

OFFICIAL RECORD OF PROCEEDINGS

Thursday, 26 August 2021

The Council continued to meet at Nine o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

THE HONOURABLE KWOK WAI-KEUNG, J.P.

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

THE HONOURABLE ELIZABETH QUAT, B.B.S., J.P.

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, G.B.S., J.P.

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

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

THE HONOURABLE CHUNG KWOK-PAN

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

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

THE HONOURABLE HOLDEN CHOW HO-DING

THE HONOURABLE SHIU KA-FAI, J.P.

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

THE HONOURABLE YUNG HOI-YAN, J.P.

DR THE HONOURABLE PIERRE CHAN

THE HONOURABLE CHAN CHUN-YING, J.P.

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE LUK CHUNG-HUNG, J.P.

THE HONOURABLE LAU KWOK-FAN, M.H., J.P.

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

DR THE HONOURABLE CHENG CHUNG-TAI*

THE HONOURABLE VINCENT CHENG WING-SHUN, M.H., J.P.

THE HONOURABLE TONY TSE WAI-CHUEN, B.B.S., J.P.

MEMBER ABSENT:

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

* According to the announcement made by the Hong Kong Special Administrative Region Government on 26 August 2021 pursuant to the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Qualification of the Members of the Legislative Council of the Hong Kong Special Administrative Region, CHENG Chung-tai was disqualified from being a member of the Legislative Council on 26 August 2021.

PUBLIC OFFICERS ATTENDING:

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

DR THE HONOURABLE LAW CHI-KWONG, G.B.S., J.P.
SECRETARY FOR LABOUR AND WELFARE

THE HONOURABLE EDWARD YAU TANG-WAH, G.B.S., J.P.
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

THE HONOURABLE ERICK TSANG KWOK-WAI, I.D.S.M., J.P.
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

CLERKS IN ATTENDANCE:

MISS FLORA TAI YIN-PING, DEPUTY SECRETARY GENERAL

MS MIRANDA HON, ASSISTANT SECRETARY GENERAL

MR MATTHEW LOO, ASSISTANT SECRETARY GENERAL

GOVERNMENT BILLS**Second Reading of Government Bills****Resumption of Second Reading Debate on Government Bill**

PRESIDENT (in Cantonese): This Council continues to debate the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018.

Secretary for the Environment, please reply.

WASTE DISPOSAL (CHARGING FOR MUNICIPAL SOLID WASTE) (AMENDMENT) BILL 2018**Resumption of debate on Second Reading which was moved on 25 August 2021**

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, over the two years or so after the Government presented the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill") to the Legislative Council in November 2018, the Legislative Council has set up two Bills Committees one after another to scrutinize the Bill. I would like to express my sincere gratitude to the Chairmen of the two Bills Committees, Mr MA Fung-kwok and Mr Frankie YICK, for leading the Bills Committee's deliberations over a period of time, and to all members for their valuable input and detailed discussions on the policies and details of the Bill during the deliberations. Next, I will give a brief account of the contents and implementation strategy of the Bill. Then I will move amendments at the Committee stage to incorporate into the Bill some of the proposals supported by the Bills Committee.

Need for municipal solid waste charging

The policy objective of the Bill is to implement quantity-based waste charging to drive behavioural changes in waste generation and hence reduce overall waste disposal. The experience in other cities, such as Seoul and Taipei, shows that the implementation of quantity-based waste charging is effective in reducing waste. They both saw waste disposal drop by about 30% in the initial period after

the introduction of quantity-based waste charging. Given the extensive support received from the public consultation completed in 2012, we have established the direction of introducing municipal solid waste ("MSW") charging as an important tool in our waste reduction policy.

As the Chief Executive indicated in the 2020 Policy Address, waste reduction is a global trend and is conducive to mitigating climate change. MSW charging, as the main driving force behind waste reduction, will not only drive enterprises and the public to practise waste reduction and recycling, but also facilitate the sustainable development of related industries and the creation of green job opportunities when the quality and quantity of recyclables collected is enhanced.

The Environment Bureau announced the Waste Blueprint for Hong Kong 2035 in February this year. Setting out the vision of "Waste Reduction • Resources Circulation • Zero Landfill", the blueprint outlines the strategies, goals and measures to tackle the challenge of waste management up to 2035. Under this vision, the Government will work with the industry and the community to move towards two main goals. The medium-term goal is to gradually reduce the per capita MSW disposal rate by 40% to 45% and raise the recovery rate to about 55% by implementing MSW charging and introducing other policies and legislation, waste reduction and recycling initiatives, as well as publicity and educational campaigns; while the long-term goal is to move away from the reliance on landfills for direct waste disposal by developing adequate waste-to-energy facilities.

Charging modes

Building upon the existing MSW collection and disposal system, the Bill proposes two charging modes for MSW charging, namely "charging by designated garbage bags" and "charging by weight-based gate-fee". "Charging by designated garbage bags" is applicable to most residential buildings, village houses, street-level shops, institutional premises, and so on. Members of the public are required to wrap their waste properly in a designated garbage bag or affix a designated label to it before disposing of it. "Charging by weight" is mainly applicable to waste generated from commercial and industrial premises. A weight-based gate-fee will be charged at refuse transfer stations and landfills.

Implementation strategy

The implementation and enforcement of waste charging is extremely challenging. In order to drive gradual behavioural and cultural changes, the Government will adopt a multi-pronged strategy, including (1) introducing a preparatory period to help the public adapt; (2) allocating resources to enhance community recycling; (3) launching public education and publicity to encourage engagement of stakeholders; and (4) adopting a risk-based enforcement model as a backup.

(1) Introducing a preparatory period to facilitate adaptation by the public

The Bills Committee has expressed its concern about the commencement date of the Bill, and requested the Government to allow sufficient time to gradually drive behavioural changes among the public and various social sectors to prepare for the implementation of MSW charging. In this connection, we will put in place a preparatory period of 18 months as a basic arrangement after the passage of the Bill by the Legislative Council, so as to enable the Government, various stakeholders and members of the public to prepare for the implementation of MSW charging.

As for the specific commencement date of the legislation, we understand that Hong Kong's economy is now hit by the pandemic, and there may be concern from the public about the financial burden caused by MSW charging. During the preparatory period, we will pay close attention to various aspects of the community, in particular the progress of economic recovery after the pandemic, and the level of preparation among different stakeholders. The Government will report to the Panel on Environmental Affairs on the progress of our work during the preparatory period and consult the Panel on the specific commencement date of the legislation at an opportune time. Upon obtaining the support of the Panel on Environmental Affairs, the notice in relation to the commencement date of the legislation will be published in the Gazette and laid on the table of the Legislative Council subject to the negative vetting procedure.

The Government's existing scheme has already taken into account the financial pressure of the poor households, and when the charge is implemented, each CSSA household will receive a monthly subsidy of \$10, which can roughly cover the charge. During the scrutiny of the Bill, the mainstream view of the Bills Committee was that the Government should distribute additional designated garbage bags to domestic households free of charge at the initial stage of implementation of MSW charging to help them adapt to the charging arrangement. However, the Bills Committee has different views on specific proposals such as whether designated bags should only be distributed to domestic households in need and the length of the distribution period. We understand that different groups in the community have different needs for bag distribution, so we can consider making longer-term arrangements for some groups. The Government will discuss with the Panel on Environmental Affairs of the Legislative Council in the future on setting up a working group to work out an appropriate distribution plan, implementation details and other preparatory issues in detail.

In addition, the Bills Committee has also expressed concerns about the impact of the implementation of MSW charging on various trades, such as the catering trade. As for food waste collection, the Government has launched the Pilot Scheme on Food Waste Collection, and arranged free collection and delivery of food waste to the recycling facilities for turning waste into energy or resources progressively for various organizations and premises according to the progress of the expansion of downstream food waste recycling facilities. In response to the views raised by the Bills Committee, the Government will arrange free collection and delivery of food waste properly separated from the catering trade to food waste recycling facilities progressively upon the implementation of MSW charging. In other words, if the catering trade practised separation of food waste properly, the food waste which would be sent to food waste recycling facilities would not be subject to MSW charges. This arrangement will be the same as the case where recyclables properly recycled by the general public would not be subject to MSW charges. That said, all other MSW being disposed of would be subject to MSW charges pursuant to the legislation.

We understand the concerns of Members and the general public regarding the preparatory work for MSW charging. We will follow up such issues that are of concern to Members in the above direction and will report to the Panel on Environmental Affairs in a timely manner the progress of various tasks during the preparatory period and discuss the details with Members.

(2) Allocating resources to enhance community recycling

To tie in with the implementation of MSW charging, we have provided additional resources to strengthen our waste reduction and recycling efforts starting from the 2019-2020 financial year. Over the past period of time, a number of waste reduction and recycling initiatives have been launched, including the expansion, consolidation and enhancement of community recycling networks to further encourage and facilitate recycling on the part of the public. These days, GREEN@COMMUNITY, a community recycling network, comprises nine Recycling Stations, 22 Recycling Stores with brand new image, and more than 100 Recycling Spots operating at fixed locations and time schedules, has its scope of service extended to the 18 districts of Hong Kong. After reviewing the actual performance and effectiveness of the community recycling network and the overall demand for recycling facilities in the districts, we have planned to add 10 more Recycling Stores, which are expected to be put into service by the end of the year, to further strengthen the ancillary facilities for community recycling.

In the meantime, to promote smart city development, we have launched a Pilot Scheme on Smart Recycling System in mid-September last year, and we are carrying out a one-year technical trial in the community recycling facilities of the Environmental Protection Department ("EPD"), so as to allow members of the public to experience smart recycling. Since smart recycling bins can automatically measure and record the weight of recyclables, and display prompts, the efficiency of the use and management of recycling bins is greatly enhanced. The widespread application of smart recycling bins helps analyse the recycling situation in different areas and better plan suitable ancillary facilities for recycling.

In addition, the GREEN\$ Electronic Participation Incentive Scheme was also launched under GREEN@COMMUNITY in November 2020 to encourage members of the public to practise clean recycling. Members of the public can earn GREEN\$ points for redeeming gifts with their GREEN\$ smart cards when they deliver recyclables to any collection points of GREEN@COMMUNITY. The gifts being given out are mostly daily necessities, and in the future we will consider adding other items complementing our waste reduction policies, such as designated garbage bags, so as to enhance the appeal.

As regards the collection of recyclables, we launched the centralized waste paper collection and recycling services in September 2020, so as to collect waste paper (such as cardboard, newspapers and office papers) from street corner recycling shops, mobile recyclers and frontline collectors across the territory. Processes including screening, sorting and baling will then be carried out locally before the export of the waste paper to various markets for recycling into paper products, thus turning waste into resources.

In addition, in January 2020 we launched a plastic waste recycling pilot scheme, commonly known as "centralized plastic recycling", in the Eastern District, Sha Tin and Kwun Tong, with free service of collecting waste plastics from non-commercial and non-industrial sources. EPD is preparing to extend the "centralized plastic recycling" to nine districts within this year. In addition to the three districts currently served, six new districts will be added, including the Central and Western District, Sham Shui Po, Tsuen Wan, Tuen Mun, Tai Po and Sai Kung. This will complement the GREEN@COMMUNITY community recycling network that I mentioned earlier to improve the collection service, enhance the overall effectiveness, and nurture the local downstream recycling capacity, so that it can take root and grow to support the service to further cover the whole territory.

Meanwhile, we rolled out in the first quarter of this year a one-year pilot scheme in phases to test the application of reverse vending machines in the local context, paving the way for the future implementation of the Producer Responsibility Scheme on Plastic Beverage Containers. Sixty reverse vending machines are now in

full service and have collected about 6 million plastic bottles so far. The second phase of the pilot scheme is expected to be launched in the first half of 2022, and the number of reverse vending machines will be doubled to 120.

Looking ahead, we will continue to strengthen our community recycling support in various aspects to encourage and make it convenient for the public to actively implement waste reduction and recycling in their daily lives.

(3) Strengthening public education, publicity and engagement of stakeholders

Experiences of other cities have revealed that public education, publicity and engagement of stakeholders hold the key to the implementation of MSW charging. They are not only instrumental to promoting public awareness and acceptance of MSW charging before its implementation, but also crucial to reducing the enforcement burden.

In terms of public education and publicity, EPD launched the "Reduce and Recycle 2.0" Campaign in mid-2020 to encourage the public to go green and "Use Less, Waste Less" in support of a green recovery and circular economy. After the passage of the Bill, we will continue to mobilize the community through a major publicity campaign to further enhance public education and encourage the public to practise waste reduction at source, waste recovery and recycling.

At the same time, the Green Outreach established by EPD in 2018 has gradually reached out to the community to provide outreaching service, educate the public on the importance of waste reduction at source on a long-term and regular basis at the community level, assist the public in practising proper source separation of waste and recycling, and convey to the community the latest information on waste management, thus making proper preparation for implementing MSW charging in the future. The Green Outreach has gained valuable experience in three pilot districts (the Eastern District, Kwun Tong and Sha Tin), and outreaching service has been progressively extended to all the 18 districts across the territory.

In addition, to encourage waste reduction and recycling and enable the community to prepare early for the implementation of MSW charging, EPD has partnered with some 20 relevant departments and organizations to launch MSW charging trial projects in different sectors, including public rental housing estates, rural areas, shopping malls, catering trades and government premises, so as to allow participants to try out mock designated garbage bags and get first-hand experience of the quantity-based charging arrangements. The latest phase of the public housing estate trial project was launched in May this year, and the whole project is expected to involve a total of about 150 public housing blocks.

Apart from publicity and public education targeted at the general public, we fully understand that the implementation of MSW charging requires the active cooperation and support of different stakeholders, including property management companies, frontline cleaning staff, waste collectors, and so on.

In this connection, we will continue to communicate with the trades concerned through various liaison platforms, and provide information and training for employees of the relevant sectors, so that they can clearly understand the requirements of the legislation, and thus adjust and improve the workflow of collecting and disposing of waste and recyclables in preparation for the implementation of MSW charging. We will also discuss with different sectors and compile best practice guides for their reference. To enable different stakeholders to effectively grasp the basic information on MSW charging and related information on community recycling support, we will produce handy "information toolkits".

(4) Adopting a risk-based enforcement model as a backup

We understand that various social sectors need time for gradual behavioural and cultural changes. For this reason, drawing on the successful experience of the Environmental Levy Scheme on Plastic Shopping Bags, we intend to put in place a six months' phasing-in period after the commencement of MSW charging. During this period, the frontline staff at relevant waste reception points will conduct visual screening to see if the waste handed over to them has

been properly wrapped in designated garbage bags or affixed with designated labels (for the case of oversized waste), and will reject any waste that does not comply with the requirements. We will mainly issue warnings to non-compliant cases but enforcement actions would be taken in case the nature and magnitude of the offence calls for enforcement. A case in point is that the offender repeatedly contravenes the law despite warnings given.

Enforcement actions will be taken on a risk-based approach, with particular attention given to black spots. EPD will, based on complaints and reports received, conduct analysis on black spots and execute the most effective enforcement actions. In addition, a hotline would be set up by EPD to answer enquiries and to accept complaints and reports on non-compliance. We will also actively consider applying IT initiatives to assist enforcement.

Concluding remarks

President, after years of deliberations and repeated discussions on MSW charging, I sincerely hope that today we can witness with Members the passage of the Bill, which marks a new milestone in our waste management.

Low-carbon transformation is a global trend. Everyone has a part to play in waste and carbon reduction, and it requires the continuous and long-term support and participation of all social sectors. The passage of the Bill will be a crucial step towards "zero waste to landfill" in Hong Kong.

I urge Members to support and pass the Bill and the various amendments to be moved by the Government later.

President, I so submit. Thank you.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(A Member raised his hand)

Dr CHENG Chung-tai rose to claim a division.

PRESIDENT (in Cantonese): Dr CHENG Chung-tai has claimed a division. The division bell will ring for five minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Ms Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan, Mr CHUNG Kwok-pan, Mr Jimmy NG, Dr Junius HO, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Kenneth LAU, Mr Vincent CHENG and Mr Tony TSE voted for the motion.

Dr CHENG Chung-tai voted against the motion.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

THE PRESIDENT announced that there were 39 Members present, 37 were in favour of the motion and 1 against it. Since the question was agreed by a majority of the Members present, he declared that the motion was passed.

CLERK (in Cantonese): Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018.

Council became committee of the whole Council.

Consideration by Committee of the Whole Council

CHAIRMAN (in Cantonese): This Council now becomes committee of the whole Council to consider the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018.

Members may refer to the Appendix to the Script for the debate and voting arrangements for the Bill.

WASTE DISPOSAL (CHARGING FOR MUNICIPAL SOLID WASTE) (AMENDMENT) BILL 2018

CHAIRMAN (in Cantonese): Members have been informed that the committee will conduct a joint debate on the clauses and amendments (including the new clause).

I now propose the question to you and that is: That the following clauses stand part of the Bill.

CLERK (in Cantonese): Clauses 1 to 37.

CHAIRMAN (in Cantonese): The Secretary for the Environment will move amendments which seek to amend clauses 3, 4, 6, 33, 34, 36 and 37, and add new clause 14A.

Members may refer to the Appendix to the Script for details of the amendments.

CHAIRMAN (in Cantonese): Members may now proceed to a joint debate on the clauses and amendments (including the new clause).

CHAIRMAN (in Cantonese): I will first call upon the Secretary to speak, but he is not required to move the amendments at this stage. Then I will call upon Members to speak.

Upon the conclusion of the joint debate, the committee will first vote on the clauses with no amendment standing part of the Bill, and then deal with the Secretary's amendments according to the arrangements set out in the Appendix to the Script.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Chairman, the Government moves a total of 37 amendments to the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill"). The Government has consulted the Bills Committee on all the amendments introduced, and the Bills Committee raised no objection. Next, I will briefly explain the three categories of amendments that are of concern to the Bills Committee.

(A) Arrangements on the mandatory use of designated bags and designated labels

To amend waste collection arrangements of public and private waste collectors

First of all, the first category of amendments is related to the mandatory use of designated bags and designated labels. We propose to delete sections 20N and 20O originally proposed to be added to the Waste Disposal Ordinance (Cap. 354) by virtue of clause 4 of the Bill, and aptly propose consequential amendments. The original intent of these two sections is to prohibit the depositing of municipal solid waste ("MSW") affixed with designated labels onto refuse collection vehicles with compactors used by private waste collectors ("PWCs").

After the deletion of the two sections, PWCs may use refuse collection vehicles with rear compactors to collect, at the same time, MSW that is either wrapped in designated bags or affixed with designated labels in the light of the actual situation. Such waste collection arrangements are more comparable to the existing ones for general domestic premises, hence facilitating their residents' understanding of the waste disposal requirements under the collection arrangements.

To amend defences to particular offences

Besides, we propose to amend section 20Q(3)(a) of Cap. 354 proposed by virtue of clause 4 of the Bill in relation to the defence for a person charged with an offence related to the mandatory use of designated bags and designated labels. The amendment seeks to point out more specifically and clearly that one of the possibilities under which the defence may be invoked is that such waste is reasonably suitable for recycling. For example, this provision can serve as a plea of defence for a person who disposes of recyclables which are not properly wrapped in designated bags at refuse collection points.

(B) Exemption of certain persons from the mandatory use of designated bags and designated labels

The second category of amendments is the addition of sections 20RA and 20RB on exempting certain persons from the mandatory use of designated bags and designated labels. We recommend that persons who may apply for exemption include:

- (1) persons who collect MSW for or on behalf of the Government, such as government departments or their contractors that need to collect MSW that is generated as a direct and inevitable result of the delivery of public services. Examples include street waste collected by the Food and Environmental Hygiene Department, or sludge as a by-product of sewage treatment at the sewage treatment works operated by the Drainage Services Department. Requiring them to handle such waste with designated bags or designated labels in accordance with relevant provisions will only cause additional and unnecessary workload for frontline staff, and will not be conducive to achieving waste reduction; and
- (2) providers of waste collection services for recyclables, because under special circumstances, such as the failure of recycling facilities to operate properly, they might have to deliver the recyclables collected to landfills or refuse transfer stations for disposal via refuse collection facilities or vehicles;
- (3) in addition, we also propose to empower the Director of Environmental Protection to grant exemption to certain persons under

specified circumstances on its own initiative taking into account, for example, the need for public safety, environmental hygiene or environmental protection, or exceptional circumstances.

(C) Other technical and textual amendments

The third category of amendments are some technical, textual or consequential amendments to the Bill proposed in response to the views of the Bills Committee, so that the provisions will be more precise and reader-friendly, including amendments to certain definitions in Chinese and English and the formulation of specific offences and defences, and other minor refinements.

Conclusion

With these remarks, Chairman, I implore Members to support the amendments. Thank you.

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

Mr Tommy CHEUNG, please speak.

MR TOMMY CHEUNG (in Cantonese): Chairman, I must make it clear that my sector always supports environmental protection. Being unsupportive of the policies of the Environment Bureau ("EB") should not be taken as not supporting environmental protection. For many years, I have thought that levying charges on the public cannot achieve the original policy intent of waste reduction.

During the Second Reading debate just now, the Secretary for the Environment—he is always fond of referring to other countries and regions—mentioned the charges Taiwan had levied and the reduction had been achieved, but he did not look at the situation in subsequent years. In fact, figures speak louder than words. The existing food waste recycling facility and the second plant under construction only add up to a maximum treatment capacity of 500 tonnes of food waste per day, whereas Hong Kong generates 3 600 tonnes of food waste from commercial and industrial sources and households every day. The commercial food waste across the territory cannot be fully absorbed at all. Even if all sectors are willing to cooperate by participating in food waste recycling, it is estimated that 3 100 tonnes of food waste still need to be sent to landfills each day. So, how can environmental protection be achieved? And how can waste

be reduced? The authorities invited Design-Build-Operate tenders for the construction of the food waste plant. But strangely, even if the food waste plant with a daily treatment capacity of 300 tonnes is constructed, the successful tenderer will be unable to receive 300 tonnes of food waste for treatment, and can sit back and do nothing. As a matter of fact, they have already made a good fortune during the design and construction phases, and will charge \$1,000 per tonne of waste if there is any and do nothing when there is none. As a result, the Government has to enact legislation to hunt for food waste for them because they need not bother about it.

Therefore, I call on EB once again not to think that its environmental mission is accomplished by implementing waste charging. This also applies to the opposition camp which blindly supported "protecting the environment through levies" in the past. The Bureau shall redouble its efforts to do more waste reduction and recycling work. If waste reduction can be achieved by levying charges, I will also give my full support, but things did not turn out as we wished. I always say that instead of imposing prohibitive levies, it would be better to give some "carrots" first. The provision of economic incentives to, for example, encourage restaurants to put in resources for food waste separation and treatment is definitely more effective than the introduction of mandatory charges in achieving waste reduction.

In addition, EB must understand that levies will not incentivize people to make environmental protection a habit. The plastic bag levy is the best example. In 2018, plastic bags accounted for 7.4% of the average daily disposal quantity. This shows that waste eventually goes to landfills regardless of how much is charged, which proves that levying charges is not a good policy to promote environmental protection. However, EB remains stuck in the same old rut. Despite the willingness of the general public and restaurants to separate waste and food waste properly, the properly separated waste will still end up in landfills if EB fails to address the problem of insufficient ancillary facilities.

Chairman, I think that the Bureau should not link environmental protection with levies any more. Does it mean that people who can afford extra costs are environmentally friendly? For those grassroots who cannot afford to pay and buy takeaways, are they not environmentally friendly or opposed to environmental protection? I have great confidence in Hong Kong people, more so than in EB. With proper publicity and education efforts being undertaken in a subtle and deep-rooted manner, I believe that fundamental changes can be instilled into the public to develop green and waste reduction habits.

Chairman, as regards our habits, there are many things which actually take time to change. For example, should we take a bath or take a shower? Should we leave the water running while rubbing soap over our hair and bodies? In fact, we can save a great deal of water through our habits on a daily basis. Since 1995, whenever someone talked about environmental protection with me, I would take this handkerchief out of my pocket and asked if they had got one. Only Secretary Mr Wong Kam-sing could show me his handkerchief. In the past, when those former Secretaries and environmentalists went on television with me to discuss environmental protection, I took out my handkerchief and said that if they were to speak on environmental protection, they should take out their "admission tickets" and show them to me. As they could not produce any handkerchief, how could they talk about environmental protection with me? I reckon that many people are merely paying lip service to environmental protection. Actually, many things have to be changed from our habits. Secretary, let us work together to change these habits. I also call on my sector—we actually produce some 1 000 tonnes of food waste per day—to look at how we can treat these food waste properly such that they can be recycled.

MRS REGINA IP (in Cantonese): Chairman, I speak on behalf of the New People's Party in support of the amendments proposed by the Government. Regrettably, I was unable to attend a number of meetings to scrutinize this Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill") since I was engaged in a lot of meetings. Nevertheless, as mentioned by the Secretary, the Bill has been dragged on since 2018 and only until today can it be tabled at the Legislative Council for resumption of the Second Reading debate, with the hope that its Third Reading will be passed. We have invited the Secretary to come forward and give explanation on many occasions, and we are also aware that there are many queries in the districts. First of all, people are worried about the complementary measures. Those who are more affluent, and those living in buildings with good management do not need to worry. Yet, those living in "three-nil" buildings, villages or people in the lower social strata are deeply worried about various issues such as the charges, criminal liabilities, etc. Of course, Mr Tommy CHEUNG knows best about the business sector, and the catering industry has a lot of concerns as well.

