legal Year on 12 January.

This is crazy, how could this happen? It is miserable that we only have one official present at this moment. Secretary SO also has a legal background, but he is not responsible for the constitutional reform and related matters. I always find it acceptable that Hong Kong's elections (including the Chief Executive Election) should be conducted in accordance with the Basic Law. If Article 45 of the Basic Law is properly enforced — or to adopt the Mainland way of saying, is properly manoeuvred — we should be given an election system that is free from unreasonable restrictions and genuinely allows voters to make their choice. Deputy Chairman, the idea comes from the International Covenant on Civil and Political Rights, yet the Secretary for Justice has made no mention of that. Nonetheless, Article 39 of the Basic Law has referred to this covenant and other relevant covenants.

Deputy Chairman, how could he, as the Secretary for Justice, convey such a biased message? He certainly has provided advice to LEUNG Chun-ying and the SAR authorities, though I have no idea what kind of legal advice was that, as it made the Bureau Director sob on the issuance of television licence. When the Court ruled that the Government has lost the case, then he said he needed to consider legal opinion. He had better go through it carefully. We will definitely hold the Secretary for Justice responsible for all these incidents happened. The problem is, why should the implementation of universal suffrage only be based on what is stipulated under the constitution and law? If so, we will truly have "one person, one vote", as there will be only one candidate. This will be the outcome if Hong Kong's universal suffrage is to be based solely on

legal provisions. How could this happen? It is highly exasperating that the Secretary has not said any word of justice in this connection.

Another point was also raised at the Ceremonial Opening of the Legal Year. At that time, Mr Paul SHIEH, the incumbent Chairman of the Hong Kong Bar Association referred to the White Paper on "one country, two systems" published by the Central Government in seven languages on 10 June last year. Mr SHIEH remarked that a lot of controversies focused on whether Judges were correctly characterized as "administrators" of Hong Kong. And he went on to say that while some had blamed the matter on translation, the real problem with the relevant part of the White Paper had nothing to do with translation. Under the system in place in Hong Kong, Judges would perform judicial tasks independently. The sovereign state should not purport to impose any ambiguous political requirements, such as to be patriotic or to safeguard the country's development interests.

These arguments carry the truth, but I have not seen the Secretary for Justice come forth to give any response. The publication of this White Paper by the Central Government was indeed very shocking. Over the years, Hong Kong has been enjoying "a high degree of autonomy" according to the Sino-British Joint Declaration and the Basic Law. However, the White Paper was released all of a sudden and it mentioned that the Central Government should be "exercising overall jurisdiction". This is a highly international document, as it is prepared in seven languages with a view to conveying the messages to the whole world. We are concerned whether Hong Kong can still enjoy "a high degree of autonomy". On these fundamental issues, we have not seen the Secretary come forth to give any defending remarks so far. Moreover, on the Ceremonial Opening of the Legal Year, while the Hong Kong Bar Association touched upon these topics, the Secretary only focused on the illegal occupation and refrained from talking about the ways to reinforce Hong Kong people's core values, which have already been clearly stated in the Basic Law and the international covenants on human rights. Now that the White Paper has been issued all of a sudden, is the Government not duty-bound to ... Of course, no one would expect LEUNG Chun-ying to come forth and say something, he may even be the one supporting the publication of these things. Nonetheless, for the part of the Secretary for Justice, he should come forth and say a few words of justice for Hong Kong SAR, shouldn't he? Advocating the Judges to administer Hong Kong people out of no reason is far too ridiculous. The Secretary, though carrying his title, has said or done nothing in relation to quite a number of issues. I cannot but find this very worrying.

While the White Paper is a farther example, a more recent example is related to the Legislative Council. Deputy Chairman, as you may recall, not long ago a Member once said something like "people arrested by the Police are released by the Courts" in the Council. On this, the Government still remained silent. It is impossible to frequently ask the relevant officials to come forth and make response, otherwise how are they supposed to safeguard their independence and dignity? The Secretary for Justice is duty-bound to make a response. As Mr Dennis KWOK pointed out last week, the Government had remained silent, and it was not until a group of lawyers from the Progressive Lawyers Group made criticism publicly that the Secretary came forth to say a few words. This gives the public an impression that the Government is slow in reaction and unwilling to respond. It is certainly inappropriate for Members to say such things, yet the Secretary for Justice is duty-bound to make response. If he is present here — though he is not — I believe he would admit that he is duty-bound to uphold the rule of law and judicial independence of Hong Kong, and that when some people make this kind of remarks to insult the judiciary departments, he should come forth to rectify and say some words of justice. However, given that he has all along remained silent, the public could not help but wonder what on earth this Secretary is doing?

Deputy Chairman, another issue we have raised innumerable times is about the prosecution of Donald TSANG and Timothy TONG. We have raised questions on this case at Council meetings as well as panel meetings. Members can make a count. For how many years has the investigation of this case lasted? There is a saying in English which goes: "Justice delayed is justice denied". Of course, I am neither Donald TSANG's buddy nor his friend. The public are indignant with him, and his blunders brought shame on Hong Kong. Timothy TONG, as he had been the head of the Independent Commission Against Corruption (ICAC), his blunders were even more outrageous. Despite the fact that the investigation concerned has been ongoing for years, we still have no idea about the progress at all. In response to our repeatedly made queries, the authorities just kept replying that the investigation would soon complete, or the results would be released soon. Some has requested the ICAC to step up the investigation and processing work, as they believe this is the job of the ICAC. As I find out from the Secretary and the ICAC officers, the investigation is indeed conducted by the ICAC, yet the ICAC officers have been working hand in hand with the people of the Department of Justice. The reason for this is that the ICAC officers need to consult the Department of Justice for legal opinions before

making decisions on many issues. Hence the Department of Justice is absolutely involved. The question is, why is this case held up for so long? Is this practice doing justice to Donald TSANG and Timothy TONG? They have been labelled all this while and under press attacks from time to time. What is the point of holding up this case for so long? Despite the proposal that an abundant or unlimited source of funding should be supplied to the department concerned for the purpose of hiring lawyers from overseas, still things have been held up for a long time. The public will find this upsetting.

Deputy Chairman, rumour has it that the Chief Executive might have stepped in. I asked the Secretary whether this was true more than once at panel meetings, and he denied it firmly. Without evidence, it is impossible for us to accuse him of telling lie. However, Deputy Chairman, I believe you know what we mean by "whistleblower" in Hong Kong now. In Chinese, it means the person who reveals insider stories. If some people are informed, it is possible that some of them would reveal the insider stories. This is not wild guessing, I learnt this through some connections in government departments. According to the information I received, the files of certain people have been placed on the desk of the Chief Executive. I eagerly urge the Secretary for Justice and his colleagues to act independently according to the Basic Law, and not to yield to the pressure from the Chief Executive or other people, or some forces outside the border. If the Government wants to gain public confidence, it should achieve this through actions or words instead of blindly emphasizing that Rimsky YUEN represents independence, objectivity and professionalism. This is not the way to achieve the purpose. In particular, on some issues, the Government has failed to discharge its duty, this would give the public an impression that there are political considerations behind many issues. Should that be the case, how is he supposed to discharge his duties as the Secretary for Justice? How can he institute prosecution or discharge other duties impartially?

Deputy Chairman, even though the amendment I put forth today may not necessarily be passed, I still want to convey a message to the Secretary: Many members of the public, irrespective of their background, are deeply worried. Seeing that a top official with strong power in his hand has no courage to discharge his duty impartially and with integrity, the public could not but doubt whether the public money is aptly spent.

**MS CYD HO** (in Cantonese): Deputy Chairman, I will focus on "Head 144 — Government Secretariat: Constitutional and Mainland Affairs Bureau" in my speech this time around and seek to reduce the Secretary's emoluments. Mr CHAN Chi-chuen, Mr Albert HO and also Mr WONG Yuk-man have likewise proposed amendments to this effect.

Deputy Chairman, I must first declare interest here. BigLove Alliance, an organization to which I belong, has received \$79,700 activity funding from the Gender Identity and Sexual Orientation Unit (GISOU) under the Constitutional and Mainland Affairs Bureau. I must first declare interest here.

Naturally, Deputy Chairman, what I am going to discuss is related to the issue of promoting equal rights for sexual minorities. I will focus on one point, which is the amounts of estimated expenditure over all these years ... I must cast the most serious doubt about a fact, the fact that the amount of estimated expenditure this year has been significantly reduced by 18% when compared to that of last year. The expenditure on promoting the elimination of discrimination based on sexual orientation amounted to \$4.76 million in 2014-2015, but the estimated expenditure for 2015-2016 has been reduced by as much as 18%, or \$880,000, to \$3.88 million. These figures are obtained from a question raised by Mr CHAN Chi-chuen — the question serial number is 2389, and the reply serial number is CMAB004 — in relation to the Budget.

When society has seen more people demanding protection for the rights of people of different sexual orientations who are in the minority, and the Government has also promised to follow up the relevant policies, we really cannot understand why the estimated expenditure on promoting social education to eliminate discrimination should be significantly reduced by 18%. How will this sum of money be used? It will be spent on making publicity video clips, advertisements and audio recordings, and on providing funding support to certain organizations for conducting activities, including BigLove Alliance. I have already declared interest.

Certainly, sexual minorities, equal rights organizations and also BigLove Alliance will strive to promote equal rights for sexual minorities; but then interestingly, The Society for Truth and Light, which is well known for its opposition to equal rights for sexual minorities, can likewise receive funding support. Last year, The Society for Truth and Light received \$75,400 of

funding. Even those quasi-equal rights organizations which actually think that everything will be all right if sexual minorities can change their sexual orientations can likewise receive funding amounting to tens of thousands of dollars.

Deputy Chairman, the resources for promoting the elimination of discrimination are already insufficient. Nonetheless, the Government has distributed this sum of money to organizations with completely opposite stances. In that case, what is the positioning of the Government's policy? What is the most absurd and ridiculous is that Dr Priscilla LEUNG, who likewise opposes equal rights for sexual minorities, has once asked a question on this item of estimated expenditure on eliminating discrimination. The serial number of her question is 1173, and the reply serial number is CMAB061. Her question reads, "Quite a number of people and religious groups have been subjected to verbal abuse for disagreeing with homosexuality and same sex marriage which has resulted in reverse discrimination, making the community worry that freedom of religious belief and freedom to preach in Hong Kong are being jeopardized. In this connection, will the Bureau advise this Council on the resource input for safeguarding freedom of religious belief and sexual orientation in Hong Kong over the past three years, and provide a detailed breakdown of the expenditure for various measures?"

This question from Dr Priscilla LEUNG touches upon a number of aspects, and it asks about freedom of religious belief and sexual orientation. But, what is the most ridiculous is rather the Government's reply. It says that the amount was \$4.76 million. In 2014-2015, this \$4.76 million was distributed to religious groups which sustained verbal abuse and reverse discrimination due to their opposition to homosexuality and same-sex marriage, and also to homosexual groups. How can this sum of money possibly "serve two masters" simultaneously? While it is true that the Government cannot possibly please all groups with utterly different stances over the years, it must have its own positioning after all. But in this regard, the Government is definitely a "fence-sitter" without any governance will or the courage to realize its slogan of "protecting human rights". The original sum of \$4.76 million is now reduced to \$3.88 million, and it will be distributed to groups on the two opposite sides. The Government should not act like a "fence-sitter" when it comes to protecting minority rights.

Deputy Chairman, I remember that in 1998 when I first ran in the Legislative Council election, I, together with the incumbent Under Secretary for Constitutional and Mainland Affairs LAU Kong-wah — who was also one of the candidates at the time — attended an election forum held by The Chinese University of Hong Kong. LAU Kong-wah is a remarkable debater, and he asked me a very good question at that time. He asked, "Democracy and human rights are two conflicting concepts, in the sense that the former means respect for the wishes of the majority, whereas the latter aim to protect the minorities. Cyd HO, how will you respond to this? What do you think?" I replied, "Democracy entails something more than 'one person, one vote'. If a society is only equipped with 'one person, one vote' without anything else" — as in the current promotion on constitutional reform — "If a society is equipped with nothing but 'one person, one vote', it will not be able to protect minority rights indeed. Therefore, a society upholding justice must practise the rule of law and formulate good laws to ensure basic rights for everybody on an equal basis."

I have read more books and information after joining the legislature. I once came across a political theory, which explained that democracy was not confined to "one person, one vote" only. I then came to realize that in a democratic society, all social groups (including minorities) should be given basic protection for their rights and interests, and everybody should be able to benefit from social progress. This is in marked contrast to a primitive society where children are killed and offered to the Deity as sacrifices in exchange for some peace of mind for the whole tribe. This kind of society can never evolve into a democratic society. For these reasons, even if some are concerned that the achievement of equal rights for people of different sexual orientations may lead to a series of consequences — well, this is without any scientific basis — the Government should not sacrifice the basic rights of sexual minorities to allay the concerns of the misguided who have yet to understand the facts and the truth. The Government should never do this. What has the Government done to eliminate discrimination? It is true that the Government has set up the Advisory Group on Eliminating Discrimination against Sexual Minorities (the Advisory Group) as a response to an undertaking made by LEUNG Chun-ying in 2012, which is the undertaking of conducting consultation. But he eventually changed his mind due to political pressure and the pressure from the politically privileged few, and thus abandoned the idea of conducting consultation. Afterwards, he set up the Advisory Group as a means to alleviate the situation.

But, what is the composition of the Advisory Group? Prof Fanny CHEUNG is the Chairperson — we have confidence in her, and she was the Chairperson of the Equal Opportunities Commission (EOC) some time ago — along with Dr Priscilla LEUNG, who opposes equal rights for sexual minorities to the death; Mr James TO, a Member from the democratic camp — there is no distinction between the democratic camp and the pro-establishment camp on this issue — who has casted abstention votes before due to his strong reservations about equal rights for sexual minorities; Mr CHAN Chi-chuen; and also representatives from sexual minority groups.

The two sides have been unable to reach any consensus over the past 20 years. Now that 20 months have passed since the authorities pulled them together, they are unable to reach any consensus all the same. Before the setting up of the Advisory Group, everybody was already aware of what the outcomes of the Government's arrangements would be. Nevertheless, the authorities were adamant about their own way. What are the only possible results? No consensus has been reached in the Advisory Group, and things have been delayed for another 18 months. Then, the Government will say that it has already set up the Advisory Group, only that its members are unable to reach any consensus and thus making it impossible for the Government to do anything. The Government set up the Advisory Group just for the purpose of legitimizing its inaction. Rather than fulfilling its duty of protecting human rights, the Government has shifted the responsibility to the Advisory Group instead.

The Advisory Group has undertaken a study, and the study report will soon be formally released. At the recent meeting of the Panel on Constitutional Affairs, the authorities explained to us that the Advisory Group had conducted a case study and interviewed many people — as many as over 100 people of different sexual orientations — about how they had been discriminated against. After the authorities had spent public money and time on completing this study, the Under Secretary pointed out in a paper submitted to members of the Panel that, first, the authorities could hardly invite people to do the interview; and second, since the interviewees' accounts were merely one-sided and unverifiable — meaning that the interviewees' accounts of the discrimination they had sustained could not be verified — what they said was not sufficient to serve as any convincing reference.

The Advisory Group was already aware of these outcomes when they opted for this approach. First, only few people would agree to do the interview, and

they would not dare to tell the truth. This is naturally understandable, as they would face immense pressure if they were to "come out of the closet" and give an account of the discrimination against them. For this reason, even if they felt aggrieved, they would not dare to stand forward and tell us about their thoughts. This is easily understandable.

Second, the Government has all along failed to provide any resources for following up cases. In the past, the EOC would follow-up cases. However, some dissenting groups hastened to challenge the EOC, saying that the EOC did not have any statutory power to follow-up cases as the EOC could only carry out its work in accordance with the several anti-discrimination laws, which did not include any ordinance called the "Ordinance on Eliminating Discrimination on the basis of Different Sexual Orientations". Therefore, those dissenting groups were of the view that the EOC would transcend its statutory power if it followed up the relevant cases. As a result, the progress has slowed down.

How many members are there in the GISOU under the Government? Secretary, you should know the answer very well! Please tell me. Are there more than five members? How do they follow-up cases? They are required to oversee the relevant funding scheme, conduct site inspection to ascertain whether the funded activities are conducted impartially, compile reports, and also make preparations for processing applications under the funding scheme in the coming year. Given its limited manpower, this is all this team of civil servants can do, and following up cases is really beyond the teams' capacity.

Following up cases is a prolonged process requiring considerable patience. The many restrictions imposed by the Government on the use of resources and its measures, coupled with the many "lines" it drew many years ago, have led to the present outcomes. But the authorities have subsequently said that precisely due to these present outcomes, the relevant study results are not sufficient to serve as any convincing reference.

The authorities have never erected the goalposts, and that is why we do not even have any opportunities to shoot at the goal. The authorities have only arranged for a fake ball game, but they have not erected any goalposts. In fact, when the Advisory Group chose this approach for the study, the authorities were already aware of these outcomes. In that case, why did the authorities not conceive any remedies beforehand? The Advisory Group already foresaw this defect. But has it ever considered any ways to address this defect and increase

its power? The Advisory Group is a sheer waste of money, so I strongly support the reduction of the Secretary's emoluments.

At present, two other teams under the Government are conducting studies on equal rights for people of different sexual orientations. One of the teams is the EOC. During last summer vacation, the EOC conducted a questionnaire consultation. But various issues, such as those concerning anti-discrimination ordinances, the EOC's structure and also its purview, were all mixed together in the consultation. As a result, the issue of equal rights for people of different sexual orientations could not receive any independent treatment at all. This may be attributable to the problem of limited resources facing the EOC. Or, this may be a result of certain members' opposition to equal rights for sexual minorities.

The other team is led by Secretary for Justice Rimsky YUEN, and it is now undertaking a study on the right of people of different sexual orientations to found families. This group was set up in response to the judgment delivered by the Court of Final Appeal in the W case, which found that Miss W should be entitled to the right of registering her marriage. But Secretary Rimsky YUEN is now occupied with the promotion of constitutional reform, walkabouts and bus tours. Another judicial review will come before the Court very soon in mid-May. It is about a person in a same-sex relationship who was refused entry to Hong Kong for family reunion — this should fall within the scope of basic human rights! — and was only allowed to enter Hong Kong on working visa. Let us wait and see the Court's judgment on whether the Government's practice has violated the International Covenant on Civil and Political Rights under Article 39 of the Basic Law.

Deputy Chairman, those who regard themselves as elites and intellectuals should support minority rights, rather than "sitting on the fence" and following the majority. In 2000 when we showed support for sexual minorities, we were severely reprimanded and criticized. But we have nonetheless remained steadfast throughout. Today, 15 years later, nearly 70% of the people in society support the enactment of legislation against discrimination. Even in the case of same-sex marriage and equal rights for same-sex partners, those in opposition merely account for 36% and 39% of the total. This tells us that as long as one can hold fast to what he believes to be righteous, he will be able to convince the general public to accept those views they initially found inexplicable. This is the case not only with promoting equal rights for sexual minorities, but also with opposing the "pocket-it-first" constitutional reform package.

**MR WONG YUK-MAN** (in Cantonese): Deputy Chairman, the themes covered in the second debate include governance, constitutional development and district administration. A total of 17 heads are involved in this session. I have already spoken twice on "Head 21 — Chief Executive's Office" and I will speak on "Head 92 — Department of Justice" this time.

To let the rule of law prevail is to let justice prevail. Without doubts, this is the responsibility of the Department of Justice (DoJ). The five Programmes mentioned in the Appropriation Bill, that is, this "Holy Book", are certainly very important. I will first speak on some of them, namely Prosecutions, Legal Policy and Law Drafting. I assume I will need to speak twice on them, spending a total of 30 minutes, before I can completely express my view.

First, I wish to talk about Rimsky YUEN. We can find in the Legislative Council or the Executive Council, or among top government officials, many people who are outstanding in terms of both their appearance and education background. Some of them have even received education abroad. But are they conscientious and reasonable? By that I mean do they judge what is right and what is wrong with reference to their conscience and reasoning? This is the essential common sense and basic integrity required of a person. Unfortunately, for some people, "the head is directed by the ass".

This reminds us of an ideologist named Thomas PAINE, who lived in the same time of George WASHINGTON. We have read his books and *Common Sense* is one of his famous books. One of his quotes is an apt description of these people. What did he say? He said: When a man has so far corrupted and prostituted the chastity of his mind, as to subscribe his professional belief to things he does not believe, he has prepared himself for the commission of every other crime. This aptly describes the situation where "the head is directed by the ass". And that explains why some people are so decent in appearance but rotten in mind.

When top government officials made district visits to promote the constitutional reform package, they were promoting something they did not subscribe to. Buddy, as the Secretary for Justice and a member of the constitutional reform trio, Rimsky YUEN has been advocating something he does not believe in when he lobbies for people's support of the constitutional reform package in the street. According to PAINE, if a man has so far corrupted and

prostituted the chastity of his mind, as to subscribe his professional belief to things he does not believe, he has prepared himself for the commission of every other crime.

By comparing the stances of Rimsky YUEN when he was the Chairman of Hong Kong Bar Association (HKBA) and at this moment when he is the Secretary for Justice, one can tell he thinks with his ass not his head. Worse still, since he assumed his present position, he has ignored his conscience and his reasoning, and all that he has done is to serve those in power. Let me cite a few examples about him to highlight the remarkable difference between the remarks he made when he was the HKBA Chairman and those made after he has become the Secretary for Justice.

One of the examples concerns the International Covenant on Civil and Political Rights (ICCPR). Under the ICCPR, the SAR Government is required to submit reports to the United Nations on a regular basis. In 2007 when the HKBA was under the chairmanship of Rimsky YUEN, the HKBA tendered a submission to the SAR Government on the Green Paper on Constitutional Development, in which the HKBA was of the view that the reservation to Article 25(b) of the ICCPR has lapsed and is not related to the Chief Executive.

Last year, Rimsky YUEN said in his capacity as Secretary for Justice that the reservation made in 1976, which reserved the right not to apply Article 25(b) of the ICCPR concerning elections by universal and equal suffrage, continued to apply to Hong Kong. This is what a Secretary for Justice is supposed to say. The reservation to Article 25(b) of the ICCPR made in the British Hong Kong era was a transitional product which sought to take forward the representative government system, introduce an electoral system and move towards gradual reform. It will become meaningless when the electoral system has reformed and developed into the stage of universal suffrage.

The SAR Government has completely ignored the request made by the United Nations Human Rights Committee to withdraw the reservation to Article 25(b) of the ICCPR. Rimsky YUEN has blatantly gone back on his words because he directs his head with his ass and because he has so far corrupted and prostituted the chastity of his mind, as to subscribe his professional belief to things he does not believe, he has prepared himself for the commission of every other crime.

Another example is the white paper on The Practice of the "One Country, Two Systems" Policy in the Hong Kong Special Administrative Region (White Paper). In 2008 when the HKBA was under the chairmanship of Rimsky YUEN, the HKBA issued a statement stressing that the Judiciary is separated from the executive and the legislature; that it should not be regarded as part of the governance team; and unless the Judiciary is truly independent, it cannot fulfil its role of ensuring that the Government is acting in accordance with the law.

Last year, Rimsky YUEN issued a statement saying that the HKBA had misinterpreted the representation he made in the statement issued in 2008. According to him, the focus of that statement is that Judges should not be regarded as part of the executive authorities and that this viewpoint was as valid then as it is now. But the White Paper is talking about political structure, which, according to the political structure stipulated under Chapter IV of the Basic Law, includes the Judiciary and members of the Judiciary. The governing organ referred in the White Paper is in a broader sense. He hoped that the public would not mix up the concepts.

In his second response to this subject, Rimsky YUEN said that the "administrators" referred in the White Paper was the political structure mentioned in Chapter IV of the Basic Law, and the Judiciary belonged to part of it. He added that the term should be interpreted in context — I find his viewpoint ridiculous. Rimsky YUEN further said that judicial oaths taken by Judges are a judicial manifestation of one's love to the country and Hong Kong — he is a little coercing his idea on us here — and that Judges should have the responsibility to correctly understand the law. This argument is nothing new. It is obviously a kind of bandit logic to include the Judiciary and members of the Judiciary into the political structure and to interpret judicial oaths as a manifestation of one's love to the country and Hong Kong.

What is our understanding on separation of powers? When "Big Boss XI" was Vice-president of the People's Republic of China, he said the three powers should co-operate with each other. If we follow his logic, all these people can call it a day and members of Hong Kong's judicial sector can all go home and sleep. In fact, it should be very simple. As long as the executive holds itself accountable to the legislature and the legislature is formed by election ... It is even better if one day the executive is also formed by election, right? As long as our leader is returned by election and the principal officials he appoints have

secured the support of the legislature, which is the organ representing public opinion, the relationship established between the executive and the legislature will be fine. This is common sense to people in democratic society. The executive holds itself accountable to the legislature and the legislature is formed by election, while the Judiciary is independent of the executive and the Legislature. Is this not common sense?

Moreover, regarding the constitutional reform package, as I said just now, despite being a member of the legal profession and a barrister, Rimsky YUEN has to distort the truth and misrepresent facts if he has to promote the constitutional reform package. There is no way to go around it because he is a principal official of the SAR Government appointed by the Central Authorities. Surely he cannot say anything to contradict the views of the Communist Party or to rock the framework laid down on 31 August (the 31 August Framework). This is the very foundation on which he must base every word he utters, but basically the values that he promotes are running against the values which he deeply believed in the past.

Hence, at the start of the first-round consultation on the constitutional reform, I pointed at Carrie LAM and called her "a slave of a slave". Then at a meeting of the Panel on Constitutional Affairs, I pointed at the three of them and said, "If you three plan to promote this reform package, you all should be prepared to go to hell." Secretary for Justice Rimsky YUEN once said that it should be most important to work on the broadly representative Nominating Committee in accordance with Article 45 of the Basic Law, and that if the broad representativeness of the Nominating Committee could be greatly improved, it would be more extensively recognized and accepted by society. Regarding civic nomination, Risky YUEN said that he should not do anything against the law just to gain high popularity rating. I really do not know what he was talking about.

This is the framework laid down by the Communist Party, which has evolved from the Nominating Committee stipulated in Article 45 of the Basic Law to the 31 August Framework. This shows clearly how the Communist Party is going to take control of the Chief Executive election in Hong Kong. Now, in the first phase of the election, candidates supported by 10% of the Nominating Committee members can enter the election; and then they will need 50% support in the second phase. Do not even think about entering the election. I once cited an example and pointed out that even Mr James TIEN could be screened out of the election.

Such an election is obviously a phoney one. The Administration often promotes the slogan of electing the Chief Executive by "one person, one vote", but such "votes" are only rubber stamps. Later at 3.30 pm, I will lead a group of student to visit the Legislative Council. I will again ask them a question. I asked students this question every time, and that is: If they need to elect a class captain and their teacher selects two students for them to choose by means of voting, will they find such an election acceptable. They said they found this unacceptable. Even students know that if candidates are hand-picked for them to choose from, it is the same as ordaining someone as their class captain.

The most ridiculous thing is, while you can see banners bearing the slogan "Elect the Chief Executive by 'one person, one vote'" all over the streets, all these banners are hanged by organizations which were against electing the Chief Executive by "one person, one vote" in the past. Is this not ridiculous? Let us set aside the first phase and just talk about who will be the candidates standing in the Chief Executive election ... I do not even care about reviving old quarrels with them ... MAO Zedong talked about the right to elect and be elected in an article in *Sin Xua Rhbao* in 1945. Even the blind can tell he was trying to deceive others and himself.

Which is better: to let the next Chief Executive be elected by 1 200 people or by 5 million people? Such remarks are bullshit. Are there 5 million voters? The Government often bluffs about 5 million voters, but there are now only 3 million-odd registered voters. By the time the election takes place, the voting rate will only be about 30%. If this electoral system is passed and the voting rate is about 30%, then only about 1 million people will go to vote; and if the candidate elected only secures 30% of the votes, that is, about 300 000-odd votes, the acceptability of elected candidate will be even lower than that of the super District Council members. By then, I will definitely call on people to cast blank votes. If there are 500 000 blank votes, they will suffer a crushing defeat. I simply tell you all, if this reform package is passed, this will definitely happen.

The Government only emphasizes "one person, one vote", but dodges issues such as how the candidates will come about. It is really clever. The Chief Secretary for Administration attended a constitutional reform forum organized by the Hong Kong Swatow Merchants Association in February where she said something very ridiculous. This is what she said: no matter what other people's impressions are, it is a progress for the current 1 200-member Election

Committee to be evolved into a "one person, one vote" election by 5 million Hong Kong people.

Actually, I have responded to that just now. Let us say Mrs Regina IP, LEUNG Chun-ying and Mr James TIEN will apply for candidacy in the Chief Executive election and they need to secure 10% support in the first phase of the election, and then in the second phase ... No, let us say there will be two other pan-democratic Members standing for the election. I do not know who they will be and I will skip their names for now. Then, after these five candidates have entered the second phase, only two or three of them can survive screening. The first one to be screened out will definitely be Mr James TIEN. This is because if he is not eliminated, among Mr James TIEN, Mrs Regina IP and LEUNG Chun-ying, people will definitely vote for Mr James TIEN. In which case, the Communist Party will lose control of the election. Right? It definitely will not let Mr James TIEN be the Chief Executive and thus Mr James TIEN definitely cannot become a candidate. What kind of a democratic election is this? The reason I cite this example is more than clear. If it ordains the candidates, it will also ordains the candidate to be elected.

As the Secretary for Justice, he should defend the rule of law and let justice prevail. Right? What he says now is inconsistent with what he said when he was the HKBA Chairman. Does it mean that he will again say something different when he leaves office in the future?

Besides, regarding the investigation of Donald TSANG's case, many Members have said at the relevant Panel that they found the Government's practice rather strange. As at present, the Government casually arrests and institutes charges against people on the street and then withdraw the charges when the cases are to be trial by at the Courts. For instance, in the "Recover Yuen Long" protest, 17 people were arrested but later the charges against 12 of them were withdrawn. Similar cases were seen in relation to many protesting activities held in other places across Hong Kong. This situation matches with what Dr Elizabeth QUAT has said, and that is: the Police arrests people and the Court releases people. Sometimes, I really cannot help laughing. Let me quote LEUNG Chun-ying's remark as follows: "Sometimes I really could not help laughing when I saw what you (including Members) do." Some people find this situation pathetic, but I find it ridiculous. The people laughing with him were a bunch of scoundrels gathering together.

**MR GARY FAN** (in Cantonese): Deputy Chairman, I am going to speak on Amendment No 296 which seeks to reduce head 122 in respect of subhead 000 to deduct an amount equivalent to the annual estimated expenditure on the emoluments for the Commissioner of Police.

In December 2014, the Public Opinion Programme of the University of Hong Kong released the popularity figures of the disciplinary forces in Hong Kong. The Fire Services Department came first. The second to fourth most popular disciplinary forces were the Immigration Department, Customs and Excise Department, and the Civil Aid Service. The Police Force came last with a satisfaction rating at 61 marks. Records show that net satisfaction of the Police Force reached its height in June 2007 at 80.5%, but plunged to 29% in November 2014.

