

# OFFICIAL RECORD OF PROCEEDINGS

Thursday, 27 April 2017

The Council continued to meet at Nine o'clock

## MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE LEUNG YIU-CHUNG

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

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

PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P.

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

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

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

THE HONOURABLE CHAN HAK-KAN, B.B.S., J.P.

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

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

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

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

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

THE HONOURABLE LEUNG KWOK-HUNG<sup>#</sup>

THE HONOURABLE CLAUDIA MO

THE HONOURABLE STEVEN HO CHUN-YIN, B.B.S.

THE HONOURABLE FRANKIE YICK CHI-MING, J.P.

THE HONOURABLE WU CHI-WAI, M.H.

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.

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

THE HONOURABLE KENNETH LEUNG

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

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK WING-HANG

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

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<sup>#</sup> According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

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.

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

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

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE ALVIN YEUNG

THE HONOURABLE ANDREW WAN SIU-KIN

THE HONOURABLE CHU HOI-DICK

THE HONOURABLE JIMMY NG WING-KA, J.P.

DR THE HONOURABLE JUNIUS HO KWAN-YIU, J.P.

THE HONOURABLE HO KAI-MING

THE HONOURABLE LAM CHEUK-TING

THE HONOURABLE HOLDEN CHOW HO-DING

THE HONOURABLE SHIU KA-FAI

THE HONOURABLE SHIU KA-CHUN

THE HONOURABLE WILSON OR CHONG-SHING, M.H.

THE HONOURABLE YUNG HOI-YAN

THE HONOURABLE CHAN CHUN-YING

THE HONOURABLE TANYA CHAN

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE HUI CHI-FUNG

THE HONOURABLE LUK CHUNG-HUNG

THE HONOURABLE LAU KWOK-FAN, M.H.

THE HONOURABLE KENNETH LAU IP-KEUNG, M.H., J.P.

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE KWONG CHUN-YU

THE HONOURABLE JEREMY TAM MAN-HO

THE HONOURABLE NATHAN LAW KWUN-CHUNG<sup>#</sup>

DR THE HONOURABLE YIU CHUNG-YIM<sup>#</sup>

DR THE HONOURABLE LAU SIU-LAI<sup>#</sup>

## **MEMBERS ABSENT:**

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

THE HONOURABLE YIU SI-WING, B.B.S.

DR THE HONOURABLE PIERRE CHAN

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**PUBLIC OFFICERS ATTENDING:**

MR RONALD CHAN NGOK-PANG, J.P.  
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

MR JOHN LEE KA-CHIU, P.D.S.M., P.M.S.M., J.P.  
SECRETARY FOR SECURITY

THE HONOURABLE LAU KONG-WAH, J.P.  
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE CLEMENT CHEUNG WAN-CHING, J.P.  
SECRETARY FOR THE CIVIL SERVICE

**CLERKS IN ATTENDANCE:**

MS ANITA SIT, ASSISTANT SECRETARY GENERAL

MISS FLORA TAI YIN-PING, ASSISTANT SECRETARY GENERAL

MS DORA WAI, ASSISTANT SECRETARY GENERAL

MR MATTHEW LOO, ASSISTANT SECRETARY GENERAL

**GOVERNMENT BILLS****Committee Stage**

**CHAIRMAN** (in Cantonese): Good morning.

(Mr CHAN Chi-chuen stood up)

**CHAIRMAN** (in Cantonese): Mr CHAN Chi-chuen, what is your point?

**MR CHAN CHI-CHUEN** (in Cantonese): Chairman, I request a headcount.

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

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

**APPROPRIATION BILL 2017**

**CHAIRMAN** (in Cantonese): Twenty Members have respectively given notice to move a total of 185 amendments, which seek to reduce different sums under 58 heads.

Committee will proceed to the second to the sixth debates in accordance with the amendments as set out in Appendices 1A to 1E to the Script.

Upon conclusion of the aforesaid debates, committee will vote on each of the amendments in the order of the heads involved, and then will put to vote that the sums for the 58 heads stand part of the Schedule.

**CLERK** (in Cantonese): Heads 21, 30, 46, 70, 72, 74, 80, 92, 94, 112, 114, 122, 142, 143, 144, 151, 163 and 174.

**CHAIRMAN** (in Cantonese): Committee now proceeds to the second debate. The themes are "Rule of Law, Governance, Elections and District Administration". The policy areas covered by the relevant heads are: Constitutional Affairs; District Administration; Civic Education; Administration of Justice and Legal Services; Human Rights; Security; and Public Service.

**CHAIRMAN** (in Cantonese): Fourteen Members, namely Mr CHAN Chi-chuen, Mr CHU Hoi-dick, Dr LAU Siu-lai, Mr WU Chi-wai, Dr KWOK Ka-ki, Mr KWONG Chun-yu, Mr Nathan LAW, Mr LEUNG Kwok-hung, Mr LAM Cheuk-ting, Mr James TO, Mr Andrew WAN, Dr Fernando CHEUNG, Dr Helena WONG and Dr CHENG Chung-tai have respectively given notice to move a total of 85 amendments to reduce the various sums for 18 heads read out by the Clerk just now. Details of the amendments are set out in Appendix 1A to the Script.

Members may now proceed to a joint debate on the amendments to the 18 heads. Members have been informed that there are about 11 hours for committee to conduct this debate.

I will first call upon Mr CHAN Chi-chuen to speak and move Amendment No. 1 set out in Appendix 1A to the Script, to be followed by other amendment proposers in sequence; but they may not move amendments at this stage.

**MR CHAN CHI-CHUEN** (in Cantonese): Chairman, I move Amendment No. 1 as set out in Appendix 1A to the Script, which is proposed by me to subhead 000 of "Head 21—Chief Executive's Office". It reduces the annual operating expenses of the Chief Executive's Office. The reduction amounts to \$117,362,223, equivalent to reducing the annual operational expenses of the Chief Executive's Office to \$777.

First of all, I would like to point out that in this debate, 14 Members will propose 85 amendments. The time for each of the 14 Members to speak twice will be already seven hours in total. The expected time for this debate is only 11 hours. Therefore I call on Members, whether they will propose amendments or not, to press the "Request to speak" button as soon as possible if they wish to speak because we may have to scramble for making speeches.

There are 17 amendments in this debate related to the expenses of the Chief Executive's Office. Why is my amendment the first? Because my amendment is the "harshest". My amendment reduces not only the personal emoluments of the Chief Executive, but almost the entire expenditure for the Chief Executive's Office, leaving a remainder of \$777. We all know that Members will propose such an amendment every year. Comparing my amendment to those of other Members, many of the latter's focus on reducing the personal emoluments of the Chief Executive, such as Amendment No. 2 proposed by Mr CHU Hoi-dick, which reduces half of the expenses on the Chief Executive's salaries as part of his personal emoluments. Moreover, Dr KWOK Ka-ki and Mr WU Chi-wai propose reducing the emoluments of the Chief Executive from April to June, meaning only three months of emoluments. Why only a reduction of three months of emoluments? I understand that it is to reduce the emoluments of LEUNG Chun-ying as his term of office will end on 30 June this year and the Government of the new term will assume office on 1 July. In this regard, I believe they should have given Carrie LAM the benefit of the doubt to not reduce her emoluments yet. However, I am puzzled, for they have called Carrie LAM "LEUNG Chun-ying 2.0" but now they do not think so anymore and so give her the benefit of the doubt?

Nevertheless, we still have choices: "big", "medium" and "small" reductions, as well as "super harsh", "medium harsh" and "little harsh" amendments. If Members consider my amendment which reduces the expenses to \$777 too outrageous and wish to state their positions, they can support those amendments which only reduce three months' emoluments of the Chief Executive. I suppose Members proposing these amendments will explain them to us later on.

The head of the Chief Executive's Office mainly consists of two programmes: Programme (1) Chief Executive's Office and Programme (2) Executive Council. In the reduction of \$117,000,000 proposed by me, \$92,900,000 belongs to Programme (1). So what does Programme (1) cover? It covers the Chief Executive's emoluments, the emoluments of the Senior Special Assistant who has been on the job since the handover of sovereignty in 1997, as well as the emoluments of Mr Andrew FUNG, Information Coordinator and self-proclaimed "White House Press Secretary". Later on, Members will propose amendments to expenses on the Information Coordinator.

One of the aims of Programme (1) is "to provide support to the Chief Executive in policy formulation and delivery of pledges made in the Policy Address". This is the greatest aim of Programme (1). We use public funds to "keep" the Chief Executive, and what do we want him to do? To complete the tasks he has proposed in the Policy Address. The Policy Address contains the standards and goals he has set for himself. If we wish to adopt a value-for-money approach to determine if he deserves the emoluments payable to him or if his emoluments should be reduced, it depends on his performance because he has set those standards and goals for himself. About the tasks mentioned in the Policy Address, how much has he completed?

Frankly speaking, in the last five years, the Chief Executive's Office has failed to deliver the policy pledges "689" LEUNG Chun-ying has made. In the remaining three months of his tenure—indeed less than three months; a tad more than two months—I do not see how his pledges will be delivered. The promises LEUNG Chun-ying made in the election five years ago still ring in our ears. However, five years have passed and nothing has hardly been done. For example, he promised to legislate for standard working hours, but the outcome is a discussion of whether contractual working hours should be formulated. I think Honourable colleagues from the Hong Kong Federation of Trade Unions find it utterly unacceptable. I remember that in the last Chief Executive's Question and Answer Session, Mr KWOK Wai-keung reprimanded LEUNG Chun-ying for failing to honour the pledges he made in his Manifesto.

LEUNG Chun-ying once said he would conduct a study on universal retirement protection; the outcome is a bogus universal retirement protection with means tests. LEUNG Chun-ying once mentioned the implementation of "Hong Kong Property for Hong Kong People", and he did introduce a seemingly "Hong Kong Property for Hong Kong People" policy but the "Hong Kong Property for Hong Kong People" property development projects have all ended up as paradises for Mainlanders and even the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region.

LEUNG Chun-ying has employed countless measures and moves to deceive Hong Kong people. The worst of his unfulfilled pledge is his advocacy of the "Hong Kong Camp" right after he was elected. After winning the election, LEUNG Chun-ying said there would be no more "LEUNG's camp" or "TANG's camp" but only a "Hong Kong Camp". Such a thought is embedded in the Policy Address, but what practical actions has he taken? In the last five

years, he has been stirring up dissension in Hong Kong through various means: he forcefully introduced national education, igniting the national education controversy once he took office; then he acted against public opinions to refuse to grant a licence to Hong Kong Television Network Limited because of the factor of "one single man"; while people were asking for genuine universal suffrage in a peaceful demonstration, LEUNG Chun-ying fired tear gas at them. LEUNG Chun-ying's desire to see the world in disorder has caused the split of Hong Kong into the two camps of "blue ribbons" and "yellow ribbons". LEUNG Chun-ying even did not hesitate to seek disqualification of a number of Members, creating further social dissension.

Given the forbiddance of a second term of LEUNG Chun-ying by the Communist Party of China, John TSANG stepped forward to declare his intent of contesting the election, becoming the rare aspirant who won the unanimous support of the leftist, moderate and rightist camps, though I did not support him. Subsequently, LEUNG Chun-ying kept attacking John TSANG who attempted to mend the rift. Yesterday, there was news that the original campaign slogan of Carrie LAM was not "We Connect" but "Reconnect". "Reconnect" was already printed on publicity materials, but then there were opposing views about it suggesting we were not connected then? The slogan carried insinuation about LEUNG Chun-ying and so was not adopted eventually. It shows that the number one mission LEUNG Chun-ying assigned to himself—creation of a "Hong Kong Camp"—is a failure. Even Carrie LAM once thought Hong Kong was disconnected and there was a need to reconnect.

Also, a recent incident can also shed some light on the failure of the "Hong Kong Camp", that is, after Carrie LAM was elected, her proposals for abolition of some controversial policies before she assumes office were met with LEUNG Chun-ying's resolute refusals. Even some Members from the pro-establishment camp supported the reopening of the Civic Square, but LEUNG Chun-ying refused. From him declaring his intention to scrap the "LEUNG's camp" and "TANG's camp" for the creation of a "Hong Kong Camp"—it was just empty talk of his—to today which is a tad more than two months before he retires from office, he has only been capturing protestors on a large scale. His actions to create conflicts and dissension were repeated betrayals of the pledge of creating a "Hong Kong Camp". He has many accomplices in the Chief Executive's Office, such as Andrew FUNG who helped him perpetuate his oppression and fanned the flames of troubles.

Another brazen act of vandalizing the pledges made in the Policy Address committed by the Chief Executive's Office and LEUNG Chun-ying is the destruction of the core values of Hong Kong. Paragraph 197 of the 2013 Policy Address reads "In my inaugural speech, I pledged to the Hong Kong people that I will safeguard the interests of the people, and uphold the core values of Hong Kong, including human rights, rule of law, clean government, freedom and democracy, tolerance of different stances and views, and respect for press freedom. Among them, judicial independence and the rule of law are not only our cherished core values but also the cornerstone of Hong Kong's success." Some four years down the line, LEUNG Chun-ying has incessantly issued litigation letters to media to curb the freedom of press; he has sued a Member for defamation to curb the freedom of speech; he has abused the judicial review procedure to seek disqualification of Members, obliterating judicial independence.

Under the governance of LEUNG Chun-ying, our core values have vanished, and the Chief Executive's Office has been an accessory to it. In the remaining two-odd months, LEUNG Chun-ying is doing work that is not related to Hong Kong and the Policy Address. The Chief Executive's Office will assist LEUNG Chun-ying in executing work not related to the Policy Address of Hong Kong, then why do we grant him funding? I have considered two amendments: one is to reduce the emoluments of the Chief Executive from 1 April to 30 June this year, which has been proposed by other Members; another one is to reduce the emoluments of the Chief Executive from 1 July this year to 1 April next year. I initially intended to divide them into two amendments for selection by other Honourable colleagues. But then I thought the President would adopt the same criterion—regardless of the purpose of reduction, only admitting amendments with larger reductions—to combine the amendments for handling, rendering it impossible to achieve such an effect.

My amendment seeks to reduce head 21 by \$117 million, and one item of expense in the sum is the emoluments of LEUNG Chun-ying from 1 April to 30 June this year. Why do I particularly want to reduce these three months of emoluments? Other Members, such as Dr KWOK Ka-ki and Mr WU Chi-wai, have also proposed similar amendments, and I will support them. The main reason is, since LEUNG Chun-ying was appointed a Vice-chairman of the Chinese People's Political Consultative Conference ("CPPCC"), he has not engaged himself in his proper business. I advise LEUNG Chun-ying to make

more donations in these few months because he is not doing the work of a Chief Executive; even though I cannot reduce his emoluments, he should feel ashamed in taking the payment.

Since LEUNG Chun-ying was appointed a Vice-chairman of CPPCC on 13 March this year, he has assumed the dual roles of the Chief Executive and Vice-chairman of CPPCC. From 13 March, apart from criticizing John TSANG and rejecting Carrie LAM's requests, he has rarely made public appearances and comments on local affairs. However, he has been actively pursuing matters not mentioned in the Policy Address. These matters are not taken forward after his careful deliberations but at the behest of someone else, meaning he is taking orders. Thumbing through the previous Policy Addresses—I have kept all of them to "collect my debts"—I have found out that since 2013, there was never ever any mention of the term "Guangdong-Hong Kong-Macao Bay Area" ("Bay Area") in the Policy Addresses. However, LI Keqiang mentioned in the Report on the Work of the Government delivered on 13 March that "we will promote closer cooperation between the Mainland and Hong Kong and Macao. We will draw up a plan for the development of a city cluster in the Guangdong-Hong Kong-Macao Greater Bay Area, give full play to the distinctive strengths of Hong Kong and Macao, and elevate their positions and roles in China's economic development and opening up". Since then, LEUNG Chun-ying has been dying to have the entire Government work for the "Bay Area" which was never mentioned in the Policy Address and his Manifesto. It can be said that he has not only followed orders, but is even more anxious than "the emperor". The Belt and Road Initiative was handled in this way, so is the "Bay Area" this time. He led a delegation to the Bay Area, requiring compulsory attendance of most Secretaries and Under Secretaries of the Policy Bureaux. As a result, Secretaries were absent from meetings of the Legislative Council panels. I remember at a meeting of the Panel on Constitutional Affairs, I expressed regret that no Secretary was present at the discussion on items related to elections and the Equal Opportunity Commission. I will settle this matter later with Mr Raymond TAM, Secretary for Constitutional and Mainland Affairs.

Reading the aims of Programme (1) in detail, is it not the job of the Chief Executive's Office to assist the Chief Executive in delivering the pledges he made in the election and the Policy Address? Why does LEUNG Chun-ying not pay attention to his own pledges and spare no efforts to deliver his campaign pledges in the remaining two months and so of his term of office, but rather focus on the

Bay Area and force all the government officials to do the same? This very act indicates that LEUNG Chun-ying has ceased playing the role of the Chief Executive. Now he is a Vice-chairman of CPPCC, which is a much more important role to him than Chief Executive of the Special Administrative Region. Of course, his term of office as the Chief Executive only has two more months left, but his job as a Vice-chairman of CPPCC lasts much longer. He has utterly given up his job of delivering the pledges of the Policy Address as stated in the aims of Programme (1). Therefore, we do not need to grant him his emoluments of April, May and June. I am sure he is happy to work for no reward.

In a nutshell, since he assumed office, LEUNG Chun-ying has not properly delivered his pledges made in the Policy Address and election. From the moment he took office as Chief Executive, we have been saying he is not qualified to receive such emoluments. Every year, many Members proposed amendments to reduce his emoluments. In the last few months of this financial year, he has not been engaged in his own proper business and so should not receive emoluments and support from the Government. In drawing a conclusion on his five years as Chief Executive, just as how I described him in 2015, he is "a morally bankrupt murderer of Hong Kong suffering from antisocial personality disorder who swears black is white and will be cursed by posterity". If honourable colleagues consider the reduction of my amendment to "Head 21—Chief Executive's Office" too "harsh", other Members will propose their amendments for their selection.

**Mr CHAN Chi-chuen moved the following motion:**

"RESOLVED that head 21 be reduced by \$117,362,223 in respect of subhead 000."

**MR CHU HOI-DICK** (in Cantonese): Mr LEUNG, I move that Amendment Nos. 2, 3 and 4, as set out in Appendix 1A to the Script, be passed, and they include first: Resolved that head 21 be reduced by \$29,399,500 in respect of subhead 000 (to reduce an amount approximately equivalent to half of the expenditure on salaries under personal emoluments for the Chief Executive); second: Resolved that head 21 be reduced by \$23,288,000 in respect of subhead 000 (to reduce an amount to bring the estimated expenditure on salaries of the Chief Executive's Office to be approximately equivalent to the level in

2004-2005); and third: Resolved that head 21 be reduced by \$7,509,500 in respect of subhead 000 (to reduce an amount approximately equivalent to the honoraria for non-official Members of the Executive Council).

Why do I have to propose reduction of various items of expenditure concerning the Chief Executive's Office? Of course, the amounts are actually just nominal, and basically we have to come back to the discussion on the Budget as a whole. As I said in my last speech, the powers of the Legislative Council should not be limited to making proposals for reduction of expenditures. The Legislative Council is the most important organization of public opinions in Hong Kong. It is a directly-elected organization returned by elections with the largest popular participation. It should have the power to increase expenditures and by proposing an increase in expenditures, the entire operation of the Government of the Hong Kong Special Administrative Region ("SAR") can more closely keep tabs on the pulse of the people of Hong Kong. Currently, the Legislative Council does not have this due fundamental power and therefore, we have to propose reduction of expenditures to express our dissatisfaction with the existing system.

At present, Hong Kong practises an executive-led system, so to speak. What does it mean to be executive-led? With regard to an executive-led system, when Britain set up a colony in Hong Kong back then, it had to govern Hong Kong jointly with a group of "big masters", major consortiums and owners of British corporations. It is because the colonist British Government had made relatively less financial commitments for Hong Kong and so, it was necessary to attract British consortiums to this new colony of Hong Kong to make investments, and as the British corporations wanted to develop the market of China, powers were therefore shared with them. Certainly, there was no democracy whatsoever to speak of at the time and in the process, all the policies of the Hong Kong Government actually focused on how to look after the interests of a group of major consortiums, banks as well as British tycoons on various fronts.

As for the Executive Council, it is exactly a direct extension of the colonial system. Regarding the situation nowadays, Members may take a look at the list of non-official Members of the Executive Council. While we say all the time that "one country, two systems" and "Hong Kong people ruling Hong Kong" have been implemented in Hong Kong after 1997, if we really have to make an accurate description of the reality, I think we can only say that this SAR Government has inherited from the British colony a system of joint governance

by the executive authorities, major consortiums and banks. Let us look at democracy. From the liberal 1980s under the British rule to nowadays when our democratic rights are strangled by Beijing, in the entire perception of the ruling regime, democracy has at best been placed in a position likened to a decorative vase, which is dispensable. Such mentality and perception are outrageously considered as most natural by many Honourable colleagues in this Council, and this is why we have seen the Legislative Council continuously castrating its own powers in different ways. They could refuse to accept the oaths taken by Members and disqualify them from office; they could look on while Members' right to speak was strangled in various panels and even at meetings of the Legislative Council and play the role of an accessory, thinking that there was nothing wrong with it; they could look on while the powers of the Legislative Council were reduced after 1997 where Members were deprived of the right to propose Private Members' Bills freely, thinking that there was nothing wrong with it. The Legislative Council now is even worse than that before 1997. On the other hand, the existing executive authorities have exactly inherited the despotic practices of the colonial era and the ruling mentality with the tycoons' interests at its core. For example, over the past few years, the Chief Executive has always said that land development is the most important of all priorities and that land development will enable the people to have a better life and improve their living environment. In the past few years, land supply has increased a lot, especially for private development. But let us not forget that when LEUNG Chun-ying took office, what did he say about the purpose and the effects expected of increasing land supply? As Members should recall, he said that he expected property prices and rents to not surge drastically, that we could have the conditions to make home ownership easier, and that rents would not be excruciating.

What do we find now? First, the increase in land supply has not curb the property prices. How are the property prices that we see now? A flat of some 200 sq ft is asking for a sale price of \$7 million. What effects have come about as a result? If you ask the view of the public on the street, they will say that they no longer believe an increase in land supply will mean better housing for Hongkongers. Why is this effect not achieved? Where lies the key interest of the SAR Government? Its key interest is the interest of major consortiums and banks. So how possibly will it restrict capital from overseas or China from flowing into Hong Kong—whether for consumer spending or other purposes—in order that the property market of Hong Kong will not remain on the high side? Will it take such a step? No, it will not, and it has all along been deceiving the

people of Hong Kong, giving them an illusion that property prices will fall in tandem with an increase in land supply. But it eventually turns out that an increase in land supply is meant to feed up the major consortiums, especially those coming from the North. This policy is a complete failure. The Government has entirely cheated Hongkongers of their support for its policy in this respect.

On the other hand, where is the money that we have made from high land premiums? This has to do with another policy agenda that the Chief Executive likes to talk about a lot, that is, to carry out extensive infrastructure projects. To this end, whether by way of felling trees or destroying farmland, some land must be made available anyway. But can this meet the demand of the people for their preferred forms of subsidized housing or affordable housing? No. We have sacrificed so much environmental resource in carrying out reclamations and removing green belts. What is the result? Land is sold to real estate developers, especially Mainland developers, and what we get in return is property prices that we would not be able to afford even if we live several lives.

Concerning the proceeds, the Government always said that land sale can generate a handsome revenue and this time around, the Financial Secretary said that a good result has been achieved in land sale. What meaning is there to us in achieving a good result? Why is it meaningless to us? Because such money cannot in the least improve our living. Rather, it is used to wreak further havoc on our environment and living space in the form of extensive infrastructure developments. This is no sustainable direction, and all in the SAR Government, an executive-led Government, from the Chief Executive to his office and to the Executive Council, are, in 2017, forcing the entire Hong Kong to go in a direction that we cannot keep going anymore. Our environment and the living of the general public should not continue to go in this direction.

To many people, their living is like a rubber band being pulled so long that it almost snaps. We can easily find many unhappy faces on the street, and there are often a lot of quarrels. This is a society being torn apart. Society is torn apart not because people have taken to the streets but because the executive authorities have followed the style of the colonist in acting arbitrarily and thinking that they are always right while being surrounded by the rich and powerful. Buddy, it is already 2017 now, and many Western countries have been reviewing their representative democracy to see if it can be further deepened, so as to develop a stronger sense of identity among the people. The

rights and living of each and every member of the public should be respected. This is most fundamental to a democratic political system but under such an executive-led system of the SAR Government, we are walking farther and farther away from a democratic political system.

Therefore, in proposing these three amendments I wish to tell the people of Hong Kong that we do not want such arbitrary political operation of the executive-led system. While our powers in the Legislative Council certainly should be enhanced, from a broader perspective, it is also imperative for the people of Hong Kong to really become the master of this city.

**CHAIRMAN** (in Cantonese): I have noticed that Mr CHU Hoi-dick moved his three amendments earlier on. I would like to draw Members' attention to the point that in every debate, only the Member proposing the first amendment should move his amendment, whereas the other Members who have proposed amendments cannot move their amendments at this stage unless the Member who proposed the first amendment is not in the Chamber, in which case I will call upon the next Member to move his amendment.

**DR LAU SIU-LAI** (in Cantonese): Chairman, actually, this year a number of Members have proposed amendments in connection with the second debate, with nine of them involving the Chief Executive, five involving the emoluments for the Chief Executive, three involving the operation of the Chief Executive's Office, and one proposed by me in connection with the Chief Executive's country residence at Fan Ling. These amendments, if passed, will mean a saving of \$150 million to the coffers. Actually, the amendment proposed by me is relatively mild, because only the expenditure of the Chief Executive's Office and the Chief Executive himself in one month, rather than these few months, is involved.

Compared to the amendments proposed by other Members whom I greatly support, such as Mr CHU Hoi-dick, Dr KWOK Ka-ki and Mr CHAN Chi-chuen, my amendment is actually relatively mild. Why is it so? It is not because I think that LEUNG Chun-ying has done a good job. Rather, it is because the punishment he deserves is more than reducing his emoluments or expenditure. He should go to jail. However, we can only propose in our amendments reducing his emoluments for a month as a symbolic gesture.

During his five-year term, LEUNG Chun-ying has committed heinous sins and torn Hong Kong apart. I am afraid it is absolutely impossible for me to name his heinous sins in 15 minutes. In his Manifesto, he said he would stay focused, not be afraid of hardships, and rise to the challenges ahead. Furthermore, he would overcome difficulties and adopt an inclusive attitude in coordination with all parties when there were differences. But what did it mean by adopting an inclusive attitude in coordination with all parties? It meant oppressing his opponents, wiping them out completely, silencing or killing them. How can such a person govern Hong Kong? How can we be convinced? As such, being unable to seek another term is the punishment he deserves. But more importantly, more practical sanctions should be imposed for his heinous sins.

Despite his promise of listening more, adopting a more tolerate attitude and being patient in seeking consensus, as we all know, during his five-year term, we have actually seen an expert in equivocation. He is not a Chief Executive who truly serves Hong Kong in the interest of members of the community. This explains why when LEUNG Chun-ying took office on 1 July 2012, the Civil Human Rights Front initiated the 1 July march, which was attended by 400 000 people, in a bid to kick away collusion between business and the Government, safeguard democracy and freedom, and make the liar step down. Over these five years, this liar has caused the worst damage to Hong Kong. Fortunately, he can no longer commit his sins after these five years. But still, we are very worried he will be replaced by a "Liar 2.0".

I once said that everyone seemed to be very excited when LEUNG Chun-ying announced that he would not seek another term. However, in his remaining six months, he would only commit more sins. He would definitely exert his utmost to destroy Hong Kong. This has turned out to be the case. He has sought disqualification of Members of the Legislative Council. Furthermore, it is heart-rending that some occupiers have been arrested and charged with the most serious offences, to be followed by relentless political suppression. At the political level, his suppression of opponents is absolutely unreasonable. Meanwhile, has he spared the people of Hong Kong when it comes to people's livelihood and welfare? Why did the rates of suicides and depression among the elderly continue to rise year after year under his five-year governance? It is because he has never honoured his promises made to the elderly. He has promised the old Madam LO that he will implement universal retirement protection seriously, but then he has reneged on his promise. Despite

his promise that he will implement standard working hours, the working hours of the people of Hong Kong are now the longest. Not only do elderly singletons live in hardships and the grass roots suffer year after year, but children are not spared, as Primary Three students are required to sit the Territory-wide System Assessment ("TSA"). As a result, they are facing increasing mental stress. It is only that newspapers dare not carry such reports for fear that the developments will worsen, but actually suicides by students or young men almost happen on the day. Why is it that all members of society, from the elderly, young people, the grass roots to children, cannot lead a good life? The devil is to blame for all this. Even "2.0", who wishes to express her goodwill, has joined the chorus by saying the Primary Three TSA has to be abolished, but has the devil spared our children? He still insists that TSA be retained for school children, so what intention does he have? What does he mean by staying focused? The answers are imaginable.

He often says that he is very popular and will stay focused in serving Hong Kong people. What has he actually done? We are absolutely clear that even children will not be cheated by him. His visits to the districts are intended to fool children and stage public relations shows in a bid to demonstrate his popularity. However, Hong Kong people who have discerning eyes, and even small children, understand what contemptible behaviour is. This is the true picture of Hong Kong. He as a person who loves playing with words is absolutely nonsense, for he feels no shame at all. Whatever public relations shows he will stage, Hong Kong people will not believe in him. Even a five-year-old knows what sort of person LEUNG Chun-ying is.

I will read out his evil deeds later. Nevertheless, insofar as the focus is concerned, netizens have actually enumerated his ever-changing evil acts committed during his five-year tenure, and the number has already reached 140, which translates into two evil acts monthly. Let me cite some examples randomly. What acts of failure and abuse of power, for instance, has he committed? The purchase of extra large canisters of pepper spray to be sprayed at demonstrators is an act of complete infringement of our personal safety and health. He is absolutely not allowed to do so because such an act is in complete violation of the international standard. The putting of Ms Melody CHAN Yuk-fung on the "low-profile" wanted list is another expression newly coined by LEUNG Chun-ying who loves playing with words. The firing of 87 tear gas canisters by the Police Force to disperse Occupy Central protesters is also regarded by the international community as an act of insanity, as the canisters

were fired at close range. Other incidents include the one involving the assault of Ken TSANG in a dark corner by seven police officers; the wielding of a baton by Franklin Chu King-wai indiscriminately to attack pedestrians; the call for tenders by the Police Force in relation to the spending of \$27 million on the procurement of water cannons; the all-out efforts made on the first day of the Lunar New Year to conduct a raid on hawkers, and the opportunity was taken to make up excuses to trigger bloodshed involving conflicts between the Police and the public; the cooperation between police officers and triads in Mong Kok and Leung King Estate to oppress hawkers in night markets; and the corruption scandal involving the decision made by the Department of Justice not to prosecute Timothy TONG, a former Commissioner of the Independent Commission Against Corruption. What are these incidents? Are they results of his act of staying focused, as they call it, in governing Hong Kong? Actually, their acts of oppressing their opponents and condoning their peers are most despicable.

LEUNG Chun-ying is absolutely politically inclined to oppressing his opponents and condoning his confidants. Why? Because a Chief Executive returned by a coterie election will only serve the rich and powerful. How despicable is he? He has even told the international media that, if the decision is to be made by the majority of people, they will definitely campaign for support from half of the Hong Kong public, whose monthly income is under US\$1,800. In that case, the final political decision will be tilted to the vast majority of Hong Kong people.

It turns out that he considers it a tilt if public coffers and policies are geared towards serving the vast majority of Hong Kong people; it turns out that his intention is for our policies and public coffers to be tilted completely to the rich and powerful. He could even have bragged about it without feeling ashamed in the international arena in making such remarks to the international media. Such a thick-skinned person is really despicable. During his tenure, he has made the poor even poorer, and the rich even richer. During his tenure, our most important core values, namely equity, cleanliness and the spirit of rule of law, have been destroyed completely. How can such a person be qualified to be our Chief Executive? Even though we cannot kick him out during the remainder of his term, how can he be qualified to be paid salaries from public coffers?

Speaking of universal retirement protection, we really feel deeply grieved. We can see that the living of our elderly people is hardly acceptable, even though

they are already in their twilight years. Given our enormous income and abundant surpluses, society has turned a blind eye to the well-being of the elderly. He would rather offer rates concessions and give away candies, with \$10 billion to several billion dollars doled out per annum. Despite his promise made five years ago, he still defaults on honouring his promise, even though we merely request a one-off provision of \$100 billion for the implementation of universal retirement protection, to ensure that the elderly will enjoy a sense of support. Nonetheless, over the past five years, our Budgets have continued to give away candies to benefit the rich. Members who are present here are actually rich people. They have so much money that they are unable to spend all of it throughout their lives. Nevertheless, the Budgets have continued to benefit these people and their friends, whereas the grass roots can hardly ensure that they are well fed and well clad.

Have these people watched the news? Have they taken note of the recent daily news reports on the grass-roots elderly having to get hot water from convenience stores before they can take a hot bath, as they have no money to pay their electricity bills and buy food to eat? Furthermore, they are not taken care of by anyone. However, the social policies, which were facilitated entirely by our Government and the Legislative Council, have made these people suffer continually. Meanwhile, those rich people whose assets are so abundant that they cannot possibly spend them all the rest of their lives will continue to have more money flowing into their pockets. This is the outcome of the coterie election. This is what the devil, LEUNG Chun-ying, has continued to do to harm the people's livelihood.

Let us examine how he panders to the rich. As in the past, even though \$35 billion has been set aside as so-called candies, the Budget this year is still caring for the rich while neglecting the poor. The 75% reduction in salaries tax and personal assessment will cost the Government \$16.4 billion and benefit the upper and middle classes in society. The 75% reduction in profits tax will cost the Government \$1.9 billion and benefit the absolutely rich people. The waiver of rates will cost the Government \$10.9 billion—I repeat, it is \$10.9 billion—and actually benefit the richest people who have a large number of properties. Even though they make money in Hong Kong, they are not required to make contribution to Hong Kong. On the contrary, they are exempted from tax payment of \$10.9 billion.

Of the \$35.1 billion worth of candies, 90% will benefit these rich people, whereas only 10% will be handed out as a relief for all the poor people, including the Comprehensive Social Security Assistance, the old age allowance, the "fruit grant", the Low-income Working Family Allowance, the Work Incentive Transport Subsidy, and double pay in social security payments. Actually, they all add up to \$3.5 billion only. Nevertheless, the Government is so heartless that even the \$260 million subsidy for the "N have-nots" has to be reduced. As a result, those people who have not enough food for their daily meals can only continue to struggle in deep water. The community in which I am living, Hung Hom, is a very special district. We can find not only upper- and middle-class people who lead a comfortable life there, but also grass roots from the old districts. We will also find elderly people collecting cardboards on the streets and poor people eating expired food which is not nutritious and hardly acceptable. If we venture farther, we will reach some fruit market stalls, where we will see elderly people collecting rotten oranges and vegetables unsold or left over. If we venture farther in the opposite direction, we will reach the Harbourfront Landmark. Here, we will see how luxurious the living style of the rich is.

How did this type of social gap come into being? We do not expect all the people in society to be equal. However, when we can see such an enormous gap in society, why should all this money still go to the rich, so that those elderly people who have spent their youthful years and even their entire lives contributing to Hong Kong have to lead an even more difficult life? How can we bear to see that? I think not many people in Hong Kong are so heartless. However, our Chief Executive, who is a man in high position, the Chief Executive's Office, the Executive Council, and the entire Government, which has many senior officials who are so very much detached from the ordinary masses, so much so that they do not even know how to buy tissue paper, are most heartless. They might think that those people should return to the Mainland and live there since they cannot live in Hong Kong! These people are in total disregard of the justice of society as a whole and the rights of Hong Kong people.

Having said that, what else can I say? Is Hong Kong running out of money? We are harping on old tunes again. Where else can our money be spent besides on the rich people? The answer is to be spent on some "white elephant" infrastructure which is utterly useless (*The buzzer sounded*) ...

**CHAIRMAN** (in Cantonese): Dr LAU Siu-lai, please stop speaking.

**DR LAU SIU-LAI** (in Cantonese): Therefore, LEUNG Chun-ying is despicable.

**CHAIRMAN** (in Cantonese): Dr LAU Siu-lai, please stop.

**MR WU CHI-WAI** (in Cantonese): In this session, I will speak on the proposal for cutting the remuneration of the Chief Executive. My focus will be on the dissension and conflicts LEUNG Chun-ying brought to Hong Kong society in the past five years in his capacity as the Chief Executive. Perhaps he considers it the duty of the Chief Executive to bring forth these dissension and conflicts to society, and that all the criticisms against him are imposed on him by the opposition camp out of context, directing at his personality, his governance and remarks. Come to think about this. Things must have gone rotten before worms are bred. Had LEUNG Chun-ying honoured his promise of building a "Hong Kong camp" when he assumed office, had he given up his practice of equivocation and striven sincerely for the future well-being of Hong Kong society, I trusted many of those criticisms would have gone. Come, think about this. Is this the case in reality?

During the election, LEUNG Chun-ying criticized his opponent Henry TANG's unauthorized building works incident unacceptable, claiming such conduct had failed the highest personal integrity expected of the Chief Executive. Yet, what happened in his case? When he was revealed to have unauthorized building works, how did he explain his case? Had he reflected on his mistake wholeheartedly? Had he engaged himself in self-reflection? The criticism he made back then is exactly what Hong Kong society wanted to express. We cannot accept a Chief Executive who lacks credibility and governs Hong Kong with hypocritical rhetoric. He committed the most serious and crucial mistake right at the beginning, that is, telling Hong Kong society that he was a Chief Executive of double-talk. Serve him right.

After taking office, he faced the issue of national education. The issue which involved the content of national education had stirred up a hornets' nest in society. The public perceived that the set of national education to be introduced did not aim at facilitating Hong Kong citizens and the younger generation in

grasping all the historic information a Chinese citizen should know as they expected, but was a selective approach of promoting good deeds and covering up the bad ones, seeking to heap praises on the ruling regime and the Communist Party of China and gloss over their wicked deeds. The incident has accurately reflected the values held by LEUNG Chun-ying at heart, that he does not trust Hong Kong society possesses the uniqueness to be the Hong Kong under "one country, two systems".

If every issue of Hong Kong is to be handled with reference to provinces and cities of the Mainland, there is no need to implement "one country, two systems" in Hong Kong, and Hong Kong will become one of the cities of the Mainland. If Hong Kong is only one of the cities of the Mainland, what is our value? In his visit to the Guangdong-Hong Kong-Macao Bay Area, the delegation led by LEUNG Chun-ying expressed that Hong Kong should integrate into the bay area in economic development expeditiously, striving for opportunities to become a member and a city of the bay area. Should we adopt this attitude? If we adopt this attitude, we will rightly destroy the core values of Hong Kong. For the core values of Hong Kong lie in our difference from cities in the Mainland, that we aspire for human rights, the rule of law and freedom which a civil society should have and that we have a set of universal values compatible with the international community.

However, under the governance of LEUNG Chun-ying, all of these are considered unimportant. In his eyes, the so-called rule of law is merely a means of oppression, and he regards the rule of law a tool for political prosecution which he can exploit wantonly. To him, human rights equals to remarks posing endless and boundless challenges to the SAR Government, or as he said, he also enjoys freedom of expression. He has simply forgotten that as the Chief Executive, he must be cautious with this words and deeds, and his remarks should always be based on the interest of the public. When the community criticizes him for making remarks not in the interest of the public, he should reflect on and rethink about the remarks to identify the crux of the problem. Yet, he has not done so. He has supposed chosen to be in opposition to society. He has chosen conflicts and dissension, adding fuel to the flames.

In a society, there are always two sides of opinions to a policy. Some people may think this way and others may think the other. It is like the two sides of a coin. What is his obligation as a political leader, as the Chief

Executive? He is supposed to identify a solution to enable society as a whole to find a way out in the course of discussions over these conflicts and oppositions. Yet, he has not done so. He simply added fuel to the fire. Even for an issue which society as a whole has a common direction, such as the housing issue which the Chief Executive keeps mentioning as the most important task in the governance of Hong Kong, he has chosen to go against the will of society. He always says that Hong Kong society should ensure land supply to meet the demand and construct additional flats to enable the public to live in peace and work with contentment. We have pointed out that there is an accumulated shortfall under the Ten-year Housing Programme in various types of public housing including public rental housing, Home Ownership Scheme flats and subsidized sale flats, so the overall objective and direction should be focused on providing affordable housing for the public. Yet, the Chief Executive and the Development Bureau, as well as the Transport and Housing Bureau, keep saying that the direction is impracticable, for the authorities must continue providing land resource for private housing to increase private housing supply in order to curb the rise in property prices. Have they made it?

Hong Kong is a small place. If the authorities are to allocate land resource to cope with the idle fund or hot money coming from all parts of the world, how can it make it? From this angle, he has failed to prescribe the right remedy to address the housing problem. As a result, he has to face criticisms of colluding with the business sector and paving the way for hot money and capital of the rich and powerful from the Mainland for channelling funds. This is an apt reflection of the overall policy vision of LEUNG Chun-ying. He is self-centred. He lacks any policy vision and logic. He lacks the ability of observation, failing to perceive the best direction in which society of Hong Kong should head. In fact, this is most unfortunate to society of Hong Kong.

In the past five years, we have been LEUNG Chun-ying striving to pave the way for his reappointment. In the course of paving this way, he considered that if he could not gain the trust of society, he would stir up all kinds of issues to provoke opposition and dissension in society. He has degraded the pursuit of changes in the constitutional system by the community of Hong Kong to a process of seizing the power of the Central Authorities and LEUNG Chun-ying. He regards the core values treasured by society of Hong Kong as something meaningless (*A phone rang*) ... Sorry.

Therefore, in my view, LEUNG Chun-ying is totally not qualified to receive any remuneration in his remaining term of three months. On the one hand, it is definitely because his policies have given no regard to the core values of society of Hong Kong and public interest. On the other hand, he only regards Hong Kong as one of the cities in the Greater Bay Area or the Pearl River Delta Region. Has it ever come to his mind that Hong Kong's experience in and its universal values being compatible with the international arena are aspects which Mainland China badly needs to address and learn. He is only thinking about establishing a Hong Kong-China integration platform expeditiously so that Hong Kong may assimilate into life on the Mainland. Why is it not the other way round? Why do we not influence Mainland provinces and cities with the core values of Hong Kong and our experience of integration with the international community, so that they will be geared towards a more civilized and developed society? This aptly reflects the attitude of LEUNG Chun-ying at heart.

During the election of the Chief Executive, LEUNG Chun-ying could not stand for re-election, yet he was offered a higher position, a Vice-chairman of the National Committee of the Chinese People's Political Consultative Conference. I have condemned the appointment for setting an extremely bad precedent. "Hong Kong people ruling Hong Kong" is always mentioned under "one country, two systems", and it has never been mentioned that a leader of Mainland China may assume the office of the SAR leader in parallel under "one country, two systems". However, LEUNG Chun-ying has failed to give regard to this simple and fundamental premise in upholding "one country, two systems". He is overwhelmed by complacency, savouring how prestigious he is to be one of the State leaders of China and the head of the SAR Government to manipulate things in Hong Kong.

Even though leaders of China have mentioned that the Chief Executive should identify ways to resolve the deadlock and dissension in society of Hong Kong and unite society, he has acted in the opposite. Whether or not the public like the new government, the community considers it necessary to take some steps to ease the deadlock of confrontation, such as the opening up of the Civic Square and the abolition of the TSA (the Territory-wide System Assessment), and so on. These are actions of good will which may resolve the conflicts in society in an orderly manner and create opportunities. How terrific LEUNG Chun-ying is. He said he would neither accept nor consider any of these. As for the opening of the Civic Square, he said that given the serious threat of terrorist attack, he could not consider opening the Civic Square for safety reasons.

Will the SAR Government and LEUNG Chun-ying please show more respect to the wishes of the people and the community of Hong Kong? If certain actions or issues will not affect the Government, why does he not simply do them? Why would he choose to adopt an attitude of confrontation and provoke dissension in every issue? Is this how a qualified Chief Executive should behave? I completely disagree that the Chief Executive can take on a role of spreading dissension (*The buzzer sounded*) ...

**CHAIRMAN** (in Cantonese): Mr WU Chi-wai, please stop speaking.

**DR KWOK KA-KI** (in Cantonese): Chairman, I rise to speak on the amendment to head 92 regarding the reduction of the salary of the Secretary for Justice by \$1,009,000, and the amendment to head 21 regarding the salary of the Chief Executive. Hong Kong maintains the so-called "one country, two systems" and "Hong Kong people ruling Hong Kong" under the Basic Law. However, in the past 20 years, we could see that the independent judicial power and power of final adjudication conferred on Hong Kong by Article 19 of the Basic Law were being destroyed.

Rimsky YUEN, the Secretary for Justice, who ought to defend the independence of our judicial system, worked in duo with LEUNG Chun-ying to turn the Department of Justice into a tool of oppression akin to the so-called "East Yard". In the Mainland, there was the "709 crackdown", how about in Hong Kong? This morning, the Police arrested a group of people who participated in the demonstration against the interpretation of the Basic Law on 6 November last year, including League of Social Democrats Chairman Avery NG and deputy secretary general Dickson CHAU, as well as some members of Demosistō and the Political Reform Concern Group of Tertiary Education Institutes. We have yet to mention the nine initiators and supporters of the Umbrella Movement who were charged with disproportionate and extremely serious offences, plus the disqualification of Members which is still in progress.

It can be seen that the entire Department of Justice, Rimsky YUEN in particular, is a tool of oppression, making a concert effort with "689". The fact that this so-called "Umbrella Movement" case has been dragged on for more than two years before charges were laid is already quite unfair. What is even more ridiculous is that Rimsky YUEN, who ought to protect "one country, two

systems" and maintain Hong Kong's judicial system, did not make any fair remarks or heap any reproaches to resorting easily to the Standing Committee of the National People's Congress ("NPCSC") for interpretation of the Basic Law. Instead, he embraced these practices which undermined the rule of law in Hong Kong and connived at the interpretations of the Basic Law by NPCSC.

Such a person does not deserve us paying him salaries. Of course, Rimsky YUEN may not care because it has been reported that he will return to his stellar chambers after 1 July and comfort each other with people like Ronny TONG. We think he should not even receive the salary of these three months. He should feel ashamed of himself when facing the responsibilities entrusted to him by the public, their trust and expectations. In Hong Kong, we place emphasis on the separation of powers and attach great importance to the judicial system. However, we noticed that prosecution has become the best weapon of political oppression during his term of office. As for incidents in which the Government condoned law enforcement officers, he continued to handle them with a slow beat. The Franklin CHU case has been dragged on for 852 days. Not until the Independent Police Complaints Council appointed by the Government continuously ... they denied at first, then after rounds of wrestling, the Police finally made arrests in respect of the Franklin CHU case. Former senior Government official, Mr Joseph WONG, once stated, to this effect, that "the Secretary for Justice has a constitutional responsibility to ensure the people's confidence in the Government's ability to make impartial and fearless prosecution decisions within a reasonable period of time, realizing the basic principle of 'not only must justice be done, it must also be seen to be done'."

The Government has the greatest power. Police officers are armed with guns and many powers. The people do not have any power to confront the Police, hence, they have to seek justice through legal channels. What is justice? The case has been dragged on for 852 days. But for the powerless people, the only channels through which they could expose some intolerable matters are demonstrations, assemblies or civil disobedience. One might say that the 79-day Occupy Central has affected the work of many people, but why did Occupy Central happen in the first place? It was due to NPCSC's 31 August Decision which "shut the door" on universal suffrage. The NPCSC interpretation can deprive Hong Kong people of their right to universal suffrage as provided for in the Basic Law. The proposal on bogus universal suffrage that it put forth was outrageous in the sense that it would be up to a nominating committee controlled by them to pick two to three candidates, and each candidate must have the

endorsement of more than half of the members of the nominating committee. Such conditions would definitely lead to the case of "777" Carrie LAM. Regina IP would not be eligible to stand for election, nor would John TSANG. This is because the Communist Party of China would make sure that there is sufficient force in the nominating committee to control the nomination results once it has decided who should be the Chief Executive, forcing Hong Kong people to accept the result. What can the people do in the face of this powerful state machinery and the "689" Government that it habours?

What can be done apart from peaceful assemblies, demonstrations and civil disobedience? Anyone who has a little conscience would know that Hong Kong has embarked on a road of no return of losing "one country, two systems" and "Hong Kong people ruling Hong Kong", and would see that this so-called proposal for universal suffrage written into the Basic Law is downright bogus, just like what we would call a scam. Either this scam or nothing, do you accept it?

This "777" Government has yet to assume office, but the spokesperson in Beijing has already stated that there is no room for discussion and that another constitutional reform cannot be proposed. I have never seen such a shameless and outrageous person. If DENG Xiaoping was alive to realize that his successor ignored and despised the Basic Law like this, he might walk out from his coffin because he was clear that that "one country, two systems" promised to Hong Kong people was an unprecedented arrangement by the State to protect Hong Kong's original systems. What original systems are being protected in Hong Kong? Civil servants are politicized, their political neutrality is lost; law and justice are under great pressure.

Not only did the Secretary for Justice fail to fulfil his responsibility of upholding the rule of law, he was complicit with "689". I recall that at a special meeting of the Finance Committee, I criticized Rimsky YUEN for his approach which harmed the rule of law in Hong Kong. I asked whether the Secretary for Justice who acted as the "East Yard" should tender apologies or even a resignation. He responded that he did not have the final say. Certainly, I knew he did not have the final say. He might have to ask LEUNG Chun-ying or even Hong Kong's second governing team in Western District. He have asked them all before performing such political oppression so as to prevent any mishap and ensure that these missions of political oppression and political prosecution are completed before he retires from office.

