

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 23 June 2010

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE ALBERT HO CHUN-YAN

IR DR THE HONOURABLE RAYMOND HO CHUNG-TAI, S.B.S., S.B.ST.J., J.P.

THE HONOURABLE LEE CHEUK-YAN

DR THE HONOURABLE DAVID LI KWOK-PO, G.B.M., G.B.S., J.P.

THE HONOURABLE FRED LI WAH-MING, S.B.S., J.P.

DR THE HONOURABLE MARGARET NG

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHEUNG MAN-KWONG

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

THE HONOURABLE MRS SOPHIE LEUNG LAU YAU-FUN, G.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

DR THE HONOURABLE PHILIP WONG YU-HONG, G.B.S.

THE HONOURABLE WONG YUNG-KAN, S.B.S., J.P.

THE HONOURABLE LAU KONG-WAH, J.P.

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

THE HONOURABLE MIRIAM LAU KIN-YEE, G.B.S., J.P.

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

THE HONOURABLE ANDREW CHENG KAR-FOO

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

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

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

THE HONOURABLE LI FUNG-YING, B.B.S., J.P.

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

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

THE HONOURABLE AUDREY EU YUET-MEE, S.C., J.P.

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

THE HONOURABLE WONG KWOK-HING, M.H.

THE HONOURABLE LEE WING-TAT

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

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

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

THE HONOURABLE CHEUNG HOK-MING, G.B.S., J.P.

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

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

THE HONOURABLE CHIM PUI-CHUNG

PROF THE HONOURABLE PATRICK LAU SAU-SHING, S.B.S., J.P.

THE HONOURABLE KAM NAI-WAI, M.H.

THE HONOURABLE CYD HO SAU-LAN

THE HONOURABLE STARRY LEE WAI-KING

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

THE HONOURABLE CHAN HAK-KAN

THE HONOURABLE PAUL CHAN MO-PO, M.H., J.P.

THE HONOURABLE CHAN KIN-POR, J.P.

DR THE HONOURABLE PRISCILLA LEUNG MEI-FUN

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG SING-CHI

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

THE HONOURABLE IP WAI-MING, M.H.

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

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

DR THE HONOURABLE PAN PEY-CHYOU

THE HONOURABLE PAUL TSE WAI-CHUN

DR THE HONOURABLE SAMSON TAM WAI-HO, J.P.

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

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE TANYA CHAN

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE HENRY TANG YING-YEN, G.B.M., G.B.S., J.P.
THE CHIEF SECRETARY FOR ADMINISTRATION

THE HONOURABLE JOHN TSANG CHUN-WAH, J.P.
THE FINANCIAL SECRETARY

THE HONOURABLE WONG YAN-LUNG, S.C., J.P.
THE SECRETARY FOR JUSTICE

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

THE HONOURABLE STEPHEN LAM SUI-LUNG, G.B.S., J.P.
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

THE HONOURABLE AMBROSE LEE SIU-KWONG, G.B.S., I.D.S.M., J.P.
SECRETARY FOR SECURITY

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

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

THE HONOURABLE TSANG TAK-SING, J.P.
SECRETARY FOR HOME AFFAIRS

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.S., J.P.
SECRETARY FOR LABOUR AND WELFARE

MS JULIA LEUNG FUNG-YEE, J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE MRS CARRIE LAM CHENG YUET-NGOR, J.P.
SECRETARY FOR DEVELOPMENT

DR KITTY POON KIT, J.P.
SECRETARY FOR THE ENVIRONMENT

THE HONOURABLE EVA CHENG, J.P.
SECRETARY FOR TRANSPORT AND HOUSING

THE HONOURABLE MRS RITA LAU NG WAI-LAN, J.P.
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

PROF LAU SIU-KAI, J.P.
HEAD, CENTRAL POLICY UNIT

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

CLERKS IN ATTENDANCE:

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MRS CONSTANCE LI TSOI YEUK-LIN, ASSISTANT SECRETARY
GENERAL

MRS JUSTINA LAM CHENG BO-LING, ASSISTANT SECRETARY
GENERAL

MRS PERCY MA, ASSISTANT SECRETARY GENERAL

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Employees Retraining Ordinance (Amendment of Schedule 2) (No. 2) Notice 2010	76/2010
Import and Export (Strategic Commodities) Regulations (Amendment of Schedules 1 and 2) Order 2010 (Commencement) Notice.....	77/2010
Waste Disposal (Clinical Waste) (General) Regulation	83/2010
Waste Disposal (Charge for Disposal of Clinical Waste) Regulation.....	84/2010
Child Abduction and Custody (Parties to Convention) (Amendment) Order 2010	85/2010
Designation of Libraries (No. 3) Order 2010	86/2010
Waste Disposal (Amendment) Ordinance 2006 (Commencement) Notice 2010.....	87/2010

Other Papers

- No. 99 — Clothing Industry Training Authority Annual Report 2009
- No. 100 — The Standing Committee on Legal Education and Training Annual Report 1 January 2009 to 31 December 2009
- No. 101 — Securities and Futures Commission Annual Report 2009-10

Report No. 14/09-10 of the House Committee on Consideration of
Subsidiary Legislation and Other Instruments

Report of the Subcommittee on Package of Proposals for the Methods for
Selecting the Chief Executive and for Forming the Legislative Council in
2012

ADDRESSES

PRESIDENT (in Cantonese): Address. Mr TAM Yiu-chung will address the Council on the Report of the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 in accordance with Rule 21(3) of the Rules of Procedure.

Report of the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012

MR TAM YIU-CHUNG (in Cantonese): President, in my capacity as Chairman of the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 (the Subcommittee), I submit the report to this Council.

The Subcommittee has held nine meetings to discuss the package of proposals for the methods for selecting the Chief Executive and for forming the Legislative Council in 2012, the two draft motions to be tabled by the SAR Government to the Legislative Council concerning the amendments to the two electoral methods and the related matters. The Subcommittee has also met with 163 organizations and individuals to listen to their views. The deliberation of the Subcommittee is presented in detail in the report submitted, so today I will only focus on several salient points in the report.

Regarding the nomination mechanism of the Chief Executive election, some members consider that the current package of proposals is retrogressive in comparison with the proposal put forth by the Administration in 2005. They have pointed out that the authorities proposed in the 2005 package that the

number of members of the Election Committee (EC) would be increased from the current 800 to 1 600, and that all District Council (DC) members would be included in the EC, but under the current package, the EC membership will be increased to 1 200, and that only 75 new seats will be allocated to elected DC members. Hence, the proportion of EC members to be returned by election will decrease. Though the nomination threshold will be kept at the current level of one eighth, the number of nominations required will be increased from 100 to 150, which will make it difficult for the pan-democratic camp to field a candidate for the Chief Executive election. These members have suggested that all 405 elected DC members should be included in the EC in order to enhance the representativeness of the EC.

Some other members have expressed support for the Administration's current package of proposals. They consider that the relevant proposals will enhance the role of elected DC members and the representativeness of the Chief Executive election. They also consider that maintaining the nomination threshold at the existing level will already enable competition in the Chief Executive election.

The Administration has explained that the proposal to increase the number of seats for each of the four sectors of the EC evenly aims to ensure that the Chief Executive elect will have the broad support of different sectors of the community. The authorities believe that the pan-democrats will be able to secure the required 150 nominations in the EC to field a candidate for the Chief Executive election in 2012. The Administration considers that the current proposal can provide more room and opportunities for members of the community to participate in the Chief Executive election and help maintain the principle of balanced participation of the four existing sectors in the EC.

According to the original proposal put forth by the Administration, all the five new functional constituency (FC) seats and the existing DC Functional Constituency (DCFC) seat will be returned through election from among elected DC members under the proportional representation system.

Some members worry that some DC members, being only returned by a small electorate or returned uncontested, may be prone to defending the interests

of their districts only. Some members have also expressed concern that the six DCFC seats will be monopolized by large political parties holding a large number of elected DC seats. However, some other members consider the DC proposal put forth by the Administration a pragmatic proposal, which may enhance the representativeness of the Legislative Council election within the framework of the Decision of the Standing Committee of the National People's Congress in 2007.

The Administration has explained that DC members have to pay heed to the well-being of Hong Kong people as a whole when dealing with territory-wide issues. Since the elected DC members have an electorate base of over 3.3 million registered voters, their enhanced participation will increase the representativeness of the Legislative Council election. The Administration also considers that if the proportional representation system is adopted for returning these DCFC seats, candidates from political parties or groupings of different sizes and independent candidates will all have a chance to get elected.

President, the Subcommittee has discussed the retention or otherwise of FCs. Some members consider that the FC system does not comply with the principles of universality and equality, and that it should be abolished ultimately for implementing universal suffrage for the Legislative Council election.

Some other members are of the view that the FC system has the merit of balanced participation, which can be retained in some other form, such as changing its electoral method and expanding its electorate, when universal suffrage is implemented for the Legislative Council.

The Administration stresses that a consensus can hardly be reached at this stage on whether or not the FC seats should be abolished in one go, or only the electoral model for returning the FC seats needs to be changed when universal suffrage is implemented. There will be ample time during the run-up to 2020 for discussion in the community.

Many members have taken the view that to comply with the principle of gradual and orderly progress, the Administration should consider broadening the electorate base of traditional FCs in 2012 in the light of the actual situation in Hong Kong, such as by replacing corporate votes with director's votes. They

have pointed out that the public generally support broadening the electorate base of FCs.

The Administration has expressed that many different sectors and organizations are represented under the current FC system and the process of replacing corporate votes with director's or individual votes is complex. It will be difficult at this stage to reach a consensus on proposals involving substantial changes to the existing FCs, but the authorities are willing to consider including more bodies in traditional FCs, such as the Transport Functional Constituency, to broaden the electorate base of FCs. Consideration may be given to the relevant issues in the context of amending the relevant local legislation.

President, I so submit.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Reform of Political System

1. **MR ALAN LEONG** (in Cantonese): *President, according to Article 25(b) of the International Covenant on Civil and Political Rights, "every citizen shall have the right and the opportunity without unreasonable restrictions to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage". But the Deputy Secretary-General of the Standing Committee of the National People's Congress, Mr QIAO Xiao-yang, said on 7 June that "the core details of universal suffrage is the protection of universal and equal election rights", but he did not mention the right to stand for election and the right to make nomination. Mr QIAO also said in his statement that "the future nominating committee for the selection of the Chief Executive will nominate candidates in accordance with 'democratic procedures', and the method of nomination will be entirely different from that of the existing Election Committee for the selection of Chief Executive, under which candidates are*

nominated jointly by 100 members, and the two are not comparable"; and that "functional constituencies have existed since electoral system was introduced to Hong Kong, and objective assessments should be made". Regarding the Chief Executive and Legislative Council elections (the two elections), will the Government inform this Council whether:

- (a) the aforesaid remarks made by Mr QIAO represent the definition for universal suffrage adopted by the Central People's Government and the SAR Government for implementing universal suffrage for the selection of Chief Executive and the formation of Legislative Council and their stance on universal suffrage; if not, of the relevant definition and stance, and how they differ from the remarks made by Mr QIAO; and*
- (b) it has assessed if there will be division in society and rampant discontent among the people of Hong Kong in the event that the motions on the arrangements of the two elections to be conducted in 2012 to be moved by the SAR Government for voting by this Council today were voted down; if the result of the assessment is in the affirmative, how the SAR Government will deal with such a situation?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, my reply to the question raised by Mr Alan LEONG is as follows:

- (a) The consistent position of the HKSAR Government is that when universal suffrage is implemented in Hong Kong in accordance with the Basic Law, it must comply with the relevant requirements of the Basic Law and the principles of universality and equality. The Chief Executive has made clear the principles relating to universal suffrage in the Report on Public Consultation on Green Paper on Constitutional Development submitted to the Standing Committee of National People's Congress (NPCSC) in December 2007. After considering the Chief Executive's report, the NPCSC made a decision to make clear the timetable for universal suffrage.

- (b) The HKSAR Government will make its best endeavours to obtain the endorsement of the Legislative Council for the 2012 constitutional reform package, so as to pave the way for implementing universal suffrage for the Chief Executive in 2017 and for the Legislative Council in 2020.

MR ALAN LEONG (in Cantonese): *President, I think this reply given by the Secretary is certainly "unprecedented" since my joining the Legislative Council, though whether there will be "no successor" is yet unknown. This reply is incredibly short indeed.*

President, before entering the Legislative Council Building today, we saw many people gathering outside which shows that there is already division in society. President, the Civic Party calls on all people gathering outside to be rational, restrained with a resolute stance while continuing to strive in a rational and moderate manner. President, the public opinion survey conducted by the University of Hong Kong in the last few days shows that about 60% of the people still hope that the Government would withdraw the constitutional reform package. Moreover, the authorities have elaborated on the revised package only in the last few days, so there is not enough time to consult the public. Despite that the government package lacks extensive support, the Government presses for its passage through the Legislative Council. President, this may arouse conflicts and even lead to confrontations, by then how can the Government be responsible for that?

PRESIDENT (in Cantonese): Your supplementary question is related to part (b) of your main question. But I would like to remind Members that given that we will debate and vote on the two proposals later on today, Members' should not discuss issues that will be debated later during the Question Time.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I clearly remember that recently various parties and groupings in the Legislative Council have reminded us that our replies should be

as concise as possible. Hence today I have given a concise reply to Mr LEONG's question.

We of course do not wish to see division in the society of Hong Kong. Hence fostering consensus and accommodating differences is the goal we aimed to achieve when formulating the constitutional reform package. As we can see recently, Members of various parties and groupings and the independents generally support the "one-person-two-votes" proposal. The SAR Government hopes that this agreement and consensus in the Council can also be mirrored in society. Therefore, we hope that after the debate and vote this time, not only can Hong Kong move a step forward in terms of constitutional development, but also a consensus can be fostered in society.

DR PRISCILLA LEUNG (in Cantonese): *President, after the meetings today and tomorrow, irrespective of the constitutional reform package being passed or not, we all know that the definition of universal suffrage given by the Central Authorities and its views on functional constituencies will affect the model of constitutional development in the future. Has the Government considered asking the NPCSC to make reference to the practice adopted for drafting the Basic Law and set up a committee, so that all groupings, the pro-establishment camp, the pan-democratic camp, the independents, the business sector, and so on, can reach a consensus on the future constitutional development in a direct and focused manner, whereby the mainstream view in society can be reflected more effectively and the constitutional development of Hong Kong can develop in a steady direction?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, as we can see, in the past few years, the SAR Government has gained public support and Members have given us a wide range of opinions. This has been enormously helpful to us in dealing with the constitutional development issues. In 2005, we set up the Commission on Strategic Development and kicked off the discussion on universal suffrage. At different stages in the last few years, we have received community views on the 2012 constitutional reform package and future constitutional development.