I am glad that the Government has taken on board the views put forward by many Members during the Bill's lengthy deliberation process. Apart from proposing a number of amendments, it will also postpone the implementation date for 18 months, right? This can allow us to do more preparation. Nevertheless, I think we should not rely solely on levying charges to encourage waste reduction.

Vigorous promotional efforts should definitely be made. For instance, after witnessing recently the global climate change and extreme weather, including the fact that landfills in Hong Kong are getting increasingly full, I have a deep feeling that while the life of human beings is getting more affluent, or getting more sophisticated, this consumer society of ours would produce a lot of waste. I also feel ashamed myself. As the Secretary has mentioned, Recycling Stores recently set up in various districts under the GREEN@COMMUNITY initiative are very popular. The Secretary also knows that I am a major client. In fact, I also feel deeply ashamed, because every item that we purchase would be wrapped in a lot of packaging. A great deal of waste would also be generated even when we read the newspapers and magazines. Therefore, we do have the responsibility to reduce waste as far as possible, and to assist the environmental industry in carrying out recycling and waste separation in a bid to reduce our demand for landfills and even incinerators.

It is of the utmost importance for the Government to focus on studying the implementation issues. I think the Government must step up its publicity efforts which should reach the grass roots. Should it need the help of political parties, say, if it needs help from the New People's Party, we have been continuously receiving views from the districts. If there is a need for us to give explanation in the districts, or if there are any teething problems, i.e. problems with the implementation, we will keep on reflecting these issues to the Secretary. I hope that the implementation of this ordinance will help Hong Kong to reduce waste substantially.

With these remarks, Chairman, I support the amendments.

MR CHUNG KWOK-PAN (in Cantonese): Chairman, we certainly support waste recovery and waste reduction. However, as we all know, it has taken a long time to scrutinize the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill").

As regards the many terms used by the Government in the provisions of the Bill, strictly speaking, a lot of people did not know what the Government was talking about when they came across these terms. For example, my colleague wrote me this information and I had no idea what it was about when I first read it. It mentioned the departments or people being tasked with waste collection, including the Food and Environmental Hygiene Department ("FEHD"), its contractors and also private contractors. What kind of waste was handled by the

outsourced contractors under FEHD or was it handled by FEHD itself? Or was it handled by some private contractors? There were many details which could not be clarified by simply taking a look.

Hence, the Liberal Party ... Of course, when Mr Tommy CHEUNG and Mr Frankie YICK were the Chairmen of the Bills Committees, they held long discussions with the Government, both inside and outside this Council, and made a lot of comments. We proposed some amendments to the wording of certain terms in particular. For example, the term "waste vehicle in private use (without compactor)" was once used in the Bill and what is it? I believe even if we ask the Secretary to explain it to us now, he may not be able to tell us right away. It is actually very simple. We proposed to change it to "vehicle that is not a waste vehicle". It is just as simple as that. Besides, there was also "Government-employed waste handler" and what is it? It is "waste collection officer". We made simple changes so that the actual situation could be illustrated more easily.

We have also proposed to amend Division 2 of Part IVB, in which sections 20K, 20L, 20M, 20P and 20Q are now clearly reflected. As I just read out a number—section 20Q, Members may not know what it is all about. However, if Members understand the provisions thoroughly, they should know we have made the provisions much simpler.

Moreover, there is another point about recyclers. Some factories engaged in recycling business may have already helped in the source separation process. After they have collected different types of plastic bottles, waste paper, food waste or other stuffs, sometimes they may not have the production capacity to absorb all the recyclables sent to them. If this happens, some recyclables may end up in landfills. In that case, should the cost of waste charging be borne by the industry? Now we have stated this very clearly in the provisions.

Thanks to the great efforts made by many members of the Bills Committee in persuading the Government to introduce this large number of amendments, we can finally come to the final stage of scrutiny of this environmental levy today. Otherwise, should the Government's initial Bill be passed, I believe it would do harm to society as a whole, but after the amendments are made today, our society will stand to benefit much from them. Therefore, I strongly support the amendments.

Thank you, Chairman, I so submit.

MR FRANKIE YICK (in Cantonese): Chairman, I served as the Chairman of the last Bills Committee formed on this Bill. I have also heard many different views presented by various Members during the process. Today, we have finally taken a big step forward, and this Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 ("the Bill") should be passed very soon. Despite this, our work is not yet finished—Secretary for the Environment, you must know it full well. As regards the temporary distribution of plastic garbage bags by the Bureau to the public to enable them to get accustomed to waste charging in the coming future, it has already given rise to a bunch of technical issues. There will be no problem in housing estates, since the management offices have been distributing plastic bags all along. But how will the Bureau distribute such bags in "three-nil" buildings? Will people need to register? If so, the issue of personal data privacy will be involved; if not, will these plastic bags be turned into cash in the future because they can be put up for sale? Are there any ways to deal with it? In addition, I also hope that the Secretary—as we have discussed inside and outside of this Council—the Bureau's team should set up some groups to work with us, Members of the Legislative Council, after the passage of the Bill. We should give more thoughts on how to take forward the work in this respect in the future. After so many years of discussion, how can the Bill be implemented smoothly upon its passage without arousing public discontent? I believe our sincere cooperation is required.

Thank you, Chairman. Let us continue to work hard on it.

DR CHIANG LAI-WAN (in Cantonese): This is about the amendments to clauses 1 to 37 of the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018. As a matter of fact, I remember that in 2001, that is, exactly two decades ago, I was just an ordinary businesswoman, but I also noticed that the problem of waste accumulation in Hong Kong had become increasingly serious. At that time, I hired some people at my own expense to write a report or a proposal and submitted it to the then Secretary for Planning and Lands, Mr Gordon SIU, in 2001. I recall that Secretary SIU also gave me a written reply, saying that he would refer it to the department concerned to follow up.

Of course, I know that the subsequent Secretaries were also very concerned about the problem and wished to take it forward. This time, I guess the Bill will be passed today, but its passage is merely at the textual level. The most important thing is how to implement it in the future and how to build public awareness in

waste reduction, environmental protection and waste separation, which is our long-term goal. I hope that the Administration will spare no effort to truly achieve our goal of waste reduction. We support the relevant amendments.

MR SHIU KA-FAI (in Cantonese): Chairman, some members of the public do not quite understand why sometimes when the Government introduces a piece of legislation, we still have to form a bills committee to scrutinize it, during which we have to discuss it and keep on digging into the loopholes, if any, in the legislation in the bills committee. This is a very good example to tell the people, just like this waste charging initiative, its original intention is actually to have people paid for garbage bags to wrap their refuse. It is hoped that under the general policy in respect of environmental protection, this initiative can help Hong Kong people to achieve waste reduction at source and through waste separation. As a matter of fact, there is no problem with the broad principle at all.

Yet, during the process when Mr Frankie YICK served as the Chairman of the Bills Committee, we saw that Mr Tommy CHEUNG actually spend a lot of time telling the Government that regarding some recyclable materials such as food waste, in fact it is not right to discard them in pre-paid garbage bags as far as the overall environmental protection measures are concerned. Therefore, I myself have also told Secretary WONG repeatedly in the Bills Committee that regarding the paper cartons generated by the business sector, if those paper cartons are also put into the green bags, first of all, they will occupy a lot of space; second, it is in fact not helpful to source separation of waste. As a result, you can see in the amendments proposed by the Government this time around that actually some materials which can be recycled will be granted an exemption. Members of the public can even discard some of them at refuse collection points. That is to say, it is in fact not necessary to wrap those environment-friendly materials into the bags. It is not that the Government does not want to pursue this, but sometimes it may need to do more brainstorming and make refinements when it comes across some good ideas. Sometimes, be it a Member's bill or a Government bill, the original legislation is further improved to make it even better, and this is one of the responsibilities of the bills committees.

I mentioned yesterday that this bill on waste charging is one of the two most controversial pieces of legislation in the current session of the Legislative Council, whereas the other one is the bill on heat-not-burn ("HNB") products and electronic cigarettes ("e-cigarettes"). We have spent a lot of time discussing these two bills

in the respective Bills Committee. Why have we spent so much time on waste charging? It is because Mr Tommy CHEUNG is actually very insistent. As he has said just now, something which ought to be exempted should actually be exempted. Otherwise, we may not be able to score full mark in this task, which is a good deed.

Secretary WONG, I also praised you yesterday. That is to say, being a government official, one should actually take the initiative to make amendments for something which is reasonable, just like this Committee Stage amendment proposed this time around. One of the reasons why the bill on HNB products and e-cigarettes has not been tabled at a Council meeting so far is that many Members have found out that e-cigarettes and HNB products are actually two different things. We initially ... If you ask me, I myself do not agree ... Some members of my sector have said to me that they would like to retain e-cigarettes as well, and I have told them ...

CHAIRMAN (in Cantonese): Mr SHIU Ka-fai, please return to the subject of this debate.

MR SHIU KA-FAI (in Cantonese): ... Yes, I got it. Chairman, I will finish my speech very soon.

Therefore, I have told them that I myself ... even though I am a representative of the sector, I will not agree not to ban e-cigarettes. However, HNB products are the same as traditional cigarettes, so why can they not be retained? But nowadays, not every Director of Bureau in the Government can look into a matter as quickly as Secretary WONG does. Hence, I hope you can advise other government officials from this perspective with a view to doing a good job in respect of policies as expeditiously as possible, so that we would not be getting nowhere in taking forward some good policies, such as the ban on e-cigarettes, after lengthy discussion. Thank you, Chairman.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): If not, I now call upon the Secretary for the Environment to speak again.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Chairman, I thank the many Members who have spoken just now, including Mr Tommy CHEUNG, Mrs Regina IP, Mr CHUNG Kwok-pan, Mr Frankie YICK, Dr CHIANG Lai-wan and Mr SHIU Ka-fai. I am grateful to Members for their views.

It is challenging to implement waste charging, which requires the concerted efforts of the Government, various sectors and the general public. As Mrs Regina IP said, waste reduction not only reduces local pressure, but is also an important step in tackling climate change. So, for our common future, I hope everyone will work together to promote waste charging. The Government's waste reduction policy is not only about charging. We adopt a wide range of policies, including incentives and other measures, to promote waste reduction and carbon reduction through a multi-pronged approach.

Secondly, as Mr Frankie YICK said, we will establish a working group with the industry under the Panel on Environmental Affairs to pool our ideas for the implementation of the relevant details of waste charging. I hope Members will support it.

Lastly, the Government is gradually increasing the support for community recycling. As Mrs Regina IP said, we have strengthened the support for the community recycling network GREEN@COMMUNITY and introduced the GREEN\$ points collection system for recycling to promote a change of social customs and to reduce waste and carbon. Thank you, and I hope Members will support the Bill.

CHAIRMAN (in Cantonese): The committee now first votes on the clauses with no amendment standing part of the Bill.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the clauses with no amendment as set out in the Appendix to the Script stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

I declare the motion passed.

CHAIRMAN (in Cantonese): The committee now deals with the clauses with amendments.

Secretary for the Environment, you may move your amendments.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Chairman, I move the amendments set out in the Appendix to the Script.

Proposed amendments

Clause 3 (See Annex I)

Clause 4 (See Annex I)

Clause 6 (See Annex I)

Clause 33 (See Annex I)

Clause 34 (See Annex I)

Clause 36 (See Annex I)

Clause 37 (See Annex I)

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the amendments moved by the Secretary for the Environment be passed.

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

(Members raised their hands)

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

(No hands raised)

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

I declare the amendments passed.

CLERK (in Cantonese): Clauses 3, 4, 6, 33, 34, 36 and 37 as amended.

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

(Members raised their hands)

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

(No hands raised)

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

I declare the motion passed.

CHAIRMAN (in Cantonese): The committee now deals with the new clause.

CLERK (in Cantonese): New clause 14A Sections 4A, 4B and 4C added.

CHAIRMAN (in Cantonese): Secretary for the Environment, you may move the Second Reading of the new clause.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Chairman, I move the Second Reading of the new clause just read out by the Clerk.

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the new clause read out by the Clerk be read the Second time.

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

(Members raised their hands)

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

(No hands raised)

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

I declare the motion passed.

CLERK (in Cantonese): New clause 14A.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Chairman, I move that the new clause just read out by the Clerk be added to the Bill.

Proposed addition

New clause 14A (See Annex I)

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the new clause read out by the Clerk be added to the Bill.

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

(Members raised their hands)

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

(No hands raised)

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

I declare the motion passed.

PRESIDENT (in Cantonese): All the proceedings on the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 have been concluded in committee of the whole Council. Council now resumes.

Council then resumed.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I now report to the Council: That the

Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018

has been passed by committee of the whole Council with amendments. I move the motion that "This Council adopts the report".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for the Environment be passed.

In accordance with the Rules of Procedure, this motion shall be voted on without amendment or debate.

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

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present.

I declare the motion passed.

Third Reading of Government Bill

PRESIDENT (in Cantonese): Government Bill: Third Reading.

**WASTE DISPOSAL (CHARGING FOR MUNICIPAL SOLID WASTE)
(AMENDMENT) BILL 2018**

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I move that the

Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018

be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018 be read the Third time and do pass.

Does any Member wish to speak?

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(A Member raised his hand)

Dr CHENG Chung-tai rose to claim a division.

PRESIDENT (in Cantonese): Dr CHENG Chung-tai has claimed a division. The division bell will ring for five minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Hak-kan, Mr CHAN Kin-por, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr CHAN Han-pan, Ms Alice MAK, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Ms Elizabeth QUAT, Mr Martin LIAO, Mr POON Siu-ping, Dr CHIANG Lai-wan, Mr CHUNG Kwok-pan, Mr Jimmy NG, Dr Junius HO, Mr Holden CHOW, Mr SHIU Ka-fai, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHAN Chun-ying, Mr CHEUNG Kwok-kwan, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Kenneth LAU, Mr Vincent CHENG and Mr Tony TSE voted for the motion.

Dr CHENG Chung-tai voted against the motion.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

THE PRESIDENT announced that there were 39 Members present, 37 were in favour of the motion and 1 against it. Since the question was agreed by a majority of the Members present, he declared that the motion was passed.

CLERK (in Cantonese): Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018.

Resumption of Second Reading Debate on Government Bill

PRESIDENT (in Cantonese): This Council resumes the Second Reading debate on the Ocean Park Corporation (Amendment) Bill 2021.

OCEAN PARK CORPORATION (AMENDMENT) BILL 2021**Resumption of debate on Second Reading which was moved on 23 June 2021**

PRESIDENT (in Cantonese): Mr Jimmy NG, Chairman of the Bills Committee on the Bill, will first address the Council on the Bills Committee's Report.

MR JIMMY NG (in Cantonese): President, in my capacity as the Chairman of the Bills Committee on Ocean Park Corporation (Amendment) Bill 2021 ("the Bills Committee"), I now report on the main deliberations of the Bills Committee.

The Ocean Park Corporation (Amendment) Bill 2021 ("the Bill") aims to provide clear legal backing for the Ocean Park Corporation ("OPC") to take forward the future strategy of Ocean Park ("OP") so that OP can transform into a travel destination and leisure zone with a focus on conservation and education, grounded in nature and complemented by adventure and entertainment elements. The Bills Committee held one meeting to deliberate on the Bill. Members support the Bill and have expressed concerns about the functions, new mode of operation and financial position of OPC, as well as the welfare of its staff and animals in the park.

The Bill states that the functions of OPC include conservation in addition to recreation and education, and empowers OPC to carry out related functions and organize activities in or outside Hong Kong. Members have examined whether it is necessary to define the term "conservation" to avoid unnecessary disputes or judicial reviews. Some members have opined that OPC should place more emphasis on improving its local business at this stage, instead of distracting itself with organizing activities outside Hong Kong.

The authorities have advised that while conservation has always been an important aspect of OP's work, this function is not explicitly provided for in the existing ordinance. This amendment will clearly reflect the focus of OPC's work in the future. In order to enable OPC to undertake its conservation work according to the actual circumstances, it is not necessary to specifically define the term "conservation". The authorities have also advised that the current priority of OPC is to change its mode of operation, and it does not have any plans to organize activities outside Hong Kong. This amendment will provide flexibility for OPC to carry out conservation and education work outside OP or even Hong Kong in the future.

Under the new mode of operation, OPC will continue to operate the conservation and education related facilities in OP, whereas the operation of the Retail, Dining and Entertainment ("RDE") zone in the lower park and parts of its upper park will be outsourced to private developer(s) or operator(s). Some members consider that the financial health of OP in the future will be reliant on the outsourcing arrangements and the revenue generated from the all-weather Water World. They are also concerned about how the future operation of OP can achieve self-sustainability without requiring further funding from the Government.

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

The authorities have advised that OPC targets to launch the tendering exercise by the end of 2021, with the aim of receiving the first upfront payment in 2022-2023. It is expected that the new RDE zone will commence operation in 2026-2027 and OPC will start receiving the rent and revenue share derived by then. As previously approved by the Finance Committee, the Government will provide OPC with a subvention of \$280 million per year for its conservation and education initiatives for four financial years between 2022-2023 and 2025-2026. Meanwhile, OPC is striving to control cost and open up more sources of revenue. The authorities have also advised that OPC has conducted some market sounding and there are market interests. OPC has further engaged potential investors to explain the outsourcing proposal in greater detail.

The Ocean Park Trust Fund ("the Trust Fund") was established in 1987, mainly to support capital expenditure of development projects in OP. All donations received should be credited to the Trust Fund. According to the existing ordinance, prior approval of the Chief Executive in Council will be required if the Trust Fund is applied for other purposes. As OP may receive donations in relation to the promotion of conservation and education in the future, the authorities have proposed that the approving authority for the Trust Fund be devolved to the Secretary for Commerce and Economic Development in order to streamline the process while ensuring oversight of the use of the Trust Fund.

The Ocean Park Bylaw (Cap. 388B) ("the Bylaw") provides for the management of facilities and conduct of visitors in OP by OPC. The authorities have advised that OPC has rarely resorted to enforcement actions under the Bylaw since the vast majority of contraventions in OP were dealt with by management means or persuasion in the past. The authorities have proposed to repeal the

Bylaw under the new mode of operation. OPC will coordinate with its operating partners on the handling of conduct of visitors.

Some members are concerned about the welfare of OPC's staff under the outsourcing arrangements. They call on OPC to avoid redundancy and to preserve jobs for its employees, as well as devising measures to avoid sub-contracting of services or false self-employment in the future. The authorities have advised that OPC will carry out the transformation of OP in a gradual manner with a view to reducing the impact on its employees. Apart from adopting hiring freezes, OPC will also encourage its operating partners to give priority to hiring the existing employees.

The detailed deliberation of the Bills Committee is set out in the report. Members raise no objection to the resumption of the Second Reading debate on the Bill and will not propose any amendments to the Bill.

Deputy President, the following is my personal views on the Bill.

I support the Bill this time around, especially because the tourism industry remains sluggish amid the epidemic. This is perhaps a blessing in disguise for OP to take a respite and restructure its existing business in a bid to explore the way forward on its future development.

Despite the fact that the Bills Committee has held only one meeting, it is crystal clear that members are very supportive of this amendment exercise, and we have completed the scrutiny of the Bill efficiently and done a high-quality job. In addition, the Bills Committee has invited the public to submit written submissions on the Bill, but no submissions on the Bill have been received during the relevant period. I believe that both members and the public are deeply concerned about whether OP's finances can enjoy a robust development in the future and how it can achieve self-financing without the need for government injection to make up the shortfall constantly.

I am delighted to learn that Water World, the brand new facility of OP developed with a cost of over \$4 billion, will be officially opened on the Mid-Autumn Festival. From the level of enthusiasm during the pre-sale of tickets, we can tell that Hong Kong people are eagerly looking forward to enjoying OP's new facilities. Water World even boasts its year-round and all-weather operation. I believe it will certainly become a popular leisure spot for families when the epidemic is over.

I believe that with members' support for the Bill, the Legislative Council will also continue to urge the Government to perform its regulatory duty to ensure improvement in OP's operation in the future. Thank you, Deputy President.

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

Mr YIU Si-wing, please speak.

MR YIU SI-WING (in Cantonese): Deputy President, Ocean Park ("OP") is a famous theme park and tourist attraction in Hong Kong. With a history of over 40 years, it has gone through the financial crises in 1998 and 2008 as well as SARS in 2003, and had benefited from the introduction of the Individual Visit Scheme in the Mainland. OP has accompanied us for many years, and despite its ups and downs, it has brought plenty of joy to the public and tourists, and it is our collective memory. However, in recent years, OP has faced fierce competition from similar attractions in the region, and without major renew and renovation, OP has become lacking in originality. This, coupled with rising operating costs and unstable income, has caused OP to face difficulties in its operation and record losses for six consecutive years since 2015. Despite an all-time high in the number of inbound visitors in 2018, OP was still unable to turn from loss to profit. Due to the double blow of the riots and the COVID-19 pandemic in 2019, OP even sank into a financial crisis. Had there not been further support measures introduced by the Government, OP would not have been able to avert the fate of closure.

As a landmark of Hong Kong and a major tourist attraction, OP has made a lot of contributions to Hong Kong in many respects, such as tourism, economy, employment, conservation and education. To revive OP, it requires further government injections and changes to the past modus operandi, and this is the most desirable option under the current circumstances. Regarding the contents of the Ocean Park Corporation (Amendment) Bill 2021 ("the Bill") and the future development plan of OP, my views are as follows: Firstly, it is necessary to achieve a fiscal balance. In general, the profit-making model of theme parks is to drive up the number of visitors and then maintain revenue and profitability through proceeds from ticket, food and beverage, and souvenir sales. Therefore, constant updating of facilities and ongoing promotion and publicity campaigns are necessary in order to attract more visitors. This mode of operation incurs hefty costs and high expenditures, and under the inflationary effect, the annual operating,

maintenance and construction costs will only keep rising. Once the attendance does not increase or even declines, the park will fall into a vicious cycle of operational difficulties, an imbalance of income and expenditure, and discontinued injection of funds. OP is precisely caught in such a vicious cycle. Given the huge injections made to meet the expenditures over the years, OP has been plunged into an inextricable dilemma. It is in need of government support to reposition itself and identify a new direction for development.

Under the new reform proposal, OP can rent out the Retail, Dining and Entertainment zone in the lower park and parts of that in the upper park. This, I believe, can generate a more stable rental income and help boost its revenue. However, it should be noted that as there is, after all, a limit on the number of visitors, if the lower park is open for free, a large number of people will visit the park on holidays and this may lead to a situation where there is little or even no spending by the visitors, thus affecting the business of the tenants and the rental income of OP in the long run. I suggest that OP can consider charging a fee as appropriate or requiring visitors to buy consumption vouchers of a certain value for admission during holidays, in order to control the flow of people, and as for the admission and itemized charging approaches for the upper park, I think OP will make appropriate adjustments in the light of changes in visitor spending and so, there should not be any big problem.

What I am more concerned about is the challenges to be brought by the operation of the Water World with an investment reaching as much as \$4 billion, including the need to meet daily expenses, and also the depreciation costs, capital repayment and interest payment. A few years later, in order to enhance its attractiveness, OP may need to make further investment or renovate some facilities, which will require a certain amount of capital; and in the winter low season, revenue will be significantly affected. In the face of all these pressures, the management must properly formulate budgets for the short, medium and long terms. It must take every step to prevent OP from sinking into a financial crisis again because it will no longer be justified for the Government to further inject funds into OP and by then, OP can only choose to close down, which is the last thing that the public will wish to see.

Secondly, OP should be committed to carrying out work in education and conservation effectively. I agree to the need to include conservation in the functions of OP as proposed in the Bill. In view of competition from many large-scale theme parks in the region, OP has little advantage in terms of scale,

hardware or market coverage, but OP has achieved effective results in animal conservation and education over the years. As early as in 1993, OP established its conservation foundation and has a well-established scientific research team. Apart from focusing on Chinese white dolphins and giant pandas, efforts have also been made to carry out studies and conservation projects on many endangered species. The Ocean Park Academy Hong Kong founded in 2004 has long provided courses for primary and secondary school students to learn about the habits of giant pandas, red pandas, dolphins, sea lions, fish, birds and plants as well as knowledge of the ecology, providing practical, professional and interesting courses for our next generation.

Judging from OP's foundation and strengths in conservation and education, it is impossible for its competitors in the neighbouring regions to be on a par with OP in the near future. For the next four years, the Government has allocated \$1.12 billion to support OP's ongoing resource injections in conservation and education, which has never happened in other regions before. OP should make use of this provision to formulate a more systematic, professional and scientific conservation and education programme to strengthen its ties with the community, schools and overseas and provide more support. At the same time, by making use of its unique conservation and education resources, OP can develop some in-depth experiential programmes and design conservation activities with local characteristics to provide unique tourism experiences for the public and visitors.