Some might say that this is meant to protect "777". As the current-term Government is notorious anyway, it might as well bear the responsibilities of all the dirty jobs and get all the filth done with before 30 June. However, if he has conscience and truly believes in the rule of law, he should have been impartial and pointed out that these incidents are undermining Hong Kong's judicial independence, "one country, two systems" and "Hong Kong people ruling Hong Kong", showing impartiality and avoidance of becoming a tool of the powerful just like what the goddess statue on the former Legislative Council Building represents. Has he done that? Of course not. On top of that, he should have come forth and made a fair comment when we talked about subjects such as the co-location arrangement, but he has not done so.

Hong Kong people are very worried that Mainland laws can be enforced in Hong Kong. LEE Po was a good example. If we had confidence in powerful agencies on the Mainland, things would not have come to such a state where so many Hong Kong people demonstrated for the LEE Po case and for this kind of situation destroying the neutrality of the rule of law in Hong Kong. The arrests today also originated from the unreasonable and constant interpretations of the Basic Law. They can move the goalposts as they like, so where is the "one country, two systems"? NPCSC can do whatever they want behind closed doors as long as they have enough heads counted, so what do "one country, two systems", "Hong Kong people ruling Hong Kong" and "judicial independence" mean? Of course, it was not of his own making alone. Mr CHAN Chi-chuen also agreed just now ... why did I only propose to reduce the sums under head 21? I am sorry, but I actually support Mr CHAN Chi-chuen's amendment on cutting all the expenditures.

I would like to remind Members to see clearly "689" LEUNG Chun-ying, who did every evil deed and made all Hong Kong people hate the Government. Not only did the Government fail to implement good policy initiatives to impress the people, it has only shown us over and again dissension, oppression and prosecution. In the last few months of his term of office, he has found a loophole and became a Vice-chairman of the National Committee of the Chinese People's Political Consultative Conference ("NCCPPCC"). People have been discussing whether a second Chief Executive will be imprisoned after "Greedy TSANG". Do not think that a Vice-chairman of NCCPPCC enjoys full immunity. There is no full immunity in the political circle in the Mainland. Former members of the Standing Committee of the Political Bureau, former senior members of NPCSC and former leaders of NCCPPCC could all be imprisoned. Not many people know how many so-called Vice-chairmen of

NCCPPCC there are currently. There are 22 of them, and we could only think of TUNG Chee-hwa, Edmund HO and the like. Hence, this position absolutely carries no full immunity, and yet he kept pleasing the Central Authorities in order to obtain it. Leaders of the Central Authorities mentioned the Guangdong-Hong Kong-Macao Bay Area ("Bay Area"), he then tried to be smart by putting on a show with all government officials. Rimsky YUEN did not come off worse by talking about the legal framework of the Bay Area. Please do not link Hong Kong's legal framework to that of the Mainland, or else it will be the biggest tragedy for Hong Kong.

I so submit.

**MR NATHAN LAW** (in Cantonese): Mr LEUNG, in this debate, I have proposed 10 amendments in total. I hope to have the opportunity later on in the meeting to speak on each and every amendment to explain my reasons for proposing it.

Firstly, I would like to say a few words about the proposed amendment to head 92, which seeks to reduce the estimated expenditure which is roughly equivalent to the payroll cost of the incumbent Secretary for Justice for his remaining three months of tenure. In fact, Mr CHAN Chi-chuen and Dr KWOK Ka-ki has proposed similar amendments for the relevant reduction. This amendment, which seeks to reduce the payroll cost of the incumbent Secretary for Justice for his remaining three months of tenure, targets mainly his deplorable performance during his term of office. Owing to his failure to uphold the rule of law in Hong Kong, many people in Hong Kong who have their human rights infringed by China by various means are unable to receive proper protection. Actually, if possible, I will reduce not only his payroll cost for three months. In my opinion, the performance of Secretary for Justice Rimsky YUEN over the past five years was simply below par. His payroll cost ought to be reduced to demonstrate the public's anger towards him.

(THE CHAIRMAN'S DEPUTY, MS STARRY LEE, took the Chair)

As the top legal adviser of the whole government system, the Secretary for Justice is absolutely duty-bound to ensure the decisions made by the governing team and all civil servants are lawful and constitutional. What is more, he must

uphold the spirit of rule of law and judicial independence in Hong Kong and protect the common law system that has been practised in Hong Kong over the years. Nevertheless, during the past five years, the work of Secretary for Justice Rimsky YUEN can simply be described as a failure. For a period of time in the past, various international organizations, including the Congressional-Executive Commission on China ("CECC") of the United States, have published a number of reports on Hong Kong. In the annual report published last year by CECC, a chapter on Hong Kong mentioned the growing interference in Hong Kong by the Beijing Government and the Communist Party of China ("CPC") over the past year and, in particular, the damage done to "one country, two systems" by the occurrence of an incident involving a bookstore called Causeway Bay Books early last year. As a result, there was concern about whether the Beijing Government had violated the autonomy of and rule of law in Hong Kong. In fact, the relevant conclusion was made not only in the report compiled by CECC. Many international human rights organizations have expressed similar concerns, too.

Secretary for Justice Rimsky YUEN did not come forward on behalf of Hong Kong when the Beijing Government sought to intervene in the laws of Hong Kong. On the contrary, he even aided and abetted the evildoer by incessantly resorting to legal means to help Beijing and LEUNG Chun-ying further their political purposes, and distort unlawful and unconstitutional means, as well as suppression thus imposed, to make them reasonable. How is such a Secretary for Justice worth to be paid a monthly emolument of \$340,000?

The poor performance of Secretary for Justice Rimsky YUEN during his tenure, which is well known to us, can certainly date back to the constitutional reform in 2014. As a member of the "constitutional reform trio" back then, he failed to point out that the "31 August Decision", which was merely a decision made by the Standing Committee of the National People's Congress ("NPCSC"), had no direct legal effect on Hong Kong. What is more, he turned a blind eye to the principle that the right to stand for election must be universal and equal. Instead, he put forward a lame proposal for consideration by the people of Hong Kong. Should the bogus universal suffrage proposal put forward by him be endorsed, Beijing would have every reason to manipulate the election direct. What is more, Beijing would have been given a bogus popular mandate. Actually, I have not seen him, for one moment, show any intention to uphold the principles of "a high degree of autonomy" and "Hong Kong people ruling Hong Kong".

In the Causeway Bay Books incident, LEE Po, a Hong Kong citizen, was abducted in Hong Kong and taken across the boundary. However, the Government even believed in the confession made by him during a television interview in China when his personal safety was under threat. This is indeed quite laughable. Even a person with a normal level of intelligence could have deduced that his remarks were made under extreme pressure and threat, and that he was not speaking from his heart. However, the Hong Kong Government colluded with CPC, and its role as an accomplice was pretty obvious. Even though the personal safety of a Hong Kong citizen was not protected in Hong Kong, the Secretary for Justice did nothing to proactively tender legal advice to assist in digging out the truth of the incident, upholding "one country, two systems", and studying what judicial action Hong Kong can take to help the several victims of Causeway Bay Books. On the contrary, it helped the regime paint a rosy picture. This is gross dereliction of duty.

In October last year, NPCSC interpreted on its own Article 104 of the Basic Law with the purpose of, in the name of the law, eliminating some Legislative Council Members who are not welcomed by the Beijing Government. In the interpretation, NPCSC imposed infinite oath-taking requirements, as in the case of illegal building structures, in complete violation of the principle of interpreting the constitution with common law. Given that Secretary for Justice Rimsky YUEN pointed out that the interpretation was not sought by the Special Administrative Region Government, meaning that he saw no need for an interpretation, why did he not voice to the Beijing Government the strongest objection from Hong Kong people?

Coming back to Article 158 of the Basic Law, even though the power of interpretation is vested in NPCSC, the exercise of such power must be constitutional before the interpretation is deemed compliant with the provisions of the Basic Law. The Basic Law reads, "... seek an interpretation of the relevant provisions from the Standing Committee of the National People's Congress through the Court of Final Appeal of the Region". Did our Court of Final Appeal seek an interpretation of Article 104 of the Basic Law by NPCSC? The answer is obviously "no". The Beijing Government and NPCSC have interpreted the provision on their own to serve their political purposes. If power is not subject to any procedural limitation, it can be abused by the person in charge indiscriminately. The interpretation this time around has precisely deviated from the requirement stipulated in Article 158 of the Basic Law, thereby inflicting severe damage on Hong Kong's legal system, and the rule of law has already begun to sink.

Despite the occurrence of a number of incidents affecting the rule of law, human rights and freedoms in Hong Kong in the past couple of years, Secretary for Justice Rimsky YUEN has still failed to perform his bounden duty of protecting Hong Kong's legal system. For the sake of doing justice to his legal profession over the years, he should resign to express his dissatisfaction and insist on his own principle, rather than, for the sake of Beijing, continuing to challenge the eligibility of more Members according to the interpretation in complete disregard of the franchise of the people, in an attempt to overturn the results of the previous Legislative Council election. When our descendants review history in future, they will find out Rimsky YUEN was the Secretary for Justice who let CPC interpret the Basic Law and trample on the wishes of voters wantonly.

Besides the interpretation of the Basic Law and the disputes over the legal system over the past couple of years, the core problem identified in examining the entire legal system is that the Secretary for Justice of every term should raise a question in the interest of the people of Hong Kong and the spirit of the legal system in Hong Kong in connection with the fact that Hong Kong people simply did not participate in the Sino-British negotiations over the handover of sovereignty. As a result, the subsequent principle of "one country, two systems" and the Basic Law—the framework for protecting the lifestyle, human rights and freedom of Hong Kong people—were not written in the interest of Hong Kong people. We know very well that DENG Xiaoping once said to the effect that "insofar as the Sino-British negotiations or the issue of sovereignty over Hong Kong is concerned, the negotiation table does not come with a "three-legged stool". It was because Hong Kong people thought that the "three-legged stool" represented the three parties, namely China, Britain and Hong Kong people, and a stool must have three legs. They asked: How could a "two-legged stool" stand firmly? Although such a demand was made by the people of Hong Kong at that time, many opinion polls conducted now show that such an arrangement did not actually represent the mainstream opinion in Hong Kong back then. When the "three-legged stool" proposal or demand was put forward, Mr DENG Xiaoping immediately raised objection, saying consultation should be carried out by the Beijing and British Governments because the Beijing Government had been hoping to dupe Hong Kong people and put a freeze on Hong Kong's systems. Therefore, the Basic Law expressly lists many stark contrasts between the Hong Kong systems and those of the Mainland at that time or at present. Meanwhile, many channels are also opened up to allow the Beijing Government to intervene in Hong Kong affairs direct. The power of interpretation is one of them.

If Members are well versed in software, they will understand that the aforesaid situation is like the inclusion of a backdoor programme in software. Should political needs arise, the Beijing Government may extend its hand to revise certain legal systems and other systems in Hong Kong, so that some political incidents will occur in Hong Kong according to the wishes of the Beijing Government. This is precisely the point which the Secretary for Justice in Hong Kong should strongly oppose. For the principle of "one country, two systems" to work effectively, we think that "one country" and "two systems" should enjoy an equal status. Under the "two systems", the Government should come forward and safeguard Hong Kong's legal system when the Beijing Government intervenes in Hong Kong's internal affairs in an unreasonable manner.

The way of life of Hong Kong people must be protected. Thanks to the confidence of Hong Kong people in the Basic Law, some people were persuaded at that time to stay in Hong Kong. As a result, no major confidence crisis occurred. However, we can see that when the Basic Law was drafted, or even today, many loopholes were opened up, thus rendering our monitoring system unsound. The systems in Hong Kong cannot be protected unless our monitoring system is healthy. If we do not believe in the democratic system or value of democracy, the lifestyle, human rights, freedom and the rule of law we have been enjoying will not be maintained. The Secretary for Justice should come forward at this level to demonstrate to us that "one country, two systems" is proven.

But regrettably, for a long period of time in the past, Secretary for Justice Rimsky YUEN has done nothing but echoed Beijing's oppression and political missions. Having disappointed Hong Kong people, he should feel ashamed before his own legal profession. I should also feel ashamed to face Hong Kong people should I continue to support the use of public funds to pay this Secretary for Justice, who will not protect the local legal system or even harm it. Hence, I will move an amendment in protest to reduce the payroll cost of the Secretary for Justice for the remaining three months of his tenure and show that he does not qualify as the Secretary for Justice.

Another amendment I will propose, which is also related to head 92, seeks to reduce the annual expenditure on the operation of a new Laws Information System. In the last several months, I believe Members must have heard quite many complaints about the new Laws Information System. Actually, many lawyers or law students known to me have unanimously made negative comments

about the new system. When we look up a certain piece of legislation, we will usually find that the link no longer exists. In other words, we will be redirected to another web page in 60 seconds. This is annoying. The launch of a new laws database, called Hong Kong e-Legislation, by Department of Justice ("DoJ") is to blame. It is reported that this new database will provide copies of verified legislation for direct submission to the Court. Its original intention is to bring greater convenience as many lawyers or law students actually have urgent needs to look up many copies of verified legislation. However, we can observe from actual use over the past several months that the old-version database is easier to use. Moreover, the old system has fewer disconnected links or breakdowns.

I have made a comparison of the two databases. When I used the old version, I could download and print all the provisions of an entire piece of legislation in PDF format speedily. The process was simple and clear. On the contrary, when it came to the new layout, in addition to disconnected links, I had no idea as to how to download an entire piece of legislation despite repeated attempts. Moreover, the legislation must be printed provision by provision, which is very inconvenient for users. Although Legislative Council Members or their assistants usually have more time to search for information on the Internet, the time allowed for lawyers or students to do homework or revision is very tight. So, they can hardly print the legislation provision by provision. This problem has already persisted for a very long period of time. According to the explanation given by DoJ, copies of verified legislation are being uploaded onto the database in a progressive manner. Upon the completion of the work, members of the public will be able to download and print an entire piece of legislation easily. However, given such a slow progress, may I ask if public funds have been put to good use? We can see that in this fiscal year, the estimated expenditure on this is \$15.79 million, which is an enormous sum. I will consider it a waste of public funds should the annual provision for such an enormous expenditure can still not deal with the system urgently required by every laws student, lawyer and even Legislative Council Member.

Hence, I will move this amendment in order to protest and express my hope that DoJ can restore the system expeditiously. Later on, I hope to explain my reasons for proposing other amendments one after another when it is my turn to speak.

I so submit.

**MR LEUNG KWOK-HUNG** (in Cantonese): Deputy Chairman, this session is all related to the Government, covering areas such as rule of law, governance, the Chief Executive, the Executive Council, and so on, and you, Deputy Chairman, used to be a Member of the Executive Council.

In this world, one day is too long. While we were debating the Budget safely and comfortably in this Chamber yesterday with 60 hours given to us for the debate, today is a different world because the Government is making arrests. Insofar as the power of prosecution is concerned, arresting a citizen and then taking him to court for sentencing is naturally the duty of the Government, for the Court will not take the initiative to file a case for hearing by itself. It has to be the Government taking him to court for trial.

Deputy Chairman, Mr Nathan LAW is in the Chamber now. Mr LAW may not be old enough to remember this history of 28 years ago. He is too young indeed whereas you, Deputy Chairman, were probably still a primary school student at the time. That episode in history is known as the "26 April editorial". I think among Members in this Chamber today, Mrs IP should recall that on 26 April 1989 the *People's Daily* published an editorial titled to this effect "It is necessary to take a clear-cut stand against disturbances", which marked the advent of changes in the entire history of modern China. At that time, students came forth to stage demonstrations and subsequently, the newspaper controlled by the Communist Party of China ("CPC") said that "it is necessary to take a clear-cut stand against disturbances". Back then the students said that there should be no reprisal against them, or else grave consequences would arise, and from that point in time things started to develop until 4 June, and I am not going to talk about this part of the history. I think this is the greatest civil disobedience movement in the history of modern China. In history there were precedents of revolution and civil war, but this civil disobedience movement lasted the longest. Those ordinary citizens risked their own lives to make the Government listen to their voices calling for political reforms. In the end, of course, this problem was resolved in a bloodshed.

Deputy Chairman, why do I have to talk about this? I have not strayed away from the question because our Government today still adopts this mentality. Nearly three years have passed after the Standing Committee of the National People's Congress ("NPCSC") made the 31 August Decision. How did this happen? Who made this happen? Certainly, it relates to the governance of our

SAR Government because the Government has a role to play in the "five-step process" of constitutional reform, for at least three of these five steps have to be taken by us. Let me explain: There are "689" and "689 2.0", and what I mean is that LEUNG Chun-ying and Carrie LAM have unshirkable responsibilities; as for "Mr Pringles"—is he called "Mr Pringles"?—it has always been his style to run away from problems and he is still the same now as he said, "We are done, sorry guys"; and Rimsky YUEN is there to provide the legal basis and of course, actually he does whatever CPC tells him to. The NPCSC's 31 August Decision is crucial. Why is it so, Deputy Chairman? Mr Nathan LAW said earlier that there used be the "three-legged stool" and this is certainly not true because under the British-Hong Kong rule, how would Hongkongers be allowed to make their voices heard? They only negotiated over the sovereignty for their own diplomatic interest, did they not? Back then our Government said that Hong Kong would be reunited with her Motherland and come, let us draw up the Basic Law. Everyone did believe the Government, though I did not believe it back then.

Annexes I and II to the Basic Law stipulated the arrangements for the constitutional system in the decade after the reunification, stating that universal suffrage could be implemented a decade afterwards. Two decades have passed in a flash, and the point most heatedly argued in society a decade after the reunification was that when the reunification with the Motherland is achieved, what has Motherland given to us? Well, simple enough, a mere pivot point suffices for the Earth to revolve and that is, please give us universal suffrage. The autonomy of Hongkongers and the autonomy of the Chinese all hinge on universal suffrage but as they have not given it to us, we certainly have to get back what belongs to us. The 20<sup>th</sup> anniversary is just around the corner and yet, we have not got it. If universal suffrage were implemented, XI Jinping should be celebrating it when he comes to Hong Kong on this occasion of the 20<sup>th</sup> anniversary this year because it would mean that on 26 March, Deputy Chairman, not only you and me were qualified to vote but everybody could have voted by secret ballot. "Long Hair" would have been defeated with a low number of votes, while John TSANG would have been elected with a high number of votes or Jasper TSANG would have been elected with a high number of votes, or Starry LEE would have been elected with a high number of votes, right? The 20<sup>th</sup> anniversary could have been a joyful time for popular celebrations and we would even be saying "thank you". But this is not going to happen now.

Therefore, regarding all the conflicts hence resulted, just as CPC said back in those years when it was oppressed by the one-party dictatorship of Kuomintang ("KMT"), "it is all your fault because KMT did not do what Dr SUN Yat-sen said." Today, we will certainly say, "You MAO Zedong said in 1949 that "the Chinese people have stood up" but now, they have fallen down and what is more, they fell down on the 40th anniversary of this republic in 1989, and they fell down in bloodshed.

What we are doing in Hong Kong today is only to get back exactly what is due to us as nationals under the people's republic, nothing more and nothing less. Therefore, Deputy Chairman, the SAR Government has no alternative and of course, it is appointed by CPC, but the SAR Government also has another duty and that is, working for Hongkongers by pointing out where the problem lies. What did we see as a result? The result was that NPCSC endorsed the 31 August Decision all of a sudden and shut the door. So, from this angle, our fight is entirely legitimate.

Let me refute the view of WANG Zhenmin in passing. WANG Zhenmin is the supreme ruler; he is a member of the Basic Law Committee—I have no idea if he has resigned or not—He said that reform is out of the question in a decade and that if there were a reform, we would be plunged into a mess like those countries in the Middle East. Is he out of his mind? If what he said is true, was it not a rebellion that CPC orchestrated back then? Did they not overthrow the Republic of China? Why did they overthrow the Republic of China? What did he say? He said that it was because of one-party dictatorship by KMT ...

**DEPUTY CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, please point out to which amendment your speech is related.

**MR LEUNG KWOK-HUNG** (in Cantonese): It is related to the Chief Executive, the Chief Executive's Office and Rimsky YUEN. I am talking about the rule of law. I was saying that unlike what I would be doing, they did not tell the Central Government the problem and if they did, the problem would have been resolved. They should, with a sincere attitude, recount to the Central Authorities the history of CPC, so that the Central Authorities would be moved to give us universal suffrage, but they did not do so. How good it would be if I

were a Secretary for Department. Therefore, I have to propose a deduction of all of their salaries. Perhaps Jasper TSANG had told CPC this, just that he told it in private whereas I said it in public.

Deputy Chairman, why do I have to deduct all of their salaries today? Because they failed to bring to Hong Kong what is due. I will not talk about other things, nor will I talk about universal retirement protection. Obviously it was LEUNG Chun-ying's wish to lead Hongkongers to achieve it. He appointed a three-member task force led by Carrie LAM and you were a target of their consultation too. The problem is, why would there be the 31 August Decision made by NPCSC which caused society to be further torn apart? This is the thrust of the problem. You asked me earlier how WANG Zhenmin's remarks are related to this debate. WANG Zhenmin said that there would not be any reform in a decade and no political reform should be carried out in a decade. Has XI Jinping made such remarks? XI Jinping only stated the need to promote harmony. Does harmony mean shelving reforms? Impossible. Therefore, my question is simple: If what WANG Zhenmin said is true, it follows that CPC is silly, right? He even said that it would be good without democracy because there would be stability. Did he mean to implicitly satirize CPC for not having democracy? Because after killing people 28 years ago CPC implemented reforms and has become powerful and prosperous nowadays. Is this what he meant? So, I do not agree to his remarks. But you are right. He really has nothing to do with us. You are a very generous person.

Right, let me come back to what is happening here. Buddy, two former colleagues of ours who had been disqualified from the office as Members of the Legislative Council were arrested yesterday, and nine other people were also arrested today. This is where the whole problem lies. The entire Government takes it as its duty to attack the opposition camp. After making this speech here, I have no idea if I can see you again in this Chamber, though we may bump into each other on the street, for the Government knows only to seek disqualification of Members from office. From the 31 August Decision which triggered Occupy Central and the entire political suppression carried out after the end of Occupy Central, I must say that this spine-chilling editorial titled "It is necessary to take a clear-cut stand against disturbances" of 28 years ago precisely applies to Hong Kong right now, but this is absolutely not a duty of the Government. It is arresting people every day and, Deputy Chairman, I can only draw a conclusion, though I do not know if my guess is right or not but my guess has nothing to do with Members of this Council. It only has to do with other people and surely this should be fine. I think it is because of XI Jinping's impending visit to Hong

Kong on 1 July that these "cleansing" actions are taken to gag the dissenting voices. This is why "689" has continued to exploit his despotic powers to the fullest before his stepping down, telling those people to keep doing it because these "cleansing" actions are necessary for XI Jinping's visit. He told them to keep doing it, to lay charges whenever possible and make arrests whenever possible, thereby creating a chilling effect. In its administration, the Government must not act according to the wish of its superiors. This is also the teaching of CPC as CHEN Yun said that we must not seek only what the superior likes, and it is not right to do whatever the superior says.

Deputy Chairman, today, as we speak in this Council, people are being arrested out there. When the energy of political opposition is brought down to become minimal, and when other issues are brought up for discussion later, such as universal retirement protection, no way; standard working hours, no way; and even an amendment to the disparity between the 12 days of statutory holidays and the 17 days of public holidays, which is easy with no spending incurred, no way; as for the offsetting arrangement concerning the Mandatory Provident Fund, a tall task indeed. Deputy Chairman, let me say this here: What is the essence of democracy? It is to allow the ordinary people to have an equal right to elect other people as their representatives. Then their representatives will strive for the greatest well-being for them or the majority, unlike our current constitutional system under which only a handful of people wallow together in the mire and engage in inbreeding while striving for the greatest interests of the minority. This is the origin of the founding of the People's Republic of China.

Therefore, let me say here that the administration by this Government today is unacceptable. Many people said that LEUNG Chun-ying has torn society apart. Wrong! Society was torn apart already in the first place. Why? Our Gini coefficient is 0.537 and in other words, the wealth gap is very serious; our constitutional system features government-business-rural-triad collusion, and our constitutional system is executive-led with the executive powers vested in the hands of the minority. These are the facts.

Therefore, I speak here not for anyone but for all the people who are unable or cannot make their voices heard under this system, and I can tell Members that I will not regret doing it. I hope that those friends who are arrested and those friends who faced setbacks in the Umbrella Movement will not give up. You have to come forth on 1 July to show XI Jinping how LEUNG Chun-ying and Carrie LAM or the pro-establishment camp have distorted the public opinions, and let the facts speak for themselves. My conclusion is that we must take a

clear-cut stand against dictatorship and we must take a clear-cut stand against political retaliation. We must keep fighting. On 1 July, let us express in the loudest voices the strongest public opinion, that we demand that CPC immediately revokes NPCSC's 31 August Decision and returns to us the right to universal suffrage!

Thank you, Deputy Chairman.

**MR JAMES TO** (in Cantonese): Deputy Chairman, I have proposed two amendments. The requests in these two amendments have all along been put forward by me during my 20-odd years of service as a Member. The first change requested by me is, technically speaking, that the sum under head 122, i.e. the Hong Kong Police Force ("HKPR"), be reduced by \$83.59 million in respect of subhead 000, approximately equivalent to the estimated annual operational expenses of the Complaints Against Police Office ("CAPO"). The first amendment seeks to cut the operation of CAPO, thereby forcing the Government to establish a system independent of HKPR for the investigation of complaints against the Police. The second one is that head 122 be reduced by \$82 million in respect of subhead 103, approximately equivalent to the estimated expenditure of HKPR on reward and special services. Generally speaking, this expenditure is related to what is commonly known as "informers' fees", but certainly, it is not limited to informers' fees. In fact, it is a rather mysterious expenditure. Moreover, given the lack of monitoring and accountability, I consider the reduction necessary to force the Government to give a clearer account of this expenditure item and a greater degree of accountability.

(THE CHAIRMAN resumed the Chair)

Chairman, since I have made the request for years, I believe the more senior Honourable colleagues have already heard about it. However, this is the first year of the current term of the Legislative Council. Quite a large number of new colleagues have joined the legislature. They may be in their office instead of being in the Chamber right now. I think they, their assistants and members of the public may also listen and see if James TO's view that CAPO should become independent of HKPR is indeed reasonable. I would like to recap it briefly.

Chairman, CAPO belongs to HKPR. In other words, if a person has any complaint against a police officer, first he will have to go to CAPO. Since CAPO itself is part of HKPR, the first question which arises is whether its image shows and gives people the feeling of independence. Do members of the public actually trust the arrangement of police officers investigating police officers? Being an elected Member, I have contact with many members of the public. Many of them had come into contact with police officers, and the matter eventually developed into a complaint. I can tell Members that regardless of the result, these members of the public had no trust in the arrangement of police officers investigating police officers right from the beginning.

Of course, there are many other people in the community who never need to complain against the Police. Do they consider that CAPO is independent enough to command their full trust? My survey may not be too scientific, but among the people I have contacted, I believe at least more than half of them do not trust CAPO. In their view, it will be better if an organization similar to the Independent Commission Against Corruption ("ICAC") can be put in place. A few decades ago, the investigation of police corruption was undertaken by an internal anti-corruption team in the Police Force, but eventually, the Government set up ICAC, which is independent. Certainly, it investigates not only corruption relating to police officers. This can really give the whole society greater confidence.

Problems arising from investigations conducted by an organization regarded by members of the public as not independent are: firstly, the public will not be convinced by the investigation findings; and secondly, even if the investigation concludes that the complaint against a certain police officer is not substantiated, in the end the community may not agree that the police officer really did not commit any mistake and is innocent. Hence, it may not be good to the Police. Certainly, some police officers, especially junior officers in the front line, are very much opposed to separating CAPO from HKPF. Why do they have such great objection? During my private discussions with the middle and senior ranking officers contacted by me, they actually did not have any strong objection. Why? Maybe because many complaints are directed at junior officers. For example, they may have conflicts with members of the public during the issue of penalty tickets or law enforcement. Apart from being more likely to encounter problems since they have more opportunities of coming into contact with members of the public, the junior officers also hold that under an independent police complaints mechanism, the independent organization may not

have a good understanding of the work of the Police. They are worried that it will only be an armchair strategist who judges without any basis whether they have worked correctly and even whether they should be penalized. The reaction of junior officers is indeed stronger.

However, the actual operation is a technical issue. In an independent department for complaints against the Police, a complainant may make a statement and tell his own version at any time. Then this independent organization will, like ICAC, commence an investigation, including a search for evidence, arrests, etc. However, CAPO is part of HKPF. If the aggrieved party wishes to complain against a police officer, he will have to go to CAPO to make a statement, and the officers of CAPO will tell him that since they are also police officers, if he gives a statement and at the same time he is involved in a case for which the team of the officer under complaint is responsible, they may pass his statement to that team. This is a big problem. In that case, CAPO may even advise the complainant to seek independent legal advice and see if it is an appropriate time to make a statement because it may affect some other cases in which he is involved. This is most unsatisfactory. Such an unsatisfactory situation originates from the fact that CAPO is part of HKPF. If it is an independent organization, such a problem will not arise.

Hence, apart from the problem about its image, there are practical problems too. The system of CAPO will discourage many complainants from giving CAPO a complete version of their complaints against the Police earlier owing to consideration of their own interests. However, if it is an independent organization, it will be able to start working and commence an investigation right away. Hence, this is not simply a problem about its image. There are also practical problems. This is the problem about investigations.

Another point is, after completing an investigation, CAPO will pass it to the Independent Police Complaints Council ("IPCC") for confirmation if the complaint is substantiated. If the complaint is unsubstantiated, it will also be referred to IPCC. The question is, why do we need to put IPCC in place? The answer is actually very simple. It is because CAPO is not independent of HKPF. The Government also knows that it does not work. Such a system lacks credibility, or its credibility is not enough. For this reason, it is necessary to set up an organization on top of it, comprising the so-called independent members of the community for monitoring CAPO. However, here comes the problem. We have found that since LEUNG Chun-ying assumed office as the

Chief Executive, many appointments were one-sided in recent years. Before his assumption of office as the Chief Executive, various people had served as the Chairman of IPCC, one of whom was Mr Ronny WONG, Senior Counsel, who worked in IPCC for six years. Please bear in mind that he was also appointed by the Chief Executive. He joined IPCC and worked there for six years. Having accumulated six years' experience, he came to the following conclusion: IPCC had to tussle with CAPO. CAPO would conclude everything as unsubstantiated, so IPCC needed to examine if it could find any loopholes or flaws in the report to force CAPO to revise its conclusion. In other words, the purpose of IPCC is to make CAPO revise its conclusion. However, if CAPO insists and refuses to revise its conclusion, it will end up in vain because IPCC actually has no power to pass a verdict. Even if IPCC considers a complaint substantiated, in the end it will not be substantiated if CAPO does not think so.

Certainly, according to the latest legislation, IPCC may submit a report to the Chief Executive, the supervisor of the Commissioner of Police, who may order the Commissioner of Police to revise the conclusion, conduct an investigation afresh or review the conclusion. Nevertheless, even though IPCC is a statutory organization, it has no statutory power to pass a verdict. Although they are the so-called community leaders who are independent persons appointed by the Chief Executive, they do not have the power to pass a verdict. In other words, after all, IPCC has no power of investigation. Not only does it have no power of first investigation, that means the power to conduct an investigation immediately upon receipt of a complaint from members of the public. It does not have the power of second investigation either. What is the power of second investigation? That is, even if neither members of the public nor IPCC believe in the conclusion of CAPO, IPCC will have no way to have its own team to conduct an investigation afresh. This is the so-called power of second investigation. There is this kind of approach in certain places, but not in IPCC. It does not have any kind of power of investigation.

Secondly, IPCC has no power to pass a verdict; and thirdly, it has no power of sanction, since it is not the supervisor of the Commissioner of Police. It may make recommendations, but if the Commissioner of Police does not listen and ultimately insists on imposing a light punishment of "slapping the palm", there is nothing IPCC can do. It can only write to the Chief Executive, saying that it does not agree with that conclusion, and see if the Chief Executive will intervene. I think this system is extremely questionable.

Recently, the so-called assault case of Superintendent CHU King-wai was brought to court. I will not speak too much on it. How was this case actually brought to court? Originally, CAPO insisted that he had not assaulted anyone. After insisting for a long period, which was almost two years, it had to seek legal advice and hold discussions again. Finally, it revised the conclusion. Some people say that it means IPCC is effective. But please bear in mind, this is only an individual case which we know the conclusion can be revised. In fact, in many other cases, IPCC was unable to change the conclusion of CAPO.

Furthermore, most of the officers of IPCC, especially staff at the lower level, do not have any experience in investigation. In other words, many of them are the so-called Executive Officers. Certainly, I do not mean to offend Executive Officers. I am not questioning whether they have the basic common sense. However, from Ronny WONG's view, the officers of CAPO are professional police officers. They prepare the reports from a professional angle. I am not saying that they will shelter their colleagues, but at least they can conduct an investigation and then say that the complaint is unsubstantiated. They may even play down a serious case. If that is the case, given the need to search for loopholes in such intricate details and then argue with it, I believe the majority of positions in IPCC should be held by people experienced in investigations. Otherwise, it will be hard to find any flaws, then argue with it and even force it to make changes. This will be extremely difficult.

Chairman, I will talk about the expenditure relating to reward and special services in a later session because it will take a longer time.

Thank you.

**DR FERNANDO CHEUNG** (in Cantonese): Chairman, this debate is a discussion on issues relating to the rule of law, governance, elections and district administration. I have proposed four amendments to the relevant scopes, yet I will not go into the details for the time being, as I hope to have the opportunity to continue to speak on these amendments later on. When we are discussing resource allocation for various scopes like the rule of law and governance here, a series of arrests are taking place outside. Yesterday, two Members of the Legislative Council who have been disqualified were arrested. Today, we learnt that nine protesters, all of them being young people, were arrested. When we are conducting a peaceful and clam discussion here, political suppression is going on. I have to express great regret about this.

After the election of the new Chief Executive, the Chief Executive-elect urges for the restoration of a more peaceful and rational atmosphere, yet high-handed suppression continues. I do not know which path the administration is heading and what kind of great reconciliation they are talking about. Back then, LEUNG Chun-ying said there would not be "LEUNG's camp" nor "TANG's camp" but only "Hong Kong camp". Yet, today, with only a few months remaining in his tenure, he continues to seek disqualification of elected Members of the Legislative Council and suppress dissidents. Are we the citizens of Hong Kong looking for this kind of approach in governance? Will such an approach eventually lead Hong Kong onto a path to blessings and peace or to endless protests and dissension in society?

One of my amendments is on the expenditure for the Chief Executive-elect. For the three months between April and June, the amount to as much as expenditure for the Office of the Chief Executive-elect, Carrie LAM, will amount to as much as \$40 million. At first, she said that \$16.95 million was for fitting out the office and reinstatement works, \$12.95 million was for rent, \$6.63 million was for staff remuneration and \$3.46 million was for other expenses, which added up to a total of \$39.96 million. Public raised a howl over this expenditure of close to \$40 million for merely a three-month period. After that, adjustments were made and the expenditure for fitting out was reduced slightly, yet the total amount incurred still exceeds \$35 million. An amount of \$720,000 is incurred for security service alone. Chairman, the expenditure for the Office of the Chief Executive-elect, which will only be used for three months, on fitting out and reinstatement works exceeds \$15 million. This is reckless extravagance.

Recently, at some public hearing sessions, we discussed dental care services for the elderly and persons with disabilities and the expectations of children towards the Government. We also discussed certain primary medical care and community care services. Some children have to be sent to residential child care centres because they are battered, their family members suffered from drug abuse or their family members were incapable of taking care of them. However, due to an acute shortage of residential care places, these children at high risk and in desperate need of residential care cannot be offered a place. Against this background, there are always several dozens of children who do not require medical care staying in the paediatric wards of the accident and emergency departments of hospitals. Since the authorities cannot arrange residential care places for these children, they have to stay in hospitals for several months to even a year. The environment is really unhealthy. How can we treat our children this way?

Yet, this is the way our resources are allocated: the Chief Executive-elect may spend almost \$40 million in just three months. Chairman, let us look at the Integrated Home Care Services—you may not know what it is. Under these services, the elderly and persons with disabilities, as well as needy families, are provided with such services as meal delivery, escort and household cleaning, and so on. These services are significant in enabling the frail elderly to continue to live in the community, so that they do not have to be sent to residential care homes. Who would like to be sent to a residential care home? No one would. Who would like to have dinner at 5:00 pm and go to bed at 8:00 pm? Who would like to take a bath at a fixed time or on alternate days? Who would like their daily schedules to be controlled by others? If a person has lost his health and the ability to control his body, yet his daily schedule is controlled by others, who would like it? We definitely have to facilitate the elderly and the chronically ill in continuing to live in the community, and these services will help them.

The unit cost of these services is \$1,926 monthly. If merely \$1,926 will help an elderly person to continue to live in the community, then \$40 million will suffice to help 1 730 elderly persons to continue to live in the community for a year. But now the authorities allow the Chief Executive-elect to lavish the money in three months. At present, over 5 000 applicants are waiting for the Integrated Home Care Services. The quota has been used up and no place is available if anyone should make an application now. Even in emergency cases, where a patient suffering from a stroke or in recovery after a fall has to be discharged and no one can take care of him after discharge, the patient can only queue up and wait for the services, yet he will be the 5 001<sup>st</sup> on the waiting list. How long does he have to wait? It takes more than half a year. By then, he may probably have died. How can these people be left alone without care? One day is too long in such cases. When 5 000-odd elderly persons are waiting for the services on the one hand, an enormous amount of money is lavished on fitting out and reinstatement works on the other. What does it mean? Is it worthwhile to spend the money this way?

This is an apt depiction of SAR today. We have no lack of money. We have too much of it and we know not how to spend it. As a result, the Financial Secretary has to hide the money, some in this drawer and some in the other, and even resorted to setting up the Future Fund. Yet, public expenditure has to be tightened. The authorities thus introduced the "0-1-1" programme, which will end in April and a reduction is still required in this financial year. Public

expenditure has to be reduced. Under the "0-1-1" programme, a savings programme stretched over three years, no reduction is required in the first year, and 1% reduction is required in the second and third years.

I only noticed recently that not only all government departments have to achieve the 1% expenditure reduction, the Legislative Council also has to reduce its expenditure, for we are regarded as a government department incurring public expenditure. Certainly, the Legislative Council is not a government department, yet we rely on the Government financially and we are subject to the reduction too. For this reason, we have to identify possible items for expenditure cuts. We wish to enhance the research services of the Legislative Council, so that more research items can be made available for individual Members and the public may be provided with more information on policy development and public expenditure, so that further analyses of social issues may be conducted. However, we have to be subject to expenditure cuts. Chairman, it is ridiculous. We have so much money but where have we spent the money? We have spent it on the rich and powerful, people who are too fat to pull up their own socks. We keep offering money to them.

We can see it clearly in the Budget this year. The amount spent on helping the poor, the Comprehensive Social Security Assistance, the "fruit grant" and Old Age Living Allowance only accounts for \$3-odd billion in total, yet the amount incurred in rates concession and tax rebates is close to \$30 billion. Never mind, our Government probably thinks it has so much money that it does not need the tax revenue and wants to return the tax to taxpayers. After all, the Government does not know how to spend it. It has so much money that it has no idea how it should spend it. It has \$90-odd billion in surplus alone. We have more than \$900 billion in fiscal reserve, which does not include the money deposited with banks and hidden in drawers. The fiscal reserve which can be withdrawn at any time also exceeds \$900 million.

How much is \$900-odd billion? It is beyond imagination to the general public. In fact, this is not a matter of money. At issue is why the shortage of resources in certain areas is so acute. For the celebration of the 20th anniversary of the reunification, the Government is prepared to spend \$640 million. It is \$640 million. Chairman, how much is \$640 million? If the amount is spent on the Integrated Home Care Services which I mentioned just now, it can provide a full year of services to 27 691 elderly persons. We do not have so many elderly persons in need of these services for the time being. There are only 5 000 to

6 000 of them on the waiting list. If the sum of \$640 million spent on the celebrations of the reunification is used for providing such services, all the needs of the elderly persons on the waiting list will be met and the waiting list will be cleared.

The sum can also be spent on subsidies for independent child care centres. The quota for this is extremely insufficient. We have to hop around to find subsidized places, for a quota of only 700-odd fully subsidized places is provided for the whole territory. Chairman, a quota of less than 1 000 places is provided for the entire territory. Will Members guess how much is the unit cost for the subsidy? It is cheap, only \$1,359 monthly. If we spend the \$640 million on the subsidies for these child care centres to enable children of families in Hong Kong to access child-minding services, we can provide one year's child care centre services for 39 244 children, which is close to 40 000.

Chairman, our resource allocation is ridiculous, is it not? We do not have sufficient funds for the construction of residential care homes for the elderly, so the elderly will have to wait and they cannot get any place even at death. We do not have sufficient funds to provide residential care services for children, so children have to be stranded in hospitals. Despite all this, we have a lot of money to spend on the celebrations of the reunification and the distribution of "fortune bags" as gifts. According to Matthew CHEUNG, all Secretaries for Departments and Directors of Bureaux, including the Directors in this Chamber, have to participate in the distribution of "fortune bags" in districts. I do not know whether their assistants have to visit the districts and distribute the "fortune bags" in various districts in Hong Kong. Secretary Matthew CHEUNG said that it is not a public relations exercise but an expression of love and care. Love and care? The people of Hong Kong do not need government officials to express their love and care. If the system is fair, we would not be in need of the love and care of government officials. If our resources are fairly distributed, and if we are guaranteed assistance under the system when we are in need, why do we need the love and care of government officials?

Some time ago, I wrote a book entitled 《請勿憐憫》 (*Do not pity me*). We do not need the pity of government officials. These leaders on the top echelon have a lot of money to spend at will. What if the office of the Chief Executive requires renovation? The authorities will spend tens of million dollars at will without a wink. However, for the basic care for children, children who are the most disadvantaged, who are battered and who are exposed to serious

threat in their families, the authorities simply turn a blind eye to them. What if they need residential care services? It is unavailable, just wait then. If they cannot wait, they can only return to the dangerous environment. Even if anything happens to the children or even if they die, it is not the Government's concern. How about the suicides of young people? The authorities just do not care, and the education system is not to blame. What if elderly persons die during their wait for residential care places? It is only natural.

This is the situation of our society. This is the way our resources are allocated. These should all be attributed to the fact that our Government is not accountable to the public. In the Legislative Council, Members with the support of the public are always in the minority, whereas the rich and powerful are in the majority. This is the situation of Hong Kong under the governance of the incumbent Government of SAR today. The happiness index of the people of Hong Kong ranks lower than that of Taiwan and Singapore but close to the Mainland. It is obvious to all, and given this kind of resource allocation, how will Hong Kong find a way out, we cannot but (*The buzzer sounded*) ... continue to strive for ...

**CHAIRMAN** (in Cantonese): Dr Fernando CHEUNG, please stop speaking.

**DR HELENA WONG** (in Cantonese): Chairman, the amendment proposed by me is No. 132, relating to head 142, demanding that the expenditure of the Government Secretariat be reduced by \$3,030,469, approximately equivalent to the estimated annual emoluments for the post of Ms Sophia KAO, Member (3) of the Central Policy Unit ("CPU").

Chairman, as we all know, CPU was established in 1989. Its major duty is to provide advice and recommendations on public policy and other matters to the Chief Executive, the Chief Secretary for Administration and the Financial Secretary. One of its major tasks is to assist the Chief Executive in drafting the annual policy address. Apart from conducting policy research, it also uses various means to understand and analyse community concerns and public opinion, encourages community discussion and research in public policy, provides secretariat support for the Commission on Strategic Development chaired by the Chief Executive and undertakes work for the Hong Kong Guangdong Strategic Development Research Group under the Hong

Kong/Guangdong Co-operation Joint Conference led by the Chief Secretary for Administration. It also carries out any other tasks assigned by the Chief Executive, the Chief Secretary for Administration or the Financial Secretary.

Chairman, why did I propose the reduction of the annual emoluments of Sophia KAO in her capacity as a member of CPU? First of all, this year's Budget is effective from 1 April, while the new Chief Executive, Carrie LAM, will assume office on 1 July. However, Carrie LAM, the Chief Executive-elect, has clearly stated in her manifesto the need to reform CPU. Her reason for proposing a revamp is that in her view, it is unsatisfactory that CPU is currently accountable only to the Chief Executive and two Secretaries for Departments. It should foster public participation in policy formulation, that means civic engagement, and assist in the policy and project coordination of cross-bureau and inter-departmental projects. It should focus on its responsibility for policy research, innovation, coordination and joint review of creative projects to fulfil the Government's role as a facilitator of policies and projects. This is the new positioning and expectation set by Chief Executive-elect Carrie LAM in respect of CPU. It is also the so-called "spirit of public engagement under the new style of governance" proposed by her. She also sees a need to especially collect the views of young people through CPU so that the Government can take public opinions into consideration at an earlier stage when formulating policies and make adjustments accordingly. Regarding this so-called new style of governance and the positioning of the future development of CPU, the Chief Executive-elect has expressly stated that the reformed CPU will no longer participate in the appointment of members to statutory bodies and government committees. This actually shares a common point with the present amendment proposed by me. If Carrie LAM, being the next Chief Executive, also thinks that there is no more need for any member of CPU to be responsible for attending to the Government's appointments to the advisory and public frameworks, I consider as a matter of course that our proposed amendment demanding to cut the annual expenditure on the emoluments for this post quite reasonable.

Chairman, actually what we find most incomprehensible is that as I mentioned at the outset of my speech, none of the functions of CPU, established in 1989, includes headhunting for the hundreds of public and advisory bodies for the Government. In that case, now why has CPU gradually changed its nature and become a "Central Appointment Unit"? During LEUNG Chun-ying's tenure as the Chief Executive, why did the senior government officials—I believe this was finalized by the Chief Executive—give this new mission to CPU without our

knowledge? As we can see, even Chief Executive-elect Carrie LAM considers that CPU has too many black box operations and its decision-making should be more transparent. She also holds that there is no more need for a third party ("CPU") to participate in the appointment work. In fact, there is already an established mechanism for the Government's selection of members of the community to join these advisory committees or public bodies. There is actually no need for any member of CPU to interfere. If there is a need for a third party, the public should be engaged as this so-called third party. The Chief Executive-elect holds that she will propose a so-called self-recommendation scheme. That is to say, members of the public may make self-recommendations if they consider themselves suitable for participation in the Independent Police Complaints Council ("IPCC"), the Hong Kong Independent Commission Against Corruption, the Equal Opportunities Commission, etc. I very much hope that the Chief Executive-elect can indeed fully implement her proposal in this regard.

Now let me talk about Sophia KAO. At the special meeting of the Finance Committee, I asked about the estimated expenditure on the annual emoluments of Sophia KAO, and the Government's reply was \$3,030,469. In my opinion, this post should be removed because even the Chief Executive-elect considers there is no such need. When I asked the Government further and requested it to answer me what role Sophia KAO actually played, it said that as stated in Reply Serial No. CSO032, bureaux and departments may consult CPU when preparing lists of candidates for appointment to advisory and statutory bodies. Here the words are "may consult CPU", but is it the fact? I have no idea. The official who came here to give replies seemed to have toned down the matter. In fact, as far as we understand it, this is not what LEUNG Chun-ying actually said at that time. Let us look at the *Hong Kong Economic Journal* ("*HKEJ*") of 29 December 2012. Shortly after LEUNG Chun-ying assumed office as the Chief Executive, *HKEJ* published an article written by "Kei Hiu Fung" which quoted the confidential information that Chief Executive LEUNG Chun-ying had issued an instruction, that all the major Policy Bureaux should consult Sophia KAO, a full-time member of CPU, before making any personnel appointment. At the same time, they should also submit lists of appointees to Sophia KAO, whose advice had to be incorporated into the appointments.

This obviously differs from the Government's reply to my question. The Government's present reply is that she may be consulted. That means it is like a provision of service. Anyone who wishes to seek advice on personnel

appointment may consult Sophia KAO. This is a mild way of putting the matter, but is it the fact? According to what was said in *HKEJ*, they "should", not "may", consult her first. Moreover, it is imperative to do so. I asked the Government which departments had consulted Sophia KAO and whether they had followed her advice in the past five years, but the reply was that the details could not be disclosed to us because the specific details involve personal privacy and information given in confidence.

Now this has become a "Rashomon" case, right? Actually which is true: they may consult Sophia KAO, or they must consult her and take on board her advice? In this regard, I hope someone can intervene and investigate the relevant issue. Nevertheless, let us then look at three confidential emails from senior government officials cited in Kei Hiu Fung's exposé in 2012. The following is the description of the three emails in the relevant press report. Now I am going to recap it because many people may not have noticed these three emails. The first email was issued by the Chief Executive's Office on the night of 2 November 2012, Friday, after LEUNG Chun-ying had assumed office. It reads that the Chief Executive had clearly stated in the email that regarding recommendations on appointments, they "should consult" Sophia KAO. The words are "should consult", not "may". This shows that they must consult Sophia KAO and incorporate her inputs. It does not mean they may choose whether to consult her or not. Rather, they must consult Sophia KAO, and after consulting Sophia KAO, they must incorporate her inputs. They cannot nominate anyone according to their own wish. Such an approach is obviously tantamount to vesting Sophia KAO with the de facto power of nomination and the power of review in respect of appointments to all the advisory and public frameworks of the Government. That means she holds the actual power of appointment.

In comparison, the Government's recent reply to me states that CPU may be consulted. Obviously, it is a deceptive distortion which attempts to tone down the matter. I hope LEUNG Chun-ying will come forward himself to confront us and give us an explanation. Then I will withdraw this amendment.