Deputy Chairman, since Andy TSANG took helm as the Commissioner of Police on 11 January 2011, the reputation and the prestige of the Hong Kong Police Force have been devastated in just a few years. We can clearly recall that in the '60s and '70s, the Hong Kong Police suffered from low credibility and was dubbed "licensed thugs". Nowadays, the Hong Kong Police Force has lost much of its credibility under the leadership of Andy TSANG within a couple of years. If front-line police officers meet with people's criticism and contempt while on duty on the streets today, they should go to the Commissioner of Police Andy TSANG to ask for an explanation and to get even with him.

Andy TSANG is going to retire in May this year. The numerous wicked words and deeds spoken and done by him since he assumed leadership have basically shattered the system of values of the Police. The values upheld by the Police included: integrity and honesty; respect for the rights of members of the public; fairness, impartiality and compassion in all dealings; acceptance of responsibility and accountability; and so on. Andy TSANG has turned the Hong Kong Police Force, supposedly a politically neutral team which enforces the law impartially, into a political tool for the LEUNG Chun-ying Government to suppress dissidents.

In March 2011, Andy TSANG was newly appointed to the current position. At that time, a public procession against the 2011-2012 Budget was held and serious clashes took place between the Police and the people. Online sources had it that some police officers used pepper spray before giving out clear warning

and that they punched the protesters allegedly. In the incident, some pepper spray was spilled to a boy at the site of demonstration. A reporter asked Andy TSANG back then if an apology was necessitated by the incident. How did he reply? He said, "It is absurd to apologize for maintaining law and order."

In August 2011, the then Vice-Premier of the State Council of China, LI Keqiang, visited Hong Kong. During the visit, a man wearing a shirt with the slogan "Vindicate the 4 June Incident" on it was dragged away from the scene by the Police. Meanwhile, a police officer even covered up the camera lens of a reporter with his hand and prevented the latter from taking photos. The move thus started a public outcry. Commenting on the incident, Andy TSANG said that the police officer saw a "dark shadow" and hence covered up the lens instinctively. The Independent Police Complaints Council (IPCC) proclaimed later that the Police were convicted of impeding news coverage. However, when Andy TSANG made subsequent response to media enquiry, he refused to withdraw his "dark shadow theory" made earlier in a sophistic defence for the incident and commented that it was unrealistic to withdraw his comment.

Therefore, from the comments Andy TSANG made as the Commissioner of Police in response to these two incidents, we can draw conclusion about his personality and the approaches he adopts in handling situations. In his understanding, a police officer in uniform will never commit any mistake when carrying out his duty; and even if a mistake is indeed made, it is acceptable to Andy TSANG who will then exhaust all means to cover it up. Therefore, even though front-line officers have repeatedly and persistently abused their power, contravened regulations, committed all sorts of errors during law enforcement and thus incurred heavy criticisms, Andy TSANG has never made any apology or held himself responsible for the incidents since he was at the helm.

Deputy Chairman, the SAR Government has in recent years committed a number of blunders and acted perversely in policy implementation, social movements and confrontations have thus become increasingly common. The Police have gradually evolved into a political tool for suppressing dissident voices. As the Commissioner, Andy TSANG gives people the impression that he willingly executes such political missions and, worse still, willingly distorts the truth for the purpose. The Police acquired the sonic weapon sound cannon to deal with the protesters in 2012 and the move sparked a controversy. Andy TSANG said in January 2013 that the community had a misunderstanding of the sound cannon which, as a matter of fact, was only a sound amplifying system

rather than a weapon. However, the international community has in fact admitted that sound cannons are offensive weapons which can cause a loss of hearing. The comments made by Andy TSANG was actually misleading, and he misled the Hong Kong people deliberately.

On 8 May 2013, Melody CHAN Yuk-fung, a volunteer of the Occupy Central movement, revealed that she was arrested for having participated in a 1 July march held more than 20 months ago in 2011. At that time, the general public suspected that the move was a political suppression. How did Andy TSANG defend for the Police when facing the query? He said that Melody CHAN had been put on the wanted list by the Police since January 2012. However, as the Police had chosen to act low-profile, they did not make an arrest in her workplace so as to avoid bothering her colleagues. Melody CHAN refuted his claim, indicating that during the time when she was on the "low-profile wanted list", she had departed from Hong Kong for several times, and that she even had conducted press interview with LEUNG Chun-ying in Beijing before returning to Hong Kong on the same flight as him. Is there really a low-profile wanted list? Did Andy TSANG make such a statement so as to reveal to us the low work efficiency of the Hong Kong Police Force?

September 2014 saw the outbreak of a relentless confrontation movement for democracy, the Occupy movement or the Umbrella Movement, which lasted for 79 days. It was a protest against the political reform consultation conducted by the SAR Government at that time, and against the SAR Government's anti-democratic political reform arrangement which upheld fake universal suffrage, one that came with a pre-screening mechanism. However, under the leadership of Andy TSANG, the Hong Kong Police Force brutally abused its power for plenty of times during the Occupy movement, pushing the magnitude of its power abuse to an extreme. The Police have thus left a deplorable page in history and Andy TSANG can hardly shirk his responsibility in this regard.

On 28 September 2014, the Police fired 87 canisters of tear gas to the Umbrella Movement protesters and even showed them the "Disperse or we fire" warning flag. At 7.30 on 28 September evening, the Television Broadcast Limited even captured a scene where some Anti-riot policemen threatened the Occupy protesters by pointing automatic rifles at them. The Hospital Authority released a press statement that evening, as it anticipated a large number of wounded people would be sent to the hospitals for treatment because of the rally. All these signs prompted us to query if the Commissioner of Police Andy

TSANG had already prepared at that time to launch a crackdown which could lead to massive casualties.

Deputy Chairman, in the early hours of 15 October 2014, when the Police were dispersing the protesters who launched a surprise attack at Lung Wo Road, seven police officers pulled away a member of the Civic Party, Ken TSANG, and brutally assaulted him for almost four minutes in a dark corner at Tamar Park. Forty-two days after the incident happened, the Police finally arrested these seven police officers, only for assault occasioning actual bodily harm but not the more serious crime of torture. And up till now, after a lengthy lapse of time, they have yet to be prosecuted formally. During the investigation of the case, these seven officers were unco-operative at the identification parade which Ken TSANG attended. To our dismay, Andy TSANG told the public that police officers under arrest also had the right to not co-operate.

The Police's abuses of power were seen at the occupied area in Admiralty as well as in Mong Kok. After the clearance of the occupied area in Mong Kok, people has made a comeback to the streets to stage confrontation, for they were frustrated with the Government's lack of response to the political reform. The Police in this instance took everyone on the pavement — Deputy Chairman, it was the pavement but not the road — as protesters. Eventually, a Senior Superintendent of Police, Franklin CHU, unreasonably hit a male passer-by at the back of his neck and head with a baton, without giving prior warning. The victim Mr CHENG later went to a police station in person to complain about CHU's use of inappropriate level of force, but the complaint was not taken seriously by the Police. The Police have now arranged CHU for an early retirement so that he could shun the upcoming disciplinary action against him and keep his pension intact.

Deputy Chairman, as at early March 2015, more than two months after the conclusion of the Umbrella Movement, complaints against the Police persist. The Complaints Against Police Office has received a total of more than 2 400 complaints, with 159 of them reportable to the IPCC. Yet, I have to reiterate that Andy TSANG has never made any apology over these complaints, over the power abuses by front-line officers, or over their unfair and inappropriate enforcement of law. Instead, he lied blatantly and, just like what LEUNG Chun-ying has done, whitewashed his misdeeds with "hypocritical rhetoric". He claimed that police officers protected the protesters like caring mothers during the Umbrella Movement. This is utterly ridiculous!

Rather than reviewing and reflecting whether he has been taking the Police towards a wrong direction, Andy TSANG has even sought to further strengthen armament of the Force. In this year's Budget, the Police seek \$27 million funding to acquire three "specialized crowd management vehicles". When pursued by Members of the Legislative Council, the Commissioner of Police downplayed the specialized water cannon vehicle as a heavy machine equipped with large display screen, public address system, as well as water spray device capable of spraying liquid dye.

However, human rights groups and civic groups have promptly provided further information, citing sources from overseas. For instance, submissions from the Defence Scientific Advisory Council of the United Kingdom show that a jet from a water cannon vehicle can cause serious injuries to human bodies. The possible injuries may include: first, the direct impact of a jet from a water cannon can cause serious injuries such as dislocation of head or neck; second, miscellaneous items may fly off under the impact of a jet from a water cannon and cause injuries to the human bodies that they hit; third, under the impact of a jet, people may fall down and hit the ground or other hard surfaces, resulting in injuries.

Water cannon vehicles in actual operation have inflicted casualties to protesters time and again. Other Members, such as Dr Kenneth CHAN, have repeatedly cited examples from South Korea, the United States and Germany for the Council's deliberation.

Hong Kong is a densely populated city where roads are narrow and fences are commonly found. If the Police use anti-riot water cannon vehicles to disperse the people, there is good chance that the latter will be injured. Deputy Chairman, in my opinion, under the leadership of Andy TSANG, the Police today have connived at their subordinates' unfair enforcement of law again and again. As the Chief Executive, LEUNG Chun-ying has never reprimanded Andy TSANG, only commended him for his hard work. I do not think that the Commissioner of Police is carrying out his duties normally.

Therefore, I move to seek a reduction which is equivalent to (*The buzzer sounded*) ...

**DEPUTY CHAIRMAN** (in Cantonese): Mr FAN, please sit down.

**MR WONG YUK-MAN** (in Cantonese): Deputy Chairman, I had originally intended to continue speaking on the part involving the Secretary for Justice. However, I just heard a Member mentioning the Information Coordinator. Deputy Chairman, I will now speak on Head 74 — Information Services Department (ISD). Of course, this is related to the Information Coordinator of the Chief Executive's Office.

What is the relationship between the Government and the press? Many people want to know and want to do something about it. When the Government releases some news or announces some policies, it certainly hopes to have a positive coverage by the press. Therefore, contact with the press is a very important duty of the Government. Nonetheless, how to make a smooth announcement of government policies? Some incumbent high-ranking officials would stay in the vehicles whenever there are some citizens blocking the way during their visits to the districts. How can they come into contact with the general public? We cannot help laughing on this. LEUNG Chun-ying always says he has zero-distance contact with the general public. Is it really zero-distance? If there are no shrimp soldiers and crab generals or a crowd of followers attaching to him, will he dare to walk around Sham Shui Po alone? When he said zero-distance, he was just talking his head off. After all, can he do without the press?

What is more ridiculous is that when they plan to visit a district, they do not inform the press about their itineraries beforehand. This is an act to cover up the news and is blocking the flow of information. We can discuss with them citing numerous theories. What kind of Government is that? The Government should do everything under the sun so that people can see clearly. It is better for the offices of government officials to use transparent glass, as that is what the public wants. If they cannot do that, at least they should keep the work within their own policy areas transparent. They must not be evasive or hide the facts, and they must not distort the facts either.

This is not what we see at present. Visits of government officials to districts are important activities. However, the Government does not inform the media. Please do not resort to palliative measures. Because he is superior and thus he does not need to eat. Is that so? Do not be a human being then. While the high-ranking officials have to visit the districts for publicity blitz on how nice and beautiful the constitutional reform is, and how brilliant the election of the Chief Executive by "one person, one vote" is, they are also afraid of being

charged by the public. Hence, they do not inform the press for covering this government news. This kind of approach will, in the first place, block the flow of information. In a civilized and open society, people have the right to know while the Government has the obligation to inform the public. How does the Government realize this obligation to inform the public? It is realized when the high-ranking government officials can openly let the public know about their respective policies through the mass media. For what reasons can the high-ranking officials not inform the media about their visits to the districts beforehand? Is it because they will be besieged by the public? Nevertheless, a lot of police officers will provide them with protection. In case of any event nowadays, the police officers will come out to be on guard, to show their force and try to outnumber the crowd. It is very weird that whenever there is a trace of demonstration with the so-called charging acts, a large number of police officers will rush to the scene. Their number will be more than that of the demonstrators by two or more folds. Is it really necessary? Please look at the riots happened recently in the United States. These could be regarded as very violent incidents as they might cost lives.

Is it necessary for the police officers to outnumber the demonstrators by two or more folds? What exactly are the high-ranking officials afraid of? If they really believe they are right and what they do is only to promote and elucidate government policies, why do they not inform the media? What do they regard the media as? The Government has to do everything under the sun. And that is why the United States Congress has already passed an act back in the mid-1970s, which is the Government in the Sunshine Act. This Act provides for a number of things, including provisions regulating free flow of information, a system regulating declaration of assets by government officials, and laws regulating political contributions. All these are included under the Act. No matter how free a society is, if someone has breached the law, he must be subject to legal sanction. Therefore, if there should be any illegal political contribution, the person concerned would be punished as stipulated by the laws concerned.

Similarly, what the government does will be subject to the Freedom of Information Act, Public Broadcasting Act, Freedom of the Press Act, while an Official Secrets Act is put in place to act as a balance. However, Hong Kong has in place only an Official Secrets Ordinance but no freedom of information ordinance. The government officials can always say that they have no comments. A collective responsibility system is being practised in the Executive Council, and the discussions in the Executive Council need to be kept

confidential. Hence, they cannot tell other people about their discussions. At present, when government officials go to the districts to vigorously promote the constitutional reform, they do not need to inform the press or the media beforehand. What has the ISD done? It has spent a lot of public money. If Members look at this paper, they will have an idea of its establishment and how much public money it has spent. What exactly has it done?

The Government has to release news, right? Normally, when it releases news, the media are already very careful. For some rather professional media organizations, they will not accept all information just because the piece of news is released by the Government. When we worked as assignment editors in the newspapers in the past, even if we have received press releases from the Government, we would ask the journalists to check against other coverage of the same subject. They needed to verify the source of the news and whether the information was correct. We would not add the few words of "special report from the newspaper" and then print out every single word of the press release just because it was from the Government. We would not do that.

A responsible newspaper will definitely state clearly that the information comes from the ISD and the information shall be judged by the public. If there are means to find out related information other than that from the ISD, that journalist is worth commending. As the Secretary is now sitting here, I would like to ask him why the Government did not renew the licence with Asia Television Limited (ATV), how it would distribute the remaining frequency spectrum, and what is the story behind its decision to pass the bucket to the Office of the Communications Authority. The journalists have to try every means and go anywhere to find out the facts or other sources of the news, as people will raise queries. Does the Government only regard journalists as megaphones or part of the news factory of the Government, so that they will accept everything received? This is an insult to the journalists. They will raise queries. They are skeptical of every piece of information released by the Government, and will show doubts on each comment made by government officials. This what professional journalists will do. Therefore, they will try every means to find out other sources or materials to prove that the Government has lied or to fill in the missing information. They will made remedies when the related information is insufficient, as the Government always releases only part of the information. For instance, there are two remarkable persons in the information technology sector, one is Mr SIN Chung-kai and the other is Mr Charles Peter MOK. They will ask how the remaining frequency spectrum will be disposed. However, the

Government only released part of the information ... I will only say such things when I see you, right?

As we all know, the remaining analogue television services spectrum is now being given to Radio Television Hong Kong. We will have no more illusions about the matter. However, who will receive the remaining digital television spectrum? It is not known yet. How will this be distributed? The Government only says part of it, but people will ask questions. In the foreseeable future, there is only one free-to-air television station. When it uses the media air-wave spectrum as well as digital television spectrum, will it become too domineering? Some people asked how long the transitional period would be, and what the Government would do. The Government was evasive and only answered part of the questions. Would the journalists not try other means to find out the information? And then the journalists found out that there might be another investor. The spectrum might be given to that investor. If these reports were a little inaccurate, the Government would come out and deny of what has been reported. It would then say that the newspapers were writing nonsense. Buddy, the Government was not speaking the truth itself. The journalists then tried other means to find out the information. However, the Government said that the journalists were lying. Hence, the relationship between the Government and the press is always tense, and this is very normal in a democratic and open society.

I will take the United States as an example. I can tell you that the successive Presidents of the United States did not like newspapers and they disliked journalists very much. One very obvious example is Thomas JEFFERSON, who is very often mentioned in our journalism class. What he disliked most were journalists, because in the era from the end of the 18th century to early 19th century, those newspapers could call the President a rascal, a heretic or even a thief. This could be possible. He thus thought of some ways to restrict these newspapers. However, there is a famous quote from Thomas JEFFERSON which I believe Members all know, and that is: "Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter."

Thomas JEFFERSON was one of the founders of the United States. He was dedicated in maintaining freedom of the press, and has pushed forward Amendment I of the United States Constitution so that it could be passed in the Congress. What is Amendment I of the United States Constitution? That is

"no law". The Congress shall make no law impeding freedom of the press and freedom of religious belief. In many of the lawsuits afterwards in which the journalists were charged for being in contempt of Court as they had refused to disclose the source of news, and were arrested and put in jail, Amendment I of the United States Constitution and the Freedom of the Press Act implemented later would be invoked in defence. The United States at least has a relief mechanism. In Hong Kong, the Government is not subject to any sanction when it tells lies. But then, if a newspaper is involved in breaking a law in general, including defamation and perverting the course of justice, it is subject to legal sanction.

In fact, the relationship between the Government and the press is often mutually co-operative and interdependent. However, they also confront each other very often. Hence, what should the ISD or the Information Coordinator of the Chief Executive's Office do? Last time, I said that I have given a book to the former Information Coordinator Stephen LAM. This book is about how the Government of the United States dealt with the press back then. In the United States, it has special books on such subject matters.

At present, the Government has spent a large sum of money on that high-ranking and well-paid Information Coordinator, or on the entire establishment of the ISD. Nevertheless, they have failed, in the first place, to discharge their duty in announcing government policies. Secondly, on the relationship with the press, they treat the press as megaphones and regard it as an instrument. They always conceal the information and impede the free flow of messages, and thus make it impossible for the general public to fully understand the community and the Government through the press and thereby protect themselves. This is similar to law-making. The people bound by the law need to participate in formulating the law and to understand the provisions of the law. Therefore, regarding the part of the Department of Justice on which I had originally intended to speak, what I want to mention most is law drafting. I have joined a few Bills Committees, and I have noticed that the problem of Chinese law drafting is very serious. Since the Government has spent a lot of money, why does it not employ some people to resolve the problem? Buddy, this is a bilingual society. Not everything will take English language as the standard. The Court can use Chinese language to try a case, right? The court verdict can be written in Chinese. What has to be done? When the Department of Justice is drafting a law, the existing practice is to draft in English first. The English version will then be literally translated into Chinese. At the end, all the people who know Chinese cannot understand the meaning of the legal provisions. However, this is another topic.

I just mentioned about the ISD. Over the past 20-odd years when I was working in the journalism sector, I maintained very close contacts with the Assistant Director of the ISD. However, the present Government is not a government which can really face the public. As in the example I raised earlier, how will a government official not inform the media about his visit to the district? Nevertheless, the explanation of LAM Woon-kwong is very ridiculous. He said because it was to avoid any commotion. Buddy, it is evading the problem totally by taking the wrong way. If government officials are afraid of any chaotic situations, they can simply not paying any visits to the districts and make announcements through the television instead. They are now very keen on writing on blogs and enjoy being keyboard warriors. Of course, the blog articles were not written by them, but were only released in their names. Sometimes, I really cannot help laughing.

The phrase "cannot help laughing" can indeed be taken as a famous quote. The origin of that phrase was LEUNG Chun-ying, who has remarked that when he saw Mr LEUNG Kwok-hung demonstrating, he could not help laughing. Let us not discuss the issue that he has insulted this Legislative Council Member. His attitude alone has caused a disaster for the Information Officers. Those working in the ISD would have no idea how to find an explanation for him. When writing the press release, was it necessary to incorporate this phrase in it? "When LEUNG Chun-ying saw Mr LEUNG Kwok-hung demonstrating, he could not help laughing." And then they explained that it was due to the relaxing atmosphere. How relaxing could it be? I can tell Members. The situation that he cannot help laughing should really be: When Mr WONG Kwok-hing came over to beat Mr LEUNG Kwok-hung up, that should be the moment when he could not help laughing and then clapped his hands. Why could he not help laughing? At the Labour Day reception, when someone shouted at the Chief Executive and expressed his dissatisfaction, the Chief Executive should be very vigilant, scared as well as solemnly discreet. He should correct the mistakes if he has made any and guard against them if he has not. He should think deeply why Mr LEUNG Kwok-hung would treat him like that. He said he could not help laughing. In fact, I just could not help laughing when I saw them.

Deputy Chairman, I have not deviated from the theme. How should the ISD release this piece of news for him? It would be disrespectful if the ISD deleted the phrase "he could not help laughing", as he had really said so. If this phrase was not deleted, it would be distorting the fact, right? I also have to square accounts with the ISD about something many years ago. However, since my speaking time is up and there are only a few seconds left, I will leave it to my next speech.

**DR KENNETH CHAN** (in Cantonese): Deputy Chairman, I wish to switch my discussion to another amendment proposed by me, that is, Amendment No 401. This amendment is related to "Head 142 — Government Secretariat: Offices of the Chief Secretary for Administration and the Financial Secretary" and seeks to reduce head 142 by \$3,511,956 in respect of subhead 000, that is, to deduct an amount roughly equivalent to the annual estimated expenditure on the remuneration and allowances for the Head of the Central Policy Unit (CPU) payable by the Offices of the Chief Secretary for Administration and the Financial Secretary.

After this large heap of words, one may find it difficult to recall who is the Head of the CPU? Of course, he has a name, that is, SHIU Sin-por. Probably not many people have a strong impression of Mr SHIU Sin-por. Has he made any great achievement in his capacity as the Head of the CPU in recent years? However, this gentleman is rather well-known in the international community, especially among the departments concerning foreign affairs and intelligence gathering of the United States. They must love him dearly. Earlier on, WikiLeaks released, in one go or by batches, a large amount of intelligence on various parts of the world collected by departments of foreign affairs such as the Central Intelligence Agency and the National Security Agency of the United States, and everyone behaved as if they discovered some hidden treasure and searched extensively to find out who had betrayed our country and Hong Kong, or who had colluded with the Yankees or provided them with intelligence or reports, or who had invited these external forces or foreign forces to create chaos. One of them turned out to be SHIU Sin-por, Head of the CPU, who is a member of the LEUNG Chun-ying Government. According to the telegrams relating to the diplomatic affairs of the United States unveiled by WikiLeaks, it is discovered that SHIU Sin-por had started to provide intelligence for the Americans in as early as 2007 when he was a full-time member of the CPU. Connecting frequently with his American counterparts, SHIU Sin-por analysed the status of affairs on our side, and named our officials who were afraid of attending Legislative Council meetings, as well as analysing the internal situations and conditions within the democratic camp. After seriously reviewing such important information as the telegrams about American foreign affairs revealed by WikiLeaks in details, one will find SHIU Sin-por really have a "big month".

How can we allow such kind of person who always colludes — using their words — with the "American imperialists" and continuously provide them with information to be presented in this Chamber? What if he asks people everywhere, "whether you support 'Hong Kong independence'?" "Whether you agree that Hong Kong should become independent?" "Whether you wish that

one-party dictatorship be ended?" While he has asked us such questions whenever he could, everyone in the society has also point to us for answers. That being the case, why do they not point their fingers at SHIU Sin-por and asks him, "What are you doing? Why did you do such things to embarrassing Hong Kong?" Perhaps we should review if the Government's integrity checking system has any problem, as it has allowed the employment of this sort of person to nibble up the public money contributed by our taxpayers and receive the remuneration paid by us. Is it true that the Government only cares about the personal networks and connections SHIU Sin-por has and offers him the post without giving any regard to his integrity and the people he connects with most? Is it the case? If so, everything would be fine.

We must be consistent in the way we treat ourselves and the way we treat others. If SHIU Sin-por can take the post of the Head of the CPU despite his close connection with the Americans since 2007, and the fact that he provided them with intelligence, analysed our situation for them and disclosed a substantial amount of information, then the Government should stop accusing our Honourable colleagues. This is the only way to do us justice. In this case, everything would come to a close and discussions on the issue are no longer necessary. Given that Hong Kong is an international society, everyone in Hong Kong may have the chance to get connected with the "American Imperialists" and "British Imperialists". As such, so there is not much difference. It is fine to be like that. Yet, much to our fury, this is not the case. So, how much of our money has gone to this Head of the CPU each year? One thing for sure, he has got more than the amount of \$3-odd million mentioned just now. We have noticed something at the special meeting of the Finance Committee to examine the Budget this year. While his term of office lasts five years, an interim gratuity amounting to more than \$1 million is payable to him. This is the arrangement Mr SIN Chung-kai feels strange about. Why is it the case? What happens indeed? Of course, the arrangement is stated in the contract and we have to pay accordingly. However, is the money well spent? This is the right question to ask. Is Mr SHIU Sin-por a recognized figure in the area of public policy study? Is he a respectable, honorable expert in this field? The answer is: No.

In my memory, from the days when I was an undergraduate student in The Chinese University of Hong Kong, to this moment when I have become a professor giving lectures, I have to confess that I have never heard of Mr SHIU Sin-por and his achievement or contribution in the field of public policy studies. He has simply done nothing impressive in terms of research findings, nothing remarkable enough to make it necessary for the academia to review, study or

update in retrospect. On the contrary, he is labelled the "extreme leftist" as he is fond of engaging in war of words in newspaper columns with people holding opinions against, or different, from the Government. It is most appropriate for him to be named the "extreme leftist" for his unsparing effort to glorify the dictators and defend those in power. On the other hand, being a "leftist" certainly does not imply being the kind of people with an ideology to embrace Marxism. Who still holds fast to Marxism in China these days? All of them have become capitalists, thinking about nothing but profits making. Everyone is greedy for wealth and have no respect for the law. However, what is the problem with this? Sometimes they have to borrow a shell to create an appearance and pretend to be "leftist", so as to cover the fact that they are indeed rightest. Mr SHIU Sin-por is just another person who has been successful in making good use of this "extreme leftist" label to rise to a prominent position. As the Head of the CPU receiving more than \$3.5 million in remuneration, what remarkable achievement or contribution does he has in store to impress us?

President Jasper TSANG has referred to the CPU as "Central Polling Unit" in an open interview. Both are abbreviated as CPU, yet the Central Policy Unit has turned into the Central Polling Unit which conducts opinion polls. In fact, how should an opinion poll be conducted, so that it can be regarded as being done correctly? Fortunately, in Hong Kong, he is not the only one to conduct opinion polls. He just pretends to know how to do this. A lot of people know how to conduct opinion polls and they have done their jobs brilliantly. For opinion polls conducted by experts and scholars in Hong Kong as well as those in the international community, they are subject to review by international organizations and have to adhere to numerous criteria. For example, Dr Robert CHUNG from the Public Opinion Programme of the University of Hong Kong has pointed out that the World Association for Public Opinion Research has laid down a range of criteria on sampling, questions design and reporting to be adopted by conductors of opinions polls, and only those projects that fully adhere to such criteria can be considered as qualified and up to standard.

Regarding SHIU Sin-por, the Head of the CPU, who is hired with public money, as well as the large number of opinion polls conducted by the CPU, I have to confess sincerely that we have no idea as to whether the polls conducted fulfil the criteria mentioned above. This is not because we are not good enough to make such assessments but because the relevant details were not disclosed. We are not able to know the method adopted, the questions asked and the results obtained, as well as whether or not the reports submitted to government officials have followed completely the international standards concerned.

The CPU put everything under confidentiality, yet the expenses related to its opinion polls have been rising steadily. Let me cite some examples. The CPU conducted 51 polls in 2013-2014, spending \$3.6 million; in 2014-2015 75 polls were done, involving \$7.35 million; \$7 million is earmarked in 2015-2016 for opinion polls, with another \$9.8 million earmarked for engaging consultants to conduct studies. Upon the completion of all these opinion polls costing over \$7 million each year, do we, taxpayers and some very important component in the overall policy formulation process, have the chance to read the report? Is it possible for the Legislative Council and its Members to read the reports? Have any efforts been made to achieve public engagement? Or the Government just hides the statistics to try its luck? If, somehow, a certain poll happens to produce a result fitting its policy or conducive to the promotion of some ideas, it will then mention it publicly. As for all other polling results unfavorable to its purposes or offering not much help, they will just stash them away in drawers or even sweep them under carpets. I believe this is the case right now.

According to the CPU, these statistics are assets and documents of the Government, which are confidential beyond public access. They are the same as those frequently referred to in Mainland China or in Zhongnanhai as "internal references". Anyone unintentionally making public or disclosing any content of the "internal references" would at any time be said as disclosing state secrets, and this can lead to prosecution. Why does the SAR Government stay behind a veil, even when it is just conducting opinion polls? Is there really any secret involved? What would public policy be if it is not something about the public? If the information collected from opinion polls is not opinions from us, what would that be? After we have passed our opinions to the Government, it just keeps them away from us, but what is this supposed to mean? This means an attempt to forge an underserving fame through deceptive means. Then, government officials would arbitrarily claim that the Government has received popular supports, and the majority, or even 70% of the people are on its side. When asked to give evidence for such claims, the Government would easily put forward the argument that the opinion polls are of internal nature, details of which are not to be made public.

Certainly, as a diversified society, Hong Kong is still able to safeguard academic freedom "by now". The opinion polls conducted by our academic institutions serve as the magic mirror for the SAR Government and SHIU Sin-por the "extreme leftist", so that we can make a comparison on a clear and rational basis. What I am demanding here is of course not anything like advocating for the academic arena to merely keep working on their researches with a mindset

that nothing can be done to effect a change on the part of the Government. On the contrary, being a Member of the Legislative Council, I have a duty to question the reasons for meaninglessly hiding up the results of the significant numbers of opinion polls conducted by SHIU Sin-por, bearing in mind that substantial amounts of public money have been spent on the polls, and that the CPU has in effect been acting no more than a Central Polling Unit as nicknamed by President Jasper TSANG.

Furthermore, how many of these resources have ended up in the hands of those closely related to them? Mr SHIU Sin-por, the Head of the CPU and the "extreme leftist", does not have any credentials in the field of public policy studies to convince people that he is worthy of his lucrative remuneration of over \$3 million each year. In my opinion, his remuneration and the interim gratuity are good evidence showing that he is exploiting the people for his own interests. This is indeed obvious to all.

Moreover, some of the resources will go to the One Country Two Systems Research Institute where he came from, and he was the Executive Director then. The post is currently occupied by Mr CHEUNG Chi-kong, another Member of the Executive Council. A report published in May 2014 pointed out that a research grant of \$580,000 had been offered to the said Institute managed by CHEUNG Chi-kong. It is easy for them to transfer resources within their circle in the name of conducting research on "public sentiments", in which the "sentiments" can be "sentimental". Again, we do not have access to the results, as the research is also for internal reference only. What does this mean? Is it something like the "sentiments" of those eunuchs in ancient times, which were slanderous remarks made to emperors to vilify others purposefully? I really have no idea about this, but I guess that it should be something very similar. There is absolutely no need to for them to avoid arousing suspicion, and the collusion among such groups of people in the dark is another proof of their moves to feather their own nests at the expense of the people. While feeding continuously on our money, these so called think tanks do not even bother to concern about any suspicion from the public; instead, they just go on singing their own praises and making up stories of fame for themselves.

The crux of the problem lies in the fact both the Government and our society may objectively and functionally need to have a team of people to diligently concentrate in conducting public policy researches and analyses, and then rationally and impartially assist society and the legislature to handle issues involving public policies and the controversies concerned. However, can this truly be done in the hands of these people and Mr SHIU Sin-por. My answer is

in the negative: they can never do that. In the next session I will elaborate on the vices of the CPU under Mr SHIU Sin-por.