Thirdly, it is necessary to improve the tendering scheme in order for OP to ride out the difficulties as soon as possible. Situated at a prime location with direct access by MTR, OP is surrounded by beautiful sceneries and the facilities inside the park are still quite attractive, while the "Invigorating Island South" initiative will bring more opportunities for OP. The revamped mode of operation can certainly attract participation from local and foreign investors with strengths and solid foundations. Days ago OP began to invite investors to cooperate in the development of OP through a Build-Operate-Transfer (BOT) model and will commence a pre-qualification exercise, and this is proof of the work efficiency of the management. After the passage of the Bill, OP should expeditiously announce the details of the pre-qualification exercise for the tender process and strive to invite tenders before the end of the year, thereby rebuilding public confidence in OP and providing assurances to its staff. While a new mode of operation will be adopted in the future, OP should fulfil its social responsibility by avoiding layoffs or assisting its staff to switch to other posts.

Fourthly, efforts should be stepped up to explore ways of cooperation jointly with the tourism-related sectors. For some time in the past, OP was a must-see destination for Mainland tour groups but then, given the ever increasing ticket price and a growing number of similar attractions in the Mainland, OP's appeal to tour groups has faded significantly in recent years and the attendance has been on the decline year-on-year. In the future, OP will charge separately for admission to the upper park, lower park and the Water World. Apart from the challenges to be faced in setting pricing standards, it will be equally challenging as to how OP can work with other stakeholders in the tourism industry, including travel agents, hotels, stakeholders in the transport sector, and the Hong Kong Tourism Board. OP should communicate more with all relevant stakeholders to understand their needs, so as to achieve greater diversification in its sales and promotion strategies and enrich the choices of its products to attract different types of visitors, thereby generating ongoing income for OP. I hope that OP will ride out the difficulties as soon as possible and have a better tomorrow.

With these remarks, Deputy President, I support the Bill.

MR JEFFREY LAM (in Cantonese): Deputy President, Ocean Park is a must-see attraction for Hong Kong people and tourists. However, after experiencing the "black-clad riots", many people would feel worried when going out. Coupled with the social gathering restrictions under the COVID-19 epidemic, even Ocean Park has to be temporarily closed for some time. The outcome is obvious to all. The number of visitors to the park has plummeted, resulting in a significant drop in revenue and plunging it into a crisis. It is a head-on blow to the mode of operation which has worked well in the past.

In order to survive in the post-epidemic era, we need to adopt creative ideas to achieve revitalization. But how can we find a new way out with a new mindset? To resolve the prevailing crisis, Ocean Park has received government funding and come up with a new transformation proposal, outsourcing the leisure and recreation parts while focusing its efforts on conservation and education. I find it heartening and agreeable.

Nevertheless, Deputy President, there is one point I must mention. The Government has always adopted the approach of "the lowest bid wins" in invitation of tenders. As a result, we have seen that many projects are of varying quality.

As we all know, "you get what you pay for". We can hardly replace quality with the lowest bid or the lowest price, especially in service-oriented projects. It is unrealistic to expect a horse to run fast without feeding it.

Deputy President, I hope that when the Government invites tenders in the future, it will give more consideration to the entertainment and service aspects. The quality of these two aspects are also highly important. It should not blindly pursue an edge in hardware. It should also strike a balance in the visitors' experience in the park so that they will have a good time and do not want to leave, rather than feeling like having been taken in after the visit.

Moreover, regarding Ocean Park's proposal to phase out some of the aged amusement rides, many people have reflected to me, for example, Mine Train is one of the facilities worthiest of retention because it is located at Nam Long Shan offering a great view of the Southern District. Some people initially did not dare to play amusement rides, but owing to the beautiful scenery, they would try them for the first time and really fall in love with the thrill of amusement rides as a result of this first experience. Please do not forget that while engaging itself globally, Ocean Park also needs the support of the locals. It is indeed not easy for a local enterprise to dare to be innovative. But being able to concurrently cater for the expectations of Hong Kong people is the key to long-term operation.

Deputy President, apart from hoping that Ocean Park can start afresh with a new mindset, I would like to talk about Water World. I had the opportunity to visit it once and found it quite appealing, but after I have waited for the whole summer, it has not yet opened. At that time I conceived it as a cash cow, a great source of revenue in the future. Speaking of water, it is now summer, and of course we will think of water sports. Ocean Park is one of the pioneers of Hong Kong's tourism industry. While some local tours have resumed as the vaccination and anti-epidemic measures have taken effect, Water World is yet to commence operation. It is just coming soon. A brand new Water World will soon be opened, which can inject vitality into Hong Kong in the post-epidemic period. It is the right time and the right place to do so, but the right people are missing. Many people told me that they used to looking forward to the opening of Water World. They had planned to go there during the summer vacation to clear up the boredom. Unexpectedly, Water World will not open until the Mid-Autumn Festival, by which time their children's classes will have started already. Actually, if it opens during the summer vacation, there will be one more advantage, that is, visitors can both have fun in Water World and enjoy a staycation in the

hotel. Anyway, time which has passed will never come back. I hope that the opening of Water World, together with the projects which are put up for tender afresh, will bring new vigour to Ocean Park.

Deputy President, I am eager to visit Ocean Park, which belongs to Hong Kong people, in person again to experience the new urban vibrancy. I hope that the epidemic will soon be over and Ocean Park will open expeditiously to play its part in revitalizing the economy and local tourism.

Deputy President, I so submit.

MR TONY TSE (in Cantonese): Deputy President, Mainland visitor arrivals to Hong Kong plummeted due to the "black-clad violence", the pandemic and the earlier "suitcase-kicking" and "anti-locust" incidents, causing Ocean Park, which boasted amusement rides and over-relied on income from Mainland visitors, to run into a serious operating deficit and was even in danger of going bust. It thus needed to seek funding approval from the Legislative Council to save itself. Subsequently, the Government and Ocean Park formulated a new strategy by abandoning the theme park development approach and repositioning Ocean Park as a leisure resort with a focus on conservation and education, grounded in nature and complemented by adventure and entertainment elements, in the hope that Ocean Park could be revived and achieve financial sustainability.

The resumption of the Second Reading debate on the Ocean Park Corporation (Amendment) Bill 2021 ("the Bill") today exactly aims to implement the above mentioned new development strategy, provide legal basis for the reform plan of Ocean Park and cut red tape.

One of the major amendments in the Bill is to add the word "conservation" to the statutory functions and mission of the Ocean Park Corporation alongside the existing "recreation" and "education". I am a bit worried about the amendment as people may interpret "conservation" in different ways. Some people may think that conservation means nothing can be moved or changed, and all the grass and trees and even outdated and aged amusement facilities have to be preserved instead of being relocated or demolished. Only in this way can it be considered "conservation".

After the inclusion of "conservation" into the law as Ocean Park's statutory function, if Ocean Park wants to carry out new projects, or demolish some of the existing buildings, or needs to replant or fell several trees to facilitate development in the future, will people dwell on this word and apply for judicial review to obstruct these projects? In fact, the law did not explicitly require Ocean Park to undertake conservation, but it has been doing so for many years. Is it necessary to introduce the relevant amendment? I wish I were overly anxious, but after the return of Hong Kong to China, it is true that some people always dwell on one or two words in the law to obstruct various types of development projects by judicial review and other means.

Another group of amendments in the Bill is to expressly empower the Ocean Park Corporation to operate business beyond Ocean Park's existing physical boundary or even outside Hong Kong. The Bill also clearly specifies that Ocean Park has the right to outsource certain sites and facilities in the Park to private organizations for construction and operation under a long-term concession or other modes to increase its income, and to better diversify, professionalize and commercialize the retail, dining and entertainment services, so that Ocean Park can focus more on its education and conservation efforts.

It has been reported that Ocean Park has recently planned to invite bids from interested private organizations for the lower park, which is now admission free, and the two themed zones in the upper park, where fees are still charged. As Ocean Park is situated right next to a Mass Transit Railway station and the Aberdeen Tunnel exit, and the Government has launched the "Invigorating Island South" initiative, which aims to develop Island South into an area that is full of energy and vigour, and suitable for working, living and entertainment, the future development of Ocean Park should naturally be very promising.

If the developers and contractors can make good use of Ocean Park's brand name, its educational and conservational features, as well as the pleasant natural environment, they should have an edge over ordinary shopping malls, food establishments and entertainment facilities. However, in order to effectively achieve synergy, strike a balance between commercial considerations and education and conservation, properly coordinate the future three themed zones in the upper and lower parks, the three hotels in the Park, and the soon-to-be-opened Water World, so that the facilities and their modes of operation will not be incompatible and inconsistent, the management capability of the Park is of utmost importance.

The management performance of the Ocean Park Corporation has been called into question. The Legislative Council has twice granted funding approval of a total of more than \$10-odd billion to save the Park, and the Government has seconded officials to the management of the Corporation, but the public has yet to see any marked improvements. Take Water World for an example. When Ocean Park invited Members to visit Water World as early as in the beginning of this year, we saw that all of the hardware facilities were nearing completion, but its opening date has been postponed time and again. We were initially told that it could be opened in July or August but the date has now been delayed to late September, missing the golden time of school summer holiday. This has made people query again the management capability of Ocean Park and the effectiveness of the monitoring work of the Government.

As the new Chief Executive of the Ocean Park Corporation just took office last week, I really hope that a new person can bring in a new style of work and a new vision, pragmatically enhance the management efficiency of Ocean Park, and expedite the implementation of various reform proposals, so as to achieve financial sustainability as soon as possible, and drive the development of the entire Southern District, instead of becoming a black hole for public money constantly requiring taxpayers' money to make up for the losses.

Deputy President, when the Government sought funding approval from the Legislative Council to save Ocean Park for the first time as early as in the middle of last year, many professionals in the architectural, surveying, town planning and landscape sectors and I pointed out that reforms targeting Ocean Park alone were not enough. The entire Southern District of Hong Kong Island should be taken into account, and planning and implementation must be undertaken alongside the rezoning of the industrial area of Wong Chuk Hang and the revitalization and renewal of Aberdeen Town Centre and waterfront area. This will finally help to materialize the Chief Executive's "Invigorating Island South" initiative announced in the Policy Address last year.

Four professional institutes in the sector and I subsequently formed a working group on the development of the Southern District of Hong Kong Island and Ocean Park, and we scheduled meetings with representatives from the Commerce and Economic Development Bureau—the Secretary was often present—the Tourism Commission and Ocean Park a number of times. In addition, we met with officials of the newly-established Invigorating Island South

Office early this month. During the meeting, we had a frank exchange of ideas on the future development of Ocean Park and the entire Southern District. The Government and Ocean Park accepted many of our opinions and suggestions.

This attitude and practice of respecting the profession and joining hands in cooperation is praiseworthy and should be further promoted. I hope when the Government promotes development projects in the future, such as Lantau Tomorrow Vision, various new development areas in the New Territories North and large-scale renewal projects in old districts, it can make reference to this mode of consultation and cooperation. This may be more effective and efficient than the more traditional public engagement activities that see participants filling questionnaires and scrambling to speak louder.

With these remarks, Deputy President, I support the Second Reading and the Third Reading of the Bill.

MR HOLDEN CHOW (in Cantonese): Deputy President, I speak in support of the Ocean Park Corporation (Amendment) Bill 2021 ("the Bill").

Deputy President, we all know the background. Although the Ocean Park ("OP") is a place for which the people of Hong Kong have deep feelings, it had once suffered ongoing financial bleeding. Eventually, the Government had to inject funds to save OP, hoping to give OP a conditional lifeline. We have expressed our views clearly in the legislature that OP needs an overhaul. The Government has taken on board these views and changed the positioning of OP. As regards positioning, if OP still wants to compete with other major theme parks in the surrounding areas in terms of size, novelty in amusement rides or hardware, it seems that OP does not have any advantages and will definitely suffer a setback. However, if OP leverages its inherent advantages, such as its good animal conservation work and education programmes, and repositions itself, there is actually room for survival. This time, the Government has spearheaded the reform of OP. In fact, the Bill is the first step taken in implementing this reform. Relevant adaptation amendments will be made by virtue of the present Bill in respect of OP's positioning, including empowering OP to carry out certain conservation work.

Deputy President, returning to the positioning of OP, as I have mentioned just now, if we are to compare OP with other major theme parks in the surrounding area or in the vicinity, including Chimelong on the Mainland, which is doing very well at present, and if we are to compete with these parks in terms of size and hardware, OP has no advantage at all. However, as we have mentioned in the Bills Committee or many colleagues have mentioned today, in respect of conservation, OP has been ... If it positions itself as a place to go for families in Hong Kong where they can obtain a lot of educational information and conservation knowledge, and if the positioning is arranged in this way, I believe this will be a very different concept and the entire story will be very different. If we look at the past, we can see that the maintenance cost of many amusement rides in OP is actually quite high, which is known to us all, so it must break away from this mode of operation. Under the present approach, part of the area will be used for animal conservation and educational work, while other parts will be outsourced to other contractors. It is hope that the entry of these contractors can bring in new thinking, so that visitors come to Hong Kong in the future will have to pay some fees. Under such circumstances, I hope there will at least be a slim chance of survival for OP in the future by turning losses into profits.

Certainly, in this connection, I have to raise a point here. At the Bills Committee, I heard some colleagues mention the power conferred to OP by the Bill to carry out conservation in Hong Kong, including that within the Park, and outside Hong Kong. Frankly speaking, I think the Secretary has also heard the views of many Members that they would like to give priority to the work in Hong Kong and have it work done well. As for the work outside Hong Kong, I remember some colleagues mentioned at the Bills Committee that as the work in Hong Kong had not been carried out satisfactorily, they were concerned about whether the conservation work outside Hong Kong could be done properly. Most importantly, the work done should bring forth revenue. This is the common concern of Members, for we do not want to see OP keep bleeding financially as it did in the past. We are concerned about the operation of OP. Therefore, I think OP should focus on the conservation and education work in Hong Kong at this stage. I think this point is worth mentioning here again.

Another point that I would like to take this opportunity to make is about outsourcing and tendering. Certainly, many colleagues have mentioned earlier that they hope the Bureau will expedite the process as soon as possible and inform Members and the public of the entire process, the overall situation and the latest progress upon completion of the tendering exercise. This is because we are all

concerned about which parties will enter the scene and which mode of operation they intend to adopt in the future, as this will directly affect the future income of OP. We all understand that this involves the use of public funds, so we hope that the Secretary will listen to the relevant views in this regard.

On the whole, we hope OP will turn a new page after this overhaul and repositioning. In fact, I have been to OP myself. Looking at the conservation aspect, I observed that the many frontline staff members responsible for animal conservation are actually highly dedicated and enjoy their work very much. They take up the job probably because they consider the work meaningful. In this regard, I have heard many Members expressing the view, which I also share, that these staff members are going through tough times. We hope the Government will retain them while the economy of Hong Kong is in the doldrums and not to make them redundant or lay them off for whatever reasons. In fact, I believe these staff members, particularly many front line workers, are passionate about their job, particularly about conservation work. For this reason, I consider it all the more necessary to mention this here. I earnestly hope that the Bureau can hear my point that the job security of these workers is also very important.

I hope that after this repositioning, OP will have a chance of revival in the future. I so submit.

MR LUK CHUNG-HUNG (in Cantonese): Deputy President, being a representative of the labour sector, I would certainly be first concerned about employment opportunities in the tourism industry in this amendment exercise relating to Ocean Park. As a matter of fact, Ocean Park is an important piece of tourism infrastructure which not only brings many job opportunities but can also drive the entire tourism industry and attract a lot of tourists. Of course, the current epidemic is a special situation which is anyone's guess. We hope that in the future, if there are conditions to resume cross-border travel after the epidemic—now the most pressing task is certainly to do well in our fight against the epidemic—I presume that we should first work on the resumption of travel with the Mainland and leave nothing to chance.

Regarding how to enhance the image of Hong Kong and lure back Mainland visitors, it is very important to promote the development of Ocean Park. Now that the Legislative Council has approved funding for Ocean Park to conduct a reform, it is necessary to amend the legislation on the Ocean Park Corporation with regard

to the relevant complementary measures. I thus support these amendments which mainly involve adding the functions of conservation, allowing the park to outsource some of the activities and services, increasing the flexibility in the application of the Trust Fund and the capital, and extending the scope of services of Ocean Park to allow it to provide some outreach services outside the park. Hence, insofar as the entire reform of Ocean Park is concerned, I believe there is not much controversy in society over this Bill, but if the park is to do a good job ... Of course, we have already done our part in the injection of funds, and I believe the legislation will be passed, but after all, the most important thing is the management of the park. In the past, members of the public were worried whether Ocean Park had run properly. It either remained in stagnation with no innovative facilities, or made itself look glamorous and yet became a spendthrift raising excessive loans. Consequently, now it still has to foot the bill, bearing a heavy financial burden with over-expansion. How can Ocean Park operate in a cost-effective manner so that Hong Kong people can benefit, creating economic benefits while providing jobs to practitioners in the tourism industry? I think this should be the direction of reform.

Today, many Honourable colleagues have expressed their respective visions. In my view, there are several things which must be down-to-earth. Any successful theme park must be down-to-earth. Certainly, Ocean Park itself is endowed with many unique advantages. It was built on Nam Long Shan, offering a panoramic view of the entire South China Sea and Deep Water Bay. It also provides diversified experiences. But how can it give play to its strengths? Among others, the Board of the Ocean Park Corporation has really got to conduct proper market studies and research. It should never work behind closed doors, especially when it comes to pricing. One of the focuses of its reform is the introduction of the pay-as-you-go model. For example, the lower park will be open free of charge. When visitors use the services in the park, they will be charged on an itemized basis. In the upper park, there will be a gate. Some services will be charged on an itemized basis, while some will adopt the pay-one-price model. I hope that Ocean Park will conduct the relevant market research on pricing properly. What price level will be more acceptable to the public? How can more people be attracted to the park? The most important thing for a theme park is to have more visitors so that the services in the park will be patronized. LAU Ming-wai, the Chairman, has mentioned earlier that spending will be in the medium end. At that time I said that the range of the medium end is in fact very wide, on which everyone has different views. How can the majority of the public enjoy the services in the park? I hope they can do a good job in this regard.

Another point is about outsourcing. We understand that the park will outsource some of the activities in the hope of getting more creative elements and reducing the financial burden of the park. However, regarding the other basic services, including cleaning and security, Ocean Park should hire its own staff and should not outsource such services. At that time Ocean Park promised us in the Bills Committee that it would not outsource the jobs at the elementary level. I think this is something which should be upheld.

Lastly, regarding the new items, no matter whether they are under the charge of Ocean Park itself or under the new contractors, I hope they can give play to local creativity and characteristics and encourage the participation of micro, small and medium-sized enterprises or start-ups. In particular, young people should be given more opportunities to give play to their talent. Moreover, there is the need to make more use of creative technology and arts technology because in the past, many of the attractions in Ocean Park involved heavy equipment at high costs. I have recently seen a lot of arts technology demonstrations carrying new ideas which are actually just some small tactics. They may not be costly, but they are full of fun and interesting, and change of content will also be easier. I hope that such technologies will be used more often. I expect Hong Kong, as a creative city, to be the best platform to showcase maritime culture.

In closing, I would like to repeat that the most pressing task now is to resume cross-border travel expeditiously. I hope the tourism industry can break through the current difficulties as soon as possible, and Ocean Park will subsequently have a better development in the future. Thank you, Deputy President.

MR SHIU KA-FAI (in Cantonese): Deputy President, one of the reasons why Ocean Park has stayed afloat to this day is, I believe, Secretary Edward YAU. If it were not for him, it would not have, I believe, been able to stay afloat to this day. Looking back, the Government sought funding approval of \$5-odd billion for Ocean Park from the Legislative Council in early 2020. Views of the Hong Kong public on the issue are actually very diverse, and even my friends in the business sector hold a diverse range of opinion. A friend of mine, who is a professional accountant, called me, saying that in all scenarios upon his computation, Ocean Park would continue to suffer losses despite a grant of \$5-odd billion, and a solution could never be worked out. If the situation persists in the long run, when can Hong Kong cease making up for the losses?

Of course, at that time, we did not have a comprehensive proposal similar to the one today, under which the lower park will be transformed into a retail and dining zone to be operated by private developers on a self-financing basis, in the hope of generating additional income. New measures will be introduced for the upper park, and investors or operators need to contribute their own share of funding. We can well imagine the conservation approach adopted, namely the conservation of marine life there for public viewing as far as possible. Furthermore, Water World will soon be open, and I believe what Hong Kong people see in Ocean Park in the next two or three months will be a different story from what they saw in early 2020. As I have heard from the public, it seems that many people would like to visit Water World. As for the lower park, it sounds like if it becomes a retail and dining zone ... If Harbour City can reap huge profits, there is no reason why Ocean Park cannot do the same when a Mass Transit Railway station is within its walking distance. In that case, how can Ocean Park not support itself?

Very often, the Government has a long-term vision while members of the public have short-term concerns. It does make sense, as people really cannot see things in such a distant future. For this reason, Deputy President, as Members, we were in a dilemma in early 2020, and, as the Secretary knows, I was under enormous pressure when I cast my vote at the Finance Committee meeting. A friend of mine called me, saying, "You are not going to support them to continue with it, are you? The funding of \$5-odd billion is simply for making up for the losses." I told him in reply, "If they make money, they have to repay it." Do you think that a loan does not need to be repaid if the lender is the Bank of China but it does when the lender is a foreign bank? That is not the way to do things. Should we leave Ocean Park to its own devices when it is about to close down? While Ocean Park is not directly owned by the Government, Ocean Park Hong Kong almost represents Hong Kong's reputation. If we tell others that Ocean Park is closing down, is this not tantamount to closing down Hong Kong? Furthermore, many staff members hope to keep their jobs, and certain marine life can hopefully continue to be conserved. We passed the first hurdle last year by injecting \$5-odd billion, we offered help for the second time by giving it \$1-odd billion, and we have had this new proposal today. The public opinion has actually changed. For instance, that accountant friend of mine called me, saying that given the present situation, he thought it might work, and there would be a ray of hope if things go in this way. Perhaps after one or two decades, the whole picture will not be the same as that in early 2020. For this reason, Secretary, I certainly support the Ocean Park Corporation (Amendment) Bill 2021 ("the Bill").

I am grateful to Mr LAU Ming-wai, the new Chairman, for, as far as I know, spending a lot of time and efforts on Ocean Park, especially on striving for retaining Ocean Park. I have learned that he himself has spent a lot of time lobbying various Members and explaining in person what is going on and the attractions. On some occasions, I saw him go windsurfing ... sorry, practising yoga on a surfing board to promote Ocean Park himself. He has actually done a lot. A few days ago, I called him for an upcoming event in the Greater Bay Area to promote the branding of Greater Bay Area "9+2" cities. I asked Chairman LAU Ming-wai whether Ocean Park was interested. He quickly replied that it was certainly interested, as long as it could promote the brand of Ocean Park to nearly 80 million people in the Greater Bay Area. Although normal cross-border travel has yet to be resumed today, we will only do good to Ocean Park if we can maintain its popularity and our reputation. This has yet to be done, but he cherishes every single opportunity to help the brand to attract tourists, and is hands on in whatever he does. He assigned his colleagues to follow up with mine right away. I believe these efforts will be conducive to the future development of Ocean Park.

As the Bill has come to this stage today, we in the Liberal Party will definitely render our support. As Ocean Park is one of the very important brand names of Hong Kong, we would like to tell tourists that not only do we have Hong Kong Disneyland, but we also have Ocean Park. There may be some slight changes in the mode of operation, but the place is still the same. The ways to attract visitors will be different, but Ocean Park and Hong Kong will continue to exist in the world. This will help to bring more customers to tourism, catering, retail and other industries in Hong Kong. Therefore, Secretary, keep up the hard work.

Thank you, Deputy President.

MS ALICE MAK (in Cantonese): Deputy President, I think I am the only one here who have been to Ocean Park ("OP") lately. A fortnight ago ... You had been there? I went there a fortnight ago, and I used ... OK, I am sorry, my apology. I spent all my consumption voucher at OP and here, I would like to share some of my experiences. Why is it that OP ... Actually, the survival of a theme park relies on, among others, foreign visitors or tourists, but we understand that OP faces competition. In various neighbouring cities, we can find ocean- or eco-themed parks that are larger in scale or better developed than OP. So, we are facing competition from overseas, and this is actually difficult.

Nowadays, no visitors will come to Hong Kong for OP, and OP is only one of their destinations when travelling in Hong Kong. As the tourism industry is affected by the epidemic, there is almost no local or foreign visitors, and in my recent visit to OP, really there were not many visitors and all the visitors were Hongkongers. Therefore, in order to survive, a theme park must really rely on local visitors. However, while local visitors are needed ... I recall that I have read some feasibility studies conducted many years ago, and it was said that in order for a theme park to survive, Hong Kong people have to go there almost thrice a year. People with children may probably do so but others may not. I would not have gone there if it was not for keeping my family company. I really had not been to OP for more than two decades. So how can OP survive?