The second email was issued by Sophia KAO herself on the morning of 8 November, Thursday. Originally, the content of the email only involves a progress report and looks nothing special, but a line written by Sophia KAO in the email shows the importance attached by LEUNG Chun-ying to the plan and his motive behind it. According to Sophia KAO, the two lists submitted by her

at that time were actually prepared at the Chief Executive's behest ("the CE suggested that the following information be made available"). The lists were eventually fixed within a week. At the very least, such an act reflects that the Chief Executive attached great importance to these lists which would enable him to insert confidants and "LEUNG's fans" who supported his administration into the committees and advisory frameworks of his liking.

The third email was issued by the Home Affairs Bureau on the morning of 13 November, Tuesday. The recipients include officers in the AA (i.e. Administrative Assistant) Grade in the Policy Bureaux and the Chief Secretary for Administration's Office. A carbon copy was sent to the Chief Executive's Office, SHIU Sin-por, Sophia KAO, etc. The purpose was to ask the Policy Bureaux to confirm the major advisory and statutory bodies under their respective policy areas and request the relevant Policy Bureaux to furnish a list of non-official members of these organizations whose term of appointment would last until the end of 2014. They were also welcome to provide information on members of the main advisory and statutory bodies whose term had expired in 2012 or would expire by the end of 2012. Such information needed to be submitted before the 20<sup>th</sup> of that month (i.e. November). Then the Home Affairs Bureau would pass the information to Sophia KAO.

In the past, our Home Affairs Bureau collected the CV, i.e. curriculum vitae, of many people in the community and kept it in a so-called database, that means personnel file. Before I became a Legislative Council Member, I had also submitted my CV to them for storage in the database, but no one has ever looked up my CV and offered me any appointment. It turns out that now personnel appointment does not only concern this database of the Home Affairs Bureau. They will also hand over to Sophia KAO information about people whose term of appointment will soon expire and vacancies in the coming two years. The whole Government has vested such great power of appointment in a single person. This person is called Sophia KAO, who is backed by LEUNG Chun-ying. Can this not be deemed as total manipulation, distorting the original role of CPU of assisting the Government in conducting policy research? In my view, such an arrangement is very dangerous. CPU should focus on its policy research projects. It should not be distorted and rendered into a "Central Appointment Unit". As we can see from the appointments of IPCC, once members from the democratic camp have left, no more members of the democratic camp will be appointed. Who will be appointed? Those who oppose Occupy Central. Who will be appointed? "LEUNG's fans". Who

will be appointed? People who very much sympathize with and sing praises of the Police. This is how the appointments of IPCC are made. Under LEUNG Chun-ying and Sophia KAO, a practice sacrificing the prestige of IPCC has come into existence. For this reason, Chairman, I consider that we should deduct this expenditure of \$3 million and abolish such an unreasonable arrangement.

**DR CHENG CHUNG-TAI** (in Cantonese): Chairman, "Resolved that Head 151 be reduced by \$35,000,000 in respect of subhead 000 (approximately equivalent to the annual estimated expenditure for the salary of the Secretary for Security).

Actually, I do not want to use this document stand when I speak unless it is necessary, but I have too many statistics and cases to read out.

There is only one reason for this reduction of the annual estimated expenditure for the Secretary for Security and that is, the incumbent Secretary for Security is not engaged in security work. The Security Bureau has become a "stability maintenance bureau". Under the current structure or system, many disciplined services are under the Security Bureau, including the Police Force, the Fire Services Department ("FSD"), the Immigration Department, the Customs and Excise Department, the Correctional Services and the Government Flying Service. Among them, the Police Force has the largest number of personnel and the most frequent daily contact with the public. The primary function and duty of the Police Force is, of course, security. Political considerations aside, is the Police Force able to properly perform its functions of protecting Hong Kong citizens and society, as well as protecting people's lives and properties?

Here, I would like to spend time reading out some statistics, which I believe the Secretary is well aware of. In 2016, 49 police officers were suspended or resigned for alleged criminal offences. These offences involved not only embezzlement but, more seriously, knowingly violating the law. The figure recorded a five-year high. The relevant crimes included theft, fraud, assault, misconduct in public office and even sexual offences; 30 police officers were suspended for criminal offences, two more than the figure in 2015, including 26 Constables, four Sergeants and one Station Sergeant; in addition, 18 police officers (14 Constables and four Sergeants) have resigned for alleged offences, doubling the figure of nine people in 2015; in 2016, 34 police officers were arrested by the Police, a nearly 80% increase compared with 19 people in 2015. Among them, 21 were suspected of having committed criminal offences

of a more serious nature defined by the Police, three of them were involved in wounding and serious assault, two in shop thefts (that is so strange), four in miscellaneous thefts, four in fraud, and five in misconduct in public places, fighting, criminal damage, outraging public decency, and so on.

With respect to these crimes, Members of the pro-establishment camp would say that these black sheep are merely a tiny proportion in the Police Force. For them, 40 to 50 people in more than 28 000 committing crimes is tolerable. However, the Police have always stressed the need to treat police officers' involvement in crimes with zero tolerance, and we have yet to talk about the level of severity behind these figures.

These statistics have been discussed repeatedly in the past. I now only talk about the reports in the past two months. In fact, the Independent Police Complaints Council ("IPCC") issued a report yesterday with "off-duty police officers committing offences" in the headline, but of course its content was all about "a little criticism, a lot of help". However, a large variety of cases were reported in the past two months. First, a woman appeared at the Magistracy for an alleged theft of a bicycle. We might think that this case was about a poor woman stealing a bicycle, but the Magistrate considered that the police officer had lured the woman into confession and the case is in court proceedings. LAU Chi-wai, a 26-year-old officer stationed in Yau Ma Tei police district, was suspected of having stolen a total of \$1,300 from the lockers in the police station on several occasions, while the remuneration of the Police Force is the highest among various disciplined services. But compared with the embezzlement case last year in which \$1,070,000 bail money was stolen, this case indeed pales into insignificance. An auxiliary policeman with 26 years of service under his belt blackmailed his girlfriend who he had met in Shenzhen with sex video clips he has secretly filmed. He was convicted by the Court of "access to computer with criminal or dishonest intent" and "blackmail".

Next, Station Sergeant CHOY Tak-cheung, who will retire next year—this is funny—pinched his female colleague's cheek, arm and earlobe, and was convicted of common assault. I believe this should be a case of sexual harassment or even sexual assault, but I wonder if Members would agree. How could cheek-pinching be a common assault? This is as impossible to understand as "assaulting police officers with one's breast".

TAM Wing-cheong, a 41-year-old police officer, lied about the details of the incident after hitting a fire hydrant when driving a police car on duty. He was convicted of perverting the course of public justice. Another police officer was suspected of concealing his debt situation when applying for a loan from the Hong Kong Police Credit Union. He was arrested by the Police on the ground of alleged fraud.

I have just cited cases in the past two months. Please do not be mistaken that I am talking about cases that happened a long time ago. Such cases will happen around you every two to three days. Identification Bureau constable OR Wing-fat took upskirt videos and photos of 14 women—be careful, colleagues of the Secretariat—pleaded guilty to outraged public decency. A 50-year-old off-duty policeman by the surname TSO was arrested for criminal damage of the hoarding of a village house in Sheung Shui.

These examples happened in the past two months. Let us not talk about for the time being whether the police officers are competent, instead, we simply question if they can duly fulfil their duties as law-abiding citizens. The Secretary will be embarrassed listening to the incidents that happened in the past two months. A police officer was convicted of common assault for pinching a female colleague's cheek, how embarrassing is that? One should not behave like this even if he is lustful? It may be inappropriate to put it this way, but one should not handle things like this.

IPCC recently made public three cases which did not happen during the course of duty nor involve embezzlement in the police station. What did these police officers, who have been advocating law-abidingness, do off duty? They revealed their identity as policemen during disputes with the public. We saw this kind of situation often but we did not think it was so serious before because we thought there seemed to be a complaint mechanism. It turned out that the complaint mechanism is just "investigations by their own peers" as if nothing had happened.

The next case is even more outrageous. Everyone will be shocked by it. It involved police officers using their authority to ask female citizens (that is, the female suspects or complainants) for their contacts to make friends with them during the duty period after handling the case. The term "making friends" is too neutral. They have abused their official positions to pick up women, which is not within their duty. The Chairman may think it is inappropriate but let me

draw an analogy: as the Chairman, would you invite female colleagues to meals by using your official position? You might do so for work purposes, but it is wrong and unethical to do so for personal purposes. How about the code of ethics, Secretary?

Friends in the opposition camp were arrested yesterday and today because of their participation in protests. Political aspect aside, from their duty to the code of professional conduct, these statistics and cases told us how the Police behave themselves. Secretary, I am not discussing politics with you here. You said you have properly managed your teams under these circumstances? Such an CEO in a private company would have been fired 10 years ago.

These cases of revealing their identity, asking for contacts and using their official position to pick up women lead us to a more serious subject: all these examples tell us that, if the Police, as law enforcers who possess public powers, lack monitoring and are internally corrupted, the Hong Kong public will suffer. Some said "when those above behave unworthily, those below will do the same". An example is LO Wai-chung, Commissioner of Police, who has said that it could be guaranteed to the seven policemen in the "Seven Cops" case that the police associations will make every effort to provide them with legal and financial assistance should they decide to appeal. This is obviously pampering and encouraging crime and then raising funds for lawsuit. How is this different from the triads? They felt embarrassed and so fooled a group of people in the entertainment circle, telling them that their donations would not be accepted without explaining the considerations therein. Once a precedent is set, how can the authorities manage their teams?

A month or two later, a member of another disciplined service unfortunately died on duty, precisely for saving a policeman. What would the authorities do? Would they raise funds for his family too? The "Seven Cops" committed a crime, which is clearly contrary to the rule of law, but the authorities have raised over \$10 million for them. It is then unjustifiable that the authorities have not raised \$20 million for the Principal Fireman of Sha Tin who died on duty. Chairman, how does the authorities manage their teams? These are matters known to the authorities and witnessed by all Honourable colleagues. I am not talking about the views of the public or the opposition camp, but about how the Secretary for Security manages his subordinates. He simply cannot well manage his teams as he favours one team over another.

What happens when he cannot well manage his teams? Let us look at some earlier incidents. In 2015, a policeman wrongly accused a man with intellectual disabilities by forging the statement when handling a manslaughter case. After investigation, forgery was found involved in the case. Meanwhile, this year, a Superintendent, a Senior inspector and Constable CHUNG Man-ho were suspected of accepting bribes from triad members. These four years have set a milestone in committing crimes for the Royal Hong Kong Police ... sorry, the Hong Kong Police Force. Is that right, Chairman? This milestone reminds Hong Kong people that the Security Bureau is not engaged in security work. Instead, it is maintaining stability. Those who handle security work, and that is, the Police who exercise public powers on a daily basis, are in fact the danger. Now when parents see a policeman, they will ask their children to be more careful because once the offence of insulting police officers is introduced, the policeman may think that you are insulting him even with one look. Why is that so? All of these show us that nowadays Hong Kong people do not consider the Police Force upholds high standards and strives for continuous improvement. We used to mention these slogans often when we were young, but nowadays being a policeman is merely a job.

We have talked about a series of incidents in the Police. We seek to reduce the salary of the Secretary because he favours one over another. Let us not talk about the other disciplined services but just look at this example: the Police Force is considered an emergency service among all disciplined services, so why is it not the case for FSD? It is unreasonable to say that handling protests is more of an emergency than putting out a fire. This means that the Security Bureau of Hong Kong is actually a "stability maintenance bureau". That is why, in today's debate, we propose that the sums related to the Security Bureau be completely deleted from the Budget, in particular the salary of the Secretary for Security. It is because the Security Bureau is not a Security Bureau but a "stability maintenance bureau".

Lastly, I would like to cite some examples which everyone may not wish to hear. After several serious fire incidents, unions of FSD have voiced out their demands on many occasions for more reasonable remuneration, benefits and protection, so did their families and colleagues from other so-called general disciplined services. Last week, I took some children on a visit to FSD. The colleagues there made me feel that they are really serving Hong Kong people. When they let the children try on the fire helmets and fireproof suits, the children

expressed great respect and excitement. I believe the children would not be so happy if they were to visit a police station and try on police uniforms. Their parents might even be a bit worried if that was the case. Hence, I would like to bring forth a final point (*The buzzer sounded*) ...

**CHAIRMAN** (in Cantonese): Dr CHENG Chung-tai, please stop speaking.

**MR KWONG CHUN-YU** (in Cantonese): Chairman, I will express my views on "Head 21—Chief Executive's Office" as follows. Hong Kong people will be very pleased if the salaries and gratuity of many staff of the Government, one of them being Andrew FUNG, can be slashed. Hence, I will move an amendment later on to the effect that head 21 be reduced by \$1.19 million in respect of subhead 000, that is, an amount approximately equivalent to the estimated expenditure for the emoluments for three months, from April to June 2017, and gratuity of the incumbent Information Co-ordinator.

Why should his emoluments be slashed? Of course, I should begin by saying a few words about what Andrew FUNG has done and, most importantly, the duties of the Information Co-ordinator of the Chief Executive's Office. Let me share some information with Members about this post. The Information Co-ordinator will assist the Chief Executive and be responsible for the following duties:

First, "to formulate the media and public relations strategy for the introduction of major policies and programmes"; second, "to coordinate the timetable of the introduction of major policies and programmes"; third, "to closely liaise with the Director of Information Services and Principal Officials' Press Secretaries to ensure effective implementation of media and public relations strategy for major policies, and monitor public and media feedback"; fourth, "to plan and implement programme of public functions for the Chief Executive, including speaking engagements, overseas visits, community visits, meetings with editors and correspondents, and press conferences on an ongoing basis"; fifth, "to liaise with local and international media on behalf of the Chief Executive"; sixth, "to act as Spokesman for the Chief Executive, as and when required"; and seventh, "to manage the Press Office in the Chief Executive's Office".

I dare say Andrew FUNG scores zero in performing almost all the aforesaid seven duties. As the Information Co-ordinator, he gives laymen an impression that he has failed to attend to his proper business, and he has nothing much to do, for he can argue with others on Facebook during office hours. He has even claimed himself to be the "White House Press Secretary". Do Members have any idea of his emoluments? His emoluments were \$2.74 million and \$2.96 million in 2014-2015 in 2015-2016 respectively, paid from public coffers. In 2016-2017, his emoluments plus gratuity even reached \$3.83 million, much higher than the US\$440,000 earned by United States President Barrack OBAMA in 2015.

Andrew FUNG has created many public relations disasters in handling public relations affairs for LEUNG Chun-ying. As we all know, the Information Co-ordinator is close to being a public relations officer of the Government and the Chief Executive. Being a public relations officer, he has, on the contrary, created public relations disasters. Many Hong Kong people have no idea of what he is doing. The tax paid by Hong Kong people is really doing them injustice.

Let me first say a few words about what he has previously done, beginning from recent years. As we all know, Andrew FUNG assists LEUNG Chun-ying in managing his Facebook account. In the second half of December 2015, the revelation that LEUNG Chun-ying's Facebook account had befriended a number of sexy women became the talk of the town. Subsequently, the Chief Executive's Office issued a statement, saying LEUNG Chun-ying's Facebook was hacked on 24 December. However, it was later pointed out in a report, with a snap shot uploaded as evidence, that the incident did not occur on 24 December, for LEUNG Chun-ying's Facebook had already befriended some sexy girls as early as November. Andrew FUNG, who was the Information Co-ordinator and responsible for managing LEUNG Chun-ying's Facebook at that time, took the matter very seriously. Not only did he complain of being set up and wrongly accused, he also said that some people had altered the pictures to make untruthful accusations of the Chief Executive. Actually, we know very well if the Chief Executive was wrongly accused. The comments made by him afterwards grew more and more confusing, making the situation even worse.

Apparently, his handling of all public relations disasters would only grow more and more confusing. LEUNG Chun-ying should really "thank him for all this". The only interesting line he has ever made is "I am the 'White House

Press Secretary". Chairman, what is a White House Press Secretary? The post was created in 1929, and the incumbent White House Press Secretary is the 30<sup>th</sup> post holder. Honestly, it is probably correct for Andrew FUNG to describe himself as a "White House Press Secretary". Let me first introduce Sean SPICER, the White House Press Secretary for the incumbent United States President, Donald TRUMP. He has created quite many public relations disasters for Donald TRUMP after taking office for just a short period of time. First, on the first day of Donald TRUMP on the job, this White House spokesman, like Andrew FUNG, literally exploded in anger when he condemned the journalists. And then, he described the figures related to a press conference handled by him as "magnificent", emphasizing that the audience, including live audience and live broadcast audience around the world, was the largest in history and that it was indisputably the grandest inauguration ceremony in history. Should his words be put into Andrew FUNG's mouth, it seems that Andrew FUNG will say something like that because, as we all know, he would say "I personally witnessed the huge popularity enjoyed by LEUNG Chun-ying when he made district visits and photographs were taken, too" when he praised and publicized LEUNG Chun-ying in the past. That was the truth in his eyes—what he believed and saw was the truth.

Second, this White House Press Secretary is fond of substantiating his own arguments with "alternative facts". Interestingly enough, when he mentioned the popularity of the President's inauguration, he said to this effect, "On the day of inauguration of President OBAMA, 317 000 people used the D.C. Metro public transit, compared to 420 000 that used it yesterday—the day of inauguration of Donald TRUMP." The figures quoted by him sounded remarkable, for more people on the streets were taken to imply that more people supported Donald TRUMP. However, it was later found out that the patronage of the D.C. Metro on the day of inauguration of OBAMA was counted up to 11:00 am, but the figure quoted on the inauguration of Donald TRUMP was probably for the whole day. His deliberated attempt to substantiate his own arguments with some "alternative facts" and the behaviour of Andrew FUNG share something in common, for the latter was fond of using pseudo-facts when he sought to provoke others. But upon close examination, his arguments were found to be not substantiated by facts. Very often, his arguments were found to be problematic when he was subject to questioning.

The best example must be the incident involving Dr Helena WONG. When the lead-in-water incident was uncovered by Dr Helena WONG, Andrew FUNG failed to accept responsibility, though civil servants are obliged to do so.

On the contrary, he said, to this effect, "Dr Helena WONG, why did it take so long for you to break the news? There must be something wrong with you." Putting the blame entirely on someone else, he is most fond of making interpretations from various angles to sling mud at others and elevate his own position. Can he help LEUNG Chun-ying by this means? Members should know what has happened over the past years.

There is something interesting about Sean SPICER, the White House Press Secretary introduced by me a moment ago. He easily makes typing errors, including omissions. As we all know, Andrew FUNG has difficulty in counting. For instance, he once said, "My answer can be summed up in three words—不予置評 (no comments)". Members can tell that they are very alike. After talking about these two persons, what message am I trying to strike home? Honestly, the real duties of the Information Co-ordinator are the seven major duties mentioned by me at the beginning of my speech. He should maintain a good relationship with the press, media and members of the public. The best scoring indicator of an outstanding White House Press Secretary is creating no news about him, for he should be responsible for conveying messages and making statements only. He must have created public relations disasters if there is news about him. However, when Andrew FUNG was the Information Co-ordinator over the years, there were indeed too many occasions on which members of the public were just watching him as onlookers.

Another example is the revelation that a closed group called "Support LEUNG Chun-ying!" was recently added to LEUNG Chun-ying's Facebook, and he was the administrator of this group. Subsequently, someone left a message, requesting him to be removed as the group administrator. Buddy, being a "White House Press Secretary", he earns \$200,000 monthly, or more than \$10,000 daily. However, he did not know how to quit the group. Of course, he was ridiculed again. Actually, what is he doing for LEUNG Chun-ying? Do we still have to pay him emoluments and gratuity for the months between April and July 2017? The amount of his gratuity is even higher than the income of OBAMA. Is it worthwhile to pay him? Honestly, I know that he will probably write a long essay during office hours to attack me after I have finished my speech. Nevertheless, I think that if his emoluments are slashed, Hong Kong people will applaud, because public funds should be put to good use. It should not be paid to someone to perform the duty of a "White House Press Secretary", so to speak, thereby wasting taxpayers' money. My views on "Head 21—Chief Executive's Office" end here.

Meanwhile, Chairman, I will express my views on "Head 163—Registration and Electoral Office". The Registration and Electoral Office has recently made a major blunder. Of course, I am referring to its loss of notebook computers. Follow-up actions should certainly be taken properly after the occurrence of this incident. However, I find the progress to date has been extremely slow. This matter has something to do with money. I am most dissatisfied with their way of handling the incident. What did they do? After the computers containing such confidential information as the addresses of all electors in Hong Kong went missing, each and every elector must be informed. As a result, the Registration and Electoral Office decided to issue letters to electors and apologize to them for the leaking of their information. Although the money spent on making the apologies comes from taxpayers, has the Registration and Electoral Office consulted them in advance? Nearly \$5 million in public funds was spent on issuing letters to inform electors. Chairman, sometimes, we do not understand why public funds has to be squandered in this manner. I have always emphasized that this sum of money, if spent on the grass roots, may lead to very good prospects.

When we discuss the emoluments of Andrew FUNG and query the Registration and Electoral Office for lavishing taxpayers' money, we can still ask if their estimates are very lax. Actually, I wish to spend a little of my remaining time on this question: What are the grass roots in Hong Kong facing? While the Legislative Council is discussing pay increases for high-ranking officials, we are depriving the "N have-nots" of their allowances. Although a three-year trial programme for the provision of dental service for people with intellectual disabilities has ended, no news has been heard about the regularization of the programme by the Government. It is only due to huge public outcries that the Government has reluctantly extended the trial programme for one year. However, we still do not know if this service can continue to develop. Very often, we can see that the Government shows no concern at all about the services required by the grass roots. In the debate conducted yesterday, we said that we were not convinced why more than \$600 million had to be spent on organizing events to celebrate the reunification and distributing "fortune bags" without regard for the needs of members of the public—the grass roots, the disadvantaged and the silent groups. While they might be unable to afford a full meal, we are spending the money on these redundant government staff, "white elephant" projects and programmes plagued by constant cost overruns. Should overruns occur, they will come back to the Legislative Council, which is treated like an automatic teller machine ("ATM"), to apply for supplementary provisions.

Have we ever considered that although we can vote without feeling pressurized for a resolution on this Council serving like an ATM, the money spent actually comes from taxpayers, who are the people of Hong Kong?

Today, I hope Members can consider the amendments to the Budget prudently. In particular, I believe not too many Members will oppose my proposal just now for slashing the emoluments and gratuity of the Information Co-ordinator, Andrew FUNG. I hope Members will support this amendment. Most importantly, I hope the Government can refrain from squandering public coffers in the future, because I really think that the Chief Executive's Office is squandering public coffers. According to the information we have collected, Andrew FUNG has received \$10.72 million in total in public coffers during the past three years and a half when he was serving the Government. Without this post, the \$10.72 million of public funds can be spent on the grass roots and helping the disadvantaged. We may also strive to campaign for slashing certain amounts of expenditure under various subheads. As the saying goes, many drops of water make an ocean. We can gather strength for the grass roots. Only in this way can the Government really serve the people. Honestly, many Honourable colleagues will speak in relays on the amendments. I only hope to slash those items that can be slashed. However, the money slashed should not be returned to the Treasury entirely. Instead, it should be spent on the most disadvantaged Hong Kong people we have been talking about.

I so submit.

**MR LEUNG YIU-CHUNG** (in Cantonese): Chairman, today I am going to speak specifically on Amendments Nos. 65, 66, 142 and 143. Amendment No. 65 was proposed by Mr CHAN Chi-chuen to reduce the estimated expenditure of the Information Services Department for organizing activities in celebration of the 20<sup>th</sup> anniversary of the establishment of the Hong Kong Special Administrative Region ("SAR") under head 74. Amendment No. 66 is proposed by Mr CHU Hoi-dick to reduce the operational expenses on the publicity work and injection of time-limited funding for the 20<sup>th</sup> anniversary. Amendments Nos. 142 and 143, focusing on the Constitutional and Mainland Affairs Bureau, seek to reduce its expenditure for organizing activities on the Mainland in celebration of the 20<sup>th</sup> anniversary of the reunification. I absolutely support all of these reductions.

Every year, the Budget of the current-term Government gives us the impression of a total lack of new ideas, which is greatly disappointing. We have criticized on many occasions that even though the Government hoards a huge surplus, it does not spend money where it is due. I believe that in the past, we already got used to this phenomenon and did not find it surprising. This year, however, there is something different. In the Budget this year, there is a novel point which we find very special. To our surprise, the Government has made a large provision amounting to hundreds of million dollars. Some people ask whether the Government has finally changed its tune. But actually, we need not think too much about it. In fact, the large sum mentioned by me refers to the spending of \$640 million by the Government for celebrating the reunification.

What is the point of such celebration? There are more than 300 activities in total, but these 300-odd activities sound quite weird. Among them, there is the "Cross-curricular Project Competition on Climate Change". How can this be related to the reunification? It really baffles me. There is also the "One Day Tour for Parent-child". There is no harm in organizing activities to promote parent-child relationship, but if it is said that the purpose is to celebrate the reunification, then I am really lost. We consider these activities totally irrelevant. Is it possible that their names are used as a cover to lavish public coffers? This is a most important point, Chairman.

Back to today's amendments. This matter involves \$640 million, of which some \$40 million is for the Constitutional and Mainland Affairs Bureau to organize activities on the Mainland in celebration of the reunification. I have no idea why our celebration activities for the reunification have to be held on the Mainland. What can be done with \$40-odd million? As the whole country is so vast in territory, what can be done with \$40-odd million? What is it if not wastage? Some of the money will be used for holding concerts and roving exhibitions, but we do not know what the concerts are about. I hope their purpose is to provide opportunities for arts organizations to perform, learn from each other and exchange views. This may be better. But what will be displayed in the roving exhibitions? It turns out that \$67 million is publicity fees. I am worried, but actually there is no need to worry because in fact, the publicity will definitely aim at window dressing, showing only our good side with no mention of the bad side at all. It can be concluded as "window dressing with no shame".

Why am I saying this? Because the purpose of the Government's publicity and exhibitions is to tell people in the community that Hong Kong is very prosperous. Everyone lives in peace and works with contentment as though all of them have won the Mark Six Lottery. All of them are happy. However, we know this is far detached from reality. In fact, it is so detached from reality that it makes us feel ashamed. Why? Chairman, it is very strange. I have watched an Announcement of Public Interest ("API"). In one of the scenes, some elderly people say we should respect history and traditions, and then some young people say we should cherish hope for the future. Chairman, the Government is really detached from reality and shameless, is it not?

Talking about the elderly, now the residential care places for the elderly are severely inadequate. Every year, thousands of elderly people passed away while waiting for residential care places. Is this the way to respect them? As regards the young, they face endless pressure. There is pressure from competitions and also pressure from examinations. Examinations have imposed enormous pressure on the young people, and they have become examination machines. After going through repeated examinations, young people manage to hang on until graduation, thinking that they will be able to start a new family after finding a job upon graduation. Yet after graduation, they may not afford to buy a flat. Even if they can afford it, they will become "property slaves", having to work for mortgage repayment almost all their lives, putting their own interests and ideals completely aside. As such, can the Government still say that it lets young people cherish their hopes and ideals? If it says such words, we will ask if this is true. Is it not ridiculous?

Chairman, regarding the entire project for celebrating the reunification, may I ask the Government, during these 20 years since the reunification in 1997, or, if we just talk about the past five years instead of such a long period, what has actually happened that can make Hongkongers happy? What is worth celebrating? Let me first talk about the wealth gap. We have seen the wealth gap become more and more serious year after year. The Gini coefficient keeps surging. It has risen from 0.518 before the reunification to 0.537 now, hitting a new record high. The poverty population also keeps increasing, exceeding 1.34 million. How many people live in subdivided units? Over 200 000. Has the average living space per person increased? No, it is still 5.7 sq m only. Also, more than 1 000 people sleep in the streets, suffering from the torture of the elements.

Besides, as I can see, the problem of population ageing is becoming increasingly serious, but what policy does the Government have in respect of population ageing? The Government will only procrastinate as far as possible. For example, retirement protection which has been discussed by us is yet to be provided. Moreover, very often, the Government keeps haggling with the elderly. As mentioned by a number of Honourable colleagues, they have been striving for community dental service for the elderly, and this problem has existed for years, but to our surprise, there has not been the slightest progress. The Government can comfortably provide 39 dental clinics for 160 000 civil servants, but 1.1 million elderly people can be served by 11 dental clinics only. Moreover, these clinics do not open every day. They may open only one or two days or even half a day a week. Are these worth celebrating? What is the only thing the Government can celebrate? It can celebrate its success in "elderly abuse". Furthermore, as we all know, the elderly and the grass roots are living in dire straits. We did not see the Government make use of public expenditure to resolve their problems so that they can get out of poverty. Yet the SAR Government brags about its performance. In particular, the Chief Executive keeps claiming credit for non-existent achievements, claiming that his work in poverty alleviation is very successful. He also calls himself innovative in setting the poverty line. After this line has been drawn, what then? Can it raise the living standard of this group of people living below the poverty line? Does he have any achievement which we can talk about? None at all.

Any discussion about livelihood issues certainly involves the housing problem. The housing problem readily speaks for itself. Now the speed at which the property price spirals is really a stunning eye-opener. It is even faster than Chief Executive LEUNG Chun-ying's climb to the position of Vice-Chairman of the Chinese People's Political Consultative Conference. As we can see, now the buildings constructed have become higher and higher, and so is the property price. It has become so expensive that it is not affordable to the ordinary masses. For seven consecutive years, Hong Kong has been one of the cities in the world where it is the least affordable to buy a home. The property price to income ratio has reached 35, leaving that in the other cities far behind. That is to say, a family with a median household income has to refrain from eating and spending for 35 years before it can afford buying a flat with an area of several hundred square feet. This situation has already aroused widespread resentment.

Apart from the housing problem, let us talk about the Chief Executive. He has assumed office for nearly five years. During these five years, he is most adept at stirring up political struggles. After the failure of the constitutional reform, we do not know when the constitutional reform can be reactivated. Society has been torn apart. Social grievances keep intensifying. The relationship between the executive and the legislature is worse than ever. To protect his own interests, he has employed all kinds of tactics to keep sowing dissensions and create social conflicts, thus turning Hong Kong into a mess. Despite this, he, on the contrary, told the Communist Party of China that he had the ability to resolve the problems in Hong Kong and kept claiming credit for non-existent achievements, paving the way for his future advancement at the expense of Hong Kong's future.

As a matter of fact, the people have no means of livelihood; society has been torn apart; the Government is incompetent. This is a true picture of these past 20 years. Of course we cannot see the actual situation in APIs. We organize celebration activities for the reunification simply to stage a show of peace and prosperity. In fact, to really face the reunification, I think the Government should take the tourists to see the real situation in Hong Kong. For example, they can visit the subdivided units, street sleepers or "coffin-sized units" of 200-odd sq ft to see how the people of Hong Kong are not respected in their living. I consider that only these things are the most important. Or they can visit such places as Wang Chau, Choi Yuen Tsuen, etc. to see how the villagers are forced to leave their homes by real estate developers or the Government. This is the reality in Hong Kong, but of course APIs will not reveal these situations. In that case, why should we approve funding for the Government to carry out such publicity of staging a show of peace and prosperity?

Chairman, during the 20 years since the reunification, as I said just now, what has happened that can make us happy? The spending of some \$640 million on organizing activities for celebrating the reunification makes us feel that it is only window dressing, staging a show of peace and prosperity which is meaningless. As a matter of fact, many elderly people do not have a decent dwelling place. Persons with intellectual disabilities are not being looked after or respected. This is something we need to deal with. If this \$640 million is used to help this group of people rather than holding these window dressing activities, the situation will be quite different. For example, this sum of money is sufficient to provide more than 30 000 residential care places for the elderly

and special dental services for persons with disabilities for 32 years. Why do we not spend the money on these services? I think if it is spent on these services, more people will give it a big hand. Yet regrettably, the Government does not spend money where it is due, and it does so where it should not. This sum of money, in my view, can really be called "an expenditure to fool people". It is foolish. I think the Government should stop doing that. I consider that the Government, particularly Chief Executive LEUNG Chun-ying, should stop spending so much money on bootlicking, wasting public coffers of the taxpayers.

Actually, speaking of bootlicking, I consider the Chief Executive very successful in bootlicking because in the past few years, we could see that be it in the Policy Address or other matters, he kept bootlicking and sucking up. Let us take a look, for example, in the last Policy Address in which he repeated the "Belt and Road" for more than 40 times. What is it if not bootlicking?

Chairman, in closing, I would like to say that I very much agree with what Mr KWONG Chun-yu said just now about the problem with Andrew FUNG. His monthly salary is some \$200,000, and his duty is to act as a clown and create public relations scandals. In my view, where there is such a boss, there must be such a subordinate. The boss and his subordinate will definitely act alike. The way LEUNG Chun-ying chooses someone for a job, in my opinion, is certainly unprecedented, but whether anyone will follow his approach in the future is unknown. Andrew FUNG's public relations work is a complete failure with one joke coming after another, making us feel that holding onto his position, he just talks nonsense. For this reason, his remuneration must be cut. He should not be allowed to continue to so-called fool around like a donkey in a lion's hide. I think this problem (*The buzzer sounded*) ... must be squarely addressed.

**CHAIRMAN** (in Cantonese): Mr LEUNG Yiu-chung, please stop speaking.

**MR LAM CHEUK-TING** (in Cantonese): Chairman, my amendment seeks to deduct the salaries of the Commissioner of the Independent Commission Against Corruption ("ICAC") for three months and also the salaries of the Secretary for Constitutional and Mainland Affairs. Why do I target the two of them? Let me first talk about the ICAC Commissioner, Mr Simon PEH.

Chairman, according to the results of an opinion poll published some time ago by the Public Opinion Programme of the University of Hong Kong, people's satisfaction with ICAC dropped to be the lowest among the many disciplined forces, with a satisfaction rating of 63.2 only. ICAC used to be most highly reputed among all disciplined forces. That ICAC's reputation has come to such a sorry state today is heart-rending to many members of the public and myself.

(THE CHAIRMAN'S DEPUTY, MS STARRY LEE, took the Chair)

While the reputation of ICAC has been dealt a hard blow, the public's appraisal of the degree of corruption-free practices in Hong Kong has likewise dropped to a new low in a decade with a score of 5.95 in 2016. Poll results also showed that "wish[ing] Hong Kong to become a corruption-free society" was the new year wish of most respondents, with the percentage increasing drastically from 6% in 2004 to 31% in 2016. This is proof of public concern about ICAC and probity in Hong Kong.

ICAC Commissioner Simon PEH has assumed office for several years. Initially during my observation of his work, I thought that he made himself a laughing stock because he was not versed in the operation of ICAC. For instance, in 2013 when the incident of corruption involving Timothy TONG was brought to light, the number of reports on corruption received by ICAC at the end of the same year dropped sharply by 30%, and what did Simon PEH say at that time? He denied that it was related to the Timothy TONG incident, saying that according to some members of the public, a decrease in the number of complaints received for the year might be attributable to a stronger awareness of fighting against corruption, which was a good thing. I have never heard such a ridiculous explanation before. In the past, the number of reports lodged with ICAC was generally quite stable. Except in times of dramatic fluctuations in the economy, a drastic drop of 30% was hardly seen.

Indeed, the damages done by the Timothy TONG incident are most obvious. Taking over as the new ICAC Commissioner, Simon PEH needed not bear this burden of Timothy TONG. Why should he water down this incident? I was puzzled at the time and I wondered if it was because Simon PEH happened to be slightly lapsed in his judgment at that moment. But as I continued to keep watch on him, that was absolutely not the case.

What happened subsequently greatly shocked Hong Kong society and even the international community and that is, there came the earth-shattering staff reshuffle in ICAC. It was actually Simon PEH, the Commissioner, who started the whole incident. As we all know, Ms Rebecca LI had worked in ICAC for almost three decades. With excellent experience and track records in fighting corruption, she commanded extensive respect from ICAC officers. But for reasons unknown, almost a year after Ms Rebecca LI had acted up as Head of Operations, the arrangement for her to act up this post was suddenly terminated without any indication beforehand. This decision not only caused strong reactions from Rebecca LI who quitted shortly and left ICAC where she had worked for almost three decades, but also led to a major reshuffle in the senior echelons of ICAC as a number of senior officers quitted one after another. This came as a great shock to ICAC officers. Many of them refused to attend the annual dinner of ICAC, so the only activity held annually for enjoyment by the staff and the management had to be cancelled.

The Rebecca LI incident has severely jeopardized the credibility of ICAC, and how did Simon PEH respond? It seems that he came forth to meet with the reporters once whereas on other occasions, he gave a response mainly by issuing statements. Even when Mr Ricky YAU, who acted up as Head of Operations after Rebecca LI's departure, tendered a resignation and then decided to stay, which was an important personnel reshuffle, he did not come forth to give an explanation or response to the reporters. This has inevitably made it questionable as to whether Simon PEH has the ability and will to lead ICAC.

Simon PEH used to lead the Immigration Department, and I have no idea how he had performed at work. But I would say that his leadership of ICAC is but a mess. I have been told that since he became the Commissioner, ICAC has entered a dark age, not to mention that the reputation of ICAC has been hard hit. Such being the case, Simon PEH actually should not remain in office as the Commissioner of ICAC and he should have been held accountable and stepped down. However, he is so shameless that he continues to receive handsome emoluments and benefits and remain in office as the ICAC Commissioner. But ICAC is now in an extremely difficult situation and regarding the question of how he will lead ICAC to walk out of the predicaments, he is actually just clueless. For such an ICAC Commissioner, I would say that actually only Timothy TONG can be a match for him. Under these circumstances, how can he continue to draw from us such handsome emoluments and benefits of close to some \$200,000 monthly?

It is reported that he may leave after 1 July and a new ICAC Commissioner will take over him then. I do not know if these reports are true but if he can really leave ICAC, ICAC will be given a chance to turn a new leaf. When the Rebecca LI incident broke out, sources from ICAC revealed that at a meeting of senior officers in ICAC, Simon PEH's explanation failed to convince the senior ICAC officers at the meeting. Some officers enclosed Simon PEH and straightforwardly told him to go away and leave ICAC. Such a scene is even more dramatic than the plots in the movie, *Cold War* (寒戰). As head of a disciplined force, he was nevertheless enclosed by the subordinates of the subordinates of his subordinates, calling on him to step down. At a meeting of the Panel on Security, I put questions to Simon PEH upfront about this incident. He only took an evasive attitude and dared not give an answer direct.

I think the last thing that Simon PEH can do for the probity of Hong Kong is to step down as a show of accountability. Since he refused to take responsibility and step down, I can only propose this amendment to put across to him, on behalf of the public, the clear message that ICAC no longer needs Simon PEH and he should leave early. For the sake of probity in Hong Kong and ICAC, we urge Simon PEH to leave ICAC as early as possible. He has burdened ICAC to an extent that is already bad enough. We cannot bear with him any longer. Please give ICAC a new chance to embark on afresh its anti-corruption work which has been quite successful over the past few decades.

Deputy Chairman, as to the question of why I have proposed to deduct the salaries of the Secretary for Constitutional and Mainland Affairs, we all know that he, jointly with former Chief Secretary for Administration Carrie LAM and the Secretary for Justice, formed the three-member Task Force on Constitutional Development which kept on promoting the proposals for bogus universal suffrage. These proposals for bogus universal suffrage were not supported by the public, nor were they supported by this Council as the many pro-establishment Members did not vote in support of it. In fact, his handling of the constitutional reform was a mess; nor did he accurately reflect the strong aspiration of Hongkongers for universal suffrage.

Moreover, the Registration and Electoral Office under his leadership has outrageously lost the personal data of some 3 million voters in Hong Kong, including their names, identity card numbers and addresses. In response to this incident the Secretary only tendered an apology and what is more, he came forth

to tender an apology only one week after the incident. But is this a manifestation of accountability? If tendering an apology is tantamount to taking up accountability, perhaps we had better not call this system the accountability system of senior officials and it might as well be renamed as the apology system of senior officials because everything can be settled with a mere apology, right?

Had this happened in a truly accountable government overseas, the relevant politically accountable officials, faced with such a serious blunder, would have to take up political accountability accordingly even though they may not be the ones who decided which computers should be brought to the venue and which ones should not. Only in this way are the officials truly accountable politically, unlike officials whom we often come across in the Legislative Council nowadays. No matter how low their popularity ratings are or how often they make improper, irresponsible remarks, or how ineffective they are in implementing policies or how many criticisms are hurled at them for making frequent overseas visits, these officials can remain complacent and consider themselves as good officials while continuously pocketing handsome remunerations.

We Members of the Legislative Council have only limited powers. It is only through this debate that I can express our dissatisfaction with these officials. I know very well that these amendments proposed by us will not be passed because the Legislative Council is not fully returned by democratic elections. The pro-establishment Members will definitely stand on the side of the Government to protect the remuneration and the wallets of the officials. In spite of this, we still have to vent our spleen and make the people's voices heard through this debate.

I hope that members of the public who are watching the telecast now can listen to our arguments. We have made it clear that we hope to have a truly accountable government, a government that is accountable to the public, a government that represents the people. It is only through universal suffrage can we make the Legislative Council and the future government truly representative of the people of Hong Kong.

Deputy Chairman, I so submit.

**DR PRISCILLA LEUNG** (in Cantonese): Deputy Chairman, yesterday, we had a debate on certain heads with no amendments and passed the motion. I did not speak yesterday for I did not wish to waste the time of this Council. I also hope that Honourable colleagues will hold back and request less headcounts, so that Members will have more opportunities to fully express their views on various items in the remaining time.

Today, I would like to talk about head 122. Basically, the amendments proposed by a number of Members involve reductions or cuts of various expenditures of the Hong Kong Police Force. I trust that society of Hong Kong is not a perfect and ideal society and that we have many inadequacies. However, I disagree with the remarks made by a number of Members earlier, including Dr LAU Siu-lai and Mr CHU Hoi-dick, for they have depicted our social system as an extremely poor one. In my view, the existing systems of Hong Kong society, be it in the context of economy, law or freedom, still enjoy various advantages and are attractive in some measure. When we criticize the existing expenditure items, I think we have to be reasonable, for this may be a better way to convince the public and Honourable colleagues holding different views.

Mr LEUNG Yiu-chung talked about a number of livelihood issues in his speech, such as dental care services, which is also our constant concern. Hence, I think our difference over this is not significant. Dr CHENG Chung-tai mentioned that resources for the Fire Services Department ("FSD") should be increased. I think we agree that the expenditure on fire services must be increased. Mr Nathan LAW pointed out that the operation of the e-Legislation was poor. These are issues open to discussion. Yet if the concerns over these issues are exploited as an excuse to cut certain necessary and reasonable expenditure items, I consider this an attempt at provocation, using livelihood subjects to put the Police and firemen in a dichotomy. This is inappropriate.

Any discussion on funding allocation should be conducted in context. I have listened to Dr CHENG Chung-tai's speech from beginning to end. He strongly supports FSD, me too. I have done some counting. From 1927 to date, 36 firemen were killed on duty. It is deep in our memory that Senior Firemen were killed last year, the year before and in the fire in Shek Kip Mei. Yet, Dr CHENG Chung-tai singled out the Police and launched scathing criticisms against it. Why did he not mention CHU Chun-kwok, the Police Constable who was stabbed at the artery in his neck while chasing after a robber

some years ago and is still hospitalized for paralysis? Another one was LAU Chi-kin, who was killed in a fall whilst saving a protester sitting dangerously on the roof of a footbridge. His family used to live in Whampao Garden, a district in my constituency, and he was some 40 years old then. Why did Dr CHENG Chung-tai not mention these examples?

In my view, this should be attributed to the recent enforcement exercises conducted by the Police involving certain political movements. To be fair, the targets of law enforcement exercises of the Police are not confined to people opposing the Government. It just happened that all of you had launched an illegal occupation movement of such a large scale that you became the targets of law enforcement exercises, and all of you thus hate the Police. Actually, the targets of police enforcement exercises also include triad societies and criminals, and recently, some people from the so-called "Blue camp" were arrested and prosecuted. Hence, to be objective, there are black sheep in every sector. Am I right? Be it among doctors, solicitors, primary school teachers or even Members, black sheep are found. Should the efforts made by the entire sector be negated merely because some black sheep have inadvertently violated regulations? Should their expenditure and remuneration be reduced and expenditure for improving facilities be disapproved for this reason? I consider this approach of analysis absolutely unacceptable.

I think if this approach is allowed to run its course, an unreasonable impression of the Police will be created in Hong Kong society. I am often struck by the point that sometimes even in front of children, they will still criticize the inadequacies of the Police. As Dr CHENG Chung-tai said earlier, when children put on a fireman's uniform, they will feel proud, yet when they put on the uniform of a policeman, they will not. Why does he have to spread this kind of message?

During the Occupy Central action, I heard the following opinions, not from policemen but from taxi drivers. They said, "Those people seek help from the Police when they are in distress but scold the Police when are not. Honestly, we are unhappy when policemen issue us penalty tickets, and that is why videos recording policemen being violently scolded while issuing penalty tickets are seen on the Internet." Actually, the general public understand that when they seek assistance from policemen while they are in distress, policemen will risk their lives to help them. Do Members remember the shooting case in Kai Ching Estate? A man suspected to have mental deficiency was wielding a gun in a flat

in the estate, the Special Duties Unit was called in and policemen entered the flat to exchange fire with the man.

Hence, we should act reasonably and avoid making sweeping comments. All of you should not disapprove of the Police as a whole because they enforce the law against you all. During the 79 days, I trust the Police had displayed their excellence and restraint to the international community, and they had basically done nothing wrong despite the tremendous pressure. Come to think about what kind of insults they were subject to. I still remember now that Benny TAI who initiated the Occupy Central had indicated clearly on that day the desire to paralyse the operation of the Police by obliging a number of policemen to carry them away. He said that policemen would be exhausted by such removal of participants and could not enforce the law, and then the Central Authorities would accede to their demands. Why did he have to make the Police the target of attack?

I heard him say in a radio programme today that the public have to cause the Government, the new Government in particular, to blunder. It is "evil-minded", is it not? The Police made mistakes in the flash of a moment when they were provoked and being poured with foul-smelling liquid. During the Mong Kok riots, I visited Mr WONG, the police officer who suffered from a collapsed face injury. He said as a man, he seldom cried, but he also shed tears. He said he cried not because of his injury, for injuries were expected when he joined the Police. He said the most heart-rending part was that young people whom he treasured had chased after policemen to hit them. He is responsible for police-public relations work. Though he was injured, the bodily injury is no comparison to the pain in his heart.

How should we deal with these issues? Should we deliberately intensify the poor relationship between the Police and the public? Should we provoke young people to be antagonistic to the Police and regard it their important task to press the Police into making mistakes? Should we do that? Is it good for Hong Kong? No. What are the duties of policemen? They are responsible for maintaining law and order. I have this colleague in the City University of Hong Kong who came to Hong Kong from Australia, and he remained in Hong Kong for settlement upon retirement. He told me that here in Hong Kong, he does not feel insecure to venture out after 10:30 at night. If it is in Los Angeles of the United States, not to mention other cities, one feels so insecure to venture out at night.

The law and order situation in Hong Kong is very good. We should not criticize the Police every day because some black sheep in the Police have made mistakes and think that everyone hates the Police, not to mention that some policemen may have made mistakes upon deliberate provocation. Is it reasonable? When we are in distress, we still have to seek assistance from the Police. Members should know that assistance from the Police may be sought even in disputes of owners' corporations in Hong Kong. When two parties cannot come to a compromise, they will seek mediation by the Police. Members should have thought of the hostage-taking incident in the Philippines. We have seen the course of the incident which is still vivid in our mind.

If the morale of the Police is undermined, will it do any good to us? No. If they slow down a bit in performing their tasks, no one will notice and we cannot criticize them for their discipline problems. When it comes to performance, the mindset is the key. I trust those who join the Police at this time must have great perseverance, for they insist on serving the people of Hong Kong and maintaining law and order despite the avalanche of criticisms levelled at the Police. Today, if we are to attract young people to join the Police Force, we should stop condemning the Police in this manner, for this will put them off. Do we want criticisms against the Police to go so far that policemen will be scolded on the streets and children putting on police uniforms will be despised, so that no one will be willing to join the Police Force? If that is the case, from whom can we seek help? By then, Dr CHENG Chung-tai, will you join the Police Force? We all know that the Police deserve due respect.

Sometimes, I will go to Mong Kok, and I know that the everyday opponents of the Police are not protesters but triad members and law-breakers. All of you should stop claiming how noble the movement was. Those people who cannot vent their spleen on normal days may insult the Police by wearing a yellow ribbon and chanting slogans demanding democracy and self-determination, and the Police dare not take any actions. Those people are so happy to have the opportunities to vent their spleen. On normal days, they are law-breakers subject to arrest by the Police. Yet when they put on your yellow ribbons, they can scold the Police. Do all of you know this? All of you may not know about it, or you may want to take advantage of this to engage more people in scolding the Police together.

In my opinion, the rule of law in Hong Kong society is established with the endeavour of a lot of people over the decades, and the Police have made an enormous contribution. Honestly, law enforcement will naturally draw hostility

on some occasions. When people cause obstruction to streets, someone has to enforce the law. Issuing penalty tickets will definitely bring grumbles. Yet law enforcement officers must enforce the relevant laws, which is part and parcel to reinforcing the rule of law. When the Police enforce the law against people occupying a place illegally, these people are unhappy. When the Police use pepper spray in the course of law enforcement, these people are unhappy. Have Members considered how law is enforced and how they carry out clearance operations in the United States? I recall that I had discussed this with protesters and asked whether they knew how the authorities had thrown protesters onto vehicles in the clearance operation in the Wall Street incident in the United States.

I think the Hong Kong Police have worked hard. Sometimes, I will visit Wong Chuk Hang to chat with young cadets under training. They say they have to face heavy pressure to be policemen in Hong Kong today, for human rights are very important in Hong Kong now. They know they have to exercise restraint. We should not press them into making mistakes. I think we should put ourselves in their position. We should not do such things.