President, while the third term of the SAR Government is only authorized to deal with the the 2012 constitutional development issue, with regard to the proposals for 2016, 2017 and 2020, we are also collating and summing up the views received and the results will be passed to the fourth term of the SAR Government as reference in handling the method for the 2016 Legislation Council election and the implementation of universal suffrage for the Chief Executive in 2017. I believe the Central Government is very clear about the views of various parties and groupings and the independents in Hong Kong.

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

DR PRISCILLA LEUNG (in Cantonese): *President, the Secretary has not answered my supplementary question. Just now I said that the drafting of the Basic Law had taken only five years, but we have spent 10 years on constitutional reform, and it is not yet concluded. May I ask the Government whether it can raise with and convey our hope that the NPCSC can set up a committee with reference to the model back then, to take special charge of fostering a mainstream consensus on the constitutional development and the relevant proposals in Hong Kong?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, now we are in the 21st century, which is totally different from the 1980s when the Basic Law was drafted. Hong Kong was not yet reunified with the Motherland when the Basic Law was drafted. Back then the Central Government collected community views in Hong Kong through the Basic Law Drafting Committee and the Basic Law Consultative Committee for the formulation of the Basic Law. According to the Basic Law, we already have the five-step mechanism as provided for in Annex I and Annex II to the Basic Law. Therefore, on constitutional development issues, we must reach a consensus in society first, then the proposal with the endorsement of a two-thirds majority in the Legislative Council and the consent of the Chief Executive shall be reported to the NPCSC for record or approval. Certainly, we will reflect community

views in Hong Kong to the Central Authorities from time to time for its information and attention.

MR RONNY TONG (in Cantonese): *President, I think it is really very dangerous to interpret such an important issue as the definition of universal suffrage from the personal remarks of an individual. Unfortunately, it seems that this is the only communication channel between the Central Government and the SAR.*

President, recently someone in the community has told me the remarks made by QIAO Xiao-yang, and now I read out his remarks: "I hold that the methods for implementing universal suffrage for the two elections in future should embody the universality and equality of election, they should also give ample consideration to", then he cited a number of conditions. We are not going to discuss the validity of those conditions, but now there is a saying that the two methods for implementing universal suffrage that should embody the universality and equality of election as mentioned by Mr QIAO Xiao-yang actually include the right to stand for election. Just now I said that we should not conjecture the Central Authorities' views on universal suffrage from the remarks made by an individual, but does the Secretary think that the SAR Government should make clear that the universality and equality of universal suffrage means the right to vote and the right to stand for election and it will lobby the Central Authorities by all means? In this respect, if the Central Authorities' views differ from that of the SAR Government, will the Secretary lobby the the Central Authorities by all means to accept the views of Hong Kong people?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, indeed we have made great efforts to collect the community views in Hong Kong. As for the proposals and suggestions we have received from various parties and groupings, we have conveyed them to the Central Authorities in their entirety.

The remarks made by Mr QIAO Xiao-yang on 7 June are also a response to the concerns and demands of various parties and groupings reflected to the

Central Government. I would like to reiterate to Members that the principles of universality and equality were introduced in our consultation documents when the SAR Government took the initiative to consult the public with respect to the Green Paper on Constitutional Development in 2007. We also made clear the principles when we submitted that consultation report to the Central Authorities in December 2007.

Mr QIAO Xiao-yang said on 7 June to the effect that "The core details of universal suffrage is the protection of universal and equal election rights. Historically, the concept of universal suffrage has emphasized equal election rights regardless of the differences in property, sex, race, and so on. Therefore, universal suffrage generally refers to universal and equal election rights. But internationally, there is a general understanding that election rights can be reasonably restricted by the laws." I believe this elaboration will be helpful to our compliance with the principles of universality and equality when we implement the proposals for universal suffrage in future.

President, I understand that apart from the voting rights, Mr Ronny TONG is also very concerned about the treatment of the right of nomination and its definition when implementing the proposals for universal suffrage. President, I can only tell Members, we are to achieve the ultimate aim of universal suffrage according to the Basic Law. The principles of universality and equality are established already. Pursuant to the Basic Law, we will follow the five-step procedure, that is, the proposals put forth by the SAR Government should be tabled before the Legislative Council for voting, after which they shall be reported to the NPCSC for record and approval. Through this constitutional procedure, we can implement the universal suffrage arrangements for Hong Kong in future.

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

MR RONNY TONG (in Cantonese): *The Secretary has misunderstood my supplementary question.*

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

MR RONNY TONG (in Cantonese): *President, my supplementary question is, the Secretary has read out an excerpt of the remarks, but it is different from or even contradicts with the one I read out just now*

PRESIDENT (in Cantonese): What is your supplementary question?

MR RONNY TONG (in Cantonese): *What I am saying is, other than the democratic camp, currently some people in the community have diverse interpretations of the excerpt I read out just now. Now I am saying that regardless of whether that is the idea of the Central Authorities, the SAR Government is not a mouthpiece, it should*

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

MR RONNY TONG (in Cantonese): *..... have a principle, which means if the SAR Government agrees that the universality and equality of election should include the right to stand for election, does the SAR Government think that it has the responsibility to lobby the Central Authorities so that in this respect their definition will be consistent with that of the SAR Government? Of course, if the views of the Central Government are basically consistent with the SAR Government and only the thrusts of their remarks are different, there will not be any problem. But I think the SAR Government has the responsibility to convey to the Central Government that Hong Kong people believe that*

PRESIDENT (in Cantonese): You have already asked your supplementary question.

MR RONNY TONG (in Cantonese): *the universality and equality of election should include the right to stand for election.*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I fully understand Mr Ronny TONG's supplementary question. Firstly, the consistent practice of the SAR Government is to convey the views of various parties and groupings to the Central Authorities in a highly comprehensive manner. Secondly, when formulating various proposals relating to the constitutional reform, we will put forth our proposals only after taking into account the views of various parties and groupings as much as we can. Hence, the important considerations including those of Mr Ronny TONG in respect of the implementation of universal suffrage will certainly be conveyed on a continued basis.

PRESIDENT (in Cantonese): Mr WONG Yuk-man, please move the placard in front of you to one side slightly so that I can see your face.

MR ALBERT CHAN (in Cantonese): *President, regarding the discussions on constitutional development, in the last week or so, some people and bodies have suddenly reached an agreement with the Central Authorities as some sort of closed-door politics. The Secretary responsible for constitutional affairs has utterly no participation in the entire matter. As such, this Secretary should be fired and his salary had better be paid to LI Gang, right? This is totally*

PRESIDENT (in Cantonese): Mr CHAN, would you please do not present opinions, and ask your supplementary question instead.

MR ALBERT CHAN (in Cantonese): *a huge irony to the constitutional development of Hong Kong. My supplementary question is that the Secretary is adept at calling a stag a horse, saying that election does not only mean the right to vote. As Mr Ronny TONG said, other than the right to stand for election, in*

fact an election should also include the right to make nominations. Generally speaking, an election is composed of three elements, namely, the right of nomination, the right to stand for election and the basic rights of the voters. The Secretary has repeatedly mentioned the universal and equal right of election, does that include the two major elements of the right of nomination and the right to stand for election? Does the right of election referred to by the Hong Kong Government and the Communist Party of China only mean the voting right, excluding the right of nomination and the right to stand for election?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, firstly, the 2012 constitutional issue that we are handling now is led by the Chief Executive and the third term of the SAR Government. Given that at the current stage, the SAR Government shall put forth its proposals for a vote in the Legislative Council, as you saw on Monday, the Chief Executive made a statement to the media and Hong Kong community on its acceptance of the "one-person-two-votes" proposal after discussion with the Executive Council. Secondly, Members may also notice some pan-democratic parties, groupings and bodies have had meetings with the Liaison Office of the Central People's Government in Hong Kong during the last few weeks. But President, those meetings were only realized after we had conveyed the views and made recommendations to the Central Authorities as per various parties and groupings' requests. Hence, the Chief Executive and the SAR Government are still at the helm.

Mr Albert CHAN is very concerned about the principles of universality and equality. In this connection, I can clearly tell Members that I believe the remarks made by Mr QIAO Xiaoyang on 7 June will be helpful to our joint efforts in achieving the ultimate aim of implementing universal suffrage in Hong Kong in future. However, as I just said in reply to a supplementary question, as for the achievement of universal suffrage for the Chief Executive in the next seven years and of universal suffrage for the Legislative Council in the next 10 years, in fact we have to go through a process. The issues will be subject to discussion in society, the SAR Government in office will then put forth the proposals for a vote in the Legislative Council in due course and subsequently, the proposals shall be reported to the NPCSC for record and approval before

actual implementation. As for the details of the implementation of universal suffrage, we will discuss that together in future.

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

MR ALBERT CHAN (in Cantonese): *President, can I describe this reply as cheeky and shameless?*

PRESIDENT (in Cantonese): Please repeat the part of your supplementary question not answered by the Secretary.

MR ALBERT CHAN (in Cantonese): *President, my supplementary question is very clear, but the Secretary has not answered it at all.*

PRESIDENT (in Cantonese): What is your supplementary question just now?

MR ALBERT CHAN (in Cantonese): *The supplementary question that I asked clearly and directly just now is this: Do the election rights referred to by the Secretary and Hong Kong Government include the right of nomination and the right to stand for election? He should not talk about voting only. He has not answered that at all. Does he know what is politics and what is election?*

PRESIDENT (in Cantonese): Mr CHAN, please sit down. Secretary, do you have anything to add?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Yes, President. Regarding the right of nomination and voting rights that are Members' concern, if we look at the NPCSC Decision of 2007, there is

already a partial roadmap for the nomination arrangements and voting matters. When universal suffrage for the Chief Executive is implemented in 2017, according to the Basic Law and the NPCSC Decision of 2007, we have to form a nominating committee and its formation can make reference to the Election Committee.(Mr WONG Yuk-man spoke in his seat) Upon the nomination of certain candidates, (Mr WONG Yuk-man kept speaking in his seat) all eligible voters

PRESIDENT (in Cantonese): Secretary, please pause for a while. Mr WONG, please keep quiet when the public officer is speaking.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Upon the nomination of certain candidates, all eligible registered voters will elect the Chief Executive by universal suffrage. In fact, the framework for nomination and relevant arrangements and the core principles in respect of universal suffrage are already very clear.

As for the implementation of universal suffrage for the Legislative Council election, I understand that various parties and groupings in the Hong Kong community have diverse views. Some propose the abolition of all functional constituencies and all seats in the Legislative Council should be returned by geographical direct elections of "one person, one vote". But there are also other parties, groupings, bodies and individuals who propose adopting the "one-person-two-votes" or "one-person-multiple-votes" models, whereby the candidates nominated by the functional constituencies will be elected by the registered voters of various districts. Hence, on the question of which model to adopt — the "one-person-one-vote" model or the "one-person-multiple-votes" model, we can only reach a consensus through discussion in society in the next 10 years.

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

Regulation of Debt Collection Agencies

2. **MR ALBERT CHAN** (in Cantonese): *President, in reply to my question at the Council meeting on 11 February 2009, the Government said that the police had attached great importance to combating illegal debt collection activities conducted by debt collection agencies (DCAs). Yet, I have learnt that recently, the situation of debtors being harassed by DCAs in recovering debts is deteriorating, and it is still common for banks, finance companies, telecommunication service companies, beauty service companies and tutorial teachers to hire DCAs to collect money owed by their customers. In this connection, will the Government inform this Council:*

- (a) of the number of cases about harassment by DCAs reported by the public to the police since 11 February of last year;*
- (b) whether it will, in view of the above situation, reconsider accepting the recommendations of the Law Reform Commission of Hong Kong (LRC) in 2002 on creating a criminal offence of harassment of debtors and others, as well as establishing a statutory licensing system for monitoring DCAs; if it will, of the details; if not, the reasons for that; and*
- (c) whether it will consider introducing new enforcement measures to curb the harassing practices of DCAs in recovering debts; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Cantonese): President, the Government is always concerned about the nuisances caused by improper debt collection practices to the public and has adopted a multi-pronged approach to actively prevent and combat such practices through measures including strengthening law enforcement and having regulatory authorities keep a close watch on the debt collection practices employed by the trade. The number of related reports made to the police decreased from 20 610 in 2005 to 18 203 in 2009. Regarding the three parts of Mr CHAN's question, my reply is as follows:

- (a) In 2009, the police received a total of 2 017 debt collection-related crime reports and 16 186 harassment reports unrelated to crime.

The total number of reports increased by 2 024 when compared with that in 2008. However, in the first four months of this year, that is, between January and April 2010, the situation improved slightly. The police received a total of 659 debt collection-related crime reports and 4 246 harassment reports unrelated to crime. The total number of reports decreased by 1 065 as compared with that in the same period last year.

- (b) As regards the report on "The Regulation of Debt Collection Practices" published by the LRC, the Administration made a detailed response in September 2005 after thorough consideration. On the whole, we are of the view that various legislative provisions are already in place to combat specifically illegal debt collection practices and at the moment, there is no need to introduce new criminal offences or a licensing scheme in respect of the operation of DCAs. The police will continue to enforce the law rigorously and handle criminal and non-criminal cases of improper debt collection practices in co-operation with related government departments and regulatory authorities.

Meanwhile, the Constitutional and Mainland Affairs Bureau is following up the recommendations of another related report released by the LRC, that is, the Stalking Report, and will take into account the stalking practices relating to debt collection activities when examining the need and feasibility of enacting legislation.

- (c) The police attach great importance to combating illegal debt collection activities and have adopted proactive measures to enhance the effectiveness of enforcement actions.

A dedicated team has been set up in the police headquarters to closely monitor the trend of improper debt collection practices in various districts of the territory and, having regard to specific circumstances, formulate comprehensive preventive and operational strategies.

At the district level, various police districts will, in addition to implementing an overall combating strategy, deploy resources and

adjust their enforcement operations flexibly in the light of the characteristics, trend and seriousness of improper debt collection activities in their respective districts. At the same time, they will prevent DCAs from conducting illegal debt collection activities in housing estates or buildings and avoid publicity activities being carried out by loan-sharking syndicates in these properties through stepping up patrol and co-operating with property management companies in their respective districts.