In this connection, the legislative amendments proposed now may perhaps enable OP to change its mode of operation but there are a few points that merit attention. We have always said that OP attaches importance to conservation. But when we visited the exhibit facilities or went to see the pandas, we actually just went inside and then came out of the place almost instantly. We had to queue up for a long time, but the viewing of animals was actually just a walk down a path and we had to leave as soon as we came to the end of it. There was even one exhibit facility where visitors who went in would finish walking on that path in a minute and then had to leave. In fact, we did not have any contact with the animals and inside the exhibit facilities, we were asked to protect the animals and refrain from talking. We were told not to take pictures and not to turn on the flash. But all these aside, actually the children had no idea about where that animal came from. They probably wished to give some introductions to the children but who was there to introduce to the children the details of the animals? We saw that some staff were taking care of the animals but they did not have communication and exchanges with children visitors. So this is no different from children seeing these animals on television at home, as they had to view the animals through the glass and they even did not see the animals as clearly as seeing them on television because the children are too short whereas the display areas are a bit too high and so, the children's view can be blocked by people in front of them. I did see that many children kept turning their heads to the left and right, and those who were accompanied by their parents would be lifted up to get a sight.

Therefore, regarding the design of the exhibit facilities, if our wish is really to enable young people, especially children, to have contacts with nature and to understand animals, perhaps the design should be drawn up basically from their angle and even by having regard to their height. It is true that many of the exhibit

facilities are where children ... Actually OP is where most parents will bring their children at primary or kindergarten level for visits. Every one of them finds it difficult to get a view, and they have to stand on tiptoes in order to take a look.

Second, tickets are actually very expensive. Luckily, I have my consumption voucher to help pay for it. Tickets are really expensive as it is \$498 for adults and \$249 for children, and it takes an extra \$380 to touch sea lions and walruses, which is very expensive. I went there with some children that day and when they said that they wanted to touch them, I said no, for it would cost a few hundred dollars, and I told them to just take a look. I said that my consumption voucher was all spent, and perhaps I could let them touch them when I received the second voucher which should carry a higher value. Therefore, in respect of the price of tickets, if, in the future, OP really wishes to achieve the objective of conservation and enable children to know about nature and understand how to protect the environment and animals, apart from proposing legislative amendments for future improvements just as what is being done now, the design should really be formulated from the angle of children and by having regard to the height of children. Moreover, in respect of the admission fees, although an itemized charging approach will be adopted in the future, the fact that the tickets are so expensive will really deter people from visiting OP and people will thus lose the incentive for a repeat visit or for revisiting OP over and over again. Unless the Financial Secretary distributes consumption vouchers several times a year, then we can all go there using our consumption vouchers.

Deputy President, I shall stop here. I so submit. Thank you. I support this Bill.

MR KWOK WAI-KEUNG (in Cantonese): I think no one will disagree if I describe Ocean Park ("OP") as the theme park with the most local characteristics in Hong Kong. It also carries a lot of collective memories of we Hong Kong people. But unfortunately, due to the substantial amount of debt raised in the early days, the drastic fall in the number of visitors to the park after the "black-clad riots" in 2019, coupled with the prolonged suspension of operation during the epidemic, OP is forced to undergo restructuring since it has failed to make ends meet and therefore run into financial difficulties. Discussions took place at the beginning of this year and in last year as regards whether funding should be provided to keep OP afloat. There were two kinds of views back then, and the

Government eventually decided to provide funding, which was also approved by the Legislative Council. This has allowed some time and room for OP to carry out transformation.

As a matter of fact, this amendment exercise has nothing to do with funding. It is about making some appropriate adjustments for the transformation of OP in the future. In fact, it is a bit saddening when talking about this, since OP has been in existence for more than 40 years, with its number of visitors once ranked among the top in the world. It is also a widely recognized attraction in the Southern District. The area of OP will be scaled down in the future with its focus placed on the conservation of marine ecology. In addition, the lower park will accommodate some retailing and dining business to be operated under outsourcing arrangements. I all along have doubts over the feasibility of this new mode of operation. In my opinion, it is too optimistic to think that the financial difficulties can be resolved simply by means of outsourcing and passing the ball to the merchants, or turning OP into a "rent collector".

In the future, OP will be different from what it was in the past. In the past, we could have fun in OP for the whole day during our visit, but we may only stay there for about half a day in the future. Therefore, how can we make more people stay in the Southern District to bring about a synergy effect with the neighbourhood, so as to realize the wishing thinking of boosting the economy of the Southern District while stimulating OP's operation? In fact, the Government has also been mentally prepared. It knows that the situation does not look good and the plan is doomed to failure if it relies on OP alone. As a result, the "Invigorating Island South" ("IIS") initiative has been launched, which is an attempt by the Government to support OP to the end in a holistic manner. The question of course lies in how much input the Government will make. How can the number of attractions in the Southern District be increased significantly? Even in the absence of tourists nowadays, our local people are actually desperately in need of attractions and places for entertainment. Support from the Government is required to create such attractions with distinctive features to provide leisure and entertainment facilities and venues for the people of Hong Kong.

(THE PRESIDENT resumed the Chair)

Being an incumbent Member of the Legislative Council returned by the Hong Kong Island constituency, I have conducted questionnaire survey and held two press conferences in respect of the IIS initiative. I have also had meetings with the IIS Office from time to time, and we talked with the Commissioner yesterday as well. I mainly advocate for several issues, the first one being the planning for two town centres in the Southern District. While Aberdeen is the old town centre, Wong Chuk Hang will be a new town centre in the future given its connection with the MTR station. The two town centres need to complement each other and the ties between them should be strengthened. The IIS Office has advised that the pedestrian connection will be enhanced, probably by making the pavements more beautiful, building some covered walkways, etc. There is nothing wrong with that.

Another issue is how to carry out promotion and publicity of the fishermen's culture, water transport and green tourism with distinctive features, including guided tours and eco-tours, in the Southern District. Of course, we are deeply concerned about the whereabouts of the floating restaurant as well. It has also been mentioned in the IIS initiative the need to revitalize the industrial buildings in Wong Chuk Hang by engaging more arts and cultural as well as start-up activities, etc. I think the revitalization of industrial buildings in Wong Chuk Hang should actually involve a crossover with the cultural and start-up activities, etc. in OP. Only through mutual influence can we achieve the effect of creating a whole that is greater than the simple sum of its parts.

President, certainly, the Government will in fact provide OP with a funding of \$280 million per year for its conservation initiatives in the four financial years spanning over 2022, 2023, 2024, 2025 and 2026. Just now my colleague Ms Alice MAK has also mentioned that as the Government has provided funding for conservation, it will have a say. Since it will get a say it should make more suggestions in respect of conservation in the hope that OP will fare better. As to whether paying more money to touch those animals that are considered to be in need of conservation is tantamount to having the awareness of conservation enhanced, I also have reservation about this. If we ask some organizations which have a passion for wildlife, they may have different views. But anyway, OP has a responsibility for conservation as funding has already been allocated. Needless to say, it must also do a good job in facilitating its use by the general public of Hong Kong as a kind of repayment.

Lastly, I must also mention that actually, while OP is tasked with conservation work in the future, it has in fact created many job opportunities in addition to providing Hong Kong with lots of fond memories in the past. Many Honourable colleagues are gravely concerned about how to ensure that the existing staff will be properly protected in the future, while at the same time, some labour disputes arising from excessive outsourcing should be avoided as well. It is my hope that the Bureau can offer more advice to OP in order to prevent these vicious problems from emerging.

I so submit. Thank you, President.

DR JUNIUS HO (in Cantonese): President, in respect of this legislation, the Secretary had consulted this Council some time ago and had raised at the Panel the problem of insufficient funds and the need to pump money into it. So far, billions of dollars had been injected, and the most recent injection was in December last year—not to mention this year—when we were asked for \$5.6 billion.

Back then, the Secretary approached me and asked if an approval could be granted. Of course, this was not his exact wording. I am just stating the substance, which means in essence. At that time, I answered without demur that the funding application must be approved, yet I cautioned the Secretary that it would be difficult to take care of the poor in the long run, and the authorities must find out what the Park was making money now. If people have to pay a hundred dollars or so just to swim there, is it acceptable? Mr SHIU Ka-fai, Mr KWOK Wai-keung and I have great reservations about this new model. Yet, after all, offering rescue is to save lives. Besides, we worry that the Park may close down due to insufficient funds. The Park has a history of several decades and it carries some collective memory, so to speak, and we do not want it to close down.

Nonetheless, it has to find a way to survive. As such, I told the Secretary last time that I would agree with the funding application of several billions of dollars without demur, but I had also asked the Secretary to think about the future mode of operation. I notice from the current paper that the authorities want to introduce conservation and education, retail/dining/entertainment zone, core attractions, adventure parks, wellness-themed zones and water world to the Park, and will also seek to improve the transportation of the lower park and the upper park. However, these items are not very attractive after all and people will look for cheap and good food in the park. For those who want to enjoy expensive

five-star or Michelin-class dining, they will not choose Ocean Park ("OP"). So, in reality, the approach falls between two stools. Then, what can be put in-between to provide support? This situation differs from that of a housing estate. Imagine that I am one of those major estate developers who has built a housing estate accommodating 3 000 to 4 000 households. Residents all go to the shopping arcade downstairs for dining and entertainment, and better yet, the housing estate can be accessed by Mass Transit Railway ("MTR") or railways.

What does the park look like now? It is like a shopping arcade, but without the customers, for the road has been ... From Nam Long Shan to the "Invigorating Island South" initiative, and the commencement of the MTR service, I think the authorities have missed the opportunity, and it has failed to remove the antlers of a deer caught. I have told the Secretary last time that the 93 hectares of land is close to 1 sq m. If 10% of the site is allocated for development, according to my calculation, it will provide an area of 46 million sq ft when multiplied by the plot ratio of 5, and it will generate close to \$460 billion at a price of \$10,000 per square foot. Nonetheless, the Secretary has given no regard to this large sum. On the contrary, he has chosen conservation. I am afraid this is a reckless remedy comparable to hurting oneself to cure a boil, and I can assure the Secretary that it will end up running a deficit. Though it is now agreed that there is no need to repay the principal for at least 10-odd years during the repayment period, this is simply taking money out of the left pocket and put it in the right pocket. It merely means that OP does not have to repay the Treasury, and we are just fooling ourselves.

How can we actually turn the park into a sustainable operation? We must learn from estate developers. All buildings on top are for residential purpose, and downstairs is a fancy shopping arcade. People living on top are working for the estate developer every day, for they have to pay management fees, and they will dine and shop, as well as enjoy the entertainment as mentioned just now, at the shopping arcade downstairs. The estate developer will not sell the entire shopping arcade but will "REIT" it, that is, securitize it. Then its portfolio will be further expanded.

The Secretary is from the Commerce and Economic Development Bureau ("CEDB") ... There is no reason for that. I did mention it last time. Yet, when he submitted this revised paper, the revised objective has merely pointed out the need for implementing conservation work. I am afraid it will not simply involve "conservation" but will need additional funding. He has mentioned development

and management in section 17, and what is development and management work? It is purely conservation work in the park. Yet, should we consider how to achieve self-financing and make money while we carry out fostering, conservation and education work? This is such a beautiful place. We should allocate a considerable part of it for development, so that small families of young people can bring their children there, and this will create room for their upward development. As for this site in Nam Long Shan, if it is sold at \$20,000 per square foot, a price which people are eager to pay, it will generate a profit of at least \$10,000 per square foot. Since the payment of land premium is not required, that amount is saved. And even payment of land premium is required, it is just a matter of putting the money in the left pocket or the right pocket. This is in fact the way of doing business, but CEDB has not thought of it.

I certainly support the Bill, but I can assure Members that the Secretary will come back to us later to seek funding. Should I approve it then? On the last two occasions, Members had already grumbled a lot. I did not join the Bills Committee. I thought after talking to the Secretary last time that he would have considered ways to run this business. Yet, it turns out, according to the paper submitted, that the authorities have not expanded their scope of power in terms of its objective and definition. I really think that it is a case of failing to remove the antlers of the deer caught. I cannot join all the committees, for my ability is also limited. Yet, he is an expert. When he submits a funding request of tens of billions of dollars, he must be able to tell us his proposal. Under the present proposal, the park relies merely on retail, catering and dining. How can it afford the large amount of wages? The wages of these workers are high and they are not willing to take up the job even if they are paid a cent less.

Therefore, President, I support the Bill yet it is a painful decision, and I do not see any way out. He still has some room for consideration, for he has mentioned developing it into a tourist and scenic spot. As such, the only option is to build a six-star hotel, like the one in Qatar or elsewhere, where hotel guests can sleep with the fish or look at the fish when they cannot sleep. If this type of hotel is built, there is a gimmick to attract visitors. I see that this is the only opening or the only way out at present. Yet, next time, if this law 388 ... We really have to think it over. This number or Chapter 388 is a good number. Had not Ms Alice MAK told me just now, I would not have known that the admission fee is \$498 for adults and \$249 for children, and for touching the fish or sea lions, an additional fee of \$388 is charged. She said she would not want to pay that fee. I would rather have someone else pay \$388 to touch me. Right? Why would I pay \$388 to touch the fish?

In fact, has he ever thought about the way of running a business? He needs to run the whole project as a business, and even if he cannot think of any idea, he should know how to copy from others. President, in fact, I can see that we will definitely support the project today and we will continue to inject funds in the future. Yet, I hope that CEDB will expand its power and scope for development when it amends the legislation next time. Since they have come here to break the magic spell or the restraining headband, I urge them to make a larger one, for their head will only grow increasingly larger, and I am sure it will be very painful when the head is big but the headband is small.

I so submit.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon the Secretary for Commerce and Economic Development to reply. Then, the debate will come to a close.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President and Honourable Members, the Government submitted the Ocean Park Corporation (Amendment) Bill 2021 to the Legislative Council for scrutiny in June this year. First of all, I would like to express my sincere gratitude to the Chairman of the Bills Committee on Ocean Park Corporation (Amendment) Bill 2021 ("the Bills Committee"), Mr Jimmy NG, and the 14 members of the Bills Committee for their full participation and vibrant discussions, which have not only enabled the completion of the scrutiny of the Bill in July but have also enriched the content of the future development of the Ocean Park ("OP"). I would also like to thank the 10 Members who have expressed their views on the Bill.

As we have made it clear in the paper and the Bill, the purpose of the amendments is to provide a clear legal basis for empowering the Ocean Park Corporation ("OPC") to take forward and implement the strategies we have discussed previously, so that OP can be successfully transformed and developed into a travel destination with a focus on conservation and education, grounded in nature, so that it can provide services while continuing to operate on a self-sustainable basis.

The content of the Bill involves amendments in five main areas. Firstly, it introduces the conservation function to OP, so that the legislation will unequivocally reflect that conservation will be a major focus of Ocean Park in the future. This is exactly what Members have asked us to do during the many discussions. Secondly, the amendments empower OPC to carry out recreational, educational and conservation work outside OP, so that OPC can enjoy more flexibility in its operation. We also know that the purpose is neither to avoid the important things, nor to give up local conservation and proper businesses for other overseas businesses. For this is actually an expansion where projects carried out with overseas partners may be introduced to OP and bring forth benefits in the operational and financial aspects. Thirdly, the amendments expressly empower OPC to enter into a contract or an arrangement with any other person in relation to the performance of its functions so as to enable OPC to outsource part of OP and its operation to other parties. Just now, many Members have mentioned this point and they consider this a flexible approach under which OPC does not have to run every project on its own. Fourthly, the amendments propose that the approving authority for the application of the Trust Fund of OPC be delegated to the Secretary for Commerce and Economic Development to streamline the process and remove hurdles. Lastly, the amendments propose to repeal the Ocean Park Bylaw to cater for the future arrangement of having different operators managing different areas or facilities in OP. In the future, OPC and the operators will adopt appropriate approaches in managing OP and behaviour of visitors, such as laying down terms and conditions for compliance by visitors when entering OP. OPC will also establish a communication mechanism with the operators to coordinate matters relating to the regulation and security in OP.

President, further to the deliberations of the Bills Committee, 10 Members have expressed their views on various aspects of OP, including its development direction in the short, medium and long-term, functions, missions, mode of operation, financial arrangements, fare setting, direction of transformation, staff retention, management model, as well as various aspects of work inside and outside OP. I have to express my gratitude to them.

Over the past two years, Members had expressed many views during our discussions on how to solve OPC's financial difficulties, its future positioning, and how to turn it into a park which is not only cherished by the people of Hong Kong but also a leisure facility for the tourism industry and the public. I believe no one can fully grasp the prospect of OP under the current epidemic and the ramifications and impacts of the past social riots. Yet, I believe the Legislative Council had indeed provided many useful and proper advice in the past two years, as well as

views expressed at the Finance Committee, the relevant Panels and the Bills Committee earlier which reflected Members' sincere wish to help OP. Today, Members have reiterated their concerns, and I believe it is because they want us to do better. Of course, it may not be necessary to remove the antlers from the deer being caught. In fact, as far as the conservation function is concerned, we will show our care for animals through education and conservation, and we will do a good job in operation. I believe we are well aware of Members' views.

It is worth mentioning here that, as in the past, after taking into account Members' views, we have got hold of the time and opportunity to carry out a number of tasks, which include the completion of the water park construction works, all the safety and licensing procedures and manpower arrangement for commencing operation. Initially, the ticket sales are satisfactory and members of the public are looking forward to it. As for the lower park and the upper park, while we are waiting for the passage of the Bill, we see that according to the views conveyed to us and the development direction we agreed, OP has started an eight-week exercise on prequalification of tenderers this week and invited proposals from operators who are interested in participating in the various projects in the lower park and the upper park. In other words, the above work has commenced in parallel.

In terms of management, apart from working with the existing management and Board of Directors, the Government has seconded the former Commissioner for Tourism to serve as the Chief Executive ("CE") of OP as an interim arrangement given a pending change in personnel. We have successfully recruited a new CE in the meantime, and the former Commissioner for Tourism will return to the Government after this week. We hope that the new leadership will cooperate with the Board of Directors and continue to take forward the work in accordance with the views of Members. We are well aware that now the Board and the leadership, as well as the community, have high expectations for OP. As such, OP will continue to work as hard as ever to turn the crisis into an opportunity, so that it can as we wish successfully emerge from its current predicament and become a tourism, leisure, conservation and education facility that Hong Kong people are proud of.

President, upon the passage of the Bill, all provisions will come into effect on the day of gazettal, except for clause 9 which involves the repeal of the Ocean Park Bylaw. As for clause 9, it will not take effect until OPC and its cooperators have made arrangements to regulate the behaviour of visitors in OP, and the commencement date will be published in the Gazette.

President, I implore Members to support the Bill so that OPC can take forward its future plans as scheduled. I thank Members for their many valuable comments and hope that, as Ms Alice MAK and a few other Members have mentioned, Members will buy tickets and enjoy their visit to OP. Thank you.

With these remarks, I hope Members will support the Bill.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Ocean Park Corporation (Amendment) Bill 2021 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present.

I declare the motion passed.

CLERK (in Cantonese): Ocean Park Corporation (Amendment) Bill 2021.

Council became committee of the whole Council.

Consideration by Committee of the Whole Council

CHAIRMAN (in Cantonese): This Council now becomes committee of the whole Council to consider the Ocean Park Corporation (Amendment) Bill 2021.

OCEAN PARK CORPORATION (AMENDMENT) BILL 2021

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

CLERK (in Cantonese): Clauses 1 to 9.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): If not, we now proceed with the voting.

I now put the question to you and that is: That the clauses read out by the Clerk stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

I declare the motion passed.

PRESIDENT (in Cantonese): All the proceedings on the Ocean Park Corporation (Amendment) Bill 2021 have been concluded in committee of the whole Council. Council now resumes.

Council then resumed.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I now report to the Council: That the

Ocean Park Corporation (Amendment) Bill 2021

has been passed by committee of the whole Council without amendment. I move the motion that "This Council adopts the report".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by the Secretary for Commerce and Economic Development be passed.

In accordance with the Rules of Procedure, this motion shall be voted on without amendment or debate.

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

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present.

I declare the motion passed.

Third Reading of Government Bill

PRESIDENT (in Cantonese): Government Bill: Third Reading.

OCEAN PARK CORPORATION (AMENDMENT) BILL 2021

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I move that the

Ocean Park Corporation (Amendment) Bill 2021

be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Ocean Park Corporation (Amendment) Bill 2021 be read the Third time and do pass.

Does any Member wish to speak?

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present.

I declare the motion passed.

CLERK (in Cantonese): Ocean Park Corporation (Amendment) Bill 2021.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Member's motion with no legislative effect.

Mr LUK Chung-hung will move a motion on "Protecting the rights and interests of platform workers".

Two Members will move amendments to the motion.

This Council will proceed to a joint debate on the motion and the amendments.

Later, I will first call upon Mr LUK Chung-hung to speak and move the motion. Then I will call upon Mr KWOK Wai-keung and Mr POON Siu-ping to speak in sequence, but they may not move their amendments at this stage.

The joint debate now begins. Members who wish to speak please press the "Request to speak" button.

I now call upon Mr LUK Chung-hung to speak and move the motion.

MOTION ON "PROTECTING THE RIGHTS AND INTERESTS OF PLATFORM WORKERS"

MR LUK CHUNG-HUNG (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

My motion is entitled "Protecting the rights and interests of platform workers". What is meant by "platform workers"? I believe Members all know that these days, people will seek various services from digital platforms through their mobile applications. Perhaps the most commonly used service is takeaway delivery. This explains why we can see the bustling of so many food and goods courier workers drenched in sweat on the streets, and they are there to provide us with convenient delivery services for food and courier goods. Their work is actually marked by hard toil, but at the same time, such workers are lack of any protection in Hong Kong society at present.

I think the SAR Government is rather tardy in this regard, as reflected by the situation with "three Noes"—no survey, no regulation and no policy—and takeaway delivery workers are completely stripped of any protection. Therefore, I move a relevant motion here today, in the hope that the community can actively address the problems in this regard.

I myself have also got a firsthand experience of this job type for a few days. We in the Hong Kong Federation of Trade Unions ("FTU") have conducted a research study, so as to gain a deeper understanding of this industry. Actually, as the novel coronavirus epidemic rages on, first, people's demand for takeaway delivery services has surged; and second, many people who have fallen out of job have no alternative but to engage in takeaway delivery services—this has manifested the admirable spirit of Hong Kong people. Therefore, I think it is high time that the authorities squarely addressed this new labour relationship arising from a new economic mode in this new era.

What is meant by "labour relationship"? It means an employer paying someone to do certain work for him in order to make profits for his company, in which case the company or the employer will become the main risk bearer, and an employee should perform his work under the employer's orders. In the past, this labour relationship was defined as an employment relationship, and everybody was clear about it. But under this new economic mode, this is no longer the case as employers do not see to it that this constitutes a labour or employment relationship, and they will state explicitly that those people are self-employed in the very first line of the contract concerned. But are they really self-employed? Apparently, they have much flexibility and freedom at work. But do they really enjoy so much freedom? Well, does it mean that they should relinquish all their due protection under a rightful employment relationship and also the due protection accorded by our labour laws and legislation such as the Employees' Compensation Ordinance only in return for such little flexibility?

President, the present case is actually that such workers are under de facto employment despite the absence of a recognized employment status. This is the employment reality of gig workers at present. Actually, during their initial development, some takeaway delivery companies employed takeaway delivery workers under the mode of direct or formal employment. But after engaging in

the business for quite some time, and probably with many more people joining the industry, some companies have come to realize that it may bring advantage to their companies if they classify their workers as "self-employed" in the contract as they do not have to bear so much operating cost or acquire labour insurance for them as a result. As this mindset persists, all their workers have been disguised as self-employed workers.

Actually, such platform companies adopt algorithms in managing and controlling the behaviour and service quality of their food delivery workers and exercised substantive control over them. That is to say, platform companies and food delivery workers are in a non-reciprocal relationship marked by subordination. Such platforms also obtain data including the location of their takeaway delivery workers and their delivery lead time and monitor their work in real time through mobile applications. Besides, they have also laid down standardized operating procedures and guidelines, such as stipulating the use of the insulated thermal bags provided by the company, and some have even required their workers to wear uniform. Failure to comply with all this will be subject to a penalty mechanism. One particular example is the order acceptance rate. For instance, is it possible for a takeaway delivery worker to always pick and choose orders or reject an order on the mere ground that he has to go a long way in order to pick up the order from that particular restaurant? Theoretically, this is possible. But with frequent rejection of orders, first, he will lose his commissions, and previously, some platform companies even reduced the payment rate by as much as \$20 for each rejected order. However, following our increased criticism recently, they have already ceased to do so. Nevertheless, this does not mean that there is no penalty. In the case of those takeaway delivery workers who have rejected an order before, their companies may assign fewer orders to them afterwards or even withhold "good orders" (namely "two successive orders") from them, and this has made their work more and more difficult. So, takeaway delivery workers are invariably very nervous within those few hours because once they have selected a time slot, they will have to remain on standby at a specified place for a specified duration within a two-hour time frame. They even have to keep an eye on their mobile phones while in toilet for fear that their failure to accept an order in time may result in the lowering of their ratings and affect subsequent order assignment. It looks like the overall operation is "more work brings more money", but then the decision is utterly not in the hands of takeaway delivery workers.

Nevertheless, they must endure high risks at work at the same time. Actually, our recent survey has discovered that the proportion of takeaway delivery workers sustaining injuries of a varying degree in the course of work is not low, and it stands at over 20%. But despite injuries of a varying degree, very few of them have claimed insurance compensation from their companies. As unveiled by FTU's survey, over half of the respondents are even unaware that their companies have taken out insurance for them. This problem of insufficient protection is evident.