**MR WU CHI-WAI** (in Cantonese): Deputy Chairman, I speak in support of some amendments seeking to reduce the expenditure of the Constitutional and Mainland Affairs Bureau.

One of the major functions of the Constitutional and Mainland Affairs Bureau is to promote the development of Hong Kong's political system, and the importance of this function lies in the fulfilment of the constitutional responsibility of achieving universal suffrage for the Chief Executive election under Article 45 of the Basic Law. Of course, this is not the lone responsibility of the Bureau, but also a constitutional responsibility which the Central Government must fulfil. Since the Central Government had accepted the political reform proposal put forward by the Democratic Party in 2010, it, together with the SAR Government, must today honour the solemn promise of implementing universal suffrage for the Chief Executive election in 2017.

Talking about universal suffrage for the Chief Executive election, we will naturally take it to mean popular and equal right to vote, to nominate and to be elected, with no unreasonable restrictions barring the public from making a fair choice. Unfortunately, the 31 August Decision of the Standing Committee of the National People's Congress misinterpreted the universal suffrage we perceive as just the voting right of "one person, one vote". The people of Hong Kong can only resort to "one person, one vote" to elect our Chief Executive from among the candidates already screened and approved of by the Central Government. How can this possibly be genuine universal suffrage? If Hong Kong people become voting machines, how can those in Hong Kong who have been fighting for democracy over the years be convinced?

In the face of such political milieu, the only thing the Constitutional and Mainland Affairs Bureau can do is perhaps to seriously promote a binding referendum for society to choose our political path. Under a binding referendum, if the people choose the "pocket-it-first" package, it is at least in line with the path society has chosen in terms of political ethics. Even if we are not convinced, we are targeting at those who make this decision, instead of this political system. Under such circumstances, the entire society will have the opportunity to reconsider the future path. It is only by holding a binding referendum that everyone will concede defeat. Now, the Government is

launching massive promotion for its political reform package, asking the people to "pocket it first", otherwise, no one knows what will work out in the future. Some sources even expressed that if the package was passed, LEUNG Chun-ying, whom we all want least to see, would step down. However, can this be real?

Let us take a look. When unveiling the report on the second round of public consultation on the reform proposal, Chief Secretary Carrie LAM pointed out clearly that if this political reform package — a fake universal suffrage proposal — was passed, the constitutional responsibility of Article 45 of the Basic Law would ultimately be fulfilled. Therefore, to the Central Government, it absolutely has no constitutional responsibility to further refine this political reform package. In light of this, Chief Secretary Carrie LAM also mentioned in the document that if future amendments were deemed necessary, they would come in the form of a refined proposal put forward by the Chief Executive successfully selected by a fake universal suffrage, with reference to the actual situation of Hong Kong during his term.

Yet, would the Chief Executive selected by a fake universal suffrage choose to go against the Central Government? This alone is already questionable. Even if he puts forward a refined proposal, the Central Government may not accept it, as it still has to go through the "Five-step Process".

Therefore, if this fake universal suffrage proposal is passed, not only can the Central Government be rid of the constitutional responsibility of having to put forth a refined proposal, it can also manipulate the elected Chief Executive. By having a say on who can become a hopeful, and counting on the restriction imposed by the "Five-step Process", the Central Government can ensure that the successful candidate will not be able to introduce effective refined measures. Furthermore, a fake universal suffrage is a fake universal suffrage, it cannot be substantially changed. Will it in any way help to achieve the genuine universal suffrage which we have been pursuing, allowing for the various political forces to participate? The answer is obviously in the negative.

When deciding on political reforms, has the Constitutional and Mainland Affairs Bureau considered why the reforms are necessary? It has been 17 years since the Reunification, yet disputes over political reform have caused society to be torn apart. Has the Bureau come up with mending solutions? Or has it provided advice for the Chief Executive to consider in finding ways to improve

the political system to solve the problem of society being torn apart? Again, the answer is obviously in the negative.

We can see that the Bureau, the Chief Executive and the entire Government all want a tussle with the entire society, in order to give the impression that we can ignore the 30% to 40% of those in society who strongly consider that the existing political system fails to reflect the views of the majority of the public. Under the present political system, public opinion cannot be fully accepted or reflected. In other words, our political system has never been a platform for resolving social conflict. From this perspective, it can be said that the Constitutional and Mainland Affairs Bureau has been in dereliction of duty over the promotion of political reform in Hong Kong as it has not considered from this perspective what direction the development of our political system should take.

When promoting this political reform package, there are always voices asking the people to "pocket it first". They are told that there will be changes later, otherwise, no one knows when the next chance will come. Just as I analysed earlier, if we "pocket it first", this political reform package will never change from fake to genuine. Yet, if the pan-democratic camp vetos it, society will be able to continue its fight towards achieving a political system which can defuse social conflicts. The Central Government then will still have the constitutional responsibility to implement Article 45 of the Basic Law. From this perspective, there can still be a ray of hope.

Some said the passage of the package would bring improvement to governance. However, it is obvious that opinions in the community on this political reform package are diverse. If the package is passed, it will only be more difficult to govern because people are not convinced. If the Government manages to woo some votes, society's resentment will be stronger. Then, I believe Hong Kong will not only experience governance problem, but will also plunge into riots, leading to violent confrontation.

If this happens, should the Government consider seriously what in fact does our political system aim to achieve? In its publicity campaign, the Constitutional and Mainland Affairs Bureau keeps asking the people to "pocket it first" as they should seize the opportunity, otherwise, it will mean that the Hong Kong society cannot be properly governed. Nonetheless, if we really "pocket it first", it will spell demise for Hong Kong. There is no way that social conflicts can be defused, and governance will become all the more difficult.

The Constitutional and Mainland Affairs Bureau has failed to satisfactorily promote the political reform package, and it has not advised the SAR Government on how to solve the thorny problem of governing society. In my opinion, it is in dereliction of duty. So, I support the amendments proposed by some Members to reduce and remove the annual estimated expenditure for the Bureau. I wish that the SAR Government can seriously consider how our political system should move forward. If our political system just serves to fulfil the Central Government's constitutional responsibility under Article 45 of the Basic Law, with no contribution towards improving the governance of society, we will be better off without this political reform package.

I so submit. Thank you, Deputy Chairman.

**MR LEUNG KWOK-HUNG** (in Cantonese): Deputy Chairman, I will continue to discuss the full reduction of the estimated expenditure for the Executive Council.

Certainly, as the saying goes, "Every problem has its root." As the person who appoints Executive Council Members is LEUNG Chun-ying, he must bear full responsibility. But I must first point out that he goofed again and lied again today. The incident about his "inability to hold back his laughter" is the latest reason for reducing his emoluments. He said he "could not hold back his laughter", and added that since Mr LEUNG — he was referring to me, Mr LEUNG Kwok-hung — was talking and laughing somewhat relaxingly at the Labour Day Reception 2015, he thought the situation was a bit of a laugh when he entered the venue. He goofed by saying something like this.

The whole process — from the time LEUNG Chun-ying entered the venue and walked up to the stage under escort, to the time I held up my placard — spanned less than 30 seconds. Which of his eyes saw that I was talking with someone and laughing somewhat relaxingly? Even if this was the case — even if the situation was really like this — he could not have known it unless someone else told him this afterwards: "Master, you had better do something as remedy! Mr LEUNG was probably talking and laughing before you entered the venue." He could not possibly know what had happened. In other words, while on the stage, he was like suffering from "speech incontinence". After saying "Sometimes, I cannot hold back my laughter", he gave a hollow laugh. At the time, he could not possibly know what I had done. His explanation afterwards is nothing but a lie. As I once said, a lie covered by yet another lie will turn into a "big big lie", and a "big big lie" will turn into a "big big trouble".

Deputy Chairman, can we reduce his emoluments with retrospective effect? In other words, can we take back the emoluments he has already received? I think that it is useless even if we reduce his emoluments in full, as there are new reasons every day for reducing his emoluments. Therefore, I wish to ask him to clarify one thing. Which of his eyes saw that a person called Mr LEUNG Kwok-hung was talking to someone and laughing before he said "I cannot hold back my laughter"? He must be joking indeed. I think this "Master" has to find yet another reason as explanation. I now challenge him. I now accuse him of lying. Can he understand what I am saying? He could not possibly know what I had done there before he said "I cannot hold back my laughter". What he said afterwards was an attempt to cover up his lie with yet another lie.

Let me return to the issues relating to the Executive Council. LEUNG Chun-ying proposed to reform the Executive Council. Let me comment on whether the emoluments of Executive Council Members should be reduced based on his reform proposals. Some time ago, a person called LEUNG Chun-ying gave me a book — let me see — which was written with this inside, "Mr LEUNG Kwok-hung, Please advise. Chun-ying 8 March 2012". I think Members all received this book back then. Deputy Chairman, you likewise received the book, but certainly, you have already thrown it away, right? This book is entitled "Manifesto for the Chief Executive Election 2012". He set out his governance principles in the book under various items, of course. He says, "We will reinforce the functions of the Executive Council, enhance participation by non-official members to maximize the deployment of their expertise and encourage formal discussions on strategic issues in diverse policy areas. We will also garner proposals and views at the early stages of policy formulation and legislative bills and increase the number and length of meetings. The power vested in the Executive Council at present to give approval to some policy issues can be considered for delegation." This is what he says.

Besides, he adds, "We will consider appointing non-official members of the Executive Council to head important consultative committees and statutory bodies which focus on specific policy areas such as the Housing Authority, the Education Commission, the Social Welfare Advisory Committee, the Hospital Authority and the Securities and Futures Commission." The line which immediately follows is the most important, and it reads, "These non-official members would also assist in explaining the policies when they are rolled out to the community." Is he able to achieve all this? Let me give some figures as proof.

LEUNG Chun-ying acceded to the throne in 2012. Between July and December 2012 ... Perhaps, let us look at the figures for the whole year rather than half a year. In 2012, the number of meetings was 45; the number of items for discussion was 269; the number of items where one or more members withdrew from discussions was 69; and the total number of withdrawals from discussions was 252. In 2013, the number of meetings increased by one to 46; the number of items for discussion dropped by eight to 257; the number of items where one or more members withdrew from discussions increased by 10 to 79; and the total number of withdrawals from discussions was 218, more or less the same as the figure for the previous year.

May I ask LEUNG Chun-ying whether he has achieved what he says in this book, namely "enhance participation by non-official members", "increase the number and length of meetings" and "[t]he power vested in the Executive Council ... can be considered for delegation"? Members can refer to the statistics, right? Is he saying that he has as there was one more meeting? Hasn't this reflected his nature as a "big liar"?

Deputy Chairman, you may also recall that on one occasion, the Executive Council could not convene its meeting as he had not prepared the agenda. Of course, this was what he said. On that particular occasion, the "big liar" was really having certain ailments. When the whole Executive Council was waiting for him to speak, he nonetheless said that he had not prepared any agenda for the meeting. As a result, the Executive Council could enjoy one day of leave.

When he stood in the Chief Executive election, he said that he would enhance the powers and functions of the Executive Council, and also increase the number and length of meetings. But, as the saying goes, "Eating pig blood curds causes black stools." Sometimes, he would leave a meeting halfway for the reason of, for example, attending to his daughter's problems. The most critical issue is the construction of a third airport runway. At present, we still do not know much about the details. Was he present when the decision ongoing ahead with — meaning "materializing" — the construction of the third airport runway was made? Or, did anyone stand in for him as he had to leave the meeting before it was over? Can we still refer to this decision as one made by "the Chief Executive in Council" if another person stood in for him at the time? We know nothing about all this, nor are we clear about the details. He has failed to realize his words on improving the Executive Council in his election manifesto. Obviously, Executive Council Members have failed to achieve anything at all.

Let me cite Arthur LI as an example. Members all know him, and very often, he has to seek leaves of absence from meetings for the purpose of taking care of his beloved wife. It is a virtue to take care of one's wife. Doing so is absolutely agreeable to me. But as his attention has been diverted to something else, why should he cling to this present position? This is where the problem lies. Some people are called "Kings of Public Office". An example is Mr Barry CHEUNG, who is known to everybody now. As soon as he became a "LEUNG's fan", he was appointed as a member of the Executive Council while also holding many other public offices. As a result, he must very often withdraw from discussions, and say "I am sorry. I must withdraw from the discussion" once a meeting began to discuss an issue. If he did not do so, he would breach the relevant rules; if he withdrew from the discussion, there would be no participation on his part. If there are so many withdrawals from discussions in the Executive Council ... There is one more thing. We once asked the Executive Council why certain members must withdraw from discussions, but it refused to disclose anything, giving people the impression that it is operating in a black-box. If the Executive Council thinks that its image will be affected by not giving any explanations, it will disclose just a little bit, just like "squeezing toothpaste out of the tube".

In fact, while Hong Kong people have the right to know what has been discussed at Executive Council meetings, the Government is obligated to tell everybody about this. However, they have nonetheless said that they could not disclose anything. But then, I think they should at least disclose the reasons why certain Executive Council Members have to withdraw from discussions, right? Nevertheless, nobody knows why. I therefore think that among the Executive Council Members who help the Government take forward its policies, Arthur LI has achieved the exact opposite effects.

Arthur LI once said that young people took part in the Umbrella Movement for the mere purpose of showing off their heroics before their girlfriends. Come on! How is he qualified to utter these words? And, what is the basis for him to say so? Deputy Chairman, at least I will not say anything like this, "Arthur LI, you were born to an eminent family with a silver spoon in your mouth. As you could not gain much power as a doctor, you strived to climb further up the social ladder. Then, you became the Dean of the Faculty of Medicine at The Chinese University of Hong Kong (CUHK), and subsequently the Vice-Chancellor and President of CUHK. But you could not satisfy all your wants in the academia, as you wanted to be a Bureau Director. After assuming office as a Bureau Director, you were nonetheless kicked out of office upon being found playing

computer games." His playing of computer games in 2003 created another record for the Legislative Council. At the time, he was found playing computer games blatantly in the Chamber. And he even went so far as to saying that he was more capable than Legislative Council Members, as he could do two things all at the same time. How can there be such kind of person in this world? Normal people will not speculate about whether Mr Arthur LI who was born with a silver spoon wants to show his eminent status by attaining power and public offices. We will not say anything like this. His path is very clear. He has striven unceasingly to climb up the social ladder. And whenever he speaks, he will invariably trample on the grassroots. But we are fair, in the sense that we will not say he merely wants to show off his heroics, or to stand out from all others in his family because they are all more capable than he is. We will not say anything like this.

The problems with Arthur LI are honestly countless. I do not even want to dwell on those matters involving him before he became an Executive Council Member. He once said, "I will remember this. You will pay!" Let me talk about a recent incident. Arthur LI is also a "King of Public Office". He now serves as a member on The Council of the University of Hong Kong (HKU). He has moved to the HKU after being the "Czar" at CUHK. Did he intervene in Johannes CHAN's appointment for the purpose of executing LEUNG Chun-ying's election manifesto? Is this the reason why he spared no efforts in intervening in this matter? LEUNG Chun-ying did not tell him to do so. Even if LEUNG did tell him to do so, he should not have listened to him all the same. It is all right for him to promote government policies at the HKU. But as a veteran Executive Council Member with some experiences in the bureaucracy and school management, how come he could be unaware that he shall not indicate directly, indirectly, explicitly or implicitly to The Council of the HKU as to how it should make its personnel appointment? How come he could show his craziness without any reservations?

On this matter, Arthur LI owes everybody an explanation. Nonetheless, he does not consider it necessary to offer any explanation, because he thinks that his words have already been reported by the media and caused damage after all. On this issue ... There is one more thing about him which is very deplorable. He himself began his career in the medical sector, and then moved to the academia and finally the bureaucracy. But he has nonetheless accused certain professors of being undutiful in their positions, adding that they as professors should not care about any other matters.

Come on! He himself is a living example. He began his career as a doctor, through which he advanced to the positions of Dean of the Faculty of Medicine and subsequently the Vice-Chancellor and President at CUHK. He has relied on his relationships with others to advance his career. Frankly, the blunders he committed in the academia were indeed countless. He was nothing like an academic. Now, certain academics from the HKU have merely said a few words of fairness. They have not asked for power or public offices, nor have they sought to establish ties with LEUNG Chun-ying, Donald TSANG and TUNG Chee-hwa by "tugging at their coat-tails". But Arthur LI has "tugged at the coat-tails" of these three people. Up until this moment, he is still "wriggling like a dead centipede", and he has even spoken without any restraints. I think his words can be compared to LEUNG Chun-ying's "I cannot hold back my laughter" indeed. He was right in saying, "I will remember this. You will pay!"

Deputy Chairman, I have already given many examples to illustrate my arguments on this issue. Arthur LI is a "tumbler", one who has served three successive "dynasties". During his time in office, he has been unruly and reprimanded the common masses. This shows that he has failed to be of any help. In that case, do you think his emoluments should be reduced? I think they should be. I will talk about this further when I speak next time.

**MR ALBERT CHAN** (in Cantonese): Deputy Chairman, please summon Members back under Rule 17(3) of the Rules of Procedure. There are now only seven Members present in this Chamber.

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

(While the summoning bell was ringing, THE CHAIRMAN resumed the Chair)

(After the summoning bell had been rung, a number of Members returned to the Chamber, but some Members had not returned to their seats)

**CHAIRMAN** (in Cantonese): Will Members please return to their seats. Dr Priscilla LEUNG, please speak.

**DR PRISCILLA LEUNG** (in Cantonese): Chairman, I will focus my speech on Amendment Nos 282, 298, 300, 303. These amendments seek to reduce head 122 and their primary aim is to deduct the expenditure and resources of the Commissioner of Police and the Hong Kong Police Force as a whole.

Chairman, during the 70 days or so before and after Occupy Central last year, it came to our attention that many Hong Kong residents and young people in society believed that "in case of trouble, seek help from the cops; when there is no trouble, shout at the cops". This morning, I listened to a radio programme which received phone calls from members of the public and representatives of rank and file police officers, expressing two totally different types of views. Some members of the public, particular those supporting Occupy Central indicated that the reputation of police officers has plummeted to record low due to the Commissioner of Police; on the contrary, the representatives of rank and file police officers gave the Commissioner full marks. This reflects that public opinions on the approach and form of this illegal massive Occupy movement and its influence on the public are apparently divergent.

I have occasionally visited the occupied areas during the Occupy Central period, and noted some young university students were staying in the tents. One day, at around 8 o'clock in the morning, I visited an occupy site and found two students there, one of them was a Year One engineering student of The Hong Kong University of Science and Technology. It was already early December, and I asked him why he still stayed there, as the occupy site would be cleared soon. He came out from the tent and told me that he could not leave, as some students said they must stay on. I asked him what was the purpose for staying, as the site was about to be cleared. I also asked him if he had attended classes at the university. He was a Year One student, and he followed some senior students to join the Occupy movement just a few days after the semester had commenced. I asked him whether he believed the current fight would succeed, and what were the implications on him. He looked puzzled. We chatted for almost 10 minutes. My experience was more or less the same every time I

chatted with the students, very soon some middle-aged men or women would come forth and interfere, they would say ...

(Mr Albert CHAN stood up)

**CHAIRMAN** (in Cantonese): Dr Priscilla LEUNG, please hold for a moment. Mr Albert CHAN, what is your point?

**MR ALBERT CHAN** (in Cantonese): Chairman, I would like Dr Priscilla LEUNG to clarify which head she is talking about. Having listened to her speech for a long while, I am still not sure which head she is talking about.

**DR PRISCILLA LEUNG** (in Cantonese): Please let me continue with my speech, I will elaborate. It is about Amendment No 282 ...

**CHAIRMAN** (in Cantonese): Dr Priscilla LEUNG has indicated that she would talk about head 122 right at the beginning of her speech. Dr LEUNG, please continue with your speech.

**DR PRISCILLA LEUNG** (in Cantonese): Seemingly, that person was wondering whether I was trying to mislead those young people. I denied and I suggested him tell those young people how the United States police force cleared the occupy site when the Occupy Wall Street movement was about to conclude. That person heard my question, but he refused to answer. I further asked him, given that they were looking for a 100% western system, they should understand how the United States wrapped up the Occupy Wall Street movement. He again refused to respond and became quiet. The young student gazed at him, expecting an answer. That person finally said, the local police officers used batons to force the protecters onto the vehicles, and he said more and more. I said, some countries may use cavalry, batons, or even other more powerful weapons, and the Occupy Wall Street movement is the most convenient example

for comparison. At the site, everybody was in silence. It was early December, the student returned to the tent immediately, took his backpack and headed for the school, he also persuaded the students in the adjourning tents to go with him.

I know that these young people now feel terribly lost. They think they are fighting for something to better our society, yet many of them still do not understand the full picture. The answer, instead of coming from my mouth, actually came from the mouth of the guy who supported the Occupy movement and tried to keep the young people away from us. During the occupation, a picture was widely circulated on the Internet: A kindergarten teacher repeatedly said "black cops" to some two to three-year-old kids. That is definitely a kind of brainwashing. If the residents and children of Hong Kong have deep hatred towards the Hong Kong Police, who will suffer in the end? In fact, Hong Kong people will be the ones who suffer.

An article released by Benny TAI in the *Apple Daily* indirectly championing a non-cooperation movement against the Police, as if the entire Occupy movement was organized to attack the Police. I have a question in my mind: After overturning the Police, will he be responsible for catching the thieves? Will he maintain public order for Hong Kong people? I teach in the City University of Hong Kong and many of my colleagues are foreigners, some of them came from Australia and India, and quite many of them have lived in the United States for years. They do not understand why Hong Kong people yelled at the police officers during the occupation period, they find it weird. A professor from Australia said he could in fact retire in the United States or India, but he has chosen to move to Hong Kong because of our excellent public order, he would feel secured when walking in the streets at 10 o'clock at night. As Members are well aware, when it comes to maintaining public order and tackling such kinds of movements, the Hong Kong Police has performed remarkably and ranked fourth internationally. What on earth is the motive behind Mr TAI's attempt to undermine the morale and popularity of the Hong Kong Police?

This is the first illegal massive Occupy movement ever occurred in Hong Kong. It seemed that the participants of the movement eagerly looked forward to seeing the police officers losing control and committing mistakes, and the video clips of those scenes were repeatedly replayed on the television, the young people staying in the tents ... It is interesting that they decided to stay on just

because of the scenes they saw through WhatsApp, they were indeed very pitiful. As things moved on to early December, not many participants were in sight, only these simple-minded young people stayed on. Waiting inside the tents, they were not even sure whether clearing actions would be carried out in the end.

We fully respect the pursuit of democracy for Hong Kong, we also respect those people who have their own aspiration. As to how to actualize that aspiration, I believe there may be different analysis. Nonetheless, under the framework of "one country, two systems", Hong Kong must move forward step by step on its road to democracy. Some say they want full democracy at one go, and refuse to accept other options. While they can express their own views, they should respect those who have different thoughts and political views. They should not put the blame on the Police Force, as police officers are responsible for maintaining public order. When the reputation of the Police Force is tarnished, do we want our police officers to resemble their counterparts in the Philippines? Whenever the Philippine hostage incident is mentioned, the hearts of Hong Kong people will all sink.

As I recall, before the outbreak of the Occupy action, a drill conducted was on 2 July, during which a group of police officers attempted to remove the young people in protest. After the operation, some police officers relayed to me their feedback. In particular, a madam told me that after the drill to remove protesters, she had sore arms for a week, which made her unable to perform her duties. Moreover, during the removal operations, physical contacts with the protesters were unavoidable in many cases, and some female police officers cried at home after the operation. They needed to talk to someone because they had been indecently assaulted. How can we protect these police officers from harm when they discharge their duties? Would you report the situations at that time in an impartial manner?

If Members have been in touch with more people in the occupied areas, or if they have direct contacts with the police officers — Members should have this kind of experience — they would have heard the police officers talking about an episode during the occupation: Some colleagues fell sick, the food catering trucks arrived but they were not allowed to deliver the food. Many police officers are tough guys who would not easily shed a tear, but their eyes were sorrow-filled. They could not help but ask: Why has Hong Kong come to this pass?

My personal office was formerly located in Portland Street — one of the areas seriously affected by Occupy Mong Kok. There were two shops nearby, and one of them has already closed down. Before closing down, the owners of the shop asked me why the Hong Kong Police acted so softly, they wondered if anyone would still care about their interest. They even said that as the Central Authorities did not care about their interest either, they would put the blame on us if they should commit any offence due to unemployment in the future. Do Members know how miserable are these victimized retailers? It was rumoured that they have to follow the orders from certain people, but that was not true. My biggest worry is that as the police officers have to act softly, they cannot use anything including tear-gas. As for now, even the purchase of water cannon ... If I remember it correctly, at that time it was once proposed that the Police should use water cannon vehicles. If the people affected by the movement should lose control, it would possibly generate even bigger problems. Hence, the Police Force needs to be maintained at a reasonable and normal size. Under reasonable circumstances, in fact there were also strong voices from the public calling for the clearing of the sites by the Police.

Regrettably, even to these days, some members of the public still go to the district to stage some "shopping" activities; besides, insulting words were found painted outside a police station a few days ago. These incidents are indeed not funny at all. The duties of police officers are very special in nature, they have to risk their life to maintain public order for Hong Kong people. According to my observation, most people join the Police Force with a vision, and they need good morale to help them discharge their duties. Do Members still remember how the Special Duties Unit effectively protects the lives of the residents in the incident of Kai Ching Estate? Some years ago, a young police officer CHU Chun-kwok had his main artery cut when chasing after a robber. Today he is still paralysed and bed-ridden. Does anyone remember that these people are also a part of the Police Force?

Our Commissioner of Police told me in person that except for the time he was home taking a shower, he stayed in his office around the clock to give commands. In addition, he had to console and encourage his co-workers, and frequently adjust their tactics in the hope that the Occupy Central movement could end in peace. In my opinion, the Commissioner of Police should be commended for his efforts. Moreover, they did not fall into the traps of the Occupy Central organizers. At the final stage, the Police did not need to mobilize 28 000 police officers to remove the protesters one by one. The

Occupy movement did not paralyse the Hong Kong Police Force. Eventually, the Police adopted the strategy of tolerance. In this connection, I believe the tolerance demonstrated by the public is also of great help. Finally, thanks to the good fortune that Hong Kong has, the Occupy action came to a close peacefully.

Why do we only focus on the bad side and keep magnifying it? In my view, the Hong Kong Police Force should increase in size rather than cutting its manpower. Demonstrations and occupy actions are very common nowadays. In particular, the Police can only take minimal actions with respect to occupy movements, otherwise the people would scold them. Hence, the Police can only deal with these movements with small-scale operations. Some police officers even said that these days, they would rather be beaten by the people than take actions casually. However, I would like to tell Members that the public have expectations for them. In particular, in the districts seriously affected by the Occupy movement, many people also scolded the police officers for not taking strong actions. As such, the police officers are indeed very pitiful.

The proposal to cut the police's resources is totally unreasonable with regard to the reality. Hong Kong people can see clearly with their eyes that throughout the entire process of handling the Occupy Central action, our police officers were highly restrained. I believe the Hong Kong Police has minimized the use of force as compared with other countries in handling similar massive movement, particularly the western democratic countries frequently cited by certain Members. Moreover, no one was reported severely injured during the process. Nonetheless, the police officers have to face verbal abuse continuously, some people even poured filthy liquid on them. Just try to image, if similar incident should occur in other countries, things might have run out of control. Our police officers were so restrained in this massive movement. Eventually, it was everyone's hope that the issue could be settled peacefully. I think everyone should be grateful to Hong Kong's police officers, as they had been exposed to all sorts of verbal abuse during this illegal Occupy action.

Police officers, cheer up! I believe the majority of the Hong Kong people appreciate your hard work. Chairman, I choose to express my views at this time because I hope that in the subsequent debate sessions, Members will conduct genuine debate on the Budget like the past normal budget debates, rather than engaging in filibustering. I thank the Chairman for making the debate arrangement. But still, if Members, particularly the pan-democratic Members, can voluntarily reduce the number of amendments to 20 or 30, I believe the

Budget debate would be even more meaningful, and the colleagues who give speeches can be free from the worry that they might have joined the filibuster. I urge Members to think twice and further reduce the number of amendments, so as to encourage Members to conduct a genuine debate. Chairman, I so submit.

**MR CHAN CHI-CHUEN** (in Cantonese): Chairman, regarding the speech made by Dr Priscilla LEUNG just now, I would like to thank her for the speech, no matter how much I disagree with her. In fact, it is not about whether the filibuster is still going on. If a filibuster is indeed undergoing at this stage, I believe she would not have made a speech anyhow to participate in it. The President of the Council had already made a ruling last week, which has in fact "ruled out" many proposed amendments. So, Members can at this moment speak as they please.

I find the remarks made these few days about the Police highly justified, especially those regarding water cannon vehicles. Regrettably, the government officials concerned have failed to respond to Members of the Council, lacking the courage to listen to our speeches here. Instead, they have opted to find their way out through the radio or District Council meetings to proceed with their less-than-responsible comments. I would also believe that, in the end of this debate, the high-rank officials in both the Security Bureau or the Police Force will decline to directly debate with us in front of the cameras in respect of our many opinions and arguments on the Police Force and the water cannon vehicles.

I have proposed 20 amendments to head 122. Among which, I wish to further speak about Amendment No 305 which seeks to reduce the funding for three so called "specialized crowd management vehicles", as referred to by the Police, and the total amount involved stands at \$27 million. First of all, I have to quote the words from Mr Ambrose "BLAME", the former Secretary for Security. I believe he must be the biggest VIP today, even more popular than TUNG Chee-hwa. I am aware of his real name, that is, Ambrose LEE, yet people would feel that he has now changed his surname to "BLAME". Let me quote a criticism made by him today. He said, "Recently, some members of the public have challenged the Police's law-enforcement authority, charged against the police cordon and slandered the reputation of the Police, such moves are not conducive to the long-term interests of Hong Kong people." This remark can still be treated as his comments, yet he went further and said, "This is because

such activities will cause the public to disrespect the Police's authority as law-enforcement agents, thereby making life easier for bandits such as those kidnappers." How can he go so far as to connect the people's discontent towards the Police with the fact of the kidnappers being at large? This can also be the case for him to link up this issue with the Members, as our constant criticisms have damaged the morale of the Police, too.

Dr Priscilla LEUNG has implied similar meaning in her speech just now, yet she has not gone that far to say such words as "making life easier for the kidnappers" as in the case of Mr Ambrose "BLAME". However, I would still like to focus my speech on the water cannon vehicles without drifting too far. It is widely known that this Ambrose LEE — let us have his real name resumed — the former Secretary for Security, has actually commented in a radio programme today on the Police Force's plan to purchase three water cannon vehicles, and he considered that such vehicles would inflict less harm than police batons, and would only wet the clothes of the protesters or cause them to slip.

I am not sure if it is due to his exceptional ability or sound knowledge that he has uttered such words, which are words of nonsense in my opinion. Or, whether it is part of a division of labour under which he is tasked to deliver the words not dare to be spoken by LAI Tung-kwok and Andy TSANG? He is not just somebody unknown, but one with a name and a place among the public as the former Secretary for Security. Truly, I have no right to reduce his pensions or allowances via the Budget, but as we have already been discussing about the water cannon vehicles in the last few days, I must rectify the situation by providing some correct information concerning these vehicles.