In handling individual cases, the police will continue to implement the internal guidelines for handling reports on improper debt collection practices. Debt collection cases involving criminal offences, such as those involving criminal damage or intimidation, will be referred to dedicated criminal investigation teams for investigation. When sufficient evidence is gathered, criminal prosecution will be instituted according to the law.

As for reports on cases not involving criminal offences at the moment, the police will categorize them as "high threat" cases or "low threat" cases after assessing the possibility for the debt collection practices involved in each case to turn into criminal offences. Each "high threat" case will be referred to a criminal investigation team for follow-up. As regards "low threat" cases, the police will continue to monitor their development. Once there are signs indicating an escalation of certain cases, criminal investigation teams will take over such cases for investigation.

If a DCA employed by any licensed money lender, bank or financial institution is suspected to be collecting debts by improper or illegal means, the police will inform the relevant regulatory authority, so that the latter may conduct investigations and take necessary follow-up actions on the DCA involved.

When dealing with each report, police officers will maintain contact with the informant. If a debtor has any welfare needs, the police will refer the case to the Social Welfare Department or non-governmental organizations after seeking his consent, so as to

assist him in obtaining the necessary support services at the same time.

Apart from law enforcement, the police also actively publicize successful enforcement operations and prosecutions to deter other debt collectors or DCAs from harassing the public through illegal means. In addition, the police will urge the public to avoid illegal money lenders and consider their repayment ability carefully when applying for a loan, so as to reduce the chance of being harassed by improper debt collection practices in future.

MR ALBERT CHAN (in Cantonese): *President, the Secretary does not understand at all the impact of the nuisances caused by debt collection practices on residents, which make a great many of them dare not return home or lead to some tenants of public housing flats requesting transfer. Such debt collection practices do not yet involve any criminality. Simply put, the police still regard the nuisances caused to debtors, including the receipt of joss papers, as non-criminal nuisances and will not take any action. As a result, each year, there are hundreds of thousands of members of the public whose psychological state, living, families and work are seriously affected. Can the Secretary put himself in the shoes of humble citizens — I am not talking about consortiums and senior public officers — and ascertain the seriousness of the impact caused by the grey areas of such non-criminal nuisances on them? Will he please wake up and look at this problem with a sympathetic and humanitarian attitude, as well as with conscience, rather than giving me the same reply for years in a row? The views of the LRC*

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

MR ALBERT CHAN (in Cantonese): *..... were so good, but why do you not accept them? Why do you still persist with your stubbornness and refuse to legislate on the regulation of such unscrupulous debt collection practices?*

SECRETARY FOR SECURITY (in Cantonese): President, as I have said in the main reply, we are very much concerned about these improper debt collection practices. Even though certain debt collection practices do not constitute any criminal offence, if we think that there is a chance for such cases to develop into criminal offences — just like the examples cited by Mr Albert CHAN just now, some instances may have a triad background, namely, debt collection activities or the debts involved relate to illegal gambling — we will classify them as being highly probable to develop into criminal offences and such cases will be referred to criminal investigation teams for follow-up. It is not the case that we have no follow-up.

MR ALBERT CHAN (in Cantonese): *President, that is a distortion. I did not mention "triad society" or "illegal practices". I said "grey areas" He misunderstood and distorted my remark. He is still not awake, still*

PRESIDENT (in Cantonese): Mr CHAN, please sit down.

MR ALBERT CHAN (in Cantonese): *..... He refuses to address the problem.*

PRESIDENT (in Cantonese): Mr Albert CHAN, I heard it clearly. Your supplementary question asked the authorities why the views of the LRC were not accepted. I think the Secretary has already explained the authorities' position on not accepting the views concerned. If you are not satisfied, I am afraid you have to follow up through other channels.

DR PHILIP WONG (in Cantonese): *President, the issue of debt collection has been discussed in this Council for a number of times. Frankly speaking, so far, I do not have a clear understanding of the specific measures taken by the police against the debt collection problem and how the relevant complaints are handled. I hope the Secretary can clearly tell members of the public the procedures adopted by the authorities, so that the public, in following up such issues, can*

make complementary efforts. Will the Secretary please give Members a clear explanation of the procedures concerned?

SECRETARY FOR SECURITY (in Cantonese): President, as I said in reply to Mr Albert CHAN's question just now, the police always attach importance to combating unlawful debt collection practices. All cases involving criminal offences, for example, criminal damage or criminal intimidation, will be referred to criminal investigation teams for investigation. When sufficient evidence is collected, law-enforcement actions will be taken and prosecution be instituted according to the law. As for the reports received on non-criminal cases, we will classify them as "low threat" cases and "high threat" cases. Although no criminal offences are involved in reported "high threat" cases, when illegal activities, triad societies or intimidating methods that I mentioned just now are involved in the course of debt collection, the debt collection activities in question are likely to develop into criminal offences. For these reasons, such cases, as in the case of criminal cases, will be referred to criminal investigation teams for investigation. Cases of this type include those involving debts incurred from illegal gambling, debt collectors charging excessive handling fees or DCAs having a triad background.

As for the reports on non-criminal cases, such cases belonging to "low threat" cases that do not constitute any criminal offence, if the police consider after assessment that there is a slim chance for such "low threat" cases to escalate into criminal cases, the reports of these cases will be reviewed by a police officer at the rank of Chief Inspector or above in their respective police districts in the light of their development. That means they will review such cases on an ongoing basis. If it is found during the review that they are likely to develop into "high threat" cases, they will be referred to criminal investigation teams for investigation.

MR LAU WONG-FAT (in Cantonese): *President, in handling issues relating to the conduct of debt collectors, have the police issued any guidelines to front-line police officers, defining whether the relevant practices constitute nuisances or personal debts?*

SECRETARY FOR SECURITY (in Cantonese): President, debts are debts. Both the borrowing and lending parties have a — even if it is not a commercial contract — the borrowing party still has to make repayment. At present, we are concerned about the question of whether or not the practices adopted by debt collectors in collecting debts are unlawful or contravene the criminal laws of Hong Kong. If yes, the police will enforce the law. As I pointed out in the main reply just now, the police have provided rigorous training and internal guidelines in this regard. When a debt collection practice constitutes a violation of criminal laws, a criminal investigation team of the police will take over the case for investigation.

As for cases involving no commission of criminal offences, they will be classified into two categories as "high threat" cases and "low threat" cases. As I said just now in reply to the questions raised by Mr Albert CHAN and Dr Philip WONG, "high threat" debt collection cases of a non-criminal nature will also be followed up by criminal investigation teams.

MR ANDREW LEUNG (in Cantonese): *President, in fact, apart from members of the public from whom debts are collected, I am also concerned about another important point and that is, many police officers carry unmanageable debts. If many police officers become debtors, will debt collection syndicates compel these police officers to harbour their illegal debt collection practices? Will the situation be aggravated?*

May I ask the Secretary whether or not any statistics are kept and what policy is in place to deal with these issues?

SECRETARY FOR SECURITY (in Cantonese): In my view, police officers, like ordinary members of the public, may seek loans from legal money lenders or banks when in need. However, I wish to take this opportunity to remind the Hong Kong public of the need to take into account their repayment ability in seeking loans, so as to avoid incurring debts and thus being pressed for repayment of debts. The authorities will report to the Panel on Security of the Legislative Council once every six months on the statistics on police officers carrying unmanageable debts.

As at May 2010, there were 101 police officers carrying unmanageable debts. Since 2007, statistics on this are reported to Members and the number in question has all along remained very steady. Of these police officers, 69 incurred debts because of problems on the part of their family members and relatives. Given the latters' financial problems, assistance in the form of loans was needed. This accounted for 71% of the total number.

The police will keep a close watch on the relevant situation and adjust their strategies accordingly, so as to pre-empt the deterioration of the problem of police officers carrying unmanageable debts and actively assist them in clearing them.

MR CHEUNG HOK-MING (in Cantonese): *President, the Secretary mentioned in part (a) of the main reply that the number of relevant reports in the last few years had shown a downward trend. However, he has not mentioned the detection rate of those reports. Hence, may I ask the Secretary, over these several years, insofar as those complaint cases are concerned, what the police's detection rate was and how the police handled and followed up the complaints about debt collection practices involving no criminal offences?*

PRESIDENT (in Cantonese): Mr CHEUNG, regarding the second part of your supplementary question, I think the Secretary has already given an answer. Let me see if the Secretary has anything to add about the first part of your supplementary question.

SECRETARY FOR SECURITY (in Cantonese): President, as I said just now, we spare no efforts in combating these improper money-lending practices. Regarding the question about the relevant crime detection rate put by Mr CHEUNG Hok-ming just now, I now have at hand some information for the year 2009. The police received a total of 1 314 reports on criminal damage relating to debt collection, 33 of which were cracked. The detection rate was 2.5%. As for the number of reported cases of criminal intimidation relating to debt collection, there were a total of 507 such cases in 2009, 59 of which were cracked. The detection rate was 11.6%.

The detection rates concerned were lower than the police's overall crime detection rate. I have also made enquiries with the police about the reasons why the crime detection rate of this type of cases was lower than that of general crimes. According to the information I obtained, the main reason was that after the debtors or witnesses had made a report, the majority of them were unwilling to assist the police in conducting further investigations. For example, after some people had made a report, the police conducted criminal investigations and thus debt collectors restrained themselves or ceased causing further nuisances. Hence, they considered it unnecessary to further co-operate with the police. Some people were afraid that their co-operation with the police would reveal their identity, which would let their family members or supervisors know that they were seriously in debt or even land them in litigation.

For these reasons, I wish to make an appeal here. If any debtor encounters undesirable debt collection activities or those in contravention of criminal laws conducted by debt collectors, he must co-operate with the police after making a report, so that we can have sufficient evidence to bring these people to justice.

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

MR CHEUNG HOK-MING (in Cantonese): *President, in his reply just now, the Secretary appealed to informants*

PRESIDENT (in Cantonese): Mr CHEUNG, you may only repeat the part that you think the Secretary has not answered.

MR CHEUNG HOK-MING (in Cantonese): *No.*

MRS SOPHIE LEUNG (in Cantonese): *President, in his reply to a supplementary question just now, the Secretary also mentioned certain laws on criminal damage or nuisance.*

I have this question the Secretary. As today's question also involves criminal damage and the people who are harassed may not necessarily be the debtor but probably his neighbours, if red paint were splashed onto people in the neighbourhood of the debtor rather than the debtor himself, can his neighbours make a report to the police? How will the police handle such cases?

SECRETARY FOR SECURITY (in Cantonese): President, if anyone damages public properties or splashes red paint in a public place, even if the debtor has not made a report to the police, local residents or the property management company concerned should do so. According to the Summary Offences Ordinance, anyone who, "without the consent of the owner or occupier writes upon, soils, defaces or marks any building, wall, fence or paling with chalk or paint or in any other way whatsoever; or wilfully breaks, destroys or damages any part of any building, wall, fence or paling" is subjected to this Ordinance. The penalty is a fine of \$500 or imprisonment of three months.

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

Disability Allowance for Patients with Stoma

3. **DR JOSEPH LEE** (in Cantonese): *President, recently, I have received complaints from patients with stoma alleging that the Social Welfare Department (SWD) lacks objective criteria and transparency in vetting and approving applications for Disability Allowance and ignore patients' needs, causing them serious inconvenience. In this connection, will the Government inform this Council:*

- (a) *given the authorities' reply to a question raised by a Member of this Council on 28 October 2009 that they could not provide the number of patients with stoma who were granted Disability Allowance in the past five years and the reasons why some patients with stoma were not granted Disability Allowance, whether the authorities still do not have such data at present; if so, of the reasons for that and whether*

they will undertake to provide such data in future; if they have the relevant data, of the details;

- (b) of the reasons why some patients with stoma being issued Registration Cards for People with Disabilities (the Registration Card) and classified as having permanent disabilities are not granted Disability Allowance; of the criteria adopted by the authorities for determining patients with stoma who are suffering from visceral diseases to the extent of being severely disabled; and*
- (c) given that some patients with stoma consider that the vetting and approving system lacks transparency as the SWD does not provide specific reasons for not approving Disability Allowance application requests, specific reasons, including the relevant medical assessment results; if they will, of the details; if not, the reasons for that; given that patients with stoma who are not satisfied with the assessment results may appeal to the Social Security Appeal Board (the Appeal Board), how the Appeal Board specifically considers the appeal cases of patients with stoma; of the respective numbers of such appeal cases which were allowed and rejected in the past five years, as well as the reasons for rejection?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, the Disability Allowance under the Social Security Allowance Scheme aims to help Hong Kong residents who are severely disabled meet their special needs arising from severe disability. To be eligible for Disability Allowance, the medical condition of an applicant has to be certified by the Director of Health or the Chief Executive of the Hospital Authority (HA) (or, under very exceptional circumstances, a registered medical practitioner of a private hospital) to be severely disabled (that is, in a condition broadly equivalent to 100% loss of earning capacity according to the criteria in Schedule 1 of the Employees' Compensation Ordinance (Cap. 282)), and that the disabling condition will persist for at least six months. To ensure consistency and objectivity in medical assessments, medical practitioners of public hospitals/clinics will assess the disabling conditions of Disability Allowance applicants with the aid of a standardized Medical Assessment Form (MAF) and Checklist.

My reply to the question raised by Dr Joseph LEE is set out below:

- (a) In accordance with the MAF and Checklist, an applicant may be eligible for Disability Allowance for reason of "any other disabling conditions resulting in total disablement". As at the end of May 2010, some 68 000 Disability Allowance recipients belonged to this category. Most Disability Allowance recipients with stoma are receiving the allowance based on that criterion.

As explained in my reply to a Member's question on 28 October 2009, the SWD does not have the statistical breakdown of Disability Allowance recipients with stoma. This is because Disability Allowance is, in principle, provided to recipients according to the severity of disabilities but not the types of illness.

- (b) The Registration Card is not documentary proof of eligibility for Disability Allowance. Its purpose and targeted recipients are different from those of Disability Allowance.

The Registration Card is issued by the Central Registry for Rehabilitation of the Labour and Welfare Bureau to persons with permanent or temporary disabilities which affect their life activities and participation in economic and social activities, so that they will be able to produce it as documentary proof of his/her disability status and type of disabilities if necessary.