In 2020, the media uncovered 11 cases of takeaway delivery workers sustaining medium injuries in the delivery process. According to a police announcement on the number of traffic accidents in the first quarter of this year, there were 771 motorcycle accidents involving injuries, and 94 cases (or 12%) of this number were associated with food delivery. The lack of any insurance coverage in the delivery process is the biggest problem.

The second problem is low wages. Sometimes, if a delivery worker is unlucky within a particular hour or day and is given less than one order per hour, his wages will already drop below the minimum wage of \$37.5 as he can merely earn around \$30 per order. But then, this is not subject to any regulation. President, I therefore think that it is honestly the right moment to strengthen regulation. I say so not only because new circumstances have emerged, but also in view of a related policy introduced by our country. On 16 July, the Ministry of Human Resources and Social Security, the National Development and Reform Commission, the Ministry of Transport, the Ministry of Emergency Management, the State Administration for Market Regulation, the National Healthcare Security Administration, The Supreme People's Court and the All-China Federation of Trade Unions jointly issued the "Guiding Opinions on Protecting Labour and Social Security Rights and Interests of Workers Engaged in New Forms of Employment"—such a long title—with the proposals that takeaway delivery workers must be provided with labour protection, wage protection, accident protection, and so on, as means to safeguard their rights and interests. The Taiwan region of China has likewise ruled for the presence of an employment relationship between takeaway delivery platforms and their delivery workers. In the case of Spain, it has even taken a further step of commencing legislative work to prohibit all digital platforms from employing people under the mode of "bogus self-employment".

What has the Hong Kong Government done? Secretary, at an earlier meeting of the Panel on Manpower, we already urged that you people must first conduct a study to ascertain the number of people now engaged in the relevant job types in Hong Kong, their working hours and also their wages. According to our wage statistics, their wages are honestly not high at all. Half of the respondents in our survey work on a full-time basis, but only 13% of them can earn over \$600. Even if they can earn up to \$600, their wages merely amount to \$15,000 a month actually, and this sum is even lower than the median wage. President, while platform workers earn a low wage and have to endure high risks without any protection, those companies have nonetheless placed numerous advertisements and reaped substantial profits.

President, our economic development must be people-oriented, so that this development concept can be taken forward healthily and sustainably. Speaking of takeaway delivery platforms, I will not completely deny its value, and it is too early to say whether they can bring opportunities or risks. Besides, many people honestly think that their services are quite convenient, and some have even got a job through such platforms. But one important point is that the Government must conduct an immediate study on the ecology of the relevant industries, collect data and put forth a new policy to accord protection. As shown by our survey findings, over 82% of the respondents demand that the Government should regulate takeaway delivery platforms and require them to provide takeaway delivery workers with wage, safety and work injury protection that is no inferior than that accorded by the labour legislation. I hope the Government can squarely address the relevant problems. Thank you, President.

Mr LUK Chung-hung moved the following motion: (Translation)

"That, given the rapid development of platform economy in recent years, various platform companies in Hong Kong have recruited large numbers of platform workers to engage in food delivery and transport services, but such companies have not provided platform workers with sufficient protection; in this connection, this Council urges the Government to set up a licensing regime for regulating platform companies, and to make the taking out of accident insurance with a certain insured amount by platform companies for their platform workers one of the licensing terms and conditions, so as to protect the rights and interests of platform workers."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr LUK Chung-hung be passed.

MR KWOK WAI-KEUNG (in Cantonese): President, my amendment is intended as a follow-through on my earlier proposal at the Panel on Manpower, the proposal of affirming the presence of an employment relationship for employees under the platform economy, and also on my view that the Government should introduce legislative amendments for this employment relationship in order to plug the loopholes.

President, with social progress and information technology advancement, Hong Kong's economic structure has seen the rise of a new economic mode, the platform economy as we call it. Due to the emergence of the novel coronavirus, the development of the platform economy has turned very sophisticated and diversified, with the proliferation of takeaway and goods delivery services. I believe many other job types may likewise follow their example in the future. The drastic increase in the number of platform workers has given rise to one question: Can the existing labour legislation in Hong Kong cover and protect workers of the platform economy?

I wish to begin with a discussion on the loopholes plaguing the platform economy. Actually, existing companies under the platform economy in Hong Kong often claim that "wage earners" can enjoy a high degree of freedom and flexible working hours, saying that they may start or end their working hours anytime they wish and reject orders. Even existing platform workers also believe this is true. But actually, precisely under the veneer of a high degree of freedom in this easy job and self-employment, platform companies refuse to provide platform workers with any labour rights and welfare, including the minimum wage, work injury compensation, sick leave and annual leave entitlements, and also all other labour-related benefits. Platform workers are not entitled to all these.

But actually, what is this concept under discussion all about? What is the reality? Can we really say that it is an easy job only because of "some degree of freedom"? Mr LUK Chung-hung, who has had some experience, is able to tell the toil and bitterness involved. What is the reality? The reality is that an

overwhelming majority of platform companies adopt computer algorithms for worker management. They determine the numbers of orders that can be absorbed by individual platform workers and also their wages based on such factors as their order acceptance volume, order fulfilment volume and also required lead time with the use of artificial intelligence and conduct computations in the relevant program, thereby manipulating their behaviour. Actually, the two parties are by no means on a reciprocal footing.

I wish to talk more specifically about the reality in Hong Kong. In the case of a takeaway delivery platform company called "Foodpanda", for example, it states in an employment term that workers are self-employed under the new system. But the most paradoxical point is that each worker must register in advance the time slots available for work or otherwise in the following week, and if he breaks his promise, the number of orders to be assigned to him in the days ahead will be significantly reduced as a penalty. In short, this means that a worker must show up for work as scheduled after registering his available time slots. In case of lateness, he will be penalized by his employer. While platform workers do not work in an office setting, will they consider themselves to be self-employed in reality?

Let us look at the experience of other countries. Spain is the first to come forward with the assertion that all this constitutes "bogus self-employment". According to the Spanish Government's definition, as platform companies resort to computer algorithms in managing and assigning orders, the so-called "self-employment" is actually "bogus self-employment". In September last year, the Supreme Court of Spain likewise handed down a verdict on the employment relationship involved. One particular point to note was that the mobile application was actually written by programmers, only that it was installed in the computer and came under computer control afterwards. It also ruled on the question of whether the computer was directly in charge, or somebody else in charge had input the instructions.

The example of the Taiwan region is the same. They have recognized the necessity to enhance protection, especially protection in the event of accidents. My personal recommendation is that the Government should expeditiously review the mode of employment under the platform economy and affirm the presence of

an employment relationship between platform companies and platform workers with reference to overseas examples. The issue this time also shows that Hong Kong's labour legislation always lags behind without any vision. For the purpose of protecting "wage earners" in Hong Kong, I hope the Labour and Welfare Bureau will take the lead as soon as possible to enact legislation. Thank you, President.

MR POON SIU-PING (in Cantonese): President, first and foremost, I thank Mr LUK Chung-hung for proposing a Member's Motion on protecting platform workers. At present, the Government pays no attention to the emerging gig economy model, nor does it put in place any policy to deal with it. Given the Government's indifference to the subject of gig economy, I proposed in 2018 that the Research Office of the Information Services Division of this Council should gather information about overseas experiences on gig economy and review the policy to strengthen protection for independent workers. I also asked the Government at Budget debates whether it would review the labour laws in view of this new employment model brought about by technological development. Members also put related questions in this Council earlier, but the Government only made ambiguous replies. I hope that in this debate today, the Government can demonstrate a clear attitude towards gig economy and expeditiously catch up with the technological advancement and protect the labour rights of platform workers.

I understand that the employment mode of platform workers under the gig economy is different from the traditional employment mode. In places such as the United Kingdom and Spain, the employment relationship between platform workers and platform companies was taken to court for a ruling; and in countries such as the United Kingdom, Italy and Spain, platform workers have been included into the scope of labour protection. In our country, the State Administration for Market Regulation and other departments jointly issued last month the Guiding Opinions on Fulfilling the Responsibility of Online Catering Platforms to Effectively Safeguard the Rights and Interests of Takeaway Delivery Workers, setting out a full range of requirements to protect the normal rights and interests of food-delivery workers and urges platform companies and third-party partners to take out social security for takeaway delivery workers with whom they have established a work relationship.

In Hong Kong, the media quoted a report published by a British research consultancy Capital Economics as pointing out that some 48 000 jobs in Hong Kong had been preserved during the pandemic peak from April to June last year because of takeaway delivery services; and in terms of business turnover of the restaurant partners, takeaway delivery services had contributed HK\$8 billion to our economy in the second quarter and the jobs of an average of 31% of the restaurant workers were preserved because these restaurants had provided takeaway services.

The development of the gig economy is playing an increasingly important role in Hong Kong. This motion on "Protecting the rights and interests of platform workers" Mr LUK Chung-hung proposed today is already a belated one. Regarding how to protect the rights and interests of platform workers and how to strike a balance between flexibly developing the gig economy and protecting labour rights, I believe there is still much room for adjustment. As a starting point, however, I think apart from requiring platform companies to take out accident insurance with a certain insured amount for their platform workers, expanding the target coverage of the Protection of Wages on Insolvency Fund to platform workers will be a measure that can be implemented early with less impact on the employment relationship, so as to prevent platform workers from being unable to obtain the wages due to them as a result of platform companies closing down or going out of business. Also, the Government should conduct a comprehensive study on the formulation of an employment policy for platform economy. This is the original intent of my amendment to Mr LUK's motion.

Regarding Mr KWOK Wai-keung's amendment, I understand Mr KWOK's intention to protect platform workers, but at this stage, it may not be the best option to ask the Government to align the employment policy of platform workers with that of the workers in the traditional economy. Hence, if Mr KWOK's amendment to the motion is later passed in this Council, I will withdraw my amendment.

President, I so submit.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Mr LUK Chung-hung for moving this motion for debate today, and Mr KWOK Wai-keung and Mr POON Siu-ping for proposing their amendments. I will listen carefully to Members' views. Also, I wish to take this opportunity to explain the Government's work on protecting the rights and interests of platform workers.

The development of society and technology, coupled with the ravages of the COVID-19 pandemic, has changed people's habits and their modes of living. The demand for takeaway delivery or transport services has increased. Platform companies providing related services in Hong Kong have developed rapidly, and naturally the rights and interests of platform workers and their protection have become a matter of concern.

The partnership between platform companies and platform workers and the ways to protect the rights and interests of platform workers are the key concerns of the Member moving this motion for debate today and many labour groups. The Government also attaches great importance to this subject. Platform workers generally work for several jobs. We must first understand their partnership with the platform companies before we can determine whether they are protected by labour laws under their individual work contracts. Digital platforms are an emerging industry. With the rapid development of the industry, the partnership and terms between platform companies and platform workers are also constantly changing. Although different countries and regions have adopted different corresponding strategies and measures, many common handling approaches have been formulated based on court rulings in litigations or final rulings on cases after repeated appeals.

According to past cases involving self-employment disputes handled by Hong Kong courts, all related factors, rather than one single criterion, must be considered in determining whether a person is an employee or a self-employed person. Factors to be considered in individual cases differ and the weighting of individual factors is not always the same across different cases. There is yet to be any case filed by platform companies or platform workers in Hong Kong concerning whether an employment relationship exists between the two parties. But in principle, if an employment relationship does exist between them, the platform company concerned must be responsible for its employees' statutory employment rights and interests under the employment relationship.

The Labour Department ("LD") launches publicity programmes on an ongoing basis to educate the public on the difference between an employee and a self-employed person and provides consultation and mediation services for persons involved in bogus self-employment disputes. LD also actively enforces the law and strives to protect the statutory rights and interests of qualified employees. Moreover, we are currently looking into policies adopted by different countries and

regions on protecting the rights and interests of platform workers and their reference values for Hong Kong. LD and the Census and Statistics Department are discussing plans to conduct a thematic household survey to gauge the working conditions of platform workers.

President, I will listen carefully to Members' speeches and then give a consolidated response to the issues raised by Members in my closing remarks.

President, I so submit.

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

Mr LAU Kwok-fan, please speak.

MR LAU KWOK-FAN (in Cantonese): President, I support the motion on "Protecting the rights and interests of platform workers" moved by Mr LUK Chung-hung and the amendments proposed by Mr KWOK Wai-keung and Mr POON Siu-ping.

The rapid development of technology has brought dramatic changes to the modes of business operation worldwide. Internet platforms have given rise to a new mode of work in areas such as food delivery and transport. Under these new economic models, which are called gig economy, the employment relationship between the workers and the platform companies is indeed a little ambiguous, which has given rise to many disputes over the protection of labour rights and interests.

Actually, this new economic model has brought job opportunities and flexibility to many people. I notice that many people, especially during the epidemic, have temporarily taken up casual jobs such as takeaway delivery and transport on a full-time or part-time basis. These platform workers, however, are usually self-employed and do not enjoy any protection under the labour laws. Some platform companies even take advantage of this grey area and deprive these workers of basic labour protection. This has led to many disputes. Regrettably, the Government has yet to have any plan to expand the target coverage of the Employment Ordinance to self-employed persons.

Given that gig economy has become a major development trend in society, I personally think that the Government should not turn a blind eye to these disputes. I know that active efforts are being made in the Mainland to address this issue and the relevant legislation is being drafted. Today, I would like to take this opportunity brought by Mr LUK Chung-hung's motion to propose some recommendations or solutions for reference by the Government, Members and the public. First, some basic protection should be given to platform company workers. For instance, the scope of the Protection of Wages on Insolvency Fund should be expanded to cover these workers. This can serve as a means of protection to them.

Second, I mainly wish to talk about the possibility of setting up industry protection funds, such as setting up one for takeaway delivery workers. The fund can follow the format of the Travel Industry Compensation Fund ("Compensation Fund"). How does the Compensation Fund work? Local travel agents will deduct 0.15% of every outbound fare as stamp levy for the Compensation Fund, so as to provide accident and medical coverage for travellers. I wonder if this concept can be applied to different platform industries. For instance, 0.15% of each takeaway transaction value can be deducted and transferred to this fund. As Members know, there are many takeaway transactions every day, so this fund should be able to accumulate a considerable amount of money. If a takeaway delivery worker unfortunately runs into an accident or an incident while delivering takeaway food, he can have some protection from this protection fund. I hold that this approach can take into consideration the practical situation while providing protection to the workers concerned. We know that many takeaway delivery workers may work for several companies. When they receive a takeaway order from Company A, they will deliver it for Company A; and then when they receive another takeaway order from Company B, they will deliver it for Company B. As a result, both Company A and Company B may not consider these workers as their formal employees. However, with the establishment of an industry protection fund, a certain percentage of each transaction value will be deducted through the industry protection fund concerned to serve as its source of funding, and the workers in this industry can then have some protection against accidents. I think this is an option that is worth exploration by the Bureau and different sectors of society.

The gig economy has given rise to many labour disputes. It is imperative for the Government to review the existing labour laws. However, the Government must also take into account new ideas and specific approaches that are feasible. I hope that Members can consider the approaches I proposed today, and

that my humble suggestion can trigger better ideas from Members. I so submit and support the motion. Thank you.

MS ALICE MAK (in Cantonese): President, actually, there are many ways to protect the rights and interests of platform workers and handle these contract-related problems. Many studies are already being conducted in other countries. For example, in Singapore, a possible way is to let them take out insurance through their labour unions. I only have five minutes left. Just now, my colleagues have already proposed some ways to protect the workers. In these five minutes, I prefer not to go into the details of those specific ways, but rather, I wish to talk about the attitude issue, that is, the way the Government handles or treats platform workers.

In a paper submitted by the Government to the Panel on Manpower in June, it said that the Government did not have any statistics or studies on this subject. What about the experiences of other governments abroad in this respect? The Government said in the paper that in view of "the differences in the social system and economic development of various places, their policy and proposal can only serve as a general reference for Hong Kong". But what has the Government done in Hong Kong after drawing reference from these places? I believe we all understand that people will use more online booking or online shopping and takeaway delivery services especially during the epidemic. We all know that this is an economic development trend. Some countries, as a result of some litigations, have amended their laws or conducted studies on this subject. But should we wait until people have taken this matter to court, or this matter has led to litigation, or some tragic accidents have happened here in Hong Kong before we take any action?

I wonder if Members know that, several months ago, a person named WANG Lin became a hot search on Weibo. I do not know if Members know who he is. WANG Lin is the deputy head of the labour relations department of the Beijing Municipal Human Resources and Social Security Bureau. What has he done? He personally tried ... In Hong Kong, Mr LUK Chung-hung and our research team have worked as platform workers for a few days delivering takeaways. Some of our colleagues have even worked as takeaway delivery workers for a few weeks. This young deputy head of the Human Resources and Social Security Bureau also worked undercover as a deliveryman to get a taste of the hardship of a gig worker and deliveryman. He then discovered that the laws which provided for such matters as rest hours were not feasible in practice. As Mr LUK Chung-hung just said, the laws do not say that the workers are not allowed to rest, but if the workers

are late in delivering the takeaway during those few hours, points will be deducted from them. So, this has actually put restrictions on them.

So, some department heads, I mean, some Mainland officials will actually go and try this work out. We are not asking the Secretary ... the Secretary does not even look at us, not to mention asking him to work as a platform worker. Right? I am not asking him to work as a platform worker. I am only asking him to look into this matter. The Government seems to have nothing. It does not have any statistics, nor does it have conducted any studies. How come? What will the Government do to address the problems encountered by platform workers? In his reply to us, he said the Labour Department would step up publicity and promotion, provide consultation and assistance and increase the frequency of inspections by Labour Inspectors. Is this not a totally irrelevant reply? Or a perfunctory one?

President, it is this attitude problem which I want to point out. In order to address the problem, we should not deny that platform workers will increase in number and that this may become a trend. However, we truly should not wait until somebody has taken this matter to court, or some tragic accidents have happened before we rush to see what ordinances should be amended or what remedies should be made. Actually, the Government should be more forward-looking. Given that it knows this is an economic development trend, it should formulate some policies to facilitate its development. Let us say if the existing laws do not allow them to do so, can the Government amend the laws? But the Government has not amended the laws, nor has it done anything to protect these workers or people in the industry, except doing its job in a nonchalant manner.

The People's Daily Online has described deputy head WANG Lin's approach as follows, let me read it out for Members: whoever holds the people in his hands, the people will hold him in high repute. If you value the people, the people will also treat you justly.

President, I so submit.

MR TOMMY CHEUNG (in Cantonese): President, I speak against the motion moved by Mr LUK Chung-hung on "Protecting the rights and interests of platform workers", as well as the amendments proposed respectively by Mr KWOK Wai-keung and Mr POON Siu-ping.

The Liberal Party opposes the proposals put forward in the original motion to "set up a licensing regime for regulating platform companies, and to make the taking out of accident insurance with a certain insured amount by platform companies for their platform workers one of the licensing terms and conditions, so as to protect the rights and interests of platform workers", as well as those put forward in the amendments to "enable platform workers to enjoy such protection as minimum wage" and "expand the target coverage of the Protection of Wages on Insolvency Fund to platform workers and conduct a comprehensive study on the formulation of an employment policy for platform economy".

President, some people usually tend to think that it will be good to provide more of the so-called "protection" for employees, and although this may be literally true, the protection provided is actually sugar-coated poison in many cases. There must be pros and cons for working as self-employed persons, and will those who choose to do so have no idea at all about these? Moreover, under the current epidemic situation, people are having a hard time with the loss of many jobs, are we going to introduce legislation for the regulation of even casual employment? For example, a self-employed person may work for a number of companies with flexible hours, whose income could be several times that of a full-time employed person, instead of a minimum wage. The introduction of a minimum wage may end up putting a cap on his income. If a person can enter into an employment contract with only one company, his income will inevitably reduce, and do Members consider this a good thing for the person?

Besides, cost consideration plays an important part in business operation, and if employers are required to take out insurance for hiring even a deliverer, in addition to many other requirements such as the need to apply for license, resulting in increase in costs, business operators may choose to close down his business which may not be commercially viable. Self-employed persons will then be deprived of the opportunities to earn a living. Is this protection for employees?

Self-employed persons can in fact protect themselves by taking out accident insurance of their own accord. The Liberal Party certainly concurs that platform companies do have the responsibility to ensure that self-employed persons have taken out accident insurance for themselves, because the impact can be far-reaching in the event of accidents. However, with regard to the idea of legislating for the setting up of a licensing regime to impose rigid restrictions on employers and self-employed persons, the Liberal Party does not consider this necessary since there are indeed many ways to provide protection in this respect. Furthermore,

we should not think that we can do whatever for the sake of providing the so-called protection to employees.

President, it is not our wish to see the occurrence of any accidents involving self-employed persons while working for platform companies, nor do we wish to see self-employed platform workers sustain injuries and damage or incurring property losses at work without being compensated. I therefore call on major platform companies here to mandatorily take out third-party insurance for self-employed workers, or to ensure that these workers have taken out accident insurance for themselves before offering jobs to them. In case of their omission in this respect and future accidents involving members of the public, the Liberal Party should not be blamed for supporting the introduction of legislation in this respect then.

With these remarks, President, I oppose the original motion and the amendments.

MR VINCENT CHENG (in Cantonese): I would first of all like to thank Mr LUK Chung-hung for moving this motion today on "Protecting the rights and interests of platform workers". In recent years, we often see people ride motor cycles or bicycles to deliver takeaways and they rush on the road every day. The pandemic has boosted the demand for such delivery services and a considerable number of unemployed persons have joined the trade to earn a living.

Apart from takeaway delivery services, orders are also generally placed and entertained via online platforms or mobile applications for such services as online car hailing, goods delivery using van-type light goods vehicles, express delivery, and even private tuition, professional interior design, etc. Such platform economy are referred to as "gig economy" in the market, and it does have great attractiveness to freelance workers because a greater flexibility is definitely allowed as far as the working hours and locations of service providers are concerned, while workers may also choose to work either full time or part time. This has therefore become a new social trend all over the world in recent years.

However, the great flexibility has made the employment relationship ambiguous, and it is also difficult for platform workers to meet the current requirement of being employed under a "continuous contract". Some employers take advantage of grey areas in the existing labour law and do not provide such

workers with employee welfare and protection. For example, a female courier of an express delivery company continued to work without seeking medical treatment despite being infected last year until the case was uncovered when her family members were infected by her. It can thus be seen that there is no job protection for platform workers, who are not entitled to sick leave and rest days, and since their income is calculated in accordance with the number of orders they have delivered and they have been living from hand to mouth, they have no alternative but to work as usual for fear that they will be forced to stop working due to the requirement to undergo mandatory quarantine, with the result of zero income.

Hence, regarding this motion moved today, the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") agrees that it is the responsibility of our society to protect the rights and interests of platform workers, because with the advancement of technology, the stimulation by the epidemic and the increase in the number of freelance workers, it is expected that more and more people will engage in services provided by platform companies. It is worth mentioning that as fellow Members may be aware, many of these platform workers in Hong Kong, especially takeaway delivery workers, are actually people of ethnic minorities. They are among the socially vulnerable group and have made considerable contribution to society, but very pitifully, there have been numerous news reports about their being subject to discrimination and impolite treatment. Their rights and interests have not been fully protected, and they do not know how to have their grievances redressed. It is therefore my hope that the Government will keep abreast of the times, try to keep its feet on the ground, and strive to have a better understanding of this current trend of social development.

What can we do then? First of all, we suggest that the authorities can start with data collection, and ask the Census and Statistics Department to regularly conduct statistical analyses and set out indicators of "platform workers providing takeaway delivery and transport services", or in a broader sense, "workers engaging in gig economy", thereby grasping more information concerning the number, income, characteristics, etc. of such workers.

Secondly, the authorities should also examine whether the existing labour laws have become outdated and obsolete. For example, is the commonly-known "4-18" requirement for a "continuous contract" too high a threshold; and are there two types of workers only, i.e. self-employed persons and employees? Given that takeaway delivery workers engaging in services provided via digital platforms will usually work for a number of different companies and have several employers at

the same time, which party should ultimately be responsible for their compensation in the event of accidents and unforeseen problems? As for an employment relationship, it is now normally established on a one-to-one basis, but is there also room for improvement to this traditional relationship?

I notice that there are recently some experiences in both the Mainland and other overseas countries from which we can draw reference. A review mechanism was recently introduced in California of the United States to handle issues concerning the employment status of "gig workers", so that with stringent government vetting, labour legislation and employee protection can be enacted and provided for such workers. Under the trial implementation of a new regulation in the Mainland city of Nanjing, enterprises are required to make social security payments for full-time takeaway delivery workers, so as to provide protection to them. It can thus be seen that the world is actually moving forward.

It is therefore my hope that the SAR Government will not stick to the old thinking and the existing legislative framework, but will proactively seek changes by making extensive reference to practices adopted in different overseas places, and considering providing in this new era new definitions for new and alternative working modes as well as workers adopting such modes, so that these workers may enjoy better labour rights and interests which will enable them to obtain reasonable living protection. DAB will thus give its support to the original motion and the two amendments.

I so submit.