Basing on the assessments of water cannon vehicles conducted in other countries, the Hong Kong Civil Rights Observer (HKCRO) has pointed out the serious harm that may possibly be inflicted by water cannon on the human body. It is pointed out that the water jets can expel a force of 320 pounds in a range of 5 m. Imagine if you are thrown a 300-pound object, will you merely be getting wet or slipping down, even if the object is just a water bag? He said in a programme broadcasted by the DBC this morning that water cannon vehicles do not serve to attack, instead they will be used to defend against attempts made by protesters charging police cordon in close-range, adding his support for the purchase as a way to control the situation concerned.

The HKCRO firmly rejects any notion that water cannon vehicles will only get people wet. This is supported by images and evidences from Dr Kenneth CHAN and relevant non-government organizations, together with information from extended studies undertaken by individuals concerned about the powers and force of the Police. If the Government only aims to wet the protesters, it can simply deploy the fire service vehicles. This is as easy as common sense. Why would they turn to water cannon vehicles simply for this? Getting them wet? Making them slip down? Why not splashing the people with oil then? How about blowing them with bubbles! Water cannon vehicles definitely cause more harm than just wetting the crowd. They are by no means non-lethal weapons. Instead, they can lead to extremely serious and permanent harm to the human body.

According to the assessment made by the HKCRO with reference to the specifications from a Turkish anti-riot vehicle manufacturer, water cannon vehicles can exert a power of 280 pounds in a 10-meter range, while the water striking on debris or other miscellaneous items can cause such objects to ricochet with forces of 26 pounds per square inch and 10 pounds per square inch respectively within distances of 5 m and 10 m. The small size of such items can also result in great harm to the eye.

Dropping a battery from a high place can kill. Everyone knows this. As mentioned by us last time, the water cannon vehicles will be deadly in the narrow space in Hong Kong, and the damage drawn by the force of the water or the bouncing objects will be unimaginable. Water jets from a range of 50 m may still cause a person to fall down off balance, and it is unpredictable if they will collide with hard objects or even fall from heights.

The Police has refused to make public its principles and details governing the use of such weapons, thus making it impossible for the public to monitor and lodge legal claims. Therefore, the HKCRO also demands an immediate withdrawal of the funding application concerned. Yet as we all know, the funding application is bundled with the Budget, and we have already illustrated the problem of such an arrangement last time. I have said it before, and many other Members have done so as well.

Another issue I wish to point out today is the Government's refusal to even provide basic information about the water cannon vehicles. The authorities have rejected all our requests for information about the power of the water cannon, the level of force, the principles, guidelines and authorization mechanism for the operation of the cannon. This makes it difficult for the Legislative Council and the public to discuss effectively the introduction of water cannon by the Police.

The discussion today is a chance for each party to speak its own words. I am not sure if Dr KO Wing-man is aware of the overseas experience in treating people hit by water cannon. From a medical perspective, or the perspective of a doctor with conscience — and I am not referring to him — he should say something fair regarding whether it is easy to take care of the people hit by water jets.

According to some information, certain protesters attacked by water cannon had burns on their skin, indicating that chemical substances can be added into the water to enhance the dispersing effect. Indeed, some unknown liquids were seen spraying from police vehicles during the occupation, too. Some said the liquids caused eye irritation, but the Police did not give any proper account for this.

As the Hong Kong Police Force is determined to introduce the water cannon vehicles, we should monitor the arrangement under the principle of rights and responsibilities. Even if we cannot reject the funding, we must always keep an eye on the Police in the future and observe if updates or more stringent arrangements are available in relation to the use or management of force by the Police.

Dr Priscilla LEUNG has mentioned just now that we did not have adequate police manpower in Hong Kong. However, we consider it quite the other way. With a population to police ratio of 390:1, Hong Kong ranks top in this area among cities in the world. Furthermore, the Police Force is so well-equipped that it should be all gear up to maintain law and order, even assuming that it is not manpower intensive. Is it truly necessary to enhance police manpower? Do we really need to bring in the water cannon vehicles for dispersing the crowd? The use of force by the authorities to crackdown on the people will very likely

lead to "pre-emptive suppression". By that I mean using an iron hand to deal with the people even before any incident has turned into riot will almost certainly result in a "quell-then-riot" situation. Under such circumstance, the originally peaceful movement will turn violent as a result of the crackdown conducted in the first place. The escalating situation will manifest into a self-fulfilling prophecy, under which the authorities would then be able to justify the purchase of water cannon vehicles and the reinforcement of equipment, as they will claim that it is the only means to gain control of the situation and disperse the mobs before they become more hostile. Down this road, there is no U-turn. It is a path towards self-fulfilling prophecy, and the people have no other option but to resort to further use of the so-called "force" referred to by the authorities. What is more, they may even resort to using violence to confront the Police. As we have said before, during community visits, officials need to be surrounded by an excessive number of police officers, outnumbering the petitioners and protesters. We saw more police manpower and triad members than petitioners when LEUNG Chun-ying's community visits were on show in the past. Is this the kind of policy to be implemented by the Security Bureau?

The current debate on the Appropriation Bill is our last chance to reject the water cannon vehicles, and it is the best opportunity for us to press the Government with our full strength. However, the Government surely will ignore our demand and go as it pleases. In the future, it will only be wishful thinking for us to really expect any answer to our questions to be raised at the Finance Committee special meetings next year, such as whether or not we can make a visit to examine the water cannon vehicles or have a try on the water.

Indeed, these opinions do not only come from the pan-democratic Members. In my conversation with a pro-government Member this morning — I was requested not to quote the name — he also considers it appropriate for the Government to let the proposal go through the Legislative Council for questions, discussions and opinions. He believes the purchase of the three vehicles at \$9 million each is too expensive. According to the extensive research done by him, those manufactured by the Mainland is cheaper. With the same amount of funding we can purchase five. In fact, we should have 18 such vehicles, one for each district. The authorities should allow the pro-establishment camp a chance to discuss the issue. From the information he has shown me, I note that there are

other more powerful vehicles which can eject peppered water or other kinds of water, just like seasoning. They can inject whatever kinds of water they like. Spraying glowing water in a 360-degree direction is also possible, just like what we see in the performance of A Symphony of Lights. The authorities should allow the Legislative Council to have discussions on this, as the pro-establishment Members would probably want more vehicles. Andy TSANG is eloquent in the District Councils. Now that he is approaching retirement, he dares not debate with us face to face in the Legislative Council. Therefore, I appeal to fellow Members, especially those belonging to the pan-democratic camp, to support the amendments concerning the reduction of provision related to the water cannon vehicles proposed by me or other Members.

Chairman, I had originally intended to go on discussing the issues relating to the reduction of provisions for the Executive Council, as Secretary Gregory SO was present just now. Yet he left at 3 pm, before I had any chance to prove, with regard to the television licensing incident, that the existence of the Executive Council is a hindrance to government operations or progression of society. With around one minute left, I will expound on the reduction of honoraria for Members of the Executive Council later.

I so submit.

**MR ALBERT HO** (in Cantonese): Chairman, I am going to speak on head 92 (reducing the annual estimated expenditure on the emoluments for the Secretary for Justice), head 142 (reducing the annual estimated expenditure on the emoluments for the Chief Secretary for Administration), and head 144 (reducing the annual estimated expenditure on the emoluments for the Secretary for Constitutional and Mainland Affairs).

Many people may wonder if these amendments are too mean. These officials have worked for one whole year, why do we seek to forfeit their salaries? Chairman, if we look at the performances of the trio in piloting the political reform, we will instead question why they deserve Hong Kong people's support to continue their role as members of our accountability team, and how we can trust them to continue working for Hong Kong on an issue as important as

defending our basic political rights. Of course, the amendment seeking to reduce their salaries is just put forth as a symbolic act and is not expected to gain passage. I do so only for the purpose of expressing our extreme discontent and anger.

I believe that the relevant reasons may also be touched upon by our colleagues in their speeches to be made during this session. However, I would like to speak on this in fuller details on behalf of the Democratic Party. First, the constitutional reform trio has time and again lied to, misled and cheated the public on the political reform, saying that the political reform package currently tabled in the Legislative Council, drafted in accordance with the 31 August framework handed down by the Standing Committee of the National People's Congress (NPCSC), was a genuine universal suffrage package. The Chief Secretary for Administration has made a statement in the Legislative Council, paragraph 31 of which mentioned that if the current political reform package could gain passage, basically the Central Government would be deemed to have honoured its constitutional responsibility in implementing the selection of the Chief Executive by universal suffrage as prescribed in Article 45 of the Basic Law. This is exceedingly ridiculous and outrageous!

We have pointed out repeatedly that any universal suffrage that truly complies with the standard of a civilized society allows not only a "one person, one vote" voting right but also reasonable rights to stand for election and make nomination. Of course, the best reference that we can make is Article 25 of the International Covenant on Civil and Political Rights which states that the right to make nomination should not be subject to unreasonable restrictions. Under the 31 August framework, very obviously the NPCSC takes full control. If citizens do not have genuine or meaningful choices in voting, how come this is genuine universal suffrage? The citizens will only be rendered voting machines.

Chairman, when the trio first told people to "pocket it first", they said the package could be improved in due course. Actually, the subtext of "pocket it first" is that while the thing in question is far from perfect, we can gradually improve it in future. If this is the case, please do not tell me that it is genuine. Even if you say that we are going to use it as a transitional package — if you really mean this and regardless of its genuineness — we are all aware that the

future improvement that we are led to expect is actually not guaranteed. When answering a question raised by a Member of the Legislative Council, the Chief Secretary for Administration said that if the method for selecting the Chief Executive was to be changed in future, the Chief Executive would bring up the issue in the light of the situation at that time. But then, first, the Chief Executive himself enjoys a vested interest here; second, we are all aware that the whole political reform is fully controlled by the Central Authorities. So why giving us the false hope that steady progress will be made in future?

All in all, what we are going to pocket with regard to this "pocket it first" package is clearly a counterfeit. More importantly, when the counterfeit package is pocketed, we have to accept that the responsibility in implementing Article 45 of the Basic Law is deemed to have been fulfilled legally, so that the election of the Chief Executive by universal suffrage is supposedly realized in a way, and that is, the counterfeit is assumingly genuine. So, how can the trio ask Hong Kong people to accept it? They said that there would be a reform in future, but when and how exactly is the reform going to be conducted? These issues have never been explained and promised. If there are some who really believe, some who still believe such insincere statements made by the Government, they might well be sick somehow, as said by the Chairman before.

Second, while the Central Authorities have acted in betrayal of trust and justice, serious dereliction of duty on the part of government officials can clearly be seen in many cases. Throughout the course of the political reform consultation, at least the pan-democratic camp and a large number of people have repeatedly demanded for the complete abolition of functional constituency, or to say the least, a steady reduction of the number or the proportion of seats returned by functional constituencies, as a step forward in accordance with the principle of gradual and orderly progress. In the 1999 report submitted by the SAR Government to the Human Rights Committee of the United Nations, the committee overseeing the implementation of the International Covenant on Civil and Political Rights, it was indeed clearly stated in one of its paragraphs that functional constituency election was only a transitional arrangement, an interim measure that would lead to the election of all the Members of the Legislative Council by universal suffrage.

This statement is clear enough. An interim measure is one which will be fully abolished eventually. If the principle of gradual and orderly progress is followed, it makes no sense not to steadily cut back the proportion of functional constituency. Yet, the trio thought that there was no need to introduce any changes to the functional constituency, and they even made such a suggestion to the Central Government in advance. This is a downright dereliction of duties. I am not sure if the suggestion was made under the instruction of the Central Authorities. If so, they have not at all fulfilled their duties; if not, this is a serious dereliction of duties and they have failed to perform the duties with which Hong Kong people entrust them. They have failed to fulfil their basic responsibility, which is to defend the principle of gradual and orderly progress as stated in the Basic Law and agreed by us all at that time. If we now freeze once again the proportion of seats returned by functional constituencies and by direct election, turn a blind eye to the said principle, and assume that making gradual and orderly progress means freezing the current status, do we still have to bother about legal principles? In fact, the Chief Secretary for Administration has all along stressed the strict adherence to the Basic Law, and the Secretary for Justice has repeatedly underscored the need to defend principles laid down in the Basic Law. What are they going to say with regard to this then?

Chairman, what is even more shocking is that while it is unreasonable both in the legal sense and the layman sense, the trio is executing a mandatory order, and blindly forcing and imposing on the Hong Kong people the framework which has been handed down by the Central Authorities. We can see clearly that when organizing the so-called publicity activities in the various districts in a bid to win over public support, government officials' reception of public opinions is definitely selective and lopsided. When they were in the districts, they only wanted to listen to the cheers shouted by their supporters and receive the recognition offered by their supporters. Can we say that they were actually listening to public opinions? Whenever people holding dissenting views tried to come close and present protest props to them, or to voice out alternative opinions — we can see that these were all conducted in a peaceful manner basically — they would be accused of creating chaos and hindering the trio's presentation. Does the Government want to listen to opinions from one side only? One basic task of the Secretary for Constitutional and Mainland Affairs is

to listen to the divergent views of the entire society. If he cannot even do this, how can he take his salary without losing face? He said that when dissidents crowd in, it might be rather chaotic and one could not listen to their voices. Fine, we can also do it in a more orderly manner. We have brought the idea up for several times — let us organize an open forum to conduct a debate. In fact, the pan-democrats have already sent out an invitation which has regrettably been ignored by them. They dare not attend the City Forum, not to mention debating openly like what they did in 2010. These three government officials are responsible for piloting the constitutional reform, but do they actually believe that the things they promote are all lawful, constitutional and reasonable?

Chairman, I would like to spend some time discussing the reasons leading to the situation today. The major reason was that earlier, in June or July last year, when some officials of the Central Government published the White Paper on the Practice of the "One Country, Two Systems" Policy in the Hong Kong Special Administrative Region (White Paper), Hong Kong officials, including of course the cabinet headed by LEUNG Chun-ying, did not stand up to defend the principles of "one country, two systems" and "a high degree of autonomy". They allowed some ultra-leftist officials to blow the issue out of proportion and attack Hong Kong people's struggle and demand for democracy, twisting the original intent of "one country, two systems" and "a high degree of autonomy" over and over again. It was the policy of the Central Authorities in 2007 to lay down a timetable for the realization of genuine universal suffrage in Hong Kong. Now, when we spare no effort in striving for genuine universal suffrage, the Government says that some people are trying to grab hold of the right to govern and accuses them of not loving the country and Hong Kong as well as undermining national security. Why can we not condemn such ultra-leftist comments and deal them a fatal blow? Has any official in the SAR Government made a fair comment on this issue? Furthermore, the White Paper is so truth-distorting, it says that Hong Kong's autonomy comes solely from the authorization by the Central Government, and that the latter actually has comprehensive jurisdiction over Hong Kong. In other words, the authorized autonomy can be superseded by the sovereignty exercised by the Central Authorities. Chairman, how come this is the original intent of the Basic Law?

The right to "a high degree of autonomy" is indeed authorized by the Central Authorities. After the authorization, we can see from the drafting of the Basic Law that they had promised to exercise self-restraint. As such, the Central Authorities stated clearly that in terms of the executive, legislative and judicial respects, they were only responsible for foreign affairs and defence, which were matters of the Central Authorities. It was also clearly laid down that issues involving the realm of "a high degree of autonomy" would be governed by the SAR. If one is confused over these issues, then one does not even have a basic understanding of "one country, two systems"; otherwise, one is not lacking a basic understanding but the courage to stand up to defend these basic principles.

Defending some clearly written principles in the Basic Law, that is, its original intent, is of paramount importance. In 2004, with an interpretation of the Basic Law, the "Three-step Process" for constitutional reform was amended to become a "Five-step Process", and we found that very inappropriate. They used the interpretation of the Basic Law to amend the Basic Law. Adding to the interpretation is usually a decision, and subsequently an explanation by an official; layer upon layer, illegal structures are thus built one after another. As of now, the second step of the "Five-step Process" is most outrageously taken, the NPCSC should not have decided so much. The second step is meant only for the NPCSC to recognize the right of the Chief Executive to initiate the constitutional reform and thus opening the way to the third step. But now the NPCSC is laying down the parameters for us in detail, they are spelling out the elaborated rules of the game for us. Enacting laws for the special administrative region in this way contravenes Article 62(13) of the Chinese Constitution which provides that the establishment of special administrative regions and the systems to be instituted there can only be decided by the National People's Congress (NPC). The NPCSC has in fact acted *ultra vires* the powers of the NPC in this instance. Has our Secretary for Justice ever read the Chinese Constitution? Has he ever made any fair comment on behalf of Hong Kong and in defence of the spirit of the Constitution? Of course, the highest leader of Hong Kong is the Chief Executive. Therefore, I support amending head 21 by deducting the estimated annual expenditure on the emoluments for the Chief Executive.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, actually, before Dr Priscilla LEUNG speaks, I have already said that Dr Priscilla LEUNG could convey her message clearly. Upon listening to the speech delivered by Dr Priscilla LEUNG just now, she was mumbling just as expected. I really have no idea what she was trying to say. She mentioned the clearing of Wall Street. She said that she met two students and she asked them if they knew how Wall Street was cleared. After a round of chatting, she said the two students took their school bags and left the tent. I have to tell her, they were terrified of her mumbling because she was just like the "loving mother" who babbled to the young people. Then, she said a group of elderly people surrounded her and kept blabbering on. Of course the students walked away. Actually they were not doing the schooling there. They just went for a quick walk around the block. Dr Priscilla LEUNG, they asked me to clarify for them here. On that day, they had never told Dr Priscilla LEUNG that they were not doing the schooling there. They took their backpacks and left the tent simply because they found her muttering too annoying. I have to speak this out as they asked me to speak on their behalf. Therefore, we really should not say anything arbitrarily.

Secondly, Dr Priscilla LEUNG said that all repressions involved bloodshed or all repressions involved the use of violence. She was right. Yet occasionally, especially when the state machinery corrupts and the people have to come out to inspire the state machinery ... I have said earlier that Dr Priscilla LEUNG could not tell the difference between the state and state machinery. If the function of the Police is to maintain an implicit convention which is accepted through common practice, or some kind of ethical and moral standard that every one of us should observe, then its function is not tantamount to a state machinery at every turn. The term state machinery refers to the army, prison, courts, and so on, they are the groups of people fed by the ruling class and will execute the orders made by the ruling class at crucial moments.

Let me cite a simple example, Chairman, as she is really unable to distinguish between state and state machinery — it is really difficult to explain this to a person who reads very few books — and not every repression involves bloodshed. Sometimes it is possible that the state machinery breaks down when it sees the irresistible general trend or is emotionally touched by the sincerity of

the people. Let me cite an incident that took place in Beijing not too long ago as an example. During the period between 22 April 1989 and 4 June 1989, why did DENG Xiaoping have to resort to requiring the seven military regions to pass a crackdown resolution? It is because the army is the most vital one among all state machineries. At that time, public security officers in Beijing had not arrested anyone, because they had not seen any problem at all. In fact, according to some foreign news agencies at that time — perhaps everybody could see that — there was no incident involving beating, smashing and looting. Even pickpockets had announced that they would stop picking pockets as they could see hope of the nation. What on earth was Dr Priscilla LEUNG trying to say?

Let me cite another example to illustrate that not all crackdowns are necessarily successful. Chairman, on 18 October 1989, 100 000 people came out from a church in Leipzig and confronted some 20 000 soldiers — all of them were armed policemen, no different from a quasi-army. On that day, 100 000 people were prepared to sacrifice their lives to express their aspirations. At that time, Erich HONECKER, the General Secretary of the German Democratic Republic (GDR), convened a meeting. As the authorities only had 20 000 manpower to face 100 000 people, they argued if they should use guns or water cannons to quash the protest? The army and police maintained that water cannons could not be used anymore, they had to resort to guns as there were too many people. Erich HONECKER, the General Secretary of the GDR who had been in power for more than 40 years, was a hardliner. Yet he said no more crackdowns, and our country could not afford any massive bloodshed. We know that Erich HONECKER got promoted for the merits he gained in cracking down on the 1953 Berlin uprising. Nevertheless, even if there is some kind of fighting, it does not necessarily call for suppression by the Police. Dr Priscilla LEUNG was in Beijing in 1989, buddy, I also want her to share her experience then. Whether the circumstances described by her in the book *People Will Not Forget* were authentic from today's perspective? Buddy, does she need to recall the book like the law book she wrote, which has been recalled after being suspected of plagiarism.

Honestly speaking, this is really unbelievable. Even if one wants to put a label on somebody, one should do it neatly. Is she trying to criticize all

participants of the Occupy movement or Umbrella Movement for involvement in beating, smashing and looting activities? Actually we are just engaging in civil disobedience. Where on earth have we participated in beating, smashing and looting? Chairman, in all fairness or justice, as far as the most prosperous areas are concerned, Dr Priscilla LEUNG has referred to the use of violence by overseas police forces, but why has she not referred to the robbery and looting incidents in overseas riots? Have these incidents occurred in Hong Kong? Does she really consider the police merciful? The fact is that we have exercised restraint, thus they could not beat us even if they wanted to. If we were beaten up while we were sitting there, it would be very ugly as such action would be caught on camera. In fact, it does not mean that they have not tried to beat us. Last time when the police fired tear gas, their guns were loaded. What exactly do you want to say, Dr Priscilla LEUNG? Please do not frame others up whenever you want. Okay? She said we should be proud of the Police, but why was she not proud of the people? Is she the Legislative Council Member representing the police functional constituency? Why was she not proud of our people? Buddy, why has she not praised the members of the public who were beaten up by triad elements under the watchful eyes of the Police, as well as the fortitude of the female protesters who were being molested? It is alright for a person to mumble, but what kind of person she really is?

Before she presents her argument, she should take both sides into consideration. Even the Mainland authorities also claimed that no riot had taken place in Hong Kong, what kind of person is she? She even praised the Police — in fact, I have all along been considering that the Police are okay, as long as the police officers are there to uphold the order that everybody should observe and to protect the basic human rights. Yet, where does the problem lie? However, this is not the current situation. The state machinery has made an explicit statement that it would serve politics. This is the current situation in Hong Kong.

Then, Dr Priscilla LEUNG criticized that all you had been asking for were all foreign things. Chairman, last time when we were travelling to Shenzhen, I was booted out of the coach and you were sitting next to me. I handed you my declaration, and a major part of it was copied and transcribed from this book.

Buddy, this entire book contains the promises of the Communist Party of China (CPC) — I have to state clearly, the CPC. All of its contents are more fascinating and more democratic than the things the Umbrella Movement fights for today. Is Dr Priscilla LEUNG just returned from Mars? Much to my surprise, she said that all of the things were copied from the United States. Dr Priscilla LEUNG, this book is inexpensive. If she does not have this book, I can give it to her even though this book is a little bit tattered.

This book, *Heralds of History — Solemn Promises Made a Half Century Ago* by the CPC to its people, has actually been quoted by me for many times. I do not want to talk about it anymore. If I am going to quote it, the Chairman will definitely rebuke me, right? In that case, can she speak like that in this Chamber? There are things I also like to plagiarize. I saw the first sentence of the *Manifesto of the Communist Party*, which perfectly describes today's circumstances in Hong Kong. That is, A spectre — a spectre which dares not land on the ground, is haunting the streets of Hong Kong, firmly keeping itself off the ground and from contacting the mass in a zero-barrier fashion. As to this opening sentence, Karl MARX has really done a good job. He said "a spectre is haunting". It is fantastic if he could walk into the crowd just like Dr Priscilla LEUNG did. Members should think it over, even Dr Priscilla LEUNG dared to walk into the occupied district to talk to two students, and she kept on talking under the so-called circumstances that two middle-age persons were denouncing her. Actually, Dr Priscilla LEUNG has made it clear that our movement was so peaceful that it was okay for her to enter the occupied district all on her own. Chairman, you have walked pass the district occasionally, had anyone reprimanded you? No, simply because you are a not-so-bad person. This is very clear as there is something called "instant karma".

Buddy, everyone is graded. By the time I arrived at the 1 May cocktail reception, a person attired himself as a triad gangster approached me and said, "'Long Hair', so many people go to hell, why don't you go to hell? You are just putting on a show." He pointed his finger at me and chided me. Buddy, I just crossed enemy lines in that fashion. Can it be said that it would be lethal to me? I walked into that crowd of people because I need to advocate something they do

not like to listen, right? Buddy, I am a man of noble bearing. They hate me very much and will point their fingers at me and chide me as "running dog", "traitor", "stool pigeon", "long-hair rebel" and "jailbird". Had I not been chided, cussed out or roughed up? In the past, objects were hurled at me outside the Legislative Council. What was she trying to say? What was Dr Priscilla LEUNG trying to say? It turns out that if a politician is surrounded by people in a district visit, those who surround him must have behaved wrongly. Chairman, have I lodged any complaint to you that someone hurled things at me outside the Legislative Council? Mr Paul TSE once saw me being chided by a member of the "blue ribbon". The languages they used were too offensive that I cannot repeat them here. Have I lodged any complaint to you and said that it was not okay? Have I said that there were members of the "blue ribbon" chiding me and directing profane languages at my mother for four times, and if you were not stopping them, I could not tolerate and would beat them up, and that would not be okay ...

**CHAIRMAN** (in Cantonese): Mr LEUNG, your speech has deviated from the subject matter.

**MR LEUNG KWOK-HUNG** (in Cantonese): Yes, you understand that. I only wish to prove one thing and that is, you should never belittle others. Even other people are against you, just like me walking into the enemy's camp or a sheep walking into a pack of wolves and waiting to be sliced up. I only want everyone to remember that many people want to fight for this thing. Therefore, it is unreasonable to put it the other way round and say that when we are walking towards a pack of people with the protection of several times of police manpower — or the Mainland jargon says, "armed to the teeth" — even though we are just trying to express our views, should we be deemed as "charging the police cordon line"? These people are too sick to be cured. It is just like a mouth-to-mouth thing, please do not do it just for the sake of time-saving, it is rather dangerous because it is contagious.

Chairman, there is one more thing about this issue, and I feel regret about it. On that day, you were also present. I remember that you were in the cocktail reception. Have I greeted you? I have not. Have I cracked jokes with you? I often crack jokes with you. Hence, when LEUNG Chun-ying said ... now I have to go the other way round and cut LEUNG Chun-ying's ...

**CHAIRMAN** (in Cantonese): Mr LEUNG, your speech has deviated from the subject matter.

**MR LEUNG KWOK-HUNG** (in Cantonese): Please do not say this is irrelevant. What I am talking about is amending the subhead to deduct LEUNG Chun-ying's emoluments because he was trying to cover up a lie with another arbitrarily, just like a loan calculated on compound interest basis.

That day, he walked to the stage with a large retinue, the entire process was simply less than 20 seconds, but he told the media that — now the lies he told were just like a loan charged on compound interest basis, to cover up a lie with another — said that he saw the Honourable "Long Hair" was laughing in a relaxed manner. When exactly did he see that? Had someone told him afterwards? If he saw it afterwards — that is to say, even though sometimes I really could not help laughing, he should not have seen me doing that. Again, that is to say, it was not true that he had seen me laughing and thus he made that comment out of his personal feeling. Quite the contrary, he was only patching up a lie with some hearsay evidence afterwards. However, the attempt was a blooper.

Chairman, you have also seen that. Please tell me how can I not cut his emoluments? For such a simple matter, he still needed to cover up a lie with another. How should this situation be dealt with? I am asking LEUNG Chun-ying again, which of his eyes had seen me joking in a relaxed manner? Which of his eyes had seen that? With which eye had he seen such things? He was really frivolous. After he was frivolous for the first time, he became more frivolous when he was facing the media by saying "Long Hair" had been laughing in a relaxed manner. Buddy, what could he have seen in only 20 seconds? Is it

be possible for him to see me laughing in that 20 seconds' time and then make a comment out of his personal feeling? Actually, he had plotted to use laughing as the selling point. For a Chief Executive who only knows the trickery of laughing and tries to find some people in front of the stage to fake laughing with him, I can only say that he was playing the same old trick and do playacting with his "laughing skills". He was trying to patch up a lie told. Therefore, we should deduct his emoluments, deduct his emoluments!

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I think there are too few people here at the scene. I request a headcount in accordance with Rule 17(3) of the Rules of Procedure. Thank you.

**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, I have explained before noon some of the reasons why we should cut the annual estimated expenditures of the Chief Executive's Office and the Executive Council, and I have cited some of the points raised by the Judge in ruling in favour of the Hong Kong Television Network Limited (HKTVN) in the company's judicial review case. Chairman, with regards to this case, there are many ensuing criticisms and analysis in many aspects. I wish to cite the views of the former Bureau Secretary Joseph WONG — an experienced senior government official — on this case.

He has mainly pointed out that after losing the case — this is his opinion, and I agree with his argument — LEUNG Chun-ying, who never admits his fault, would definitely apply for an appeal. His comment was that one characteristic of this term of Government was never to admit its fault. I suspect that as LEUNG never admits his failure, he will apply for an appeal so as to drag the matter on for a few more years. WONG is such an experienced senior government official who has a good grasp of government policies and he has made this kind of comment on the Government's actions. As such, if we do not criticize any important decisions in the Budget debate or ask for justice for the HKTVN and the people of Hong Kong, I am afraid the Legislative Council is not fulfilling its fundamental duty to monitor the Government and examine government expenditure. For that reason, if we are aware of the fact that "689" and the Government will keep on using all sorts of methods with this wrong attitude to delay a fair decision in respect of the licensing issue, we will definitely do everything to ensure that this centre point of all powers could not do whatever they like arbitrarily. The best way to achieve this purpose is to not give them any money and deny the existence of this institution and the position by cutting the relevant financial expenditure.

Historically, no estimated expenditure on any of these areas has been successfully scrapped. Therefore, I have to urge individual Members of the pro-government camp to vote ... Of course the Budget will pass ultimately, but I truly believe that many pro-government Members who are present will fully agree with some of the amendments proposed by us. I absolutely believe that the amendment supported by most pro-government Members is the proposal to reduce the \$5-odd million expenditure on the personal emoluments of the Chief Executive. Therefore, if any of these individual amendments could be passed, we would be making history. And this will be a good precedent in Hong Kong's history of politics with regard to the legislature's function of monitoring the work of the administration. Besides, it will do justice to many people, including Mr Henry TANG, whose well-known remark "you liar" has become the most quoted and most reported remark in Hong Kong's political circle.

For that reason, even if any part of our attempts to reduce the expenditures set out in the Budget should be passed, I will not vainly hope that all the amendments aiming at vetoing the Budget could get the support required. Nevertheless, if individual amendments were supported, it would still be a good political message. I believe Mr Joseph WONG also supports the proposal of

cutting LEUNG Chun-ying's emoluments. Although I have not discussed directly with Mr WONG about the matter, judging from the comments he has made, I believe he will support the amendment to cut LEUNG Chun-ying's emoluments.

Chairman, with regard to the licensing issue, we have all speculated that LEUNG Chun-ying would abuse the legal process by lodging an appeal. Besides, he would mobilize the manpower and resources of the Department of Justice to this end. Very often, we can see that a lot of professional departments are losing their tradition and principle of professional independence. Some of the civil servants no longer uphold their long-standing good tradition of political neutrality. As things have developed to these days, many civil service grades and their work have gradually become part of the political tool of the "CY the wolf".