While the Registration Card may prove that a person is permanently disabled, from the medical point of view, the duration of disability bears no relation to the severity of disability. For example, a person with mild low vision may be permanently disabled and issued with the Registration Card, but this visual problem is not a disability at a severe level; on the contrary, elders suffering from poor health condition after a stroke may be severely disabled, though not necessarily on a permanent basis. The latter can receive Disability Allowance upon confirmation of eligibility after medical assessment, even if he/she is not a Registration Card holder.

In respect of stoma patients, although stoma is one type of "visceral disability" which may fall under "any other disabling conditions resulting in total disablement", it is only one of the conditions created pursuant to clinical needs (for example, post operation for Carcinoma of Colon). Stoma in itself is not a disability, and an applicant would not be eligible for Disability Allowance simply because he/she has a stoma on the body. In processing Disability Allowance applications by stoma patients, doctors assess the applicants' eligibility by applying their professional knowledge and judgment, with relevant factors including reasons for receiving stoma operation, clinical and health condition, and so on, being taken into account. This comprehensive assessment is conducted based on the prescribed criteria for severe disability under the Disability Allowance scheme.

- (c) If an applicant's Disability Allowance application is rejected, the SWD will issue to him/her a notification letter explaining the reason of not approving the application, for example, failure to comply with residence requirements, in receipt of other social security benefits, or that his/her condition does not fall within the definition of severe disability. The applicant may ask the SWD for a copy of the MAF in accordance with provisions under the Personal Data (Privacy) Ordinance.

Applicants aggrieved by the decisions of the SWD may appeal to the Appeal Board. The Appeal Board is an independent body consisting of a non-official Chairman and non-official members appointed by the Chief Executive. In handling appeals involving medical assessments, the Appeal Board will jointly arrange with the HA a Medical Assessment Board (MAB) to re-assess the disabling conditions of the appellants in accordance with the same standardized MAF and Checklist used by medical practitioners of public hospitals/clinics. The MAB consists of a medical practitioner from the HA and two representatives from the Hong Kong Medical Association.

Between 2005-2006 and 2009-2010, the MAB handled a total of 1 187 Disability Allowance appeal cases. The decision of the MAB

in about 30% of these cases involved variation of the original medical assessment result. Appeals in the remaining cases were rejected as the MAB agreed that the condition of the appellants did not fall within the definition of severe disability. The SWD does not have the number of stoma patients among the appellants.

DR JOSEPH LEE (in Cantonese): *President, the reply of the Secretary is somehow ambiguous, and the examples cited by me puzzled me. With regard to my main question, the Secretary mentioned in the reply that the Registration Card may prove that a person is permanently disabled but it is not proof that the severity of disability makes the card holder eligible for Disability Allowance, and the Secretary cited a visual imparity case as an example. May I ask the Secretary one question? If a person has lost the sight of one eye, he can neither see or work, then he has permanent disability for the eye is an organ. Will this person be regarded as not being severely disabled, thus ineligible for the allowance? I am not sure if the Secretary is referring to this situation. However, I would like to tell the Secretary clearly of the problem of lack of transparency and double standards regarding the Registration Card and the classification of permanent disability. My main question also asked the Secretary to make public the relevant criteria to let the public know the relationship between the severity of disability and permanent disability of organs, such that clearer information can be provided to the public or sufferers?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): In the course of service delivery, leaflets and examples giving clear information are provided, and the definition of severe disability is set out categorically in the information on the webpage. Earlier on, Dr LEE somehow mixed up the situation eligible for receiving allowance with the definition for the Registration Card.

I would like to stress that the Registration Card is purely documentary proof, which is a separate issue with the severity of disability. What are the criteria adopted by us in granting allowance currently? As I mentioned at the outset in my reply, an objective assessment form and checklist is adopted to provide a standard for compliance by medical practitioners with a view to

ensuring consistency. This is what I mean. In the course, what kind of condition will be defined as severely disabled? It is simple. For example, people who are physically handicapped or who has lost the sight of both eyes will be regarded as severely disabled. This is crystal clear. Severe disability in mental condition is one of the examples and the serious impairment of hearing is another. This is the criteria set out clearly in Schedule 1 to the Employees' Compensation Ordinance, and this can be regarded as a technical definition. When the relevant provisions were enacted and passed by the Executive Council in 1973, the entire policy was based on these provisions. Members should know clearly that the definitions are included therein.

MR IP WAI-MING (in Cantonese): *President, after hearing the reply of the Secretary, I am even more confused. I do not understand why the Government has to adopt two sets of criteria in treating persons with disabilities. I think Members will quote some examples later when they query why people having lost one leg are not regarded as persons with disabilities. May I ask the Secretary, in the review of Disability Allowance to be conducted by the Government, whether the Government will standardize the two sets of criteria to avoid causing confusion to the public or applicants of Disability Allowance or the Registration Card? If the Government has no plan to do so, what are the reasons?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Regarding the supplementary question of Mr IP, I have to state that the allowance and the Registration Card are two difference issues. The Registration Card serves as an identification of disability, purely for differentiation, but it cannot be regarded as a definition of the severity of disability. I hope there will be no misunderstanding about this. For people eligible for Disability Allowance, their degree of disability must be severe, that is from the medical point of view, and the assessment is objective and determined by medical practitioners. Besides, the basis and the MAF and Checklist have been put in place for their compliance. Hence, the two are completely different in nature and purposes. The Registration Card is issued by the Central Registry to purely serve as a piece of document for identification. Persons with disabilities have to prove their disabilities for various reasons, and the Registration Card can serve as documentary proof. This is the only purpose of the Registration Card, which

cannot serve as proof in application the allowance. These are two different issues and they should not be mixed up.

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

MR IP WAI-MING (in Cantonese): *President, my earlier question for the Secretary is: Will the Secretary combine the two sets of criteria in the review?*

PRESIDENT (in Cantonese): Mr IP, according to general understanding, I think Members have heard a clear reply from the Secretary.

MR WONG KWOK-HING (in Cantonese): *President, at present, a significant difference is found between the granting of and the definitions applicable to the Registration Card and Disability Allowance, which has caused persons with disabilities to suffer from a lot of unfair treatment. For instance, the concession for persons with disabilities provided by the MTRCL is based on this differentiation, which has rendered holders of the Registration Card ineligible for the fare concessions. For example, if a worker has lost one leg, he will only get the Registration Card, but he will not be eligible for Disability Allowance, nor can he enjoy transport fare concessions. There is a marked difference in the treatment received by them.*

Hence, President, may I ask the Secretary when he will conduct a comprehensive review of the definition of Disability Allowance and the granting and appeals in respect of it? Earlier on, The Ombudsman published a survey and drew conclusions on the merits of many cases. He, in a high profile, criticized the SWD strongly that the Disability Allowance was outdated and urged the authorities to conduct a review. The Secretary also mentioned in a reply given to me in this Council that a review would be conducted this year. However, this session is coming to an end and will resume only in October, which means there are merely two months left, November and December. Hence,

through the President, may I ask the Secretary of the timing within this year that the review of Disability Allowance will be conducted?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I have to thank Mr WONG for his question, as well as his ongoing concern about the issue. He has been paying much attention to this issue for a period of time in the past. We are actively conducting the review. In response to the investigation report and recommendations of The Ombudsman, we are making vigorous efforts in this respect. However, given the latest development, namely an application for judicial review has been submitted, and the judicial review is now in process, we cannot announce the result of the review now. Since we do not want to affect the relevant legal proceedings, even if the review was completed, we would have to wait till the judicial review is completed and a decision made before announcing the results. Sorry, I cannot disclose any information at the present stage. However, I can assure Members that we are now working hard on the review, on a continued basis.

DR LEUNG KA-LAU (in Cantonese): *Before putting my supplementary question, I would like to provide some information to colleagues. Regarding the assessment of the eligibility for Disability Allowance, it is indeed simple. We only need to ask the patient whether he is working, and if his answer is in the affirmative, he cannot apply for the allowance. It is stipulated unequivocally that the applicant must have lost 100% earning capacity, so the patient should not take up any part-time job either. If the patient is doing some part-time job, how can the medical practitioner sign the certification? If the patient has not been working, even though his condition seems to be average, we will not waste time. Actually, medical practitioners cannot do much about this. This is simple. Though the Secretary says that the mechanism is stringent, the signing of such a form will only take us It takes me five minutes to diagnose a patient, but only 30 seconds to sign a form like this. No matter how, it is just a simple task.*

I would like to ask the Secretary about the need to conduct a review in this respect as mentioned by Mr WONG Kwok-hing earlier. There is no reason that the review should be delayed because someone has applied for judicial review, for the judicial review may drag on for a number of years. The person

concerned may tell the Secretary that he wishes he had not applied for the judicial review, so that the Secretary would handle the issue expeditiously. So, I think this set of criteria is utterly outdated — to put it courteously, it is very outdated. May I ask the Secretary to give a definite answer as to whether the result of the review can be submitted immediately for discussion by Members?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I have to thank Dr LEUNG for providing us with such valuable insider information. I would like to stress that we are now working vigorously on the review. We have not said that the work has been stopped because someone has applied for judicial review. No, we will conduct the review according to the scheduled timeframe. Mr WONG asked earlier when the result would be submitted. Since the judicial review is now in process, and we cannot prejudice the proceedings, we must wait until the Court has handed down a decision before surely, we will give an account to him. We promise that we will definitely give a full account of the review to Members in the Panel on Welfare Services.

DR PAN PEY-CHYOU (in Cantonese): *Actually, these issues form part of the daily routine I have to perform. However, I think the question lies in the definition of disability varying from one job to another. For instance, for a person who has lost one leg, he may still be the manager of a company, but if he is a delivery worker, he cannot work. Hence, I think the issue may perhaps be dealt with at a lower level. Should the SWD review the criterion relating to the assessment of the degree of disability of patients by medical practitioners? For we have received only limited guidelines about this. Should the assessment be based on the original occupation of the patient, so that whether or not he can carry on with his original job after he falls ill or a stoma is created will be used an assessment criterion?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, in the entire process of screening and assessment, the patient is assessed purely from the medical point of view, with no relation to the social background, family status and employment of the patient concerned. I would like to clarify one point.

Why are the criteria in the Employees' Compensation Ordinance adopted? Actually, that is a professional definition only. For a patient who has no job, does it mean that his condition is equivalent to 100% loss of earning capacity? It is only a professional definition. Members should not confuse them, thinking that a patient should be granted the allowance if he has no job, and that allowance should not be granted if he has one. This is absolutely not the case. This is a professional judgment made by medical practitioners Dr POON, being a consultant, should know clearly whether the patient concerned should be regarded as severely disabled from the medical point of view. This is the most important definition.

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

DR PAN PEY-CHYOU (in Cantonese): *President, I have put forth a suggestion, but the Secretary has not responded to my suggestion. He has not stated whether he will do so, other than explaining his view.*

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

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I would like to reiterate that we have to look at it from the professional angle of medical practitioners. The Member asked earlier whether other non-medical factors would be considered, but in general, medical practitioners will mainly consider the medical condition of a patient. Surely, if there are other factors, the applicant may bring them out, but the basis of the assessment should be the medical condition alone.

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, this is your second supplementary question.

MR WONG KWOK-HING (in Cantonese): *I have a follow-up for the Secretary. In his reply to my earlier question, he said clearly that since a judicial review was in process, he could not tell us when the review would be conducted. This point is clear. However, I heard the Secretary state in his reply to the supplementary question of Dr LEUNG Ka-lau earlier that the review by the authorities would not be affected by that judicial review, and he said that the review would be carried out. I think the authorities have to clarify the two replies here. Will the authorities submit the relevant papers on the review to the Panel on Welfare Services for discussion only after the judicial review is concluded? Is this the case? We absolutely do not want to prejudice the outcome of the judicial review, but despite the relevant proceedings in process, the Government has to at the same time make improvement and conduct the review. Will the Government continue to work on this and submit the result of the review to the Legislative Council for discussion? I hope the Government will clarify this. Moreover, I hope that the Government will inform Members precisely whether the result of the review can be submitted to the Legislative Council for discussion within this year, and in which month will the result be submitted? It may not necessarily be a review, but a proposal on improvement. Is this possible?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, perhaps I have to clarify this. The two replies given by me are both correct. Dr LEUNG said earlier that we should not stop all the work and do nothing because of the judicial review, and that there should not be any delay. I replied that we were working hard and making vigorous efforts on the review. At present, the review has not yet been completed, and we will continue to work hard on it, following the scheduled timeframe.

However, Mr WONG's concern is when we will give an account of the result of the review. In response to his concern and focus, I replied that since the judicial review was in process, we could not announce the information at this stage, for we were not allowed to do so because of the law and judicial proceedings nor according to the Department of Justice, because it might prejudice the ruling. Since a judicial review is in process, I think the result can only be announced when the entire process is completed. But we will not stop working on it, and we will keep up with our work and do whatever we can.

MR WONG KWOK-HING (in Cantonese): *President, regarding my supplementary question, he has not answered whether he will certainly I hope the authorities will further clarify the situation if the judicial review lasts for two or three years. In that case, does it mean that the result of the review will not be submitted to the Legislative Council for discussion within these three years? Will this be the case?*

PRESIDENT (in Cantonese): Mr WONG, you may not be satisfied with the reply of the Secretary, but I think he has given a clear reply.

We have spent more than 21 minutes on this question. Fourth question.

Leasing of Government Land by Private Clubs

4. **MISS TANYA CHAN** (in Cantonese): *The Government has granted Government land at a nominal land premium, or even with a waiver of land premium, to private organizations or institutions for use as clubs or clubhouses, and the land leases concerned provide that the grantees shall permit other organizations such as schools, welfare organizations and the Government to organize recreational and sports activities in such clubs, and to use the land and designated facilities. In this connection, will the Government inform this Council:*

- (a) *of the current number of private clubs to which the Government has granted land in the aforesaid manner, the names of such institutions, the respective premiums they had to pay and whether it knows if such private clubs had, as provided in the land leases, opened up the venues and facilities to other organizations in the past five years; if they had, of the details such as the borrowing time, the nature of activities and the borrowing organizations, and so on;*
- (b) *given that I have learnt that such land leases have also set out a number of special terms (for example, other organizations may use the toilets of the clubs but not the toiletries, and they have to pay for the electricity, water and gas expenses when using the venue),*

whether the Government has assessed if such terms are reasonable; if the assessment result is in the negative, how the Government will follow up; as most of such land leases will expire in 2011 or 2012, whether the Government will consider reviewing the aforesaid land grant policy; if it will, of the details; if not, the reasons for that; and

- (c) *which government departments are responsible for monitoring the compliance of lease conditions by private clubs and promoting to other organizations the lending arrangements of the aforesaid private clubs; why the Government did not announce information on the lending arrangements of the aforesaid clubs as well when it made public earlier the information on some public facilities on private land; whether the Government will consider stepping up the monitoring and publicity efforts in this regard to ensure proper use of resources; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, the lots on which many existing clubs or clubhouses in Hong Kong are situated were granted under different types of leases. The "Private Recreational Leases", which require the grantee to permit outside organizations to make use of the club facilities to organize recreational activities, have been adopted for decades.