MR CHAN KIN-POR (in Cantonese): President, with the rapid development of Internet technology in recent years, we have witnessed the proliferation of new trades developed from online platforms, such as takeaway delivery and car hailing services, and a large number of new jobs have thus been created. As a matter of fact, technological advancement has brought enormous changes to the traditional economy, and the labour market has therefore undergone certain changes too, with some jobs in the old economy gradually shrinking and vanishing. In the meantime, new jobs and new working modes have come into existence during the development of the new economy, and these include platform workers engaging in online takeaway delivery and car hailing services as mentioned in the motion moved today. These are new jobs created with the development of new

technology, and it is anticipated that a greater number of such jobs will be created in the future. There is a need for the community to adapt to the new situation, and to consider the implications of the development for our society.

Unlike companies in the traditional sense, online takeaway delivery and car hailing platforms usually employ no traditional workers, but tend to recruit freelance or part-time workers to work for them under the names of "partnership", "independent contractors", etc. This mode of working has the advantage of allowing a greater degree of flexibility, and participating workers may make use of their spare time to earn extra money by engaging in the relevant services. Besides, with the increase in the number of unemployed people earlier, some of them struggled to make ends meet by taking on platform work while looking for a full-time job. As for the disadvantages of such a mode of working, since platform workers are not permanent employees, they are not entitled to labour benefits, and are neither protected under the labour laws nor covered by labour insurance.

The motion today calls for protection to be given to platform workers, and I consider that such a general approach is worth exploring, because in light of the continuous technological development, such a mode of working may become the new normal. More and more people will be engaging in various kinds of work in the new economy through such a mode of working in the future, which will have far-reaching implications for our society. Apart from the provision of protection to platform workers, this is also related to the development of the new economy, the *modus operandi* in society, etc., and it is therefore necessary for the Government to conduct a comprehensive study in this respect.

As for the specific measures to be adopted, I think the matter should be subject to detailed consideration and deliberation in society, especially by employers and employees. The issues to be examined should include: what changes should be made to the employment relationship in the new economy; should a new mode be developed; what protection should be provided to the workers concerned; and whether the imposition of regulation would stifle the development of emerging industries, etc. It is believed that the Government will have to take a long time to complete the study, while the specific proposals must be agreeable and acceptable to both employers and employees. However, as workers engaging in takeaway delivery and car hailing services are required to perform outdoor work, they have higher risks of accidents and priority consideration should thus be given to providing them with accident protection.

In fact, there are now platform companies providing accident protection to their workers, especially those who work on a long time basis and even on a nearly full-time basis. The protection provided includes the taking out of medical and accident insurance.

I wish to declare interest that the company at which I am serving is studying the introduction of tailor-made and suitable insurance plans covering such areas as medical care, accident protection, death caused by accidents, etc. for platform workers. Platform companies will be responsible for paying part of the premiums, while the remaining costs will be borne by platform workers themselves. I consider that it is an appropriate move to take out accident and medical insurance for platform workers before a comprehensive protection plan is worked out by employers and employees. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr LUK Chung-hung, you may now speak on the amendments.

MR LUK CHUNG-HUNG (in Cantonese): I would first of all like to thank Mr KWOK Wai-keung and Mr POON Siu-ping for proposing the amendments, which have enriched the contents of my original motion on "Protecting the rights and interests of platform workers" by supplementing and expanding the coverage of the proposals contained therein. My original motion emphasizes the setting up of a licensing regime, and the requirement to make the taking out of accident insurance for platform workers one of the licensing terms and conditions. Mr KWOK and Mr POON try to include on this basis the protection of some additional rights and interests, so as to offer greater protection to "wage earners" and ensure the more sustainable development of the relevant industries. Under the current epidemic situation, a lot of people have become unemployed, and they have no alternative but take on platform work. However, frankly speaking, I do not think people will really be willing to take up such insecure jobs in the future.

Therefore, the sustainable development of an industry actually hinges greatly on the availability or otherwise of reasonable protection and treatment in that industry, especially the proposal put forward by Mr KWOK Wai-keung to affirm the presence of an employment relationship, and it is in fact absolutely right for him to raise this point. When it comes to platform economy or platform workers, or gig economy or gig workers, the relevant companies have actually exercised control over their workers through an algorithmic management approach. Platform companies have total control over the most important production tools, such as big data, artificial intelligence and mobile applications for receiving orders online, and workers may engage in platform work only through such mobile applications. Therefore, platform companies are actual owners of these crucial production tools, and they have control over such tools, while bearing also the risk associated with their main business, i.e. its profit or loss. Platform workers will get paid for each takeaway they have delivered, and there is basically no risk for them to bear, except the risk of accidents, but this is also a major risk.

Judging from all these, although the Secretary claimed that there was no absolute criterion, I think the picture is rather clear if the three standards mentioned above are met. I therefore agree very much with Mr KWOK Wai-keung, who suggested that the Government should expeditiously review the mode of employment and affirm the presence of an employment relationship, so as to enable platform workers to enjoy such protection as minimum wage, work injury compensation, the Mandatory Provident Fund and paid statutory holidays. As for the proposal put forward by Mr POON Siu-ping in respect of the Protection of Wages on Insolvency Fund, it has indeed supplemented the contents of my motion and made the protection to be provided more comprehensive.

I hope fellow colleagues will support the two amendments proposed respectively by Mr KWOK Wai-keung and Mr POON Siu-ping as well as my original motion, so that takeaway delivery workers whom we can see rush on the road every day for us or numerous workers engaging in gig economy may work with dignity and security. Their dignity must be accompanied by the protection at work, and we should never misplace the focus on the job flexibility enjoyed by them or as suggested by Mr Tommy CHEUNG of the Liberal Party that the greater flexibility allowed the better. He even described the protection we have proposed as sugar-coated poison, and this is absolutely not the case, his suggestion is a typical example of reverse causation. By putting all their heart and soul into their work—I have once nearly stumbled while delivering takeaways—it is the hope of platform workers to get not only their meagre wages but also a basic protection. Is that right, President?

I therefore hope that fellow colleagues will support my original motion, as well as the amendments proposed by Mr KWOK Wai-keung and Mr POON Siu-ping. Thank you, President.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I would like to thank once again Mr LUK Chung-hung for moving this motion and Mr KWOK Wai-keung and Mr POON Siu-ping for moving the amendments and Members who have just expressed their views. As I mentioned at my opening remarks, I hope that Members have heard part of my previous speech, that is, we are examining the policies adopted by different countries and regions on the protection of the rights of platform workers as well as the practices that are worth our reference in Hong Kong. The Labour Department and the Census and Statistics Department are also discussing plans to conduct a Thematic Household Survey with a view to gauging the working conditions of platform workers. We are now working on it.

Just now Members asked the Government to review these employment patterns as soon as possible. Whether platform workers are employees of the relevant platform companies depends on the terms of their individual contracts. However, I would like to emphasize that a person's genuine status as an employee does not depend solely on the title of his or her position or the contract. Even if a person is described as a self-employed person under a contract or agreement between the two parties but there is the presence of an employment relationship between the two, the relevant company still has to fulfil its obligations under the relevant labour laws.

Some Members have pointed out that platform companies have a certain degree of control over the work of platform workers and considered that there was the possibility of false self-employment. I would also like to point out that any employer who intends to evade payment of employment benefits to his employees through a bogus self-employment contract will have to bear the legal consequences under the current system if he fails to fulfil his legal obligations under the relevant legislation. Any person/company determined by the court to be an employer must pay the statutory entitlements and benefits due to the employee who is falsely claimed to be self-employed; moreover, the person/company concerned may be liable to prosecution for failure to fulfil the obligations required of an employer under the relevant laws.

To deter employers who intend to use self-employment contracts to avoid paying employment benefits to their employees from doing so, the Labour Department has been adopting a three-pronged approach to help those concerned to ascertain their relationship with the service companies concerned. We will continue to emphasize and publicize the difference between employees and self-employed persons to employers, employees and the general public, provide advisory and mediation services to those involved in false self-employment disputes, and take proactive enforcement actions to protect the statutory rights of eligible employees.

To assist some ethnic minority people, some of whom you may notice are involved in the work of these platforms, in understanding the key provisions of the labour laws and the differences between the rights of employees and those of self-employed persons, the Government made available publicity materials in a variety of languages commonly used by ethnic minorities in Hong Kong, and these materials are widely disseminated through the Multilingual Platform on the GovHK website, the Labour Department website and the dedicated pages of the Interactive Employment Service website.

Some Members mentioned the employment protection for platform workers and considered that although they were considered self-employed persons, they had an employment relationship with the platform companies concerned and should be covered by the labour laws, including the Employment Ordinance, the Employees' Compensation Ordinance and the Protection of Wages on Insolvency Ordinance, and so on. It is important for Members to note that labour laws involve the rights and responsibilities of both employers and employees, and therefore any amendments must balance the interests of both parties. If labour laws were extended to cover self-employed people, this would mean that all those who hire the services of others would also be required to pay them various employment benefits. For example, if someone uses the plumbing and electrical services provided by a self-employed person, they may also have to pay the person the relevant employment benefits. As there are many such examples, such proposals will have far-reaching implications. We therefore must consider them carefully.

We have heard some Members' suggestion that the Government should make reference to overseas experience and consider establishing an employment relationship between platform companies and platform workers so that platform workers can enjoy the protection that employees are entitled to under labour laws.

As I mentioned in my opening remarks, we have always been mindful of the digital platform work mode and how issues such as the rights and benefits of digital platform workers have been handled around the world. Some countries and regions, such as the United Kingdom and California in the United States, have defined the status of individual platform workers in accordance with court rulings; however, most of the rulings only applied to individual litigants but not all platform workers in the relevant jurisdictions. On the other hand, Singapore and some Mainland provinces and cities have taken a non-legislative approach to provide basic protection for platform workers by devising measures suitable to their needs.

As mentioned by some Members, the National Development and Reform Commission, together with 12 departments including the State Administration for Market Regulation, proposed in July 2020 to explore the protection of labour rights and the corresponding responsibilities concerning new economic platforms and their workers. Subsequently, the State Administration for Market Regulation, together with the National Development and Reform Commission and other departments, issued two "Guiding Opinions" in July this year, namely the Guiding Opinions on Safeguarding the Employment Rights and Interests of Workers in New Employment Forms, and the Guiding Opinions on Fulfilling the Responsibility of Online Catering Platforms to Effectively Safeguard the Rights and Interests of Takeaway Delivery Workers. Information shows that different provinces and cities are considering different directions to protect platform workers, but they are at different stages. While some jurisdictions have enacted legislation to extend protection to platform workers, many provinces and cities in our country are still at the stage of exploring and drafting the relevant legislation.

As I have reiterated earlier, the Labour Department and the Census and Statistics Department are discussing plans to conduct a Thematic Household Survey for the collection of data on the working conditions of platform workers. At present, we are exploring the feasibility of conducting such a survey.

We will continue to closely monitor the latest developments in the protection of the labour rights and interests of platform workers and explore the possibility of conducting statistical surveys to facilitate further studies on this subject.

President, I so submit.

PRESIDENT (in Cantonese): I now call upon Mr KWOK Wai-keung to move an amendment.

MR KWOK WAI-KEUNG (in Cantonese): President, I move my amendment.

The amendment moved by Mr KWOK Wai-keung (See the marked-up version at Annex 1)

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr KWOK Wai-keung be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Tommy CHEUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Tommy CHEUNG has claimed a division. The division bell will ring for five minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr WONG Ting-kwong, Ms Starry LEE, Mr Steven HO, Mr Holden CHOW, Dr Pierre CHAN, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Kenneth LAU voted for the amendment.

Mr Tommy CHEUNG, Mr CHAN Kin-por, Mr Frankie YICK, Mr YIU Si-wing, Mr Martin LIAO, Mr CHUNG Kwok-pan, Mr SHIU Ka-fai, Mr CHAN Chun-ying and Mr Tony TSE voted against the amendment.

Mr POON Siu-ping and Mr Jimmy NG abstained.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Ms Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Mr CHEUNG Kwok-kwan, Dr CHENG Chung-tai and Mr Vincent CHENG voted for the amendment.

Mr Paul TSE voted against the amendment.

Mrs Regina IP abstained.

THE PRESIDENT announced that among the Members returned by functional constituencies, 20 were present, 8 were in favour of the amendment, 9 against it and 2 abstained; while among the Members returned by geographical constituencies through direct elections, 17 were present, 15 were in favour of the

amendment, 1 against it and 1 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the amendment was negatived.

MS STARRY LEE (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Protecting the rights and interests of platform workers" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Starry LEE be passed.

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

(Members raised their hands)

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

(No hands raised)

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

I declare the motion passed.

I order that in the event of further divisions being claimed in respect of the motion concerned or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr POON Siu-ping, you may move your amendment.

MR POON SIU-PING (in Cantonese): President, I move my amendment.

The amendment moved by Mr POON Siu-ping (See the marked-up version at Annex 2)

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment moved by Mr POON Siu-ping be passed.

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

(Members raised their hands)

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

(Members raised their hands)

Mr Tommy CHEUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Tommy CHEUNG has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr WONG Ting-kwong, Ms Starry LEE, Mr Steven HO, Mr POON Siu-ping, Mr Holden CHOW, Dr Pierre CHAN, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Kenneth LAU voted for the amendment.

Mr Tommy CHEUNG, Mr Frankie YICK, Mr CHUNG Kwok-pan and Mr SHIU Ka-fai voted against the amendment.

Mr CHAN Kin-por, Mr YIU Si-wing, Mr Martin LIAO, Mr Jimmy NG, Mr CHAN Chun-ying and Mr Tony TSE abstained.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Ms Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Mr CHEUNG Kwok-kwan, Dr CHENG Chung-tai and Mr Vincent CHENG voted for the amendment.

Mr Paul TSE voted against the amendment.

Mrs Regina IP abstained.

THE PRESIDENT announced that among the Members returned by functional constituencies, 20 were present, 9 were in favour of the amendment, 4 against it and 6 abstained; while among the Members returned by geographical constituencies through direct elections, 17 were present, 15 were in favour of the amendment, 1 against it and 1 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the amendment was negatived.

PRESIDENT (in Cantonese): Mr LUK Chung-hung, you still have 22 seconds to reply. Then, the debate will come to a close.

MR LUK CHUNG-HUNG (in Cantonese): President, after months of efforts by the Hong Kong Federation of Trade Unions ("FTU"), the Secretary has finally said that he is doing ...

MR WONG KWOK-KIN (in Cantonese): You have not put on your microphone.

MR LUK CHUNG-HUNG (in Cantonese): President, can you give me some added time to speak? After months of attention paid by the FTU to the problems concerned, the Secretary has finally said that he is working on the issue. We hope that the Secretary will take the initiative to intervene in the cases and incidents concerned, push for the relevant legislation and regulate platform companies, so that these employees can enjoy basic protection (*The buzzer sounded*) ...

PRESIDENT (in Cantonese): Mr LUK Chung-hung, please stop speaking.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr LUK Chung-hung be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr Tommy CHEUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Tommy CHEUNG has claimed a division. The division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr WONG Ting-kwong, Ms Starry LEE, Mr Steven HO, Mr POON Siu-ping, Mr Holden CHOW, Dr Pierre CHAN, Mr LUK Chung-hung and Mr LAU Kwok-fan voted for the motion.

Mr Tommy CHEUNG, Mr Frankie YICK, Mr CHUNG Kwok-pan, Mr SHIU Ka-fai and Mr Tony TSE voted against the motion.

Mr CHAN Kin-por, Mr YIU Si-wing, Mr Martin LIAO, Mr Jimmy NG, Mr CHAN Chun-ying and Mr Kenneth LAU abstained.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Ms Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Mr CHEUNG Kwok-kwan, Dr CHENG Chung-tai and Mr Vincent CHENG voted for the motion.

Mrs Regina IP and Mr Paul TSE abstained.

THE PRESIDENT announced that among the Members returned by functional constituencies, 20 were present, 8 were in favour of the motion, 5 against it and 6 abstained; while among the Members returned by geographical constituencies through direct elections, 17 were present, 15 were in favour of the motion and 2 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he declared that the motion was negatived.

PRESIDENT (in Cantonese): Member's motion with no legislative effect.

Mr Paul TSE will move a motion on "Responding decisively to foreign countries' interference in Hong Kong's affairs".

Members who wish to speak please press the "Request to speak" button.

I now call upon Mr Paul TSE to speak and move the motion.

MOTION ON "RESPONDING DECISIVELY TO FOREIGN COUNTRIES' INTERFERENCE IN HONG KONG'S AFFAIRS"

MR PAUL TSE (in Cantonese): President, actually the motion involves several aspects. Apart from a relatively hot topic in recent days, namely the anti-sanctions legislation, which has been shelved or postponed by the Central Government, I would like to focus on several other aspects. In fact, the sanctions by Western countries against Hong Kong and our country have been in place for quite some time, but I notice that leaving aside a total of seven press releases issued in response by the Government, one response from a Non-official Member of the Executive Council, and some very brief responses from individual Members of ours, this Council has never made any official response to the sanctions concerned. In this regard, the Legislative Council might let Hong Kong people down in terms of representing their stance and interests. Why has the Legislative Council not made any official response? While suffering so much from foreign sanctions that have borne down on us, why have we not spoken out or cried foul at all? This motion today seeks to respond to the relevant activities. It is not just about sanctions, but rather covers four aspects, namely the deliberate distortion, improper interference, indiscriminate sanctions and exploitation of opportunities to stir up hype in respect of Hong Kong's social conditions, legal reform and recent constitutional reform. Even if we do not focus our discussion on the sanctions for

the time being, there are still three other aspects in which we can or should make appropriate responses.

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

Deputy President, certainly I wish to get the discussion rolling by offering my humble opinions to encourage valuable input from others. In fact, there are Members here who are more knowledgeable than me. More than that, I believe many so-called spokespersons in the community are actually more knowledgeable than us. However, as a matter of fact, the sanctions concerned are rather confusing. Of course, it is because threats are closing in from many sides, including two pieces of United States legislation, namely the Hong Kong Human Rights and Democracy Act and the Hong Kong Autonomy Act, which I do not believe many colleagues have read. Moreover, the so-called sanctions have come in many forms, such as a so-called executive order of the President of the United States, followed by an official sanction statement by the United States Treasury Department, and then some statements from the Department of Homeland Security. I am not going into the details. When the occasion arises for us to have the anti-sanctions law, we will certainly have ample opportunities to respond more comprehensively and appropriately to the relevant measures imposed by the United States.

However, I wish to put this in a joking way. It has now come to my knowledge that Mr ZHENG Yanxiong, Director of the Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region, shared the same birthday as Mrs Regina IP yesterday. Why do I know that? It is because one of the sanctions has completely disregarded the privacy of all those concerned. As the Secretary in attendance should also know, their dates of birth, addresses and proofs of identity have all been published. In my view, this deserves strong criticism, but at this stage, as I have just said, I am putting it aside for the moment.

I would like to focus on the issue of our response. Deputy President, we have seen many statements that are actually very unfair to Hong Kong. For example, obviously there was "black-clad violence" in 2019, and we have all heard and still clearly remember PELOSI, Speaker of the House of Representatives of the United States, describing it as a beautiful sight to behold, but the Government seemed indifferent and initially responded by characterizing it as a social incident,

which constituted the official response. When we later used the term "protesting rioters", foreign countries described them as "pro-democracy activists", but the Hong Kong Government's initial response described those people in a very mild manner as "protesters". Certainly, many facts have been distorted. For example, Mr Jimmy LAI has been repeatedly depicted as a "democracy fighter" and "freedom fighter". We all know what happened, but at the same time he was awarded the so-called Truman-Reagan Medal of Freedom, which was a distorted representation of these circumstances by the United States.

Even Mr Dennis KWOK, a former Legislative Council Member, has recently received the Commonwealth Law Conference Rule of Law Award, despite the fact that Members here, including Deputy President, have also been victims. We know what happened back then that led to a seven-month paralysis of this Council. In the face of various phenomena, admittedly we have different views on the incidents depending on where we are and where we stand, but should Hong Kong people and the Legislative Council of Hong Kong not be speaking out against the phenomena of excessive bias, total disregard of truth and one-sided blanket smears?

Deputy President, I have looked back at our previous responses. As mentioned earlier, there were a total of seven official responses. Regrettably, each and every of them was issued in the form of press release. The titles were admittedly written in rather strong words, such as "damage Hong Kong's reputation" and "attempts doomed to fail" in most cases. They also contained such expressions as "condemn", "despicable", "extreme outrage" and "despicable acts". I feel that these words are the same as those used by the spokespersons of the Ministry of Foreign Affairs of our country. However, Hong Kong is a special administrative region under "one country, two systems", an international city, and a place where Chinese and Western cultures meet. In actuality, can we handle and describe these incidents in a way and manner that is more humanized and compliant with international standards, as well as in language understood by the international community? I have to emphasize here that I am not saying that our country's narratives are incorrect, but under "one country, two systems", perception is very important, just as it is in lawsuits and politics. As far as our perception is concerned, does Hong Kong have its own set of values and its own parlance? We can help our country speak with a more convincing voice without having to repeat in parrot fashion the exact wording used by the Ministry of Foreign Affairs. Do we not have our own personality, character and characteristics to tell these stories? This is a point I wish to emphasize.

Besides, the press releases were presented in a very cold fashion, routinely using the expression "the spokesperson said" and then quoting a paragraph every time. Who was our spokesperson? Who said this stuff? Regardless of whether the spokesperson is good or bad, whether that is a pretty girl or a handsome man, and whether the spokesperson is eloquent or not, at least we see a spokesperson for the Ministry of Foreign Affairs at the national level, and we also see a spokesperson for the United States Government. On that note who is the spokesperson for Hong Kong? Is there only a robot? Why would it be impossible to make more humanized remarks to tell Hong Kong's stories on behalf of Hong Kong? Does Hong Kong have any mechanism and candidates for that? Have we made a point of putting resources into doing this matter? I will talk about this part later, considering that we have spent a lot of money, but what have we actually done? Are we hiding behind the Ministry of Foreign Affairs to say that these are foreign affairs and then, without uttering a word, just issue press releases bureaucratically, copying Beijing's exact wording as if our duty has been discharged? We should either do nothing or tell the story of Hong Kong people in the way Hong Kong people would, while however toeing the national line. Why would it be impossible to pull it off? Have we thought about how to do it? These are the questions we need to ask.

Deputy President, there are yet other means I wish to discuss. In addition to press releases, we spend \$600 million a year running overseas Economic and Trade Offices ("ETOs"). If my memory has not failed me, there should be 13 of them now. With the one in Dubai accounted for, there should be 14. While we spend so much money every year, what have these colleagues done? Apart from the fact that Mrs Carrie LAM went to head an ETO some years ago because she had to accompany her son to study, I really do not have the impression that ETOs have done anything. Sometimes when we visit foreign countries, they treat us with courtesy, which we feel grateful for. In addition to requesting some cold figures, we have asked relevant questions, such as how many times and with whom they have had meetings and what press releases they have issued, but on the whole, do we feel their presence? As the President said, governance is good only when it gives people a feeling of happiness. Do we feel that ETOs have done anything? In particular, is it enough just to keep infections at bay amid the pandemic? Have we played our part? In the face of unprecedented sanctions, condemnations and smears, what have we done? Should we just send the English version of our press release to the so-called ETOs for publication and then leave well alone every time? Have they duly played an ambassadorial role at all? These are all issues to be

addressed. There is not much time left. Even half an hour may not be enough to criticize them, but I will make optimum use of the remaining one minute.

We have spent more than \$44 million on hiring international consultants to improve our image. I noticed that Mrs Regina IP published an article two days ago criticizing this matter, and I totally agree with her. Having spent \$150 million on consultancy and \$30 million on promotion over the past three years, why do we still need to hire international consultants to help Hong Kong say things that are totally fruitless? They would just do something to prove that "mothers are women", so to speak. We have made use of neither the resources supposedly available in Hong Kong nor even the many people who can speak for us. For example, Henry LITTON, a former Judge, Grenville CROSS, a good Director of Public Prosecutions, and many others can speak for us. Why do we not make use of them? *(The buzzer sounded)*

DEPUTY PRESIDENT (in Cantonese): Mr Paul TSE, your speaking time is up.

Please move your motion.

MR PAUL TSE (in Cantonese): Deputy President, I move that the motion, as printed on the Agenda, be passed.

Mr Paul TSE moved the following motion: (Translation)

"That this Council urges the SAR Government to immediately conduct a study and decisively adopt measures to proactively respond to the deliberate distortion, improper interference, indiscriminate sanctions and exploitation of opportunities to stir up hype in respect of Hong Kong's recent political affairs, legal reform and social conditions by such countries as those in the Five Eyes alliance."

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, first of all, I thank Mr Paul TSE for putting forward the motion of "Responding decisively to foreign countries' interference in Hong Kong's affairs". I will first talk about the SAR Government's stance and strategies on foreign countries' interference in my opening speech, and then listen and respond to Members' opinions.

Our country has stressed over and over again that it will absolutely not allow any foreign interference in its internal affairs. Since the Hong Kong Special Administrative Region ("HKSAR") is an inalienable part of the People's Republic of China, the affairs of HKSAR are purely our country's internal affairs, foreign governments have no authority and are in no position to make arbitrary comments on or even interfere in our country's affairs. With the continuous progress and improvement in our country's national capability, economy, military and technology in recent years, some western countries have attempted to suppress the rise of our country and the great rejuvenation of the Chinese nation under the ideology of the zero-sum game. A so-called "Western camp" was therefore formed. By forming cliques and colluding with each other, the "Western camp" has attempted to smear and attack our country in the international community, or put forward some false propositions, such as "the genocide in Xinjiang" and "Hong Kong human rights and democracy", with the intent to separate and subvert our country, and endanger its sovereignty integrity. The "Western camp" even politicized the COVID-19 epidemic by trying to blame our country for being the source of the virus in disregard of scientific basis. To put it bluntly, they simply tried to hinder our country's proper development by various smearing means.