A lot of Members have discussed the issue concerning the Police, and therefore I wish to jump to Amendment No 229 which resolved to reduce head 92 by \$284.78 million in respect of subhead 000 to deduct an amount approximately equivalent to the annual estimated expenditure for the hire of legal services and related professional fees. Chairman, one of the reasons for me to support this amendment is related to the appeal case of the HKTVN. Perhaps I should declare my interest, as I am going to lodge my appeal to the High Court in a bid to overturn the criminal charge laid against me by the Government. Facing the legal litigation, Chairman, I will not exclude the possibility that part of this \$200 million-odd expenditure will be spent on me. It is because I will not exclude the possibility that my appeal case will be brought to the Court of Final Appeal. But that is another story. Chairman, I have to declare interest first.

I support the relevant reduction proposal as I consider that the law should not serve the political objective of a certain individual. Let us look at the comments made by the Court of First Instance on the HKTVN licensing incident. The Court pointed out that a host of established policies and processes were contravened; no reasonable explanations were given; and a fundamental principle that the legitimate expectation was not taken into account — because the public have legitimate expectation towards government policies. The Government is required to act in line with its conventional practice and policy, be it anything done in the past, anything being done now, or anything to be done in future. Such principle should not be altered casually and unilaterally by "one single man"

according to his personal preference and his interpretation of administrative power without any public discussion, consultation and reasonable explanation and without formal policy alteration procedure. For that reason, the law has made clear the interpretation as well as explanation of "legitimate expectation".

Judging from the political reasons concerned and the personal preference of a person in a high position of power — "one single man" — we believe that it is very likely for him to abuse his power by coercing the relevant government department to appeal against the verdict. That will constitute an abuse of public funds and an appeal will be sought arbitrarily. Therefore, if we can cut the expenditure relating to this area, we can send him a clear and unequivocal message that he should not abuse the relevant legal procedure.

Looking back on the litigation involving the HKTVN, the SAR Government has made use of public funds to hire senior counsel Benjamin YU to represent it. Everyone can see that in order to protect the so-call personal dignity of "one single man" as well as some inappropriate decisions, the Government has spent a lot of public money in this respect, and the money spent is our money, the taxpayers' money. However, after using so much public money and hiring such a senior and reputable counsel to defend the case, the Government eventually lost the case. It has proved that the Government was way too wrong no matter in terms of evidence or conduct. Its case just cannot be defended.

Therefore, in order to prevent the Government from abusing the legal procedure and public money again, I support the deduction of the funding request made by the Department of Justice in relation to procurement of legal services. Chairman, considering that the appeal period for the case will expire in 28 days, if we are successful this time, we can make our point clear by prohibiting the appeal, and we can even see justice done to the HKTVN (especially Ricky WONG). If Members have watched HKTVN's programmes and dramas via the Internet, as Hong Kong people have great expectation of ... If the Government can issue the licence according to the established procedure, HKTVN's programmes will definitely give Hong Kong people reasonable choices.

Chairman, the next thing I wish to speak on is Amendment No 37, which seeks to reduce the annual emoluments of two Executive Council Members, amounting to \$1.84 million in total. Chairman, talking about the deletion or abolishment of certain Executive Council Members, I believe that if you ask the

public this question, they can give you the names of three to five Executive Council Members whom they wish to kick out of the Executive Council. Nevertheless, I consider that, to date, the most unacceptable person has to be Arthur LI. Just now "Long Hair" has made some remarks about him and the unpalatable deeds done by him. Basically, I agree with most of his comments.

Chairman, I wish to point out that when Arthur LI was a Bureau Secretary, I have rejected him for his liking for debate and his taste for tenacious defence. Given that he was an accountable official, I welcomed his intrepid attitude, valiant ways to deal with things, use of different tones and methods (including a tongue lashing way) to debate with Members or even to conduct verbal attacks. I would not mind any of that. At that time, I have told him about that clearly. Of course, certain media have seen his intrepid attitude negatively, but I just stated explicitly that I would welcome him. I consider that as there are so many Bureau Directors, it is just natural for each of them to have different attitudes and personalities, and it is something good if they could bring along political diversity. I told him in person that I welcome his attitude. In his capacity as a Bureau Director, in particular one under the accountability system, his performance and his ways to deal with things in this Chamber were but a matter of attitude. However, in his capacity as an Executive Council Member, we should condemn him for his repetitive insult to young people and interference with academic freedom, as well as a host of wrongdoings.

Chairman, on 21 April, Arthur LI criticized the academic bearing and performance of the scholars teaching in the Hong Kong University for many times. We absolutely welcome him if he has any view on academic matters. We also respect the comments made by each political figure, including Executive Council Members. When Arthur LI was working for The Chinese University of Hong Kong (CUHK) or the Education Bureau, he had already given people an impression that he was the "Czar". A lot of his staff, in particular the employees of the Education Bureau or the then Education and Manpower Bureau, have found his arbitrary ways of dealing things unacceptable. They held a negative impression of him. When he was in the CUHK, a lot of teaching and non-teaching staff were strongly dissatisfied with him. However, as he unjustifiably accused university scholars for not having the desire to teach and not in the mood to do research, I need to criticize him and express my regret. I will expound further in this regards later on.

**MR LEUNG YIU-CHUNG** (in Cantonese): Chairman, I noted in one of the debates that the amendments proposed by several Members (including Mr Albert CHAN, Dr KWOK Ka-ki, Ms Emily LAU, Mr CHAN Chi-chuen, Mr Gary FAN, and so on) sought to reduce head 21 by some \$5.33 million in respect of subhead 000. The amount to be reduced is roughly equivalent to the annual emoluments of the Chief Executive (including his salaries and certain non-accountable estimated expenditures).

Chairman, if these Committee stage amendments (CSAs) were passed, the Chief Executive would receive no emoluments in the coming year. If he were to work without emoluments, he would become a volunteer, rather than an employee, because he would be working without salaries.

However, Chairman, does the Chief Executive possess the qualities suitable to be a volunteer? I do not think so because a volunteer has to serve with his heart without any grievance, anger or regret, and he has to treat his service recipients sincerely. Regrettably, I do not see these qualities or such an attitude in our Chief Executive.

Hence, I do not agree that Members should slash the estimated expenditure in this way. That said, in terms of his performance, I do not think the Chief Executive is well qualified for his job. If an employee is not well qualified for his job, he should not receive the emoluments corresponding to his post. Thus, I agree that his emoluments should be reduced accordingly. Chairman, I do not agree with slashing all his emoluments, but I do agree that his emoluments should be partially reduced. Although I have not proposed a CSA to this end, I do agree that his emoluments should be partially reduced.

Why do I agree with a partial reduction? As I have said, he has not done a very good job and he is not well qualified for the job. And I therefore find it necessary to partially reduce his emoluments. Why? Chairman, I have seen in a number of incidents that he really should not remain in the post of Chief Executive.

In preparation for his first Policy Address soon after he was elected, the Chief Executive had a discussion with Members. On that occasion I told him, "Chief Executive, judging from your performance in the first few months after you were elected, I am worried." Why was I worried? "I am worried because the way you tackle issues will accumulate explosives or plant time bombs in the

Hong Kong society. All it takes is a fuse to detonate the explosives and leave our society in an undesirable or unstable state."

As a matter of fact, Chairman, what happened in the past few years has fulfilled what I had said to him then. The way he tackled matters during the Chief Executive election and the first few months after he was elected has divided society and torn it apart. I told him if he governed with such an attitude, social conflicts would heat up and society would become unstable. Such "instability" would definitely come about.

He did not make any response but put on a straight face upon hearing what I had said. Maybe he could not comprehend or did not agree with my remarks. The point is, we have now seen that his policy objectives, his governing attitude and the way he handles social conflicts all serve to intensify social contention and conflicts among people. This is an undeniable fact.

Why did I say so at that time? A number of examples can show that this is the way he deal with things. The attitude he adopted in handling the issue of national education and his remarks made then were typical examples of his style. Besides, other policies he subsequently took forward were proceeded with in much the same manner as he handled the issue of national education.

Another obvious example is the way he launched the Old Age Living Allowance (OALA). There were divergent views about the OALA in society, including whether or not the elderly people should be subject to a means test. More time should be spent on discussing these issues to enhance public understanding of and facilitate their discussion about elderly people should be subject to a means test in this case. Unfortunately, he completely ignored the divergent views in society and forced Secretary for Labour and Welfare Matthew CHEUNG to submit the proposal to the Legislative Council for approval upon the commencement of the new Legislative Session.

I can clearly recall that he wanted us to endorse the funding proposal on the OALA at the Finance Committee (FC) meeting held on 26 October. However, Chairman, we have our standing practice. If this funding proposal is to be passed by the FC, it should first go through discussion by the relevant Panel and get the Panel's endorsement, a process we refer to as the "cool down period". However, the Panel on Welfare Services was only formed on 16 October. Chairman, there were just about 10 days from 16 October to 26 October, or less

than seven days if you take away the Saturday, Sunday and Chung Yeung Festival holiday. Besides, at that time, the OALA was intensely debated in society and more than 200 deputations and individuals had indicated their intention to attend the Panel meeting to express their views.

We asked him whether it could be postponed from 26 October to a later date, but he said no. Why? His reason was that if the proposal was not passed on 26 October, the elderly people would receive one less month's allowance payment. This is because if the funding proposal could be passed on 26 October, the retrospective payment date would be 1 October, meaning that an additional month of retrospective payment would be granted. If the funding proposal was passed on 26 November, the retrospective date would be 1 November rather than 1 October, meaning that one less month's retrospective payment would be granted. Worse still, he shirked the responsibility to us and said in public that the Government was more than willing to grant the money to the elderly people, but a bunch of trouble-making Members were delaying the passage of the funding proposal and thus making it impossible for the elderly people to receive the money they deserved.

In fact, on the surface of the issue, he shirked the responsibility to us, but the actual consequence of the issue was that society, the entire society, was divided. At that time, people were separated into two extreme camps, with one supporting the expeditious endorsement of the funding proposal and the other holding the opposite view. This is an example showing that our society was seriously divided because of him. Regarding the OALA, the elderly people are ultimately required to go through the means test process. The elderly people who can benefit from the OALA are certainly very happy, but those who cannot are still very unhappy at this moment.

Another point I wish to raise is that, as far as Members are concerned, he has been labelling us as trouble-makers. Chairman, will this do any good to society? The President of the People's Republic of China has been stressing the importance of harmony, but instead of following this directive, he has been stirring up discord in society. How could his deeds be regarded as what a competent Chief Executive should do?

Besides, Ricky WONG's application for a domestic free television programme service licence (the licence) is another good example. The Court recently ruled in favour of WONG's appeal regarding his application. The Chief

Executive, however, said that the Chief Executive in Council has acted in accordance with the law when considering his licence application. Chairman, while the Judge has delivered the judgment, he still blatantly claimed that he had dealt with this matter in accordance with the law. Was he trying to challenge the Judge by hinting that the latter had not ruled the case in accordance with the law. Chairman, this is a very serious issue. In his capacity as the Chief Executive, he has blatantly challenged the Judge's ruling. Is this appropriate of him to do so?

These examples show that the Chief Executive has failed to take into consideration the whole picture or the feedbacks in society when making his decisions. He loves to take arbitrary actions. In my elaboration on the OALA just now, he has tried to dwarf the Legislative Council and force Members to act as rubber stamps for the Government. He wanted the funding proposal to be passed at a time he liked, disregarding completely our views and public opinions. He just wanted it to be passed on whatever date he wanted.

Likewise, even though the Court has delivered its verdict, he still holds fast to his approach and considers himself doing the right thing, neglecting totally the Court's verdict. In saying that he had considered the licence application in accordance with the law, he was hinting that either the verdict of the Court was wrong or the Judge had not considered the case in accordance with the law. In other words, he would not give in to the Court's verdict.

Hence, Chairman, do you still consider it all right if a Chief Executive like him is to remain in his post? Seeing that our society is so divided and polarized today, we cannot but say that it is the Chief Executive's fault. If he were to remain in his post, the situation now would only get worse.

Earlier on, Mr LEUNG Kwok-hung said that the Chief Executive had the nerve to laugh when he was protesting at the reception for the International Workers' Day, and the Chief Executive's explanation was that he laughed because LEUNG was laughing then, and so he just "could not help laughing". Mr LEUNG Kwok-hung clarified just now that it was impossible for the Chief Executive to know if he was laughing at that time, even if he really was. In other words, the Chief Executive has lied again.

Chairman, regarding the subject of lying, I believe you have already heard too much about it here. The Chief Executive has told so many lies. Sometimes he uses a lie to cover another and the covering up process goes on and on. As

the Chief Executive, one has to be act honestly. This is the number one rule. But he has told lies one after another to defend his so-called stance and principles and to save face. Then, how could he be regarded as well-qualified for this job? Why does he deserve such handsome emoluments?

Apart from strengthening his position, the most regrettable thing of all is that he is not capable of reflects upon the things he has done in his capacity as the Chief Executive. Everyone needs to reflect upon oneself, even more so if one is the Chief Executive. Ever since he became the Chief Executive, his popularity has plummeted. Rather than pondering on why his popularity dropped so much, he just keeps accusing others of smearing and dwarfing him and failing to understanding his attitude. He never asks himself humbly as to how he has been performing and behaving since he took office.

If one truly has a sense of shame, upon seeing his low popularity, one should assume responsibility and resign without others asking him to. Why does he not even have the courage to reflect upon this? I find it unacceptable to give him such handsome emoluments. Hence, I very much agree with Members that his emoluments should be cut, but not totally, so as not to turn him into a volunteer. I do not think he should work as a volunteer.

On the recent constitutional reform issue, the Chief Executive has again distorted our views and stance, which are different from his. He said that the pan-democratic Members were fighting for the sake of fighting and opposing for the sake of opposing. He used this tactic to sell his "pocket-it-first" proposal. Chairman, I think it is fine that our stance on the constitutional reform package is different from his, but he should not use such an argument or attitude to smear or suppress the opposition. *(The buzzer sounded)*

**DR KENNETH CHAN** (in Cantonese): Chairman, you were not present in this Chamber when I spoke last time. It was the Deputy Chairman who presided over the meeting on your behalf. At that time, I already started the discussion on another issue, the issue of reducing the estimated expenditure on the full-year emoluments and allowances for the Head of the Central Policy Unit, Mr SHIU Sin-por. But since I notice that Secretary Dr KO Wing-man is now sitting opposite to me, and since he is a doctor, I wish to add one more point concerning the issue of water cannon vehicles.

Dr KO, I hope you can forget about your capacity as a member of LEUNG Chun-ying's governance team just for the time being, and say a few words of fairness as a doctor. Is it really true that water cannon vehicles will only cause insignificant impact and harm to protesters, so insignificant that they will merely wet their clothes and cause them to slip, just as former Secretary for Security Ambrose LEE asserted this morning? For the purpose of showing support for the Government, some shameless royalist Members sought to whitewash and neutralize the harm which can be caused by this kind of aggressive and destructive weapon to people, passers-by and even journalists by talking much nonsense which defies the facts, lacks any sound reasoning whatsoever and serves to show their ignorance and shamelessness.

Besides, as Secretary Dr KO is responsible for medical services, can he tell us whether the medical teams in Hong Kong are adequately prepared to deal with any possible physical injury or even death cases resulting from the use of this weapon of water cannon vehicles, which are deployed to protect Bureau Directors and Under Secretaries during their walkabouts? These are scientific and factual issues, and they are also rightful questions to ask. Therefore, I think they are very important.

Chairman, many scientists all over the world have sought to foster technological advancement for the well-being of mankind. Some scientists have created many tools and weapons in the name of safety, and yet such products are used for killing eventually. This is the case with explosives, atomic bombs, and also hydrogen bombs. Some scientists have been awakened by their conscience, and have therefore joined anti-nuclear and anti-armed conflict activities. But some have nonetheless buried their conscience and persisted in their wrongdoings.

Secretary Dr KO, if you are told by your colleagues from the Security Bureau, Executive Council Members, and also pro-establishment or royalist Members that water cannon vehicles are "no big deal" as they will merely wet people's clothes, I would like to ask you to say a few candid words within your ability on Hong Kong people's behalf. I believe that in the face of the "rule of falsehood" in Hong Kong, you may also feel bad sometimes. I believe that if you sat on this side, if you stood at my present position, you would have a greater chance of speaking from the bottom of your heart. If you ever feel that the falsehood told by the LEUNG Chun-ying's administration or Members from the royalist or pro-establishment camp has tugged the bottom line of your conscience,

you are welcome to "abandon the wrong and embrace the right" by coming over to this side.

Chairman, let me return to the issues about Mr SHIU Sin-por. I believe you have known Mr SHIU Sin-por for quite some time. But, are you aware that he is actually a person with a "big mouth" — meaning that he is unrestrained in his words? In the previous debate session, I made it a point to say that we had checked some WikiLeaks documents. We have found that he has engaged in frequent contact with American diplomatic officials, and he has also frequently provided them with information. And, he has even been regarded as a very reliable whistleblower. So far, we have learnt from those WikiLeaks documents that he at least had contact with American diplomatic officials on six occasions. What has he disclosed? Here is an example. He disclosed that an accountability Bureau Director in the previous Donald TSANG's administration "broke down in tears in anticipation of a Legislative Council appearance". Another example concerns the democratic camp's demand for genuine universal suffrage in 2010. He said that the march would need as many as 100 000 participants to grab Beijing's attention. Besides, he also said that the Central Authorities — by this, he might be referring to the Community Party of China or the Central Government — had watched closely the 2007 Legislative Council By-election for the Hong Kong Island constituency, and they were especially feared that our former colleague Anson CHAN — who also stood in the election at the time — would unify the democratic forces in the legislature if she was elected, and that she might even want to stand for Chief Executive in 2012.

In addition, he also told those American diplomatic officials during their heart-to-heart talks that after 2003, the Central Authorities' policy approach to Hong Kong changed from "selective" to "somewhat proactive". I have no idea as to how much "classified information" has been disclosed by this Head of the Central Policy Unit with such as a "big mouth". When I meet him, I will definitely refrain from talking to him, as I do not know if he will sell me down the river. He is willing to disclose the contents of his conversions with anybody to Americans or the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (LOCPG) as a "favour" for them. The Government is full of such "whistleblowers" and "snitchers". Now, he is caught red-handed. But has he ever apologized, offered any clarifications or even taken the blame and stepped down? The answer is certainly in the negative. Shameless as he is, he will only think that it is no big deal at all. For those people staying in this Government, "knowing the right person is better than

knowing how to read and write" sometimes. He does not need any research knowledge whatsoever. In that case, why should the Central Policy Unit be called the "Central Policy Unit"? It has no policy research to speak of, right? Without any knowledge, he is actually a "busybody" and a "gossip". The greatest failure of the Government is that it is good at nothing but "feeding" such people. But the point is that taxpayers must pay him some \$3 million a year. I think it is utterly not worthwhile to pay somebody a salary of \$3 million just to gossip.

A feature story in *am730* recently — on 21 April, actually — reported Mr SHIU Sin-por as saying frankly in their interview that the LOCPG had all along participated in canvassing votes and lobbying in the Legislative Council. According to him, the reason was that some people only paid heed to the "Western district". Everybody, the "Western District" here means the LOCPG. But then, he also spoke in defence of the LOCPG, asserting that even if "Sai Wan" or the LOCPG interfered with Hong Kong affairs, this was not in violation of "a high degree of autonomy". He considered that Hong Kong people should look at all this calmly.

When asked about the remarks made by Mr SHIU Sin-por, Chief Executive LEUNG Chun-ying admitted and confirmed that some people only paid heed to the "Western District", and the LOCPG had all along participated in the work of the Legislative Council — not only in Legislative Council elections, but also in the daily affairs of the Legislative Council. LEUNG Chun-ying said that the SAR Government was responsible for canvassing votes in the Legislative Council. But the Government emphasized that the LOCPG played a certain role. What does this mean? Can he explain what is meant by "a certain role"? Is the Government saying that the LOCPG will deal with anybody who disobeys LEUNG Chun-ying? Is it true that during their meeting with ZHANG Xiaoming yesterday, members of the Liberal Party were all on their knees like feudal ministers while receiving XI Jinping's imperial decree?

Chairman, the Government thinks that it is necessary to conduct vigorous promotion on the Basic Law for the reason that Hong Kong people are still not familiar with its contents even though it has been implemented for 25 years. This is related to this debate session, as the Government proposes to spend a substantial sum of money on organizing various campaigns. What are the contents of Article 22 of the Basic Law? Can the officials sitting opposite to me recall its contents? Do they know what this provision is all about? Article 22

of the Basic Law points out right at the beginning that "[n]o 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.", and that "[i]f there is a need for departments of the Central Government, or for provinces, autonomous regions, or municipalities directly under the Central Government to set up offices in the Hong Kong Special Administrative Region, they must obtain the consent of the government of the Region and the approval of the Central People's Government." Everybody, please read on. The Government has told us to understand the Basic Law, hasn't it? Is everybody clear about the contents of this provision now? What "roles" does the LOCPG play in Legislative Council elections? I believe this is also the case with District Council elections. How could he possibly say that the LOCPG had a part to play in the daily affairs of the Legislative Council, including canvassing votes and lobbying? Isn't this a violation of Article 22 of the Basic Law? The evidence is concrete.

SHIU Sin-por is really something. He can ignore all criticisms and cling to his present position all the same. Apart from telling us to stay calm, he has also said that all will be fine as long as we accept this as our fate. Who is ruining the Basic Law? Who tells us to turn a blind eye to all this? The Head of the Central Policy Unit, also the former boss of the One Country Two Systems Research Institute. Chairman, there is a saying in this world which goes, "The person who feeds me with milk is my mother." It means that whoever feeds you with milk, whoever gives you benefits is your parent or "second parent". Do we need such a person of no moral integrity to hold this important position and tell us what we should do?

In the previous debate session, I particularly quoted a comment made by the President in public — I was not sure about whether the President intended to criticize anybody at the time. The President mentioned "Central Polling Unit". In fact, there are many approaches for conducting public opinion surveys. And, in the previous debate session, I made it a point to say that they spent \$7 million a year on conducting public opinion surveys — this was the case in the recent year, and will also be the case next year — but they had never disclosed or given any account of the details. We in the academia refer to this as "data-farming". Its meaning in Chinese — well, I also find it hard to translate it into Chinese — is probably "渾水摸魚" ("fishing in a pond of turbid water"). By "data-farming", I mean they will select from the accumulated data and statistics only those which

are favourable to them and suit their own purposes. This is essentially "Copinism", meaning the use of only those data and statistics which suit one's purposes and the abandonment of the otherwise. This practice is unethical, really unethical, and it is also marked by covertness and arbitrariness. But the point is that the money has already been spent. If the Government is just the slightest bit demanding of itself, if the Government is a little bit more committed to public administration, public policy research and also public affairs, it should not adopt this childlike approach of data-farming whereby it only uses those data and statistics which are favourable to it and suit its own purposes and abandons the otherwise. This is not desirable, and it will end up running into trouble.

Why has LEUNG Chun-ying always faced immense resistance in implementing various policies since he assumed office? Why does he always need to "face up to the difficulties"? The reason is that there are problems in this link sometimes. In the early preparatory stage, he thinks that he can rely on the Central Policy Unit to assist him in ascertaining the "landscape" out there, how the wind is blowing, and also the location of "hot spots", and truthfully remind him of the places he should beware of, so that he can avoid a slip; or to analyse who and what organizations may pose resistance, so that he can understand clearly beforehand the possible problems and difficulties in the time to come. The Central Policy Unit should have performed these intrinsic duties, rather than speculating about the likes of "His Majesty". At present, it will prepare anything that "His Majesty" wants to eat, and discard anything disagreeable to "His Majesty" or not to his taste.

The deplorable performance of the Central Policy Unit and its Head has shown that they are unfit for the positions. Public opinion surveys should be part of rather than the entirety of public policy research. But it looks like the Head of the Central Policy Unit is stripped of any experience and capability in this regard. As a result, he must contract out quite a number of policy research projects to universities. After a university has completed a research project, he will — as in the case of the Chief Executive election in 2017 — conduct screening on the research outcomes before disclosing them. As a result, he often ends up running into trouble. They are actually the trouble-makers. Using universities to conduct studies is not the solution. If they themselves are not upright, if they themselves have ulterior motives, they will not be able to gain any public support and trust for the Government even if they use universities to conduct studies.

**MR WONG YUK-MAN** (in Cantonese): Chairman, I will now speak on "Head 122 — Hong Kong Police Force". Previously in this debate, I have already spoken twice on the Chief Executive's Office, once on the Information Services Department, and once on the head relating to the Department of Justice. Inevitably, I have to speak on the Hong Kong Police Force as well. Chairman, in this speech, I would like to quote an article published in the latest issue (that is, the 2015 April issue) of the *Undergrad* to illustrate my points. The book named *Hong Kong Nationalism* published by the executive committees in charge of the *Undergrad* in the last two terms has aroused widespread controversies and LEUNG Chun-ying has even gone so far as to specifically devote a paragraph in the Policy Address to criticize and denounce the idea of "Hong Kong independence" and the students in charge of the publication of the *Undergrad*. These students were even named but this has only moulded them into the most powerful Internet writers in the pro-localization faction at present.

The main theme of the latest issue of the *Undergrad* is "Return to colonization with broken umbrellas when dark clouds are looming over Hong Kong", and the title of one of the articles published is "Stand up and be strong despite the dark clouds looming over Hong Kong". There is a paragraph on the Police in that article (and I quote), "The Hong Kong Police have once established a professional and reliable image among the public and Hong Kong people are also proud of our good social law and order. Even though there were occasional news reports on cases of abuse of power by police officers before the outbreak of the Umbrella Revolution, the Police have still managed to give the public a good impression. The term 'Police' is originated from Ancient Greek, which has the meaning of order and social peace. However, since the outbreak of the Umbrella Revolution, what the Police had done have really touched off a public uproar. In particular, the assault on a protester by seven police officers in a dark corner has aroused deep resentment against the Police's villainy among many people who had originally been indifferent to the movement. News reports on the alleged beating up of people arrested by police officers are quite common now and it is also not uncommon for the Police to abuse legal procedures to arrest protesters. For example, there were Judges commenting earlier that the statements given by police officers taking arrest action against protesters were flawed with inconsistencies. In view of such, we cannot help associating the situation with the possibility that police officers have put members of the public in the wrong and shown disrespect for the law. The Police chooses to degrade themselves by working in collusion with an unjust political regime to arrest members of the public arbitrarily on insufficient grounds, and shout and swear at them irrationally, thereby causing social order to collapse and social peace to

disintegrate. During the 'shopping tour' protests staged in Mong Kok, some passers-by were arrested when they tried to reason with the Police, while some others walking by had been beaten up by police officers with batons. The personal safety of members of the public is not ensured and police officers have become the major cause of social chaos instead. Frank J REMINGTON, a law professor in the United States, considers that the police force of a democratic society has an important social responsibility to fulfil, and it is the duty of police officers to enforce the law accordingly under specific circumstances. However, the Hong Kong Police has turned its back to its duties: When the pro-government organizations are involved, the Police chooses not to enforce the law even though they have resorted to violence. Although Hong Kong is not a democratic society, it is a society under the rule of law and the Police have the same responsibility as those referred to by Frank J REMINGTON. Nevertheless, the Hong Kong Police has failed to play its role duly in a society under the rule of law. Even though the Police Force has done much publicity work about its image after the Umbrella Revolution, it would do us no good to deceive ourselves that police officers would execute their duties as law enforcers. Indeed, it has been proven by facts that the Police Force has reduced itself to a tool of the political regime to suppress the voice of the opposition." (End of quote)

These are the opinions of university students and they are of course poles apart from the views of Dr Priscilla LEUNG. However, I would like to point out that Dr Priscilla LEUNG or people in our generation could just go home and sleep because time is on their side.

Why do young people have such an impression of the Police? Why do we have such cases of abuse of power by the Police during the Umbrella Revolution? Moreover, while police officers have taken arrest action so arbitrarily, the charges laid were subsequently dismissed by the Department of Justice. Buddy, this is obviously due to the reason of insufficiency of evidence. I have been arrested before for throwing a glass in this Chamber, but why did they not lay a charge against me? It is simply because after much consideration, they have concluded that it would not worth the efforts to institute prosecution against me. Chairman, if I demand you and all other 69 Members, including me, to testify in court as witnesses, you and all other 68 Members would have to be cross-examined by me, while the Chief Executive would also be required to testify in Court.

What I find most baffling is that the Commissioner of Police could go so far as sending a letter to the Legislative Council Commission, asking if the case

would be reported to the Police. It is fortunate that you, as President of the Council, did not get tricked. Buddy, how can he do that? I have violated the Rules of Procedures in this Council, a ruling has been made by the President and so what does it have to do with the Police? Given that he has asked if a charge would be laid against me, I wonder what offence I should be charged for. Could I be charged for throwing things? I have already been expelled from the Chamber by the President as punishment for violating the Rules of Procedure and have been escorted to leave by a whole bunch of people. How audacious he is? What does he take Members of the Legislative Council for? Dr CHIANG Lai-wan, there is no need for you to stare at me like this, you may stand up and speak for 15 minutes later if you can.

This is indeed outrageous for him to do so and it is really fine with me. Do charge me if you dare to, since I am ready to bear the consequences of my own actions. I will definitely put forward my argument and defend myself in Court and the trial period would last for two weeks at the least, so let us see who would be the one who cannot bear the consequences. The whole thing is actually very simple.

Chairman, when I leaf through the articles I wrote in the past, I can only discover the time significance in them. The name of this book which I wrote in 2000 is *A Collection of Articles on Some Recent Thoughts* and in the book, there is an article entitled "It is high time for the abolition of draconian law!". What is written in the article is exactly what I want to elaborate in my speech today and therefore, there is really no need for my assistant to collect information for me separately for the speech. It would just be good enough for me to take the book with me and read aloud the contents of this article as follows:

"At the beginning of 1997, the 'law abolition' proposal was endorsed by the Legal Sub-group of the SAR Preparatory Committee and the legislation affected were: the abolition of the overriding effect of the Hong Kong Bill of Rights as well as the Societies (Amendment) Ordinance 1992 and the Public Order (Amendment) Ordinance 1995. After the establishment of the SAR Government, two Bills were read the third time and passed by the Provisional Legislative Council to 'reinstate two pieces of draconian legislation which had been overturned'. The 'reinstatement of draconian law' could by no means be regarded as law reform but the commission of an evil deed which is unnecessary.

Quite a number of people have used 'striking a balance between maintaining social order and protecting individual rights' as the justification for the necessity of draconian law. Such a justification is ill-founded. The major

way of maintaining social order should be taking remedial measures afterwards instead of suppressing beforehand; and even though preventive measures are required (such as the prevention of crimes), such measures should never constitute an intrusion of the rights of individuals, or at least should never infringe upon the basic rights of individuals. This is undoubtedly a very flexible principle and therefore 'democracy or efficiency' is always a dilemma for us.

It is a stringent rule to require that remedial measures should only be taken afterwards, while it is a lenient one to stipulate that nothing should be accomplished at the expense of basic human rights and it would of course be against the wish of a government to accept either the stringent or the lenient rule. Thus, it would be best if maintaining social order should override basic human rights so that government efficiency could be ensured. It would definitely be easier to strike a balance between maintaining social order and protecting individual rights as long as the government and the legislature are elected by the people. When the law and order of a society is in bad shape, it would be possible that the public is more conservative with the maintaining of social order than their government!