At present, there are 71 cases of "Private Recreational Leases". These cases involve 51 different organizations and can be broadly divided into four categories, including:

- Welfare organizations (such as Po Leung Kuk and the Boys and Girls Clubs Association of Hong Kong, and so on, totalling 15);
- Uniformed groups (including the Hong Kong Red Cross, the Scout Association of Hong Kong (HKSA) and the Hong Kong Girl Guides Association, and so on, totalling 15);
- Civil servant associations (that is, the Municipal Services Staff Recreation Club (MSSRC) and the Hong Kong Chinese Civil Servant's Association (HKCCSA), totalling two); and

- Other recreational and sports organizations or clubs (such as the South China Athletic Association (SCAA) and the Kowloon Cricket Club, and so on, totalling 39).

Over the years, the organizations above have provided recreation and sports facilities and associated services either through charging usage/service fees, or raising funds themselves. They are providing services to over 700 000 members in accordance with their respective founding objectives.

Under the existing policy, provided that there have been no breaches of the prescribed lease conditions on the part of these organizations, that their sites are not required for other public uses and that their membership policy is non-discriminatory, the land lease concerned would be renewed. Information has shown that the sites of more than 50 clubs are subject to renewal between 2011 and 2012.

The Government recognizes the contribution of these organizations to the community and the development of sport. It also encourages them to open up facilities for the use of non-members. In this connection, land leases newly signed or renewed would contain a special condition, which stipulates that the grantee, if requested by a competent authority, should make available specified facilities for the use of schools, youth groups, welfare organizations and government departments for organizing recreational and sports activities. The competent authorities include the Civil Service Bureau, the Education Bureau, the Home Affairs Bureau, the Leisure and Cultural Services Department (LCSD) and the Social Welfare Department (SWD).

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

Among the 71 cases of land granted by the Government, 38 of them have been exempted from paying any land premium while the land premium for the other 33 cases was \$1,000. As for Government rent, an amount equals to 3% of the rateable value is applicable to the majority of the clubs while in two cases the annual Government rent payable are \$1,000 and \$100 respectively. Relevant information is set out in detail at the Annex.

We understand that quite a number of clubs have already opened up their venues and facilities to the Government and outside bodies. For example, the SCAA and the MSSRC did open up their facilities for the 2009 East Asian

Games. The LCSD hires the facilities of the Hong Kong Football Club, the Chinese Recreation Club and the Hong Kong Cricket Club from time to time for the use of the National Sports Associations (NSAs) for competition and training. As a matter of fact, of the existing 70 clubs, nearly 40 of them have provided extensive services to members of different social groups. Examples include the HKSA, the HKCCSA, the SCAA, district sports associations and the NSAs, and so on. Furthermore, information has shown that most of the other clubs have taken the initiative to open up their venues and facilities to outside organizations for different purposes, including practices of school sports teams, training of Hong Kong sports teams and uniformed groups, as well as activities organized by welfare organizations.

Regarding the second part of the main question, some of the special conditions contained in the land leases have been laid down for a long time, and may have become outdated from the present-day point of view. As most of the land leases will be due for renewal in 2011 or 2012, we will review such conditions when processing the renewal applications of individual land leases and make appropriate revisions as necessary.

As for the third part of the main question, the Lands Department (LD), as the grantor, is responsible for the general monitoring of "Private Recreational Leases". It is assisted by other government departments in the enforcement of some specified provisions. For example, the Civil Service Bureau, the Education Bureau, the Home Affairs Bureau, the LCSD and the SWD have the authority to request the grantees to open up their sites and specified facilities for the use of eligible organizations (in accordance with the terms of land lease). Furthermore, the LD will consult the Home Affairs Bureau on whether there has been any breach of the terms of the land lease by the organization concerned and whether its membership policy is non-discriminatory when considering renewal application of the land lease in question.

On making information available to the public, it should be noted that the public facilities on private development projects as announced by the LD is different in nature from recreational and sports activities provided by private clubs. The former is a requirement in land leases which stipulated that private property owners must open up public facilities for the public without the need to make prior appointment. As regards the latter, the request to use the facilities is to be made by the competent authorities to relevant organizations and clubs under the terms and conditions of the land leases. Thus, the relevant facilities do not

fall under the definition of public facilities and were therefore not included in the list of public facilities within private development projects as announced earlier by the Government.

In order to facilitate outside bodies to contact the competent authorities for use of specified facilities of the relevant clubs, the Government will consider enhancing the means of information dissemination. For example, information regarding competent authorities and facilities of private clubs available for the use of outside bodies may be uploaded to the Internet, and so on. The ultimate objective is to allow more people to make use of the facilities of the clubs without affecting their normal operations.

Annex

Leases Granted at Nominal or Nil Land Premium for Recreational Purposes

<i>Serial No.</i>	<i>Name of Holder</i>	<i>Location and Lot No.</i>	<i>Land Premium</i>	<i>Government Rent</i>
1.	The Scout Association of Hong Kong	IL 8961 Mansion Street, North Point	NIL	Annual Rent at 3% of Rateable Value
2.	The Royal Hong Kong Yacht Club	ML 709, Kellett Island	NIL	\$1,000 per annum
3.	The Royal Hong Kong Yacht Club	RBL 1181, Middle Island	\$1,000	Annual Rent at 3% of Rateable Value
4.	Aberdeen Boat Club Limited	AIL 454 Shum Wan Road, Brick Hill	\$1,000	Annual Rent at 3% of Rateable Value
5.	The Hong Kong Golf Club	RBL 1117 Deep Water Bay	NIL	Annual Rent at 3% of Rateable Value
6.	The Hong Kong Country Club	RBL 1129 Wong Chuk Hang Road	NIL	Annual Rent at 3% of Rateable Value
7.	The Hong Kong Cricket Club	IL 9019 No. 137 Wong Nai Chung Gap Road	\$1,000	Annual Rent at 3% of Rateable Value
8.	Hong Kong Football Club	IL 8846 Sports Road, Happy Valley	\$1,000	Annual Rent at 3% of Rateable Value
9.	South China Athletic Association	IL 8850 Caroline Hill Road, So Kon Po	NIL	Annual Rent at 3% of Rateable Value
10.	Chinese Recreation Club, Hong Kong	IL 8875 Tung Lo Wan Road	NIL	Annual Rent at 3% of Rateable Value

<i>Serial No.</i>	<i>Name of Holder</i>	<i>Location and Lot No.</i>	<i>Land Premium</i>	<i>Government Rent</i>
11.	Craigengower Cricket Club	IL 8881 No. 188 Wong Nai Chung Road	\$1,000	Annual Rent at 3% of Rateable Value
12.	Hong Kong Girl Guides Association	IL 8894 Wong Nai Chung Gap Road	\$1,000	Annual Rent at 3% of Rateable Value
13.	Jardine's Lookout Residents' Association	IL 8895 No. 2 Creasy Road, Jardine's Lookout	\$1,000	Annual Rent at 3% of Rateable Value
14.	Indian Recreation Club	IL 8900 Caroline Hill Road, So Kon Po	\$1,000	Annual Rent at 3% of Rateable Value
15.	The Hong Kong Jockey Club	IL 8847 Sports Road and Wong Nai Chung Road	\$1,000	Annual Rent at 3% of Rateable Value
16.	The Bishop of the Roman Catholic Church in Hong Kong	Lot 1318 Cheung Chau	NIL	Annual Rent at 3% of Rateable Value
17.	Hong Kong Youth Hostels Association	Lot 188 DD 337 Lantau	NIL	Annual Rent at 3% of Rateable Value
18.	Hong Kong Youth Hostels Association	Lot 235 Ngong Ping	NIL	Annual Rent at 3% of Rateable Value
19.	Hong Kong Playground Association	Lot 667 DD 2 Mui Wo	NIL	Annual Rent at 3% of Rateable Value
20.	Hong Kong Young Women's Christian Association	Lot 727 DD 332 San Shek Wan, Lantau	NIL	Annual Rent at 3% of Rateable Value
21.	Scout Association of Hong Kong	NKIL 5956 Kowloon Tong	NIL	Annual Rent at 3% of Rateable Value
22.	The Kowloon Tsai Home Owners Association	NKIL 5961 Kowloon Tong	NIL	Annual Rent at 3% of Rateable Value
23.	Kowloon Tong Club	NKIL 5989 Kowloon Tong	NIL	Annual Rent at 3% of Rateable Value
24.	Area Committee of the Hong Kong Sea Cadet Corps	NKIL 6001 Diamond Hill	NIL	Annual Rent at 3% of Rateable Value

<i>Serial No.</i>	<i>Name of Holder</i>	<i>Location and Lot No.</i>	<i>Land Premium</i>	<i>Government Rent</i>
25.	Mong Kok District Cultural, Recreational & Sports Association Limited	KIL 11165 J/O Ivy Street & Beech Street	\$1,000	Annual Rent at 3% of Rateable Value
26.	Kowloon Bowling Green Club	KIL 11065 No. 123 Austin Road	\$1,000	Annual Rent at 3% of Rateable Value
27.	South China Athletic Association	KIL 11071 No. 6 Wylie Path	NIL	Annual Rent at 3% of Rateable Value
28.	Hong Kong Softball Association	KIL 11088 Tin Kwong Road	\$1,000	Annual Rent at 3% of Rateable Value
29.	India Club, Kowloon	KIL 11095 No. 24 Gascoigne Road	\$1,000	Annual Rent at 3% of Rateable Value
30.	The Filipino Club	KIL 11096 No. 10 Wylie Path	\$1,000	Annual Rent at 3% of Rateable Value
31.	Municipal Services Staff Recreation Club Limited	KIL 11097 No. 4 Wylie Path	\$1,000	Annual Rent at 3% of Rateable Value
32.	Club De Recreio	KIL 11098 No. 20 Gascoigne Road	\$1,000	Annual Rent at 3% of Rateable Value
33.	The Directors of the Young Men's Christian Association of Hong Kong	KIL 11105 and Extension Off Gascoigne Road	\$1,000	Annual Rent at 3% of Rateable Value
34.	Hong Kong Chinese Civil Servants' Association	KIL 11048 No. 8 Wylie Path	\$1,000	Annual Rent at 3% of Rateable Value
35.	Kowloon Cricket Club	KIL 11052 No. 10 Cox's Road	NIL	Annual Rent at 3% of Rateable Value
36.	The Pakistan Association of Hong Kong Limited	KIL 11094 No. 150 Princess Margaret Road	\$1,000	Annual Rent at 3% of Rateable Value

<i>Serial No.</i>	<i>Name of Holder</i>	<i>Location and Lot No.</i>	<i>Land Premium</i>	<i>Government Rent</i>
37.	Yau Yat Chuen Garden City Club Limited	NKIL 6042 Yau Yat Chuen	\$1,000	Annual Rent at 3% of Rateable Value
38.	Scout Association of Hong Kong and Hong Kong Girl Guides Association	KCTL 391 Wo Yip Hop Road	NIL	Annual Rent at 3% of Rateable Value
39.	The Royal Hong Kong Yacht Club	Lot 341 DD 212 Che Keng Tuk	\$1,000	Annual Rent at 3% of Rateable Value
40.	The Scout Association of Hong Kong	Lot 1131 DD 217 Pak Sha Wan	NIL	Annual Rent at 3% of Rateable Value
41.	The Hebe Haven Yacht Club Limited	Lot 1138 and Extension DD 217 Pak Sha Wan	\$1,000	Annual Rent at 3% of Rateable Value
42.	The Directors of the Chinese Young Men's Christian Association of Hong Kong	Lot 147 SD5 Sai Kung	NIL	Annual Rent at 3% of Rateable Value
43.	Hong Kong Girl Guides Association	Lot 148 DD 250 Sai Kung	NIL	Annual Rent at 3% of Rateable Value
44.	The Clearwater Bay Golf & Country Club	Lot 227 DD 241 Po Toi O	NIL	Annual Rent at 3% of Rateable Value
45.	Victoria Recreation Club	Lot 316 DD 252 Sai Kung	NIL	Annual Rent at 3% of Rateable Value
46.	The Outward Bound Trust of Hong Kong Limited	Lot 590 DD 256 Tai Mong Tsai	NIL	Annual Rent at 3% of Rateable Value
47.	Lau Wah Sum & Samuel Derek Oates as Trustees for the Area Committee of Hong Kong Sea Cadet Corps.	Lot 611 DD 256 Sai Kung	NIL	Annual Rent at 3% of Rateable Value

<i>Serial No.</i>	<i>Name of Holder</i>	<i>Location and Lot No.</i>	<i>Land Premium</i>	<i>Government Rent</i>
48.	Po Leung Kuk	Lot 613 DD 257 Pak Tam Chung	NIL	Annual Rent at 3% of Rateable Value
49.	The Boys' and Girls' Club Association of Hong Kong	Lot 642 DD 257 Wong Yi Chau	NIL	Annual Rent at 3% of Rateable Value
50.	The Directors of the Chinese Young Men's Christian Association of Hong Kong	Lot 75 DD 254 Sai Kung	NIL	Annual Rent at 3% of Rateable Value
51.	The Hong Kong Jockey Club	STTL 13, Sha Tin	NIL (land premium in the sum of \$248,000 paid for lease modification)	Annual Rent at 3% of Rateable Value
52.	The Scout Association of Hong Kong	Lot 154 DD 195 Sha Tin	NIL	Annual Rent at 3% of Rateable Value
53.	Hong Kong Amateur Rowing Association Limited	STTL 220 Yuen Wo Road, Sha Tin	NIL	Annual Rent at 3% of Rateable Value
54.	The Scout Association of Hong Kong and The Hong Kong Girl Guides Association	STTL 272 Shui Chuen Au Street, Sha Tin	NIL	Annual Rent at 3% of Rateable Value
55.	Hong Kong Youth Hostels Association	TPTL 133 Tai Mei Tuk	\$1,000	Annual Rent at 3% of Rateable Value
56.	The Duke of Edinburgh's Award Hong Kong	Lot 602 R.P. DD16 Lam Tsuen	NIL	Annual Rent at 3% of Rateable Value
57.	Tai Po Sports Association Limited	TPTL 6 and Extension Area 4, Tai Po	\$1,000	Annual Rent at 3% of Rateable Value with effect from 1 July 2010