Since the reunification, foreign forces have all along attempted to interfere in the affairs in Hong Kong, and have nurtured a group of agents under careful planning to stir up troubles and create chaos in society under the guise of democracy and freedom. By colluding and siding with their agents, foreign forces have racked their brains to smear the administration of our Government by using every possible means to confuse people continuously. They even advocated the idea of "Hong Kong independence" and sowed discord between our country and HKSAR. On the one hand, they hindered the effective governance of the SAR Government, and blamed it for ineffective governance on the other, in a bid to provoke public grievances. They made trouble in Hong Kong, created chaos in the Council, instigated the Occupy Central movement and the "black-clad riots" in an attempt to paralyse or even subvert the SAR Government.

As Mr XIA Baolong, the Director of the Hong Kong and Macao Affairs Office of the State Council, pointed out in his speech on 22 February this year: "If the anti-China and destabilizing forces were allowed to seize the jurisdiction over Hong Kong step by step, do whatever they want, wantonly organize events that endanger national security and damage the prosperity and stability of Hong Kong, if foreign forces were allowed to interfere in such political affairs as the elections in Hong Kong, think about it, what would Hong Kong's prospect be like? Would there be peace in Hong Kong anymore? Could Hong Kong's status as an international financial, trade, and maritime centre still be maintained? Could we effectively tackle the main livelihood concerns of Hong Kong people such as the housing and employment problems? Could "one country, two systems" still be run smoothly?!"

Since the promulgation and implementation of the Hong Kong National Security Law, not only has social order been quickly restored after violence and disorder have been stopped and curbed, but the Hong Kong-based agents of foreign forces have also been gradually eliminated, and the forces that interfered in Hong Kong affairs have been greatly weakened. Those should be handled have been handled, with many of them having disbanded or run away. Coupled with the improvement of the HKSAR's electoral system and the full implementation of the principle of "patriots administering Hong Kong", normal social order in Hong Kong has been restored, the rule of law has returned, people can lead a safe and tranquil life again and our development has been back on the right track. Even though foreign forces are still attempting to interfere with the affairs of Hong Kong, with our country's support and the concerted efforts of all sectors in HKSAR, we must give strong and powerful response, and go all out to safeguard the sovereignty, security and development interests of our country, and the long-term prosperity and stability of Hong Kong.

The SAR Government has reiterated that we strongly oppose any interference in the affairs of Hong Kong by foreign governments or politicians. In the face of false claims about Hong Kong or even unreasonable sanctions by foreign governments, the SAR Government will continue to give quick and strong response by solemnly refuting any unfounded accusations. In the face of foreign government's wilful smearing of Hong Kong's legal system and the Hong Kong National Security Law, the SAR Government will not turn a blind eye to their wilful distortion of the law, judicial independence and impartiality in Hong Kong. The SAR Government will seize every opportunity to make clarification so as to set the record straight.

The SAR Government will continue to keep an eye on the global situation and adhere closely to the diplomatic policy objectives of our country. We are determined to oppose any foreign interference in the affairs of Hong Kong by any means, and are committed to taking up the important responsibility of safeguarding national security.

Deputy President, I will then listen carefully to Members' speeches and will give an overall reply and explain in detail the Government's measures in response to foreign interference.

MR HOLDEN CHOW (in Cantonese): Deputy President, the Western countries are basically oppressing us at every turn in order to contain China. Among them is the United States, which has used a variety of means, such as the so-called sanctions, actually to make use of Hong Kong to stir up troubles, thus serving the hidden agenda of suppressing China, our country.

In fact, our current situation is very clear. Today I feel grateful to Mr Paul TSE for proposing this motion. I think it is indeed worth bringing up for discussion today how or in what way the SAR Government should respond at the SAR level when foreign countries interfere in Hong Kong affairs or suppress us.

Now let us look back at the interference or various kinds of suppression by other countries against us. One example is that while we simply act in accordance with the national security law to safeguard national security, they throw their weight behind trying to exculpate the rioters and even provide the latter with asylum, in effect encouraging the breach of law. In truth, they will not be satisfied until Hong Kong is forced into demise. If these acts are not considered a trampling on justice, then what else could they be? Another example is that when Overseas Non-Permanent Judge Brenda Marjorie HALE left office, she went so far as to use her departure from office as a tool to discredit the National Security Law of Hong Kong. These acts have actually trampled on the rule of law in Hong Kong.

Thankfully, Lord SUMPTION, a highly reputable British judge, has made a stand and said something for Hong Kong. He pointed out that the judicial officers in Hong Kong, i.e. overseas non-permanent judges, who are responsible for the administration of justice, should focus on the administration of justice and not engage in politics, and that judicial officers should not go the other way around to effectively collude with foreign politicians for their fight against China.

Lord SUMPTION made it very clear at that time, because some British judges even attempted to trigger mass resignation. It was under such circumstances that he made a stand and said these words. I wish to point out here that as these people have spoken so well for us with rigorous words upholding justice, can the SAR Government in any way tell their narratives to Hong Kong people and make them known to the public? In my view, some people in Western countries are intent on suppressing China. However, as it is rare for someone to stand up for us, why do we not make public and better inform Hong Kong people of the rigorous remarks that these people have made for us in support of justice? In fact, many people in Hong Kong may not know that Lord SUMPTION has stood up for us and said these words, because it was in a British newspaper that he wrote the article. I think we can tell the public more about it. As Mr Paul TSE has rightly suggested earlier, we can relay these remarks to the public, because many people know nothing about them.

As regards how the SAR Government should respond accordingly, I quite agree with other Members' observation that only press releases are issued every time. Mr Paul TSE has earlier brought out the key point that despite being issued every time, press releases are in fact no match for a real person speaking. Do we really need a spokesperson? We have seen the practices in other regions. Probably every government has a spokesperson. Even in our own country, we have seen HUA Chunying come out to speak on behalf of the country. This is a real person directly responding. This kind of publicity strategy is much more effective.

In my opinion, the SAR Government should really consider whether a post of spokesperson should be created even for the Secretary for Justice herself or the Department of Justice itself, because she is often the most powerful person who can fight back for us in such situations as interference by foreign countries. The Secretary can come out to speak. Alternatively, she can even get a spokesperson to speak as well so as to ramp up her forcefulness. This is the way to truly and directly face up to interference or suppression. In any case, we are at least standing up for ourselves and making a rebuttal, or at any rate, we are not going to lose our momentum. We should not merely issue a press release after others interfere in our affairs or get a spokesperson to accuse us. We should get a real person to speak out, make responses and tackle such acts of defamation and suppression.

Deputy President, I so submit.

MR YIU SI-WING (in Cantonese): Deputy President, during the celebrations of the 100th anniversary of the founding of the Communist Party of China on 1 July this year, President XI Jinping made it clear that he would definitely not allow any foreign power to bully, oppress or enslave the Chinese people. Back in 2017 during the celebrations of the 20th anniversary of the establishment of the Hong Kong Special Administrative Region ("SAR"), President XI publicly declared the untouchable "three limits of toleration" under "one country, two systems", pointing out that any activities that endanger the sovereignty and security of the country, challenge the authority of the Central Government and the Basic Law of Hong Kong, or make use of Hong Kong as a channel for infiltration and sabotage against the Mainland, are all breaches of the limits of toleration and are absolutely impermissible.

All of these clearly indicate the attitude of our country, and one concept under the philosophy of governance of our country is independence and self-reliance. China does not interfere in the internal affairs of others, nor does it allow foreign powers to dictate the affairs of China. However, some Western countries, led by the United States, often make use of the concepts of democracy and freedom to interfere in the internal affairs of other countries, and over the years have hyped about the issues related to Xinjiang and Tibet in a hostile attempt to subvert the Chinese regime.

Hong Kong is a prime example. After the reunification, foreign forces took advantage of the freedom of Hong Kong under "one country, two systems" to cultivate the opposition camp as their agents and to continuously subvert Hong Kong. Through various political and protest activities, they have influenced a number of sectors of Hong Kong, including education, media, judiciary, and even the Legislative Council, and have hindered the administration of the SAR Government, directly or indirectly affecting the efficiency of governance and credibility of the Government. This has eventually given rise to public grievances, which led to the outbreak of the Occupy Central movement in 2014 and the "black-clad violence" in 2019, completely destroying Hong Kong's core values.

Deputy President, Hong Kong people have always been rational and pragmatic. They are proud of the spirit of the Lion Rock and understand that success is attributed to hard work. It is typically a city that succeeds in economic development. No one could have imagined that such a vibrant and economically active cosmopolitan city would be dragged down by brutal political activities. In recent years, Hong Kong society has been seriously torn apart, with the emergence of "strictly either yellow or blue" political divisions and a hostile atmosphere across

the community, where members of a family can turn against each other for different political positions, which was unimaginable in the past. In 2019, the "black-clad violence" reached its peak, not only wreaking havoc on social order, but also causing great damage to the economy, especially the tourism industry, with tourist arrivals dropping by half in December 2019 compared to the same period last year. If the problem was not resolved, Hong Kong's economy would plunge into an abyss of no return.

In view of this, the Central Government introduced the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("the National Security Law"), improved the electoral system, and fully implemented the principle of "patriots administering Hong Kong". Since then, the anti-China forces have been restrained, but foreign forces, led by the United States, are persistent in making ill-intentioned criticisms from time to time on China's internal affairs. They have published the so-called monitoring reports on Hong Kong's issues, and sanctioned certain Hong Kong officials. I believe that these actions will not stop in the near future, as the Hong Kong issues are still the main battleground for foreign forces to attack China. The SAR Government should be politically wise enough to prepare for the long haul.

The tourism industry, being one of the four major economic pillars, certainly hopes that Hong Kong can restore calm and welcome tourists from all over the world in a peaceful and safe manner after the epidemic. The SAR Government has the responsibility to protect Hong Kong's international image. If foreign anti-China forces make false reports about Hong Kong, the SAR Government should respond decisively in a timely manner and fight the public opinion war. Of course, as I said earlier, the Government cannot just respond by issuing statements, and it is better to send its officials to express the views in person. As for the agents of foreign powers in Hong Kong, the authorities should strictly enforce the National Security Law to prohibit any subversive acts of foreign powers from happening in Hong Kong.

With these remarks, Deputy President, I support the motion moved by Mr Paul TSE.

MRS REGINA IP (in Cantonese): Deputy President, first of all, I would like to thank Mr Paul TSE for moving this motion today, which gives us an opportunity to have a debate about the United States and Britain-led Five Eyes alliance targeting Hong Kong officials ... which gives the public an opportunity to see clearly the ugly true colours of the so-called Western democracies that they still fantasize

about. Of course, it was Britain that first started interfering with Hong Kong's affairs. Despite the clear statement in the Sino-British Joint Declaration that its responsibility for Hong Kong would end after the return of Hong Kong to China on 1 July 1997, Britain has kept publishing Six-monthly Reports on Hong Kong over the past 20-odd years, making arbitrary comments about Hong Kong's affairs as if it continues to be our sovereign state.

In recent years, due to fear of the robust development and rise of China, the United States has gone increasingly out of line by elevating the Hong Kong issues to the same level as those in Xinjiang and Tibet. This is simply preposterous. Being such a peaceful, beautiful and open city, Hong Kong is also home to tens of thousands of Americans who have developed their careers, set up families, and been living a good life. But in an attempt to strike a blow to China, the United States has sacrificed the interests of the Americans here on top of those of Hong Kong. We have been subjected to its constant suppression, including the Hong Kong Human Rights and Democracy Act passed in November 2019, the Hong Kong Autonomy Act passed on 14 July 2020, and the President's Executive Order signed by the then President TRUMP. Actually, the United States is the very country that interferes most in Hong Kong's affairs.

Regarding the stance of this Council, as I can recall, we have stepped forward together to raise objection, as well as sign and issue joint statements when the United States passed each of these preposterous Acts. We have also bravely voiced our views against sanctions imposed by foreign countries before. I think the most important message in response to these sanctions is that they are futile in changing the Central Government's policy and position on Hong Kong. There is simply no way the Central Government will withdraw the Hong Kong National Security Law or the amendments it made to improve Hong Kong's political system—the amendments to the Annexes to the Basic Law—because of the United States' sanctions against its government officials or other kinds of sanctions. Therefore, we should take the stance that these sanctions are futile and even counterproductive. They only serve to toughen the stance of the Central Government and that of Hong Kong people, leading to further deterioration of the relationship between China and the United States.

But to be fair, has the SAR Government done anything at all? Yes, it has. On every occasion of such gross interference, the SAR Government would issue a statement while the Chief Executive would definitely make a refutation. As I noted, all the Economic and Trade Offices ("ETOs") have recently—Secretary, I receive the press releases by your Bureau every day—all ETOs have been working

harder in these recent months. Whenever any foreign media passed some groundless remarks, I can see them make refutations. Certainly, I cannot describe them as very proficient writers and, to be frank, they just copy the phraseology of some Government statements, and really fail to write vividly or compellingly. This is due to the limited experience of the heads of ETOs, but they have done their job.

So why don't we get someone to be our spokesperson? I have to point out that the spokespersons of the Ministry of Foreign Affairs—be it HUA Chunying or ZHAO Lijian—do not work alone but with a large team behind them, because a person cannot possibly grasp all subject matters. The greatest problem of the SAR Government is that it has long failed to establish a team to go out to explain its policies and to refute the accusations made by foreign countries. Apart from the need to have a talking head—someone who is handsome, like Mr CHUNG Kwok-pan and Mr TSE of this Council—there should also be a strong team behind the scene.

Given the time limit, I just wish to raise one more point. The SAR Government should actually address its responses not only to the foreign governments, but also to the foreign media and communities, especially the latter, as many Americans and British have no idea about what really happened in Hong Kong. In light of this, we should explain the actual situation in Hong Kong to their communities and general public more often when we rise to speak. To me, every Member has the responsibility to give more interviews to BBC, CNN and Bloomberg, or to have more meetings with overseas parliament members and their assistants during their visits to Hong Kong in order to explain our actual situation. *(The buzzer sounded)*

DEPUTY PRESIDENT (in Cantonese): Mrs Regina IP, your speaking time is up.

MR JEFFREY LAM (in Cantonese): Actually, Mrs Regina IP is being modest. An eloquent and presentable speaker, she can really command a lot of attention whenever she goes out to give speeches, and I would like to thank her on behalf of various sectors.

Deputy President, I would first like to thank Mr Paul TSE for proposing a motion which urges the SAR Government to immediately conduct a study and

decisively adopt measures to respond to the previous despicable interference in Hong Kong's affairs by the Five Eyes alliance which consists of such countries as the United Kingdom and the United States. I can still recall that during the "black-clad violence" in 2019, some foreign forces, media and individuals that aimed at opposing China and disrupting Hong Kong often made use of misinformation to cook up stories to incite people to take to the street in protest against the Government, thus causing disturbance to public peace and order. Examples of such include the claim of fatalities in the "31 August" incident at MTR Prince Edward Station, and rumours about the introduction of a curfew in Hong Kong. All these turned out to be untrue, but still, the Hong Kong Government and law enforcement departments were overwhelmed by the need to do such work as clarification and refutation to present the facts and expound reasons.

While the facts always speak for themselves, and misinformation can never stand the test of truth, all of us ought to guard against the rhetoric of politicians. For example, some countries have vowed to stand with Hong Kong people, and claimed that they have a moral obligation to Hong Kong. These are all but empty words intended to use Hong Kong's affairs as a pretext to stir up chaos in Hong Kong to achieve the purpose of holding back China's steady development.

Let me cite an example. Last year, the foreign ministers of the Five Eyes countries issued a joint statement, questioning the decision passed by the Standing Committee of the National People's Congress to disqualify four Members from the opposition camp in Hong Kong. We all know—as we are familiar with them—that these individuals have never spoken a word of truth, but now, they are commended. I think this is really unjust. The decision was described as an attempt to suppress all criticisms but, in fact, such accusation is simply fictitious and serves the only purpose of provoking Hong Kong people's anti-China and anti-government sentiments through sensationalizing the matter.

So, how reliable are the foreign government and external forces? How trustworthy are they? When we take a look at the recent situation in Afghanistan, we will know the answer. Back then, the United States invaded Afghanistan in the name of anti-terrorism, and nurtured the Afghan Government. Twenty years later, it withdrew its troops in an abrupt manner, and made a miscalculation which caused disarray in the evacuation of European and American citizens, and led to the tragedies of escaping Afghans falling to their deaths from the American military planes which they had climbed onto. No wonder why some analyses have stated that what happened in Afghanistan is a revelation of the United States' attitude:

abandoning immediately whatever deemed to have lost value and become a liability. It shows that the United States is unreliable.

Let us now turn to the question of how to present the facts and expound reasons in a decisive response to the interference in and arbitrary exaggeration of Hong Kong's affairs by foreign countries. I propose that the Government should set up a special working group, as well as establish a mechanism for round-the-clock follow-up and monitoring of local and global information and news coverage relating to Hong Kong. Once any misinformation is spotted, a press release should be finalized and issued within the shortest possible time frame, say within one hour, with posts made on social media, so as to clarify the incorrect information and details by restoring the truth and explaining everything really clearly.

In case of a major issue, the Hong Kong Government should race against time to take early precautionary measures. For example, upon the improvement of the electoral system, three elections will be held in turn in the next six months. Senior government officials can take the initiative to write articles and give interviews to foreign media, and respond specifically to the questions from foreign governments and politicians by distributing a digest through the Economic and Trade Offices around the world. In this way, the truth can be spread around as early as possible.

After all, being an inalienable part of China, Hong Kong always has the Motherland at the back as the greatest support and protection. Hong Kong people really need to keep their eyes peeled and stop being so naive and foolish as to pin their hopes on foreign countries.

With these remarks, Deputy President, I support today's motion.

MR CHUNG KWOK-PAN (in Cantonese): Deputy President, I believe that the Government should invite Mrs Regina IP more often to attend more exchanges with foreign countries to foster communication. Most importantly, Mr Paul TSE and I should also be among those invited. (*Laughter*) Yesterday, the United States ("US") Consul-General invited some Members of the Legislative Council over to his residence, introducing to us the new Vice-Consul. Among those present were Mrs IP and I (the only two Legislative Council Members attending) as well as Deputy Commissioner YANG of the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special

Administrative Region ("HKSAR"), but none was from the SAR Government. This being the case, how is our Government supposed to communicate with the outside world then? I care not if foreign countries are ready to meddle in Hong Kong's affairs or mess with us, but the Government seems to have cut off communication and exchanges with them. Why can we not refute claims that we have done something wrong?

At the US Consul-General's residence yesterday, I introduced to the Vice-Consul the Outline of the 14th Five-Year Plan for National Economic and Social Development of the People's Republic of China ("the 14th Five-Year Plan") and told him how good and fabulous it is, making them realize that the future development of Hong Kong and China will shine bright. And so, speaking more often of all such positive things is something the Government should do. We do know that, very often, foreign media reports are either incomprehensive or rather negative. Both Mr TSE and Mrs IP have just queried what the Hong Kong Economic and Trade Offices ("ETOs") have been doing. What is the use of telling people that they were wrong merely by sending paper messages, faxes or emails? This just will not help. Face-to-face communication is necessary in many cases and the outcome depends on how the Government explains itself or rebuts the claims by others. Given the Government's extremely terrible publicity work in this regard for the time being, it is no wonder that people often have the misconception that the circumstances or situation in Hong Kong is rather appalling. This is not true at all. In particular, I have come into contact with a lot of people belonging to foreign business circles and members of foreign chambers of commerce, namely foreign investors in Hong Kong (i.e. foreigners) who understand so well that the actual situation in Hong Kong is indeed not that bad. However, the outside world does not know the truth, thanks to the Government's extremely terrible publicity work.

Frankly, I think the Central Authorities do know the score. One of the objectives of the 14th Five-Year Plan is precisely to support Hong Kong to develop into a hub for arts and cultural exchanges between China and the West. Why not just "for China" or "for the West" but "between China and the West" then? Well, since Hong Kong is an international metropolis, how could it be possible for us to abstain from communicating with the Western world and not have any dealings with people outside? This is simply impossible. And so, even the Central Authorities want us to include both Chinese and western elements in arts and cultural exchanges. Deputy President, the SAR Government should really give some thought to developing a strategy for effective publicity. I have no idea what

has been achieved in the end after some \$40 million was spent. What if the three of us help the Government with this for free and the Government only needs to, at most, buy us meals in return? This will do, \$300 per person will do as the meals need not be too expensive. Therefore, regarding these matters, in particular the court judgments in most cases earlier on ... Of course, a court judgment may run from dozens of pages to more than a hundred or two pages, but a lot of foreign or local media would criticize the judge concerned for not doing a good job by citing only one paragraph from the judgment, that is, citing only one single paragraph out of context, and this is the way most media reports are made. No one would give any explanation, nor would there be a spokesman from the Department of Justice to come forward with an explanation on why such media reports were made. This is exactly the crux of the problem. How can the mere act of sending paper messages or issuing a transcript of remarks help in this regard? Hence, the Secretary should really go back to review the Government's information coordination work ... Now that there is not even an Information Coordinator and the Government has failed to get such essential publicity work done. As Mrs IP has just said, a team must be set up to carry out the Government's general publicity work in response to foreign media reports and commentaries in this regard no matter what. Only by doing so will the overall image of the SAR Government be elevated externally. Yet, our Government is just sitting there now, allowing others to walk all over it.

Given the above, I have to thank Mr Paul TSE. I just could not make sense of the contents of his motion at first, but it is all so clear to me now.

Thank you, Deputy President.

MR VINCENT CHENG (in Cantonese): Deputy President, I believe Members have seen a lot of court news recently. I have to say that although we are free to communicate, we must also understand what is right and wrong. We have seen the "black-clad violence" in the earlier period, how the criminal group led by Jimmy LAI manipulated the "black-clad violence", inciting secession, subverting the political regime and colluding with many foreign forces to endanger national security, which is still being affected today. This kind of political manipulation and control was to satisfy their own political ambitions at that time. Moreover, since they are the pawns supported by the Western hegemony led by the United States, their value is to create different kinds of incidents and provide opportunities for the Western hegemony to interfere in the affairs of Hong Kong, interfere in the

internal affairs of China, and suppress the peaceful development of China. Therefore, during the "black-clad violence", which we cannot forget so easily, there were pieces of fake news like the "San Uk Ling" incident and about some people being beaten to death at Prince Edward Station, which were meant to incite hatred against the Police and slander the SAR Government. The purpose is to provide a pretext to external forces to intervene in our affairs and destroy Hong Kong. These scenes are still vivid in my mind.

Therefore, after the Central Government improved the electoral system and enacted the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("the National Security Law"), the Western hegemony, realizing the Central Government's determination to rectify the situation, not only strongly denigrated the improvement of the electoral system and the National Security Law, but also intensified its intervention in the affairs of Hong Kong in a blatant manner. For instance, the United States announced sanctions against several officials of the Central Government and the Hong Kong SAR. The United Kingdom has gone even further by not only pressuring David PERRY QC and interfering with the administration of justice in Hong Kong, but also violating its international commitment not to turn the British National (Overseas) passport into a residence permit by proposing the so-called "5+1" special right of abode scheme. These incidents did not happen long ago.

Therefore, these hegemonic acts of the West have not only aroused the anger of the Chinese people, but also seriously undermined the basic standards of international law and international relations. The international community is actually not pleased with this. At the 46th session of the United Nations Human Rights Council, many Council Members spoke against the Western countries' interference in China's internal affairs through the Hong Kong issues. These voices fully reflect the fact that justice lies in the hearts of the people. Therefore, while the international community is obliged to speak out in support, our SAR should in fact even speak up and speak out about the situation in Hong Kong, righteously refuting the sophistry and false accusations of the Western hegemony.

In this regard, the various Hong Kong Economic and Trade Offices overseas have an important role to play. In addition to regularly disseminating the latest information about Hong Kong to various sectors overseas, they should immediately issue press releases to clarify inaccurate reports and misinformation, and even place newspaper advertisements to dispel rumours with full efforts. During the period of "black-clad violence", we saw that the mutual destruction camp was actively placing advertisements in foreign media, distorting the facts and lobbying some

foreign politicians to sanction Hong Kong with all their efforts. On the contrary, the SAR Government has done very little in this regard. That is why some Members said earlier that even giving soft explanations is desirable, as it is important to tell the truth and the SAR Government is duty-bound to do so. The SAR Government should also arrange more interviews with foreign media for its officials to explain the incidents concerned and clear up rumours, so that some Western countries, especially their local people, can have a better grasp of the real situation. There is no contradiction in this approach. In this regard, I hope that officials at all levels under the accountability system will also step up their external promotion and explanation work to clarify misconceptions and misunderstandings as well as refute these distortions, so as to demonstrate how Hong Kong can fully implement the Basic Law and successfully implement "one country, two systems".