In any country, the degree of regulation to be imposed on its people in peace time would be different from that during emergency. In peace time, the country should strictly observe the rule of resorting to remedial measures afterwards rather than inflicting suppression beforehand, and in case measures slightly exceeding the prescribed level are required, they should be of a minor nature and accepted by the majority of the people willingly. When a state of emergency is declared (mainly in wartime), the government concerned would be given extended power and the freedom enjoyed by the people would inevitably be lesser. Some measures which should not be adopted by that government in peace time would then be deemed necessary, such as censorship of content of posts and telecommunications, press censorship, enforcement of martial law and curfew. Since 'stability overrides everything' during a state of emergency, such measures which infringe upon human rights are tolerated by the people. As for the imposition of all sorts of tyrannical measures on the people in the name of maintaining law and order or by unreasonably extending the state of emergency, it is the 'excellent skill' of totalitarian states.

Maintaining social order is static work which seeks to preserve a certain kind of established order, but since society is of a dynamic nature and with all sorts of ever-changing relationship, a government could have no alternative but to

switch from a static mode to a dynamic one and engage in some kind of legal system reform. All legislative amendments should be introduced on the basis of a concept change on the part of the majority of the population in respect of the maintenance of order or justice."

It is none of my business whether you can understand or not, and there is really no need for me to argue with you or those so-called law professors such as Dr Priscilla LEUNG. Do try to refute the points I have presented in this article which I wrote in 2000. All these are very simple basic principles.

There are only a few Members here in the Chamber at present and Chairman, there is one point I would like to make. Actually, it would really be nice if Dr Priscilla LEUNG or Dr CHIANG Lai-wan could stand up and speak, as the current debate could hardly be regarded as a filibuster. Mr TAM who is now sitting here and he should know about it very well. Having sat here and listened for quite a long while, credit should be given to this Ex-Chairman of the DAB. However, why do the other Members of the DAB not speak? We are not staging a filibuster now since the speaking time has been fixed, the current debate session will come to a close tomorrow afternoon and we will proceed to the next debate session next week, so why not make good use of the opportunity to speak? Just like the Professor, who is so amazing that he has become the most outspoken Members among those of the Civic Party, delivering a number of speeches and giving full play to his potentials at the same time.

We should of course take this opportunity to speak, since this is no longer a filibuster but debate sessions with fixed speaking time for all of us to express our views. Therefore, I would really love to hear from Dr CHIANG Lai-wan, as sound bites are guaranteed. How wonderful it will be! Nevertheless, apart from Dr CHIANG Lai-wan, there are other Members of the DAB such as Mr Steven HO and Mr CHAN Han-pan, who will not become a laughing stock with what they say. Where have they all gone? Why do they not speak when there is such a chance? Chairman, being a founding member of the DAB, you should have given these junior members a lecture and helped them understand that this is the best chance for them to speak for 15 minutes. Besides, you will never stop them from speaking.

For those of us who have spent so much time speaking, you will have the power to stop me on the grounds of making repetitive remarks and ask me to

focus my speech on the subject under debate, but you will not stop them and will surely give them a chance to speak. What could I say if they choose not to speak even given such a great chance? I will not ask for a headcount and am only interested in the contents of their speeches, because I can refute them and have a genuine debate with them only after they have spoken. As I can see now, Dr CHIANG Lai-wan keeps shaking her head while I speak. I earnestly hope that she would stand up and speak later so that we could see how shallow she is to have uttered the phrase of "not forgetting the source of the water we drink". What is most puzzling to me is: why should we keep the source of Dongjiang water we drink in our mind? The things which come to my mind are: first, we have spent a lot of money on Dongjiang water; second, the polluted water from Dongjiang keeps flowing all the way to Hong Kong from the other side of the mountain, and for this we have been made to pay expensive water charges. Hence, I think this should be the source of the problem we must not forget.

It is said that the Police have to eliminate the evil and give peace to the good people. As pointed out in the article I wrote which I have cited earlier, as far as maintaining social order is concerned, the work of the Police in peace time should be different from that during a state of emergency, and the efforts made to maintain law and order should be of a passive rather than active nature. However, buddy, with so much shouting and yelling, the Police are now actively exercising their functions and powers. It is very clear that any organization or individual, when given a certain task, is also vested with the power required to perform the task but that does not mean that the power should be open to abuse. If something beyond the prescribed limit has to be done, there should be a remedial mechanism, a complaint system and a sanction mechanism but all these are not available now.

The other day when I refused to sign an agreement for release on bail, I saw in the report room of a police station a row of souvenirs from members of the public which are decorated with blue ribbons, flowers and messages in support of the Police. I think there is nothing wrong. Nevertheless, should objecting views from members of the public who consider that the Police have abused their power be given a fair treatment? I certainly consider it understandable to post or put on display in police stations such messages or souvenirs from the public indicating their support and encouragement to the Police Force, as this will help to boost the morale of the Force. It is both unreasonable and impossible to post messages against police officers simply for the sake of fairness. It would really

be asking too much. However, an opportunity should after all be provided for people to express such views. Buddy, are you saying that we are not permitted to utter even one single word of objection?

There are a number of wonderful articles in the latest issue of the *Undergrad* which I have cited just now, and the main theme of one of the articles is "Dark clouds looming over Hong Kong". With references made to the Police, this article encouraged Hong Kong people to "stand up and be strong". It represents some of the views of our university students that we cannot ignore. As I have just said, Chairman, we the so-called baby boomers should in fact bow our way out of the political or economic stage, for the future of Hong Kong actually lies in the hands of these "post-90s" and young people born in the post-millennium period. They are very dissatisfied with both the Government and the present political system as a whole. Even though there is still a certain degree of immaturity in their appeals and demands, they will improve with times. The so-called "Localization Movement", "Hong Kong Self-strengthening Movement" or "Autonomy Movement" launched by Hong Kong people will not be changed by the many patriots taking control of the entire political arena today. This is as clear as broad daylight that time is on their side.

Therefore, I propose to reduce the estimated expenditure in respect of "Head 122 — Hong Kong Police Force". The proposal would of course be queried by many people who consider that the Police have to eliminate the evil and give peace to the good people, but I have to tell all of you very clearly that by proposing such Committee stage amendments, we are trying to express our concerns about the possible abuse of power by the Police. We only seek to seize the opportunity to speak on the amendments proposed to express on behalf of the voters I represent their concerns about police misconduct in the course of maintaining social order.

Thus, I hope fellow colleagues can understand that social stability is a relative issue. The relationship between the people and their government is first of all based on rationality, secondly on law and thirdly on force. As long as a government and its people could have their relationship underpinned by rationality, social stability could definitely be maintained.

**MR CHAN CHI-CHUEN** (in Cantonese): Chairman, while I treasure very much my speaking time in this Council, I care even more whether a quorum is present at the Council meeting. Please do a headcount in accordance with 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 Kenneth LEUNG, please speak.

**MR KENNETH LEUNG** (in Cantonese): Chairman, my speech will cover Amendment Nos 303 to 307. These amendments are related to the "acquisition of specialized crowd management vehicle" by the Hong Kong Police Force stated under subhead 603 of "Head 122 — Hong Kong Police Force".

The Hong Kong Police Force proposes the acquisition of three "specialized crowd management vehicles" in this year's Budget. These three "specialized crowd management vehicles", despite the rather neutral name and the absence of any strong destructive power, are in fact water cannon vehicles designed to disperse the crowd. Moreover, the Police clearly told us that these vehicles could spurt colorant to help identify the offenders.

Chairman, in the Second Reading debate of the Budget, I have already criticized the Government's approach of bundling up its application for purchasing water cannon vehicles with the Budget. Here I do not intend to go into further detail how the Government uses its normal operation as stakes in an attempt to press the Legislative Council to approve the funding proposal. But then, Chairman, this practice will definitely undermine the relationship between the executive and legislature, and it will also disrupt some long-followed rules and procedures. It is indeed regrettable that in addition to failing to follow the long-established procedures in applying for funds, the Government has also refused to provide any basic information about the water cannon vehicles. If the

Government is reluctant to provide such basic information, what reference can we Legislative Council Members base on in considering the expenditure concerned?

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

Chairman, the necessary information includes the impacting power of the water jet coming out from the water cannon vehicle, the level of force of the water cannon, as well as the principles, guidelines and authorization system for operating the water cannon. Given that the Police and Security Bureau have refused to provide the relevant information so far, it is difficult for the Legislative Council and the public to assess whether it is appropriate for the Police to acquire the water cannon vehicles, and whether it is worthy to spend a total of \$27 million on three water cannon vehicles. From the examples of overseas countries, water cannon is in fact a specialized armed device to disperse the crowd. The papers recently submitted by the Defence Scientific Advisory Council to the Parliament of the United Kingdom points out that water cannon can inflict direct blow and harm on human body as well as serious harm on human eyes; moreover, it can cause dislocation and permanent impairment to the fragile parts, such as the head and neck, of human body. In addition, it is in fact difficult to predict the degree of harm that water cannon may inflict on protestors or members of the public if they fall over or hit by objects as a result of the operation of water cannon. In a recent case in Germany, a protester completely lost his eyesight after being directly shot at by water cannons. This is not a single case, just that this German case is under my study lately. Another example took place in Turkey, and a protester fell over and lost consciousness after being hit directly by a water cannon. If Members pay a bit more attention, they can easily find the relevant news coverage in some international media and press, such as *The Guardian*, *International New York Times*, and so on. Water cannon is a weapon for crowd management, the Police is absolutely duty-bound to explain to the public the impact of water cannon on human body, instead of leaving the public to make wild guesses regarding the function, capacity and destructiveness of water cannons.

Having said that, Deputy Chairman, as I am also a member of the Independent Police Complaints Council, I can understand why quite many countries — I do not mean all countries — prefer to use water cannon vehicle as a tool for crowd management. Many cases, particularly those relating to police

complaints, involve physical contacts between people in a split second. This is especially true for the cases involving public rallies with several hundreds or thousands of participants, and the statements concerned are always contradictory. I would like to raise a more balanced point of view. Putting aside the harm that water cannon vehicle may inflict on human body, its only advantage is to disperse the crowd from a distance. But of course, its shortcoming is that it can cause permanent impairment to human body. Using water cannon vehicle to disperse the crowd can avoid close physical contacts between police officers and protesters, and can thus minimize the complaints arising from such physical contacts. Indeed, in many cases, it is very difficult to rule who is right and who is wrong. This is the only unconventional and balanced point I can think of.

I would like to further talk about the nature of water cannon vehicle. According to the guidelines issued by the Association of Chief Police Officers, police officers can use water cannon vehicle only when an illegitimate rally involving violence, disruption of public order or damage of public property takes place. In a peaceful rally with no sign of violence, police officers are definitely not allowed to use water cannon vehicles. We once requested the Police to provide guidelines on the operation of water cannon vehicles, but they said they had none because they had not yet acquired any water cannon vehicle. Without the guidelines, what criteria can we base on to approve the application for acquiring water cannon vehicles?

Looking back on the rallies and demonstrations took place in Hong Kong in recent years, were there really many cases of violent attacks and damage of property? Will the Police's use of water cannon vehicle be considered as applying excessive force to repress peaceful demonstrations? Without effective monitoring ... Here, Deputy Chairman, I do not mean to come up with a judgment as to whether or not we should purchase the water cannon vehicles, what I am saying is that we do not have any information to help us make the judgment. The arguments I presented just now are different views on whether or not the Police should purchase the water cannon vehicles.

One of the reports released by the Amnesty International (AI) in 2013 points out that in a protest carried out in Gezi Park, the Turkish Government used water cannon vehicle to disperse the peaceful rally. The AI strongly disapproved of the way the Turkish Government handled the rally. According to the report, the AI's observation is that the Turkish Police has repeatedly and unnecessarily shot water stream at the demonstrators for several hours, including

shooting, in a punitive manner, at the people who were leaving the site and the on-lookers.

Moreover, as some demonstrators attacked by water cannon got burns on their skin, it is possible that the water spurt out was not ordinary water but most probably water carrying some kind of dye. According to the Hong Kong Police Force, the use of dye can help them identify the demonstrators, and they may even add some slightly corrosive substance into the water to enhance the water cannon's effectiveness in dispersing crowd. If the Hong Kong Police Force has decided to introduce water cannon vehicle, under the principle of "with power comes responsibility", should we have a more stringent and update arrangement to monitor the police system and the way the Police uses weapons?

According to the record, the majority of the rallies conducted in Hong Kong over the past 12 months were peaceful ones. Despite the outbreak of some small troubles during the period, no large-scale incident involving serious violence or disruption of public order has been reported during the period of the Umbrella Movement. On the contrary, Deputy Chairman, I am concerned that if the Police inclines to use tough and forceful means to manage demonstrations and rallies, in addition to intensifying the conflicts between the Police and people, it may also prompt demonstrators to use more radical methods in their demonstrations.

Deputy Chairman, if you still remember, on the last day of the clearing operation in Admiralty, I and other members of the Independent Police Complaints Council watched the execution of the clearing operation on site for about 13 hours. In my opinion, the clearing operation on that day had followed the proper procedures. Well, it is possible that the Police has acted in a more restrained manner because of our presence at the scene. If the Police has in place proper monitoring systems and codes, they should be able to manage demonstrations in a restrained manner anytime.

Moreover, Deputy Chairman, Hong Kong's resident/police ratio is 390:1, which means every police officer serves 390 residents, and this is a rather high ratio internationally. In addition, our police officers are already equipped with sophisticated devices and equipment, they in fact have adequate armed devices or equipment to maintain public order. My personal view is, unless the Police can provide more information to justify its proposed acquisition of three water cannon vehicles, and explain to us the police's guidelines on the use of force and how it is

going to operate and monitor the water cannon vehicles, I would say spending \$27 million to acquire such water cannon vehicles is unnecessary and by no means urgently required. Rather, I believe the acquisition will serve to intensify the conflicts between the public and police officers. What is more, in the light of the devastating disaster recently occurred in Nepal, I wish to request the Police to abandon the idea of buying the water cannon vehicles that cost \$27 million, and add that sum of money to our \$50 million donation, so that the total donation to the Nepalese Government can be increased to \$77 million. May the Police lend out a helping hand to the Nepalese victims in need?

Deputy Chairman, I so submit.

**MR TONY TSE** (in Cantonese): Deputy Chairman, I will focus my speech on civic education and the Civil Service. I support the proposed provisions of a total of \$580-odd million for "Head 144 — Government Secretariat: Constitutional and Mainland Affairs Bureau", and over \$550 million for "Head 143 — Government Secretariat: Civil Service Bureau". However, I have some views about the promotion of the Basic Law by the Constitutional and Mainland Affairs Bureau, and the recruitment of additional civil servants by the Civil Service Bureau for the effective implementation of the various existing and new policies and initiatives. I wish these two Bureaux can pay more attention. As regards all the 258 amendments proposed by 11 Members, I will oppose them in totality.

First, the Constitutional and Mainland Affairs Bureau will continue to earmark \$16 million in 2015-2016 for holding activities to promote the Basic Law, so as to enhance the public's knowledge and understanding of it. I think the Government has not ploughed in sufficient resources in this aspect. At the special meeting of the Finance Committee held on 2 April, the Permanent Secretary of the Constitutional and Mainland Affairs expressed that the Government found that people's knowledge of the Basic Law was "Okay". I cannot but beg to differ. Judging from some incidents which had lately taken place in society, including the illegal Occupation movement and the disputes over political reform, was the public's knowledge of the Basic Law "Okay", as described by the Permanent Secretary? I am doubtful. In my opinion, the Basic Law is a piece of constitutional document for the Hong Kong SAR, it is imperative that the Government should fully review and draw up new promotions for the Basic Law so that more people can have a better understanding of it, rather than having just an "Okay" level of understanding as referred to by the Permanent

Secretary. The public should understand the Basic Law comprehensively and correctly. I think the SAR Government had in the past neglected its work in this regard and failed to put in enough efforts.

Deputy Chairman, in these few years, the Government has for each financial year earmarked \$16 million for the promotion of the Basic Law. Yet, I am not sure if the Government has reviewed the effectiveness of the promotion activities or efforts in this aspect every year. We are all aware that this year marks the 25th anniversary of the promulgation of the Basic Law. Although the Government has expressed that no large-scale activities will be held for the occasion, it has again earmarked \$16 million as in the past to enhance the promotion of the Basic Law to the public for them to have a more in-depth understanding of the "one country, two systems" concept and the Basic Law. I find it intriguing whether the Government is so confident that on this 25th anniversary of the promulgation of the Basic Law, the people can gain deeper understanding of the Basic Law and the concept of "one country, two systems" without having to commit additional resources. So, in this regard, I really hope that the Government can seriously consider how the Basic Law and the "one country, two systems" concept can be promoted to enable more Hong Kong people to gain a better understanding, while enhancing their recognition of their national identity. I think this will have a positive effect on the overall development of Hong Kong.

Furthermore, Deputy Chairman, I would like to make some comments on the Civil Service. In its last and current Budgets, the Government has proposed to create more than 2 500 civil service vacancies, believing that such a move will ease the pressure of manpower shortage on the departments. This is particularly so as this Government has made the addressing of the housing problem its priority. Therefore, the recruitment of civil servants has a very important impact on the departments responsible for land planning, development and home building.

Yet, I note that, and some people also have reflected to me that, the Government made rather slow progress last year in the recruitment of civil servants. This has affected individual departments in manpower replenishment, and existing civil servants have to continue to withstand heavy workloads and the pressure brought by manpower shortage. Thus, I wish that the Government can expedite its recruitment and launch the recruitment exercise originally scheduled for last year as soon as possible. This year, it has proposed to create 2 540

vacancies, among which some 600-odd are for replacing the posts taken up by existing non-civil service contract employees. So, the net increase in vacancies this year only stands at around 1 900. That said, I still hope that these vacancies can be created within this financial year, so that new recruits can get into their jobs soon to implement government policies and initiatives, and to ease the pressure on the existing civil service force. Meanwhile, I do not want to see that the recruitment of civil servants will be affected by the implementation of the arrangement for extending the retirement age for civil servants which was passed recently.

Deputy Chairman, sound civil service management and development are of paramount importance to maintaining the professionalism of the civil service force for it to effectively support the Government in its implementation of various policies and initiatives. The fringe benefits enjoyed by the civil servants, including medical and dental benefits, housing benefits and retirement benefits are all important elements for luring aspirants to join the civil service force to maintain its stability and continuity. However, since the implementation by the Government of a new entry system and a new set of employment and service conditions for new recruits in June 2000, many newly recruited civil servants under the new system told me that they enjoyed less medical, dental, housing and retirement benefits as compared with their counterparts under the old system. They are disappointed with being treated differently for the same work. Moreover, in recent years, medical and dental services and clinics for civil servants are all in shortfall, and civil servants very often have to wait for a long time before they can get the services.

The Civil Service Bureau said it had identified a suitable location in Fan Ling for a new clinic for civil servants, and expected it to be up and running in the first quarter of next year. However, given its remote location in Fan Ling, many people will query if one additional clinic will be enough, and whether locating it in Fan Ling is convenient to civil servants and can help to ease the pressure of the existing civil servant clinics. Coupled with the less favourable promotion prospects and years of service required, I think the Government has to face all these issues squarely and address them in order to lure talents to become civil servants to ensure the quality, stability and continuity of the civil service force.

Deputy Chairman, I so submit.

**MR WONG YUK-MAN** (in Cantonese): Deputy Chairman, I will continue with my speech on "Head 122 — Hong Kong Police Force". Apart from the cases of abuse of power by the Police which occur from day to day and leave a deep impression on many people, as I have mentioned in my last speech, a very negative image of the Police has been projected among young people during the Umbrella Revolution and what are the reasons behind? In this connection, we have to give an account of what the Police has done.

For those cases of rape and indecent assault occurred in police stations, cases of police officers arrested in the Mainland for procuring the service of a prostitute, cases of threatening sex workers, cases of procuring the service of a prostitute without payment of service fees, and so on, I will treat them as individual cases because there is always a black horse in a herd. However, what the Police has done when taking law-enforcement actions during the Umbrella Revolution is really unacceptable to young people. It is the opinion of Members of the pro-establishment camp in this Chamber today and some people of Hong Kong that the image of the Police Force, which is responsible for maintaining law and order in Hong Kong, has been damaged. However, they have failed to explore the reasons why a negative image of the Police Force has been projected among the young people. Let us pay no regard to those rumors and parody circulated in the Internet, as their contents have already gone overboard, making it difficult for most of us to accept personal attacks of this sort. Nevertheless, we still have to look at what the Police Force has done.

The Police, police officers and even the Commissioner of Police have, followed the example of "689" and reduced themselves to enemies of nearly an entire generation of Hong Kong people. I cannot help but wonder how they can enforce the law effectively in future. In the past, when police officers came across someone suspicious on the street and asked for a search, the target could do nothing but let them do whatever they want. I have witnessed similar cases several times. Anyone who have his hair dyed blonde or with tattoos would be stopped and questioned, as if people with tattoos or who have his hair dyed blonde are undoubtedly bad elements. The attitude of police officers taking the actions is also very rude and I have once tried to confront them, querying their justifications for doing so. Using abusive language arbitrarily has become their daily routine, yet they have got a nerve accusing demonstrators of using abusive language.

There is a recent incident which is even more ridiculous. In a concert organized by the Lingnan University Students' Union, a song was sung by a band

with abusive language. It is really no big deal since the band LMF had also put on a similar performance before and the artiste Anthony WONG had released an album of songs in abusive language. Is it really necessary to bother the University President with such matter and incite the pressure of public opinion to suppress the students? Among others, I would like to ask Junius HO, the former President of the Law Society of Hong Kong, and David LAN to go home and sleep. They simply do not know what is going on in this world but have and gone so far as to urge for the arrest of the students concerned. I see no reason why they have to be arrested for giving play to their creativity in singing a song with abusive language. Someone has even said that as the act took place in school area, a criminal offence has been committed. It would be disastrous if he is appointed the Secretary for Justice, but things are no better and equally disastrous with the incumbent one.

Why is the Police Force so deeply hated by the younger generation today? To be honest, instead of blaming people for insulting police officers, police officers should conduct a review of their past mistakes to find out the source of the problem. As a matter of fact, it is rather common for members of the public to be insulted by police officers, and this situation can be clearly reflected by what I have witnessed and heard in Mong Kok for 30-odd days. Sometimes, I do understand the situation of police officers who have to enforce the law in such undesirable environment. And I wish to express my sympathy if they become restless with anxiety and commit some misdeeds as a result. Nevertheless, there is no reason for them to resort to violence and adopt a "take for granted" attitude afterwards.

What exactly is the cause of the Umbrella Revolution? If we want to get to the bottom of the case, it was of course related to the incompetence of the Government and the constitutional reform but it was actually triggered by the arrest action taken by the Police against Joshua WONG, Alex CHOW and Lester SHUM, who had stormed into the Central Government Offices, and the detention of the three young students in a police station until a writ of *habeas corpus* was granted for Joshua WONG by the High Court on the grounds that he had been detained by the Police for an unreasonably long period. The Court also required the Police to handle the cases concerning Alex CHOW and Lester SHUM fairly. The three students were released only after a detention of over 40 hours in a police station. In view of such, how can public indignation not be aroused?

What justifications did the Police have in detaining them for 40 hours and releasing them only after a writ of *habeas corpus* was granted by the High Court? Apparently, they sought to detain them for 48 hours, the maximum period

allowed, but had no intention to lay any charges. The arbitrary arrest of student leaders and their detention for an unreasonably long period had resulted in an outburst of righteous indignation, causing tens of thousands of people flocking to besiege the Central Government Offices in Tamar, Admiralty, from all directions. The Police's abuse of power in detaining the three young students for 40 hours is the direct cause of the Occupy movement which lasted for 79 days. Having set themselves on fire, they became the victims of their own evil deeds.

Some police officers have failed to show or have deliberately hid from view their warrant cards or police numbers while on duty. When they were questioned about it, a common reply which we constantly received was: "I need no lecture. Shut up or I will arrest you and take you back to the police station." We want nothing but his police number only, buddy. Besides, as commonly shown in movies, police officers' uniforms all look the same to us and no one can tell if any culprits have posed as police officers out of some evil intentions.

Police officers on the footbridge in Admiralty have also been seen raising their middle fingers at protesters in the occupied area, and some police officers have even blatantly made discriminatory remarks against others. Let me cite some examples. In the occupied area in Mong Kok, an Indian-Pakistani woman who was born and brought up in Hong Kong was yelled at and told to return to India; Dr Fernando CHEUNG was asked to save the trouble of negotiating with them and go home to take care of her sick daughter. All these are improper remarks made by police officers. Most seriously, there were police officers resorting to blatant intimidation against a female demonstrator on the ground floor of the Admiralty Centre, warning her to talk no more or she would be taken to and raped in the police station. The personal integrity of these police officers is simply questionable. Buddy, how can they be trusted to perform their duties?

If these are regarded as isolated incidents, should investigation be carried out and follow-up actions be taken? Since these are isolated incidents, should they also be investigated if prosecutions are instituted for cases of raping a female suspect in a police station? However, the authorities have not done so. These are evil deeds but not evil enough to pose threats to personal safety. Among all sorts of atrocities, the most shocking one is of course the firing of tear gas canisters. On 28 September, the Police blocked off the roads to the Central Government Offices and I was also at the scene then. Anti-riot Squads equipped with rubber bullets, shotguns, self-loading rifles are deployed to the scene, displaying warning banners that read "Disperse or we fire" to disperse the people participating in the assembly.

We were also at the scene that day and I bore the showering of tear gas at a very close distance, but I have never made a big fuss of it. I just quietly asked my two assistants to accompany me to the hospital for some eye treatments. This is because I am suffering from eye diseases and I do not want to lose my eyesight. We have no complaint because there was no alternative available, and we would definitely be affected if the Police chose to fire tear gas canisters in this manner. However, a total of 87 tear gas canisters were subsequently fired by the Police at unarmed participants of the assembly in Connaught Road Central, the Queensway, the City Hall in Central, the areas surrounding Chater Road. We were lucky that there was no gunfire. Firing tear gas canisters in a place crowded with people will easily create panic and confusions among participants of the assembly, which will in turn lead to tragic stampede incidents and even cost lives. It is said that the SAR Government had an intention to kill that day and although some may consider it a bit far-fetched for saying so, I believe those who were at the scene that day would have no problem accepting the remarks.

After the outbreak of the Umbrella Revolution, the Police has repeatedly tried to clear the occupied sites but to no avail. At noon on 3 October, a group of thugs stormed to the occupied area at the junction of Nathan Road and Argyle Street in Mong Kok and the area was soon quaked with the roar of battle. Tents and banners at the site were ruthlessly destroyed, occupiers were attacked by people with arms, and some attackers have even took advantage of the situation and assaulted some female participants indecently. Police officers at the scene had kept their arms folded while the attack by this group of thugs was going on, and it was only after a number of people had been injured and tumbled over that a human chain was formed to separate the thugs and the occupiers, so as to let the occupiers leave and give chance for the Police to clear the site. Although a number of people suspected of attacking occupiers and the occupied area had been encircled, they were escorted to leave the scene by the Police and we can check this out from a number of footages on the Internet.

In an interview with a Hong Kong police officer published in *The Wall Street Journal* of the United States, it was revealed that there was widespread resentment against demonstrators within the Police Force. Many police officers were glad to see them being attacked by these thugs, and they would make fun of demonstrators bathed in blood. The police officer interviewed also stated that they were not unwilling to help but would wish to let the thugs have it for a while. Although many occupiers were severely beaten up and quite a number of them were secondary students, the Police simply set the suspects free and tacitly allowed the situation to deteriorate by not taking law-enforcement action at once. This is an abuse of power in the form of selective law enforcement, which is

tantamount to depriving people of their rights to express their views, and will endanger people's personal safety.

The "seven police officers in a dark corner" incident is another case which remains unresolved up till this day and would possibly become the people's collective memory. In the evening on 14 October, a group of demonstrators rushed onto Lung Wo Road in Admiralty and once occupied the road by setting up multiple road blocks. At the small hours of the following day, the Police pulled its forces together, started to clear the site and arrested 45 demonstrators. Ken TSANG, a participant of the Occupy movement, was brought to a dark corner in Tamar Park by seven police officers with his hands tied with plastic straps. In that dark corner, he was beaten up by the gang for up to four minutes. The whole process was video recorded by reporters of a television station and the footage was widely circulated on the Internet and extensively covered by overseas media. The acts of these police officers are basically no different from that of hoodlums.

Under the law of Hong Kong, section 3(1) of the Crimes (Torture) Ordinance (Cap. 427) clearly stipulates that "a public official or person acting in an official capacity, whatever the official's or the person's nationality or citizenship, commits the offence of torture if in Hong Kong or elsewhere the official or the person intentionally inflicts severe pain or suffering on another in the performance or purported performance of his or her official duties." Section 3(6) of the Ordinance also stipulates that "a person who commits the offence of torture is liable on conviction on indictment to imprisonment for life." It is an offence to inflict torture on suspects and law enforcers violating the law should be subject to more severe punishment for their lawlessness. However, no prosecution has been instituted against the "seven police officers". When Ken TSANG went to identify the suspects at an identification parade in a police station, someone deliberately lowered his head to avoid being identified. It is also said that arrangements have been made to have a few of the officers reinstated in other departments and it is exactly such acts of blatantly shielding each other that breed the hatred against the Police among the public, young people in particular.

However, the Commissioner of Police has tried to downplay the severity of such acts, claiming that these police officers who are suspects themselves are just exercising their rights to refuse to co-operate during the identification parade, just like the cases in which members of the public exercised their rights of refuse to co-operate by declining to sign an agreement for release on bail. Nevertheless,

those in question are police officers, whereas refusing to sign an agreement for release on bail is a personal legal right of the general public. The Police has the power to institute prosecutions so that the people under arrest would not be able to refuse to sign an agreement for release on bail, and they may even be detained for 48 hours before a prosecution is instituted. If anyone under arrest can successfully refuse to sign an agreement for release on bail, that means the Police does not have sufficient evidence to institute prosecutions, otherwise how can they do that successfully? Is this not a waste of police manpower and time? So many people, including some who enjoy a certain degree of popularity, have been arrested. However, it turns out that the Police has only carried out such arrest actions, not a single person has so far been prosecuted. Buddy, there are Legislative Council Members and dissidents among the people arrested. Why did the Police not bring all the cases to Court? Instead, the charges were subsequently dismissed.

Andy TSANG, the Commissioner of Police who is going to retire, seems to be very proud of and pleased with his nickname — the "Condor". When asked by his colleagues at a recent internal gathering of the Police about his feelings towards this nickname he has, he replied that it would be nice to say so since condor is preying on decomposed body and snake and rodent. As the Commissioner of Police, what exactly was he seeking to do in saying so, trying to boost the staff morale or what? What he has said can fully reflect his attitude and the implied meaning is very simple: police officers have to perform their duties according to the law, and it is correct to call them "Condor" because they are preying on snake and rodent as well as decomposed body. In other words, those under arrest are all snakes and rodents, or even decomposed bodies.