<i>Serial No.</i>	<i>Name of Holder</i>	<i>Location and Lot No.</i>	<i>Land Premium</i>	<i>Government Rent</i>
58.	Hong Kong Gun Club	TWTL 399 Chuen Lung, Tsuen Wan	\$1,000	Annual Rent at 3% of Rateable Value
59.	Po Leung Kuk	Lot 2411 DD 118 Tai Tong	\$1,000	Annual Rent at 3% of Rateable Value
60.	Hong Kong Girl Guides Association	Lot 1707 DD 122 Yuen Long	NIL	Annual Rent at 3% of Rateable Value
61.	Tung Wah Group of Hospitals	Lot 2321 DD 96 Ma Tso Lung	\$1,000	Annual Rent at 3% of Rateable Value
62.	Community Sports Limited	Lot 2322 DD 96 Ma Tso Lung	\$1,000	Annual Rent at 3% of Rateable Value
63.	Yuen Long District Sports Association Limited	YLTL 160 Yuen Long	NIL	Annual Rent at 3% of Rateable Value
64.	The Hong Kong Golf Club	Lot 942 RP in DD 94 Sheung Shui	\$1,000	Annual Rent at 3% of Rateable Value
65.	Hong Kong Red Cross	Lot 142 in DD 319 Shek Pik, Lantau Island	NIL	Annual Rent at 3% of Rateable Value
66.	The Post Office and Cable & Wireless Recreation Club Limited	IL 8597 RP, Caroline Hill Road, So Kon Po	NIL	\$100 per annum
67.	Hong Kong Model Engineering Club Limited	Lot 2416 in DD 118 Tai Tong, Yuen Long	\$1,000	Annual Rent at 3% of Rateable Value
68.	The Scout Association of Hong Kong	Lot 131 in DD 60 Au Tau, Yuen Long	\$1,000	Annual Rent at 3% of Rateable Value
69.	Hong Kong Girl Guides Association	Lot 2544 DD 92 Hang Tau Road, Kwu Tung South, Sheung Shui	\$1,000	Annual Rent at 3% of Rateable Value
70.	The Scout Association of Hong Kong	TPTL 190 Tung Tsz, Tai Po	\$1,000	Annual Rent at 3% of Rateable Value
71.	The Hong Kong Buddhist Association	Lot 172 in DD4, Tung Chung	NIL	Annual Rent at 3% of Rateable Value

MISS TANYA CHAN (in Cantonese): *Despite the embarrassment, I must still point out that in many parts of his main reply, the Secretary did not directly answer my main question, including the details that I mentioned in part (a). According to the Bureau's reply to Members of the Legislative Council in 2001 or 2002, information on the number of organizations and the types of activities provided over the past three years, as well as the number of times involved, had been provided in detail. We see that many sports associations are of course prepared to comply with these terms, but we are also aware that some private clubs in fact fail to comply with some of the terms concerned. The term that I have just mentioned is the one about opening up the toilets and changing rooms for use by borrowing organizations, with the exception of toiletry items. In addition, only three periods are available for borrowing weekly, and each period would last for no more than three hours. I think these terms are absolutely discriminatory in nature.*

In the main reply by the Secretary just now, it seems that only the LD has such a power, and that only when a club's membership policy is non-discriminatory will relevant authorities consider changing the terms. I have this question for the Secretary: As many leases will soon be due for renewal, what role will the Secretary play to make genuine improvement to the terms which are discriminatory in nature?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, as mentioned in my main reply, when land leases are due for renewal application, we will review the content of individual terms together to see whether they are outdated. We believe some provisions are actually outdated, so amendment of the relevant provisions will be required upon lease renewal.

MR ALAN LEONG (in Cantonese): *President, it has been learnt that during the East Asian Games, the Japanese football team has practised at the basketball court adjacent to C.C. Wu Building. This is very much a disgrace indeed. In the last paragraph of part (c) of his main reply, the Secretary said, "The authorities will consider enhancing the means of information dissemination. For example, information regarding competent authorities and facilities of private clubs available for the use of outside bodies may be uploaded." Will the Secretary tell us, bearing in mind his allusion to giving consideration to*

enhancing the means of information dissemination, what channels are currently available for people interested in hiring facilities to contact the competent authorities, so as to avoid a repeat of the disgrace where a national football team has to practise at a basketball court?

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, thanks to Mr LEUNG for the question. In fact, this bygone matter has already been clarified. During the East Asian Games period, the organizing authorities have provided training grounds and training facilities for every football team (including the Japanese football team). The picture posted onto the Internet on that day was taken when several Japanese footballers played football in a randomly chosen court during their leisure time. That was not an official training ground, which they also admitted afterwards. Therefore, the training situation of the Japanese football team has nothing to do with whether the clubs have opened themselves up to specified organizations in accordance with the terms of the land leases. Apart from the current debate and the matter which I believe has been sufficiently attended to and reported by the media, we will further promote information disclosure in this respect.

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

MR ALAN LEONG (in Cantonese): *The Secretary has not answered the part mainly about the current channels?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): We have notified the major departments, that is, several government departments other than the Home Affairs Department, reminding them to contact related organizations through relevant arrangements.

PROF PATRICK LAU (in Cantonese): *As membership fees of many private clubs are hefty, and some memberships in the market are even available for*

purchase at enormous cost, may I ask the Secretary if this is discriminatory in nature? Will he review this together? ,

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, membership fees of different kinds of clubs vary. Take the SCAA as an example. As it is open to the public, a membership costs merely dozens of dollars. But for some clubs, the membership fees are higher, ranging from \$0 to \$10,000. Insofar as the government policy is concerned, the so-called "discriminatory nature" refers mainly to such aspects as race, religion, age, gender and sexual orientation, but not fees. The amount of fee levied does not fall under the scope of discrimination. We also understand that the present situation is that some clubs have decades of development behind them. As these clubs have made investments in their facilities for years but their membership is limited, so when their membership is coveted by many people, the fee for membership transfer may increase. However, in determining whether any discrimination is involved, the amount of membership fee levied is not part of our consideration.

MRS SOPHIE LEUNG (in Cantonese): *The Secretary mentioned in part (b) of his main reply that the land leases of most clubs will be due for renewal in 2011 to 2012, in which the special conditions of the leases will be reviewed together to see whether revision is necessary. May I ask the Secretary if he will, at that time, review the special services provided by each of the clubs or their directions, and explore whether revision is necessary? This is what I want to ask.*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Of those 71 clubs and clubhouses, about 50 will have to apply for renewal in 2011 and 2012. These clubs are engaged mainly in the promotion of different kinds of sports or recreational facilities in Hong Kong, and this is precisely their worth. We hope that Hong Kong can develop sports and recreational activities further. We also hope that they can maintain their original objects. As long as our several policy principles are strictly adhered to, we will basically support their renewal applications.

MR IP KWOK-HIM (in Cantonese): *I am also concerned about the renewal applications which will arise one by one in 2011 and 2012, as we can see that all applications are made under the "Private Recreational Leases" for the granting of lands for recreational and sports purposes. This is a historical issue. However, as mentioned by Prof Patrick LAU just now, some private clubs in fact levy very high fees, and they are situated in locations which either command a panoramic harbour view or sit adjacent to a beautiful coastline. Under this circumstance, I would like to raise this question: In processing renewal applications, should these organizations, which levy higher fees, follow the practice of non-profit-making ones, like the SCAA, so that public interests will also be taken into consideration by making some periods available for public use for free for example? Will the authorities give consideration to this respect?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, at present, most of these leases have such kinds of terms in place. In fact, on the one hand, we respect that these clubs and clubhouses in promoting sports and recreational activities according to their original objects; and on the other, we also hope to further promote a wider use of their specified facilities by members of the community (that is, non-members). However, we have to respect the premise that members' rights are to be satisfied first, before we explore how facilities can be further opened up for use by specified organizations in a more flexible manner that meet the needs.

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

MR IP KWOK-HIM (in Cantonese): *My question was whether the provision of opening up the clubs for public use would be added to the new terms. For example, can ordinary citizens be given access to a club at Deep Water Bay, which has a hefty membership fee? Can such a provision be included in the new terms?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): Clubs are set up to provide services to members. On this premise, our policy is to add terms to the leases and then, through the intermediary effort made by the competent departments, open up the clubs for use by specified groups, such as schools, welfare organizations and youth groups, but not the general public, who are not their members.

PRESIDENT (in Cantonese): The last supplementary question.

MISS TANYA CHAN (in Cantonese): *I am not pinpointing any individual organization, but when I compared the 2002 table with the new one provided by the Secretary today — there are a total of 71 organizations at present, vis-a-vis 60 in 2002 — I noted a strange phenomenon, namely the Hong Kong Girl Guides Association (HKGGA) and the HKSA had a total of eight sites in 2002, but I can see that the number has grown to 11 now. Can the Secretary explain this? I am not pinpointing any individual organization, but only because I see that there is quite a huge discrepancy between this and the number available to other voluntary organizations. Therefore, may I ask the Secretary if effort is being made now particularly to expand uniformed groups, which I know are pursuing development? Is reducing the number of private clubs a current trend, such that uniformed groups or sports clubs which are accessible to the public can become more popular?*

SECRETARY FOR HOME AFFAIRS (in Cantonese): President, this is our intention, as organizations or groups like the SCAA, the HKSA and the HKGGA need to face the majority of citizens in society. Therefore, we particularly support their effort to launch and promote sports and recreational activities. Moreover, the lands that they have applied for are far away from the urban areas and all situated on outlying islands, and such lands were granted by us in recent years.

PRESIDENT (in Cantonese): Fifth question.

Integrated Home Care Services

5. **MR LEUNG KWOK-HUNG** (in Cantonese): *President, in his reply to my question raised on the 9th of this month, the Secretary for Labour and Welfare advised, and I quote, "the Government's elderly care policy is to encourage elders to 'age in place', which is in line with the wish of most elders and also the international trend"(end of quote), and its principle, I quote, was supporting "ageing in place as the core, institutional care as back-up"(end of quote). However, many singleton elders have complained to me in tears about the acute shortfall in the supply of Integrated Home Care Services in the community, such as meal delivery, household cleaning and escort for medical consultation services. Moreover, although the utilization rate of the day care centres for the elderly (day care centres) reached 110% in the 2009-2010 financial year, the Government has neither allocated more funding for such services, nor increased the activity space in those centres, resulting in over-crowdedness of the premises. Some elderly people have described such situations as being no different from asking them to "rest in peace in the community" and leaving those centres to "fend for themselves". In this connection, will the Government inform this Council:*

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

- (a) *taking Kwun Tong, Wong Tai Sin and Sham Shui Po as examples, whether it has studied why singleton elders need to wait as long as 12 to 15 months before they can receive meal delivery service and services at the day care centres, and they receive household cleaning and personal cleaning services only once every two to three months and seven to nine days respectively; whether it has assessed if the policy of ageing in place is being implemented under such circumstances; and*
- (b) *of the respective numbers of elderly people who died while waiting for the Enhanced Home and Community Care Services, Integrated Home Care Services or services of the day care centres in each of the past five years; whether the Government will immediately increase funding to enhance the services provided for the helpless elderly people in the community; if so, when this will be implemented; if not, of the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, an important principle of the Government's elderly care policy is to encourage elders to "age in place". To this end, the Government has been allocating resources over the years to enhance community care and support services for elders.

To ensure that resources are spent on elders who are most in need, the Social Welfare Department (SWD) has implemented the Standardized Care Need Assessment Mechanism for Elderly Services (the Mechanism) since 2000 to assess elders' abilities in taking care of themselves, their physical functioning, health conditions, behaviour and emotion, and so on, so as to ascertain their long-term care needs and to match elders with long-term care needs (usually referred to as frail elders) with appropriate services.

My reply to Mr LEUNG's question is as follows:

- (a) At present, there are mainly two types of community care services provided by the Government for frail elders: one is centre-based day care services and the other is home-based home care services.

Day care services cover personal and nursing care, rehabilitation exercises, meal and escort services, and so on. Elders registered as service users can choose to receive full-day or half-day services in their respective centres according to their own conditions and needs. Since the elders may not visit the centres every day, the facilities concerned may not be fully utilized. In view of this, the SWD usually sets the enrolment rate (not the "utilization rate" as mentioned in the question) of day care centres at above 100% to encourage the centres to fully utilize their resources to serve more elders. Given the current service utilization of the various centres, the enrolment rate is 110% on average. At the end of May 2010, the total number of service users was about 3 200, with about 1 100 other elders waiting for services. Their average waiting time was around 6.6 months.

As for home-based care services, service providers will draw up individual care plans for elders having regard to their conditions and practical needs, and provide them with a range of services, such as personal care, basic and special nursing care, rehabilitation exercises, meal delivery, environmental risk assessment and home modifications. Since the conditions of each elder are different, the types and frequency of services will vary from person to person. In general, we can arrange home care services for frail elders within one to two months. This includes the time required for notifying elders and service providers, as well as that for service allocation. At the end of May 2010, there were a total of about 4 400 frail elders using home care services in the territory.

As for non-frail elders (that is, elders without long-term care needs, with self-care ability or in better health conditions), they can choose to make use of the meal delivery, cleaning or personal care services provided by the Integrated Home Care Services teams. At present, there are about 17 000 elders using such services. As these are non-frail cases, applicants are not required to go through the Mechanism and service allocation is arranged by individual non-governmental organizations. In general, elders with urgent needs will be given priority in the allocation of services. In addition to the government-subsidized Integrated Home Care Services, elders can also choose to use similar home support services (for example, meal delivery and home cleaning services) provided by quite a number of non-profit-making organizations and social enterprises in the community.

- (b) In the years between 2005 and 2009, eight, 11, 14, 23 and 17 frail elders passed away each year while waiting for Day Care Services for the Elderly, Enhanced Home and Community Care Services and Integrated Home Care Services. We fully understand that frail elders have pressing service needs, and have therefore arranged services for them as soon as possible.