In addition, Western hegemonic governments, biased foreign politicians and media often make use of some false information on the Internet to interfere in Hong Kong's affairs. The SAR Government should also respond effectively by enacting laws against online disinformation in order to cut off the sources of spreading false information. In this way, false allegations, like those made by a lawyer during a press interview about the gang rape by police officers and a sharp rise in the suicide rate, will be gone. All these are false and are used by foreign politicians to interfere in Hong Kong's affairs.

Deputy President, our country advocates a peaceful course of development and is willing to communicate, dialogue and exchange. However, if some foreign hegemonic countries continue to act against China's sovereignty and interests by massively hyping up Hong Kong's issues and interfering in China's internal affairs, we must respond positively and appropriately to protect our country and Hong Kong against these hegemonic powers and cut off any unwarranted thoughts of foreign forces.

Deputy President, I so submit.

DR JUNIUS HO (in Cantonese): Deputy President, I would like to thank Mr Paul TSE for moving the motion on "Responding decisively to foreign countries' interference in Hong Kong's affairs". I usually do not speak so early, but I see that no one seems to be interested in this motion, so if I do not speak, we can end this meeting and go for lunch at any time. However, this in fact is a very important issue, and compared to ordinary issues such as livelihood, it should not be taken lightly at all. But why do our colleagues tend to avoid speaking on this?

What is the reason? This should be worth thinking about, and we should also think thrice.

I think we should have more discussion about this issue. We have to stand up and speak out, right? Mr CHUNG Kwok-pan asked why government officials did not go to the residence of the Consul General of the United States for the housewarming party. Buddy, apart from drinking cocktail, they should have eaten the chicken legs before they left. Why did government officials not attend? But there is one question, did government officials receive the invitation? Maybe not, right? I have no idea, but the Secretary may give us an answer later. However, did I receive an invitation to the party that Mr CHUNG attended yesterday? I can tell you that I did not receive an invitation. In fact, they are choosy in deciding who to invite, and would only invite those who are easy to bully. When he knows that you do not have many "teeth" and will not "bite" him, he will have a chat with you. In reality, what should we do? When you have an engagement with someone, you have to be well prepared and fight well, buddy. Hence, China is now practising "wolf warrior diplomacy". If you are invited to a party and you arrive like a Japanese, just saying "yes, yes, yes, yes", and then keep saying "yes" after standing to one side, what is the point? Therefore, it is time to speak up.

Does this only involve the Five Eyes alliance? Do not just mention the Five Eyes alliance, as following the trend is what the world is like. When you are strong, people will respect you. When people see that you fight and kick just like Bruce LEE, they will think that you are excellent and top-notch, right? If you are weak and incompetent, you are just the "sick man of East Asia". Hence, what should we do? I am grateful to Mr Paul TSE for saying that we should conduct a study and decisively adopt measures. Then what should be studied? What is there to study?

First of all, a weak state has no bargaining power in international affairs. If we do not have our country to support us from behind, we are really just "soft tofu" and will only be bullied. What should we study? Fake news. There are only a few things in the world and faking is one of them. First, people will create fake comments. HITLER's minister of propaganda said that a lie told 100 times would become the truth. I have heard such words so many times in history, but what is my personal feeling? "For the 21 July incident, it was what you, Junius Ho, have done." Despite the tremendous pressure I am shouldering, I still stand up tenaciously and dauntlessly and say what I have to say. I cannot let them talk nonsense.

Likewise, from the experience of this "black-clad violence" in Hong Kong, we learn that rumours do not stop with the wise, and even the wise can get their minds messed up. In fact, there are not too many wise people in the world, and if you are criticized in this way, you will be doomed. Therefore, the law on fake news must be passed. I am glad that the scrutiny of the amendments to the Personal Data (Privacy) Ordinance was completed yesterday to reinforce section 64. Who are the rumour-mongers? We need to target the rumour-mongers. If a rumour-monger discloses someone's personal privacy without consent, he should be arrested, but this is not enough. The person who spreads the information and stirs up trouble on any platform should be arrested, or another alternative is to arrest the person and also shut down the platform concerned. Someone will then say, "I am using Wikipedia, Google, and I am not in Hong Kong, what can you do about it?" Is that true? Not at all. The law will only be effective if CSL, Three Telecommunications or Hong Kong Telecom can be required to shut down his channels. Hence, I specifically asked the authorities yesterday if they would have these measures, and the answer was in the positive. I will try to see if there are any "teeth" left after the future amendment.

Besides, needless to say, in terms of instruments, the ETOs are now awakening. What do we really want to promote? The financial centre is our strength. Recently, DiDi went public in the United States, and what did it violate? It is national security. How can the big data be sent out? However, if it goes public in Hong Kong, it is not outside the country, as Hong Kong is not regarded as a foreign place. We have to absorb these opportunities and ask the "orphans" who are now overseas and listed in New York and being bullied to come back, that is it. If you go elsewhere, your value will be degraded, and you can only regain your value if you leave. At present, the New York Stock Exchange says that it has to send a delegation to communicate with China, asking why Chinese companies are not allowed to seek listing there. I so submit.

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

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): If not, I now call upon the Secretary for Constitutional and Mainland Affairs to speak.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Once again, Deputy President, I thank Mr Paul TSE for proposing today's motion, and I would also like to thank Members for putting forth their valuable views and suggestions. Now I am going to briefly respond to Members' remarks.

All through the past one year or so, the important actions and measures made by the Central Government for the Hong Kong Special Administrative Region ("HKSAR"), including those of enacting and implementing the National Security Law for Hong Kong ("NSL") and improving the electoral system of the HKSAR, were meant to safeguard our country's sovereignty, national security, development interests, Hong Kong's long-term development as well as Hong Kong people's livelihoods and well-being, thus rendering the wanton denigration and groundless accusations by foreign governments evidently untenable. Following the promulgation and implementation of NSL, the long-standing messy situation in Hong Kong was reversed with chaos having ebbed in no time. As social tranquility and stability have been restored, people's life returned to normal, both the economy and people's livelihoods got a fresh start, and the rights and freedoms of the general public have once again been guaranteed. Indeed, all such positive effects of those actions and measures are indisputably obvious to everyone.

As I have said in my opening remarks, the SAR Government firmly opposes any foreign government's or politician's meddling in Hong Kong's affairs. And also, the intention of those foreign forces to use Hong Kong as the gap in our national security to carry out subversive activities aiming at dividing our country is definitely a pipe dream which will never come true.

Facing constant attempts by foreign governments to intervene and dictate how our country's affairs should be run, the SAR Government is always on full alert and has been maintaining close communication with the Office of the Commissioner of the Ministry of Foreign Affairs in the Hong Kong Special Administrative Region to ensure its ability to respond swiftly and effectively to foreign interventions.

(THE PRESIDENT resumed the Chair)

All along, the SAR Government has actually been playing an active role to make explanations and clarifications through international media in response to any false reports and comments against Hong Kong. In the past year, over 560 press

releases and newspaper articles by the Chief Executive and the principal officials of the SAR Government, Policy Bureaux, and Hong Kong Economic and Trade Offices ("ETOs") were issued, while more than 130 interviews were given to the international media by principal officials and Members of the Executive Council to elaborate on matters relating to the SAR Government's policy-making. Actively taking part in international conferences and forums, moreover, our principal officials would explain optimistically on the latest developments in Hong Kong.

As SAR's representatives overseas, all ETOs alike are committed to promoting Hong Kong's positive global image and international status. The SAR Government has been, through ETOs' networks, maintaining close communication and exchanges with people from all quarters overseas in a bid to strengthen ties with different parties overseas, including those from governments, business sectors, think tanks, etc., explaining to them from time to time the situation of Hong Kong while dispelling fallacies to enable people from all quarters to have a more comprehensive understanding of and hence remain confident in Hong Kong.

For all that ETO's physical marketing activities have been obstructed under the pandemic-induced constraints, ETOs still provide overseas stakeholders with the latest information on Hong Kong in their websites and regular newsletters as well as through various social media. In addition, they would also take the initiative to send written articles to overseas media in response to their coverage of issues involving Hong Kong and, by rebutting fallacious comments, set the record straight.

From June 2020 to August 2021, ETOs have organized over 30 webinars for the Chief Executive and principal officials to conduct direct dialogues with various overseas stakeholders, including think tanks, academic institutions and business organizations, explaining to them the situation in Hong Kong and directly addressing their concerns. The SAR Government will continue to keep in touch with overseas stakeholders through ETOs to explore opportunities for closer cooperation and enhance exchanges with them.

Looking ahead to the second half of 2021, the SAR Government will continue to adopt both online and offline means to maintain close contact with Hong Kong's major trading partners and overseas stakeholders. The Chief Executive and principal officials have set to, when the pandemic gradually ebbs at a later stage, proactively engage in overseas visits so as to publicize in focus our success in implementing "one country, two systems" as well as the advantages

enjoyed by Hong Kong on various fronts. Besides, they will be presenting to the international community Hong Kong's social stability, the direction and potential of Hong Kong's development under the Outline of the 14th Five-Year Plan for National Economic and Social Development of the People's Republic of China, as well as the many opportunities brought to Hong Kong and the world by the quality development of the Guangdong-Hong Kong-Macao Greater Bay Area upon the implementation of NSL and its improved electoral system.

Just as Mr WANG Yi, the State Councilor and Minister of Foreign Affairs, has pointed out, there was no democracy to speak of in Hong Kong under the colonial rule. Over the past 24 years since Hong Kong's return to the Motherland, no one else has cared more about Hong Kong's democracy and continued prosperity and stability than the Central Government. Hong Kong's shift from chaos to stability fully serves the interests of all parties. It will provide stronger safeguards for protecting the rights and interests of Hong Kong residents and the lawful interests of foreign investors. The Central Government has the resolve to continue to implement "one country, two systems" under which the people of Hong Kong administer Hong Kong with a high degree of autonomy. It also has absolute confidence in ushering in a brighter future for Hong Kong.

The SAR Government will continue working towards the comprehensive and thorough implementation of NSL while taking forward the steadfast and successful implementation of "one country, two systems" to ensure the long-term stability and safety of Hong Kong, where people can live in peace and work with contentment, and the environment for carrying out business and investment activities is stabilized. Facing different forms of foreign intervention, the SAR Government will surely make an all-out effort to tie in with the Central Government's counter-measures, fearlessly perform its duty of safeguarding national security, hold fast to the stances of our country and Hong Kong, and defend the interests of both as well.

I so submit, President. Thank you.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Paul TSE be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

I declare the motion passed.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11:00 am on Wednesday, 1 September 2021.

Adjourned accordingly at 1:28 pm.

Annex I

Waste Disposal (Charging for Municipal Solid Waste) (Amendment) Bill 2018

Committee Stage

Amendments moved by the Secretary for the Environment

<u>Clause</u>	<u>Amendment Proposed</u>
3(3)	By deleting the proposed definitions of <i>private waste vehicle</i> , <i>public waste vehicle</i> , <i>waste collection officer</i> and <i>waste vehicle</i> .
3(3)	<p>By adding in alphabetical order to the proposed definitions—</p> <p>“<i>Government-employed waste handler</i> (政府所僱廢物處理員) means a person who—</p> <p>(a) is employed by the Government; and</p> <p>(b) carries out the duty of loading municipal solid waste onto a waste vehicle in Government service or moving municipal solid waste at a refuse collection point;</p> <p><i>waste vehicle in Government service</i> (政府用廢物車輛) means a vehicle (whether or not equipped with a device designed for compacting waste carried on the vehicle) that is being used by, or on behalf of, the Director of FEH for removing municipal solid waste and disposing of it at a scheduled facility;</p> <p><i>waste vehicle in private use (with compactor)</i> (設有壓縮裝置非政府用廢物車輛) means a vehicle (other than a waste vehicle in Government service) that—</p> <p>(a) is being used for removing municipal solid waste and disposing of it at a scheduled facility; and</p> <p>(b) has an enclosed compartment equipped with a device designed for compacting waste within the compartment;</p> <p><i>waste vehicle in private use (without compactor)</i> (不設壓縮裝置非政府用廢物車輛) means a vehicle (other than a waste vehicle in Government service) that—</p> <p>(a) is being used for removing municipal solid waste and disposing of it at a scheduled facility; and</p>

(b) is not equipped with a device designed for compacting waste carried on the vehicle;”.

4 In the proposed section 20K(1)(b), by adding “in Government service or a waste vehicle in private use (with compactor)” after “waste vehicle”.

4 In the proposed section 20K(2)(a), by deleting “the Director of FEH” and substituting “a Government-employed waste handler”.

4 By deleting the proposed section 20K(2)(b) and substituting—

“(b) a person who—

(i) is not a Government-employed waste handler; and

(ii) is acting in the course of—

(A) providing removal services at a refuse collection point; or

(B) providing removal services by a waste vehicle in Government service or a waste vehicle in private use (with compactor).”.

4 By deleting the proposed section 20L(1) and substituting—

“(1) A person who—

(a) is not a Government-employed waste handler; and

(b) is acting in the course of—

(i) providing removal services at a refuse collection point; or

(ii) providing removal services by a waste vehicle in Government service or a waste vehicle in private use (with compactor),

commits an offence if the person deposits, or causes or permits to be deposited, any non-compliant waste at the refuse collection point or onto the vehicle.”.

4 In the proposed section 20M(1)(a), by deleting “waste collection officer” and substituting “Government-employed waste handler”.

4 By deleting the proposed section 20M(1)(b) and substituting—

“(b) a person who—

- (i) is not a Government-employed waste handler; and
- (ii) is acting in the course of—
 - (A) providing removal services at a refuse collection point; or
 - (B) providing removal services by a waste vehicle in Government service or a waste vehicle in private use (with compactor).”.

- 4 By deleting the proposed section 20M(2) and substituting—
- “(2) However, subsection (1) does not apply to an act done by—
- (a) a Government-employed waste handler; or
 - (b) a person who—
 - (i) is not a Government-employed waste handler; and
 - (ii) is acting in the course of—
 - (A) providing removal services at a refuse collection point; or
 - (B) providing removal services by a waste vehicle in Government service or a waste vehicle in private use (with compactor).”.

- 4 By deleting the proposed sections 20N and 20O.

- 4 In the proposed section 20P(3)(b)(i), by deleting “vehicle that is not a waste vehicle” and substituting “waste vehicle in private use (without compactor)”.

- 4 In the proposed section 20Q(1), by deleting “, 20N, 20O”.

- 4 In the proposed section 20Q(1), (2) and (3), by deleting “prove” and substituting “establish”.

- 4 In the proposed section 20Q(3)(a), by adding “, whether because it is reasonably suitable for recycling or otherwise” after “facility”.

- 4 In the proposed section 20R, by deleting “, 20O”.

- 4 In the proposed Part IVB, in Division 2, by adding—

“20RA. Exemption from section 20K, 20L or 20M granted on application

- (1) If satisfied that it is reasonable to do so, the Director may, on application by a person (*applicant*), exempt any person from section 20K(1), 20L(1) or 20M(1) in relation to any deposit or delivery of municipal solid waste that is collected—
 - (a) for or on behalf of the Government; or
 - (b) in the course of providing service for collecting material that is reasonably suitable for recycling.
- (2) An application under subsection (1) must be made in the form specified by the Director.
- (3) The Director must, by written notice, inform the applicant of—
 - (a) the Director’s decision to grant, or refuse to grant, the exemption; and
 - (b) if the Director refuses to grant the exemption—the reason for the refusal.
- (4) An exemption granted under subsection (1) may be subject to any condition specified by the Director.
- (5) An exemption granted under subsection (1) is valid for a period specified by the Director and may be renewed by the Director.
- (6) The Director may revoke an exemption granted under subsection (1) if—
 - (a) in the application for the exemption, the applicant provided any information that was false or misleading in a material particular;
 - (b) any condition specified under subsection (4) for the exemption is contravened; or
 - (c) the Director is satisfied that there is no longer any justification for the exemption.
- (7) If an exemption is revoked under subsection (6), the Director must, by written notice, inform the applicant of the revocation and the reason for it.

20RB. Exemption from section 20K, 20L or 20M granted on Director's own initiative

- (1) Subject to subsection (2), the Director may, on the Director's own initiative, exempt any person or class of persons (*exempted person*) from section 20K(1), 20L(1) or 20M(1).
- (2) The Director must not grant an exemption under subsection (1) unless the Director is satisfied that—
 - (a) the exemption is necessary for public safety, environmental hygiene or environmental protection; or
 - (b) due to exceptional circumstances—
 - (i) it is impracticable for the person or the class of persons to comply with section 20K(1), 20L(1) or 20M(1); or
 - (ii) it is unreasonable to expect such compliance.
- (3) The Director must inform the exempted person of the Director's decision to grant the exemption—
 - (a) by written notice; or
 - (b) if a written notice is impracticable in the circumstances—in a way that the Director considers appropriate.
- (4) An exemption granted under subsection (1) may be subject to any condition specified by the Director.
- (5) An exemption granted under subsection (1) is valid for a period specified by the Director and may be renewed by the Director.
- (6) The Director may revoke an exemption granted under subsection (1) if—
 - (a) any condition specified under subsection (4) for the exemption is contravened; or
 - (b) the Director is satisfied that there is no longer any justification for the exemption.
- (7) If an exemption is revoked under subsection (6), the Director must inform the exempted person of the revocation and the reason for it—

- (a) by written notice; or
- (b) if a written notice is impracticable in the circumstances—in a way that the Director considers appropriate.”.

4 In the proposed section 20X(1)(b), by deleting “public waste vehicles” and substituting “waste vehicles in Government service”.

4 In the proposed section 20X(2), by deleting “private waste vehicles” and substituting “waste vehicles in private use (with compactor)”.

4 In the proposed section 20Y(1), by deleting “public waste vehicle” and substituting “waste vehicle in Government service”.

4 In the proposed section 20Y(2), by deleting “private waste vehicle” and substituting “waste vehicle in private use (with compactor)”.

4 In the proposed section 20Y(3), by adding “in Government service or a waste vehicle in private use (with compactor)” after “waste vehicle”.

4 In the proposed section 20Y(4), by deleting “prove” and substituting “establish”.

4 In the proposed section 20Z(1), by deleting “public waste vehicle” and substituting “waste vehicle in Government service”.

4 In the proposed section 20Z(2), by deleting “private waste vehicle” and substituting “waste vehicle in private use (with compactor)”.

4 In the proposed section 20Z(4), by deleting “prove” and substituting “establish”.

6 By deleting “20N, 20O,”.

New By adding—

“14A. Sections 4A, 4B and 4C added

After section 4—

Add

“4A. Exemption from section 4 granted on application

- (1) Subject to section 4C, the Director may, on application by a person (*applicant*), exempt any person from section 4(1) for a period that the Director considers appropriate.
- (2) An application under subsection (1) must be made in the form specified by the Director.
- (3) The Director must, by written notice, inform the applicant of—
 - (a) the Director’s decision to grant, or refuse to grant, the exemption; and
 - (b) if the Director refuses to grant the exemption—the reason for the refusal.
- (4) An exemption granted under subsection (1) may be subject to any condition specified by the Director.
- (5) The Director may revoke an exemption granted under subsection (1) if—
 - (a) in the application for the exemption, the applicant provided any information that was false or misleading in a material particular;
 - (b) any condition specified under subsection (4) for the exemption is contravened; or
 - (c) the Director is satisfied that there is no longer any justification for the exemption.
- (6) If an exemption is revoked under subsection (5), the Director must, by written notice, inform the applicant of the revocation and the reason for it.

4B. Exemption from section 4 granted on Director’s own initiative

- (1) Subject to section 4C, the Director may, on the Director’s own initiative, exempt any person (*exempted person*) from section 4(1) for a period that the Director considers appropriate.
- (2) The Director must inform the exempted person of the Director’s decision to grant the exemption—
 - (a) by written notice; or

- (b) if a written notice is impracticable in the circumstances—in a way that the Director considers appropriate.
- (3) An exemption granted under subsection (1) may be subject to any condition specified by the Director.
- (4) The Director may revoke an exemption granted under subsection (1) if—
 - (a) any condition specified under subsection (3) for the exemption is contravened; or
 - (b) the Director is satisfied that there is no longer any justification for the exemption.
- (5) If an exemption is revoked under subsection (4), the Director must inform the exempted person of the revocation and the reason for it—
 - (a) by written notice; or
 - (b) if a written notice is impracticable in the circumstances—in a way that the Director considers appropriate.

4C. Supplementary provisions for sections 4A and 4B

- (1) The Director must not grant an exemption under section 4A(1) or 4B(1) unless the Director is satisfied—
 - (a) that—
 - (i) the exemption is necessary for public safety, environmental hygiene or environmental protection; or
 - (ii) due to exceptional circumstances—
 - (A) it is impracticable for the person to comply with section 4(1); or
 - (B) it is unreasonable to expect such compliance; and
 - (b) that the vehicle from which the person disposes of municipal solid waste is suitable for disposing of municipal solid waste at one or more scheduled facilities.

- (2) For the purposes of subsection (1)(b), a vehicle is suitable for disposing of municipal solid waste at a scheduled facility if—
- (a) the vehicle is in good working condition;
 - (b) the vehicle is constructed in a way that does not—
 - (i) endanger the safety of any person at the facility;
 - (ii) create any nuisance, or any danger to health or the environment, arising from its activity in the facility; or
 - (iii) disrupt the operation of the facility or any collection, removal, transportation, transfer, reception or disposal (including treatment, reprocessing or recycling) of waste in the facility; and
 - (c) if the vehicle is equipped with a device described in section 3B of the Waste Disposal (Designated Waste Disposal Facility) Regulation (Cap. 354 sub. leg. L)—it complies with the requirement in subsection (3) of that section.”.”.

- 33 In the proposed section 20(6), in the definition of *transition date*, by deleting “22” and substituting “14”.
- 34(3) In the proposed Part 1, in section 2(a), by deleting “vehicle other than a waste vehicle” and substituting “waste vehicle in private use (without compactor)”.
- 34(3) In the proposed Part 1, in section 2(b), by deleting “private waste vehicle” and substituting “waste vehicle in private use (with compactor)”.
- 34(3) In the proposed Part 1, in section 3(a), by deleting “vehicle other than a waste vehicle” and substituting “waste vehicle in private use (without compactor)”.
- 34(3) In the proposed Part 1, in section 3(b), by deleting “private waste vehicle” and substituting “waste vehicle in private use (with compactor)”.

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- 34(3) In the proposed Part 1, in section 4(a), by deleting “vehicle other than a waste vehicle” and substituting “waste vehicle in private use (without compactor)”.
- 34(3) In the proposed Part 1, in section 4(b), by deleting “private waste vehicle” and substituting “waste vehicle in private use (with compactor)”.
- 36 By deleting the proposed items 12 and 13.
- 37(1) By deleting “12, 13,”.
- 37(2) By deleting “12, 13,”.

Annex 1

**The marked-up version of the amendment moved by Mr KWOK Wai-keung
(Translation)**

That, given the rapid development of platform economy in recent years, various platform companies in Hong Kong have recruited large numbers of platform workers to engage in food delivery and transport services, but such companies have not provided platform workers with sufficient protection; *courts in various places such as the Taiwan region, Spain and the United Kingdom have handed down judgments pointing out that platform companies and platform workers are on unequal footing, and as platform companies adopt an algorithmic management approach to manipulate the behaviour of platform workers, platform workers are absolutely not 'self-employed persons' as such; some places have even affirmed the presence of an employment relationship between platform companies and platform workers;* in this connection, this Council urges the Government to ~~set~~ *adopt the following measures to protect the rights and interests of platform workers:*

- (1) *setting up a licensing regime for regulating platform companies, and to make making the taking out of accident insurance with a certain insured amount by platform companies for their platform workers one of the licensing terms and conditions, so as to protect the rights and interests of platform workers;*
- (2) *expeditiously reviewing the mode of employment under platform economy and, by making reference to overseas experience, conducting studies on affirming the presence of an employment relationship between platform companies and platform workers, so as to enable platform workers to enjoy such protection as minimum wage, work injury compensation, the Mandatory Provident Fund and paid statutory holidays; and*
- (3) *collecting the relevant statistics at regular intervals to grasp the latest situation of platform economy; the Employees' Compensation Division of the Labour Department should take the initiative to*

follow up work injury cases involving platform workers and ascertain the liability of platform companies, so as to properly prepare for affirming the presence of an employment relationship between platform companies and platform workers.

Note: Mr KWOK Wai-keung's amendment is marked in *bold and italic type* or with deletion line.

Annex 2

**The marked-up version of the amendment moved by Mr POON Siu-ping
(Translation)**

That, given the rapid development of platform economy in recent years, various platform companies in Hong Kong have recruited large numbers of platform workers to engage in food delivery and transport services, but such companies have not provided platform workers with sufficient protection; in this connection, this Council urges the Government to set up a licensing regime for regulating platform companies, and to make the taking out of accident insurance with a certain insured amount by platform companies for their platform workers one of the licensing terms and conditions, so as to protect the rights and interests of platform workers; ***the Government should also expand the target coverage of the Protection of Wages on Insolvency Fund to platform workers and conduct a comprehensive study on the formulation of an employment policy for platform economy.***

Note: Mr POON Siu-ping's amendment is marked in ***bold and italic type***.