The remark made by Mr WONG Kwok-hing is another joke. He has a rather high popularity rating but surprisingly, he suggested that since Andy TSANG, the Commissioner of Police, had made such an outstanding performance, the Secretary for Security might consider retaining his services. It is simply ridiculous for him to say so. Having served as Members of this Council for so many years, does he not know that the Secretary for Security is not the supervisor of the Commissioner of Police? Does he not know that the Commissioner of Police has to be appointed by the Central Authority also? Does he also not know that there is an established mechanism for the transfer and promotion of officers in the Police Force? He has to leave when the time comes and on 1 May, it would be the turn of that Deputy Commissioner of Police surnamed LO to serve as the Commissioner of Police and, no matter what, Andy TSANG has to leave upon his retirement in May. Everything has to follow the

established mechanism and how can an exceptional arrangement be made to retain him in the post of the Commissioner of Police for four more years? This cannot be done since it is the system that counts and his subordinates should not be deprived of the opportunity to pursue further career development. How come he has the nerve to ask the Secretary for Security to retain his services? What power does the Secretary for Security have to enable him to do so? I can tell you, the power vested in the Commissioner of Police is even greater than that of the Secretary for Security. (*The buzzer sounded*)

**DR ELIZABETH QUAT** (in Cantonese): Deputy Chairman, Mr LI Fei, Deputy Secretary General of the Standing Committee of the National People's Congress has once said that the nature of the row over the constitutional reform was a contest with the authorities for the power to govern the Hong Kong Special Administrative Region (SAR); and that with the help of some external forces, some people were constantly inciting political disputes in an attempt to make Hong Kong an independent political entity. After learning the remarks made by Mr LI Fei, we might have thought that the pan-democrats' power struggle was simply about the constitutional reform. However, as soon as we saw the fact that the opposition camp has proposed some 200-odd amendments covering the fields of governance, constitutional development and district administration, we started to worry that their struggle for the power over the governance of the SAR was not confined to the constitutional reform. They wanted to paralyse the SAR Government or even to cause complete destruction to Hong Kong.

By proposing these 200-odd amendments, the opposition Members seek to cut not only the emoluments of the Chief Executive and principle officials but also the operation expenses earmarked for the Chief Executive's Office, the Chief Secretary for Administration's Office and the Financial Secretary's Office respectively. Hence, they have in fact trying to disable the operation of the entire governance team. What is more awful is that they are trying to slash all the personal emoluments and all the expenditure of the major disciplinary forces, including the Correctional Services Department (CSD), the Customs and Excise Department (C&ED) and the Fire Services Department (FSD). The law-enforcement arm to protect social order is almost chopped off entirely. If these amendments were passed, the possible scenarios are: We will have no CSD staff to guard the prisons; no C&ED officers to carry out drug enforcement work and combat parallel trading; and no fire engines to be dispatched to fight fire and save lives. Is there any difference between such situations and the situation where the SAR Government is paralysed and detrimental damages are inflicted to

Hong Kong? These amendments have not only illustrated how the opposition Members are trying to seize the governing power, but also nakedly reflected how they are trying to avenge a personal wrong in the name of public interests, as they are proposing these amendments to insult and punish those public officers who have carried out their jobs dutifully during the occupation period.

The 79-day Occupy movement, which has impacted on the rule of law, undermined social order, damaged the economy, disturbed the daily lives of Hong Kong residents, is widely denounced by the public. As such, the Police clears the road blocks, returns the roads to the public and restores social order in accordance with their duty requirements, the court orders and support given by all sectors of the community. Likewise, staff of the Department of Justice institute prosecution against the occupation protesters in accordance with their duty requirements to safeguard law and order. Nevertheless, the opposition Members is now targeting against the Department of Justice, the Security Bureau and the Police Force by proposing to cut their emoluments and operational expenditure. They are just trying to vent their dissatisfactions and grievances at these public officers.

Not long ago, Legislative Council Members still concerned very much about the safety of front-line officers in discharging their duties and whether or not their equipment were advanced enough to address the need in reality. For example, after the tragic incident of Police Constable CHU Chun-kwok, Members were extremely concerned about the safety issue of front-line police officers when they were performing "solo beat patrol". In February 2012, when we discussed the development of Asset Management and Maintenance System in the FSD, Members have also requested the Department to strengthen the safety measures concerning front-line fire fighters. However, Deputy Chairman, today we can see that the opposition Members simply ignore the personal safety of front-line police officers in opposing the estimated expenditure for acquiring water cannon vehicles, thereby exposing them to the direct impact from the rabid demonstrators. We have held a lot of discussions recently and we know very well that the purpose of acquiring water cannon vehicles is to prevent rabid protesters from charging police cordon lines when public sentiments run high, with a view to keeping a safe and appropriate distance between demonstrators and police officers. For that reason, water cannon vehicles are the necessary equipment for the Police to implement crowd management and maintain social order. They can also minimize the chance of causing injuries to protesters and front-line police officers. The opposition Members are trying to wage reprisal

attack by every possible means to undermine the strength of the Police Force. It is indeed a shameful act.

If we look at overseas police forces, such as those in the United Kingdom, Belgium, Singapore and South Korea, we can see that they are all equipped with water cannon vehicles and they have demonstrated that water cannon vehicles can effectively disperse demonstrators. During the Occupy London movement, the UK police deployed tear gas, flash grenades and water cannon vehicles to disperse demonstrators. Football riots are not uncommon in Europe. It is reported that Belgium has to deploy water cannon vehicles in every two months to control football fans riots. More than 10 days ago, protesters marched in Seoul and forced their way to the President's office in protest of the way the South Korean Government dealt with the SEWOL ferry sinking disaster. South Korean police had also deployed water cannon vehicles to disperse the crowd in order to prevent the eruption of bigger clashes.

Deputy Chairman, I have no intention to discuss whether or not the purpose of these protesters is proper. I only want to confine the discussion to the matter as it is. When large-scale demonstration takes place, it will affect social order, or even pose hazards to the personal safety of protesters as well as police officers. In case hazards are posed to the personal safety of protesters as well as police officers, the Police Forces across the world will mostly use water cannon vehicles to deal with the situation, mainly to protect the people, including members of the public and police officers. Opposition Members who keep saying international standards now disapprove the procurement of these water cannon vehicles. They say these water cannon vehicles are terrible and consider that the Police would drive these water cannon vehicles around town, using the water cannons to attack the public arbitrarily. They no longer care about what measures we can take to ensure the personal safety of the public and the police officers in the future large-scale public demonstrations. Are they not upholding double standards? I believe members of the public know it very well in their hearts.

Hong Kong has all along been enjoying the reputation as one of the safest cities in the world. In addition to the massive law-abiding Hong Kong people who respect the rule of law, this reputation is also attributable to the fact that we have a group of professional and dutiful police officers. Nevertheless, after the Occupy movement, as Hong Kong is rife with the fallacies like "breaking the law is not equivalent to disrespect for the law", and so on, and these fallacies are

victimizing young people in Hong Kong and undermining the rule of law. Now, in proposing a large number of amendments to cut the emoluments and equipment expenditure of police officers, the opposition Members are in effect cutting off the both arms of the Police Force and weakening Hong Kong's capability to maintain law and order in the community. In addition, other amendments which seek to cut the estimated expenditures of Policy Bureaux and law-enforcement departments are virtually paralysing the SAR Government. Deputy Chairman, I therefore oppose all amendments proposed by the respective Members.

Deputy Chairman, I so submit.

**MR CHAN CHI-CHUEN** (in Cantonese): Deputy Chairman, Dr Elizabeth QUAT's speech was full of specious arguments. If a "Master of Sophistry" competition is held recently in the Legislative Council, she should be the winner. Her remark that "the Police arrested the people but the Court discharged the people" is the most specious argument.

Dr Elizabeth QUAT said earlier that the purpose of putting forward a few hundred amendments by the opposition camp was to seize power from the Government of the Special Administrative Region (SAR). How can we seize any power? What power can be seized when we put forward some amendments? We can only oppose the government expenditure items at the most. Let me take opposing the acquisition of water cannon vehicles as an example. If the funding can really be deducted, the Government will have no means to acquire such water cannon vehicles. However, what power have I seized? Can I seize the water cannon and shoot her with it?

Deputy Chairman, Dr QUAT said earlier that water cannon vehicles were necessary equipment. What is meant by "necessary equipment"? At present, Hong Kong does not have water cannon vehicles yet. How is the situation? After the Occupy incident, has the Police Force suffered heavy losses? She mentioned the situations in South Korea and the United Kingdom. How could she compare the protesters in South Korea and the United Kingdom with the protesters in Hong Kong? In this Occupy movement, have the protesters charged into and taken over any shops? Have they burned any tyres? She mentioned international standard. The international standard is that the

government of a foreign country will be subject to public monitoring. However in Hong Kong, this SAR Government, especially the Police Force, is not subject to monitoring of this Council. In particular, this funding proposal for the Police Force to acquire water cannon vehicles is not subject to monitoring. And this is not in line with international standards.

Deputy Chairman, I originally did not intend to talk about the problems of the Police Force in this session. I will discuss the Police Force in detail later on. However, according to the latest news we have received, the Commissioner of Police, "The Vulture" Andy TSANG, will retire next month. Dr Priscilla LEUNG just said that he should be commended for what he has done. I think Dr Priscilla LEUNG should present a prize to him. Tomorrow at 9 am, a Guard of Honour Ceremony will be held at the Wan Chai Police Headquarters. When we now ask to reduce the annual remuneration of Andy TSANG, his successor will, in fact, be affected as well. However, there are causes leading to this outcome. There has been hearsay that Deputy Commissioner of Police Steven LO will be his successor. However, this is yet to be announced by the Government. If you like Andy TSANG, you can join the celebration tomorrow. For those who are against him, they can also go there and express their views.

Deputy Chairman, I will now continue to speak on "Head 21 — Chief Executive's Office". In regard to the reduction of the Executive Council's expenditure, my proposed Amendment No 18 seeks to reduce an amount of \$9.2 million, which is equal to the annual estimated remuneration of 10 non-official Members of the Executive Council. Originally, my assistant has listed out some wrongdoings of the Members of the Executive Council so that I can count them out. However, I find that if I count them out one by one, it will only be fair when all 10 of them are mentioned. If I only mention the Filipino helper incident of Mrs Regina IP recently, it seems that I am only directing against her. Given that the Chairman has asked us to allocate the time well, I believe it is better for me to allocate some time discussing the defects of the entire Executive Council first. For this moment, I will not discuss individual Executive Council Members.

In my view, the Executive Council is a black box, a monster, and a shield sheltering LEUNG Chun-ying. Although the Executive Council comprises 30 Members — 15 official Members and 15 non-official Members — and the Chief Executive, it is responsible to just one man. In fact, it only serves one man and

is being made use of by him. If the Chief Executive does not agree with the resolution made by a majority of the Executive Council Members, this only needs to be put on record. In fact, this rule already existed before the Reunification. While this was put on record back then, the sovereign state could review why the Governor of Hong Kong would arbitrarily make a decision in the Executive Council which was disagreeable to the majority of the Executive Council Members. Nonetheless, I am not sure if the existing practice of putting on record will have the same function as before. It is because these records are not necessarily made public and no one will be held accountable. This can be clearly seen in the incident of the Hong Kong Television Network Limited (HKTV) or the free-to-air broadcasting licence incident. The existence of the Executive Council has more disadvantages than advantages. Indeed, it may just as well be abolished. The Executive Council screened out the HKTV against the wish of the vast majority of the Hong Kong people, paying no regard to the recommendations of the Communications Authority (CA) or the consultant's report.

CHEUNG Chi-kong, one of the non-official Member of the Executive Council, said that it had to minimize the possible negative impact on the entire free television market as far as feasible, and avoid any cut-throat competition that would in turn lower the programme quality at the expense of the viewers. LEUNG Chun-ying said that although the existing free television market in Hong Kong was devoid of sufficient competition, a totally open market could not draw the best competition. Therefore, the adoption of a gradual and orderly approach was the correct step in attaining equality in the existing market. LEUNG Chun-ying also said that apart from the two free-to-air television broadcasters, namely, the Television Broadcasts Limited (TVB) and the Asia Television Limited (ATV), they could not issue unlimited licences. He was afraid that the market might not be able to support the operation of all five licensed institutions, and reckoned that they needed to select two out of three institutions to be the licensees.

(THE CHAIRMAN resumed the Chair)

On man has decided that only two out of three institutions should be selected as the licensees. How did he select them? The HKTV ranked third in

the three aspects of financial capability, investment plans and technical soundness, and only ranked last in the aspect of programming strategy and capability. Besides, in the analysis of overall competitiveness of the three institutions, the HKTV ranked second. The Executive Council argued that among the four major criteria adopted for examining and approving the qualifications of licence applicants, programming strategy and capability gained the most weight. However, why must programming strategy and capability be given more weight than the other aspects? How did the Chief Executive and the Executive Council assess that the HKTV has the worst programming strategy and capability? In fact, the Executive Council has not explained to the general public, and it is not required to do so. Because of such comments, Miss Jenny NG, Director of the company responsible for preparing the consultant's report, voiced her opinions. She openly criticized the Government that in its refusal to issue licence to the HKTV, it was taking the information of the consultant's report out of context and misleading the public by using the consultant's report as a shield. This was an insult to their profession. She said that this was a study report on market competitiveness. They have studied the impact of the matter on the entire market under different economic conditions, including the impact on the demand for personnel, the investment situation of Hong Kong as a whole, and the liberation of creativity. They did not conduct the study to see which institution would make a loss in business and which institution could continue to operate. She said that rather than reading the report as a whole, LEUNG Chun-ying only mentioned two paragraphs out of the whole report of 400 pages. She further pointed out that the result was being manipulated, and emphasized that the "two out of three" approach was not a recommendation from the report. The Government did not need to worry whether it would be difficult for the television broadcasters to operate if three licences were issued. The arguments of the Government were in fact illogical.

Mr Gregory SO, Secretary for Commerce and Economic Development, is very interesting. He once said — I always say he cannot understand my arguments — that cut-throat competition would be harmful to the interests of viewers and the public. Whenever I saw him, I would ask him about this issue. Then, one day, he said, "'Slow Beat' this issue is now outdated." As it has become outdated, there is no need for him to answer. Gregory SO has been setting up defense for this policy which stands against public opinions. He basically could not explain what was meant by introducing television competition

gradually and orderly, or what was meant by avoiding cut-throat competition. When television broadcasters compete among themselves in terms of their investment, amounts of capital, drama production, highest production cost for each episode of a drama, competition for artists, highest remuneration offered, cheapest charges for airing advertisements, and gifts offered to viewers, in what way will any of these activities impose negative impacts? Which one of such activities will cause greater loss to viewers or clients?

When more television licences are issued and the dominance by one television broadcaster is thus smashed, people can watch programmes with more creativity and higher quality, while the weaker television broadcaster will be eliminated. I cannot see that cut-throat competition will be harmful to public interests. At that time, I thought of an argument: Because of cut-throat competition, television broadcasters would compete among themselves through reducing prices and increasing their amounts of investment, so much so that they would invest disproportionately on drama production and suffer great losses, and have to close down in the end. Nonetheless, even if TVB is the only one left, I actually feel that Hong Kong people will not suffer any loss, as TVB is in effect the only broadcaster at this stage. When other television broadcasters close down, it is still fine when a new television broadcaster is willing to invest and take the risk of closing down. This is the same even if the one closing down is ATV, and we can now see that it is going to the wall.

Actually, the CA has suggested issuing licence. For the decision on the application of free-to-air television broadcasting licence, the Government has been repeating the same explanation all the time. What we originally asked the Government was not when the licence would be issued, but when it would give us a reply. Whenever Gregory SO answered our Oral Questions, he always said that the matter was still at the Chief Executive-in-Council stage. This has brought us back to my basic argument that the monster or the mechanism of Chief Executive-in-Council has basically rendered it unnecessary for the Government to be accountable to the public and this Council. When the whole matter has entered this procedure, it seems that no one can force it to say when the result will come out. If it was kind-hearted, it would announce on that day that the HKTV was not considered; on the contrary, if it persisted not to announce and everything was stuck, one could really do nothing with it.

The CA has suggested issuing licence to the HKTV, while the consultant's report has ranked the competitiveness of the HKTV second place. And according to the message we have received, Gregory SO and some Executive Council Members were in support of issuing licence to it. However, upon consideration by one man, the final decision was not to issue the licence. This is a kind of "black-box operation" carried out by the Executive Council. We have said so on the first day. We think that at least Hong Kong still upholds the rule of law. On 24 April, the High Court ruled in favour of the HKTV in a judicial review. The judge said that as shown in the records of the Executive Council, the approach of Chief Executive LEUNG Chun-ying was not in line with the broadcasting policy for an open television market. The court verdict pointed out that the authorities reviewed the broadcasting policy in 1998 and decided to open the television market. Hence, in the issuance of licences, they should have adopted a market-led approach so that the public could have more choices. Therefore, unless there were technical restrictions, the number of licences to be issued should not be capped.

In fact, whether or not a television broadcaster can survive and make profits is not the responsibility of the Government but something to be determined by the market. The Executive Council records showed that Chief Executive LEUNG Chun-ying was of the view at that time that the gradual and orderly approach should be adopted in considering the issuance of licences, and cut-throat competition would result if too many companies were issued with a licence. Eventually, they ranked the three applicants as a way to decide which company could get the licence. The judge thought that this was running against the established broadcasting policy of setting no limit to the number of licences to be issued, and the reasonable expectation as well as rights and interests of the HKTV. He thus ruled that the decision would be shelved for re-consideration by the Executive Council.

Some people have re-cherished hope and confidence in the chance for the HKTV to be issued with a licence. However, someone said that they were just happy too soon, as LEUNG Chun-ying could think of more reasons to hamper the issuance of a licence to the HKTV. I have read a very meaningful article today, and let me now read out a few sentences to share with Members: "Law, law, law. We have been saying this all the time. But still there is law but no natural morality. The Court ruled in favour of the HKTV, and the Executive Council has to re-deliberate the licence issuance case. This shows that the judge has still

not learned the lesson or prepared to co-operate well with the executive power. Genuine rule of law has not died yet, and praises are sung throughout the community. But then, we are even more amazed by the reaction of the Executive Council leader: The Executive Council handled the issue according to the law, and complied with legal regulations. It has not breached the law for not issuing a licence to the HKTV. Then, an appeal could be lodged in accordance with the law. It would rather delay approving the HKTV's application for a free-to-air television license than providing one more legal and reasonable choice to the public. Can this be regarded as being lawful and complying with legal regulations?" This article entitled "Nothing is left in this darkness except law, law and law" is written by Mr Albert LEUNG.

At present, the Executive Council can lodge an appeal. However, the appeal period is limited. I guess that it may not lodge an appeal, as this will turn itself into the enemy of people and will also waste public money. It can give up appealing and reconsider the issue. Nonetheless, reconsideration may make it worse. The Executive Council can, of course, follow public opinions and issue a licence immediately. However, judging from the character of that one man, is it possible for him to acknowledge his mistakes? If the issue is being reconsidered by the Executive Council, it will be drawn back to the deadly cycle. How long will they take to consider the matter? No one knows. How long will the questioning period be? No one knows. Therefore, I hope that Members can support my amendment to reduce the remuneration of the Executive Council Members.

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, I have explained earlier on why the remunerations of LEUNG Chun-ying and the Secretary for Labour and Welfare should be reduced.

Now, I would like to talk about the "constitutional reform trio" comprising the Chief Secretary for Administration, Secretary for Constitutional and Mainland Affairs and the Secretary for Justice. Their remunerations should also be reduced since they are incompetent and they are not worth their salaries. I think the trio should be renamed the "constitutional reform trio specializing in theft, deceit and blame" because over the last year, those were the deeds they did. Let me start with an account of what they have stolen.

Chairman, why did I say that they stole? We can see that at the outset, they pretended that they should arrange for a round of public consultation on political reform. They came up with the pleasing words of "Let's talk" to lure the public into expressing their opinions. In the entire process, they kept advancing straw-man arguments. They said that Article 45 of the Basic Law did not mention clearly that there should be civic nomination, and there was no international standard in the world. They just kept distorting the concepts. Then, they said the Nominating Committee was also to be formed by the four major sectors. Of course, as nobody was aware how serious the situation was, people raised their opinions during the consultation. The more moderate ones expressed that they could accept the four sectors and have one eighth as the nomination threshold, so long as people from the pan-democratic camp could join the race. Certainly, there were people who considered that this arrangement was not enough, and were determined to fight for civic nomination. In fact, we are all too naive. We put forth a lot of opinions, wishing that "Let's talk" will really happen.

They kept advancing straw-man arguments and distorting the truth throughout the entire process. LEUNG Chun-ying submitted a report to the Central Government. Consequently, the Standing Committee of the National People's Congress went to the extreme and announced the 31 August Decision (the Decision), "shutting three gates". The Decision is more extreme than any of the most conservative proposals put forward by Hong Kong. Thus, we can realize that the whole thing in fact is a big scam. What has the trio done in the entire process? They just lured the people into giving their opinions, then only to say afterwards that the Central Government had shut the gates, and we could only follow the Decision. With these words, they entered the second stage of "Deceit".

After the announcement of the Decision, they deceived the people by saying that under the Decision, allowing "one person, one vote" was already an improvement, and taking this small step was better than staying put. However, we really have to take a hard look at it. They always say that if it is easy to enter the race, the pan-democrats will have an opportunity to become hopefuls. Even though they have to be screened by the Nominating Committee before they can become candidates, the public at least will have two to three choices.

I would like to call on Members not to forget the nature of the Nominating Committee. Many people, including LAM Woon-kwong and Carrie LAM, have

said that the Committee has to heed public opinion. Can it ignore the public if some pan-democrats become hopefuls with substantial support?

Why does the Nominating Committee have to consider public opinion? What has public opinion to do with it? The Committee is a coterie, representing some 200 000 people — the figure may sound too good since there are 80 000 teachers sitting on it. As their interests are concerned, the members will put the interests of the coterie first. Thus, no matter how much pressure they are subject to in terms of public opinion, they will pay no attention. This is very clear.

Furthermore, I call on Members to learn from history. When Mr TUNG Chee-hwa was re-elected, his popularity rating was very low, the people were very much disappointed with him, but eventually, as the members of the Election Committee and the four major sectors remained the same, he managed to garner 700 nominations ... I will now explain why their salaries should be reduced.

**CHAIRMAN** (in Cantonese): Mr LEE, should you wait till the debate on the constitutional reform package to put forth these views?

**MR LEE CHEUK-YAN** (in Cantonese): However, I also have to explain why their remunerations have to be cut. Of course, I will cite more reasons later. I just said that we have to learn from history. At that time, the Election Committee paid no heed to public opinion and re-elected Mr TUNG Chee-hwa. Now, are they deceiving us?

Chairman, I ask for the reduction of Mrs Carrie LAM's remuneration because she has gone overboard in deceiving the public. She said that if there were three candidates then, they would have to face 5 million voters and had to listen to public opinion. If the people are not happy, they can cast blank votes, and blank votes also represent a kind of pressure.

Chairman, what is the point of casting blank votes? By then, everything has become a *fait accompli*, he has been elected the Chief Executive, even without legitimacy, it will be meaningless ...

**CHAIRMAN** (in Cantonese): Mr LEE, you should bring up these comments when the constitutional reform package is debated.

**MR LEE CHEUK-YAN** (in Cantonese): Chairman, considering the examples I cited earlier and the blank vote theory, I think the entire governing team is deceiving the Hong Kong public. Is it worth cutting their remunerations? Lately, they said that the Chief Executive must listen to the views of the 5 million votes. Yet, let us not forget that the 1 200 members of the Nominating Committee have overridden the 5 million voters. Chairman, what in fact has the trio done to ensure that Hong Kong's constitutional reforms can meet the requirement of Article 45 of the Basic Law? They have only advanced straw-man arguments to deceive the Hong Kong people. Under such circumstances, should we not reduce their remunerations?

At the outset, I referred to them as the "constitutional reform trio specializing in theft, deceit and blame", now, they have come to the stage of apportioning blame. They know very well that we consider this as fake universal suffrage and will surely veto it. However, they blame us for denying the people the opportunity to vote because the pan-democrats have decided to veto the package. Yet, who has the right to table the package? The SAR Government and LEUNG Chun-ying for sure. Although they are also subject to Communist Party of China, after all, LEUNG Chun-ying is responsible for this. Without mentioning the responsibility of LEUNG Chun-ying and the SAR Government, the constitutional reform trio has put the responsibility on the pan-democrats and blamed us for vetoing the package. They submitted a fake report to the Central Government in which public opinion was concealed. This prompted the Central Government to "shut three gates". Why did they not say that the Decision of the Central Government prevented Hong Kong's political system from moving forward? Why did they put the blame on us? In fact, we are only responsible for keeping the goal of genuine universal suffrage. The constitutional reform trio is simply reluctant to point out its responsibility. Therefore, Chairman, I consider that the trio are not worth their remunerations.

Moreover, one member of the constitutional reform trio — Secretary Raymond TAM — recently made a confusing comment which convinced me more that his remuneration should be deducted. In fact, he no longer deceived the public and directly expressed that the Central Government had made it clear

that there could be no refinements. So, he said passing the package was tantamount to buying properties. It could be changed for another package in the future.

The fight for universal suffrage is a serious subject, how can it be compared to buying a property or not? Even if I accept his far-fetched analogy, is it possible that I can really change this package for another one? There is a chance for a property to become a negative asset. Let us not forget that once upon a time, the Legislative Council discussed how to bail out those people with negative assets. Why did their properties become negative assets? This is because property prices will not go up forever, they will also come down. They always ask the people to be cautious with their investment. However, Raymond TAM deceived the people by saying that property prices would always rise and they could change their properties. This, however, is not the reality.

So, if we "pocket it first", the people of Hong Kong will not have genuine universal suffrage eventually. They said the public could "get on board" first, but this car is heading for fake universal suffrage and cannot turn back. Chairman, under such circumstances, why should the trio still be paid? Over the past year, what had they done for Hong Kong to realize universal suffrage? Mrs Carrie LAM did some poverty alleviation work, but Raymond TAM, and LAU Kong-wah whom I have not yet mentioned, were almost solely responsible for tasks relating to the constitutional reform. They did not have much Mainland affairs to take care of, just making overseas trips.

Chairman, why can this duo — including LAU Kong-wah who is now dubbed the "rubbish bin" — still get paid? All the work was not done by them. Upon the implementation of the accountability system, matters, big or small, do not have to be handled by the Secretary for Constitutional and Mainland Affairs. That being the case, it will be better to scrap this post as major matters will be taken care of by the senior officials and the civil servants will handle the minor ones. Both the posts of Secretary and Under Secretary should be scrapped to save money for the Hong Kong public.

Thank you, Chairman.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, after listening to the interesting arguments made by Dr Elizabeth QUAT, I cannot help thinking that one will not die if he or she does not speak, and no one will say a person is dumb just because that person does not speak. She was impudent enough to have said something even the Communist Party would not say. The Communist Party does not say that we are trying to seize power through the Budget. It does not say that. The Communist Party just describes us as "putting up a show", which is similar to the situation where the Chairman referred to our remarks as frivolous, redundant and not in line with the main theme.

I believe Dr Elizabeth QUAT could be very outrageous if she was a cadre during the Cultural Revolution. Measures like bludgeoning, labelling would all be ... This is the first time that I really felt like being thunderstruck. I did not know that we were supposed to make use of the Budget to seize power from the Hong Kong Government. Buddy, this is really a great invention. I really cannot help laughing. This is what even the Communist Party will not say.

(Sneezing sound)

Chairman, it is actually very simple ... Chairman, please take care. Are you very scared of such unbelievable matters? This gives us the creeps indeed. I really want to ask Dr Elizabeth QUAT if she has any grounds for her remarks about paralysing the Government. It is because the Government has 20 000% of power to make use of the contingency fund when the Budget is not passed. I have already mentioned this many times, but the Financial Secretary has a grudge against us and said that he would not use the contingency fund even if he could do that, lest we would take this as a general practice. This has been mentioned.

In fact, if filibustering should be staged in any places of the world or if some people should try to embarrass the government, such activities would all have a purpose. When did I say in the Council that if the Government did not give us universal suffrage, I would drag this Government into trouble? I only have three requests, Chairman, right? Of course, I have also mentioned about universal suffrage. Nonetheless, the requests for universal retirement protection, standard working hours and the \$10,000 cash handout mentioned by Mr CHAN Chi-chuen are actually very clear. Dr Elizabeth QUAT, have you mistaken anything? How can you be so outrageous?

I now repeat. Dr Elizabeth QUAT does not read books or newspapers, or she reads only the headlines of newspapers or the covers of books, because she does not understand the whole picture. If any one of our amendments is carried, the Government will have much trouble because it has to rewrite the Budget. This is the basis whereby we can impose pressure on it. The principle is just this simple. As for someone with great foresight like the Chairman, he could see that it would take a lot of time discussing more than 3 000 amendments and completing all the relevant procedures. That is why the Chairman made a swift and ruthless action so that most of my amendments could not be proposed. Nevertheless, he could see where the crux of the problem lied. However, Dr Elizabeth QUAT's debating capability is very poor indeed. Apart from reporting to the Chairman that I was wearing a pair of shorts, I think she can do nothing in this Council. This is the first point.

The second point is about Mr WONG Kwok-hing. I am now proposing to reduce the remuneration of Secretary Matthew CHEUNG, as he is an Official Member of the Executive Council. Some time ago, Matthew CHEUNG experienced a very smooth career path and was being promoted very quickly. This is just like the case of Gregory SO. Talking about official career, if Mrs Rita LAU did not feel ill, he would not be promoted to Bureau Secretary. If Henry TANG got elected as the Chief Executive, he would not stand a chance either. All things are just the opposite now. Some time ago when Matthew CHEUNG was the Secretary, Members from the Hong Kong Federation of Trade Unions (FTU) asked him not to leave the position as he was doing so well. I remember that he was promoted from the Permanent Secretary to the Secretary at that time. At the beginning, he said that he had wanted to quit the job, but changed his mind afterwards. Mr WONG Kwok-hing, do you not feel shameful? You asked a Secretary to remain in the position. After he has decided to remain, you scold that Secretary in this Chamber every day. We really have to be careful as it is just like an infectious disease. Chairman, you once said that when LEUNG Chun-ying asked about your health, he was in fact asking whether you were about to die.

The arguments of Mr WONG Kwok-hing are really interesting. He thought that as this official was doing so well, he should be asked to stay in the position. Back then, Mr WONG Kwok-hing had asked the Chief Executive to urge him to stay. He had either turned to the Chief Executive or the Chief Secretary. Today, the power of Mr WONG Kwok-hing has been greatly increased. He is turning to the Secretary for Security to urge the Commissioner

of Police to stay. Frankly speaking, should one not do some preparatory work beforehand? During the rule of the Hong Kong British Government, the Commissioner of Police had all along been directly responsible to the Governor. One will know simply by looking at his licence plate. He is one of the 10 major officials and holds a very prestigious position. The principle is very simple and I have already mentioned that. Chairman, since this state machine or the Police Force has to be relied on, the Police Force will be bloated with pride. Let me quote one very simple example. In Ming Dynasty, all the corrupt officials were killed, almost all the county magistrates were killed and a lot of meritorious statesmen were also killed. At the end, who ruled the country? The country was then ruled by eunuchs. When the policies and orders of a Government do not work, we naturally seek to reduce the remuneration of a lot of people for not doing a good job. There are problems with the entire administration. When the people feel that there are problems and come out to express their views, and you have no means to act as a buffer or find a political direction to solve the problem, you will then use force to suppress the public movement. When you use force to suppress the public movement, this queer cycle is formed. Is it right?