As for the riots in Mong Kok, Miss LAU Siu-lai said a lot just now, yet she seemed to suggest that people were forced by the Police and the Government to act that way. As for livelihood issues and hawker issues, we may discuss them together. Members from the pro-establishment camp also want to find more room for their survival, yet they should not initiate movements of a rioting nature. Why am I saying this? This is proved by some objective factors. Members should have seen from the television that many sharpened bamboo sticks were found on the scene. In fact, I sympathize with the participants, particularly the young people. They thought they would not be in trouble if they wore masks, but now some of them have been arrested. Why would those bamboo sticks be placed on the scene? I think that some people had an ulterior motive. They thought that young people might act on impulse and lose control, and once the Police had done something to trigger them, they might use the bamboo sticks to stab passers-by and the incident would end in bloodshed. Who placed the bamboo sticks there? I think the Police should investigate it and find out who did that and who initiated the incident. If anyone says that there is no ulterior motive, I will not believe that. Were the riots in Mong Kok purely triggered by the hawker incident? Was it just that simple? They should not think that they can get away by shifting all the responsibilities to hawkers.

As for the procurement of the vehicles equipped with water cannons, I know that it was negated right at the beginning. Had there been vehicles equipped with water cannons, the Police might not have to use pepper spray. Since the Police have to deal with large-scale illegal activities, the authorities have to provide them with certain facilities. This is inevitable after all. Yet, this is negotiable. If water cannons are not to be used, should the Police enforce the law à la the American way? We all see that the authorities of the United States often make mistakes, and we do not want that to happen. However, if the Police do not have other means to enforce the law, what can they do? Hence, we should provide more resources to the Police, so that they may enforce the law by modern approaches and prevent any violent clashes which we do not wish to see.

In this connection, let me make this appeal again. The Hong Kong community is a reasonable community and we should not encourage the public to confront the Police, and this should not be done even if it is out of political reasons. The Police are a team maintaining law and order, so we should treasure the Hong Kong Police Force and give them respect and a reasonable working environment, so that quality young people will be willing to join the Police Force. I think we are obliged to do so in terms of law, policies and education of the public and young people. I hope Members will not disapprove of the Police as a whole for political reasons. I so submit.

**MS CLAUDIA MO** (in Cantonese): "Head 114—Office of The Ombudsman", Government Records Service ("GRS") under head 142, and "Head 144—Government Secretariat: Constitutional and Mainland Affairs Bureau".

Normally I rarely respond to the remarks of Dr Priscilla LEUNG because I cannot downgrade myself to be on a par with her. However, Dr Priscilla LEUNG's criticisms of Dr CHENG Chung-tai for taking the Police to task are indeed ludicrous. She kept asking over and over again why he had to spread this kind of messages. Could it be that the Police must be spared criticisms? Is there anyone who must not be criticized or who is "criticism-free"? No. Particularly, from the angle of the public's right to know, in a modern society we attach importance to freedom of the press and freedom of speech, and we emphasize finding out the facts and even better, the truth. If you think that a person's remarks are entirely fabricated, then you can sue him for defamation,

otherwise, if you said this is inappropriate or that is improper, it is exactly the epitome of the practice of the Communist Party of China of reporting the good news but not the bad one. How dare she even said that she started out as a journalist. Shame on her! Of course, even HU Yaobang said back in those years that a 8:2 ratio would suffice when it comes to news coverage, which means that it is best to have 80% of the reports being good news and the remaining 20% being reports on the dark side. That would suffice, and no allowances would be made. Even HU Yaobang had said so. This is freedom of the press, freedom of speech in Mainland China.

I will talk about legislation for freedom of information today. As early as in the 1990s, the Hong Kong Journalists Association ("HKJA") already called for legislation for freedom of information but the Government, being unwilling to do it or not daring to do it, only introduced the Code on Access to Information. Back in those years when HKJA made this demand, legislation for freedom of information was enacted in only three countries in the world. Later in 2013—it is 2017 now—in 2013, while Hong Kong still did not have this law, 88 countries in the world already had it in place. What kind of a government is this? In 2017, in this civilized society of Hong Kong there is still no legislation for freedom of information. But what is most absurd is that even Mainland China has it. Even Mainland China has enacted this legislation. Members may say that they enacted this law only in a perfunctory manner or as a window-dressing gesture only to show that they have done this thing, but the Hong Kong Government does not even bother to put up a show and simply could not care less, thinking that putting in place the Code on Access to Information will suffice. This is their line.

However, the point is that as early as in January 2013 the Law Reform Commission already took the initiative to call for discussions and studies on introducing reforms in the hope that legislation for freedom of information would be enacted. But three years have passed since 2013, and where is this thing now? It simply vanished without a trace. Members may ask: What are the merits of a freedom of information law? We all know that it can prevent abuse of power by the Government and it enables us to examine whether there is corruption on the Government's part, but it happens that Hong Kong does not have this law. Then does the Code on Access to Information serve any purpose? I dare not say that it is entirely useless but please take a look at its contents. If a reporter or any member of the public writes to a government department asking it to make public certain information and saying that he or she would come to

obtain such information, the Government can enjoy exemption in altogether 16 areas. The Government has the right to not disclose information which includes first, information the disclosure of which would inhibit the frankness and candour of discussion within the Government, and second, views provided to the Government by a third party. What kind of a Code on Access to Information is that? Even if you seek information from government departments in accordance with this Code, they need only reply that the Government does not want you to have it and they absolutely have the right to not give you the information.

Let me talk about my personal experience. In September 2015, I requested the Leisure and Cultural Services Department ("LCSD") to provide me with the agreement on Avenue on Stars that it signed with the New World Development Company Limited ("New World Development") because we considered that collusion between business and the Government and backroom deals were involved. I demanded that the agreement be shown to us but LCSD was unwilling to comply. What is more laughable is that it said that the Constitutional and Mainland Affairs Bureau had been consulted. This is indeed laughable. It said that under the Copyright Ordinance, the agreement is joint works by LCSD of the Government and New World Development and therefore it has copyright under the Copyright Ordinance and cannot be issued to the public. Is this not laughable? I, therefore, lodged a complaint with The Ombudsman a month later, recounting what happened in this case and expressing my dissatisfaction. Where exactly are the public's right to know, the facts and the truth? Quite sadly, it took The Ombudsman almost a year and a half before it replied to me on 31 March this year that my complaint was substantiated, that the practice of LCSD was wrong and that they would continue to follow up the case for me. Tell me, what kind of a Code on Access to Information is that? They have the final say in all matters. What kind of a government is this?

Of course, there is also the archives law case. A year or two ago, former Government Records Service ("GRS") Director Simon CHU already estimated that records at least as tall as five to six blocks of the IFC (International Finance Centre) were "disappeared". The latest figures available now are even more terrifying as it turns out that records as tall as 500 blocks of the IFC were "disappeared". Of course, you may say that those records include immigration records, and so on, and this, I understand, and keeping them may not serve any purpose and would be a waste of time. But the point is that in the absence of an archives law, the contents of e-mails can be deleted anytime. Just get a senior IT officer or expert to do it and any information can be deleted. Who knows?

The height of the records destroyed may even be incalculable. Among these destroyed records as tall as so many blocks of the IFC, there may be 2 mm thick or a small part of documents containing records of the Umbrella Movement or even records of soft lobbying relating to Wang Chau, or the issue of national education and the circumstances surrounding the "brainwashing" type of education back then, or even information on the so-called "PMIC" (using Putonghua as the medium of instruction for teaching the Chinese Language Subject), and so on. All these government records, if destroyed, will exist no more.

What is most ludicrous is that some people told us not to worry because colleagues in GRS would know what to do and would require the departments not to destroy the information lightly. But the prerequisite is that the departments must take the records to GRS before GRS can determine which records are worthy of retention and which are not. If the departments do not pass the records to GRS in the first place, how will GRS know which are worthy of retention and which are not? In the final analysis, the problem is that GRS itself has no idea about what records exist.

(Some Members talked to each other in their seats)

Why are you two chatting here and disturbing me? I thought you were going to request a headcount. Don't request it for the time being. Let me finish my speech first.

What is more, the recent spate of arrests has turned political prosecution into political persecution. Concerning this big fuss kicked up by a series of actions, there must be relevant government files and records, and even though they may be confidential, they can still be unearthed 30 years down the line. Yet, the Government has expeditiously destroyed them right away. How can we know what it has destroyed? This Government is grossly outrageous.

In 2012, LEUNG Chun-ying was keen to be elected as the Chief Executive and he exhausted all means to get rid of Henry TANG and to snatch his votes. At that time he made an undertaking to HKJA and even put down his signature, pledging to defend freedom of the press, freedom of speech, and so on. He said that an archives law and a freedom of information law were good stuffs, stating in express terms that he would work for their fruition. Now that only two months are left of his life, and I mean his political career ... Take it easy, and why should

you frown at me? When I said two months are left of his life, I was referring to his political career. I guess Chinese and English should be no strangers to you. How dare he played tricks in such a way. Where is the freedom of information law? Where is the archives law? Such a government is indeed grossly shameful! Period.

(Mr LEUNG Kwok-hung stood up)

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

**MR LEUNG KWOK-HUNG** (in Cantonese): Deputy Chairman, I would like to speak now as Mr CHAN Chi-chuen, who made a request of speaking, has gone to the toilet, not having returned to the Chamber yet.

I am going to talk about matters concerning the Financial Secretary's Office and the Chief Secretary for Administration's Office in the Central Government Offices. Let me begin with the Financial Secretary. Deputy Chairman, you should know that I have taken exception to John TSANG's philosophy of financial management, but unfortunately, he has already resigned in order to stand in the Chief Executive Election. Such being the case, I will not scold him any longer because he is no longer in office. Now I am going to talk about his replacement, Paul CHAN.

First of all, the Financial Secretary is responsible for financial management on behalf of us, but the first thing he did immediately after taking up the post of the Financial Secretary was, as we know very well, to spend \$2 million on renovating his official residence. Certainly, he has responded that repairs have to be carried out since it has been a long time since the place was last refurnished. On the surface, it seems that the decision to slightly renovate his official residence was made after he found its conditions not entirely satisfactory after moving in. However, here is the flaw. Deputy Chairman, how can he know he will be the Financial Secretary in the next term? How can he know?

Deputy Chairman, I believe you must also have the experience of seeking to rent a flat. If your tenure lasts four months only, you will not request the landlord to renovate the flat. The landlord will certainly not renovate the flat for

you should the tenure last four months only. Either you pay for lavish decoration from your own pocket or you request your landlord to carry out lavish decoration, with the expenses incurred equally shared by both parties. I think you must have handled such cases before.

The point is: on what grounds does Paul CHAN think that he will continue to live there? Otherwise, I would like to seek some advice. Given that the house presents no risk of collapsing, not to mention that John TSANG found it acceptable without any problems even though he had lived there for a long time, why did Paul CHAN only care about the condition of his home, rather than writing this Budget, as one of the hundreds of important matters he has to attend to, immediately after moving in? From this angle, Financial Secretary Paul CHAN seems to have focused his energy on a wrong place by unsuitably giving priority to refurbishing his home on the ground that he runs the chance of remaining in office as Financial Secretary of the next term.

Deputy Chairman, we can infer from such a simple act of his that he will most probably look after his own interest first. Since bygones are bygones, I will not comment on rumours about "Subdivided-units Paul" for the time being. I am going to talk about making wrong estimates, another point mentioned by me yesterday. Both John TSANG and Paul CHAN are never tired of making wrong estimates, though the latter might not warrant criticisms. Honestly, who can predict the proceeds from land sales? What did he say? Yesterday, he told us that in view of a sudden increase in revenue from land sales, coupled with savings of \$4.4 billion, we have an additional revenue of \$18 billion. What is the additional \$18 billion used for? He is really remarkable. Deputy Chairman, you should learn from him in future in order to make some headway in the political arena. He has spent this sum of money as shoe polish for "bootlicking". Why?

When the coterie election was underway in my absence as a challenger, Carrie LAM said that she would make some efforts. When she was asked how she would deal with the Territory-wide System Assessment ("TSA"), she said she would consider abolishing it. Of course, LEUNG Chun-ying immediately gave her a cold snub without giving her any room for discussion, saying consideration would be given to continuing with the implementation of TSA. But the point is she indicated that \$5 billion would be allocated as an additional injection into education. You should also know Financial Secretary Paul CHAN—have you

read the document? You are not allowed to speak now, but you may do so later—Actually, an additional \$60 billion has been earmarked for various purposes. For instance, \$2 billion will be injected into sports, and \$3 billion will be allocated to improving benefits for the elderly and people with disabilities, and the remaining \$10 billion will be used for this and that purpose. What is he going to do, given that he has an additional \$18 billion on top of the \$60 billion he has already reserved? He will play a pitch-pot game. Secretary John LEE, do you know what this game is? In ancient times, it was a game in which gifted scholars and beautiful ladies who posed as lovers of culture would take turns to throw things into a pot. If they won, they could have one more drink. How is the game played now? The Secretary is catering to the wishes of Carrie LAM this time around by throwing things into her pot, with \$18 billion reserved for her.

Deputy Chairman, do you agree that this Financial Secretary is not only lazy but also cunning? He has already earmarked \$60 billion for special purposes. Has he considered other purposes, now that he has an extra \$18 billion? Let me state from the outset that I am not saying that resources should not be committed to education. Has he considered the proposal discussed again and again in this Council, that is, the establishment of a dental clinic in each district? Has he considered that the Drug Formulary has denied some people of treatment because they are poor? Has he ever thought of this and that? No, he has not. There is only a red sun in his eyes—the Chief Executive is actually just a small sun—If Carrie LAM needs \$5 billion, he can give her as much as \$18 billion, for it has never occurred to him that it can be put to other purposes. Of course, this is gross dereliction of duty. Actually, after stepping into his official residence, his only concern was what repairs to be carried out, because he still ran a chance to remain in the post.

Deputy Chairman, they are really made for each other. Since he used to think that he would never have the chance to live in an official residence, he still felt great fear even though he had already moved into the place. As a result, he proposed to his wife that some sort of renovation should be carried out, given their chance of living in the official residence. With his wife's consent, he decided to spend \$2 million on carrying out renovation with public money. How unworthy is it if the one who resides in the official residence is someone else, not him! This explains why he gave the Chief Executive-elect \$18 billion as soon as he got hold of it.

Paul CHAN also said—his words make sound bites, and one word spoken by him is better than ten thousand words spoken by someone else—"Our revenue from land sales has suddenly increased by probably more than \$100 billion". Deputy Chairman, you must understand that our revenue from land sales came from major land sales transactions. In the subsequent two years, profits tax exceeded revenue from land sales. Regarding the satisfactory revenue from land sales this time around, he said that, on the face of it, he felt very pleased but actually he was very worried. Deputy Chairman, what did he mean? He was really shameless. Yesterday, he said, to this effect, "The dissatisfaction of ordinary people and members of the public is understandable if they cannot own their homes all their lives. Although the Government team has exerted its utmost, its campaign for the completion of flats has yet come to fruition?" Buddy, what was he talking about? Did he mean to say that he needs not care about his previous duties as the Secretary for Development, given that he has now become the Financial Secretary? The Secretary for Development should strive for land supply, right? The only reason for inadequate land supply for housing development is the failure to strive for adequate land supply. Like the tricks played by LEUNG Chun-ying in the previous term, deep-rooted scams are, among others, to blame. His promise of resolving deep-rooted conflicts gave people the impression that he was going to crack down on property developers, but this is actually not the case. Under his administration, property prices have continued on the spiral. Honestly, this is really awesome. Paul CHAN was given the important responsibilities by him. Members should still remember MAK Chai-kwong, who was framed by someone and hence removed from office as Secretary for Development. Subsequently, Paul CHAN, who had no official duties at that time, was recruited to take up the post as the Secretary for Development.

But things are unpredictable. Members should still remember that the request made by the Hong Kong Baptist University for the construction of a medical building was rejected by him on the ground that low-density buildings would have to be built. From this angle, Paul CHAN must bear the responsibility. However, he has now taken up another post. I really have no idea how to follow up this matter with him. He is now saying that rising land prices is not a good phenomenon. May I ask what the reasons for rising property prices are? The reasons are the lack of land supply and the problematic land policy formulated by the Development Bureau. This is the first point. Hence, he should be held accountable for his previous post and his present post,

too. Buddy, since he has already become the Financial Secretary, he ought to have knowledge of finance and economics, right? K C CHAN, who is under him, should also explain to him that the spiralling property prices in Hong Kong are attributable not purely to supply and demand. Rather, it is because some people buy properties not for self-occupation purposes, but for speculation. Or perhaps too much capital from Mainland has flown into Hong Kong for the purchase of properties, or some property buyers have become so insane that they buy 10 properties under one instrument. After I scolded Anthony CHEUNG, some revisions were made. If the Development Bureau is not accountable for this problem, the incumbent Financial Secretary should explain to Hong Kong people that the spiralling property prices are actually attributed not to inadequate supply, but to rent seeking. In other words, some people purchase certain types of commodities with enormous capital in the hope of monopolizing these commodities to such an extent that their prices can be manipulated freely.

The case is very simple, Deputy Chairman, and Members should understand that if the property market is normal, there will be a secondary market. The property market in Hong Kong as a whole should be driven by the secondary market, but this is not the case now. The existence of a truncated supply of land and housing has led to continual speculation. Honestly, he cannot possibly make himself Financial Secretary even if he gave \$10 billion to Carrie LAM as shoe polish. Only a blind man cannot see this problem. And only LEUNG Chun-ying and his team would tell such a lie for the sake of shirking their responsibility. Obviously, if the number of residential units is greater than the number of households, how would the problem of supply and demand arise? This problem is attributed to ineffective demand. He should have learnt that ineffective demand is not the same as demand. Why? Because the poor people cannot afford it, and the Hong Kong Monetary Authority and bankers are worried about how the poor can service mortgages. These people have to save up for 35 years without eating and paying rents to purchase their first flat and make mortgage payments.

I am going to criticize him in two parts because he has already assumed a new role. Let me first criticize him for his tenure as Secretary for Development. He was actually resorting to "verbal coercion", for he has failed to honour his pledge. Second, now he has become the Financial Secretary, but he cares about nothing but renovating his official residence for his future use, right? And then, like a hypocrite, he sought to cheat Hong Kong people, saying the housing supply

in Hong Kong was really inadequate. I must tell Members that it is actually very simple to make Hong Kong's property market cool down. Measures have to be taken in the face of an influx of capital from the Mainland for the purchase of properties, right? Although "Hong Kong property for Hong Kong people" should be strictly implemented, LEUNG Chun-ying has failed to honour his promise, thereby wasting my time. During our discussion here at that time, even the pro-establishment camp agreed that such policies as "Hong Kong property for Hong Kong people" were extremely beneficent measures. Nevertheless, the discussion was a waste of time. He said that the gate had to be opened to allow the influx of capital from the Mainland for the purchase of properties. Buddy, the HNA Holding Group Co. Limited as capital from the Mainland is the cause of high property prices. How can Hong Kong negotiate with the Mainland? Can we request the Mainland to halt the influx of capital into Hong Kong? Can we request it not to come to Hong Kong for speculation and go to the Guangdong-Hong Kong-Macao Bay Area ("Bay Area"), so that everyone will go to Bay Area instead? Why did the Mainland not call on those people to go to Bay Area to make investments in infrastructure, for the purpose of benefiting their confidants? They are so corrupt.

Frankly, Deputy Chairman, I remember his former profession. Jones Lang LaSalle Incorporated, which used to be run by LEUNG Chun-ying, was responsible for property transactions like a pimp who cheated both the buyer and the seller. Paul CHAN also engaged in the same profession, right? As an accountant, he serves those people. After all, "While a situation gives a particular outcome, laws follow consistent principles". He could even have forgotten to declare a plot of land involving a conflict of interests and then apologized, saying he did not own that lot, for the owner was one of his relatives. Initially, I thought the owner must be his cousin, but it turned out the owner was his son. What can be done?

As such, I think that he is not up to the job, be it the Secretary for Development or the Financial Secretary. Actually, I will stop criticizing him so long as he agrees to do one thing. Provided that he proposes to the Government to allocate the \$50 billion for the implementation of universal retirement protection in a practicable manner, I promise I will stop condemning him in connection with this Budget. Or else, I will continue to give him a dressing down.

**MR SHIU KA-CHUN** (in Cantonese): Deputy Chairman, I will discuss the estimate of "Head 151—Government Secretariat: Security Bureau". As a Member from the social welfare sector, certainly I often serve young people and contact school social workers, outreaching social workers, as well as fellow workers specialized in providing services related to drug abuse. Therefore, I have a particular interest in discussing the school anti-drug work carried out by the Security Bureau.

One of the main programmes of the Security Bureau is to formulate policies and programmes against drug trafficking and drug abuse in the community. The Security Bureau has very clear targets, which are to prevent and fight crime, safeguard life and property, and combat drug trafficking and drug abuse. Anti-drug work has thus become an unquestionable duty of the Security Bureau. Anyone questioning the work of the Bureau will be pinned a negative label and even asked questions like "what is your problem? How dare you hinder anti-drug work? Do social workers encourage people to take drugs?". These criticisms are comparable to those levelled at Mr CHAN Chi-chuen as he was pinned a label for reducing expenses for fire service when he proposed an amendment to the Appropriation Bill last year.

This is the experience some outreaching social workers and I gained in the vigorous implementation of the community drug testing scheme by the Action Committee Against Narcotics a few years ago. I very much agree with Mr CHU Hoi-dick's views that the Legislative Council should not be considered a rubber stamp or an automatic teller machine, nor should it approve policies proposed by the Government without careful deliberations like a ritual or a predetermined plot in a model play. The Council should put forward arguments in a debate so that obscure details will become clearer the more they are debated.

In the meeting of the Panel on Security on 11 April, I still noticed such a situation. On that day, the Commissioner for Narcotics gave a report on the results of the school drug testing scheme in 2016, which won doubtless, a unanimous applause from the pro-establishment camp. Members who have carefully studied the report would find out since the implementation of the school drug testing scheme in December 2009, no drug abuse case has ever been identified in schools. Is it the outcome we wish to see after granting \$20 million to the Narcotics Division every year? I reiterate that I do not deny the importance of the anti-drug work; and I wish to reiterate that I hope public funds are put to proper use.

In all fairness, it is not at all fair to pass judgment on the effectiveness of anti-drug work solely by the result of whether students were tested to be drug users. But when I read the report results in detail, I found that 97.1% of the students said they would not take drugs in the coming two years. What do the identical results of the pre-test and post-test illustrate? If this is the case, why was the school drug testing scheme carried out? Even without drug testing, 97.1% of the students said they would not take drugs in the coming two years, and the results of drug testing were the same.

While the entire report was nicely written, the research team also recommended continuation of the scheme and raising the intention of the non-participating schools to participate in the scheme. I am worried that the relevant government departments are taking their "roles" in "the show" too seriously to think that the scheme has truly produced good results and continue to be bewildered by some "appealing" figures. They are obviously doing some work to only ease the symptoms but not cure the root cause; and yet they have become obsessed with the so-called "success" and will not conduct any review.

Honourable colleagues can pay attention to a few interesting figures in the report. First, over 70% of the parents indicated that they supported and consented to the drug testing scheme, but only 15% of the students had participated in the briefing sessions and promotional activities. Among them, younger students showed a higher rate of participation, especially Form One students who were the most active, with up to 60% of participation. It to a certain degree reflects that parents of Form One students blindly supported the scheme. While Form One students are less autonomous, under the system of "emphasizing control over human rights", they have become the form with the most participation, or forced participation. As parents cannot read the relevant documents in detail like government departments or Legislative Council Members, government officials should not play tricks with the figures to mislead the public.

Second, the average age of first abuse in 2015 was 18, and that in 2016 was 19 ...

**DEPUTY CHAIRMAN** (in Cantonese): Mr SHIU, please pause for a while. I remind Members that this debate should be on the policies of the services the funding for which the amendments propose to reduce. Please speak on the items of funding the amendments propose to reduce, not discussing individual policies.

**MR SHIU KA-CHUN** (in Cantonese): Thank you, Deputy Chairman. I am about to talk about the proposal for reducing \$20 million, and I will also have a discussion about it.

Just now I mentioned the average age of first abuse in 2016 was 19. But I have also mentioned earlier that the most active participants in the drug testing scheme were Form One students, meaning students aged 12, 13 or 14, and 97.1% of the students said they would not take drugs in the coming two years. Do all these facts suggest that the scheme was not directed at the correct targets? Honestly, what results has the school drug testing scheme achieved?

The school drug testing scheme seeks to enhance students' ability to resist drugs and the assessment objectives mainly focus on self-identification, gaining relevant knowledge of drugs and understanding the risks of drugs. I believe my counterparts in the social welfare sector will definitely question, just as they would question any service, if the target can only be met by spending \$20 million a year to organize some camps or talks, is it necessary to adopt such an approach of wasting manpower and resources?

"A waste of manpower and resources" represents the feelings expressed by a colleague in charge of the school drug testing scheme in conclusion of the entire scheme. He thought that, given the design of the scheme, the possibility of identifying drug abuse cases through testing is practically zero. Schools currently having student drug abusers will not participate in the scheme and the participants were all Band One students.

The \$20 million funding to the Narcotics Division ...

**DEPUTY CHAIRMAN** (in Cantonese): Mr SHIU, please pause for a while. Please point out which item of funding that you propose to reduce is being discussed right now. I have just reminded Members that they should focus their speeches on the policies of the services the funding for which the amendments propose to reduce and discussion of individual policies should be conducted at the stage of the Second Reading or in the special meetings of the Finance Committee.

**MR SHIU KA-CHUN** (in Cantonese): My concern is the \$20 million funding allocated to the implementation of the school drug testing scheme under head 151.

Deputy Chairman, please allow me to give a conclusion. I think the sum of this funding item is too large, resulting in waste. We should consider how best to monitor the proper use of public funds or whether the Healthy School Programme should continue. Compared to other funding items to the tune of tens of million dollars, this scheme involves a smaller sum. However, a minute clue reveals the big picture. It is the underlying cynical mentality of "taking the roles in a show too seriously" that calls for our attention. I do not wish it to become just a symbolic policy under which we can continue to pretend to care, pretend to do drug testing, pretend to have achieved results and pretend to have exerted our best.

Thank you, Deputy Chairman.

**MR CHU HOI-DICK** (in Cantonese): Deputy Chairman, I would like to share my views on the three amendments to "Head 112—Legislative Council Commission" in this speech. Mr LEUNG Kwok-hung has proposed to deduct the estimated expenditure of the Legislative Council Commission in Amendment Nos. 86, 87 and 88 respectively. Honestly, I believe Mr LEUNG Kwok-hung certainly has his own reasons for proposing these amendments, and I guess he wishes to express his dissatisfaction with the existing management approach of the Legislative Council Commission. In fact, I share the same feeling of dissatisfaction but I do not agree with his proposed reduction of expenditure. As we can see in the Budget this year, the estimated expenditure for the Legislative Council is approximately \$840 million. If the people of Hong Kong are aware of the work of the Legislative Council, the depth and breadth of the involvement of the Legislative Council in public affairs as well as the frequency of coverage in daily television newscasts or newspaper reports, they would consider that the expenditure of around \$800 million is actually well worth it.

Here I really wish to point out that given the existing amount of expenditure, the current circumstance is only made possible by the efforts of many colleagues in the Legislative Council who are underpaid, that is, they continue to devote themselves to public affairs without receiving the salaries they deserve. Deputy Chairman, what do I mean by this? As stated under Programme (1) Members' Offices and Remuneration, the estimate for 2017-2018 is \$280 million. If we divide the amount of \$280 million by 70 Members, each Member will receive \$4 million on average. Do Members consider the amount of \$4 million to be huge or small? Deputy Chairman, it actually depends on the constituencies of Members.

For instance, Deputy Chairman, you are a Member returned by the super District Council Functional Constituency, which means that all the people of Hong Kong may approach you for help. After doing a computation of dividing \$4 million by 7 million people, I find out that in fact, each member of the public in Hong Kong is provided with an average of less than \$1 per year. It implies that when you, after securing the seat in the Legislative Council, have to serve all the people of Hong Kong, the value of resources which can be provided by your office to each member of the public is less than \$1 on average. Yet, on the other hand, some Members of the Legislative Council are returned by functional constituencies which may have an electorate of 100 to 1 000 persons. Come to think about this. If we do a division, with an electorate of only 100 persons, the value of resources available from the offices of the Legislative Council Members to each elector is \$10,000; for a constituency with 1 000 electors, the value of resources available to each elector is \$1,000. The electors of some functional constituencies are provided with resources amounting to \$1,000 while the general public, after electing a Member in the election of the super District Council Functional Constituency, are only provided with resources amounting to less than \$1. We can now see the difference. Therefore, it is actually necessary for us to understand more about the situation of many Members who have set up district offices, particularly those returned by geographical constituencies through direct elections or the super District Council Functional Constituency, as well as the Members' assistants who work for them. While the wages are low, they have to handle a heavy workload because many members of the public have expectations for these Members.

Deputy Chairman, I am not talking about the "fishball theory". In other words, I am not asking for a reduction in the salaries of or subsidies for Members returned by functional constituencies which, in turn, can be used to increase the salaries of or subsidies for Members returned by geographical constituencies through direct elections or the super District Council Functional Constituency. Nonetheless, it is necessary for us to come up with a solution so that the disparity can be slightly reduced. Therefore, in respect of Programme (1), I believe both the pro-establishment camp and the pro-democracy camp have reached a consensus that the current estimated expenditure is insufficient and it should be increased substantially, particularly that of Members returned by geographical constituencies through direct elections.

Deputy Chairman, on the other hand, I have noticed a phenomenon based on my observation of the Legislative Council. I have noticed that in fact, from the perspective of the SAR Government, the Legislative Council is comprised of

a group of people who always stand in its way. Therefore, the executive authorities and even Beijing are trying to limit the power of the Legislative Council as much as possible in order to restrict the capabilities of the Legislative Council. While they try to limit the power of the Legislative Council, there is also a lack of sufficient resources to support the Legislative Council and, as a result, its functions cannot be brought into full play.

Deputy Chairman, some specific services are included in Programme (2) under "Head 112—Legislative Council Commission". I have particularly noticed the previous figures and current target of "research publications published" and "search tasks conducted" with regard to the researches currently undertaken by the Legislative Council. In 2016-2017, the estimate for "research publications published" is 80 while the estimate for "search tasks conducted" is 35, both of which are double-digit figures and their sum is 115. It means that on average, the number of times for each Member to receive support on conducting researches and search tasks is less than two. Come to think about this. We are only talking about conducting researches and search tasks. In other words, these researches are just paper work which might be conducted by using the Internet or in the library. Yet, the studies required by Members of the Legislative Council are far more than just doing researches. Deputy Chairman, my point is very simple. For instance, if we wish to propose a policy but we have not conducted any on-site empirical studies and scientific public opinion polls or surveys, how can we propose our ideas with a strong and solid foundation, thereby convincing the Government? Therefore, in contrast to Mr LEUNG Kwok-hung's proposed amendments to deduct the estimated expenditure of the Council Business services as a whole, I would like to propose an increase in the expenditure, particularly the expenditure on conducting researches which, I believe, should be expanded to cover studies of other categories.

This is not a digression. I just want the public to understand that colleagues in the Legislative Council are actually doing a great job. One of the indicators is "topics under databases on policy and topical issues created/revised/updated", the estimate of which is 396 in 2016-2017. There is a Database on Particular Policy Issues on the website of the Legislative Council. I believe we cannot find another public authority in Hong Kong which has provided a database as impressive as that of the Legislative Council, which contains a comprehensive body of detailed information on various policies with diversified topics. We should allocate more resources to this area so that more subjects can be covered. At present, many secondary school students would

approach Members for doing their projects. I would ask the students to first identify an issue which interests them by taking a look at the Database on Particular Policy Issues on the website of the Legislative Council before they start working on their projects.

(THE CHAIRMAN resumed the Chair)

Next, I still wish to talk about Programme (2). In the estimate of over \$840 million for the Legislative Council Commission this year, the expense for Council Business services amounts to around \$405 million. In this Council, other than security guards, secretaries and translators, many other supporting staff contribute to its operation. However, people may not know and Honourable colleagues may not notice that staff of many job types are employed by external companies on an outsourced basis so that many workers of the Legislative Council are outsourced workers. I know that many of them were already outsourced workers when they worked in the former Legislative Council Building, and they are still outsourced workers now working in the Legislative Council Complex. They may have worked for the Council for over 10 years or even 20 years, but they remain employees of the outsourced companies. If they are dismissed by the outsourced companies, the Legislative Council will not have any involvement. I find it an utterly undesirable situation. Whether they are cleaning staff, staff of the information technology department or staff in charge of photography, altogether they enable the Legislative Council to smoothly operate and provide services to citizens. None of us is noble or humble.

Therefore, it is unreasonable to continue the employment on an outsourced basis of a considerable proportion of staff of the Legislative Council for the sake of saving some money, especially many Honourable colleagues of this Council have criticized the Government's outsourcing system. They do not want the Food and Environmental Hygiene Department to outsource refuse collection service, then why should this Council outsource its cleaning service? This issue is not addressed in the Budget this year but I hope both the Administration and Honourable colleagues have heard my views.

Lastly, I would like to mention Programme (3) Legal Service. Recently, I tried to propose a Member's Motion on some government funding in accordance with Paragraph 21 of the Finance Committee Procedure to impose conditions on

the approval of funding. In the course of it, I was very grateful to staff of the Legal Service Division for their assistance. I hope each Member can receive assistance from the Legal Service Division at any time. At the same time, I also hope that both the President and Chairman of the Finance Committee will respect the views of the legal advisers of the Legislative Council and refrain from easily consulting their counterparts in the Government and allowing them to guide the thoughts of our legal advisers. It is also a key aspect of upholding the autonomy and dignity of the Legislative Council.

**MR ANDREW WAN** (in Cantonese): Chairman, my speech is about my proposed amendment that seeks to reduce head 142 by \$119 million, approximately equivalent to the annual operational expenses of the Central Policy Unit ("CPU"). That is right, you have heard me clearly, dear members of the public who are watching the live broadcast. The annual expenditure of CPU is indeed close to \$120 million.

Chairman, as we all know, CPU was established in 1989 in the British-Hong Kong era. It actually functions as a think tank in nature. Back then, its principal duty was to provide the then Governor of Hong Kong, and since the reunification, the Chief Executive, the Chief Secretary for Administration and the Financial Secretary, with advice and recommendations on public policy and other policies as well as political and social issues.

In recent years, however, there have been incessant controversies about CPU. Its function, composition and effectiveness have been criticized by members of the community. Before 1997, it was the so-called "Goodstadt period" of CPU. In inviting various interested parties to serve as its full-time or part-time members, CPU adopted a criterion with the aim of extensively absorbing different voices, different political parties and groupings and different classes in society. What was the purpose? It was not for making any political gesture. In fact, to discharge its function, it was necessary to collect different views in society, with a view to making accurate, comprehensive and truthful analyses and providing the Government with advice which would be used in the formulation of policies pinpointing on the relevant issues.

Today, however, we see that the situation has worsened gravely. In particular, in the last few years, we have seen CPU become a venue for the establishment camp to share the spoils. Its part-time members are mainly

members of the establishment camp who are "LEUNG's fans" or the second generation of business tycoons. We often hear criticisms that their attitude in attending meetings is different from that of those advisers before the reunification. Actually, what expectations can we have? Because they are not like those members in the "Goodstadt period" mentioned by me just now, who had their respective background or insights, representing various classes in society or well versed in certain academic analyses. Basically, the present members of CPU have very strong political affiliations.

As a matter of fact, since LEUNG Chun-ying took office, there has been such an inclination in various advisory committees, offering appointments to his own "LEUNG's fans" as a kind of political reward. I consider it most regrettable that CPU, the Government's think tank which assists the Government in the formulation and promotion of policies, has degenerated to such a state. No wonder the Government's administration has run up against the wall and attracted criticisms everywhere.

After SHIU Sin-por assumed office, he even redefined the function of CPU. He said CPU should act as the Government's political henchman, and Internet surveillance should also be conducted by them. In an interview by the media, he brazenly said that since CPU was an important publicity tool of the Government, in order to incite public sentiments to counteract the opposition camp and the people's objections to the Government, CPU should take action proactively to control public opinion. Specifically, he said that now they have not done so, but in his view, the whole Government should do that to subject public opinion under their manipulation. Newspaper advertisements, all messages on the Internet, blogs, Facebook as well as discussion forums should be thoroughly perused by CPU so that it can advise the Government on strategies and plans.

Chairman, former President of the Legislative Council Jasper TSANG has some remarkable views on this point. I have read the former President's views while checking some information. In his opinion, CPU should not degenerate into a polling organization. Suppose the Government commissions a polling organization to conduct an opinion survey before introducing a policy, which will be implemented if 70% of the respondents support it and not if only 30% of them support it. If it was that simple, why would CPU be necessary in the first place? The full name of CPU is Central Policy Unit. We had better simply call it the "Central Polling Unit".

Chairman, I think the former President is really insightful on this point. In fact, he has indirectly pointed out that the positioning of CPU was wrong in the past. Over the past five years, it has wasted taxpayers' money and dumped public coffers into the sea. It has done something impractical or something which it should not have done. It failed to do a proper job at a higher level as a political think tank.

Is this the view of the former President alone? Chairman, it turns out that it is not. When I looked up some information that during the election, I found Chief Executive-elect Carrie LAM had also made some comments on CPU. She said that CPU was a "black box". She hoped that CPU would change its style from discussion to action, and from a "black box" to a "transparent box". Why did she say that? She said that when she served as the Chief Secretary for Administration, her office had already set up a coordination unit for various policies and projects. If other policy areas or the economy was involved, she would consult the Government Economist. There was practically no need to approach CPU at all. These are her own words. She remarked that the degree of transparency of CPU was not high, and members of the public lacked knowledge of its work. It was time to review its work.

Even the Chief Executive-elect made such a comment. What actually has CPU under LEUNG Chun-ying done in the past five years? As I mentioned just now, the public and I feel that it is merely a high-class "LEUNG's fan club" or "backroom club" which works with no transparency. We have no idea what it does. It has even stated clearly that it will not disclose the opinion surveys conducted by it, and we have not seen any of its results. Being a think tank, it warrants punishment. In the past five years, did it ever give the Government any good advice on strategies and plans? Why did it always run up against the wall and always get on the people's nerves?

Chairman, examples of CPU working improperly or operating in a black box are not my subjective opinion. According to the information uploaded by CPU onto its website, from 2004 to 2010, it prepared 116 research reports, 42 of which only provided a summary. Moreover, 42% of them did not disclose the whole text. It thus shows that what I said just now is actually not groundless. Obviously, the work of CPU is neither transparent nor effective.

Since LEUNG Chun-ying assumed office, as at May 2016, CPU has conducted a total of 207 opinion surveys. It has expended \$20 million on opinion surveys alone. In May last year, CPU also conducted an opinion survey

to find out whether the candidates' stance on certain questions would be a factor of consideration of the interviewed electors when they vote in elections.

This opinion survey was exposed. Those questions include whether LEUNG Chun-ying should be re-elected, whether Hong Kong should be independent, self-determination of Hong Kong's future, etc. CPU did not fully disclose the relevant report in the end. I have looked up some more information, Chairman, which I found rather shocking. Regarding retirement protection which we have debated for a long time, it turns out that many years ago, in "Uncle Kai"'s period, CPU had already conducted an opinion survey, but there was no result. What happened afterwards? Recently, the Government has conducted an opinion survey again. Is this not a vivid example? Chairman, the work of the entire CPU is in fact duplicated and repetitive. It is not of much help to the Government.

Whom does its work benefit? Browsing through the research reports of these several years mentioned by me, I found a name worth mentioning: the One Country Two Systems Research Institute. It turns out that from 2014 to 2015, this institute received \$772,800 for its study on public opinion, current affairs and public sentiments. The exact name was "Study on Trend of Discussions on Social and Political Issues in the Mass Media". Later, the name of this study was slightly changed to "Study on Current Affairs and Topical Issues". What it talked about is not clear because the title is quite abstract. People who have engaged in research work will agree. From 2015 to 2016, this study received \$811,440. From 2016 to 2017, this study was conducted again. Similarly, the result was not clear, and the amount was also \$811,440. Chairman, these pieces of information make me feel that it is like a captive breeding scheme. Basically, these organizations which are closely connected with the Government or Beijing are regularly paid with our taxpayers' money every year, generating such intangible studies on current affairs and topical issues. Frankly, Chairman, I will not have too much objection if these studies are conducted seriously, since there are indeed many genuine political advisers outside who can offer advice. But they are to be paid \$700,000 to \$800,000 every year. In the last two years, they received a fixed amount of \$811,440, not a penny less. Chairman, this gives me an obvious feeling that it is tantamount to a captive breeding scheme where payments are received on a regular basis.

Chairman, Chief Executive-elect Carrie LAM said that she had also noticed the problem. She promised us to reform CPU completely so that CPU would foster public engagement, exercise its function of inter-departmental

coordination, and be responsible for policy research, with a view to achieving innovation and coordination and serving like a facilitator between the Government and the relevant stakeholders. Chairman, as I mentioned just now, Chief Executive-elect Carrie LAM seems to be over-optimistic. She has said it herself. Given the existing structure and composition of CPU in which this bunch of so-called members are actually members of the pro-Government camp or "LEUNG's fan club", it is by no means easy to replace all these people even if she is really determined to carry out an overhaul. In the present political atmosphere, it is also difficult for the Government to find someone to serve as Secretaries of Departments or join its governing team. Members of CPU are advisers outside the Government's team. I believe it will not be easy to find suitable candidates either. In this circumstance, I cannot see that she has any opportunity of achieving anything. What is more ridiculous is that the Chief Executive-elect herself also merely regards CPU as a coordinator among different Policy Bureaux and stakeholders. To put it more bluntly, it is redundant. Did she not say that when she served as the Chief Secretary for Administration, she had her own office and team and would consult the Economist herself if there was any economic project? In fact, what is the reason for duplicating the efforts? How much money is spent every year? Chairman, as mentioned in my opening remarks, nearly \$120 million is spent on hiring these people as so-called advisers to the Government, but obviously, their composition and nature have gradually changed since the reunification. Today, they have merely turned out to be a "backroom club".

In my view, such spending of money does not worth its while at all. For this reason, I hope Carrie LAM will think carefully whether CPU should continue to exist. If her ambitious plan falls through, we will have to continue to pay \$120 million to this bunch of political henchmen of a low standard every year. Chairman, this is not my subjective or offensive comment. If they are of a high standard, the Government, the incumbent Chief Executive and the policies introduced by various Policy Bureaux should enjoy great popularity instead of being caught in such an awkward state now. Apart from being political henchmen, they also serve the function of monitoring public opinion on the Internet, as stated clearly by SHIU Sin-por. As such, is it still worthwhile to pay them money for doing these things? If the Government wishes to conduct any opinion survey or compile any research report, as we all know, now we may appoint many consultancies outside to do these jobs. In respect of the several points mentioned just now, it seems none of them can convince us to continue providing them with funding. Hence, Chairman, I propose withdrawing such funding. I so submit.

**MR CHAN CHI-CHUEN** (in Cantonese): Chairman, I have submitted 67 amendments this year and you have approved 45 of them. In these 45 amendments, I have selected two which I hope Members of the pro-establishment camp can actively consider rendering support. One of them is Amendment No. 159 to "Head 156—Government Secretariat: Education Bureau" which is not covered by this debate session. It is precisely cutting the printing costs of the question papers for the Territory-wide System Assessment ("TSA") or Basic Competency Assessment Research Study (Primary Three). I know that many pro-establishment Members oppose TSA, so I hope Members will pay attention to this in the sixth debate.

The other one is Amendment No. 174 to "Head 163—Registration and Electoral Office" which I am about to speak on. In regard to the Registration and Electoral Office, only two Members have proposed amendments, namely Dr KWOK Ka-ki and me. The amendment proposed by Dr KWOK Ka-ki seeks to reduce more than \$40 million, equivalent to half-year estimated expenditure for salaries under personal emoluments for Registration and Electoral Office staff. If Members find his amendment "too harsh", my amendment is worth considering. My amendment seeks to reduce the sums equivalent to the annual estimated expenditure for the salary of the Chief Electoral Officer and the estimated expenditure for the salary of the Principal Electoral Officer from April to December 2017. Some Members of the pro-establishment camp may say that if they support Dr KWOK Ka-ki's amendment to cut half-year estimated expenditure of the Registration and Electoral Office, then how can the by-election be held? I too do not want the by-election to be unable to take place. Perhaps the Government wants the by-election to be postponed more than we do. We want the by-election to be held and the vacancies filled as soon as possible. My amendment is very much targeted. It precisely seeks reductions in respect of the Chief Electoral Officer and the Principal Electoral Officer.

In fact, I had hesitation in how this amendment should be proposed, until I met a resident the other day, at which point I decided to propose this amendment. In early April, I met a middle-aged woman, presumably a supporter of the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB"), who often scolded me. She asked me not to filibuster and said that I should learn from DAB which pursued responsibility for the loss of the information more than 300 million voters. She said DAB had moved a motion at a meeting of the Panel on Constitutional Affairs, strongly reprimanding the Registration and

Electoral Office for the loss of the information of more than 3.8 million voters. That, to her, is real work. I supported DAB's motion moved by Mr WONG Ting-kwong and seconded by Mr CHEUNG Kwok-kwan and Mr LAU Kwok-fan that day. The document is still on my desk. Since that day when she asked me not to filibuster and said that I should do some real work, I have been thinking: we all supported DAB's motion in the Panel on Constitutional Affairs. I have an impression that all members supported it, but then what? What pressure did it exert on the Government? As everyone knows, both the pro-establishment and pro-democracy camps will move motions in panels every day. Sometimes we would support each other's motions as they are insignificant. Why? Because they have no binding effect. I told that woman that the motion was non-binding, so she asked: in that case, they would not be punished? After that, I thought I had better propose an amendment at the Committee stage of the Appropriation Bill 2017 in respect of the Electoral Officers. As the President has explained in his ruling, even if the amendment seeking to reduce their salaries is passed, it does not necessarily mean their salaries will be reduced. It only means the provisions under the relevant head will be deleted. But even if that is the case, it can really exert huge pressure on those two Electoral Officers. Hence, I am calm and peaceful in this session. I know that the pro-establishment Members are watching my speech on the television in their rooms. I need not call them back here. If I am wrong, everyone is welcome to come here and refute me, but I think my amendment of reducing the salaries of those two Electoral Officers is fair and reasonable and it should be supported by all Hong Kong people. It is because those two Electoral Officers, namely the Chief Electoral Officer and the Principal Electoral Officer specially hired for the Chief Executive Election, have committed six crimes. The first crime: contravention of basic logic and common sense and serious dereliction of duty. On 27 March, Registration and Electoral Office staff discovered that two computers placed at AsiaWorld-Expo were stolen, one of which containing the information of more than 3.8 million voters. The entire Hong Kong was shocked when this news was reported. Voters questioned why computers containing the information of more than 3 million voters were necessary for a small-circle election of 1 200 people. This is entirely illogical and the Principal Electoral Officer in charge of the Chief Executive Election should be held responsible.

I have once drawn an analogy, which everyone thought was appropriate: Chairman, I invite you to dinner tonight. We will have a sumptuous meal that costs \$1,000, so I bring \$1,000 for the bill. He, instead, brings his entire asset of

over \$3.8 million for the bill and loses it. That is unexplainable in terms of logic and the insurer will not make any compensations. The restaurant will not bear any responsibility if you bring \$3.8 million there for a meal of \$1,000, and it will only question why it is necessary to bring \$3.8 million there. Is it crazy? It is entirely illogical. Why would I propose so precisely to reduce the salary of this Electoral Officer? I have already asked questions at a special meeting of the Finance Committee and was informed that the term of appointment of this post is until 31 December 2017. The post was created to specifically handle the post-Chief Executive Election work, such as reviewing election expenses declarations, determining if there were any electoral frauds, and so on. According to the document of the Establishment Subcommittee back then, the main duties of that Principal Executive Officer are to prepare and conduct the 2017 Chief Executive Election; to supervise the four sub-divisions under the Elections Division; and most importantly, to consolidate, review and revise contingency plans for the major elections. It was clearly written at the creation of the post that he would have to handle contingency plans. Members may remember that the room at AsiaWorld-Expo was the backup venue of the Chief Executive Election, that is, part of the contingency plan, which was definitely within the scope of work of this Principal Electoral Officer. This Principal Electoral Officer definitely knew or had ordered staff to place those computers in the room at AsiaWorld-Expo. When Members kept asking why the information of more than 3 million people was necessary for an election of 1 200 people, how did they respond initially? The Chief Electoral Officer and the Principal Electoral Officer stated that, as sometimes ill-informed citizens who are not members of the Election Committee ("EC") might venture into the venue—Chairman, excuse me, this makes me laugh—hence, the information of more than 3 million voters was necessary to verify if these citizens are members of the EC. How does this reason not make people laugh? The information of more than 3 million voters was used to verify if a person is a member of the 1 200-strong EC or just an ordinary voter.

Buddy, to verify if a person is a member of the 1 200-strong EC, only the list of the 1 200 members of the EC will suffice. Why should the list of more than 3.8 million voters be brought there? Perhaps many people would take this bogus universal suffrage as genuine universal suffrage and go to vote at the venue, perhaps they would think it was "one person, one vote". But even so, it was not necessary to bring the information of more than 3 million citizens to the venue.

After the exposure of the incident, these two officials refused to admit their fault. Not until they were questioned at the meeting of the Panel on Constitutional Affairs in April did they say the arrangement would be reviewed, but still they were not willing to be held accountable. They claimed that the notebook computers containing the information of more than 3 million voters were brought into the room at AsiaWorld-Expo without their knowledge. Then we questioned them this: even if they were not aware that the computer contained the information of more than 3 million voters, I believe they should be aware that it contained the information of the 1 200 members of the EC? And even if that computers contained only the information of the 1 200 members of the EC, should the security not be very stringent? It would be even more ridiculous and show even more clearly that they have lied if they did not know the information of the 1 200 members of the EC was all in those computers.