We will continue to enhance community care services to provide more timely and appropriate assistance for elders. In fact, the resources we allocated for elderly care services substantially

increased from \$1.62 billion to \$3.9 billion between 1997 and 2009, representing a rise of 140%. Of the total amount of resources, the proportion allocated for community care and support services accounted for about 40%.

I wish to point out that the number of day care service units for the elderly has increased from 36 in 2001 to 59 at present. The service places have also increased from 1 420 to 2 314, representing an increase of 63%. In addition, we have earmarked recurrent funding of about \$9 million in the 2010-2011 Budget in order to provide a total of about 110 additional day care places for the elderly. The SWD will also redeploy resources to create 20 additional day care places in Tai Kok Tsui in 2011-2013. We will continue to actively identify suitable sites for setting up day care centres for the elderly so as to provide more service places in districts with greater service demand.

On home care services, the SWD has launched the Enhanced Home and Community Care Services specially for frail elders since April 2001. The former home help teams were then upgraded to Integrated Home Care Services teams. There are currently 24 Enhanced Home and Community Care Services teams and 60 Integrated Home Care Services teams, providing a total of 4 699 service places in the territory.

Whilst continuously expanding the existing services, we also adopt a new mindset to fully address the needs of elders. For example, we allocated funding of \$96 million in 2008 for implementing the Integrated Discharge Support Trial Programme for Elderly Patients. The programme targets the needs of elders newly discharged from hospitals and their family members, and provides intensive "one-stop" services for elders through the concerted efforts of health care professionals and home care services teams, with a view to facilitating elders' speedy recovery after discharge and helping them continue to age at home. In addition, we also allocated funding of \$200 million in 2008 for launching the Home Environment Improvement Scheme for the Elderly, providing home renovation

services and household items for needy elders to reduce the risk of home accidents.

In the long run, the Government and the Elderly Commission will continue to explore ways to enhance the community care services for elders. The Commission is conducting an in-depth consultancy study on the issue and the study is expected to be completed early next year.

MR LEUNG KWOK-HUNG (in Cantonese): *Deputy President, as the saying goes, what is more important is not in the shortage of something but how things are distributed. However, the Government's existing policy is plagued not only by scarcity but also uneven distribution. In other words, it is unfair to both the elderly as a whole and individual elders.*

Deputy President, I wish to raise a follow-up question as the Secretary has not answered this point. The uneven distribution I have just mentioned refers to such districts as Kwun Tong, Wong Tai Sin and Sham Shui Po, where elders have to wait respectively as long as 12 to 15 months, three months, and even seven to nine days before they can receive services that you consider those not enjoying any institutional care should be entitled to. Regrettably, they have to wait for such a long time. Does it comply with the elderly care policy? The Secretary has not answered this point.

The Secretary mentioned in part (b) of his main reply services provided during the period from 1997 to 2009, that is, the 12-year governance under the SAR Government. TAM Yiu-chung, former chairman of the Elderly Commission, is not here now. Over the past 12 years, resources allocated have increased by 140%, that is, each year However, if calculated on a welfare basis, the annual rate of increase is less than 10%, resulting that so many elders passed away while waiting for such services. The Secretary has also listed four figures. Summing them up, we can see that about 40 to 50 elders passed away before receiving these most basic services. I ask you Deputy President, that is all I want to say. I wish to ask the Secretary, does it comply with the elderly care policy? Is it right? You have not answered me and simply kept on prevaricating. Let me say this once again. With such scarcity and uneven

distribution, elders can hardly rest in peace. Does it comply with your elderly care policy at all?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, in regard to Members' concern about elderly care, we analysed the Government's policy very thoroughly two weeks ago. I wish to add several points here. We are gravely concerned about the policy of ageing in place, hoping that it can be implemented.

I wish to add and emphasize two points. As stated in my main reply, we have all along been making resource injections. Regarding day care centres, we have plans to provide additional day care places in the coming two years in those districts where demand is particularly keen, such as Tai Kok Tsui and Kowloon. Secondly, I wish to add one point — I have not given an account on this point in the main reply, for I do not wish to make it too long. In fact, I did mention this point on the last occasion. Let me say a few words here. We have proposed a very important plan in the Budget. A funding of \$55 million has been earmarked under the Lotteries Fund to launch a pilot scheme to provide home-based care services for those frail elders who are waiting for nursing home places in Kowloon. During their wait, we will deliver services to their homes direct. These are enhanced home-based care services. How many places do we offer? There are 510 places. In the next three years, \$55 million will be used to provide a continuum of the so-called enhanced services, including nursing, medical treatment and physiotherapy. Of course, the meal delivery service will also be provided. In launching this pilot scheme, we can ease the pressure on elders as well as their family members and careers while they are waiting for nursing home places.

A subcommittee under the Panel on Welfare Services will hold a public hearing next Monday to listen to your views. Moreover, we will give a detailed account on the pilot scheme I have just mentioned at the meetings of the Panel on Welfare Services on 11 and 12 July, (Appendix 1) hoping that Kowloon, especially districts of Members' concern such as Sham Shui Po, Kwun Tong and Wong Tai Sin, can also be benefited. I wish to stress that we will endeavour to make improvements continuously, so as to achieve the best result.

MR LEUNG KWOK-HUNG (in Cantonese): *Excuse me, Deputy President. He has not answered whether it is in compliance with the elderly care I think he has not replied at all. With such scarcity and uneven distribution, 510 places*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, please repeat the part of your supplementary question that has not been answered.

MR LEUNG KWOK-HUNG (in Cantonese): *What I have asked him earlier on is, given that some 1 000 people passed away while waiting for residential care home services each year, the Government fails to cope with this figure.*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, you have pointed out the part that has not been answered. Secretary, do you think that it is in compliance with the policy? You are only required to respond to this point again.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, I have made it very clear just now. Regarding elderly care services, I gave an explanation from the perspective of residential care homes for the elderly (RCHEs) a couple of weeks ago. Today, the focus is on "ageing in place". Both of them are equally important. However, in our opinion, if "ageing in place" is implemented properly, it can ease the pressure on hospitals, for otherwise elders may be admitted to hospitals too early and unnecessarily. Therefore, home care is very important. I fully subscribe to this point. Apart from what I have just mentioned, the last paragraph of my reply is also significant, which stated that the Elderly Commission has commissioned the University of Hong Kong to conduct an in-depth study to explore ways to better complement home care and community support. We consider that efforts should be made so long as there is room for improvement. I thus keep a keen interest in Mr LEUNG's question.

MR LEUNG KWOK-HUNG (in Cantonese): *He has not answered me*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, the Secretary has answered you in his own way.

MR LEUNG KWOK-HUNG (in Cantonese): *Some 1 000 elders cannot be admitted to RCHes each year. However, only 510 places will be offered, making those 1 000-odd elders*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, although you are not satisfied with his reply, he has answered you in his own way.

MR LEUNG KWOK-HUNG (in Cantonese): *He receives a monthly salary of over \$200,00, so he must give me a reply.*

DEPUTY PRESIDENT (in Cantonese): Please sit down.

MR CHEUNG KWOK-CHE (in Cantonese): *Deputy President, I believe colleagues in the sector have also pointed out the acute shortfall in the supply of Integrated Home Care Services at present. But what is most unacceptable is that, an elder might require both meal delivery and bathing services and have to take a bath daily, but the social worker told him that bathing service could only be provided three times a week. I understand that this social worker is not cold-blooded, only that the Funding and Service Agreement has restricted the provision of such services in the community each month. In order to meet the target, service providers have to restrict the frequency of provision of such services by social workers to elders. When elders need such services, service providers will say that such services have reached capacity and ask them to use other services. May I ask the Secretary whether there will be any thorough investigation and review of the Funding and Service Agreement in future?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I thank Mr CHEUNG for his question. Generally speaking, elders can be classified into

frail and non-frail. I do not know whether you are referring to frail or non-frail elders. Regarding frail elders, as we all know, a care plan will generally be drawn up. Having work in the social worker sector for years, you should be very clear about this. The plan is drawn up by social workers with elders and their family members jointly. Having regard to elders' physical conditions, living environment and support provided by their careers, social workers will understand what they actually need and draw up a tailor-made plan for them accordingly. In fact, service providers can deal with these cases flexibly and see if elders have any urgent need. Those with urgent needs will certainly be accorded priority. As for the case mentioned by the Member, I am not sure whether he is referring to a frail or non-frail elder. In fact, the two situations are different.

MR CHEUNG KWOK-CHE (in Cantonese): *Deputy President, Mr LEUNG Kwok-hung's question is about the provision of services for elders according to their needs, such as meal delivery and bathing services. I understand that some cases are very urgent and social workers will provide such services accordingly. It is because if it is an urgent case, such services will certainly be provided.*

DEPUTY PRESIDENT (in Cantonese): The part of your supplementary question that has not been answered is, will the authorities review

MR CHEUNG KWOK-CHE (in Cantonese): *Will he review the Funding and Service Agreement?*

DEPUTY PRESIDENT (in Cantonese): Secretary, the crux of Mr CHEUNG's supplementary question is, will you conduct a review?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, based on We will review the service standard from time to time, that is, assessing the standard of such services. In fact, the SWD has also consulted some elders who are receiving such services and their family members.

The feedback is quite positive. For instance, as shown in a survey conducted at the end of 2009, 96% of elders and 97% of their family members are satisfied with such services on average. The example cited by the Member may relate to those few elders who are not satisfied. You may give me some information after the meeting, so that I can follow up with that service provider. I should deal with this issue pragmatically.

DEPUTY PRESIDENT (in Cantonese): Secretary, this follow-up asked you if you would conduct a review. Does your reply mean that no review will be conducted?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, I have made it very clear in my reply just now that there should be no problem in our overall operation. But some problems may occur in individual cases. For this reason, we are prepared to follow up.

DEPUTY PRESIDENT (in Cantonese): Mr CHEUNG, the Secretary has replied already.

MR IP WAI-MING (in Cantonese): *Deputy President, many Honourable colleagues have asked questions on this today. Let us revert to the Secretary's main reply. According to him, even if frail elders start waiting for home care services now, such services can only be arranged for them within one to two months. It has stated that such services are provided for frail elders who are most vulnerable, as mentioned in the Secretary's main reply, during the period between 2005 and 2009, 10-odd elders passed away each year on average while waiting for such services. In fact, according to the question raised by Mr CHEUNG Kwok-che just now*

DEPUTY PRESIDENT (in Cantonese): Mr IP, please come to your supplementary question direct.

MR IP WAI-MING (in Cantonese): *Here comes my question. Deputy President, don't be so tense.*

As claimed by the Secretary, a new mentality will be adopted. Then, what kind of new mentality will he adopt, so as to shorten the waiting time for provision of such services to frail elders from one to two months to at least one month?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I thank Mr IP for his question. If Members have read my reply clearly, they will find that we have given a very detailed account. The time taken is about one to two months, which includes the time required for notifying elders and service providers. In fact, the time required for the whole process is very short. Some cases can be settled within a month. Of course, it depends on the actual situation. We are fully aware that elders have no time to wait. So long as the circumstances permit, we will certainly provide services to elders without delay. Therefore, we are determined to make improvement continuously. As I have mentioned just now, a pilot scheme will be launched soon, under which many frail elders living in Kowloon will be benefited. We have selected Kowloon for trial because many elders are living in the old districts there. Hopefully, we can focus on issues in Kowloon. For this reason, we will launch this pilot scheme in Kowloon during the first three years.

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

MR IP WAI-MING (in Cantonese): *I asked the Secretary if he had set a target to shorten the time required to at least one month.*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, my reply is very clear. At present, the average waiting time is about one to two months in general. Where circumstances permit, we of course hope that cases can be settled within one month. But under certain circumstances, it may take time to notify their family members and service providers, and the time

so required has also been taken into account. Once an application is submitted, we are concerned not only about the time required for dealing with the case and arranging services for the elder, but also race against time to get it done. Of course, I will continue to strive for excellence in each step, so as to make it even better.

DR PAN PEY-CHYOU (in Cantonese): *Deputy President, as stated in the Secretary's main reply, the number of frail elders who passed away while waiting for these services increased gradually during 2005 to 2009. Will the Government review these cases to see why their needs were not met?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, we are of course saddened to see elders pass away while waiting for these services. I made it very clear on the last occasion that we hope to provide services to each of them. However, from these figures, you may find that there are in fact some fluctuations. In 2008 From these figures, over the past few years, eight, 11, 14 and 23 (which was the highest) passed away respectively. Last year, the figure dropped to 17. We do hope that our services can meet their needs as far as possible.

The pilot scheme mentioned just now will be launched early next year. With these 510 places, we can definitely cope with the demand for two types of services in particular, including day care services and home-based services. I believe the situation will improve.

DR PAN PEY-CHYOU (in Cantonese): *My question is, will you conduct a review of these cases to see why elders failed to obtain such services?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, we hope that we can find out the causes, but there are some difficulties actually. It is because applicants for the scheme are very old in general. According to our information, elders who are waiting for these services aged about 80 on average. Moreover, the health conditions and physical functions

may vary from person to person. We therefore hope that we can meet their needs as early as possible. That is the situation.

DEPUTY PRESIDENT (in Cantonese): Last oral question.

Community Support Services for People with Mental Illness and People Recovering from Mental Illness

6. **MR WONG KWOK-HING** (in Cantonese): *Deputy President, with growing concern of society about the integration of people recovering from mental illness into the community, the Government set up in March 2009 in Tin Shui Wai the first Integrated Community Centre for Mental Wellness (ICCMW) in Hong Kong. Besides, the Government has announced the provision of an additional recurrent funding of about \$70 million in the current financial year to extend the service mode of integrated mental wellness to the 18 districts in Hong Kong, and to increase manpower to enhance community support services. In this connection, will the Government inform this Council:*

- (a) *of the total number of cases received by ICCMW to date, the types of such cases, and the respective average time taken to follow up the various types of cases; and whether it has assessed if ICCMW can achieve the intended objectives and service effectiveness so far;*
- (b) *of the situation of staff departure of ICCMW since its establishment; the current number of employees employed by ICCMW and its manpower ratio; whether the authorities will employ more manpower to alleviate the work pressure of employees; and*
- (c) *how the aforesaid recurrent funding of about \$70 million has been allocated to the various districts, and whether it has assessed if the recurrent funding is sufficient to meet the increasing needs of patients; whether more support will be provided to Kwai Tsing, Kwun Tong and Yuen Long Districts in which a larger number of people with serious mental illness reside; if so, when the additional resources will be allocated to the aforesaid districts, and of the amount of resources to be spent directly on enhancing front-line manpower?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, the Government is mindful of the welfare needs of ex-mentally ill persons and their family members and keeps under review the operation of and demand for rehabilitation services in the community to ensure that the services would keep pace with the changing circumstances. Meanwhile, the Hospital Authority (HA), the Social Welfare Department (SWD) and non-governmental organizations (NGOs) have been working closely to provide effective rehabilitation services for mentally ill persons.