As Mr WONG Kwok-hing considers this Commissioner of Police doing his job well, he can turn to the Chief Executive to urge him to stay. However, this cannot be done as this will mess up the official system. This has happened before. During the governance of Donald TSANG or TUNG Chee-hwa, there was an announcement of the appointment of Secretaries. However, the Central Authorities said in the negative and that they were not to be appointed yet. This is another political joke. Frankly speaking, a person who relies on political power does not read books or newspapers at all. He does not understand the things that he should understand; but then, he still tries to offer some advice. Frankly speaking, Chairman, this is similar to the case of LEUNG Chun-ying. When he sends his regards and you answer him, problems may be resulted. If you drank two glasses of wine that night or you were carried away and thought that you were all right, you would be trapped or become a laughing stock.

Hence, I have to talk about the wrongdoings of Matthew CHEUNG now. He has been asked to stay in the position. He was sincerely asked by Mr WONG Kwok-hing to stay in the position. However, he is now being scolded by Mr WONG Kwok-hing from time to time. First, as the Secretary for Labour and Welfare, Matthew CHEUNG has failed to do a good job in not only the labour aspect but also the welfare aspect. Since LEUNG Chun-ying has

become the Chief Executive, he is unable to assist LEUNG Chun-ying. He is spineless. Before the Legislative Session commenced, LEUNG Chun-ying sent a letter to the Legislative Council to request us to commence the Session earlier as he had to implement an item listed in his political platform. At that time, his proposal to set up five Secretaries of Departments and 14 Directors of Bureaux was vetoed. He thus proposed to introduce the Old Age Living Allowance (OALA). Matthew CHEUNG knew well that LEUNG Chun-ying was harsh and unreasonable, or LEUNG Chun-ying was hungry for achievements — I understand this point — and as a high-ranking official, it was necessary for him to tell his boss, the Chief Executive, that this was not in line with the procedure as the Legislative Session has not commenced yet. His request was that we have to start earlier and convene a meeting to discuss his policy. He then set the schedule that the so-called OALA proposal needed to be passed within 10 days after the meeting was convened. However, this proposal was highly controversial and the Legislative Council could not be forced.

Chairman, during recess, you should have received his letter, and this was unprecedented. What kind of bad proposal was that? Actually, this proposal was putting the interests of the poor aside. The Government said to them that if the proposal was not passed, they would have one less month's allowance, as there was no retrospective payment arrangement. For the sake of not wasting time, the Government has done this very bad thing. Up till the present moment, it is still neglecting the miserable plight of these socially marginalized people on the one hand, and pressing the Legislative Council on the other, saying that if the proposal is not passed, these people will be very miserable. How is such approach different from the behaviour of some male chauvinists? For instance, I may say to my wife that if she does not let me get a concubine, I will kill our son. And I keep beating our son after saying that. Why does she have to say no when I want to get a concubine? Buddy, it is already very wrong of Matthew CHEUNG if he does not remonstrate against situations similar to this.

Secondly, in regard to the implementation of the OALA, due to the sloppiness of government officials and the fact that LEUNG Chun-ying was very domineering, the situation was getting difficult to handle and there were matters left unresolved. Despite the opposition from the Liberal Party and the FTU, he still has it passed forcibly. Chairman, I have mentioned many times that in order to implement the OALA sooner, the Government said there was no means test for the first year. The applicants could fill in the form casually. They could fill in the application forms almost with their eyes closed. From their point of view, it

was a waste of public money for not having a means test. However, while there was no means test for the first year, the means test would be introduced in the second year.

Chairman, I do not know whether any elderly people have visited your office to complain tearfully. However, some people did come to ask me: "Mr LEUNG, when you filibustered back then, were things not been settled so that there was no means test?" I answered that Mr Tommy CHEUNG played a trick back then and thus the proposal was passed. I said, "Grannies and grampies, you have not listened very clearly. There has to be a means test." They asked me what to do. After receiving the allowance for one year, they now have to fill in the forms again. Nonetheless, they do not know how to fill in the forms. Besides, they may not receive any allowance even after they have filled in the forms. This makes them worried. I told the grannies that money was only something trivial, and they should not take it so seriously. In fact, I have already said so at that time. When the Government struck the Legislative Council and me, there would have no space for discussion. As a matter of fact, there was this suggestion at the initial stage: "There is still distribution of money, and the median figure will be taken." That means if the original plan was to distribute an amount of \$2,300, it would be changed to distributing \$1,800 to all people. That way, society would not be torn apart.

**CHAIRMAN** (in Cantonese): Mr LEUNG, which amendment or which head are you speaking on?

**MR LEUNG KWOK-HUNG** (in Cantonese): I am talking about Matthew CHEUNG who is an Official Member of the Executive Council. I ask to reduce his remuneration.

**CHAIRMAN** (in Cantonese): Which amendment are you directing to?

**MR LEUNG KWOK-HUNG** (in Cantonese): Please wait. Let me see. It is about the Chief Executive's Office.

**CHAIRMAN** (in Cantonese): Which amendment are you directing to?

**MR LEUNG KWOK-HUNG** (in Cantonese): Please wait for a second.

**CHAIRMAN** (in Cantonese): How is the head relating to the Chief Executive's Office related to the Secretary for Labour and Welfare whom you are now discussing about?

**MR LEUNG KWOK-HUNG** (in Cantonese): What did you say? He is an Official Member of the Executive Council.

**CHAIRMAN** (in Cantonese): What is the relationship between the head concerning the Chief Executive's Office and an Official Member?

**MR LEUNG KWOK-HUNG** (in Cantonese): They are of course related, as he receives remuneration. As he receives salary as a Bureau Secretary, he does not receive remuneration here. Hence, I ask to reduce that part. Do you understand? I ask to reduce ...

**CHAIRMAN** (in Cantonese): If you have to speak on the Secretary's remuneration, you should put forward your arguments later on during the debate on the expenditure of the Labour and Welfare Bureau.

**MR LEUNG KWOK-HUNG** (in Cantonese): All right. I can alter the way I express my views. I heard Dr Elizabeth QUAT say ...

**CHAIRMAN** (in Cantonese): Please speak on the current subject matter.

**MR LEUNG KWOK-HUNG** (in Cantonese): You have to understand that I am a person who follows well-intentioned advice. Dr Elizabeth QUAT said that it was immoral for us to reduce all their emoluments. I thus ask to reduce that part of Matthew CHEUNG's remuneration here, which is the part of his remuneration that he does not receive as he is the Secretary. Of course, this can also be reduced later. Later on when ...

**CHAIRMAN** (in Cantonese): Mr LEUNG, your speech has deviated from the subject matter concerned.

**MR LEUNG KWOK-HUNG** (in Cantonese): All right. It is now almost time. I think one has to be honest and kind. You cannot tell him off on the hand, while urging him to stay on the other hand. I will talk about Andy TSANG in my next speech. In fact, briefly speaking, I have never heard of a Member who would behave like a courtier or a henchman and ask the emperor to award the meritorious statesmen. It is because there are systems in this world. I find that the speeches of Mr WONG Kwok-hing and Dr Elizabeth QUAT are full of feudal ideology. They do not understand that the Legislative Council is a representative council.

**MR TAM YIU-CHUNG** (in Cantonese): Chairman, the joint debate on the amendments proposed to the Budget has been going on for almost 20 hours. Just now Mr WONG Yuk-man pointed out in his speech that the pro-establishment Members were not speaking in the debate, saying that why we did not speak even though they were not filibustering. He was trying to convince us to join the debate. However, we can imagine that if we should keep making speeches, they would be given an excuse to filibuster because they could claim that the time arranged by the President of the Council might not be enough to accommodate the many Members wishing to speak. Therefore, we will not give them such an excuse.

Moreover, we can all see that when delivering their repetitious speeches, they were actually making use of the subject under discussion to attack the Chief Executive, the accountability officials and the Police Force. Chairman, you

have also witnessed such a situation. When they have run out of subject matters to speak on, they would demand headcounts, in the hope of prolonging the filibuster by extending the meeting time or even aborting the meeting.

(Mr LEUNG Kwok-hung stood up)

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, it is the duty of Members of the Legislative Council to attend meetings. Please invoke Rule 17(3) of the Rules of Procedure to summon those irresponsible Members back to the meeting.

He is indeed amusing, legislators not attending meetings ...

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

(Mr LEUNG Kwok-hung remained standing and talked loudly)

**CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please sit down. This is not your turn to speak.

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

**CHAIRMAN** (in Cantonese): Mr TAM Yiu-chung, please continue with your speech.

**MR TAM YIU-CHUNG** (in Cantonese): Chairman, as my speech just now have touched the sore spot of Mr LEUNG Kwok-hung, he once again requested a headcount. Certainly, they consider it cost-free to have headcounts, yet this will arouse a stronger sense of dissatisfaction among fellow Members and deepen people's resentment towards filibustering.

I speak against all the amendments seeking to reduce the remunerations of the personnel of the Department of Justice and the Hong Kong Police Force, as well as their various estimated expenditures. The Department of Justice and the Hong Kong Police Force play a very important role in upholding justice and maintaining law and order, and they have been doing a brilliant job. In particular, the Police Force has worked diligently and responsibly during the illegal occupation, enduring all sorts of insults. In the end, the crisis was resolved, while order was resumed in society and the roads were returned to the people. I believe that all these deserve recognition and compliment. We agree to their requests for additional resources or equipment, as they have been upholding the rule of law and order in Hong Kong in a highly professional and responsible manner. Over the past few days, Members have frequently referred to the proposed acquisition of water cannon vehicles. Quite a number of pan-democratic Members have spoken strongly against the proposal, opining that most of the recent protests were conducted peacefully, such as the anti-Occupy Central actions. Nevertheless, some very violent charging acts could still be seen on television occasionally. Indeed, the use of umbrellas, hard objects with sharp point, or bricks and spiked boards may cause injuries. We can cite many examples in which police officers and protesters were injured. Therefore, why do we not give consideration to a kind of equipment that can help to further alleviate the situations? Some consider the acquisition not necessary and no urgent need is involved. But then, the equipment is acquired for precautionary purposes. We certainly do not wish to see them being put into use, nor do we wish to see any Occupy Central incident recurring in Hong Kong. All I hope for is a peaceful, rational and reasonable society. However, we must get prepared for even the most remotely possible happening. Without such equipment, the Police will be subject to blame when problems arise. I still remember the scene at Lung Wo Road where the Police, could only spray water to a charging crown with a hose as they were not equipped with any water cannon vehicle then, yet they could merely wet the ground without achieving the purpose of dispersing the people. So, I consider it appropriate to take into account the factor that such equipment can help to alleviate the level of injury that may cause to police officers and protesters.

Chairman, we reject the amendments mentioned just now because we agree to the acquisition of additional equipment. Dr Elizabeth QUAT has frequently voiced out her views and published articles during the Occupy Central movement, and I find that many people share her views. Besides, her writings on the web have been circulated extensively and widely recognized by the public. Recently, she made a remark to reflect the people's feeling about a situation in society.

The remark was: "those arrested by the Police are acquitted by the Judges". The reason behind such a sentiment can be attributed to people's intense dislike of the protesters participating in the occupy activities. They consider the protestors' violent acts a source of social disorder and their ensuing talk about rule of law full of falsehoods, doing only harm to our young people and society. Therefore, they eagerly expect the Department of Justice to expeditiously institute prosecution against those unlawful behaviors, so that our society, especially the next generation, can learn clearly through court judgments that none of the radical or violent actions violating the law will be tolerated. However, many members of the public keep on telling me that they have learnt from media reports about the lenient sentences or even acquittal given to certain people participating in the occupation actions. This would especially cause concern among those people who treasure the rule of law and observe the laws strictly. They are worried that the Court may have sent out a wrong message and thus encouraged more violence-advocating protesters to follow suit.

Earlier on, some groups expressed their concern to the High Court and requested the Court's serious consideration of their aspirations. I will find it understandable if the people convey their views and concerns about certain social issues to the Department of Justice and the Court candidly and objectively. Also, we trust that the Department of Justice and the Court will truly know the people's actual feelings and the objective circumstances, and thus take appropriate follow-up actions, institute appropriate prosecutions and deliver reasonable judgments on the basis of law and in a professional and impartial manner.

On the other hand, seeing the effective uphold of justice by the Department of Justice and the Court, and the prosecution and trial of cases relating to social order, the public will have greater confidence in the rule of law. This is reflective of their love for Hong Kong, and is most welcomed by those Hong Kong people who cherish the rule of law. It is for this reason that the Democratic Alliance for the Betterment and Progress of Hong Kong will reject these kinds of amendments across the board. Certainly, through the concerted effort made by Members from the pro-government camp, we will stand fast at our posts and strongly vote down such amendments. As mentioned by Dr Elizabeth QUAT just now, such amendments would paralyse the SAR Government and ruin Hong Kong. As pro-establishment Members are determined to vote down the amendments, their purposes will never be achieved. Therefore, we will not lend our support to these amendments. Thank you, Chairman.

**MR WONG KWOK-HING** (in Cantonese): Today is the fourth day since filibuster has begun. If \$2.69 million is wasted each day, the accumulated loss for four days is \$10.76 million. Of course, the arrangement made by the President of the Council this time enables us to have an idea about the length of the delay, and I do not have to write down with Chinese calligraphy the amount of money we have lost every day and total the amount lost in four consecutive days. Even if I keep on writing the figures, they will not feel any pressure anyway. Rather, this is a good way for the public to witness how the filibustering Members abuse their power by saying something that seems logical. The public can see that they are in fact filibustering with speeches full of fallacies and thus wasting our money.

In fact, it is everyone's wish to have the Budget passed early, so as to enabling the quick implementation of the various relief measures proposed by the Government. Furthermore, this Legislative Session will end in mid-July, which means that there is not much time left. Given the large number of urgent businesses pending and Government's bills outstanding, I am afraid that Members will have no chance to move any motion before the end of July. Under such circumstances, I really think it is meaningless to have Members filibustering each year.

The amendments proposed by Members cover 62 heads, and the second debate involves 17 heads. I will reject all these amendments proposed by the filibustering Members. Regarding the so called reasons given by such Members in relation to these amendments, I wish to concentrate my response in a few areas. I have no intention to make a long speech, as repeating my words is tantamount to giving support to their filibustering tactic. Firstly, in their speeches made in these two days, some Members have referred to the incumbent Government and the Central Government as bogus regimes. I insist that such remarks must be refuted. These are extremely mistaken ideas which confuse the line between right and wrong, an attempt to mislead the public with such politically incorrect views.

The Government of the People's Republic of China (PRC) is the only legitimate government for us. How can it be referred to as a bogus regime? The Government of the Hong Kong Special Administrative Region is a government of a special administrative region under the PRC, how can it be a bogus regime? If they were some bogus regimes, I am afraid those Members

making such remarks would become bogus legislators of a bogus regime. This idea has terribly insulted the state and the constitution, humiliated seriously the Chinese people, as well as violated the oaths or affirmations made by such Members when they took office.

Chairman, what is a bogus regime? Those Members are still applying the anti-communist ideology of the old Kuomintang. In the past, during the Japanese invasion of China, a truly bogus regime, the puppet Manchukuo, was established in the three northeast provinces by the Japanese invaders. That was a bogus regime established with some traitors under the control of Japanese imperial government. Under that bogus regime established by the Japanese imperialists, WANG Jingwei submitted to the despotic power of the Japanese bandits and surrendered to Japanese militarism. Therefore, I do have a serious obligation to point out and criticize these remarks at the meeting. This is the first point.

Secondly, they have time and again reiterated the so called issue involving the termination compensation received by the Chief Executive, Mr LEUNG Chun-ying, before he came into office. This is an attempt of theirs to defame him again. In fact, the current term of this Legislative Council has conducted up to nine debates on the issue, and we have dealt with all the motion debates, demands for investigation and his step down, and so on. It is absolutely meaningless to mention this again. On the contrary, I have repeatedly pointed out that while cases of acceptance of political "black gold" by numerous Members and individuals from the pan-democratic political parties have been revealed by the media, none of the Members involved has ever explained and clarified the matter publicly in the Legislative Council. This is what they should do, but they are here acting like "thieves crying thieves" instead. Therefore, I hope that the people of Hong Kong can recognize the crux of the problem and demand a response from those pan-democratic parties and Members who had been discovered to have received "black gold". They are thieves crying thieves ...

(Mr LEUNG Kwok-hung indicated his wish to ask a question)

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

**MR LEUNG KWOK-HUNG** (in Cantonese): I want to know what his speech is about. What is the relationship between his speech and the Budget?

**CHAIRMAN** (in Cantonese): Mr LEUNG, this is not your turn to speak.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, I am the next one to speak. Please do not stop me when I refute him.

**CHAIRMAN** (in Cantonese): Mr WONG Kwok-hing, please continue with and focus your speech on amendments relating to the heads covered in the second debate.

**MR WONG KWOK-HING** (in Cantonese): Chairman, the points raised in my speech are all related to the second debate. My words just now are the best response to the attacks and defamation launched by their proposed amendments on the Chief Executive's Office and his team. I wish to point out the double standard held by the Members spreading defamatory remarks. However, as I have responded to such criticisms many times in the past, it is not necessary for me to repeat the facts and opinions already pointed out in this Council.

Thirdly, the publicity campaign held in relation to the constitutional reform covers issues on political system, constitutional reform and district administration, and it is extremely unfair and unjust for such filibustering Members to criticize the Government for wasting public money on the various publicity and promotional efforts on the Chief Executive election proposal. It is well known that the stance of the Members from the opposition and pan-democratic camp is to reject the proposal, yet the Government has the constitutional responsibility to discharge its duty regarding the development of the constitutional system and the constitutional reform. After the 18-month consultation exercise, it is time for the Government to introduce the proposal unequivocally and perform its duty to carry out different forms of publicity work. Surely the tasks will not be easy, as the publicity events are always met with protests. It is because of this that I hereby offer my appreciation and full support to the solidarity, diligence and determination displayed by the "constitutional reform trio" and the accountability officials.

Finally, I wish to talk about "Head 122 — Hong Kong Police Force" which is the subject of the fiercest attacks launched by the filibustering Members. They have not declared that they were in fact the culprits behind the so called Umbrella Revolution last year, which was a series of illegal occupation of roads lasting for 79 days. They have always been purposefully organizing behind the scene a range of movements with detailed plots to disturb the Hong Kong society, including the ongoing campaign against the election of the Chief Executive by "one person, one vote". However, no declaration has been made in respect of such roles. Appearing to be fair with their bitter criticisms, they issue some very malicious and vicious condemnations of the Commissioner of Police and the entire Police Force. Frankly speaking, as a legislator, it violates my conscience not to voice my view against this.

Therefore, I have to pay tribute to the unselfishness, bravery, diligence and sacrifice shown by the SAR Government as a whole, including the Security Bureau and the Police Force, during the incredibly difficult days of the so called Occupy movement. I personally would like to urge the Commissioner of Police who is soon retiring under the existing arrangement to remain in this position. I say this to show my respect for him and to relate the people's wish. What is wrong with this? There is absolutely nothing wrong. The Commissioner of Police is approaching retirement, and I would like to take this opportunity to offer my heartfelt gratitude to him.

Chairman, the Hong Kong Police Force has made enormous sacrifices and suffered great losses during the occupation period last year. On 11 December, a Police Sergeant bearing the surname of TAM fell into coma while on duty, and has since been lying unconscious. He has been hospitalized for 140 days and has to rely on tube feeding to maintain life support. Having suffered from stroke in the past, his father is unable to visit him in hospital even though he wants to do so very much. His elderly mother, in her seventies or eighties, has to go through four changes in transport before arriving at the hospital to visit her son. His younger sister shared the same private housing unit with him before, and is now facing difficulties to stay in the place as she is unable to receive salary payments. My fellow Members, even though you had not killed "Boren", "Boren" is now in critical condition because of your brutal activities. Do you not feel guilty? Where is your conscience?

It is in conformity with normal international practice for the Police Force to purchase three water cannon vehicles, yet the filibustering Members are still

trying to stir up trouble. When it comes to the duty of front-line police officers to maintain law and order, regardless of whether they are trying to set up buffer zones between the protesters and the police officers (*The buzzer sounded*) ... they will raise their objection anyways, I must say they are truly heartless ...

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Mr WONG Kwok-hing is really hilarious. Having heard his high-pitch voice and clichéd babbles, I really thought I had travelled back to 40 years ago and were listening to the broadcast of the China National Radio.

"Organized, plotted and planned" were the words MAO Zedong used to describe the Tiananmen Incident on 5 April, so as to smear DENG Xiaoping as the plotter behind the incident. At that time, Mr WONG Kwok-hing should be working for a trade union under the Hong Kong Federation of Trade Unions (FTU) concerning the dairy product industry. I assume he should have participated in the assemblies to criticize and denounce DENG Xiaoping. He should have said solemnly and sternly: Down with DENG Xiaoping! I originally do not plan to retort him, but he was so dramatic just now that I cannot help playing my part in return. I must thank him for quoting those words. He has in fact affirmed that we are the same as the revolutionary multitude of the Tiananmen Incident on 5 April.

To begin with, let me deal with the first question. Why paralysing the operation of the SAR Government or vetoing the Budget is an attempt to seize power? Chairman, if he wanted to find someone to blame, he should blame the Central Government. With regard to the Basic Law, Articles 50 to 52 under Chapter IV concerning Political Structure also cover this issue. That is to say, even the people who drafted the Basic Law are of the view that if the Government fails to secure the Legislative Council's support on its Budget, it has two options. Certainly, the Government can discuss the matter with the Legislative Council, but if it has tried in vain to force the passage of the Budget, it will have to dissolve the Council.

One of the important bills ... I have once asked Carrie LAM whether the constitutional reform proposal is an importance bill, but to date she has not given me an answer. I want her to tell the Central Authorities that as the mechanism is

designed by them, the Central Authorities are the root where the oppositions against China and troubles stirred up in Hong Kong have sprung from. It is the Basic Law's Articles drafted by the Central Authorities that gives the Legislative Council an opportunity to veto the Budget, which in turn forces the Chief Executive to dissolve the Legislative Council. In the end, if the Budget still cannot be passed, the Chief Executive has to step down.

Mr Alan LEONG, why have the Central Authorities become the culprit that opposes China and stirs up troubles in Hong Kong, and provides a legal basis for others to seize power? This exposes the fact that instead of doing their job of scrutinizing proposals in this Council, the pro-establishment Members are paying tribute to the Central Authorities. Can I not oppose the Central Authorities? Why can I not oppose them? Why do I have to "make it happen"? Scrape Articles 49 to 52 of the Basic Law! They have to answer my questions. They may as well ask the Standing Committee of the National People's Congress (NPCSC) to amend the Basic Law, or to simply repeal these Articles, so that we will have no chance to seize power and the Chief Executive can then become the most powerful person. Any proposals submitted to the Legislative Council can then be endorsed in the same way like those endorsed during the meetings of the NPCSC on the Mainland. At the NPCSC, the deputies do not need to speak on the proposals; all they need to do is to clap hands after the Chairman has spoken, so as to indicate their endorsement. How could they be so shameless? This is my first point.

They already know the result because they have pre-installed a "sure win" mechanism in their brain. That is why they can be so arrogant. Mr WONG Kwok-hing talked about the fake regime again. Frankly, why did he not consider the fact that the Communist Party had also revolted in the past? The Shanghai Municipal Government set up in 1927 ... MAO Zedong initiated an insurrection and set up a Government ... I forgot its name ... While he considered the Kuomintang government the fake regime, the Kuomintang also considered the Communist Party the fake regime. The reason why Chairman MAO is called Chairman MAO, not member MAO, is that he was the Chairman of the Central Soviet Zone, that is, the Chairman of the Chinese Soviet Republic and Chairman of the Central Government.

If Mr WONG Kwok-hing were in the Mainland at that time, he certainly would have killed all the Communist bandits. Why did the Communist bandits call them the CHIANG's bandits? It is because the latter advocated family

dictatorship of CHIANG Kai-shek, rather than passing the power on by means of election. As such, the Communist bandits certainly would not submit to them. Right? In terms of heroism, they were certainly more heroic. At the end of the war they called for Kuomintang's disarmament. Kuomintang called them the Communist bandits ... Buddy, at this critical moment, please read some books.

What is a fake regime? Chairman, it is simple. A government or a regime not authorized by the people is a fake regime. It is a hypocritical regime. Why is WANG Jingwei's regime fake? It is because he did not have the authorization of the people before he sought a peace settlement with the Japanese. He flew to Hanoi where he made all sorts of secret dealings and issued the *Yandian*, or the Yan telegram ... How dare he talk about WANG Jingwei. He has not even read WANG's biography ... WANG Jingwei called CHIANG Kai-shek's regime fake because he had seized power by a coup d'état. As the leader of Kuomintang, he moved the capital to Wuhan and called the Kuomintang government in Nanjing the fake regime. The communists called Kuomintang the fake regime because the latter did not have the authorization of the people and because after the Xinhai Revolution, SUN Yat-sen advocated that constitutional democracy would only come about after military unification and political tutelage. Buddy, that is why the communists called his regime fake.

Today, in a place as civilized as Hong Kong and at a time when the Communist Party has defeated Kuomintang, a new style of democracy is openly advocated, which is People's democratic dictatorship. Right? Members have read about all these ... Mr WONG Kwok-hing fled when I talked about him now, but he shouted himself hoarse in making his speech just now. I wish to tell Mr WONG Kwok-hing that he has repeatedly supported the wrong regime. During the 4 June Incident, he criticized DENG Xiaoping and LI Peng for massacring the Beijing student, called them the fake regime and thumbed his nose at them, swearing to topple them.

However, he fled out of the Chamber so quickly, not giving a shit. He has been a lackey all his life, serving whoever in power. How fake he is! His logic is simple. Anyone in power is the legitimate regime. Anyone in power can arrest people, beat people up and kill people. Anyone in power can snatch away people's power and then warn the people that if they try to get the power back, they are regarded as seeking to seize his power.

Chairman, Mr WONG Kwok-hing is of this standard. Frankly, it is a waste of my time to rebut him. He mustered up his courage, made his speech and left.

What I am trying to say is simple. The Communist Party considered the Kuomintang regime not formed by election but by a coterie of landlords and bourgeois. And since this regime suppressed the people with bloodshed, the communists had to topple the regime. Now, this bunch of people here, including Mrs Regina IP, said that it was a magnificent movement. If they were to go back in time, to the time under the leadership of Kuomintang or at a meeting of the Republic of China, would they, for example, Mr CHAN Kam-lam, not say that let all communists be killed? It is because Kuomintang was in power then. According to their logics, should all communists and their relatives not be executed? They all should be killed. Right?

We are just expressing our opposition in a peaceful manner. Buddy, the Communist Party has troops, the Red Army. They were in battle at that time. According to their logics, should they not all be killed? They called them martyrs and visited the martyrs' graves when they went to attend meetings on the Mainland. But these martyrs were in fact traitors. Right? It is because China was still under the reign of the Republic of China at that time and the People's Republic of China did not exist yet. Did they not advocate that the nation should come first and the principle of one leader, one party and one ideology be upheld? Do those Members know what they were talking about? They are lucky. The country that the Communist Party took over is now getting strong. A great nation is emerging. The Party thus gave them some lucrative posts, so that they could come over to the Mainland to do businesses or become deputies to the NPCSC, to let them muddle on. They can help others to get a position with money. As such, what else can they say?

I have said time and again that even if a regime is not established by election or by the people, it should still be good to the people. To put it simply, they should not repeat what the Kuomintang did in suppressing the Communist Party, and the Communist Party should not repeat what it did in suppressing the 4 June Incident that took place in Beijing. We are now trying to negotiate with them with reasons, saying that according to Annex I to and Article 45 of the Basic Law, there should not be any screening. But we were criticized by them in return. How could we not call their regime fake?

This is simply a fake regime because it is not elected by the people. If they admit that there should be democracy, they should then oppose all regimes that

are not authorized by the people, but they criticize and curse us instead. If a regime manipulates people's power and uses force, batons and its military power to hurt or even kill people, in order to suppress the people's regime, then this is a hypocritical and non-existent regime. That is all!

Let me come back to what Mr WONG Kwok-hing has said. He cited the saying "Even though I did not kill Boren, Boren died because of me anyways". Excuse me, information about the death of that police officer has been announced. He did not die because of the intense resistance staged by the protesters. He was injured on the day when we were collectively arrested on account of civil disobedience, and he had a sudden heart attack ... Of course, I do feel sorry for his death.

What was Mr WONG Kwok-hing trying to say? Was he trying to say that someone had beaten that police officer, kicked him and humiliated him? Could the slogan "I want genuine universal suffrage" scare him so much? Have we ever said that we wanted to kill that police officer? The video is the evidence. It shows where the incident happened. He spoke in crocodile tears, trying to win people's sympathy. How despicable he is! They all are despicable! He does not genuinely sympathize with the people. How dare he quote the saying "Even though I did not kill Boren, Boren died because of me anyways".

If he wanted to use this saying, he should use it on LI Wangyang. If there were not this bunch of "ass-kissers" who encouraged the Communist Party to use extreme violence on the already crippled LI Wangyang, who had spent more than 20 years in prison just because he said in an i-cable interview that he had not changed his original aspiration, would not be "declared having committed suicide". This is a genuine manifestation of the saying "Even though I did not kill Boren, Boren died because of me anyways". They now still smear him, echoing the conclusion made by the Hunan "black cops" that his death was due to a natural cause. What else can they say? Do not tell me that LI Wangyang is not a human being.

I put aside the 4 June Incident for the time being. A police officer has died while he was on duty due to his own ailment. How could they put all the blame on me? They encouraged the Communist Party to kill LI Wangyang and even put the blame on LI afterwards. As a human being, one should have a sense of integrity and shame. If they prefer eating shit, they should feel shameful about themselves for getting so dirty and should do it in the dark.

Chairman, at this juncture, I truly doubt whether Mr WONG Kwok-hing is a human being or not. Can I still regard him as a human being? Why does he have such logics? Using his logics, if I talked loudly today when I filibustered and a Member suddenly fell to ground in this Chamber, would he have to take revenge on me again? He might as well blame me for speaking too loudly, so much so that I have caused that Member to fall. He might then put the blame on me saying that "even though LEUNG Kwok-hung did not kill the Member, the Member died because of LEUNG Kwok-hung anyways". Mr WONG Kwok-hing, why do you not go to hell? It is better for you to die than to live. How could he wrong me like that? What kind of a person is he? Why would he have the FTU groomed such a cadre? His education is down the drain.

Chairman, you taught mathematics before. Could you please teach him some logics? There are necessary conditions ... There must be sufficient conditions to ... There are major premises and minor ones ... How could Mr NG Leung-sing, who is not present in the Chamber now, praised him? To be frank, how can the Government not introduce the subject of Liberal Studies in Hong Kong? In this Chamber, the truth is deliberately distorted, logics misrepresented. As a result, they smear their opponents and discredit their political enemies. What "black money" is he talking about? Is he sick or something? I have already provided information to the relevant committee of the Legislative Council and they will conduct an investigation. How come he said I did not provide any information? Buddy, how much money have the Democratic Alliance for the Betterment and Progress of Hong Kong and the FTU received before? (*The buzzer sounded*) ... they received money from the Mainland ...

## **SUSPENSION OF MEETING**

**CHAIRMAN** (in Cantonese): Mr LEUNG, speaking time is up. I now suspend the meeting until 2.30 pm tomorrow.

*Suspended accordingly at 8.02 pm.*