The fact that the Chief Electoral Officer and the Principal Electoral Officer were not able to realize the ridiculousness of this arrangement from 2014 until now is clear evidence that they were in dereliction of their duty. The officials' fossilized thinking is helpless. What was the closest explanation we heard on the last day? That it might be a habit, that is, they are accustomed to what is wrong and takes it to be right. It was done in this way in the past, so it is done in this way this year. Nobody ever questions during the interim whether the practice is reasonable or poses a high risk.

The second crime is the numerous security flaws. After the incident was exposed, the authorities disclosed information like "squeezing toothpaste out of a tube". Consolidating the information provided by the Government at meetings of the Panel on Constitutional Affairs, we have learnt that the security of AsiaWorld-Expo is unreasonably lax. In this connection, the Chief Electoral Officer and the Principal Electoral Officer have an unshirkable responsibility. Members wanted to held Raymond TAM accountable for this. Raymond Tam, as the Secretary for Constitutional and Mainland Affairs, of course should bear a certain share of the responsibility. But if someone should be held accountable or given a salary cut for this incident, I believe it should be the Chief Electoral Officer and the Principal Electoral Officer. A couple of days after the news was reported, the Registration and Electoral Office disclosed that the room, which cannot be fully filmed by closed-circuit television, was carefully selected. When questioned by members at the meeting of the Panel on Constitutional Affairs, the Chief Electoral Officer disclosed that the room in which multiple computers of the Registration and Electoral Office were placed was not guarded

by any security staff. The Principal Electoral Officer who is responsible for the contingency plans of the Chief Executive Election should be aware of and responsible for these basic arrangements, and the Chief Electoral Officer managing this Principal Electoral Officer is also duty-bound.

How can these two hold themselves accountable to the public if no actual responsibility is borne? The logic is simple: if one has around \$1,000 in his pocket, the Chairman may not even pick it up when the money is seen dropped on the floor; but if one has more than \$3.8 million in his pocket, anyone will be nervous and stares hard at it. We may even call in armed security guards to collect it because we are afraid of carrying such a sum. I believe what we have lost this time is worth more than \$3.8 million cash. First, it costs millions of dollars to send apology letters; and second, the number of new registered voters of this year's Voter Registration Campaign will definitely hit a record low because people are not willing to supply their information. When I encouraged people to register as voters on the street, they told me: they have just gotten stolen, yet they have neither announced whether the thief was caught nor admitted their fault, now you are asking me to place money with them again? How can I be sure that my money will not be stolen? I really did not know how to answer that, so I gave up the registration. Voter registration will end in May, and it is a tough job.

Chairman, I have just talked about two crimes. Since, I have a little over a minute left, so I shall talk about the third crime, which is the attempt to shirk responsibility by saying that they did not know. At the meeting of the Panel on Constitutional Affairs, members requested these senior officials to explain their awareness of the computers containing information of more than 3 million voters at AsiaWorld-Expo. In response, Raymond TAM and Chief Electoral Officer WONG See-man claimed that the voters information was brought to AsiaWorld-Expo without their knowledge. WONG See-man believed the computers might have been brought by staff to AsiaWorld-Expo without the approval of their superiors. When I pursued the question, and so did Mr Andrew WAN as I remember, Principal Electoral Officer Candy MA also said she had no knowledge of it. I did not know that "ignorance means not guilty" can be used as a golden shield of immunity in the Government. So do not tell me anything from now on, be it dirty or clean, for responsibility can be shirked as long as I do not know. I will further elaborate on the reasons for reducing the salary of this Chief Electoral Officer later (*The buzzer sounded*) ...

**CHAIRMAN** (in Cantonese): Mr CHAN Chi-chuen, please stop speaking.

I remind Members that, according to the debate arrangements, this debate will end at around 8:00 pm today.

I will invite public officers to speak at around 4:15 pm, to be followed by Members who have proposed the amendments to speak again. This debate will come to a close after the Members have spoken.

Members who wish to speak, in particular those who have not yet spoken, please press the "Request to speak" button as early as possible.

**MR CHU HOI-DICK** (in Cantonese): I would like to speak on "Head 163—Registration and Electoral Office" which Mr CHAN Chi-chuen just talked about. I can see two amendments here, and as our amendments to the Budget can only propose a reduction of expenditure, sometimes it is really necessary to interpret the intention of Honourable colleagues. Colleagues propose a reduction of expenditure for two main reasons. One reason is that through a reduction of expenditure—they may not really want to reduce it—they hope that by proposing a reduction of expenditure, they can draw the public's attention to the spending of the department concerned. The other reason is that they really want to reduce the expenditure and in particular, they want to reduce officials' salaries as punishment, just as the amendment proposed by Mr CHAN Chi-chuen.

At present, in the Legislative Council and even the Government, although someone committed a mistake which we think is very serious, that is, when the personal data of some 3 million voters are lost, this person is not punished, or no one knows how he should be punished. This person only came to the Legislative Council to be chastised, and then a non-binding motion was passed, and he can get away with it. But in fact, we cannot take the matter as thus having been settled. Over the past few years, public confidence in REO has been badly dented already, and this incident has actually aggravated the situation.

Let me perhaps take this incident of losing electors' particulars as an accident. But I wish to talk about some situations we have seen and in particular, two general types of situations. The first is "vote rigging" among electors; the other is disqualification of Members from office or of candidates for

elections. In fact, from these two situations we can see that the Government has used REO as a political tool to attack its political enemies. This Government has actually come to a state, that is, in the latter half of the colonial era or the 1980s when elections were first introduced, the elections though being far from comprehensive still aimed to command people's confidence in one way or another because only in this way would there be participation from the people and hence credibility, which would in turn promote public tolerance of other aspects that are outside the ambit of REO and carry no elements of election, such as their tolerance of a fully-appointed Town Planning Board, their tolerance of the long existence of functional constituencies, and their tolerance of the Chief Executive being returned by a small-circle election despite that the public cannot take part in the polling. But regarding those elections that were still in line with the principle of universal and equal suffrage, I think from the British colonial government to REO of the SAR Government, it was, for a period of time, still their wish to maintain their credibility.

That had been the case until the past few years when a situation has arisen. As stated in paragraph 4 under Programme, the Electoral Affairs Commission is provided with support, including the enhancement of checking of electors in the current register in respect of their registered addresses; the conduct of cross-matching exercise with other government departments on electors' registration particulars; publicity measures to remind electors to update their addresses with REO. Regarding these few lines, we must read them more carefully. They are actually telling us that in recent years, there have been a lot of loopholes in the voter registration work carried out by the Government and as a result of these loopholes, "vote rigging" has never ceased to happen.

We have seen that in the District Council ("DC") elections, although many of our colleagues in the pro-democracy camp were obviously in a far more favourable position than their rivals, all of a sudden there could be an increase of 500 to 1 000 newly registered voters. Who can we blame? Can we blame ourselves? This is just unreasonable. Simply put, it goes to show that forces coming from Beijing and the "vote rigging" system coordinated by the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("LOCPG") have been gradually eroding REO in respect of voter registration. We can see that with regard to the support provided by REO as set out in paragraph 4, honestly, I wonder if this is a case of "while the priest climbs a post, the devil climbs ten". What we have seen now is that the devil is ten times stronger. LOCPG is really a devil that is ten times stronger, so

strong that they can spend a fortune and just as Mr LEUNG Kwok-hung said just now, there are often cases of properties in Hong Kong being purchased with capital from China. We have now come to realize that they purchase flats to serve two purposes or even three purposes. First, for investment and capital preservation as the value will go up; second, for turning their flats into "Airbnb" to generate a rental income; and third, for planting a lot of new electors. This is how the devil is ten times stronger, and with regard to the duties set out by REO under Programme, how can they help us Hongkongers to eliminate "vote rigging"? In fact, I have had a bit of struggle. It is not the case that I do not trust REO at all, and actually I wish to increase the provisions for REO. Do they not need more resources? To discharge these three duties effectively in the face of this "devil", Kindaichi must really come to its aid, because it really needs to carry out an enormous amount of checking work in order to restore confidence. But after all, REO is such a weird organization.

I assume he is primarily politically neutral and his job is to conduct elections properly and make the elections fair, impartial and credible. However, there is another score that he needs to settle, and he only has himself to blame over it. That is, his invention of the conformation form, the signing of which is required of candidates in the Legislative Council Election. Concerning the confirmation form, once he has done this thing, he is no longer a civil servant, and he is no longer a referee whom we trust to be responsible for ensuring the credibility of this election. It is because he has already become a player in the football pitch, helping to kick out candidates disliked by Beijing and LEUNG Chun-ying, including CHAN Ho-tin of New Territories West and LEUNG Tin-kei of New Territories East, both having attracted most attention.

But quite the contrary, despite that by the logic of the amendments, we seek to reduce his salaries, when these people make political intervention by playing in the football pitch themselves, this would conversely incur more government expenditure. Why? What we have seen now is that election petitions have been filed, and I am one of those filing election petitions. I have been dragged into this, and I have been forced to take my case to court. Who are to pay? The Judiciary will incur more expenditure, and the Secretary for Justice's Office will also incur more expenditure for handling tons of paperwork.

In order for REO to restore the confidence of the people of Hong Kong, and let me not talk about the implementation of full universal suffrage for the time being, whereby the entire political system will allow the people to truly

become their own master and this certainly should be our goal in the long term, the situation we have to face now is to guard against regression because Beijing has now become so blatant that it wants to destroy even the tiny bit of democracy. What I have said just now shows that REO is a frontline lackey helping Beijing destroy the limited credibility left of elections. I do feel that I am in a dilemma because in some respects, I wish to increase provisions for it but in other respects, I wish to reduce its provisions because REO has, among others, lost electors' particulars and disqualified some candidates.

Lastly, what I wish to say is, the system of Hong Kong is very complicated. Secretary LAU Kong-wah happens to be in the Chamber now, and I wish to raise an issue relating to his Bureau and that is, the election of village representatives. Regarding the election of village representatives, currently REO is only responsible for the supervision work, and as mentioned in the Budget, REO has the duty to supervise the conduct of rural elections. Then whose responsibility is this? Voter registration and the conduct of the election per se are the responsibilities of the Home Affairs Bureau and the Home Affairs Department ("HAD"). Honestly, I think these duties should not be undertaken by the Home Affairs Bureau and HAD. They should be made the responsibilities of REO, so that we can have a centralized voter registration system. The register of electors should also fall under the ambit of REO.

We have seen that the election of village representatives is riddled with problems currently. These problems all have to do with home affairs, and a case in point is the demarcation of the boundaries of villages. With regard to the demarcation of constituencies for the DC elections, we certainly understand its logic and criteria. The constituencies are demarcated to be next to each other, which means that no places or areas are uncovered by DC constituencies. But in the election of village representatives, due to a high degree of political intervention by the District Offices, during the demarcation of village boundaries, some people can say that they do not like these two village houses or these people and then they can kick out these places. Such unfair practices do exist. Since HAD has failed to do its job properly, I think in comparison, we should make this the responsibility of REO. Therefore, for this purpose, we should provide it with additional resources. In other words, insofar as head 163 is concerned, REO should be made responsible not only for supervising rural elections. It should be made responsible for also the registration of electors for rural elections as well as the entire conduct of the elections altogether.

On this issue, put simply in a short sentence, if REO or the Hong Kong Government and Beijing Government wish that there will be no more division in Hong Kong, the first step to take is to refrain from destroying the limited credibility left of elections. They should, on the contrary (*The buzzer sounded*) ... afford them proper protection through the provision of resources.

**CHAIRMAN** (in Cantonese): Mr CHU Hoi-dick, please stop speaking.

**MR LEUNG KWOK-HUNG** (in Cantonese): Chairman, Mr CHAN Chi-chuen and Mr CHU Hoi-dick have mentioned the issues concerning the Registration and Electoral Office ("REO"). Yet I think they should ask the Secretary whether REO does not have to bear any responsibility. In my view, REO definitely should be held responsible. I do not know whether or not Mr CHAN Chi-chuen will mention the incident of computers being stolen at the AsiaWorld-Expo again later. Yet, one point regarding the incident is extremely dubious. Originally, the room was accessed by key cards, but the authorities informed the AsiaWorld-Expo to cease the key-card unlock function and switch to manual lock. This is totally inexplicable. Why? If there are six members in a team, the authorities will have to apply for six key cards and the venue manager will naturally provide the cards. However, if the team has 60 members, it may incur additional costs. I am at a total loss regarding this arrangement of the authorities. If the room is accessed by key cards, every in and out will be recorded and the identity of the persons unlocking the doors will be known. But since manual door locks were used this time around, the room could be likened to a lockless chicken coop, where the identity of persons who had unlocked the door would not be known.

Regarding the first issue, that is the use of manual locks instead of key cards for access, it opens a loophole for destroying all the evidence. Frankly, Chairman, the Legislative Council knows where Members have been to in the Legislative Council Complex, that means the whereabouts of Mr Andrew LEUNG or me can be traced. If ordinary locks are used in the Legislative Council Complex, such tracing will not be possible. Hence, the first question is: Why would the authorities do so? I can only think of one explanation and I have said it just now. If this is the reason for the arrangement, such an arrangement is inappropriate. Why would so many people be involved? Due to the large

number of people involved, the authorities could not rely on the venue manage to provide key cards and had thus arranged for the use of manual lock privately. If that is the case, it is serious dereliction of duty.

Second, why would the authorities use a room without any closed-circuit television ("CCTV") system? Frankly, if Kindaichi is now invited to investigate this case, it will likely be concluded as a pre-publicized burglary. Of course, I do not mean that and I will not say so. Yet the silly mistakes involved are inconceivable. In other words, a Principal Electoral Officer and a Chief Electoral Officer have the authority to make such an arrangement. It is unbelievable.

Hence, if the report submitted by the authorities this time around fails to dispel the doubts of the public, that is, if the report they drafted after the rebuke by the Legislative Council fails to set out the causes and the persons to be punished, I can tell you all that the public will never submit information to the Government again. Now, we do not know how the information of the 3-odd million voters will be mis-used. On that day, the Government said that it would hold the government officials concerned accountable. However, when I asked the Government whether it would shoulder the responsibility if the 3-odd million voters incur losses as a result of the stolen information, the Government did not answer my question. It is evident from the Government's refusal to answer my question that the Government is unwilling to bear the responsibility. To bear the responsibility is not merely paying lip service but committing to bear the losses arising from the incident. I think the authorities have not made this clear. In this connection, I hope the government officials concerned will give me a reply later on. My electors have asked me, "Long Hair, the Government said that it would shoulder the responsibility, yet how will it do so?" The Government has to give a response later on.

Another point is that if the cause of the information theft this time around is not found out, there will be an increasing number of similar incidents. Chairman, let me tell you, in the geographical direct election held on 4 September, I was the last to be announced an elected Member. At first, people said that it was because Christine FONG requested the votes to be re-counted, but it was not the case. The reason was that there were only a thousand to two thousand voters in my constituency, but it turned out that there was an excess of 300-odd votes. Buddy, it remains an unknown. The case has not yet closed. Why would there be 300-odd votes in excess in a polling station with a thousand to two thousand voters? Chairman, the votes in excess would not affect the

result of the election, because I had won 1 000 votes, and no matter which candidate the 300 votes go to, it will not affect the result. Those people who run businesses would know that if the cashier and the accountant discover a discrepancy of 10 cents or \$1 when they balance the accounts, they will do the calculations all over again to find out the reason for the \$1 discrepancy, for the actual difference may be even greater. However, in this connection, I have not heard any report about this incident so far. Chairman, these are matters concerning the protection of privacy or ensuring fair elections, the authorities' performance is unsatisfactory, yet it refuses to take accountability.

Another problem is about Electoral Officers. Raymond TAM is not in the Chamber now, yet I am focusing on the exercise of power by Electoral Officers. This year, the authorities have introduced a new measure to allow Electoral Officers to use the Confirmation Form to confirm the eligibility of candidates, which is not an established practice. People who have stood in elections before will know that candidates needed only declare they would uphold the Basic Law and pledged allegiance to SAR when they made the first declaration, and the Electoral Officers would put it down on the form in the past. There was no need to prove if the candidate was really so. After that, the Electoral Officers would verify the information, like checking whether the name of the candidate, say LEUNG Kwok-hung, was correct and whether the address was written correctly. Moreover, they would verify whether the information of the 200 voters collected by the candidate was true, and that is all. But this is not the case now. The current practice is inconceivable. Though the election is over now, the Court has yet stated clearly whether the practice is appropriate. As Mr CHU Hoi-dick said earlier, some people have filed election petitions (including me, but you are not one of them) accusing Electoral Officers of ultra vires. Chairman, ask yourself honestly, will you ask the cleaning staff or pantry helpers in your company to verify the accounts for you? No, you will not, for you do not employ them to do that task. Chairman, if you have paid attention to those Electoral Officers, you would have noticed that one of them has written a very long essay spanning 12 pages, like a judgment, to describe the candidates concerned. Buddy, Electoral Officers did not do that in the past. In the past, they were only responsible for verifying the accuracy and completeness of the information provided by candidates and administering declarations. This is like the President administering oaths for Members. The President will not verify if I truly believe in the content of the oath. He will only ensure that I have read out the oath fully and then announce my oath valid. However, the President's decision is now being challenged.

From this perspective, how can we pay salaries to Electoral Officers? Chairman, you many say, "Mr LEUNG Kwok-hung, again, you are talking about a specific Electoral Officer." Right, I am referring to a specific Electoral Officer. However, Members should understand that in this debate in the Legislative Council, we cannot target a specific individual accurately. Chairman, do you know how difficult it is for us to query the government departments concerned. If I submit a question to ask the Government which Electoral Officer is responsible for the Legislative Council Election in September this year, how much salary is that Elector Officer receiving and whether or not the Electoral Officer is on the permanent establishment, the Government will not give me any answers. For this reason, I can in no way be specific. Chairman, sometimes, you do not appreciate our difficulties. You require us to avoid general remarks and be specific. Buddy, even in the case of using smart bombs, we must have the relevant device before we can bomb the target smartly. Members should also refer to the remarks made by Mr CHAN Chi-chuen, that is, the authorities had waited till the last day to give him the answer.

Chairman, you have vetoed our amendments from the technical perspective, we can only accept your decision. This is your responsibility to do so, and since there are mistakes, I cannot argue about that. However, I hope you will understand that when an Electoral Officer makes mistakes, we can hardly request him to assume accountability. Mr CHAN Chi-chuen made a very good point. Today, if we only rebuke them here rather than requesting a reduction of the salaries of the Sir and Madame involved, the Government would not be alerted and it would not have told us, "Will you not do so, we will punish them privately".

Hence, when REO messes up its duties, doing things they would not do in the past and failing to properly fulfil the duties they should discharge, we as Members of the Legislative Council can only seize this opportunity of the debate on the Budget to state our hope for the Government to mete out punishment on them specifically. Chairman, honestly, the Electoral Officer who made use of the Confirmation Form to write a 12-page statement beyond his knowledge to veto the eligibility of candidates had acted *ultra vires* ... Honestly, what if he loses his case? Again, the Government will have to bear the cost.

So, if the Government wishes to introduce a reform, it should not ask Electoral Officers to execute the changes but should amend the laws accordingly to directly appoint a specific department suitable for the task to handle the issue. For instance, the authorities may stipulate in the law that the eligibility of

candidates should be examined by the Department of Justice ("DoJ") or a department commensurate with it, for the issue is a constitutional matter. Failing this, the one being held accountable when we pursue responsibility would not be the person who should be held accountable. However, I think this is a plot. Honestly, what a coincidence that an Electoral Officer who has studied law and knows so much about politics has been deployed to that district. Frankly, this is a perfect plot.

Chairman, as a comment made by WANG An-shi in *"Reading Biography of MENG Chang-jun"* (讀孟嘗君傳) says, "So those talented people would not join the ranks of one who only has lowly aides under his command" ". At that time, many people commanded MENG Chang-jun for his hospitality of feasting 3 000 guests and considered this the key to his success. However, WANG An-shi held another view. He considered that quantity was not the key, for if the people supported by MENG were lowly aides who only joined MENG due to their lack of means of living and sought to gain advantages, those people would only be a burden to MENG. This is exactly the case now. In this blunder in the election ... I do not know if Mr CHAN Chi-chuen will mention this point later, yet I think he should have heard my earlier speech, and I urge him not to repeat my point, lest the Chairman will rule him making repetition.

This time around, we have exerted our level best to propose amendments in an accurate and specific manner, like firing a smart bomb through the window direct, and he is beheaded by the guillotine. Therefore, I hope Members from the pro-establishment camp will support the amendments. It will not cost them their lives. Honestly, Chairman, you understand that even if the funding for Electoral Officers is reduced, the authorities will find the funds through other channels, say cutting other services. However, I have to tell Members—Mr LAU Kwok-fan, do not rub your chin—that the passage of the funding cut represents punishment. The authorities will not die. They will find other alternatives to meet the expenditure. If they do not come to the Chamber to speak, never mind, but please give us a hand at the voting. Chairman, I will also follow your teaching, that is, to sit down if I have nothing more to say. Thank you, Chairman.

**MR LEUNG YIU-CHUNG** (in Cantonese): Chairman, in this speech I will be focusing on head 142 which relates to the Offices of the Chief Secretary for Administration and the Financial Secretary. And the relevant amendments are Nos. 123, 129, 133 and 135 to 138.

These amendments seek to reduce the expenses on the salaries of the Chief Secretary for Administration and the Financial Secretary, and the operational expenses of their offices and official residences. I support all of these several amendments seeking to reduce and cut the relevant expenses. Every year, these two offices together will expend as much as \$1 billion of public money of Hongkongers, with these two Secretaries of Department each pocketing comfortably some several hundreds of thousand dollars in salary monthly. But they have failed to truly discharge their duties. Adding to this is their persistently singing in chorus with LEUNG Chun-ying in the past many years, particularly in the last few years when so many problems have surfaced. For this reason, I do not think it is worthwhile to continue to make these payments.

I shall talk about the Chief Secretary for Administration first. The duties of the Chief Secretary for Administration should be supervising various Policy Bureaux and assisting in the formulation and implementation of policies. However, I consider Chief Secretary for Administration Carrie LAM has been in serious dereliction of duty in the past four-odd years, practically not performing her due duties. Her duties have a direct bearing on the administration of the Special Administrative Region ("SAR") Government, as well as significant impacts on LEUNG Chun-ying. Yet I think she has been continually helping fuel the bureaucratic air of LEUNG Chun-ying, and she has not tackled various issues (e.g. constitutional reform) properly, causing the social dissension to continue to worsen and no improvement in people's livelihood. I think LEUNG Chun-ying should not take all the blame for these problems, for the Chief Secretary for Administration should similarly bear the relevant responsibility.

Let me talk about the constitutional reform, as a start. To Hongkongers, the failure of the constitutional reform to come to fruition is a thorn very deep in their side. Although the Chief Secretary for Administration alone should not bear full responsibility for the failure of the constitutional reform for within the Government LEUNG Chun-ying should bear the largest share of responsibility, as we all know, the Chief Secretary for Administration was at the helm of the "constitutional reform trio", so she could not absolve herself of all the blame. From the consultation conducted by the Government to the finalization of the framework of bogus universal suffrage by the National People's Congress on 31 August 2014, she had initially stated repeatedly her attitude of "Let's talk" and invited public discussions, but once the tune was set with the beating of the gong, she engaged in vigorous promotion of the proposals mooted by the Central Authorities and turned a deaf ear to the opinions of the Hong Kong public, thus rendering the SAR Government the political puppet of the Central Government.

She then made all sorts of pretences in making visits to the districts, but only to sit in an open-top bus touring around the whole territory and waving to the crowds, resolved "to visit the districts but not to alight from the bus to get into the crowds". For this reason, she was ridiculed as "resolutely detached from reality". In this way, how could she appreciate public opinions and strive for popular support? All this was obvious to all.

In a similar vein, during the 79-day Umbrella Movement, many members of the public slept outside the Central Government Offices days on end with the aim of expressing their views on the constitutional reform. Unfortunately, did the "constitutional reform trio", or even other officials of the SAR Government talk to them to gain an understanding of their situation? No. Were their opinions given any audience? No. The officials knew only making repeated criticisms of and sowing division among the occupiers through the media, turning a deaf ear and remaining totally indifferent to the aspirations of the students. Certainly, someone might say, "No, she did come down from her high horse to engage the students in a dialogue." Correct, she did talk to the students, but during the whole course, she acted her old self and presented a lofty air of arrogance, turning herself into a human tape-recorder and playing back repeatedly all the points already known to all, without really listening to the different opinions. Because of this, the constitutional reform was rendered a failure, with no knowing when it could be reactivated again. Insofar as this issue is concerned, should she as an accountable official not bear the responsibility?

Having talked about the political problems, I now turn to the livelihood issues. As we all know, the problem of population ageing in Hong Kong is growing increasingly serious. Over the years, we have been raising the issue of universal retirement protection, and despite our talking about it to the point of seeing our mouths drying up as a result of it, the Government remains deaf and dismisses the contribution made by the elderly to society in the past. The attitude of the Government has been one of regarding the elderly as disposable. I consider this lack of a sense of kindness and justice most undesirable.

Apart from the elderly, there are also problems with the grass-roots people. As we can all see, the Chief Secretary for Administration as Chairperson of the Commission on Poverty must certainly take up the responsibility insofar as the issue of poverty alleviation is concerned. However, as I said just now, the wealth gap problem has been worsening year on year since the reunification. To date, the Gini coefficient is still rising, with the poverty population hitting one high after another and the number of people living in subdivided units and cubicle

apartments increasing by the day, whereas the number of people on the Waiting List for Public Rental Housing has been recording new highs. Yet, there has been no breakthrough in one thing, that is, the date of waitlisted applicants being allocated units remaining nowhere in sight. So, where are the results of poverty alleviation?

The SAR Government, be it LEUNG Chun-ying or the Chief Secretary for Administration, has all along been stating that a lot of efforts has been made in poverty alleviation. Apparently, he also said earlier that the poverty line had been set and a number of poverty alleviation initiatives formulated. Rightly as I said some time ago, even if the poverty line has been set or some relevant initiatives have been made, but what are the results? The poverty population in Hong Kong has increased from 960 000 people in 2014 to 970 000 people in 2015. This increase of 10 000 people appears to be not big though, the purpose of the Government in formulating policies is to make the poverty population decrease rather than increase. The problem now is such population has increased.

Done with the poverty line, I now talk about policy interventions. During the period from 2013 to 2016, the poverty rate stayed at 14%. Although there has been no significant change but, as I said just now, what is the purpose of policymaking and policy interventions? They are meant to induce improvements. But there has been none in reality.

The Chairman might query this point of mine, wondering that this is work of the past Chief Secretary for Administration and that the current Budget has nothing to do with issues of the past. We should discuss the funding that would be used by the incumbent Chief Secretary for Administration in the days to come, albeit there are only several months left of his tenure. Chairman, precisely because there are only several months left, I do not believe the new Chief Secretary for Administration can make any dynastic changes. Actually, given such a short period of time, he would only maintain the work of the past Chief Secretary for Administration. As he would only maintain the old practices without making any major changes, why should we appropriate any funding? It is because whoever takes up the ropes, he would only maintain the same practices, thus I consider it unnecessary to expend this sum of money.

Apart from this amendment, I very much approve of another amendment, namely Amendment No. 126 proposed by Mr Nathan LAW. This amendment pinpoints the expenses of the Protocol Division. Chairman, the Protocol

Division is most awesome insofar as its expenses are concerned, for they rose sharply to \$7.08 million last year, with \$5 million of it being expenditure on ZHANG Dejiang's visit to Hong Kong. Do Members still remember for how many days ZHANG Dejiang was in Hong Kong? It was only three days, and they cost us \$5 million. If we divide this \$5 million by three, the daily expenses stood at about \$1.66 million. Now, what do you say? Is this expenditure of \$1.66 million not extravagant? Is it not outrageous? This sum of \$1 million appears not to be great. Right, compared to the whole Budget, the amount is not at all big. But come to think about this, the \$1.66 million can hardly be earned by an ordinary member of the public even after a whole life's toil. In this context, is that not awesome?

Moreover, we can see that the expenses of the Protocol Division will increase dramatically by \$51.8 million next year, at an increase rate of 102.8%. Why? Because it will have to receive political dignitaries visiting Hong Kong for activities celebrating the 20<sup>th</sup> anniversary of Hong Kong's reunification. This expenditure of more than \$50 million is meant to celebrate the reunification and entertain political dignitaries. Exactly as I mentioned just now, many members of the public will have to work for innumerable years before they can make \$1,000,000-odd in savings. Yet let us not forget that there are still many street sleepers who have not even a small piece of roof over their heads. But we are going to spend so much money entertaining the political dignitaries. So where do our hearts lie? Do we appreciate the plights of the ordinary masses in living? Hence, I very much support Amendment No. 126.

Moving on from the Chief Secretary for Administration, I would like to talk about the Financial Secretary, too. I think the case of the Financial Secretary is no different from that of the Chief Secretary for Administration, that is, he similarly warrants criticisms because the Budget this year also presents no breakthrough in such aspects as housing, medical care, education and welfare. If I were to give it a score, I would give it a "Failed" grade. Obviously we are sitting on an enormous surplus, but why is it not spent on areas where it is due? As a result, people in poverty remain poor, and the elderly remain lacking any sense of belonging. Is this not a responsibility that should be borne by the Financial Secretary?

As Members all know, the surplus this year amounts to more than \$90 billion whereas the fiscal reserves has hit a historical high of \$900-odd billion, being a new record again. Unfortunately, however, the estimate of public expenditure in the Budget this year is maintained at being 20% of the

Gross Domestic Product ("GDP"), which reflects that the Government does not have any strategy on using the reserves as a means to promote long-term development and well-being of society. We have been recording a surplus every year, but where is the money expended? Although there are some initiatives of giving away "candies" this year, who are getting these "candies"? It turns out they are given not to the ordinary masses but the middle-class people. Let me cite an example. We have been pointing out all along that the "N have-nots" have never benefited from such initiatives and, this year, the situation remains the same, with them standing to not benefit from any of such. This is pretty normal and Members should not feel puzzled at all. For reasons unknown, our public expenditure is maintained at 20% of our GDP. But why? The result is people belonging to the upper-middle tiers of society will conversely stand to benefit. For example, the concession in rates will benefit property owners, but the Government maintains this initiative of giving away "candies" to property owners and benefiting them. Why is the Government doing this? If only the Government could save up this sum of money and give them to the elderly and those people I mentioned just now, people would feel delighted. But our Financial Secretary will never be happy to hear such remarks, never putting his feet in the shoes of these people.

To both the elderly and people with disabilities, as I also mentioned earlier, the most important point now is to resolve the problem of residential places for them. Unfortunately, however, there is still no breakthrough in respect of residential places. This year, the Government said it has earmarked \$30 billion for enhancement of residential care homes for the elderly and rehabilitation services for people with disabilities. Yet this provision is a one-off grant instead of a recurrent expenditure. Moreover, we do not know for the time being how this funding will be used and for how long it can be used. Therefore, we really have no idea what the Government is up to. Although the Director of Bureau has stressed once again it is not the case that the number of residential places will not be increased, and indeed 9 000 additional places will be brought on stream in the next five to ten years, how many elderly people are waiting for such places currently? There are more than 40 000 such elderly people. How can the fact that the Government will take five to ten years to increase 9 000 places be reconciled with the 40 000 elderly people waiting in line?

In fact, one probable scenario is many of these elderly people will have passed away in the next five to ten years, and then there will not be so many people waiting—this could be the line of the Government. If that is the case, is the Government really sincere in helping this group of elderly and people with

disabilities? It turns out that the initiative of assistance proposed by it is to let them wait long term on the waiting list and when those people pass away, it would obviate the need for the Government to solve the problem for the problem would have taken care of itself. In that event, that would be the most desirable scenario and nobody would have to deal with the headache. May I ask the Financial Secretary if this is what he really wants to see happen?

In the past decade when John TSANG was the Financial Secretary, we all call him a scrooge. He had been sitting on our wealth for 10 years, rendering us failed to achieve anything during the decade. Maybe the only achievement, as he said during his electioneering campaign, was the accumulation of such an enormous amount of wealth for us, totalling more than \$500 billion. Originally, the accumulation of wealth is a good thing, but it is absolutely bad if such wealth is not used, or put not to good use. Today, the point we are trying to make is we consider it most outrageous for the Financial Secretary to have come up with such a Budget that will not make use of the reserves to resolve some social problems when many people are longing for him to do so.

In these last tens of seconds of my speaking time, I must talk about the issue of the Financial Secretary expending more than \$2 million to renovate his official residence, for reasons of entertaining foreign guests. I do not know how many foreign guests he will be receiving in these three to four months such that he sees it fit to spend this \$2 million. Just as I mentioned earlier, at a time when an ordinary member of the public will have to scrimp and save for innumerable years to save up a couple of million dollars, and when many people still find no roof over their heads, he is entertaining guests in a luxury residence. Has he ever thought about how people live their lives? How much help can the entertainment of foreign guests bring to Hong Kong? I demand answers from him.

Chairman, I support all the amendments.

**CHAIRMAN** (in Cantonese): I remind Members once again that, according to the debate arrangements, this debate will end at around 8:00 pm today.

I will invite public officers to speak at around 4:15 pm, to be followed by Members who have proposed the amendments to speak again. This debate will come to a close after the Members have spoken.

**DR LAU SIU-LAI** (in Cantonese): Chairman, I am going to speak on the amendment moved to head 21, which seeks to deduct the estimated expenditure of about one month's remuneration for the Information Coordinator. Why do I seek to deduct Andrew FUNG's remuneration for one month? In fact, judging from his poor performance, I should have asked him to return all the remuneration he has received, and the deduction of one month's remuneration is a merely symbolic gesture. Why then do I not seek to deduct the estimated expenditure for the remuneration for the Information Coordinator to be appointed to assist Carrie LAM? It is because Carrie LAM is version 2.0 of LEUNG Chun-ying, and I am afraid that she may perform even more badly than "689", so it may really be necessary to identify a better candidate for the post and invite him to enter this "hot kitchen". You know, I do not wish to see Hong Kong people boiling with greater anger in the future.

The reasons for deducting Andrew FUNG's remuneration are very simple, and there are three in total. First of all, as the Information Coordinator, he has completely ignored public sentiments and failed to enhance communication between the Chief Executive and the general public. His public relations strategy is appallingly poor, and instead of having any genuine public relations skills, he has been causing public relations disasters. Not only has he failed to do whitewashing for the very lousy Chief Executive, he has also rendered his boss even more hateful to the public. To be fair, as the saying goes, one cannot make a silk purse out of a sow's ear, and we can hardly blame Andrew FUNG for this because as evidenced in this chart, LEUNG Chun-ying's popularity is indeed very poor.

As we can see from this chart, the several former Chief Executives had different levels of popularity rating. For example, the popularity rating of Chris PATTEN was all the time stable, while that of the first Chief Executive, "Uncle TUNG", was high initially and dropped over time. However, TUNG's popularity rating, even at its lowest, was never as low as that of "689" when he assumed office. This Chief Executive indeed had a very poor start in popularity rating, so the task of his Information Coordinator is honestly quite a difficult one. The one capable of doing this task must be a person with a lot of guts and skills. Regrettably, Andrew FUNG undoubtedly has a lot of guts, but he has very poor skills.

How difficult is the task of working for LEUNG Chun-ying? Once we realize how annoying he was when he first assumed office, we will understand the difficulty faced by the Information Coordinator. LEUNG Chun-ying got

entangled in a series of integrity issues before he took office, such as the failure to make a declaration of interest in the West Kowloon Cultural District design competition, and his integrity was already open to question even before he took up the post. Besides, the UGL incident has remained unresolved so far, and whether he should be denounced or held criminally liable for his receipt of \$50 million from UGL Limited has yet to be ascertained. Moreover, we have also seen his "doublespeak" in the discovery of unauthorized building structures in his residence. His entire governing was riddled with scandals as soon as he assumed office, one example being the suspected corruption case involving MAK Chai-kwong and TSANG King-man. Besides, Paul CHAN was involved in the operation of subdivided units and tax evasion. We really do not know how we should call him, "Subdivided-units Paul" or "Drink-driving Paul", because he was later involved in a drink-driving incident. All these controversies have indeed made things very difficult for the Information Coordinator.

Let us now take a look at the duties and responsibilities of the Information Coordinator. According to a paper provided by the Government, the Information Coordinator of the Chief Executive's Office is required to provide support to the entire Chief Executive's Office, and is responsible for formulating the media and public relations strategy for the introduction of major policies and programmes; coordinating the agenda of introducing major policies and programmes; closely liaising with the Director of Information Services and Principal Officials' Press Secretaries to ensure the effective implementation of media and public relations strategy for major policies, and monitoring public and media feedback; planning and implementing programme of public functions for the Chief Executive, including talks engagements, overseas duty visits, community visits, meeting with editors and correspondents, and attending press conferences on an ongoing basis; liaising with local and international media on behalf of the Chief Executive; acting as the spokesman for the Chief Executive when necessary; and managing the Press Office in the Chief Executive's Office. The responsibility is in fact quite heavy.

Let us look at the rest of the world and find out how much people are paid for an equally important position in other places. Andrew FUNG likes to compare himself with a White House spokesman. How does his remuneration compare with that of a real White House spokesman? In the United States, the remuneration for the White House Press Secretary in the OBAMA era was US\$173,922, or about HK\$1.35 million, that is, only one third of the annual

salary for Andrew FUNG. It is ridiculous, isn't it? How come the remuneration for the Information Coordinator of LEUNG Chun-ying is three times the remuneration for the White House Press Secretary of OBAMA? But on second thought, this is in fact quite reasonable because as I said earlier, one cannot make a silk purse out of a sow's ear, and it would of course be much more difficult to do whitewashing for a lousy Chief Executive of such a poor quality than to serve OBAMA. He deserves to be given such a high salary if he can fulfil such a function.

Very regrettably, he has failed to do so. We of course know that LEUNG Chun-ying himself must be held personally responsible for all the corrupt deeds. His popularity rating is very low because he is rotten to the core, and this serves him right. Yet, this cannot absolve the Information Coordinator from the fact that he has performed very badly. Not only has he failed to embellish LEUNG Chun-ying's deficiencies, he has also sought to sow discord, rubbing salt into people's wound, as if he fears that we cannot know how bad this Chief Executive is.

The incident I talked about in my speech this morning is one example. It is already bad enough for LEUNG Chun-ying to visit the districts to deceive children, but he has even gone so far as to take photographs with children in an attempt to fool the public into thinking that children like him very much. However, we all know that even children aged 10, 8 or even 5 would sneer at him. The "Angry's" on his Facebook page have piled up not only to his nose but also to his forehead. It is already bad enough to take such photographs, but his assistant, Andrew FUNG, has even uploaded them onto the official website, as if to tell people that LEUNG and his staff are all con men and all they say are wrong depictions of public sentiments. He knows full well that he is strongly disliked, so he should really do something to improve people's livelihood. However, he has chosen not to do so, and worse still, he even seeks to increase people's dislike for him. Everybody is well aware of his misdeeds, but he still uploads such photographs. This can only serve to show people how disgusting he is, and how he is lying. This is what I mean by rubbing salt into people's wound.

Another example is LEUNG Chun-ying's blind pursuit of development, which has led to the disappearance of all Chinese white dolphins except one. This is already sad enough, but he could have remained silent on this. However,

he instead went to the Tai Po Waterfront Park and took photographs with the replica of a Chinese white dolphin there, smiling hypocritically and shamelessly and pretending to be happy. This is also bad enough, but he still uploaded the photographs onto the Facebook page, in an attempt to provoke the public. This is what I mean by rubbing salt into people's wound after harming them. Are there any other press secretaries who would handle things this way?

LEUNG Chun-ying himself is rotten to the core, but Andrew FUNG has never done any whitewashing to give him a better image. Instead, he has sought to spread the germs of LEUNG's corrupt conduct around, exposing his very decay to the people. Members of the public are of course infuriated. How has Andrew FUNG responded to people's anger? He argues that all these "Angry's" may not mean anything at all, and simply dismisses the several hundred thousand "Angry's" as a false picture fabricated by a handful of people. This is simply ridiculous. How is it possible to make up such a false picture of several hundred thousand "Angry's"? If even several hundred thousand "Angry's" cannot mean anything, then how about the 689 votes obtained by the Chief Executive back then? If the Chief Executive really wants to mend the split of society, he must improve people's livelihood. But rather than doing so, he chooses to deceive himself, saying that all these "Angry's" cannot mean anything.

Chief Executive LEUNG Chun-ying once said that he would visit the districts to listen to people's opinions, bringing along a piece of paper, a pencil and a folding stool. Has he done so? Of course not. His meetings with young people in the districts were held only when he had no alternative, and what did young people say to him? I do not think it is appropriate for me to repeat the words here, because young people simply swore at them. However, Andrew FUNG denied this after the meetings, even saying that the young people all had a very positive impression about the Chief Executive. He was trying to deceive himself. Moreover, facts speak louder than words. Members of the public can all hear his lies, "doublespeak" and sophistry. Can this be called public relations? Does Andrew FUNG deserve such a high salary? We all know the answer only too well.

I sometimes wonder whether this is due to the bad performance of Andrew FUNG's team. Is it possible that the problem is caused by other members of the public relations team rather than Andrew FUNG himself? To know the answer, let us look at what Andrew FUNG has been doing in his work. He has only been providing false information and fomenting disputes. Do you remember what Andrew FUNG did in his work during the Occupy Central movement? He

uploaded some television drama stills onto his personal Facebook page and claimed that they were photographs of injured police officers in the incident. He attempted to pass off something unreal as the real thing and made up stories. Such is the calibre of the Information Coordinator of the Chief Executive's Office. He earns an annual salary of over \$3 million, but he has simply made up stories with television drama stills. Worse still, this is even not the first of its kind. On one occasion, he also uploaded some photographs of film props and said that they were weapons used by participants of the Occupy Central movement. He has been very lucky that he has not been sued.

Andrew FUNG is such a habitual liar, but are his praises of LEUNG Chun-ying true? This Information Coordinator is really something since he will hold public rallies for LEUNG Chun-ying from time to time. Through the publicity information of Speakout HK and news about the Silent Majority for Hong Kong, he will invent news and launch certain outrageous actions. He will even engage some "hired guns" in society, such as FU Chun-chung and his like, asking them to hold public assemblies for LEUNG Chun-ying. He will then upload some sappy remarks, saying that, for example, Andy LAU also does the same things. Such is the calibre of Chief Executive LEUNG Chun-ying's fans. They pass off falsehood as the truth and know nothing about quality, thus eliciting an avalanche of criticisms against Chief Executive LEUNG Chun-ying that shocks the whole world, and turning Hong Kong's executive head into a big laughing stock. How can Andrew FUNG still have the face to receive his salary?

Some Members have also mentioned that the most ridiculous thing about Andrew FUNG is his practice of shifting the blame to other people for problems caused by the Government itself. The lead-in-drinking-water incident is an example. The incident, which affected the daily life of Hong Kong people, was revealed by affected residents themselves and Members. However, rather than apologizing for the Government, the Information Coordinator provocatively blamed other people for not bringing up the issue earlier. The Information Coordinator has come to regard shifting the blame for the Government's own mistakes to other people as his job. We must give some serious thoughts to why this phenomenon should have emerged.

The job of the Information Coordinator is already very difficult by itself, but a person of such a calibre is still chosen. His public relations skills and verbal expressions are both unprecedentedly appalling. He has harmed the people, rubbed salt into their wound, driven a wedge between the Government

and the public, provoked the people and intensified public indignation. What is supposed to be his job anyway—helping Hong Kong people to see the evil deeds of "689" or doing whitewashing for him? Sometimes, I do not even know whether I should treat Andrew FUNG as an ally, or a foe for that matter, because he has enabled us to see so very clearly how shameless "689" is.

Honestly, we should have taken the further step of also deducting the expenditure on the remuneration for the Information Coordinator to be appointed to serve Carrie LAM. The reason is that in the very first place, this kind of people should never be employed to do such whitewashing if we really want to give the Chief Executive a new public image and increase his popularity. Actually, it is very easy to make the people accept a Chief Executive. All will be fine if the Government can construct more public housing units, reduce the burden of education loan on young people, implement universal retirement protection, set the number of standard working hours, respect the Legislative Council, make the life Hong Kong people really happy, and then promote democratization to make sure that the Chief Executive and the Legislative Council are not returned by bogus elections but are truly representative of Hong Kong people's opinions. When such a sound system and these policy objectives are concretely put in place, anyone can be appointed as the Information Coordinator of LEUNG Chun-ying or Carrie LAM, because they just have to speak the truth to gain popularity.

However, what about now? However hard he argues, even if he can write a whole book on "doublespeak", he can do very little to salvage his popularity, because the Devil will never be accepted in the world of humans; people will only condemn the evil deeds of the Devil. He can go on suppressing the people relentlessly under his tyrannical rule, or he may well plan to withhold his political suppression under after Carrie LAM has assumed office, but he will never receive wider public approval either way.

If "689" and version 2.0 of "689" really want to win any real public approval, they should strive to improve the livelihood of Hong Kong people and defend our core values. They should never try to confound right and wrong and resort to whitewashing, thinking that they can alter their images by doing so. Hong Kong people are all discerning enough to know who really want to serve the people of Hong Kong, and who actually want to serve the rich and powerful in the hope of obtaining benefits. This is all I want to say.

**DR KWOK KA-KI** (in Cantonese): Chairman, in this debate session, I will talk about Amendment No. 134, which proposes that head 142 be reduced by \$1,461,000, an amount approximately equivalent to the estimated expenditure for three months' remuneration of SHIU Sin-por, Head of the Central Policy Unit ("CPU"). Members may not know that his remuneration for three months amounts to \$1,461,000, and his annual remuneration totals more than \$5 million. I believe that when the total remuneration and gratuity of SHIU Sin-por the King of Leftists are added together, he should be one of the most well-paid persons in the SAR Government of "689". But we seldom see him except when he turns up to show his support during the announcement of an annual policy address. Most of the time, he is doing his clandestine work.

We all know that CPU uses huge amounts of taxpayers' money. If the Department of Justice is the "East Depot", then CPU must be the "West Depot". Why? This secret agency gives advice to Chief Executive "689", the Chief Secretary for Administration and the Financial Secretary only. It does not need to hold itself accountable to the public in the Legislative Council. CPU receives several provisions for undertaking certain so-called analyses and studies of public sentiments. These so-called analyses and studies are funded by taxpayers' money and the public coffers. However, even when the Legislative Council asks CPU for its study findings, it will not do so. CPU has conducted many opinion polls, some of which may well be aimed at "testing the water temperature" for "689" LEUNG Chun-ying. As we all know, since the Government is so very unpopular, it may sometimes have a guilty conscience and want to investigate why people dislike the Chief Executive so much, and find out its own outrageous acts. CPU uses so much public money for conducting opinion polls, but when the Legislative Council asks for the findings and analyses of these opinion polls, CPU invariably replies that such findings are conclusions reached internally by the Government for its own reference, so the Legislative Council is not supposed to know, nor is it necessary to inform the public. How can CPU, an organization spending totally several dozen million dollars of public money a year, work like a secret agency in hiding?

As we all know, SHIU Sin-por the King of Leftists has always been popular in the pro-China camp. Starting as the Deputy Secretary General of the Consultative Committee for the Basic Law, he later served as the Executive Director of the One Country Two Systems Research Institute. He eventually joined the Government and has since been able to formally give play to the "power of the reds" in the government apparatus. Strangely, however, the public

do not know that the Head of CPU needs to be accountable in his acts. In this connection, some of his very outrageous acts were indeed exposed. As pointed out by WikiLeaks, despite all the trust from the Mainland, "689" and many principal government officials, CPU actually divulged a number of secrets to the Consulate General of the United States: the five "super District Council seats" were the bottom line of Beijing's acceptance in 2012; Donald TSANG's election pledge in 2007 to tackle the issue of universal suffrage within his term of office did not have Beijing's approval; and XI Jinping, then the Vice Chairman of the State, did not have the power to decide on the important issue of constitutional reform, as the power rested entirely with HU Jintao. But ironically, I must say, the "powerless" person is now the most powerful man in China.

I do not know if any tragedy subsequently happened to SHIU Sin-por the King of Leftists. Had he realized that upsetting one's boss could bring trouble, would he have been so disrespectful in his words? Well, he should have exercised some restraint in his words. He should have said that XI Jinping did not have the power for the time being, but he might become his boss several years later. But he did not say so, and he is in trouble now. If people in the Mainland divulge any secrets to the United States Embassy, they will get into big trouble. Such acts may be punishable by death. In the Mainland, more than one high-ranking official has been "labelled", being accused of having contacts with United States Embassy staff or even divulging state secrets. These officials may be sentenced to death. As we all know, everything in the Motherland is state secret. The "seven forbidden topics" in universities are also state secret. I must really wish him good luck. He must not return to the Mainland without any precaution, or he may become the first senior government official of Hong Kong to face severe legal punishment.

As the King of Leftists in receipt of an annual salary amounting to several million dollars, SHIU Sin-por must of course align with LEUNG Chun-ying's road of splitting and betraying Hong Kong. We all know how good he is in this regard. When "689" LEUNG Chun-ying and the pro-establishment camp used all their might to stop certain Members from taking oaths, SHIU Sin-por wrote in *Ming Pao Daily News*, "The political system of Hong Kong is not based on separation of powers." He even went so far as to say this again, and in very clear words too, "The political system of Hong Kong is not based on separation of powers. This was never the case in the past and is not the case now". He only stopped short of saying that this will never be the case in the future. The Basic Law as devised by Communist patriarch DENG Xiaoping states that the previous

system shall remain unchanged; judicial independence, the rule of law in Hong Kong and the Legislative Council shall be respected. This is a highly important and fundamental concept. Why has somebody denied it categorically based on his personal interpretation? The reason, of course, is to align with LEUNG Chun-ying's road of splitting Hong Kong.

What is more, when LEUNG Chun-ying applied to the Court for judicial review, SHIU Sin-por spoke in his defence, saying that LEUNG Chun-ying was only acting under the law, so his action should not be subject to any restrictions. SHIU Sin-por said that the power to administer Hong Kong is conferred by the Central Authorities, and Hong Kong is not a sovereign state. However, I must point out that while Hong Kong is not a sovereign state, it is a special administrative region established under the Basic Law. The previous system mentioned therein is very clear: it is a system of checks and balances among the three powers. Separation of powers is both actual and of practical significance. Had this not been the case, the executive would be able to give orders to both the Court and the Legislative Council, doing whatever it likes and covering up anything it wants to cover up. Why should we condone such betrayal of Hong Kong by a public officer receiving several million dollars of our money every year? According to SHIU Sin-por, the Legislative Council is hijacked by a handful of people and thus rendered unable to function. Actually, it is impossible to hijack the functioning of the Legislative Council. As we can all see, due to the joint efforts of the pro-establishment camp and the Government, the opportunities and powers of the Legislative Council to monitor the Government have been continuously curtailed.

Does this Government need to be accountable to the public? Of course not. In the past, there was a person with 689 votes. Now there is another person with 777 votes. These numbers of votes can already enable them to do whatever they like and cover up anything they want to cover up. Such is a situation we cannot tolerate. That is why we want to stay in the Legislative Council, so as to defend this very institution, this only institution among the three powers that consists of elected representatives of the people. We want to stay in the legislature to act as a watchdog for the people in its work, including the scrutiny of this Budget. What I have talked about all upset the most basic function of the SAR Government—to be responsible and accountable to the public. We cannot tolerate them under any circumstances.

As we can see, CPU does not comprise only one "supreme ruler". After the transformation of CPU into a "social club of LEUNG's fans", there is now one more member called Sophia KAO, who is also a fan of LEUNG. In 2015-2016, her salary was \$2.71 million. In 2016-2017, her salary reached \$3.5 million. This "supreme ruler" is really something. She can give advice on the appointment of members to all statutory organizations and advisory committees. In reply to our enquiry on this, Ms Olivia NIP, Deputy Head of CPU, admitted that Sophia KAO was responsible for providing advice in this regard. However, Ms Olivia NIP did not say whether Sophia KAO had the power to approve and disapprove appointments. There is a black hole here. This is clandestine operation.

Instead of dutifully safeguarding "one country, two systems" and "Hong Kong people administering Hong Kong" on behalf of Hong Kong people, and rather than respecting the rule of law, the legislature and the hard-earned "previous system" of Hong Kong, CPU has even attempted to do further damage by using Sophia KAO as a means of interfering with the appointment of members to various organizations and committees. As a result, all such organizations are just like "social clubs of LEUNG's fans". Just take a look at the Independent Police Complaints Council and the many statutory organizations. All the fans simply sit together and everything is settled. These statutory organizations and advisory bodies all have their own missions. Even though the system has always been so very absurd and "Greedy TSANG" or "Old TUNG" also worked under this same system, they did not seek to plant their supporters like LEUNG Chun-ying now.

Such a practice will only make the Government listen to one-sided views and render its policies unable to keep pace with people's needs, thus depriving Hong Kong people of a responsive government that works for their benefits and well-being. Hence, this practice is really very outrageous. The Government is just like the emperor in the story *The Emperor's New Clothes*, who only liked praises and sent people who spoke the truth away. Thus, we cannot tolerate all these people, the Head of CPU and its members.

Second, we must of course talk about the Financial Secretary. I must say that he has not been doing his proper business recently. We know that "689" and his gang have always regarded "Moustache" as one of their arch-rivals. This is because "Moustache" ran for the post of Chief Executive, and whether his candidacy was just a show or a genuine attempt, it still posed a threat to LEUNG.

If "Moustache" had not announced his candidacy, "689" might not have announced he would not seek re-election. Therefore, LEUNG must hate "Moustache" a lot, so he has kept dismissing the Budgets rolled out by "Moustache" as worthless and ineffective, failing to benefit the people.

I once thought that "Subdivided-units Paul" would be better. However, the Budget he has announced this year should be called a "Budget of Reserved Funds". An amount of \$30 billion in our total surplus is reserved for meeting the needs of the elderly and persons with disabilities. Funds are also reserved for education and for various purposes. Every year, several thousand elderly people waiting for elderly residential care places pass away before they are allocated any places. But he may think that this does not matter at all, as he has reserved funds and all elderly people can benefit if they can live long enough. The existing education system is a big mess. Honestly, people only hope that the Government can use the surplus for good purposes. They do not need any "sweeteners". They only want the Government to do something good. But the Government is not willing to do so.

What has he been doing these days? Together with LEUNG Chun-ying, he has been showing loyalty to China, talking about the Bay Area, and giving all sorts of meaningless advice, such as going to Enping for a hot spring bath and the benefits for elderly people to live in the Mainland after retirement. Like the people in a movie often quoted by Members, *The Ballad of Narayama*, he actually wants to tell elderly people that their times are already over, that they are already dying, that they must go away, and that they must not stand in the way of others. Honestly, having worked hard for most of their life, elderly people should be entitled to a comfortable old age in Hong Kong, where they can enjoy some sort of health protection accorded by a health care system which is still not quite so bad at the moment. Here in Hong Kong, although there is not yet any retirement protection, they can still receive some meager assistance. But the Government and Paul CHAN are so cold-blooded. How can we continue to give him any pay at all?

I so submit.

**MR LEUNG CHE-CHEUNG** (in Cantonese): Chairman, I will express my views on the amendments relating to heads 141 and 170. Before I speak, I would like to thank the Chairman for the meeting arrangements he has made for this Budget, which are very appropriate and perfectly in compliance with the Rules of Procedure. Some pan-democratic Members, however, still vow to

filibuster during the examination of this Budget, and they have submitted several hundred amendments. But the President has trimmed these amendments into some 100 in number. This aligns with public expectation.

Over these two days, a number of pan-democratic Members have been saying that they are not filibustering and they have proposed their amendments sincerely and wholeheartedly. But their speeches over these two days show the otherwise. Many of their amendments are still frivolous without any justifications. Nevertheless, when compared with the amendments proposed in past years, which sought to reduce the fringe benefits of civil servants and manpower of the Police Force and other disciplined services, the amendments we see today are more reasonable. This time around, they dare not propose any such amendments, or perhaps such amendments have already been removed by the President. The existing amendments mainly relate to reductions of the personal emoluments of Secretaries of Departments and the Chief Executive.

Of course, I have just mentioned that I would speak on amendments in relation to heads 141 and 170, which involve ...

(Dr KWOK Ka-ki stood up)

**CHAIRMAN** (in Cantonese): Dr KWOK Ka-ki, what is your point?

**DR KWOK KA-KI** (in Cantonese): Chairman, I would like to seek clarification. Heads 141 and 170, which Mr LEUNG said he would like to speak on, fall within the scope of the next debate session and should not be discussed in this session of debate. Would Chairman remind Mr LEUNG of this?

**CHAIRMAN** (in Cantonese): Mr LEUNG Che-cheung, please continue with your speech.

**MR LEUNG CHE-CHEUNG** (in Cantonese): Chairman, then I will speak on some amendments grouped under this debate session. In respect of heads 21, 36, and 43 ...

(Mr CHU Hoi-dick stood up)

**CHAIRMAN** (in Cantonese): Mr CHU Hoi-dick, what is your point?

**MR CHU HOI-DICK** (in Cantonese): Chairman, Dr KWOK Ka-ki has pointed out that the display panels of this Chamber do not show head 141 but it is shown in the papers we have.

**CHAIRMAN** (in Cantonese): Mr LEUNG Che-cheung, please continue with your speech.

**MR LEUNG CHE-CHEUNG** (in Cantonese): Chairman, I have said I would speak on the amendments to head 21. There is nothing I can do if they still say I am wrong.

Chairman, I think this amendment involves whether the Government can make use of the funding provisions in the Budget to implement its tasks in this financial year, and these tasks are highly important ones relating to people's livelihood. However, the amendments proposed by Members of the pan-democratic camp are mainly targeting at some of the work of the Chief Executive, and in their speeches on the amendments, several Members have levelled criticisms at the Chief Executive. Although some criticisms are valid to a certain extent, most of them are merely political rhetoric. One example is Dr LAU Siu-lai's remark that our society as a whole is caught in hardship and suffering. Some other Members also say LEUNG Chun-ying is the one who causes the cases of suicide every day in Hong Kong. These criticisms are merely political rhetoric devoid of any concrete evidence.

Besides, Dr CHENG Chung-tai has also criticized the Police Force very severely, citing "the seven cops" as the major evidence. However, as he has also said, some people will certainly argue in response that "the seven cops" are only a handful of bad elements in the Police Force. As he himself has also said, the presence of a handful of personnel with such problems is only normal in a police force of more than 20 000 people. Hong Kong has been fighting corruption for decades, but some civil servants, businessmen and people are still involved in corruption. Can we thus conclude that our anti-corruption is a total failure? I do not think that we can.

Therefore, I think that the justifications for their amendments are lame. They only criticize for the sake of criticizing. They only filibuster for the sake of filibustering. I must advise opposition Members to be sensible and not to go too far. Do not let the filibuster cause any heavy impact on the Budget.

With these remarks, I oppose all amendments. Thank you.

**MR SHIU KA-CHUN** (in Cantonese): Chairman, I am going to discuss Amendment No. 88 proposed by Mr LEUNG Kwok-hung. The Amendment involves subhead 885 under head 112.

Mr LEUNG Kwok-hung proposes to reduce an amount approximately equivalent to the annual estimated expenditure of the Legislative Council Commission ("the Commission"). I object to this proposal. Why? One reason is that I want to speak for grass-roots workers when 1 May, Labour Day, is drawing near. The Commission is responsible for staff recruitment and other personnel matters, including the issue of outsourced cleaning workers. Mr Fernando CHEUNG and I once proposed to arrange a meeting with the Commission with a view to reflecting our views. Our view is that the Commission should employ cleaning workers directly, instead of using outsourced cleaning workers. For this reason, I must oppose Mr LEUNG Kwok-hung's Amendment, which involves \$5,061,000.

What is the situation faced by outsourced cleaning workers? Let me talk about their contracts first. I have an outsourcing contract here, which it reads, "The Company hereby engages the Contractor to do cleaning work for the Company by virtue of this outsourcing contract, which covers daily cleaning of elevators, corridors, the lobby, staircases, public areas and disposal of refuse, and disposal of refuse on the podium of the first floor once or twice monthly. The liability insurance of such cleaning work, the labour insurance, Mandatory Provident Fund, leave, medical benefits, etc. of cleaning workers shall be arranged by the Contractor itself. The Company shall not be held responsible, and the responsibility is vested with the Contractor. Where both parties agree to the early termination of this outsourcing contract, a notice shall be served at least 15 days prior to the date of termination, otherwise compensation shall be paid. The Company shall ..."

**CHAIRMAN** (in Cantonese): Mr SHIU Ka-chun, on which subhead are you speaking?

**MR SHIU KA-CHUN** (in Cantonese): Chairman, let me repeat that just now, I was voicing disagreement to and discussing Mr LEUNG Kwok-hung's Amendment No. 88 relating to subhead 885 under head 112. I disagree to Mr LEUNG's Amendment, which proposes to reduce the total annual estimated expenditure of \$5,061,000 for this subhead.

**CHAIRMAN** (in Cantonese): Mr SHIU, please continue with your speech.

**MR SHIU KA-CHUN** (in Cantonese): Chairman, the last sentence of the contract reads, "The Company shall terminate the contract immediately in case of dissatisfaction with the Contractor. No compensation shall be paid. Both Parties hereby declare that the Company and the Contractor are not in an employer-employee relationship."

Chairman, this is a common outsourcing contract we often come across. The rights of cleaning workers are exploited by outsourcing contracts, and some magazines (such as *Bookazine*) have found eight major ways in which contractors exploit cleaning workers. They are as follows:

- (a) cutting manpower and deploying "ghost workers" for the sole purpose of signing on attendance records, so as to paint a deceptive picture of sufficient manpower and achieve the aim of using fewer workers to do more work;
- (b) making no replenishments of job supplies, and maximizing the re-use of worn-out materials or even asking workers themselves to purchase such supplies, so as to pocket the money provided by the Government for the purpose;
- (c) signing contracts immediately before the Chinese New Year with the aim of exploiting the loophole that workers employed for less than three months do not enjoy any statutory holidays, so as to deprive workers of the Chinese New Year holidays;

- (d) requiring workers to work without compensation in times of typhoons;
- (e) asking other technicians to perform cleaning as their secondary duties;
- (f) giving no pay for the fifth weekly rest day of a worker, if his weekly rest day, say, Monday, numbers a total of five days in a month;
- (g) deducting uniform expenses from new workers' wages. When a worker joins a new company, the company should provide him with uniforms. But some companies deduct uniform expenses from a new worker's wages on the excuse that the expenses should be borne by him; and
- (h) forcing workers to sign agreements to give up severance payments before the completion of contracts. Some workers are misled or threatened into signing such agreements to give up severance payments. If the contractors concerned fail to secure contract renewal, workers will be dismissed without any severance payments.

All these are misconduct of contractors. What will happen if the outsourcing system is abolished? At present, the Commission employs a Workman II with a monthly salary of \$12,700. Under the outsourcing system, the same type of job is paid 57.6% less at \$8,060. This is the real situation of outsourced workers. For the purpose of saving expenses, the Commission may consider using outsourced workers. If Mr LEUNG Kwok-hung's Amendment is passed, I am afraid the proposal of Dr Fernando CHEUNG and me on the direct employment of cleaning workers may become a forlorn hope.

I once talked with an outsourced cleaning worker who works in the Legislative Council Complex. As she told me, she works nine hours every day. But working in the Legislative Council is already somewhat better because she can enjoy a meal break of one hour. Based on the statutory minimum wage of \$32.5 per hour, her monthly pay is about \$8,600 together with good attendance bonus. However, her monthly pay of \$8,600 is exactly \$4,000 less than the monthly salary of \$12,700 under the system of direct employment of staff. To the disadvantaged and grass-roots workers, the difference of \$4,000 is really a

significant amount. Members may still remember what I have said about value of cardboard and soft drink cans. The selling price of one catty of carton paper is 60 cents while that of two soft drink cans is 10 cents. Thus, the amount of \$4,000 is substantial to them. A pay difference of one third matters a lot to them.

Chairman, I propose once again that the Legislative Council should take the lead in directly employing cleaning workers. I hope that the annual estimated expenditure of the Commission will not be reduced. Instead, it is my hope that it can be increased. Of course, this is not within the scope of our debate today.

Thank you, Chairman.

**MR CHAN HAK-KAN** (in Cantonese): Chairman, I wish to speak in this debate session on the "Rule of Law, Governance, Elections and District Administration" as arranged by you. I also wish to express my views on the amendments proposed by pan-democratic Members.

Regarding the Budget this year, the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") still adheres pragmatically to the approach of "calling a spade a spade" as we always do. Pan-democratic Members, on the other hand, also behave as usual, confounding right and wrong" and filibustering for the sake of filibustering.

I have recently seen the movie *Cold War II*. I think some words said by CHOW Yun-fat in the movie are quite meaningful: exceptional circumstances are no justifications for drastic means. Today, Hong Kong is not in any exceptional circumstances, but pan-democratic Members have still adopted a very drastic means to achieve their political purposes, proposing to reduce many types of government expenditure. Who will be the victims? The victims are the general public, especially civil servants, people with disabilities, the judiciary and prisoners. For this reason, I oppose the filibuster staged by pan-democratic Members.

Speaking of filibuster, I think the Chairman should know which Member has proposed the largest number of amendments. It is Mr LEUNG Kwok-hung, who is a regular instigator of filibuster. I know that many of his proposed

amendments on expenditure reduction have been disapproved by you. But I think this can actually show that you still care for him in a way. Many of his amendments are simply absurd, so your disapproval can actually help him appear stupid less frequently. Many of his amendments are against his own political belief, aimed only at victimizing the common masses. Therefore, I think that by removing so many amendments proposed by him, the President has actually given him a helping hand.

Let us look at this paper, which shows the amendments proposed by Mr LEUNG Kwok-hung and approved by you. I think that all these amendments simply ignore the dire consequences on Hong Kong people. I suppose that among the 70 Members, Mr LEUNG Kwok-hung must be the most frequent recipient of the services provided by the Correctional Services Department ("CSD"). But then, Mr LEUNG Kwok-hung proposes to cut the catering expenditure of CSD. My friends, one of our duties as Justices of the Peace or Legislative Council Members happens to be the inspection of correctional services institutions. We are supposed to check whether prisoners are well-treated by these institutions, whether they are well-fed and well-clad, and whether their basic human rights are protected. I used to regard Mr LEUNG as an advocate of prisoner's rights in this Chamber, but his amendments today all run counter to his advocacy, and he even proposes to cut the catering expenditure for them. There is one more thing. Mr LEUNG likes to smoke. But does he know how prisoners can get any cigarettes? They must work in correctional services institutions in order to earn money for purchasing cigarettes. But Mr LEUNG now also proposes to deduct the expenditure on their wages. I can tell Mr LEUNG that sometimes, smoking can be a kind of amusement to prisoners—although I do not agree to this because smoking is hazardous to health. Nevertheless, Mr LEUNG puts forward this view from time to time in this Chamber. For that reason, he is simply slapping on his own face when proposing such amendments.

Besides, Mr LEUNG proposes to cut the operational expenses and legal aid funding for the Legal Aid Department. I just wonder why Mr LEUNG wants to cut the expenditure? All of a sudden I realize that he is the only one out of the four disqualified Members who has been granted legal aid. I do not know if it is true that Mr LEUNG wants to propose the amendments on cutting the relevant expenditure in order to avoid potential conflict of interests. However, I hope Mr LEUNG can remember that a number of pan-democratic Members have also

pointed out that legal aid is the important part of the judicial system as it offers help to ordinary members of the public. This is what they have been stressing all along. Nevertheless, today Mr LEUNG's action is actually undermining the rights of ordinary members of the public to obtain assistance before the law. Again, he is slapping his own face and contradicting himself. Of course, he will speak on cutting the expenditure on Rehabus service, but we will not discuss that, Chairman, as it is not within the scope of this debate session.

Another thing I wish to speak on, Chairman, is that you should not permit him to propose the amendment to cut the expenditure of the Legislative Council Commission ("the Commission"). Everyone knows that Mr LEUNG is a record holder. That is, he is the one who has been most frequently ordered to be expelled from the Chamber by the President. Since he is calling for cutting the Commission's expenditure, I think he has a conflict of interest to a certain extent. For this reason, Chairman, I hope you will further study if he should be allowed to propose the amendment. Of course I respect the President's ruling, because no debate may arise on the President's ruling. I am just making my views known.

Lastly, I have seen that several Members have targeted the Hong Kong Police Force ("HKPF") and proposed to cut its expenditure. Recently, YIP Kai-foon, the No. 1 Wanted Person has passed away. It reminds me of the situation of our society in the 1980s. Basically, the law and order situation was really bad. At one point, some gold shops were robbed by robbers armed with AK47 rifle. Why have such robbery cases stopped occurring in Hong Kong these days? We should give the credit to the Police for their efforts. If Members want to cut certain expenditure of HKPF, I must ask if their intention is to plunge Hong Kong back into the chaos in the past.

Chairman, I have just read an article in the *Bloomberg Businessweek China*. It is reported that as the Brazilian Government intended to cut government expenses, the salaries and fringe benefits of Brazilian police officers were also reduced and this resulted in a general strike of the Brazilian police. During the week-long strike, the number of homicide cases in a certain state increased to 150—within one week—which was 3 times the number in ordinary times. Of course, I am not saying that Hong Kong police officers will go on strike, but one may envisage that if the resources allocated to the Police is cut, our law and order will be affected and the morale of the Police will be undermined.

For this reason, I want to sum up that the acts of cutting government expenditure by pan-democratic Members all ignore the rights and interests of the general public. They will undermine the livelihood of the common masses. These are nothing but acts to achieve their own political agenda. For this reason, I will not support their amendments.

Chairman, I so submit.

**DR JUNIUS HO** (in Cantonese): President, for two days, I have spent long hours listening to the amendments moved by my colleagues. Speaking of this Budget, I must repeat at the very beginning what I said at the Legislative Council meeting on 13 April, that is, I support it. Although the Appropriation Bill 2017 is not perfect, it is marked by commitment and clear objectives. The funding of some \$380 billion can be used in different areas, including social welfare, education and health care.

Regarding the series of amendments proposed by my colleagues, I first want to discuss the target of most Members, head 21 about the expenditure of the Chief Executive's Office. The expenditure of the Chief Executive's Office is \$117 million, and Mr CHAN Chi-chuen simply proposes to deduct the whole sum, i.e. a reduction of \$117 million. Why? Basically, it is all about his personal anger and displeasure. Are there any concrete reasons? Are there any objective justifications for his proposal of rejecting the whole sum of expenditure for the Chief Executive's Office? There are no breakdowns or any specific justifications.

The wording of Members' amendments is mostly very simple. One example is "Resolved that head 21 be reduced by \$117,362,223 in respect of subhead 000". There is also Amendment No. 2 from Mr CHU Hoi-dick, which reads, "Resolved that head 21 be reduced by \$29,399,500 in respect of subhead 000". Mr CHAN Chi-chuen has explained that this is a format requirement. But I must say that even so, the presentation should still be reasonable. Since the amount is clearly stated, clear reasons must be provided. I listened patiently to his speech in the hope of knowing his justification for proposing to deduct the sum of \$117 million. But there are in fact no justifications whatsoever. They simply propose reductions over and over again in this legislature for the mere sake of reductions, without providing any specific justifications.

I cannot help wondering why they should behave like this. They just casually put down any amounts of reductions they like without giving any justifications. How can they convince others? Is such an approach of policy discussion and political participation up to parliamentary standards? I think the Rules of Procedure must require the provision of clear reasons. In the future, any expenditure reduction proposals must be accompanied by clear reasons even when they are put forward in this prescribed format. Chairman, I of course know that all these amendments have been approved by you. But from whatever standpoints, from the standpoints of good sense and public and private interests, I would think all speeches in this Council must be based on clear justifications. Otherwise, all will only be a waste of time.

Therefore, I object to this amendment. My reason is "details missing". This is point number one. One may dislike the Chief Executive, but one must think about the many staff members working in the Chief Executive's Office. If one totally turns down the expenditure of \$117 million, does one mean that their work must also be disregarded? This Office is part of the existing system, so if there is a proposal to cut such a large amount, there must be very valid reasons. Many colleagues only talk about block-sum reductions in their speeches. This is highly undesirable.

Second, the justifications for opposing the expenditures concerned are mostly demagogic, and the allegations are unfounded. But those Members simply speak as if all these unfounded speculations were true and real. Therefore, such expenditure reduction proposals, I must say, are rickety and irresponsible.

In respect of the Police, the expenditure is \$1.8 billion and Mr CHAN Chi-chuen likewise suggests a reduction of \$210 million. Yet his speech gave no justification or breakdown to support his proposal. This is "details missing". Therefore, these mere speculations and shoddy justifications are nothing but just unfounded rabble-rousing. They keep accusing others of being devils, but their accusation will not turn them into angels.

Therefore, Members speaking in this Council must bear responsibility for their own words, and make sure that there are substance and grounds in their speeches. As an elite group in society, we must have the stature expected. I can accept candid opinions and sensible discussions. Yet, I do not think anyone should speak irresponsibly and ever dream about filibustering on this issue.

I am glad that the President has set time limits for the Budget debate. I am glad that we can thus avoid wasting our valuable time, as we are here to serve the public. Even though Members are divided in their opinions and political stances, I simply do not think the public will ever like to see any attempts by anyone to waste our precious time in this Council. Our wisdom should enable us to serve the general public of Hong Kong in a much better way. Fellow colleagues, no matter which camp you belong to or when you join the Legislative Council, we can always serve our people in the same way.

I so submit, thank you.

**MR NATHAN LAW** (in Cantonese): I will speak on the amendment relating to of head 122 later. But I wish to respond to the allegations made by some colleagues first. Mr CHAN Hak-kan accuses us of filibustering. But as the Chairman has already fixed the meeting time, how we can still filibuster? This is the second time I speak. "Long Hair", described by him as a filibuster regular, has only spoken twice. "Slow Beat" has also spoken twice only. And we have only requested a headcount once today.

Mr Andrew LEUNG, I have proposed 10 amendments. Last time when I spoke, I only talked about two amendments. I agree with Dr Junius HO that we must have justifications when we propose amendments. Nevertheless, as we do not have time, how can we put forward our justifications? This is indeed unacceptable. Thus, I have to repeat my view time and again, that is, we basically do not have ample time to give any detailed explanation of the amendments proposed by us. All those who accuse us of filibustering must ask Mr Andrew LEUNG whether the time limit fixed by him can allow any filibustering at all. Hence, what they say is really unfounded.

Regarding head 122, my target is to deduct some of the expenditure of the Police Force. According to some Members who spoke before me, the Police Force has made many contributions. Some fear that too many criticisms may deter entry into the Police Force. However, I must point out that the Police Force, as the largest of all disciplined services, spend as much as \$18.5 billion of our public money a year, so our expectation for their discipline must be of the highest stringency. WONG He, an artiste who used to be a policeman, once said some words which impressed me very greatly: "Once a policeman puts on his

uniform, he must realize that the mistakes made by any individual officers will be regarded as the mistakes made by the whole Police Force". Thus, it is only reasonable for us to raise amendments and views on certain police issues which lack public supervision in our view. This aligns precisely with the very rationale behind the provision of room in our systems for the public and all of us to monitor the Government in various areas, including certain conduct and practices of the disciplined services. This is the only way to ensure that first, our public money is properly spent, and second, the powers possessed by disciplined services will not end up totally unchecked, resulting in abuse of power and ultra vires acts.

The possession of armoury is never a reason for saying no to monitoring by society. Members' intrinsic duty to stand up for the people. Hence, in the rest of my speech, whenever I talk about the Police Force, I repeat these words: "Do accuse me of hating and chiding the Police". I am only adopting the most stringent standard to examine this disciplined force and its expenditure in a pragmatic manner.

I will now speak on head 122 and seek to reduce an amount equivalent to the estimated expenditure on specialist supplies and equipment for the Police Force in 2017-2018. Regarding the expenditure on specialist supplies and equipment of the Police Force, the amount has been significantly increased from last year's provision of \$100 million to \$175 million in this year's Budget, an increase of 75%, which is unprecedented. The provision is used to procure operational gear, protection gear, law-enforcing and evidence-gathering gear, including firearms, ammunition, handcuffs, shields, and even lethal weapons such as PepperBall, etc. This is a big provision. It is also a provision that gravely affects public safety since it involves gears that can be lethal.

Basically the Legislative Council should have the power to monitor, and should be informed of the breakdowns of the procurement items of the Police Force in order that we understand fully the extent to which the Police are armed. I have repeatedly raised questions on this. However, the answer given by the Police has always replied, "The information is part of the operational deployment details of the Police. It is inappropriate to disclose such information." In this way, it seeks to the answer the queries from the community. Apart from the questions raised in the Finance Committee, I subsequently raised supplementary questions on the overall expenditure on those three categories. There was

already a concession on my part as the questions did not involve specific items. Nevertheless, the Police still refused to answer. The reason provided by them was that the Police did not wish to disclose operational deployment details.

Now I would like to ask two questions. First, does the disclosure of the information mean disclosing operational details. I notice that there are many kinds of specialist supplies and equipment. Are they saying that the kind of shields procured will reveal their operational plans, and that the information about procurement of long shields or short shields will reveal their crowd control strategies? If the provision is used to procure dog food, will the information about the dog food procured reveal the plans and technical details of the operations involving police dogs? No. Thus, using this as a reason for refusing to disclose information is ridiculous.

Second, even if operational plans are revealed, will there be any problems? Actually, there will not be any problems at all. The importance of operational plans and details cannot override people's safety and their right to know. As a matter of fact, when the Government procures gear involving substantial expenses, it must invite tenders and proceed in accordance with its internal code of practice. For instance, on 3 February, the Government invited tenders for the supply of 400 Tactical Suits; and on 17 March, the Government invited tenders for the supply of 6 million rounds of 9 mm Luger Ball ammunition. In fact, when the quotation is higher than a certain level, details of operational plans can be reflected in the procurement of these gears. So it turns out that releasing the information is, after all, no big deal. Thus, the core of the entire discussion is: does the Government or the Police Force have no responsibility at all to disclose its procurement of equipment apart from disclosing information in the government code of practice for equipment procurement and internal code of practice for purchasing? Of course the answer is in the negative. We are only asking the Police to make public the relevant information in advance to enable Members to scrutinize whether the provision of \$175 million is reasonable. I am of the view that the Police are unreasonable in refusing to answer what equipment has been procured with such a substantial provision.

As a matter of fact, the power of police is not an issue of concern to Hong Kong only. With the incessant expansion of the size of police in many countries, setting up a system to monitor expenditure of the police is now a global trend. In September 2015, the United Kingdom introduced a database of police procurement in which the procurement information of 20 categories of police

equipment was disclosed for public monitoring. In 2014, Scotland had also published the 2014-2018 Procurement Policy of the Police Force in Scotland with a view to reviewing procurement procedures, minimizing unnecessary expenditure of the Police, enhancing transparency of information and allaying public concern.

Moreover, with regard to the operational guidelines of these lethal weapons, members of the public are worried if the Police have adequate guidelines, and whether the users' guidelines or operational notes of these weapons are adequate. I had written to the Security Bureau to enquire about the relevant information on 21 November last year. Similar to previous enquires, I received no response. As a matter of fact, under the circumstances of a lack of appropriate information and support, these new weapons will cause serious harm to the public. Take the PepperBall launcher as an example. There was a fatal incident involving a PepperBall launcher in Boston in 2004. The victim was not a target of the Police. Nonetheless, his death was caused by a PepperBall going through his left eye and straight into his brain. How did it actually happen? It turned out that there was a demonstration. But the police officers were not familiar with the operation of a PepperBall launcher. As a result, a shot hit the wrong target and happened to land on the eye of a passer-by, causing his death.

The review report had also revealed that not only frontline officers, but also the procurement staff did not have a clear understanding of the characteristics, power, maintenance and tactical deployment of this PepperBall launcher. Frontline officers also did not have the relevant training and guidelines. We cannot help associating this with the current situation of Hong Kong. This is because water cannon vehicles and PepperBall are newly acquired equipment in Hong Kong. The Police have also not mentioned whether training is sufficient and whether the stipulated guidelines are adequate for frontline officers to master the equipment.

Moreover, the relevant provisions in the Police General Orders have not been made public. Hong Kong is different from the United Kingdom where a set of open and clear code of practice is stipulated to regulate the operation of these weapons. Let us take a look at last year's demonstration to oppose the interpretation of the Basic Law. The Police had taken with them the PepperBall launcher and were ready to fire the shots in earnest. However, members of the public do not even know what equipment the Police have acquired and whether

there is a stipulated code of practice to regulate such equipment to ensure the tragedy in Boston will not happen again. As such basic information is not even available, how can we believe the Police will adopt a high standard to restrict their own power with a view to preventing recurrence of such tragedy and avoiding expansion of police power?

Targeting this problem, I had once again enquired the Police about whether they would conduct independent assessments regarding the hazards and the scope of use of the gear as well as formulate code of practice at the time of acquisition of weapons. Of course, the reply was once again disappointing. The Police replied that before procuring the operational gear, the Force would assess if the equipment was suitable for the use of the Force.

All in all, the reply that these gears will be monitored in an appropriate manner and will be used in an appropriate manner after acquisition is basically unconvincing. Thus, I have proposed an amendment to reduce these gears and equipment until the Police is able to provide open and transparent information to inform the public how actually they will use these weapons and how actually the Government will safeguard the public's right to know.

I will now speak on head 112—I cannot propose this item. Anyway, it is an amendment related to head 112—to deduct an amount approximately equivalent to the estimated expenditure on the annual emoluments for 238 posts of the Cyber Security and Technology Crime Bureau ("CSTCB") of the Police Force. Probably due to data discrepancies, the amendment was ruled inadmissible by the Chairman. However, this is an item I would like to discuss. This is because I have all along been very concerned about some cybercrimes, and whether the Police have holistic planning and regulation in obtaining personal data of members of the public, and whether the public's right to privacy is protected.

CSTCB was established in January 2015. In a period of two years, its manpower has recorded an increase of 30%, with staff members substantially increased from 180 to 238. I had raised questions at the Establishment Subcommittee on three aspects, namely obtaining information from network providers by CSTCB, hacking software, and cyber patrol, with a view to ensuring discipline has been exercised in CSTCB's cyber activities, and cyber freedom of the public will be free from monitoring. Unfortunately, the Police were unable

to dispel our doubts. Instead, the answers provided by the Police had indicated that appropriate regulation is absent in the Police's monitoring of activities of the general public.

As a matter of fact, the replies given to me by the Police have not denied that they have not used hacking software. They have only indicated that disclosing the relevant details will undermine their enforcement capability. As a result, criminals will take advantage of such a situation which will be detrimental to public interests. In view of this, the relevant information will not be disclosed. This has given me doubts as members of the public are faced with risks in which their privacy can be exposed by police activities completely deficient of monitoring and regulation. Indeed, this is an issue of global concern. Since the "PRISM" operation has been unveiled by Edward SNOWDEN, people are concerned about the personal data of the public being accessed by some government departments with unlimited extension of power. Therefore, it is justified to raise these queries, which are also issues of mutual concern of the general public. But the Government has refused to respond.

I will now enquire about some information technology tools used by the Police in enforcing the law. When the matter was repeatedly pursued, John LEE, the Under Secretary for Security, admitted that the Police had the ability to crack mobile phones belonging to suspects. This has again aroused suspicion of whether the Police have adopted some malware and hacking software to assist in enforcing the law; or whether they have violated the privacy of the public in the absence of regulation and under the circumstances that the public is unaware of the situation. All these activities are not subject to the regulation of the Interception of Communications and Surveillance Ordinance. This is because intruding a system to steal information is not interception of communications. And outdated loopholes do exist in the legislation. Thus, there is a possibility that the Police have used some hacking software when the public is unaware of the situation. That is why I have proposed an amendment to head 112 to target the emoluments of CSTCB with a view to bringing some adjustments.

With regard to cyber patrol, the Police have indicated that many activities of cyber patrol are regularly conducted. Nevertheless, a number of reports have pointed out that these cyber patrol activities are target-oriented. For instance, incidents involving netizens, such as the threat of throwing acid on Kengo IP, a Commercial Radio programme host, and the threat on Christina CHAN, are not followed up by the Police. Instead, the Police have made incessant attempts to

obtain information from popular forums, such as the Hong Kong Golden Forum, giving rise to suspicions that cyber patrol activities carried out by the Police are target-oriented. They target at demonstrations or regulating the crowd. These acts are carried out with the aim of obtaining information about political demonstrations beforehand. These are the views I wish to put forward (*The buzzer sounded*) ... so that members of the public will be aware of in future.

**CHAIRMAN** (in Cantonese): Mr LAW, please stop speaking. Secretary for Home Affairs, please speak.

(Mr CHAN Chi-chuen stood up)

**CHAIRMAN** (in Cantonese): Mr CHAN Chi-chuen, do you have a question?

**MR CHAN CHI-CHUEN** (in Cantonese): Chairman, I have a point of order. I have been queuing to make a speech since more than an hour ago, but I need to give way to other Members who have not yet spoken in this debate. Can you let me finish my speech before asking the Secretary for his response?

**CHAIRMAN** (in Cantonese): Earlier on, I reminded Members twice that I have already set a time limit for this debate. I would now ask the Secretary for Home Affairs to speak, and Members will still have a chance to speak for the last time in this debate.

**MR CHAN CHI-CHUEN** (in Cantonese): Chairman, after the Secretary has spoken, the meeting time will go on till 8:00 pm. Can Members speak more than once during that period of time?

**CHAIRMAN** (in Cantonese): Each Member can only speak once. Secretary for Home Affairs, please speak.

**SECRETARY FOR HOME AFFAIRS** (in Cantonese): Chairman, the Government has the following response to some amendments in the second joint debate.

The Government is opposed to the amendments proposed by Mr CHAN Chi-chuen and Mr CHU Hoi-dick, which seek to cut the various expenses under "Head 74—Information Services Department ("ISD")". Concerning the expenses on the payment of personal emoluments and allowances for ISD, since ISD provides professional advice on public relations and promotes government policies and services with a view to projecting an accurate image of the city within and outside Hong Kong, it is an important department in the development of Hong Kong.

ISD serves as the Government's public relations consultant, publisher, advertising agent and news agency. ISD provides the link between the Government and the media and, through the latter, enhances public understanding of government policies, decisions and activities. If these amendments are passed, ISD will have insufficient fiscal resources to cover the expenses on the personal emoluments and allowances of its staff in 2017-2018, and its work will be seriously affected as a result.

As regards the estimated expenditure of ISD in organizing the activities celebrating the 20<sup>th</sup> anniversary of the establishment of the Hong Kong Special Administrative Region ("HKSAR"), and the injection of time-limited funding to support the relevant publicity work and the operating cost, since the 20<sup>th</sup> anniversary of the establishment of HKSAR is a special day of Hong Kong, if this amendment is passed, ISD will have no fiscal resources to cover the expenses concerned in 2017-2018, and the celebratory activities of the Government and the public will be seriously affected as a result.

Some Members put forward the amendments to reduce the annual or part of the estimated expenditures on various equipment and vehicles for "Head 122—Hong Kong Police Force", and the Government is opposed to these amendments. The Police have the responsibilities to maintain law and order in society, protect the lives and properties of the public, combat crimes, and so on. Hong Kong has maintained a low crime rate and is one of the safest cities in the world because we have a professional, well-trained and well-equipped Police Force. In order to enable the Police to enforce the law effectively, they must be provided with sufficient equipment and vehicles. The various items of

equipment and vehicles listed in the Appropriation Bill are indispensable to the Police for patrolling, implementing anti-crime initiatives, handling emergencies, managing traffic and undertaking other operations or duties. The passage of these amendments will seriously undermine the capability of the Police to undertake routine duties, and they may not even be able to carry out certain duties. The general public will suffer as a result.

Besides, Mr James TO proposes an amendment to cut the annual operating expenditure of the Complaints Against Police Office ("CAPO") of the Hong Kong Police Force, and the Government objects to this amendment. If this amendment is passed, the existing system of complaining against the Police will not be improved. On the contrary, if CAPO is in lack of funding, it will be unable to continue dealing with public complaints against the Police in a proper way and the ongoing investigating work will also have to be suspended.

The current statutory two-tier police complaints system is well-established. CAPO is especially responsible for handling and investigating into public complaints against the Police. Its operation is independent from other police units in order to ensure that the complaints can be dealt with in a fair, just and professional manner. CAPO's investigation results will be submitted to the statutory Independent Police Complaints Council ("IPCC") for scrutiny and review. IPCC is an independent statutory body established under the Independent Police Complaints Council Ordinance ("the IPCC Ordinance") which came into effect on 1 June 2009. IPCC has the statutory power to monitor the handling and investigation of complaints by the Police.

The IPCC Ordinance expressly provides a statutory foundation for the two-tier police complaints system. It has also stipulated that the Police have to provide the necessary assistance to the IPCC and to comply with IPCC's requests made under the IPCC Ordinance, including submitting the investigation report of each reportable complaint by CAPO to IPCC. If this amendment is passed, CAPO will be unable to operate due to lack of funding and this will amount to abolishing the entire police complaints system. This is a highly irresponsible approach and is obviously against public interests.

Besides, Mr CHAN Chi-chuen, Mr LEUNG Kwok-hung and Mr James TO propose amendments to cut the annual estimated expenditure of the Police on Rewards and Special Services ("RSS"), and the Government objects to these

amendments. The expenditure under the RSS subhead involves covert operations of the Police Force, such as operations to combat terrorist activities, serious crimes and narcotics offences. The items of expenditure include rewards and informant fees as well as expenses required for the acquisition and maintenance of some necessary equipment of confidential nature, and other expenses involving covert operations. These expenses are crucial for the Police to maintain public security and the law and order of our society.

Given the covert nature of the police operations involved in the expenses under this subhead, the authorities must ensure that making information on the expenditures of these operations public would not enable criminals to know, through analysing the allocation and trend of expenditures, the operation strategies of the Police, thereby allowing them to elude justice or even jeopardizing the safety of frontline police officers and informants providing intelligence to the Police. In recent years, the authorities have, on the premise of not affecting the crime-combating capabilities of the Police, disclosed as far as possible relevant expenditure information under this RSS subhead, such as the number of cases offering wanted persons rewards, the total amount of rewards offered and the total number of reward payments made. RSS expenses are highly important to the inquiring, investigating and serious crime prevention work of the Police. If the amendments are passed, the law enforcement capabilities and effectiveness of the police will be seriously impaired, which will in turn severely affect the law and order and public safety of Hong Kong.

Some Members suggest different degrees of reduction in the estimated annual operating expenses for "Head 142—Government Secretariat: Offices of the Chief Secretary for Administration and the Financial Secretary", including cutting the expenses on the payment of personal emoluments and allowances for the Offices of the Chief Secretary for Administration and the Financial Secretary, and cutting the estimated expenditures for 2017-2018 of the Central Policy Unit ("CPU"), the Policy and Project Co-ordination Unit, the Protocol Division and the Office of the Chief Executive-elect. If these amendments are passed, the daily operation of various offices and the Government Secretariat under head 142 will be seriously affected. The SAR Government is against these amendments.

Head 142 covers various work of different programmes. The Efficiency Unit has set up 1823 which provides 24-hour one-stop service to handle public service enquiries on behalf of 22 participating departments and public complaints

against government bureaux and departments, and has thus established itself as a significant bridge of communication between departments and the public. The Government Records Service, apart from formulating and implementing government records management policies and programmes, as well as providing advice and support to Policy Bureaux and departments, also identifies and preserves records of archival value, and provides research and reference services to the public. The Protocol Division is especially responsible for the day-to-day administration of the Consular Corps, and acts as the contact point between the Consular Corps and the Government. The responsibilities of the Administration Wing are to: provide support to the Chief Secretary for Administration and the Financial Secretary in monitoring progress in the development and implementation of government policies and programmes; provide support in coordinating the Government's dealings with the legislature; act as the contact point in the Government for the Judiciary, the Independent Commission Against Corruption, and the Office of The Ombudsman; provide secretariat support for the Administrative Appeals Board and the Municipal Services Appeals Board; administer the Justices of the Peace system; provide centralized support for common services and accommodation in the Central Government Offices; provide timely, quality and strategic economic advice to support the formulation of the Government's policies and programmes; and take forward business facilitation initiatives to improve the business environment of Hong Kong. It is owing to the joint efforts of civil servants at all levels that the above mentioned work can be properly accomplished and the services duly provided to the public.

If the amendments which seek to reduce the estimated expenditure on the payment of personal emoluments under head 142 are passed, the above mentioned work and services, as well as the morale of civil servants, will be severely affected. In regard to Members' amendments targeting at specific units or offices, the Government would like to respond to the salient points raised by Members.

(THE CHAIRMAN'S DEPUTY, MS STARRY LEE, took the Chair)

The duties of CPU include the analysis of political, economic, social and livelihood issues, as well as the provision of policy advice, which is cross policy areas, forward looking and strategic, to the Government. CPU coordinates the

drafting of annual Policy Address, and assesses public opinions for Government's reference in decision making, through methods like conducting public opinion polls and focus group discussions. CPU staff provide secretariat support to the Commission on Strategic Development, which provides a platform for a group of talented people from different social backgrounds to discuss with the Government some substantial issues concerning the long-term and overall development of Hong Kong, thus paving a solid ground for the formulation of policies in future.

Besides, through different channels, CPU promotes public policy study in society and encourages discussion and study of public affairs in a rational and objective manner. In order to broaden the vision on public policy study and discussion, CPU will, from time to time, organize seminars and meetings, so that the renowned experts and scholars from the Mainland, overseas and Hong Kong can share their views to the benefit of both parties. CPU plays an important and unique role in the Government. It is not appropriate for the Members to propose amendments to cut the budget for CPU, including the expenses for various significant work.

The main duties of the Protocol Division are to: maintain close liaison with the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR in respect of the day-to-day administration of the Consular Corps; liaise with and provide host government services to the Consular Corps in the HKSAR; extend courtesies to national and international dignitaries; ensure the provision of an efficient and cost-effective government VIP service at the Hong Kong International Airport; administer the local honours and awards system; organize commemorative ceremonial events; plan and coordinate activities for overseas dignitaries and senior officials during their visits to HKSAR.

The year 2017 marks the 20<sup>th</sup> anniversary of the establishment of HKSAR, and it is a very important event. As a practice, the celebratory activities for the 5<sup>th</sup> anniversary and the 10<sup>th</sup> anniversary are usually larger in scale, and there is no exception for the 20<sup>th</sup> anniversary. Therefore, we have to extend the hand of hospitality to those dignitaries who come to Hong Kong to attend the celebratory activities for the 20<sup>th</sup> anniversary by providing appropriate reception and treatment to them. In 2017-2018, the estimated expenditure of the Protocol Division includes over \$55 million for receiving dignitaries who come to Hong Kong to attend the activities celebrating the 20<sup>th</sup> anniversary of the establishment

of HKSAR. This amount is only an estimated figure at the existing stage, which is based on operational, security and protocol consideration. The estimated expenditure will be used to cover the expenses on welcome and farewell ceremonies, hotel accommodation and meals, transportation, security arrangements and other related expenses. Individual amendments suggest reducing the estimated expenditure of the Protocol Division by 58% or 100%, which will seriously affect the Protocol Division or will even render it unable to operate any further.

In order to support the Chief Executive-elect in forming a governing team and preparing for policy plans, and to liaise with the incumbent Government for a smooth transition and communicate with different sectors of the community, with reference to the arrangement in 2012, the Office of the Chief Executive-elect was formed on the day the fifth-term Chief Executive was elected, and will close by 30 June 2017. There is a practical need to establish the Office of the Chief Executive-elect. I must point out that the Government has rented the premises in a commercial building as the Office of the Chief Executive-elect due to the absence of any suitable government premises that can be vacated for use in Central, Admiralty and Wan Chai North. The principle of simplicity is pursued for the necessary fitting-out works of the Office of the Chief Executive-elect. We also strive to use demountable items and reuse some of the fitting-out materials in order to lower the cost of works, making the best use of materials and facilitating reinstatement in future.

The fitting-out expenditure has been reduced by 38% from the original estimation of \$14.95 million to \$9.2 million. On the other hand, from different Policy Bureaux, we have borrowed some furniture for the temporary use of the Office of the Chief Executive-elect. We have also borrowed some computer equipment from other projects for its use. When the operation of the Office of the Chief Executive-elect comes to an end, we will resume the furniture for use by other offices and allocate the computer equipment to other projects. The various amendments which seek to reduce the funding concerned under head 142 will pose a serious impact on the operation of the Office of the Chief Executive-elect.

The Government is opposed to the amendments proposed by Dr KWOK Ka-ki and Mr CHAN Chi-chuen which seek to reduce the estimated expenditure on personal emoluments for "Head 163—Registration and Electoral Office

("REO"). REO provides the Electoral Affairs Commission ("EAC") with administrative support for the effective discharge of its statutory functions under the Electoral Affairs Commission Ordinance to ensure that elections are conducted openly, honestly and fairly. The passage of the amendments, which suggest reducing the estimated expenditure on personal emoluments for REO, will surely seriously affect REO as well as EAC in discharging the statutory functions.

With these remarks, Deputy President, I sincerely ask Members to veto the amendments involved in the second joint debate. Thank you, Deputy President.

**DEPUTY CHAIRMAN** (in Cantonese): Dr LAU Siu-lai, do you wish to speak again?

**DR LAU SIU-LAI** (in Cantonese): Deputy President, I request a headcount.

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

(While the summoning bell was ringing, a number of Members returned to the Chamber, but some Members had not returned to their seats)

**DEPUTY CHAIRMAN** (in Cantonese): Will Members please return to their seats so that the Clerk can do a headcount.

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

**DEPUTY CHAIRMAN** (in Cantonese): Mr CHU Hoi-dick, do you wish to speak again?

**MR CHU HOI-DICK** (in Cantonese): Yes, I wish to speak.

Deputy Chairman, this can be described as my concluding speech but I still want to say a few more words, as many of the amendments are very meaningful. Just now Mr CHAN Hak-kan insisted on dragging in the question of whether we have been filibustering. Actually, this question is no longer of any meaning in this Legislative Council of 2017, because Mr Andrew LEUNG has already used his scissors to cut down the length of the debate. For that reason, does this very question still matter anymore? What matters should instead be the stuff we put forward in this curtailed debate. Putting forward amendments that can express the aspirations of the public and speaking as much as possible in these few days are exactly what both pro-establishment Members and pro-democracy Members can and should do, given the restrictions that twist the operation of the Legislative Council at present. Hence, I think it is very good that pro-establishment Members have started to speak today, and I am pleased to see that.

I wish to speak on the amendment to head 144 on the Constitutional and Mainland Affairs Bureau. It is Amendment No. 140, moved by Mr Nathan LAW, proposing that head 144 be reduced by \$184,858,000 in respect of subhead 000, which is equivalent to the total annual remuneration of all the staff of the Constitutional and Mainland Affairs Bureau.

The reason why I tend to support this amendment may be slightly different from Mr Nathan LAW's reason. His focus may be the role of the Secretary for Constitutional and Mainland Affairs in the constitutional development of Hong Kong. As we all know, Secretary Raymond TAM, Mrs LAM and Secretary for Justice Rimsky YUEN were members of the "constitutional reform trio". We all know how greatly they disappointed the people of Hong Kong in their assigned task. We can even say that rather than vigorously opposing the very harsh screening method under the 31 August Decision on behalf of Hong Kong people, Secretary Raymond TAM and the rest of the two even attempted to hard-sell a package of constitutional reform proposals based on the 31 August Decision.

However, the focus of my speech today is Mainland affairs. I notice that paragraph 9 of the expenditure analysis relating to head 144 mentions that the roles of the Constitutional and Mainland Affairs Bureau include enhancing liaison and communication with the Central People's Government, the provincial and municipal governments and other local authorities in the Mainland; providing

practical assistance to Hong Kong residents in distress in the Mainland and facilitating the application for and collection of HKSAR replacement passport in the Mainland, etc.

It sounds like there is quite a lot of work, but in fact, we can only see one simple function of the Bureau in relation to Mainland affairs—assisting people in doing business. Regarding Mainland affairs, apart from communicating with Beijing and Mainland provincial and municipal governments, is assisting people in doing business in the Mainland the only thing that remains? Of course not.

I wish to talk about a recent scandal about the alleged use of sub-standard mechanical sand by the building contractor of the third-runway system of the airport. I and my colleague made a special trip to Shenzhen because the letter revealing the scandal said that the contractor secretly obtained mechanical sand in Shenzhen and then transported it to the third-runway construction site. We found upon arrival in Shenzhen a sand depot suspected to be the storage place of mechanical sand. We wanted to know the ownership of the site, who the renter was, the origin of the mechanical sand, and whether there was any legally issued papers.

Unfamiliar with affairs in Shenzhen, we wrote to Secretary Raymond TAM to ask if he could assist us in obtaining such information, explaining that the incident that occurred in the Mainland as described in the letter revealing the scandal would closely affect Hong Kong. Secretary TAM of course did not reply. Does he think that this incident has nothing to do with the Mainland affairs under his charge?

My purpose of mentioning this case is to explain that a Constitutional and Mainland Affairs Bureau with a sense of responsibility should assist Hong Kong people or Legislative Council Members in taking up matters with Mainland authorities. In case we have any questions or lack any information, we have to rely on the Administration to assist us in making enquiries.

Deputy Chairman, besides the use of mechanical sand for the third runway of the airport, another issue that affects Hong Kong people even more closely is the development of nuclear power in China. When Mr CHAN Chi-chuen talked about the Hong Kong Observatory yesterday, he said that Hong Kong should devote more resources to radioactivity monitoring. However, speaking of the conduct of radioactivity screening to ascertain whether there is any exceedance or danger of imminent disaster, I must say we already know full well that we are

faced with imminent disaster and have no way out. What we need more from the Constitutional and Mainland Affairs Bureau at present is instead assistance in enhancing our understanding of nuclear power development and operation in China, the reason being that our knowledge in this regard is very scanty. Actually, the Daya Bay Nuclear Power Station is the only channel through which we can steal a glimpse of nuclear power development in China.

We can know what is happening in the Daya Bay Nuclear Power Station because the China Light and Power Co. Ltd. ("CLP") is one of the investors. This means that Hong Kong has put in investment, so we can know what is happening in the Daya Bay Nuclear Power Station through CLP. However, there is also the Lingao Nuclear Power Station, which is equipped with four nuclear reactors and located roughly in the same geographical area. There has been virtually no official information about this power station so far. As for the radioactive waste repository in Beilong located about 1 km to the northeast of Daya Bay, we even know nothing about it except for its name. Neither do we have any information about the Yangjiang Nuclear Power Station to the west of Hong Kong. Its first nuclear reactor has commenced operation already. As for when its second and third nuclear reactors will be put into operation, we do not have any information either.

I have not yet mentioned the Taishan Nuclear Power Station, which is known to the world over for its high risks of nuclear accidents. We are unable to know what are happening over there. The Government should know that these developments in Mainland China have far-reaching impact on us. You people may go just ahead with property development in the Guangdong-Hong Kong-Macao Bay Area ("Bay Area"), but we must tell you that if any explosion occurs in the development of nuclear power, Hong Kong will have no escape at all, so we must know all the information. Nevertheless, the present attitude of the Constitutional and Mainland Affairs Bureau simply suggests that the Hong Kong Government does not intend to assume any responsibility. The Constitutional and Mainland Affairs Bureau, the Security Bureau and the Environment Bureau are all involved, but they have joined hands to make a black box. I hope that the Hong Kong Government can provide us with the information we should have in order to smash this black box called nuclear power development in China, rather than collaborating with the Chinese Government to blindfold Hong Kong people and keep our awareness of nuclear power risks at a low level.

Article 31 of the latest edition of the National Security Law of the People's Republic of China provides, "The State persists in peacefully using nuclear power and nuclear technology". Maybe, this provision laid down by the State has somewhat scared the Policy Bureaux, making them afraid to ask any questions that may cause trouble. However, we do not expect the Government to behave like this.

Deputy Chairman, as pointed out by FactWire last year, the Taishan Nuclear Power Station is plagued with a host of problems, as the European Pressurized Reactor Model ("EPR Model") it adopts is defective in design. In fact, France and Finland have long since declared the EPR Model a failure, but the Chinese Government insists on its adoption. After all this time, does the Constitutional and Mainland Affairs Bureau intend to provide Hong Kong people with information about the Taishan Nuclear Power Station?

Deputy Chairman, people's or citizens' right of access to public information is in fact a universally recognized human right. Under the International Covenant on Civil and Political Rights of the United Nations ("ICCPR"), freedom of speech is an important element. Hong Kong is a party to ICCPR, and the Basic Law also provides clearly for the protection of freedom of speech. We are of course aware that Hong Kong has not yet drawn up a freedom of information law, but we need to point out this is something that a responsible government should do. We want to be responsible Legislative Council Members, so we must make use of the opportunity of the Budget debate to tell the Constitutional and Mainland Affairs Bureau that if it does not take up the responsibility, we will not let it go. Hence, even though the amendment of Mr Nathan LAW is so "harsh", I still tend to support it.

Deputy Chairman, since people like so much to talk about the Bay Area these days, let me also express my views. Let me advise the officials of the Constitutional and Mainland Affairs Bureau officers that if they can get in touch with the related units in China, such as the China General Nuclear Power Group, they should join hands with the Security Bureau, CLP and the Environment Bureau in Hong Kong to inspect at least 10 existing nuclear facilities in the Bay Area. We must not let Financial Secretary Paul CHAN's talks about hot spring baths shift the focus because our real focus and concern should be the 10 existing nuclear facilities in the Bay Area. Regarding regular reports on their construction processes and operation, mode of radioactivity monitoring and

information, wind directions, logistics of nuclear parts, logistics of nuclear wastes and nuclear fuel, contingency mechanisms, reporting mechanisms, legislation on compensation, legislation and procedures on the shutting down of plants, legislation and procedures on licence renewal, legislation to protect the right of access to information, legislation on labour and the environment, etc., I think the Constitutional and Mainland Affairs Bureau should take the lead in liaison, so as to build up a set of information mechanism.

When talking about the Bay Area, I think the Government should establish a nuclear information mechanism for it. Frankly speaking, Deputy Chairman, we know that we cannot rely solely on the Hong Kong Observatory to solve this problem. If anything goes wrong, all will be too late. The case of Japan has already clearly illustrated this point. The Government should start providing a specific timetable for formulating such a mechanism and then put it place. It is only in this way that the Constitutional and Mainland Affairs Bureau can fulfil its mission.

With these remarks, I support Amendment No. 140 moved by Mr Nathan LAW.

**DEPUTY CHAIRMAN** (in Cantonese): Dr LAU Siu-lai, do you wish to speak again?

**DR LAU SIU-LAI** (in Cantonese): Deputy Chairman, Mr LEUNG Che-cheung queried just now that our amendments were trivial and senseless. I cannot quite understand what he means as my amendments are all about value for money for the Chief Executive and some officials under the accountability system. I think they fail to do a good job ... my microphone dropped.

Deputy Chairman, Mr LEUNG Che-cheung queried just now that the amendments we put forth were all trivial and senseless. Actually I feel very surprised because all the amendments I moved in respect of heads 21 and 122 seek to introduce the spirit of value for money; they are entirely reasonable. Our directorate grade officers and bureau secretaries did not perform well, so I just ask to reduce a small amount of their salaries, and I do not understand why it is trivial and senseless. Perhaps he thinks that one-month salary is trivial and senseless, right? Hence, maybe I should not be so gentle. Instead, I should

move that their salaries over the years be surrendered or even the future salaries of the Bureau Secretaries be reduced. That way, they would no longer be trivial and senseless, right? Apparently not. When the officials proposed a pay rise of 12.4%, Members of the pro-establishment camp all said that it was of vital importance, but why would it become trivial and senseless when we proposed a reduction of salaries of the officials? After all, the truth is the interests of the bigwigs and officials prevail, so reduction of salaries is out of the question while pay rise is of vital importance. In fact, I think reducing their salary is entirely reasonable.

Let me talk about it one by one. I will not count the 140 great sins of LEUNG Chun-ying, for those are the views of the netizens. Neither will I repeat what I have said this morning. I will only cover the subheads on those sins which the netizens find them really going too far. For instance, how he interfered with the media, sending warning letters continuously to accuse the media of libel; or the storm on cessation of broadcasting service of the Digital Broadcasting Corporation Hong Kong Limited and the storm on Hong Kong Television Network Limited ("HKTVN") licence refusal also triggered off tremendous arguments; the Government also tried to pass forcibly the Internet Article 23 which scared and suppressed the netizens; the dispute on defaulted payments of wages by the Asia Television Limited was also not properly handled. In terms of policy administration and legal system, the NPC 31 August Decision—forming a pseudo universal suffrage had led to the 28 September incident and the Umbrella Movement. However, the Government did not calm down the public opinion; it even launched 87 tear gas grenades thus provoking the public sentiment. The suspected infringement of the Basic Law with introduction of the co-location arrangements for the Express Rail Link had sparked off arguments. These sayings are fair as they are issues happened during the tenure of LEUNG Chun-ying. Therefore, not only did we see a successive drop in the Chief Executive's public support rating during his tenure, our net confidences towards the future of Hong Kong and China and in "one country, two systems" have dropped continuously. After all, with a Chief Executive as such, why can we not apply value for money to deduct his salary?

Actually, there are still a lot of things which have not been covered. He triggered off the "anti-national education movement" once assuming office. He also told us not to donate to the local universities, in fact, his intention was to deprive the universities of their autonomy. Even more serious are the damages done to our land. The disputes over the North East New Territories ("NENT")

Development Plan, the Lung Mei Beach Development and the Sports Park under the Kai Tak Development, it was even said that the country parks in Hong Kong were to be exploited, they are things that the public find it most resentful. In addition to it is the land use aspect, the Government bypassed the Legislative Council and spent \$141 billion in the construction of the third runway without reason. All these have upset the public. The Hong Kong-Zhuhai-Macao Bridge was built forcibly but its safety measures and implementation of works are all badly done, scandals are incessant and the overspending of the Express Rail Link also made the public feel bad. Actually, with a Chief Executive as such, why can we not deduct his salary? However, should the Chief Executive hold solely responsible? In fact not, he has a cabinet known as the "Executive Council". However, the Executive Council is very amusing, it works with the Chief Executive to make policy decisions but it just decides policies without holding accountable, so we have to apply value for money on their salaries.

After all, the Executive Council belongs to the "LEUNG's camp". Before assuming office, LEUNG Chun-ying said that there is no distinction between the "TANG's camp" or "LEUNG's camp" but we saw that all those being admitted were "bigwigs camp" supporting LEUNG Chun-ying, complying with his every order and colluding with him. I will not name them individually but let us see what the Executive Council has done.

One thing special about the Executive Council is the Confidentiality Agreement. For example, the most controversial issue was the issuance of licence to HKTVN in 2013. The Office of the Communications Authority ("OFCA") indicated clearly at the time when licences were issued that three licences would be granted. OFCA made thorough consideration beforehand and conducted public consultation. If the Executive Council is to overthrow this proposal and amend it to issuing two licences, the normal way is to refer the proposal back to OFCA and carry out public consultation again. However, regretful that the Executive Council came round this procedure and destroyed the system and core values that have long been treasured by the Hong Kong people.

When Members jointly signed to request the Legislative Council to apply the Legislative Council (Powers and Privileges) Ordinance to investigate what had happened in the dispute in issuance of television licence, LEUNG Chun-ying is mighty then. He said that the decision of the Executive Council was confidential and refused to make public the rationale for the Government to reject the issuance of licence based on the reason of confidentiality principle.

Apparently, that was the doublespeak of LEUNG Chun-ying. Are all Executive Council decisions not to be disclosed, that is, all crucial decisions cannot be disclosed? Actually, we can see the confidentiality system through section 18 of the Oaths and Declarations Ordinance (Cap. 11). In accordance with its provisions, a member of the Executive Council shall take the oath of fidelity after his appointment, undertaking that with the exception of being authorized by the Chief Executive, they will not disclose the Executive Council agendas to anybody, discuss the details and any documents obtained in the capacity of Executive Council members. In other words, it is very simple, so long as "689" Chief Executive gives his approval, these matters can basically be openly discussed. That was the startling invention by "689". It turns out that the various unreasonable decisions made during his tenure and the various decisions made by his cabinet which arouse public resentment were barred from disclosure upon his request. Hence, if this cabinet does not jump ship, it will be equivalent to collusion. In terms of value for money, their salaries should be reduced.

Among the numerous major projects like those which related to the people's livelihood, the Executive Council in fact failed to play the role of a gatekeeper properly. For instance, the charges of the Accident and Emergency Department of public hospitals were proposed to be increased to \$180 for no reason. The rate of increase amounted to 80%. It is indeed a substantial amount for the grass roots but the Executive Council endorsed it right away. The proposal on the third airport runway system bypassed the Legislative Council and obtained approval directly from the Executive Council, how ridiculous is the structure of the third airport runway. The public all know that the Executive Council had completely failed to keep the gate for us on this issue. The Fare Adjustment Mechanisms for buses are likewise. The transport fares in fact have strong impact on people's livelihood but the Executive Council members are almost a rubber stamp. I therefore requested for the reduction of one-month salary for Executive Council non-official members. Basically, I am being very tolerating and just introduce the spirit of value for money nominally. I do not want to make this "hot kitchen" even harder to find its participants, instead, I hope that the Chief Executive or the SAR Government in the next term could improve its policy implementation. Hence, the reduction of one-month salary for the Chief Executive and the Executive Council members is justifiable.

The other amendment I moved was to reduce the salaries of the Commissioner and Deputy Commissioners of Police. It is very simple, the public support of the police officers and the Hong Kong Police Force has become increasingly low during the tenure of these few Commissioners. The public

support towards the Police Force has been built up for 40 years, so the public have much confidence in the Police Force. However, to our surprise, all these have been "erased in one go" within a few years' time. Therefore, deducting their salaries is absolutely justifiable. With the incidents of seven police officers beating up badly TSANG Kin-chiu and Franklin CHU assaulting the passers-by recklessly, are they not the black sheep of the Police? However, what did the Commissioner of Police stand out and say? "You have done nothing wrong." These words can really be said to have gone international, thus making our Police Force to have lost all its dignity. Is deducting their salaries by one month so excessive? Only with this can we say that it is value for money, and also hope that the responsible person for the next term could do better.

I purposely reserve some time to speak on the Fanling Lodge. On the surface, the area of the lodge seems very small and is located in the countryside. In fact, it is a place where the Chief Executive will stay during free time. It is provided with a swimming pool, tennis court, barbeque pit and helicopter pad, etc. All these are only leisure facilities and their annual expenses are not that high, being \$830,000. Why would I propose a deduction? I wish to tell you that this Fanling Lodge was handed down from the colonial era. It had been used on 11 occasions during the past five years. In terms of official business, its usage was extremely low. The Chief Executive is not the Governor, so why does he need such an extravagant villa? It is correct that the Fanling Lodge is a historical building, so I will not ask for its demolition. However, the land associated with it is remarkable. We will not know if it is not mentioned as it is one of the feasible options for the NENT planning. The site adjoining the Fanling Lodge is the golf course where those bigwigs can have the convenience of playing golf at very low cost. With such a spacious site, they can play golf during leisure time. If the golf course is used for building public housing, it can really allow many grass-roots households to move in. Nevertheless, our government prefers destroying the farmland of the peasants and driving away the residents in NENT in order to let the rich play golf so that those elderly living thereat for decades have lost what they relied upon and become homeless and our agriculture is being destroyed. Are these not the "huge white elephant" infrastructure? What is the purpose of building a commercial city for the tycoons while those residents being driven out are turned into households of subdivided units. Basically, the problem has not been solved but the golf course of the rich continues to waste our land. These are all sorts of evil deeds that you did.

Members of the pro-establishment camp just now said that our criticisms against the Chief Executive were unreasonable. Why? Because you all closed your eyes and failed to see the hardship the public suffered. No matter it were the residents of Wang Chau or the residents of NENT who knelt down to beg you telling you that the villagers were being pushed to the corner, I saw that you officials all showed no responses, so that is why you will find these criticisms senseless because your policies have destroyed the people in subtle means and acted with no regard for human life. Hence, through deducting your salary, we hope that you would reflect upon whether you have served the people of Hong Kong wholeheartedly or you just serve for personal interests? Please open your eyes wide to see clearly how these policies which destroyed the people in subtle means have harmed the Hong Kong people cruelly.

I so submit.

**DEPUTY CHAIRMAN** (in Cantonese): Mr WU Chi-wai, do you wish to speak again?

**MR WU CHI-WAI** (in Cantonese): Deputy Chairman, this morning I spoke on deducting three months of Chief Executive LEUNG Chun-ying's remunerations. I have pointed out that what he has done over the past five years shows that he has never thought of establishing a "Hong Kong camp", and he has never thought of ways to unite our society. The only thing in his mind is a "Big Governance".

In the history of China, during the reign of a ruler or a dynasty of an emperor who adopted the approach of "Big Governance", the lives of the people were always difficult because the emperor was so "big" that he wanted to construct something splendid and magnificent to him, or to set a record of ten glorious deeds or ten major merits for him to wantonly engage in military aggression. That would definitely do more harm than good to the people and society. But LEUNG Chun-ying has never conducted any self-examination or searched his own soul for the social split and confrontation created by him.

Just as I spoke in this morning, his objective is to win the trust of the Central Government by hook or by crook, because he knows that he cannot win the trust of the public. He has tried every means to stir up the Hong Kong independence issue which did not exist in reality at all and deliberately provoked

Hong Kong independence sentiments in his policy address. He made this academic debate topic, which has all along been in obscurity and was only confined to the academic circles, seem to be a heated political future and way out of Hong Kong. As a result, he instigated more social split. The way he stirred things up and created confrontation was actually not accepted by the Central Government. Otherwise, how could he be prohibited from running for the election of the next Chief Executive?

Of course LEUNG Chun-ying is very happy for being prohibited to run in the election of the next Chief Executive but appointed as the Vice Chairman of the National Committee of the Chinese People's Political Consultative Conference. It has just further shown his inability and ignorance. He has bragged and boasted in this month about how the future of Hong Kong should be built upon the development of the Bay Area. If LEUNG Chun-ying really knows the national circumstances of China and understands the difficult situation that China has to face in future development, he should be fully aware that Hong Kong should be used in the development of the Bay Area in order to lead the development direction of the Bay Area, that is, the platform and core value of Hong Kong to align with the international community, its civilized society and universal values.

Many cities in China are haunted by the problem of smog, and the centre of politics and capital of China, Beijing, is no exception as the problem is impossible to get rid of. Shanghai is also facing all sorts of urban construction problems brought about by excessive development.

Objectively, we in Southern China still have some room and possibilities for the construction of a liveable city. We should bear in mind two very crucial factors. First, we should avoid excessive development. Second, we should avoid the mistakes of Beijing and Shanghai which have natural and environmental calamities because of excessive development.

Nevertheless, one thing is more important. That is, there should be a clear positioning in the development process of the so-called "bay area development". As far as China is concerned, the positioning means that it needs a city which can align with the international community. Hong Kong, which operates under the "one country, two systems" principle, can make full use of its role. However, it has never occurred to LEUNG Chun-ying that he should think about this question

due to his low calibre. What he has been thinking all along is to align Hong Kong's transport networks, connection, the flow of people and logistics with cities in the Greater Pearl River Delta or the Bay Area.

But is that sufficient? Is that sufficient to make Hong Kong the important metropolis in the next development stage? If so, then what is the actual value of the "one country, two systems" principle? For that reason, I consider LEUNG Chun-ying's train of thought merely reflects his inability and the fact that he only knows to curry favour with Beijing's ideas. He has not even ascertained the overall disposition of the Central Government and what position China expects Hong Kong to be; how to properly address Hong Kong's internal conflicts; and what perspective should we hold and what role should we play to lead, improve, change and enrich Mainland's cities to go international, in particular those in the Bay Area or coastal area.

On the other hand, as far as LEUNG Chun-ying's governance of Hong Kong was concerned, we can see that as he received continuous support from the establishment camp, he cared not about whether or not his policies were well thought through or if they could really benefit Hong Kong when he was making some decisions or judgments. For example, when everyone in society considered that "one man" should not turn down the recommendation of the Communications Authority that one more domestic free licence should be granted to Hong Kong Television Network Limited ("HKTVN"), "a single man"—"one man" decided that it should not be granted. It had far-reaching impacts. First it had affected the objective element that the Hong Kong Government has all along been emphasizing in the promotion of its creative industry, that is, to allow the new way out for Hong Kong's television industry. Conversely, it was also reflected in his governance in Hong Kong that politics would prevail over all objective rules of economy and social needs. With regards to these far-reaching impacts, has the SAR Government searched its soul and done any review?

The pan-democratic camp proposed that the Legislative Council (Powers and Privileges) Ordinance should be invoked to look into the matter, but one can see that the pro-establishment camp had opposed to that as before, and the SAR Government used the "confidentiality agreement" and "confidentiality declaration" as the excuse for not making any response. As a result, our society did not understand clearly why the application adhering to the procedure and policy of further improving the free television industry, which was encouraged all along by the Government, was eventually turned down by the Government? For

that reason, the situation that we describe as a "collapse of traditional values and ethics", which has repeated again and again during the past five years, is actually the strategy of governance of LEUNG Chun-ying.

After I have finished speaking on the licensing of HKTVN, Members should also take a look at the issue concerning "the civic square" which the new Government also wants to accept public opinions to reopen it, as well as the issue concerning TSA which the new Government also wants to cancel it or put it on halt, so that the relevant issues can be reviewed. But what was the attitude of LEUNG Chun-ying? He said no. He said he would not review that during his tenure. It was even wrong for making such proposals. In his capacity as the Chief Executive of a caretaker Government, is that what a competent Chief Executive should do, and should such attitude be adopted to treat the new Government's evaluation of policies of the previous term of Government?

As to LEUNG Chun-ying who always brags that he has been working for the well-being of Hong Kong people, what actually has he done or which part of his effort has brought improvement to the Hong Kong community? The land and housing policy which he considers where his strength lies in, has pushed the prices of our land and housing up incessantly to the circumstances that the majority of Hong Kong people cannot live in peace and work happily. We have to advise the SAR Government that since this tiny place of ours is unable to address the investment need brings about by the influx of hot money from Mainland and overseas countries and unable to deal with the property issue, then the Government should make a drastic change by facing the need of Hong Kong people squarely and supplying them with affordable housing. In other words, the responsibility of the Government is to construct public housing, including rental housing, subsidized housing and Home Ownership Scheme flats as the backbone, so that Hong Kong people can have a place to stay.

However, due to the total failure of the "Hong Kong Property for Hong Kong People" as proposed by LEUNG Chun-ying, the shortfall of public housing keeps on widening and property prices keep on soaring even the 10-year housing programme was launched. The SAR Government has not face that squarely. On the contrary, it shirked the responsibility by blaming elected representatives (no matter they are from District Council or the Legislative Council) for obstructing the Government from conducting reclamation, making use of green areas or hindering the Government from doing anything. It seems that all the responsibilities are the aftermaths of the proceedings in this Chamber.

Nevertheless, can it be said that our opinions are not opinions at all? Can it be said that it is a wrong decision and a wrong argument that the investment need of the market and the housing need of Hong Kong people should be dealt with separately? However, what the Government has been talking about is no. It says that the Government still need to consider the need of the private housing market. Just imagine that who can afford to buy a private flat which stands at \$30,000 per square foot? Secretaries who are present in this Chamber, can you afford to buy that? Are you able to purchase a liveable flat? How long can you save up adequate money to buy it?

Of course, perhaps your borrowing power is immense. But how many people can have an income level like yours? If so, can it be said that the entire housing market is exclusively designed for senior SAR Government officials? Can it be said that as far as the SAR Government is concerned, the purpose of our housing market is to provide housing for only 5% of people with the highest income in Hong Kong, while the need of the remaining 95% of people should be ignored and to let the remaining 95% of people to face the pressure of hefty rental increase, sky-rocketing property prices and no fixed abode? How could that comes from a person who claims himself to have the best knowledge of housing and land policy

When the Government says it has to resume lands, such as the Wang Chau development incident where there is a collusion between the Government, business sector, rural forces and triads, the Government should seriously deal with that and invoke the Lands Resumption Ordinance to resume the land when we call for a land resumption exercise to be implemented by the Government. It should resume the entire plot of land in the interest of the public and construct public housing. Yet it does not do it in that way. It insists on the principle of "resolving the simple issues before the difficult ones" by requiring some people, who have been living on another plot of land, to leave their homes first in order to give way for the construction of merely 4 000 flats. As to the people working in the nearby brownfields, it just argues that it needs time to consider the compensation arrangement for these economic activities. Therefore, the development has to be divided into phase 2, phase 3 and phase 4. The so-called principle of "resolving the simple issues before the difficult ones" is, honestly speaking, nothing but a policy of "bullies the meek and weak and fears the firm and strong".

In fact, we have seen that over the past five years, the SAR Government under the LEUNG Chun-ying regime has been adopting the policy of "bullies the meek and weak and fears the firm and strong" as its governance philosophy. The meek and weak means that he arbitrarily infringes on the rights of the meek and weak Hong Kong citizens. The firm and strong means that he has given consent or connivance to people having vested interests. For that reason, I consider (*The buzzer sounded*) ... it totally not worthwhile to pay him all the salaries. Thank you, Deputy Chairman.

**DEPUTY CHAIRMAN** (in Cantonese): Mr WU Chi-wai, your speaking time is up. Mr LEUNG Kwok-hung, Do you wish to speak again?)

**MR LEUNG KWOK-HUNG** (in Cantonese): Deputy Chairman, it is meaningless to talk about other issues here, as the Legislative Council is utterly rotten itself. Somebody has told me just now, "Mr LEUNG, please voice our difficulties for us. We are outsourced staff leading a harsh life." They are the people who film our Records of Proceedings. He said, "While you pay the contractor over \$40,000, each of us earns only around \$10,000." I felt astonished after learning about such a serious problem in our outsourcing system, under which an outsource staff member earns only \$10,000 out of \$40,000. The Legislative Council Commission dominated by those from the pro-establishment camp is duty-bound to handle this issue.

Why do I quote this as an example? As those of you in the Legislative Council care nothing about public perception anymore, universal retirement protection is still nowhere in sight after I have been filibustering in this Chamber for five straight years. It seems like any chance of implementation will vanish after Carrie LAM assumes office, as the previous consultation on retirement protection led by her concludes that no universal protection scheme would be implemented. Right, she spends \$5 billion as the "bloody bun" to win your heart, and Paul CHAN also distributes \$18 billion, but I am not going to mention this point as I have spoken about it earlier.

Deputy Chairman, here today, we talk about your superior. The Deputy President's superior is the President, who said that we are wasting time filibustering and calling for headcounts. So, we do not call for headcount today.

We speak actively in fact, so active that there is not enough time for Members to speak. Therefore, Dr Junius HO has only condemned us for once, as the meeting will end before he has another chance to blame us again.

There is a reason for an individual to be insulted. First, Mr Andrew LEUNG holds a candle to the devil, blindly following any instructions from the Government to disproportionately cut off the filibuster. As I have mentioned time and again, it is his duty to assist Members of this Council to exercise their powers and functions stipulated under Article 73 of the Basic Law, including (2) "To examine and approve budgets introduced by the government", (3) "To approve taxation and public expenditure", (5) "To raise questions on the work of the government" and (6) "To debate any issue concerning public interests". Altogether four areas of powers and functions concerned.

Applying these four areas of powers and functions to the Budget will mean that there is nothing a Member must, or must not, say. To put it simply, it implies that a Member can speak as long as he wishes so. The best way to handle this situation is that Members are allowed to express their opinions, while the President will judge if Members have made any frivolous and repetitious remarks during the debates. This is not an attempt to impose a deadline or cut off the filibuster, but the right way to go, a way for us to contest with each other in terms of wits and strength. The President can rule anytime that I have strayed from the subject if I speak without making any preparation. However, this is not the case now. He is cutting off the filibuster. Now that we have someone holding a candle to the devil, we also need someone who agrees to totally submit himself, who has no will to fight the tyranny at all.

Deputy Chairman, as you are a woman, I will read a poem by Lady Huarui to pay tribute to a woman.

**DEPUTY CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung ...

**MR LEUNG KWOK-HUNG** (in Cantonese): This poem ...

**DEPUTY CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung ...

**MR LEUNG KWOK-HUNG** (in Cantonese): Do not stop me ...

**DEPUTY CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung ...

**MR LEUNG KWOK-HUNG** (in Cantonese): Do you want to stop me from reading the poem by Lady Huarui?

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

**MR LEUNG KWOK-HUNG** (in Cantonese): "The king on the rampart flies the white flag" ... Deputy Chairman, out of respect that you are speaking right now, I will stop now lest I may cover your voice.

**DEPUTY CHAIRMAN** (in Cantonese): I remind you that you should speak on the amendments moved by you or by other Members.

**MR LEUNG KWOK-HUNG** (in Cantonese): All right, that is exactly what I am going to touch upon. The poem is written by Lady Huarui. It reads: "The king on the rampart flies the white flag. Deep within the palace how could I know? One hundred forty thousand all disarmed! Among these I would rather see not a single man." or "Among these was there not a single man?"<sup>1</sup> The latter version implies condemnation, while the former version indicates a query, asking the capitulating soldiers if they are men, as even a woman can feel the sorrow at the downfall of her own country.

In the case of this Council, not all 14 Members are present at this moment. Among these was there not a single man fighting? Mr Andrew LEUNG expected that 14 Members would speak, so he predicted the debate would last till seven o'clock in the evening. Yet those Members who have proposed

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<sup>1</sup> Kang-i Sun Chang and Saussy H. eds. (1999) *Women Writers of Traditional China: An Anthology of Poetry and Criticism*. Stanford University Press.

amendments are not speaking here now, are they going to submit to the tyranny? While 14 Members were expected to give a speech, not all of them are present in this Council now, so what else can I say?

In fact, this is simple. Mr Andrew LEUNG has been mistaken. If these 14 Members do not intend to speak, I will speak instead. After all, he has cut off the filibuster anyway. Members must understand that I am just defending my right to speak. Though Mr Andrew LEUNG is mistaken, I will not discuss this here, as I can initiate a judicial review against him ...

**DEPUTY CHAIRMAN** (in Cantonese): Mr LEUNG Kwok-hung, I remind you once again that you should speak on the amendments moved by you or by other Members, yet since you have started speaking, you have been commenting on the President's ruling. I order you to focus your speech on the amendments, otherwise I will regard that you have strayed from the subject.

**MR LEUNG KWOK-HUNG** (in Cantonese): All right. All right. So, I urge those Members who have moved amendments to come back and speak on the amendments. You people have to respect yourself. How come you can really give up speaking when others do not allow you to do so?

Deputy Chairman, indeed I have no idea what to say during this debate session, despite having a thousand words. Those amendments from me are revised by the President—blocked, I mean. Therefore, I have to speak on amendments moved by others. Fine. In fact, I have prepared many points in my speech concerning one Chief Executive, three Secretaries of Departments and the Central Policy Unit. If I keep going on, I can use up all the paper writing down their evil deeds. However, I do not have enough time to illustrate these all. Now that you all force me to finish my speech within such a short period, it is by no means that I can reject. I am not going to condemn LEUNG Chun-ying now, as it is not necessary to condemn him anymore. He is already dismissed by the people. I will then have to talk about Carrie LAM, but she is not supposed to be in this Chamber now. Why do I have to talk about her? It is because all our political discussions here are done with the purpose to improving the life of Hong Kong people. Let us say that I see her as the former Chief Secretary for Administration, then my speech is related to her because I propose to cut the estimated expenditure of the Chief Secretary for Administration's Office which served her before.

I hereby urge that if she truly wishes to bridge the gap between the Government and the people, I hope she can adopt a conciliatory approach in her administration after coming into office, otherwise I will not only cut the expenditure of the Chief Secretary for Administration's Office headed by her previously, but also her remuneration as well—if I can stay in office as a legislator, as this could be my last speech in the Council. Deputy Chairman, the fact is that we only have three main points, in which I am just thinking about universal retirement protection all along. I do feel regretful. When I carefully count the figures, I have found that after years of my filibuster, the Government has earmarked \$50 billion for improving retirement protection. To be fair, the Government has not mentioned that the fund would be used for implementing universal retirement protection. It has not said so.

The new Government headed by Carrie LAM, without the constraints imposed by LEUNG Chun-ying, can have enough room to utilize the sum for retirement protection. Given that she already has \$50 billion on hand, coupled with the extra \$18 billion distributed by Paul CHAN, she will then be able to discuss this issue with him. Next, there is another \$60 billion, which is set aside by Paul CHAN for other purposes. Adding these funds together, she will have almost \$100 billion. While we have long been fighting for a "pay-as-you-go" pension scheme, the Government has always claimed that it is not financially viable—looking at me, Dr Junius HO seems puzzled—under the universal retirement protection advocated by us, one generation of people will foot the bill for two generations, as the respected elderly people do not have money to pay for the scheme. Therefore, upon receiving the above mentioned funding, we have spent it on those people not having the means to pay for their retirement in the past. As a result, it is necessary for us to set up a seed fund for the scheme. Buddy, let us do the calculations. The sum of \$50 billion, \$60 billion and \$18 billion is over \$100 billion, right? Furthermore, these sums of money are merely bonuses generated unintentionally, not to mention the funds earmarked before.

As a matter of fact, it is fine if the Government does not wish us to speak this time. As long as it can demonstrate that it is actually working for the sake of the people, it is completely all right for me to instantly buy an air ticket and travel to Taiwan or any other places. By introducing the public annuity scheme and the Reverse Mortgage Programme, the Government simply aims to invigorate the money of those who have already withdrawn their accrued benefits under the Mandatory Provident Fund ("MPF") scheme, so that they can maintain self-subsistence. But, in comparison with the expenditure arising from universal

retirement protection, is there really such a big difference in the spending? Deputy Chairman, though you may consider me straying from the subject, I have to say that, as regards the entire Government, and considering the fact that it has involved in so many disputes in recent years, I believe it has not encountered an issue which has brought about such a broad consensus. The results of a public survey indicate that 90% of the respondents consider it necessary for implementing universal retirement protection. Even Carrie LAM does not deny this, as the survey was conducted by them. The problem is a lack of money and sustainability.

Dr Junius HO and Mr CHAN Han-pan, you two are present in the Chamber, listening to my speech. Acting Secretary Mr Ronald CHAN is here, too. With over \$100 billion already at our disposal, we simply have to discuss the ways of financing then. Suppose the Government devotes the same amount of effort as it does in dealing with the MPF offsetting arrangement ... Deputy Chairman, why do I say so? The authorities have already reserved \$6 billion from the sum of \$50 billion mentioned above in a bid to compensate the employers, so as to fulfil the Government's election promise by resolving the MPF offsetting problem.

Deputy Chairman, I have to go on even if you are going to whip me. Why? Considering the problem from a broader perspective, suppose Carrie LAM claims in the Chamber today that she is unable to implement constitutional reform, and let us say I assume that this is really the case as any change in the political system will involve the "Five-step Process" and the power in the north, but then, can she do something good for the people on issues within the limits of the autonomy in Hong Kong? Five years on, many people ask if I feel discouraged. I am not a bit discouraged. It is because the Government must give some responses somehow. And it gradually turns out that she has to respond to the problem with a proposal of her own, regardless of whether it is a so called three-tier or four-tier scheme. The point is, as the Government has to respond anyhow, then I would like to ask if it is willing to ease the plight of the elderly, provided that the Government has amassed such a huge amount of reserves and surpluses after making wrong estimations every year, which involve differences of as much as \$100 billion or so.

Deputy Chairman, you do not understand the problem. During the march last week—of course I am against Carrie LAM, but I am not talking about this now—at the tail end of the procession, the elderly fighting for universal retirement protection had difficulties catch up with the pace, and were then

blamed by passers-by for blocking the way. Police officers also urged them to speed up. It pained me to hear this. Why do the elderly have to wait year after year, during which some of them even pass away while waiting? Why do they need to march with me, a guy who will become an old man soon? I am turning 65 soon, and will become eligible to travel at a concessionary fare of \$2. I can still walk, but they were not able to walk long distance, and universal retirement protection is still out of their reach. What in fact do we expect?

Deputy Chairman, I simply wish to prove my arguments in the light of Article 73(2), (3), (5) and (6) of the Basic Law in the hope that Members present can really think about it. If you would like to bring harmony to society and resolve the conflicts, you can take a step now and stop the quarrels; it is because 90% of the respondents believed that we should implement universal retirement protection. The problem is that, however, some people may be tired of LEUNG Kwok-hung trying this tactic again. But what do you expect us to do then? Buddy, the Government is the leader, and the people have clearly expressed their preference. Even if we consider the situation in this Chamber, in case we count the votes from The Hong Kong Federation of Trade Unions and the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") ... it is fine if DAB is not willing to vote for it, as the party has its own side to take. But we will almost secure a majority vote, right? How can a government not having any leadership?

Time flies, and I have been fighting for this since I was young. If we count it from the time when I became a legislator, this year is the 13<sup>th</sup> year since I have been doing so. Now that I will leave anytime. I will never be able to propose any amendments if I am disqualified from office. So, I must take this last chance and propose my amendments. As time goes by, I hope Carrie LAM's administration can truly demonstrate its leadership, as we have already got the funds we need.

I thank the Deputy Chairman for allowing me to raise this. In fact, there is a basis for my arguments. The entire Government is the basis for this. I am not going to speak any longer, but I hope Members from the pro-establishment camp can take part in the discussion this year, as everything is ready now. We should strike while the iron is hot and take action right now. Actually, we can certainly achieve this and bring pleasure to the elderly people as long as we can collaborate, right? We must first get this done no matter how we put it. Thank you, Deputy Chairman. Thank you for listening to my speech.

**DEPUTY CHAIRMAN** (in Cantonese): Dr Fernando CHEUNG, do you wish to speak again?

**DR FERNANDO CHEUNG** (in Cantonese): Deputy Chairman, I would like to speak again.

With regard to this part on "Rule of Law, Governance, Elections and District Administration", I have put forward four amendments. My amendments include: first, reducing the annual estimated expenditure of the Central Policy Unit; second, reducing the estimated operating expenditure on the office of the Chief Executive-elect; third, reducing the expenditure on the emoluments of the Chief Secretary for Administration for the remaining three months of his term; and fourth, reducing the expenditure on the emoluments of the Financial Secretary for three months.

Deputy Chairman, I must explain why we propose these cutbacks in spending. Mr CHU Hoi-dick has made a preliminary examination of executive-led governance in his first speech. Many people do not understand why Members propose public spending cutbacks in their budgetary amendments. Our public expenditure should indeed be used on items which promote the public interest. All the funding allocations for environmental protection, social welfare, public housing, health care or education are essential and necessary, and the allocations should also be used on services which we find insufficient.

Indeed, Deputy Chairman, you will certainly know that I have been highlighting the enormity of social needs and the meagerness of our public resource allocations throughout the years of my tenure as a Member. How come we raise amendments to request for budgetary cutbacks? This precisely is because of our limited power. Members of the Legislative Council may approve or disapprove the Government Budget. But in the process, we can only ask for spending reduction but not expansion in the budgetary amendments we propose. I hope the public sitting in front of the television can understand that Members of this Council do not intend to make trouble. Our power is so curtailed that we can only propose to reduce expenditure when putting forth budgetary amendments and this is hugely ridiculous.

Is there any redundant expenditure on the rule of law, governance, elections and district administration that should be cut down? In theory, no. We hope the Special Administrative Region Government can put in more

resources to improve our governance and to manifest the rule of law. Under a system which sees the separation of powers, a kind of balance is needed in society, particularly the checks and balances of powers. The debate in which we are now engaging actually is also a kind of checks and balances of powers. The process in which the Legislative Council approves or disapproves the Government Budget sees the checks and balances between the executive power and the legislative power. Through the election mechanism, the Legislative Council would like to see representatives elected by the people on a "one person, one vote" basis to speak for them. The Government is subject to our checks and balances when appropriating public resources and exercising its executive power, so that they will hear voices of the people who may wish to have more resources spent on the needy in society but not so much on infrastructure or "white elephant" projects. This is a process of checks and balances. However, this counteraction is unfortunately ineffective and unsuccessful, and is doomed to failure. Why? With the presence of functional constituency election, small-circle election in our political system, the pro-establishment camp is guaranteed a majority of seats. Our political system is hence an unbalanced one.

Second, in the deliberation of the Budget, we cannot suggest any increases in spending, only decreases. Therefore, the four amendments I raise today can only be somewhat resistant and defiant in nature. If you ask whether reducing the three months' salaries of the Financial Secretary or the Chief Secretary for Administration will bring about any effective results or any improvements in governance, definitely none of these will happen. But I will raise such amendments anyway, in order to show my discontent with this Budget and with the overall governance of the Government. Similarly, the proposals put forward by my colleagues on reducing the emoluments of the Chief Executive, the operating expenses of the Executive Council or the expenditure for the Police Force are all defiant amendments meant to allow us to comment on the current level of governance.

This year marks the 20<sup>th</sup> anniversary of the reunification and the Government is planning a huge celebration, with an allocation of \$640 million for organizing more than 320 commemorative events. Why the celebration? What are the reasons for such a grand celebration? We are so furious, so heated with rage. Are we going to celebrate our global first in wealth gap 20 years after the reunification? Are we going to proclaim Hong Kong's creativity, few and far between in the world, in developing so many subdivided units with appalling living environment? Or are we going to laud the great abundance of our youths

who are deprived of sleep and play, and a large number of them who resort to self-destruction behaviour or even suicide when facing such a great deal of drill, examination and pressure under the examination-oriented education system? Are all these our celebratory achievements? Our overall poverty rate amounts to almost 20%, while poverty rates of the elderly and the disabled stand at 45% or about 30% after policy intervention. Is this a good cause for celebration? What about our nearing trillion-dollar fiscal reserves? Or shall we rejoice in our score in the World Happiness Index which rivals that of Mainland China but lags behind those of other areas in Asia, including Japan, Taiwan, South Korea and Singapore? What is the World Happiness Index? The United Nations lays down six criteria to measure the equality enjoyed by a place, these include social support, freedom, life expectancy, Gross Domestic Product, corruption and social generosity. Under these six criteria, Hong Kong ranks 71<sup>st</sup> among 155 countries in the world. The Gross Domestic Product and life expectancy of Hong Kong are ranked among the top in the world. In the other respects, however, Hong Kong lags so far behind others that we are virtually eating their dust. Why are people so unhappy in such an economically advanced area? According to experts of the United Nations, a high score in the World Happiness Index indicates that people in that place are confident of their Government, trust firmly in their community and see fewer inequalities. Hong Kong's performances in these areas, as an inevitable result of failed governance, are deplorable regrettably.

Deputy Chairman, today we discuss the Budget which involves resources amounting to hundreds of billions of dollars. How shall we consider to where these resources should be allocated? What are our priorities? How do we assess the needs of the present-day society? How can we improve the lives of Hong Kong people? We make use of our own resources, aiming to help the entire Hong Kong society become happier, to enable the next generation harbours hope and aspiration, on top of enjoying opportunities and development. This is a move we make regularly every year, we wist wrestle the Government here on a yearly basis. We have to ask the Government, year in and year out, to prioritize the numerous social needs. This is such an unequal society, would the Government please be fair, take a more neutral stance and allocate resources more evenly? The primary health care of Hong Kong, that is the accident and emergency service, is now overloaded with patients. The Government therefore raises the charge to prevent and hinder certain groups of people from abusing the service. This is such a reprimand to the poor. We are told by the Government to visit private clinics when failing to schedule an appointment for government outpatient services despite making calls repeatedly; and to seek help from charity organizations and foundations when failing to afford the medical bills.

Deputy Chairman, three clients from such foundations set up under media organizations are now upstairs, wanting to discuss their cases with me. All of them are cancer patients taking target therapy drugs which are on neither the Hospital Authority Drug Formulary nor the list of drugs under safety net subsidy. They therefore seek help from the foundations and beg assistance from the public. What on earth is this world coming to? It is now 2017, 20 years after the reunification of Hong Kong to China. Our wealth keeps on growing and the Government is so rich that it does not even know how to spend its money. But patients in Hong Kong have to pay for their drugs so often, as the Government has failed to fulfil the most basic function of saving people's lives. "Sorry to say that while this drug is good and suitable for you, it is not on the Hospital Authority Drug Formulary. Please buy it yourself." I was admitted to a public hospital lately and saw the plight there, miserable conditions that resembled those in a wartime hospital. Why is this the case? When we look at other ... Deputy Chairman, I will discuss in detail the needs of the people and especially those of the underprivileged in the next debate session on social welfare. Hence, I am not going to elaborate on this now.

I put forward amendments which seek to deduct the emoluments of the Financial Secretary and the Chief Secretary for Administration. I put up resistance and lodge protests against the governance of Hong Kong, as Hong Kong suffers from the most severe wealth gap problem in the world under their leadership. On the one side of Hong Kong, we see luxury apartments and on the other side, numerous subdivided units. Take a look at Hong Kong, it is so prosperous on the surface. Viewed from the peak, the territory is a most beautiful and gorgeous island. But if you look inside the city, you will however see that kind of living environment. Hong Kong people work very hard. The several patients waiting for me upstairs have been working diligently in Hong Kong for decades, and at least one of them worked in a spinning mill before. They are all grass-roots citizens who unfortunately fall victims to incurable diseases today, after struggling mightily to bring up their children. The Government makes them spend all their savings and tells them that, "Very sorry to say, though the disease is treatable with medication, the Government is not going to provide subsidy for you. You can beg for assistance from benefactors. Alternatively, you can contact the media and disclose to them in detail your story, your image and your familial situation, in a bid to touch the heart of the public. The public may then make donations to help you buy medicine and thereby prolonging your life."

Why Hong Kong has become this way? Why does the checks and balances mechanism of the Legislative Council fail? In fact, in the entire process, we ... I have been serving as a Member of this Council for three terms. Deputy Chairman, I have been burnt out actually. We keep on telling senior government officials the plight of the people. But the officials take no follow-up actions after listening to us—if they would like to listen at all. Our voices can never touch the heart of the ruling class. The mechanism does not allow us to counter-balance them and our amendments are just protest amendments which will all be negated eventually. At the end of the day, the speeches we make today are merely for the sake of the record, aiming to indicate that such comments have been made and there are some who have done their best to speak out for justice on behalf of the Hong Kong people. We understand that the strengthen we have is so weak that we cannot reverse the trend. But we must persevere, the debate today is not going to be wasted.

**DEPUTY CHAIRMAN** (in Cantonese): Mr Nathan LAW, do you wish to speak again?

(Mr CHU Hoi-dick stood up)

**MR CHU HOI-DICK** (in Cantonese): Deputy Chairman, I request a headcount.

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

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

**DEPUTY CHAIRMAN** (in Cantonese): Mr Nathan LAW, do you wish to speak again?

**MR NATHAN LAW** (in Cantonese): Yes, Ms LEE. The CSA put forth by me to head 122 proposes to cut an amount roughly equivalent to the annual expenditure for the remuneration of the Secretary for Security, the Under

Secretary for Security and also the Political Assistant to Secretary for Security in 2017-2018. Before discussing this CSA, I wish to talk about a CSA as an introduction, one which I was not allowed to move. That CSA proposes to cut an amount roughly equivalent to the annual expenditure for the remuneration of the 608 posts to be created in the Hong Kong Police Force ("HKPF") in 2017-2018. I initially put forth this amendment. But the President has ruled that it is inadmissible in the end. I wish to take this opportunity to discuss its contents.

As everybody knows, Hong Kong's police-to-population ratio is the highest in the whole of Asia. Hong Kong also ranks within the top five positions globally and is merely behind four countries with a relatively high crime rate, namely Russia, Turkey, Italy and Portugal. There are 450 police officers in every 100 000 people. At the same time, the Police's establishment is the largest in all government departments, totalling some 30 000 staff members. Over the past few years, the overall crime rate in Hong Kong has kept decreasing. But the number of disciplined personnel in the Police has increased by 5% over the past six years. Under these circumstances, why should the Police seek funding allocation for the purpose of creating the 608 posts all the same?

At a Finance Committee meeting, a police representative replied that the 608 new posts were for "enhancing the capability and effectiveness of emergency response and handling major incidents, providing manpower support to the Hong Kong-Zhuhai-Macao Bridge project, supporting the operation of the Junior Police Call Permanent Activity Centre cum Integrated Youth Training Camp, etc.". When examining this expenditure item, my consideration was purely based on the questions of whether politics could resolve political disputes and whether cost-effectiveness could be achieved. The Police have put forth three grounds to explain the necessity to create the 608 posts. In my view, providing manpower support to the Hong Kong-Zhuhai-Macao Bridge project and supporting the operation of the Junior Police Call Permanent Activity Centre cum Integrated Youth Training Camp are not matters which require the Police's priority handling. Besides, many other departments will handle these matters, and these matters are not that closely related to the Police. My conjecture is that the Police want to enhance the capability and effectiveness of emergency response and handling major incidents through the creation of the 608 posts. In other words, the Police want to enhance its manpower to combat protesters in large-scale protests or civil disobediences.

Speaking of protests, I must talk about the Public Order Ordinance ("the Ordinance"). The Ordinance also constitutes a reason which may further explain why I do not think the Police should increase its manpower to sustain its suppression of protesters. The Ordinance is a piece of legislation which is very often invoked to prosecute protesters, including the several people who were arrested by police officers at their homes this morning for protesting against the interpretation of the Basic Law outside the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region last year. They are also charged with the offence of "Unlawful Assembly" under the Ordinance. The Ordinance has its origin in the 1967 Riots. At the time, the British Hong Kong administration intended to suppress people's right of protest and demonstration. And since the 1967 Riots triggered many violent incidents, people were very concerned about such violent incidents triggered by assemblies.

But in 1995, the then Legislative Council amended the Ordinance and changed the existing application system for a Letter of No Objection to a notification system. The reason was that the Government enacted the Hong Kong Bill of Rights Ordinance in 1991 to formally recognize protest and demonstration as people's basic human right and to manifest its respect for protest as a basic human right through the law. Therefore, the Government amended the application system requiring vetting and approval (whereby the Government might impose additional conditions and had the power to make amendment) to the notification system.

But the good days did not last long. After the transfer of sovereignty in 1997, the Provisional Legislative Council, which was not returned by Hong Kong people, passed many "draconian laws", including the revival of the Ordinance. The Provisional Legislative Council restored the application system from the notification system and gave the Police much power to terminate and approve protests. This was a de facto denial of the Hong Kong Bill of Rights Ordinance enacted in 1991. This is why I think the Police already has the tool and much power to handle large-scale demonstrations. I do not think it is actually necessary to create the posts to deal with any massive protests and demonstrations triggered by the system and politics because the Police already possess many resources.

Many people have asked me: "In that case, how are the Police supposed to maintain public order during protests?" People should not be unreasonably or forcibly deprived of their basic human right of protest. At present, the Police

enjoy much power and may restrict public protests without offering any reasonable explanation. One example is the designation of protest areas at will. During the visits of LI Keqiang and ZHANG Dejiang to Hong Kong, the protest areas were designated at remote locations which were beyond the eyesight of the main targets of protests. Such unreasonable arrangements will deprive people of their right of protest. Besides, the Police may restrict the number of protesters and impose additional conditions (such as requiring the arrangement of prefects at the scene) as a means of hindering public protests. From this, it can be seen that the Ordinance already gives the Police and the Government much power to restrict people's right of protest.

So, what practices are adopted in other countries? Australia practises a notification system. In Germany, the notification period is merely two days, and no prior application is required. In Finland, it is even alright to give notification six hours beforehand, and no application is required. The cases in South Africa and Queensland are the same, in the sense that the notification period is six hours, and no application is required. The restoration of the application system from the notification system is precisely a major systemic change in people's right of protest and demonstration.

This "draconian law" called the Ordinance already gives the Police much power to restrict people's freedom. I think that as the Police is already equipped with this "draconian law", it is honestly unnecessary to increase its manpower for handling massive protests and demonstrations. Actually, due to the "rigidity of law" concept, it is impossible for us to challenge the legal concepts underlying this existing "draconian law", and dangerous results may ensue if we do so. In Hong Kong, there is The Law Reform Commission of Hong Kong, and the Legislative Council also discusses adjustments to the existing legislation every day. The Ordinance is precisely a piece of legislation in dire need of amendment and improvement to give genuine respect for people's right of protest and assembly under Hong Kong's system.

(THE CHAIRMAN resumed the Chair)

Many existing powers of the Police are expanding day after day. But we are unable to exercise any checks. Another speech of mine today focused on an appropriation request involving \$175 million for the Police to acquire specialized

armament and equipment. The Legislative Council does not even have the opportunity to ask any questions, so the details and particulars still remain a mystery. The Legislative Council has no way whatsoever to ascertain the models of the PepperBall launchers mentioned therein and also their conditions of use. As Members could see, the Police dealt with the Umbrella Movement with outrageous force. And, they did not call upon various sides to put aside their hostility and disputes and to avoid turning the systemic problem of constitutional reform into a violent confrontation by truly focusing on Hong Kong's constitutional reform. For these reasons, this "draconian law" called the Ordinance should undergo timely rectification. Besides, since the proposed 608 new posts under this appropriation request mainly aim to deal with large-scale public events, I honestly cannot agree to spend some \$200 million or \$300 million public money on creating the posts concerned.

More importantly, disputes can only be resolved by paying genuine heed to protesters' demands instead of increasing police manpower to dispel protesters. For instance, Hong Kong's political system must be reformed and improved to give respect for people's rights to vote and to be elected, so as to rationalize the deep-seated conflicts in society.

As pointed out by many Members just now, deep-seated conflicts can be found not only in the political system. And, the disparity between the rich and the poor is becoming increasingly serious in Hong Kong. We always see this awkward scene in Central every day. After the passage of a few luxurious sports cars, we can see an elderly person scavenging cardboards and tin cans. Our society should deal with all such problems. As a means of reducing disputes, we must enable more people to recognize that the systems in Hong Kong are healthy and able to protect the underprivileged. For this reason, I oppose the appropriation request concerned.

Of course, my earlier assertion that the new posts are meant for dealing with massive protests is based on my mere conjecture. But this involves a piece of information which has not been disclosed by the Government: In which departments of HKPF will the 608 posts be created? I do not know due to the lack of transparency in information disclosure. I hope that in the future, the Government can put forth its appropriation requests with openness and transparency, whether speaking of its appropriation requests for the Police to acquire equipment or increase its manpower, so as to enable people to clearly understand that the additional manpower is not aimed to serve any political

purposes or assist the political regime in suppressing opposition voices on the pretext of—as many pro-establishment Members have said—maintaining law and order for the people. I hope the Government can pay more attention to this in the future.

Another CSA put forth by me involves head 142, and it proposes to cut an amount roughly equivalent to the annual expenditure for the Protocol Division ("PD"). The estimated expenditure for PD in the upcoming year is as much as \$100 million, registering an increase of \$51.8 million. Our reason for proposing to cut the estimated expenditure for PD is simple. It is because PD's expenditure is too high, but it does not have much power. Actually, the Establishment Subcommittee once asked a question about this and found that PD's decisions were very often based on the Ministry of Foreign Affairs. It has failed to handle the external affairs of Hong Kong, and the image of Hong Kong therefore has been adversely affected.

The estimated expenditure for PD will increase in the upcoming year, and "[t]his is mainly due to increased provision for providing hospitalities to dignitaries visiting Hong Kong for the 20<sup>th</sup> Anniversary of the Establishment of the HKSAR, staff changes and salary increment for staff". The spending of totally \$5 million on providing hospitalities to ZHANG Dejiang during his visit to Hong Kong last year has come under many Members' criticism. Should the Government spend huge sums of money on providing hospitalities to prominent figures? This is in urgent need of review. It is certain to say that the reception of XI Jinping during his visit to Hong Kong will be even more extravagant.

PD's main responsibilities are to, among others, "maintain close liaison with the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China ("PRC") in the HKSAR" and "liaise with ... the Consular Corps in the HKSAR". This is precisely a reason why I think PD's power is far from adequate, with the result that it cannot properly discharge its duties. PD should be given more power and allowed to exercise its political judgment. If PD lacks sufficient knowledge and only follows the command of the Office of the Commissioner, its handling of external affairs and reception of the Consular Corps may possibly affect Hong Kong people's interests. Under the principle of "a high degree of autonomy", Hong Kong should have adequate ability and power to conduct exchanges with the Consular Corps and also foreign dignitaries and representatives in Hong Kong based on its political awareness.

Over the years, PD's unsatisfactory handling of matters has triggered diplomatic crises, and it has been unable to deal with certain incidents. For example, PD did not realize the Immigration Department's detention of Nepal's former Prime Minister for inquiry during his entry to Hong Kong. In 2016, four members of Taiwan's Legislative Yuan were declined entry to Hong Kong—some of them are even my friends—and they had no idea as to why the Government rejected their entry to Hong Kong. In November 2016, the Hong Kong Government was not aware that Akie ABE, the wife of Japan's Prime Minister Shinzō ABE, was visiting Hong Kong, and PD failed to make any proper arrangements. During the visits of LI Keqiang, HU Jintao and ZHANG Dejiang to Hong Kong in 2011, 2012 and 2015 respectively, PD as the unit in charge of the relevant activities failed to discharge its duties properly. PD's arrangements, especially those for news reporting and even core security zones, were criticized by people. The abscondence of Consul General of France in Hong Kong & Macau Marc FONBAUSTIER, who was involved in a case of criminal immunity, also aroused huge controversy in society. But PD did not give any explanation even several weeks after these incidents.

The above incidents are adequate proof that PD is ripped of any appropriate power to deal with cases involving diplomatic personnel in Hong Kong or provide hospitalities to China's state leaders or foreign dignitaries, and must instead seek advice from the Ministry of Foreign Affairs anytime. So, it has faced many difficulties and has been plunged into "public relations crises" as we call it. All this is honestly not what we want to see. This also explains why we have proposed to cut PD's resources. By so doing, we want to turn PD into a department with greater power, just like Hong Kong Economic and Trade Offices. Hong Kong is a signatory to the relevant Vienna Convention. Hong Kong Economic and Trade Offices are among the few regional representatives enjoying consular immunity. If Members think along this line, they will agree that Hong Kong should play a more active role and should be given more power to handle external affairs. For these reasons, I put forth this amendment.

I so submit.

**CHAIRMAN** (in Cantonese): Mr LAM Cheuk-ting, do you wish to speak again?

**MR LAM CHEUK-TING** (in Cantonese): Chairman, I note that some Members have requested to cut a considerable amount of expenditure for the Hong Kong Police Force ("HKPF"), including the expenses on facilities and individual officials. This worries me a lot as I am afraid that any further expenditure cut will incline HKPF towards raising more funds externally for the purchase of facilities and fringe benefits. Chairman, my worry comes after I raised a written question yesterday on the amount of donations raised from outside sources for disciplined services staff members over the past few years. Let me give a brief account of my findings. I find that among various disciplined services, HKPF received the largest amount of donations over the past three years, with the largest single donation of as much as \$15 million. I am very shocked by that donation figure. It is really hard for me to understand why HKPF has to raise the single donation of \$15 million externally. Is it because of the poor fringe benefits or because of the inadequate expenditure approved by the Legislative Council? Besides, what is the donor of that single donation?

Chairman, apart from the \$15 million donation, the Police Children's Education Trust and the Police Education & Welfare Trust have each received a single donation of \$5 million. Let us compare with other disciplined services. The largest single donation to the Customs and Excise Department, for example, was just \$500,000 while that to the Immigration Department was as low as \$150,000. The Government Flying Service had the smallest largest single donation of a mere \$5,000. The Independent Commission Against Corruption, also a disciplined service, seems not receiving such kind of donation. Chairman, I am very worried whether the receipt of such a huge amount of donation by a disciplined service will affect the impartiality of its enforcement actions. I am referring not only to the real impact, but also the perceived one. Will the general public have such a perception, and will the substantial donation affect their impression of HKPF? In the light of this, Chairman, I am a bit worried about some Members' call for a further reduction of various expenses on HKPF. What is worrying me is the further cut in HKPF's expenditure will prompt it to seek funds from outside sources. This is what HKPF should not have done.

Chairman, I am also aware that some Members have requested to reduce the expenditure on the Office of the Chief Executive. For example, Mr CHU Hoi-dick has requested to cut the personal emolument for the Chief Executive by half. Mr CHU Hoi-dick, I am not sure if I have missed something from your speech, so that I do not understand why the proposed cut is only 50%. On the basis of his performance, it is unreasonable to propose cutting his personal

emolument by half, it should rather be by full. Considering the great harm he has brought to Hong Kong, it is unacceptable even he pays out of his own pocket for the Chief Executive post. Therefore, I do not quite agree to your request to have his personal emolument cut by half.

What are the harms LEUNG Chun-ying has brought to society? Chairman, I can simply cite one of the examples of his having reneged on his promise up to now. He did pledge before assuming the post of Chief Executive that he would, on the basis of the report prepared by former Chief Justice Mr Andrew LI, amend sections 3 and 8 of the Prevention of Bribery Ordinance ("POBO") to the effect that the acceptance of any advantage by the Chief Executive would be subject to POBO. However, despite repeated questioning by Members of the pro-establishment camp or the democratic camp in the Legislative Council over the past few years, the then Chief Secretary for Administration or other government officials only gave the same reply, saying that as the issue involved very complicated constitutional problems, it was still under study.

Chairman, there should be a reasonable limit for everything. It is unjustifiable and highly irresponsible to put that issue under study for five years during which no progress could be reported to the Legislative Council and no account has been given to the public. Actually, how complicated it will be to amend POBO? All we need to do is to add an item for the Chief Executive in the Schedule of and to make minor amendments to POBO, stipulating that the Chief Executive can accept advantage only when it is authorized by an authorizing authority. Such authorizing authority, with reference to the report prepared by former Chief Justice Mr Andrew LI, could be a committee appointed by Chairman of the Legislative Council and the Chief Justice of the Court of Final Appeal to give the approval. For the sake of monitoring and check and balance, relevant procedures and mechanism should be set up for the Chief Executive to make declaration of the advantages, for the committee to decide whether permissions would be given, and for making public the advantages which the Chief Executive has accepted. In this way, we can get the thing done. Why the authorities have kept saying that it is a complicated constitutional problem which can yet to be solved?

The issue is not complicated at all. It is not a matter of impracticability but a matter of reluctance. The issue has been dragged on for five years simply because LEUNG Chun-ying has refused to deal with it. Along with many Hong

Kong citizens, I cannot but casting doubt whether it is his improper conduct that makes him reluctant to expose himself. Whether or not he has been accepting advantages during his tenure but no declaration has been made to any persons or bodies including the Executive Council. As a result, he dare not amend POBO to apply its sections 3 and 8 to himself. By not amending POBO, he can continue to accept advantages free of criminally liability, while those who offer advantages to him are also not held criminally liable.

Of course, the Government may say that the conduct of the Chief Executive is governed by other legislations, such as the offence of misconduct in public office and section 4 or section 9 of POBO. However, different charges will have their respective limitations. It is required under section 4 of POBO to prove the existence of the offer and acceptance relationship in respect of the offence as well as the involvement of the use of an official position. For example, prosecution can be instituted under section 4 of POBO against the Chief Executive if we can prove that he has accepted advantages to make use of his authority to affect government policies for the benefits of some persons or some consortia. In respect of the offence of misconduct in public office, we will need to prove a number of elements, such as the breach of his duties wilfully and materially in his official capacity without any reasonable explanations. The conviction ... not to speak of conviction, the prosecution threshold is far stricter than that of section 3. We can prosecute the Chief Executive under section 3 simply if we can prove that he has solicited or accepted any advantage without permission. The threshold for conviction is lower than those crimes I have mentioned just now. Is it because this charge poses such a serious threat to LEUNG Chun-ying that he has once again delayed the legislative process? This is beyond comprehension.

All candidates running for this year's Chief Executive Election, including Mrs IP in this Chamber, have indicated their intention to amend POBO. A major consensus has also been reached in society. All political parties (including the Democratic Alliance for the Betterment and Progress of Hong Kong, the Hong Kong Federation of Trade Unions, and the Liberal Party of the pro-establishment camp as well as the democratic camp) have also rendered their support to the legislative amendments. However, for some unknown reasons, under the leadership of the Chief Executive, the Government has kept on procrastinating. I tried to raise this question in the meeting of the Panel on Constitutional Affairs, but so far, no government officials have come to this Council to explain why no progress has been made in the legislative amendments.

I do not want to see the current-term Government continuing with its procrastination, with nothing to be submitted to the Legislative Council even at the very last moment of its term. Neither do I want to see the Government of the next term keeping on procrastinating. Members of the public can no longer tolerate another five-year of standstill after the issue had been dragged on for five years. I hope that the extremely poor performance of the current-term Government could send an alert to the Government of the next term, reminding it not to repeat the plunder of its predecessor.

Chairman, with regard to the Office of the Chief Executive, I have heard many colleagues talking about the performance of the Information Coordinator just now. Chairman, I definitely have to talk about the Information Coordinator, Mr Andrew FUNG. I have known him for many years, even since he had worked for the Democratic Party. His performance is evident to all. I have been told that he is earning a daily wage of \$10,000, making an annual salary of \$2 million to \$3 million. According to what they have seen, the general public are well aware that Mr FUNG's performance absolutely does not deserve such a high salary.

Despite his position as the Information Coordinator, Mr Andrew FUNG often creates public relations disasters himself. He is a laughing stock in the cyber world, who cannot even do his work properly to run a simple press conference smoothly. For example, when a foreign correspondence raised a hand to ask a question, he would respond in Cantonese. Why a man like this can take up the post of the Information Coordinator? It really baffles me. After years of observation, I am of the view that Mr FUNG's mastery of the Chinese and English languages is far behind the standard required for such a senior government position as the Information Coordinator. His handling of public relations disasters ... indeed many of such disasters are of his own making. This is also a subject of criticism.

I am not aware of any improvement he has made to the public relations image of the SAR Government and that of LEUNG Chun-ying, rather he has made things look ridiculous. In the past, he frequently appeared in newspapers as he kept entering into polemic with pro-democratic Members on the Internet or Facebook. To me, it is frivolousness. I am not sure why he has always been free during office hours to enter into polemic with members of the public or their representatives. Actually, I think the SAR Government should not be led into believing that entering into "a mud wrestle" on Facebook can help uphold the

reputation of the SAR Government and improve LEUNG Chun-ying's reputation. This is not true. This is untrue that after repeatedly saying so for 100 times, LEUNG Chun-ying will become a man of integrity who is honest and never tell a lie and that as the Chief Executive, he will fight for the interest of the people and has basically delivered all pledges he made in his election manifesto as what he has told us. Chairman, this is not true. With such a nasty performance, members of the public still need to pay Mr FUNG an annual salary of \$2 million to \$3 million. As a taxpayer, I can hardly agree with such appointment. For members of the public, how can they be convinced that such man is deserved to earn a daily wage of \$10,000?

Therefore, I think there is a need for the Government to examine if such spending is a waste of public coffer. Our public money should not be wasted this way. Chairman, if Mr FUNG asks himself frankly, he will have to confess that without the background of being a former member of the Democratic Party, he would not have been able to secure the appointment from LEUNG Chun-ying. Of course, he has his own strengths. He is good at betraying completely his former political stance, selling out his political integrity, whitewashing LEUNG Chun-ying's administration as well as LEUNG's various misdeeds by means of the so-called public relations expertise. It is a pity that Mr Andrew FUNG is unable even to package himself, not to mention packaging LEUNG Chun-ying.

Chairman, I hope that both Members of the pro-establishment camp and the Government could seriously consider whether the next-term Government should continue to waste millions of dollars of public money to hire these public relations experts with such a nasty public relations image to help whitewash the SAR Government. Mrs Carrie LAM, in particular, definitely needs to give a serious thought on this.

I so submit. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Dr KWOK Ka-ki, do you wish to speak again?

**DR KWOK KA-KI** (in Cantonese): Chairman, in this debate session, I will speak on CSA No. 143 regarding head 144 which aims to reduce the yearly budget of the mainland offices of the Hong Kong Special Administrative Region ("HKSAR") Government and its liaison offices by \$40,930,000 in total for celebrating the 20<sup>th</sup> Anniversary of the Establishment of HKSAR in the Mainland.

Today is a day for us to remember because on this very day, the LEUNG Chun-ying Administration proceeds with the third step of its "Trilogy of Political Suppression" at the 20<sup>th</sup> Anniversary of the Establishment of HKSAR. The first step was to raise grave allegations against the Occupy Central Trio and their supporters which were incommensurate with the wrongfulness of their acts; the second step was to usher in the "LEUNG-YAU" incident in which the two former legislators, who were still performing the duties of Legislative Council Members then, were ridiculously charged with the offence of unlawful assembly. Today, the LEUNG Chun-ying Administration takes a step further to institute prosecutions against nine democrats who took to the street protesting against unjust interpretation of the Basic Law, including the Chairman of League of Social Democrats Avery NG and some leading figures of the academic sector. Apparently, such operations were well planned. But the more interesting part lies in today's relevant news coverage in Page A5 of a pro-China newspaper foretelling the Police's operations of searching and arrests prior to the actual launching of actions by the latter. Is it not the truth that both our Government and the Police are fair and just in handling matters? Is it not the truth that the Police always claims to have kept all important news confidential? But how come the news concerning such arrests/suppressions seemingly of a political nature would be reported prematurely in a pro-China newspaper then? Obviously, the purpose behind this is to tell Hong Kong people: The Government wants to keep a tight rein on you as you are a thorn on its side who failed to appreciate its kindness and always act disobediently. State leaders will arrive at Hong Kong on 1 July and there is no way for anyone to act lightly or recklessly. Well, this is commonly known as the move of "cleaning-up" which has now begun.

And so we learn from this that the Government's confidence in itself is so weak that it cannot tolerate even a feeble voice of its citizens. Yet, is it not the truth that our Government is a mighty one? Has it not secured support from its strong Motherland? Are those not the leaders of a powerful nation? Why fear the protests staged by young people? Is it possible that their positions can be upset by the young people? What a pity that a nation with such great strength has to build castles in the sand and cannot withstand even the slightest blow in most cases! That accounts precisely for her high-handed approach in governing her people.

How can they, under such circumstances, request at the Legislative Council for \$40,930,000 to celebrate the 20<sup>th</sup> Anniversary of the Establishment of HKSAR in the Mainland? What to celebrate then? I think they mean to "infuriate" instead. Do they want to celebrate the non-existence of "one country, two systems", or that "Hong Kong people administering Hong Kong" and "high degree of autonomy" are all empty talk? To celebrate that all the illusions have become reality? Or to celebrate that a through train will soon be made available to Hong Kong? Can Hong Kong achieve unimpeded progress when it is downgraded to the same level as the Mainland?

Hong Kong people turn their backs on the Government 20 years after the handover as they have completely lost confidence in both the HKSAR Government and the Central Government. Notwithstanding the Government's publicity efforts of encouraging us to love our country and have affection for our country, Hong Kong's young people simply dissent from the Government's expectation. Under such circumstances, what kind of celebration will the funding of over \$40 million be used for? If the Central Government wish to make use of this opportunity to declare its purpose of defending "one country, two systems", it has to, in accordance with the Basic Law, create a platform for its pioneering city lying right at the junction where the country aligns with the world so as to see if it is possible for China—well, as an experiment—to resume its status as a genuinely powerful state and give its subjects all the fundamental rights. Up to now, none of the civil rights laid down by the Constitution of the People's Republic of China is realized. Where is the freedom of speech now? Those who posted mini-blog entries might be charged with the offence of picking quarrels and provoking trouble or inciting subversion against the national government and got heavy sentences as a result.

Nobel Peace Prize Laureate LIU Xiaobo was sentenced to 11 years in jail purely for, in his capacity as scholar, writing Charter 08 to tell the truth. The 9 July mass arrest began in 2015 and the China Government has been adopting every means since then to cause those human rights lawyers and democratic activists to disappear. They are even unlawfully subjected to wrongful detention under unsubstantiated allegations. And interestingly, the length of a sentence given to a certain person is usually unveiled by Mainland media right before the court hands down the prison sentence. It is widely known that judicial autonomy is absent in China and all organs of the Government are meant to serve no one but the Communist Party of China. Against this backdrop, what is the point of celebrating, may I ask? Is there anything that pleases everyone in Hong

Kong and even the people in China? If such a great nation like this is thoughtful enough, she ought to understand that Hong Kong has gone through the prolonged baptism of democracy. The majority of its people understands the importance of diversity in unity that one should respect the rule of law and elections. Can you not see that the pro-establishment Members were returned with the infinite amount of support from the Mainland? It is fine, though, because Hong Kong people are receptive to people of different backgrounds. No matter how Members of this Council were returned, say, by running for the election as pro-establishment candidates (some of them might certainly have resorted to such means as organizing vegetarian and snake feasts, giving away seasonal delicacies like moon-cakes and rice dumplings, and so on) or running as a pro-democracy candidate who won the votes from the majority of those Hong Kong people who fight for democracy, freedom and the implementation of "one country, two systems". We deemed it a fair and just election method.

Certainly, the response of the HKSAR Government given through the Liaison Office of the Central People's Government in HKSAR or under the Central Government was rather unreasonable since dual universal suffrage has yet to be granted in accordance with the Basic Law, but at least, most of the political activities in Hong Kong are peaceful as at present. And those involving violence were in the minority and were neither supported by members of the public nor members of the pro-democracy camp in fact. The majority of Hong Kong people recognize the importance of voicing their demands in a peaceful manner and this shows that political process can proceed in Hong Kong through rational, peaceful and non-violent means. If a powerful nation cannot even tolerate such a form of political process, then what is the point of celebrating?

Actually, a lot of people in China or Hong Kong bear in mind one thing: It would only be a fairy tale if all the civil rights laid down by the constitution promulgated in 1949 are granted in Mainland China because under the current situation in which the rights supposed to be enjoyed by the mass media (e.g. newspapers) regarding news reporting are absent from the territory of the great nation China—our Motherland. Yet, we still hope that the little success to be achieved by Hong Kong someday will help inspire our state leaders to mull over China's way forward. In fact, many scholars have pointed out that for China to become a somewhat respected nation—I do not use the term "powerful nation"—both in Asia and the world, it is imperative that she takes forward political reforms.

It is likely that the system of limited tenure of office for state leaders previously implemented in China, including the two-term limit (one must cease to hold office after serving two terms) on President HU Jintao and his predecessors, will no longer exist after the conclusion of the 19<sup>th</sup> National Congress of the Communist Party of China ("NCCPC"). Besides, government suppression has been severe and the situation is getting tougher when the 19<sup>th</sup> NCCPC is approaching. In the light that countless human rights lawyers or activists are being suppressed, I really see no reason for celebrating the 20<sup>th</sup> Anniversary of the Establishment of HKSAR in the Mainland, except for showing our Mainland compatriots the truth concerning how the principles of "one country, two systems" and "Hong Kong people administering Hong Kong" in Hong Kong have been misrepresented over the past two decades.

I also want to talk about CSA No. 173 which, regarding the Registration and Electoral Office, is moved by myself, suggesting to cut the personal income of its staff by half. As we all know, the Registration and Electoral Office has disappointed us time and again. In the "AsiaWorld-Expo Incident" that happened during the Chief Executive Election, the personal information of 3.78 million voters stored in two computers inside a locked room at AsiaWorld-Expo was reported lost by the Registration and Electoral Office. Why that, however, the personal information of 3.78 million voters of a coterie election with only 1 200 electors on the Election Committee had to be stored in computers? What do they mean by doing so?

Yet, that was not all. The Registration and Electoral Office has been adopting a perfunctory approach in dealing with "vote-rigging" matters over the years, including the vote-rigging of the Information Technology Functional Constituency, involving as many as 72 suspected cases. Moreover, as we still remember, there were various suspected vote-rigging incidents involving several political parties back then in 2015, namely: 79 voters found to have registered with false addresses in four abandoned old buildings in Western District; deceased residents of care and attention homes for the elderly in Tsuen Wan were "being registered" as voters; 40 residents from five different care and attention homes for the elderly became voters who did not have the knowledge of themselves being registered as voters. Yet, the Registration and Electoral Office simply turned a blind eye to all such vote-rigging instances. Report has it that upon receiving the call from KWOK Tin-lap of the Democratic Party to report a suspected case involving provision of false information for voter registration, the staff of the Registration and Electoral Office replied, "We cannot help then as the

voter register has been issued. All we can do is to send him a letter and ask him not to vote because he will break the law if he does proceed to vote." But how can the letter be sent as the address provided was a false one? So the staff replied, "We have to send the letter to that false address then." What? My goodness! Did the Registration and Electoral Office mean to mock the civilized election in Hong Kong with such sarcasm?

What is more, as a usual practice, no preferential treatment will be offered to electors during elections according to a member of the Election Committee representing the education sector, but things were different this time. There was a waiting area and a resting area at the polling station of the Chief Executive Election where electors could chat over a cup of coffee or tea, and cookies, croissants, baguettes and sandwiches were served. Was it not an election meant for aristocrats then? I was among the electors but did not think much about such tacky and tasteless arrangements. Instead of offering us baguettes and sandwiches in answer to our demands, the Government should have offered everyone the opportunity to fulfil our duty in accordance with the Basic Law to vote by ballot in electing someone we think fit for the post of Chief Executive. Such a detestable government, such a detestable registration and electoral office (*The buzzer sounded*) ... We cannot concur with ...

**CHAIRMAN** (in Cantonese): Please stop speaking, Dr KWOK. Mr Andrew WAN, do you wish to speak again?

**MR ANDREW WAN** (in Cantonese): Chairman, I will speak on Amendment No. 124 relating to head 142 on the estimated annual operating expenditure of the Central Policy Unit ("CPU").

You may have noticed that many Members have coincidentally made criticisms about the work of CPU. Just now, I returned to my office with the special purpose of listening to the audio-recording of Secretary LAU Kong-wah's replies. He did not say much, just mentioning very briefly that some Members had expressed such views, but the Government did not agree with them. I notice that in respect of other areas, he actually offered many reasons in detail, but he did not do so in the case of CPU. I do not know if the Secretary's response is an indirect indication of the Government's position. I have known the Secretary for

a long time. He is a very smart person. If even he cannot think of any ways to defend CPU against all the "punches", then I really think CPU must deserve punishment.

As I already said when I spoke last time, CPU has performed very poorly in its work of assisting the Government, especially over the past five years. This is not a subjective opinion. Chairman, firstly, its inability to deliver any results is a fact. In many cases, internal use is quoted as an excuse or justification for not disclosing the information of researches and studies. This actually does not matter, as long as CPU can provide good advice to the Government. You know, as a think tank, it must have what it takes for the job.

But what kind of people are working for CPU? We all know that the Head of CPU and all the full-time CPU Members are from the "social club of LEUNG's fans" or are "hired guns" of the pro-establishment camp. Well, it may not always be so wrong to take on "hired guns". It is all very well as long as they are sharpshooters, as long as they can defend government policies, offer sound advice and serve as good spin doctors. Unfortunately, CPU has performed very unimpressively in all these areas, failing even in its basic tasks. It has conducted many researches to grasp public sentiments, so they should have been able to deliver some results. But it has failed to do so, thus adversely affecting the Government's work in the end. If the Government really listens to the advice of this think tank, then its intellect must be very low.

I can remember that I did agonize over whether I should put forward this amendment. Chairman, the Government must cater for all different needs of our society, so it should have an all-round think tank. And, through the existing framework of many advisory bodies, this think tank should be able to hear the views of different stakeholders from all sectors of society. Unfortunately, in the past five years, when we keyed in the search entries of "social club of LEUNG's fans" or "advisory committees" on the Internet, we always saw huge quantities of articles criticizing that the various advisory committees were crammed up with the "buddies" of LEUNG Chun-ying. I do not even like all those advisory committees, so how can I possibly approve of CPU, which is supposed to be a government-level think tank? Seeing its degeneration into such a state, I really cannot help jeering at it.

Chairman, as I said in my earlier speech, Mr Jasper TSANG, the former Legislative Council President, also commented on CPU. He said that if CPU merely performed the very low-level functions of browsing Facebook to gauge public sentiments and conducting research studies for internal discussion afterwards, it should really change its name to "Central Polling Unit", rather than calling itself a think tank.

Secretary LAU Kong-wah's response in this regard was rather short, but I still want to spend some time on it. Chairman, considering his intelligence and ability, I was very surprised to hear his response. He is one of the likely members in the team of the next Government, as already pointed out in some newspapers reports. Chief Executive-elect Carrie LAM once said candidly that CPU was a flunk, and she even used the word "clandestine" to describe it. Admittedly, she later explained that she only hoped that the CPU could be more a doer operating with higher transparency and more proactiveness. But since she is a political figure, she should know that the use of the adjective "clandestine" does give a very negative impression.

Chairman, Chief Executive-elect Carrie LAM is clearly of the view that CPU is unnecessary. She has her own governing team. When she was Chief Secretary for Administration, she already formed a team under her, the Policy and Project Co-ordination Unit. This team can take care of various policy areas. As for economic affairs, the Government can receive advice from various ranks of Economists, notably the Government Economist. Even the highest leader of the next government team—the Chief Executive-elect—says that CPU is ineffective, lacks transparency in its work, and fails to assist the Government. I can see no reason why we must still spend nearly \$120 million on it.

The relevant information shows that several items of expenditure are earmarked exclusively for the One Country Two Systems Research Institute. CHANG Hsin-kang is just like an employee on the regular payroll, receiving some \$800,000. This amount has remained unchanged for several years, with no adjustments at all. How can the Institute know that its research expenditure is the same every year? Is it because, for example, it always consult the same groups of people? Are the overall costs or the research personnel establishment always the same without any changes? This is very weird. I do not feel comfortable. All is just like a regular payroll.

If the "social club" theory I have talked about holds, then we will probably see that the Institute is actually part of the "private social club". In this way, all will make sense. It only needs to "clock-in", and then it will be paid every year without having to do anything. We can see that very high salaries are paid to all CPU employees, from the Head of CPU down to his staff. Besides, its composition is homogenous, in contrast to the set-ups in the British Hong Kong era or the initial days after the reunification.

I must commend Mr TUNG Chee-hwa at this juncture. Mr TUNG's popularity did drop drastically in the latter part of his office, but when he took over, and indeed in the very early days of his office, he already started to appoint people with different backgrounds in society as full-time or part-time CPU members. One of these people was KWONG Chun-yu from the Democratic Party. He was then a young candidate winning in the District Council Election. Mr TUNG said that he wanted to listen to the views of young people. Though we knew that CPU could not do much, we still did our part and offered advice to him. But then, the entire CPU subsequently underwent changes, especially in the past five years. This is something that should be criticized.

Chairman, I hope the Government can hear our voice. The Secretary gave a very broad-brush reply just now, only saying that the Government did not agree to our views. I then returned to my office with the special purpose of listening to the audio-recording of the Secretary's reply. His response has my respect, but I notice that his response on this part was extremely brief. I do not know if this is a tacit admission of guilt. Even someone as quick-witted as the Secretary could not think of any good reasons to defend the Government.

Chairman, I also want to talk about the remuneration for the Information Coordinator, an issue attracting as much concern as CPU. Various Members including Mr KWONG Chun-yu, Mr Nathan LAW, Dr KWOK Ka-ki and Dr LAU Siu-lai have all spoken on head 21, and their amendments are Amendment Nos. 9, 10, 13 and 16. I notice that Mr LAM Cheuk-ting has also voiced out our feelings just now. Let me share with you my experience.

I have been surfing the Internet for several days to see if there are any new happenings (Actually, I usually do not go online to manage our website, and the job is done by my colleagues). Since the Government has recently published the Budget, I am especially interested to read the opinions of the public. I notice that one government official is very active, and he is often online even during

office hours. He is Mr Andrew FUNG, the Information Coordinator. He is incredibly active, very much like a middle-aged keyboard warrior. I do not want to call him a geek because I am not sure if this description is entirely appropriate for him. Yet, at least, I can say that he loves to "耍嘴皮" (quibble). Chairman, "耍嘴皮" is a term used in the Mainland. I believe you also know that it means "quibble". What exactly does he like to quibble over?

If the subjects of argument are significant issues, there may still be a point. But unfortunately, he likes to argue with others over very trivial matters. When people are discussing social policies, Andrew FUNG will, for example, suddenly talk about the beautiful rivers and mountains of China. If you are watching the live broadcast now, you may go online and see for yourselves. I really cannot understand him and seldom respond to him because I do not want to waste my time. He can of course waste his time like this because he is paid to do so, and he earned a total of over \$10 million as remuneration and entertainment allowance in the past five years. He is paid a very high salary to log in to Facebook. I believe many Members present here hire an assistant to manage their Facebook Pages. Andrew FUNG is probably the most costly administrator.

Strangely enough, he does not assist the Chief Executive in managing his website. During working hours, he always lingers around his personal website and Facebook account. Chairman, he is an official with such a high salary, so I really wonder what his actual duties should be. To begin with, his main duty every day seems to be serving as a network photographer. I do not know how professional he is or whether he uses any professional cameras at all. The only thing I can see from all those news clips is: he is always taking high-angle and low-angle photographs of the Chief Executive with a mobile phone. Maybe, he really sees such a need. We all know that before the widespread use of the Internet, the regular duty of the Information Coordinator should be liaising with the media and assisting the Government in disseminating policy information and visions. But I fail to see how Andrew FUNG has ever achieved any concrete results over the past few years. I can only see him quibble with others and fight "network warfare" tirelessly on the Internet all day long.

On one occasion, I eventually lost my patience and answered him with these words: "Please stop. Don't talk about these things anymore. We couldn't be more embarrassed hearing all this". I did not scold him. Secretary, I already stopped short of scolding your colleague. I only implied that he should

not be doing something like this. I do not want to say Andrew FUNG as a "swindler". But having thought about the whole thing over and over again, I still cannot see any importance of his role in the Government. His title is Information Coordinator. In the past five years, he was paid over \$10 million as remuneration and entertainment allowance. He will still be paid several million dollars in the time to come.

Chairman, I think my colleagues, including Mr KWONG Chun-yu, Dr KWOK Ka-ki and Mr Nathan LAW, are right in saying that such a sinecure is really unnecessary and should be deleted. If the duty expected of an Information Coordinator nowadays is really as simple as what Andrew FUNG has done over the past five years, I can refer a team of very fine people to the Government. Each of them only asks for some \$30,000 a month, and with this salary, they can already do a very good job for the Government. I think there is obviously a wastage of money now.

Chairman, in the remaining few minutes, I would like to talk about the part on the Registration and Electoral Office, namely Amendment Nos. 173 and 174 relating to head 163. Many colleagues have discussed the relevant issues, and I do not really want to talk too much about what happened in the past. But I cannot help doing so, and would like to share some experience. As far as I can remember, in the 20 years after the reunification, electoral blunders occurred in at least more than 10 years. Major incidents invariably happened before every election, such as "vote-rigging", the recent loss of over 300 million voters' personal data, the many loopholes of the election policy in the past and even "DQ" cases. In fact, "DQ" cases are not anything new. There were "DQ" cases involving electors, and "DQ" cases are not unique to Members. Registered letters were sent to members of the public, and if any persons do not reply to these registered letters, it was assumed that they did not want to become an elector. During election periods, many electors approached me to lodge complaints, some of which were about "vote-rigging", an issue that has once again stirred up quite a row lately.

Chairman, the Registration and Electoral Office has been performing very poorly over the past few years. I have no idea how it can be urged to do better. The Secretary has naturally remarked just now that Members should not cut their resources under such circumstances. Nonetheless, the only thing we can do is to propose an amendment. If you can think of other ways to make them do better,

it will certainly be great. Unfortunately, since Members are bound by the restriction in moving amendments, we must adopt this option in the hope of compelling the department to make improvement.

Finally, regarding the amendments put forward by Mr CHAN Chi-chuen and Dr KWOK Ka-ki (Amendment Nos. 142 and 143) to adjust the expenditure of the Constitutional and Mainland Affairs Bureau on publicity work in the Mainland related to the 20<sup>th</sup> anniversary of the establishment of the HKSAR, I only want to add that I do not think this expenditure is necessary at all. I cannot see why we have to spend \$40 million to make a big fanfare in the Mainland for this occasion, bragging to them how great the 20<sup>th</sup> anniversary of the return of Hong Kong to the Motherland is. Firstly, the reunification is really not that wonderful at all. Members of the public themselves know only too well. Secondly, the sum of \$40 million to be spent on publicity in the Mainland, frankly speaking, cannot possibly do much considering the size of the country. Even if the Administration picks key cities for publicity, it will still be like a drop in the ocean. It will only be a waste of money. Thank you, Chairman.

**CHAIRMAN** (in Cantonese): Mr CHAN Chi-chuen, do you wish to speak again?

**MR CHAN CHI-CHUEN** (in Cantonese): Chairman, I would like to ask the filming crew to turn the camera towards the side of the pan-democratic Members. Only a few of them are present, not only at this moment when the meeting is about to close, but also the whole of today. I rarely made quorum calls today, not because I am afraid of or succumbing to them, nor am I supporting the view that making quorum calls is inappropriate or wasting time. In fact, I want to do an experiment.

Chairman, you say that if Members do not make quorum calls and speak solidly on the amendments, 14 Members will be able to speak and propose a total of 85 amendments today in this second debate. I have proposed 13 of the amendments, but I only had so far two opportunities to speak today. Some Member, I remember the Member is Dr Junius HO, claimed that we did not provide sufficient support for our amendments. He is right. I also want to provide sufficient support for each of my amendments, so that the public and Members will understand why I need to propose the amendments and thus support them. And I wish to tell Members through this experiment that,

Chairman, under the time frame you set, we have already refrained from making quorum calls, but still we could not explain our amendments to Members despite seizing every opportunity to speak.

In my last speech I was speaking on Amendment No. 174. The amendment is about the Registration and Electoral Office ("REO") and I will focus this speech on it because I think that the pro-establishment camp should support at least two of my 67 amendments. I thus expect that I will not have time to explain a number of my important amendments to Members in this debate. These amendments cover the Constitutional and Mainland Affairs Bureau regarding its underperformance on equal rights for people of different sexual orientations, the Immigration Department regarding its manpower arrangement and co-location arrangement, the extravagance of the Office of the Chief Executive-elect, slashing the budget for the 20<sup>th</sup> anniversary celebration activities of the Hong Kong SAR, slashing the salary of the Secretary for Justice and cutting the expenditures of the Department of Justice on payment for Government Counsels handling civil cases and hiring legal services and related professional fees. I will not be able to explain these amendments, not to mention the amendment regarding the expenditures on the Police Force, which Members said just now they wanted to discuss with us. I have proposed an amendment on cutting the expenditures of the Police Force, but I will not have time to explain it to Members.

Take a look at the objective situation now. Even though we have not or rarely made quorum calls, we still do not have sufficient time to explain our amendments to Members. So, next year, would you people please do not say, "'Slow Beat', you have not spoken on or explained the 10 amendments you proposed." No matter how hard we have tried to fight for more time to explain our amendments to Members, we have failed; we have failed to explain them under this time frame.

I will not waste time and I will now continue with Amendment No. 174. I wish to explain in detail why I have proposed this amendment and lobby for support from the democratic and the pro-establishment camps. If they will only support one of my amendments, would they please support this one, or the one on slashing the printing cost of the examination papers of the Territory-wide System Assessment.

I wish to cut the emoluments of Chief Electoral Officer and Principal Electoral Officer for the six fallacies they committed. I covered three in my last speech, including their illogical practice of having brought with them the data of 38 million electors to the AsiaWorld-Expo; secondly, their loophole-plagued security arrangement; and thirdly, their attempt to shirk responsibility by claiming ignorance. Many people would say that they should not be blamed for the things they are ignorant of. But to begin with, I do not think that ignorance should be used as an excuse to escape responsibilities.

Let me make a simple analogy. I believe Members will agree that if the electors' information stolen in this incident took place not in REO's room at the venue, but in the room of one of the election candidates, what would happen? This candidate would definitely be severely criticized and would have to take the political or even legal consequences. Despite the fact that the information only involves the name, address and email of the electors, it is still a serious matter if the information is lost.

Just imagine if the information was not lost by the candidate, but by his or her assistance who found out that a CD containing electors' information was stolen at lunch time, could this candidate say that he or she was ignorant of his or her assistance having brought with him a CD with electors' information to lunch which was eventually stolen? Could he or she say that the incident was not related to him or her? I believe if the candidate said so, he or she would lose thousands of supporters. Hence, as a controlling officer or project manager, he absolutely could not shirk his responsibility in the name of ignorance; he should take responsibility of maladministration because of his ignorance.

The fourth fallacy is the insincere apology which fails to settle public grievances. On 30 March 2017, REO issued letters and emails to over 3 million electors in the territory ... of course, some people criticize that this is wasteful and environmentally-unfriendly. The letters are issued by the Chief Electoral Officer. The letter is extremely bureaucratic in tone, showing no sincerity nor accountability spirit. Only one line in the letter is about their apology. It says, "The REO sincerely apologizes for the inconvenience and distress to electors caused by the incident."

Many people are worried. REO has unnecessarily stored the information of over 3 million electors in its notebook computers, which shows its carelessness in handling its computers. Is making an apology sufficient to settle the matter?

If someone suffers any loss due to the incident, apart from seeking responsibilities from the one who stole the information, can he also seek responsibilities from REO and the SAR Government? We cannot find any answers in the letter. In fact, the Chief Electoral Officer seems to think that by making a simple apology in the letter he has already done his part to explain the incident to the public. May I ask whether you would accept such an apology that costs them nothing? Besides, the Chief Electoral Officer did not mention or admit his fault in the entire letter, except apologizing for the distress caused. The people of Hong Kong are indeed very distress now. They are worried that their personal data may be used by other people for illicit purposes.

The fifth fallacy is their attempt to hide the incident and their disrespect for the public's right to know. REO did not proactively report the theft of their notebook computers to the public after the incident took place on 27 March. On the night of 28 March, the media received information about the incident and reported it. The media also tried to confirm the incident with REO. On that night at 10:05 pm, REO issued a press release titled "REO responds to media enquiries" to preliminarily report the incident. The first party to report such a serious incident, an incident that closely related to members of the public, is not the Government, but the media. The Government made an announcement only after the media received the information. I really wonder if the media did not receive the information, whether or when the Government will take the initiative to announce the incident to the public? Do you think the Chief Electoral Officer and the Principal Electoral Officer who took charge of the 2017 Chief Executive Election should take the responsibility for not taking the initiative to report the incident early?

The last fallacy is their attempt to water down the incident and mislead the public. After the incident was brought to light, the Government tried to water down the incident by saying that the data was protected by multiple encryptions very difficult to break through without taking hundreds of years. But many IT practitioners are saying that the Government is having a false sense of security. In fact, any criminals can find a way to break through encrypted data as long as he can get hold of the computers and there are other programmes in the computers. The Government is actually sending a misleading message to the public that the encryptions are "very difficult to break through". It tries to water down the incident and lower the alertness of the public to the matter. I thus think that the two Electoral Officers should also take responsibilities for the incident.

Next, I want to talk about the meeting of the Panel on Constitutional Affairs on 11 April. Many pro-establishment Members were indignant and used very strong words to question the Chief Electoral Officer and Principal Electoral Officer. The democratic and pro-establishment camps each moved a non-binding motion. Mr WONG Ting-kwong is present now. I remember I also supported his motion. Mr WONG's motion wording reads, "In view of the grave implications of the incident in which the REO lost the information of over 3 million voters in Hong Kong, this Panel expresses strong condemnation and requests the Constitutional and Mainland Affairs Bureau to expeditiously publicize REO's investigation report (and) penalize the officials concerned for dereliction of duty". And Mr Charles Peter MOK's motion wording reads, "This Panel strongly condemns the authorities for maladministration in handling the personal data of members of the public, and requests that the relevant officials be held accountable for the incident." Mr WONG Ting-kwong uses even stronger and more forceful words in his motion than Mr Charles Peter MOK does. Mr WONG not only asks the Administration to hold the defaulting officials accountable to the incident, but also penalize them. These two strong motions were unanimously endorsed by Panel members. Regrettably, the motions above are not binding.

But this amendment of mine is different because it seeks to amend the Appropriation Bill 2017 and is binding. It can hold defaulting officials accountable and penalize them. Just now, some pro-establishment Members criticized that the amendments proposed by democratic Members were frivolous. I can certainly understand their criticisms against our amendments due to our different political stands. But this time, all of us, the leftists, moderates and rightists, all hold the same view on an incident that concerns the interests of all Hong Kong people. Even pro-establishment Members proposed a motion about it, and I also proposed one ... Let me say one more time that my amendment, numbered 174, seeks to cut the emoluments of Chief Electoral Officer and Principal Electoral Officer. My amendment can hold these two defaulting officials politically accountable and ask them to bear the political consequences.

Perhaps some people may say that these amendments, which seek to cut different amounts of money under the corresponding heads, cannot achieve the purpose the movers intend to achieve, and that even if they support this amendment, it will only cut the resources of REO, and REO can redeploy its resources to pay emoluments to the two officials. I must point out that this amendment only involves a very small amount of money, or \$3,160,950 to be

exact. This only accounts for 1% of the annual estimate earmarked for REO, which is \$554 million. This amount of money will definitely not affect the actual operation of REO. However, if both pro-establishment and democratic Members unanimously support this amendment of mine, it will definitely become a headline. This will then send an important message to the Constitutional and Mainland Affairs Bureau, REO and the two responsible officials concerned, and make the two officials bear the political responsibilities. And I believe that this will not prompt REO to stop giving emoluments to them.

I hope that Members can set aside their sectarian division this time. Please do not oppose this amendment for the reason that it is proposed by CHAN Chi-chuen, a Member who filibusters, or thinking that he proposes it for filibustering. Today, I heard many pro-establishment Members speak. This is a good thing. And I did not hear any opposing views when they spoke on it. Once again, I wish to say that Members can say that my other amendments are meaningless, such as the ones on cutting the expenditures of the Police Force and the Office of the Chief Executive and those seeking to immobilize the Government. But this amendment of mine is targeted at the Chief Electoral Officer and Principal Electoral Officer. I also hope that the Government can expeditiously make a full explanation to us in accordance with the motions passed in the Panel.

With these remarks, I urge Members to support Amendment No. 174.

**CHAIRMAN** (in Cantonese): This debate now ends. Council will now resume.

Council then resumed.

## **NEXT MEETING**

**PRESIDENT** (in Cantonese): I now adjourn the Council until 11:00 am on Wednesday 10 May 2017.

*Adjourned accordingly at 7:36 pm.*