At present, ex-mentally ill persons have to receive various Community Mental Health Support Services (CMHSS) at different rehabilitation agencies and service units run by NGOs. We set up an Integrated Community Centre for Mental Wellness (ICCMW) (the Wellness Centre) in Tin Shui Wai in March 2009 to provide one-stop service through an integrated service delivery mode on a trial basis. With reference to the operational experience of the Wellness Centre, we are revamping the CMHSS provided by the SWD (including Community Mental Health Intervention Project, Community Mental Health Link, Community Mental Health Care Services, services provided by the Training and Activity Centres for Ex-mentally Ill Persons, and so on) with a view to expanding the service mode of ICCMW to all the 18 districts in the territory in 2010-2011. We will also strengthen the manpower of these centres to provide comprehensive and accessible services to more persons in need, as well as to dovetail with the Case Management Programme implemented by the HA which aims to provide appropriate support to persons with severe mental illness in the community. An additional funding allocation of about \$70 million has been provided by the Government in this financial year for implementation of the above initiative. My reply to the various parts of Mr WONG Kwok-hing's question is as follows:

- (a) The Wellness Centre has been in operation since March 2009. Up to the end of May 2010, it has served a total of 418 cases, of which the service targets of 262 cases are ex-mentally ill persons while the remaining cases are persons with suspected mental health problems. On the whole, the average follow-up time for these cases was 7.7 months. However, it should be noted that as the circumstances of

individual cases and the needs of individual service users vary, the progress of the cases and required time for follow-up are different.

Regarding service effectiveness, the New Life Psychiatric Rehabilitation Association (that is, the operator of the Wellness Centre) and the Department of Psychology, Chinese University of Hong Kong have conducted a comprehensive study to evaluate the effectiveness of services provided by the Wellness Centre in the first year of operation. The findings indicated that the provision of one-stop service could effectively facilitate services users to obtain the services required within a shorter period of time. Meanwhile, the one-stop service mode could enable the Wellness Centre to flexibly adopt the triage system in case management, thereby facilitating early identification of potential risks of individual cases and the provision of appropriate services. The above study findings confirm that the setting up of ICCMWs can fulfil our intended service objectives.

- (b) The SWD provides funding under the Lump Sum Grant (LSG) subvention mode to NGOs to operate ICCMW services. Under the LSG subvention system, NGOs have the flexibility to deploy the subventions to arrange suitable staffing and handle staffing issues to ensure service quality and meet service needs. Besides, upon revamping the CMHSS, the SWD will provide additional resources to the ICCMWs (including the Wellness Centre) to enable them to strengthen their manpower to provide more comprehensive community support services. The Wellness Centre currently employs a total of 14 staff members, including social workers, occupational therapists and other supporting staff. There has not been any staff turnover since the Wellness Centre's commencement of service.
- (c) The SWD will consolidate existing resources of CMHSS, that is, an annual funding allocation of about \$65 million, together with an additional annual provision of about \$70 million, that is, a total of \$135 million, to revamp the CMHSS and set up ICCMWs in all the 18 districts in the territory. The SWD expects that these ICCMWs will commence services in October 2010.

Taking into account the differences in size and expected number of service users of ICCMWs in different districts, the amount of recurrent subvention allocated to individual districts will vary correspondingly. To tie in with the Case Management Programme implemented by the HA in Kwai Tsing, Kwun Tong and Yuen Long Districts on a pilot basis in 2010-2011, the SWD will provide additional resources to the ICCMWs in the three districts to enable them to provide more comprehensive and appropriate community support services to persons with severe mental illness.

MR WONG KWOK-HING (in Cantonese): *Deputy President, I raised this question because a serious homicide case which happened in Kwai Shing East Estate recently has aroused grave concern among residents. That was why I highlighted in the main question that a larger number of people with serious mental illness are living in the Kwai Tsing, Kwun Tong and Yuen Long Districts, and asked whether the Government would allocate additional resources and manpower to provide support to these three districts. Unfortunately, however, the Secretary only said in the main reply that the authorities would provide additional resources, failing to provide any concrete figures. We can see that in the case of the Wellness Centre, the 14 staff members have to take care of over 400 people, that is, each staff member has to take care of almost 30 patients on average.*

The provision of support and professional care to ex-mentally ill persons requires very intensive labour. Therefore, I hope the Secretary will provide supplementary information on the respective additional resources and manpower to be provided to the three districts, namely Kwai Tsing, Kwun Tong and Yuen Long, being home to the largest number of people with serious mental illness.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I would like to thank Mr WONG for his concern about this issue. I have already made it clear in the main reply that these ICCMWs are expected to commence service in October this year.

The SWD, the HA and NGOs which will operate these ICCMWs (the Wellness Centre, for example, is an ICCMW run by NGOs) will conduct

discussions and examine how the operation of ICCMWs as a whole can complement the case management services offered by the HA and assess the manpower demand. I undertake to give the Panel on Welfare Services a full account of the situation in due course. We will definitely draw up a comprehensive plan before the commencement of services in October.

DEPUTY PRESIDENT (in Cantonese): Mr WONG, which part of the question has not been answered by the Secretary? He said he is unable to give a reply for the time being.

MR WONG KWOK-HING (in Cantonese): *If he is unable to give a reply now, will he undertake to provide a written reply after the meeting, that is, before October?*

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

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, I have made a clear undertaking. I have clearly undertaken to give Members an account of the allocation of resources in October, that is, before the services are in full operation. I would like to stress that we will provide funding under the LSG subvention mode to give individual organizations more flexibility in their operation. However, we will definitely allocate additional resources to them.

DR PRISCILLA LEUNG (in Cantonese): *Deputy President, I would like to follow up the manpower issue raised by Mr WONG Kwok-hing just now. Mr WONG Kwok-hing has repeatedly mentioned that there are a few hard-hit districts. According to my general observation, however, more and more Hong Kong people around us are mentally disturbed due to stress in work and life. For example, many middle-class people have to pursue litigation as a result of the Lehman Brothers incident. This can also give rise to serious mental problems.*

Therefore, staff training is vitally important. I used to be an occupational therapist, but I was among the staff loss. In the face of the enormous demand in society for support services for ex-mentally ill persons, how will the Secretary deal with it? In the wake of the "acid bomb" incident which happened in Mong Kok earlier, the Kowloon City District Council has expressed a unanimous view, but the Government has not given us any reply on the follow-up actions to be taken. Under such circumstances, if the authorities only say that additional resources will be provided, they are not prescribing the right remedy. Regarding manpower training, it takes three years to train an occupational therapist. In that case, how will the Secretary provide additional resources to focus on the training of related personnel for deployment to the ICCMWs in the 18 districts mentioned just now? I hope the Secretary will give a detailed account of the specific plan in this regard.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, I would like to thank Dr LEUNG for the supplementary question. We fully understand the importance of the provision of complementary manpower. Dr LEUNG has put it right, and she was very specific, too. For example, the SWD has kept increasing its staff of medical social workers. For the coming year, it has received funding for 14 additional medical social workers, which will bring the total number from the existing 198 to 212. These professionals are very important. As for other professionals, such as physiotherapists, occupational therapists and nurses, the demand is also great. Therefore, we are taking a number of initiatives. First, we have conducted comprehensive planning, in co-operation with the HA, on the manpower demand for professionals requiring training offered by tertiary institutions, such as occupational therapists, for the coming few years, and relayed our plan to the University Grants Committee (UGC). We plan to train as much manpower as required.

Besides, we also hope to make more effort at boosting nursing manpower, both registered and enrolled nurses. The SWD will co-operate with the HA to provide free training to enrolled nurses and require them to work in residential care homes run by the SWD for two years after completion of training. We will tackle this problem on all fronts in a comprehensive manner.

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

DR PRISCILLA LEUNG (in Cantonese): *Concerning tertiary institutions, do you*

DEPUTY PRESIDENT (in Cantonese): Dr LEUNG, regarding the supplementary question you raised just now, which part of it has not been answered by the Secretary?

DR PRISCILLA LEUNG (in Cantonese): *My question was about the figures on tertiary institutions. Is a reply available now? If not, will the Secretary provide a written reply as to why tertiary*

DEPUTY PRESIDENT (in Cantonese): This is not the supplementary question you raised just now.

DR PRISCILLA LEUNG (in Cantonese): *Right, but regarding manpower training, he only vaguely said that a consensus has been reached with tertiary institutions*

DEPUTY PRESIDENT (in Cantonese): Secretary, will you provide such information in writing?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): There is no need to do so as I already have got the answer in my mind. The question raised by the Honourable Member is also an issue of concern to us. We conduct manpower planning in collaboration with the Food and Health Bureau once every three years and relay the statistics to the UGC to facilitate the latter's consideration of providing additional places at universities. Therefore, we will clearly relay our manpower demand to the relevant tertiary institutions. At the

same time, we will conduct some more flexible training, such as training for enrolled nurses I mentioned just now. We will absorb a large number of personnel required to meet the service demand in the future.

MR CHAN HAK-KAN (in Cantonese): *Deputy President, I would also like to follow up the issue of manpower resources. The Secretary pointed out in the main reply that there are 14 staff members in the Wellness Centre, but they have to cope with 418 cases, and some of the staff members are supporting staff not in the specialist psychiatric stream. Some social welfare organizations told me that they have to cope with 900 new cases of ex-mentally ill persons annually, and among these cases, one third of them require long-term follow-up and assistance. However, the additional resources provided to them by the Government will only be sufficient for employing eight to 10 psychiatric nurses and personnel, and these organizations have to serve a community with a population of almost 100 000. May I ask the Secretary, apart from the long-term manpower planning conducted once every three years to strive for the provision of additional resources by the UGC for training more nurses, what short-term measures are in place to attract more health care workers to join the psychiatric stream and increase the number of social workers and health care workers in each ICCMW?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, the Wellness Centres is a very successful example, and I have given an account of it in the main reply. Actually, The Chinese University of Hong Kong has conducted a comprehensive assessment on the services offered by the Wellness Centre, and the results show that its manpower planning can serve 450 ex-mentally ill persons or persons with suspected mental health problems and 1 200 family members. One should bear in mind that each ex-mentally ill person has family members and carers, whose needs are equally important. Detailed planning has been conducted on the services provided by the Wellness Centre to ensure that there is sufficient manpower to cope with the workload. Therefore, just now I have stressed that we will conduct detailed manpower planning for the ICCMWs to be set up in the three so-called hard-hit districts, which are a grave concern to Mr WONG, to ensure that there is adequate manpower to cope with the service demand.

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

MR CHAN HAK-KAN (in Cantonese): *My supplementary question was how the authorities would provide additional manpower in the near future to meet the service demand.*

DEPUTY PRESIDENT (in Cantonese): The Secretary has already given a reply. He said they can cope with the demand. You may not be satisfied with this reply, but he has already given a reply.

MR CHEUNG KWOK-CHE (in Cantonese): *Deputy President, this Council has all along been very concerned about the rehabilitation services for mentally ill persons, and the fact that the Government has provided an additional recurrent expenditure of \$70 million this year in this regard shows that it has faced the service demand squarely. I am concerned about the difficulties in site selection for the 20 ICCMWs to be set up in the 18 districts in the future. Coupled with the fact that there is recently a demand for sites for residential care services, may I ask the authorities whether a high-level inter-departmental working group on site selection will be set up to solve the siting problems faced by these social services?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I would like to thank Mr CHEUNG for this supplementary question. This is indeed a challenge we have to face. However, we will deal with it by adopting flexible measures. To put it simply, a few existing training and activity centres for ex-mentally ill persons can be readily converted into ICCMWs within a short time. As for site selection, we also agree that we should proceed with identifying sites in new development areas now so that these services can commence in October. We will consolidate existing resources first. I remember that when the Wellness Centre launched services in Tin Shui Wai initially, it also borrowed temporary accommodation. Therefore, the new ICCMWs may borrow accommodation or venues of their host organizations to provide services at the beginning. I consider it most important to bring together

the whole idea and the services, be it the hardware or software. Therefore, there will be new development by October, and as I said just now, five training and activity centres for ex-mentally ill persons will be able to provide the relevant sites at once.

MR LEUNG YIU-CHUNG (in Cantonese): *Deputy President, I would like to follow up the supplementary question raised by Mr CHEUNG Kwok-che because the Government has actually delegated the responsibility of providing services in the Kwai Tsing District to a particular organization. Unfortunately, however, that organization has complained to me that it has all along been unable to find a site. It once approached the Housing Department, but the Department said no site was available. It would be even more difficult to identify a site in private organizations. What measures does the Government have to solve this problem? Just now the Secretary said when there is an idea, there are opportunities that the idea can be realized; now an idea is available, but there is nowhere to realize it. As the relevant organizations do not have any venue to communicate with members of the local communities, organize seminars or promote group work, they face great difficulties in their work. Therefore, may I ask the Secretary specifically how the authorities will help these organizations identify sites so that they can maintain contact with members of the community? This is the most important issue.*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Thanks to Mr LEUNG for the supplementary question. I have pointed out very clearly just now that this is our major initiative. In the next few months, site selection is our major initiative. I have just mentioned that five training and activities centres for ex-mentally ill persons can be readily converted for such use, and we will continue to identify other sites. The Kwai Tsing District will be one of the key districts we will deal with.

MR LEUNG YIU-CHUNG (in Cantonese): *Deputy President, the Secretary has not answered my supplementary question. Just now I told him that the Housing Department would not be able to provide any sites, and it is even more difficult to find sites in private organizations. My question is whether the Secretary will co-ordinate the site identification work, given that he said he would identify sites.*

If not, he will be unable to identify sites just by claiming that he would do so, without mapping out any direction and plan. Therefore, may I ask the Secretary how this problem can be resolved? He should not dismiss the issue just by claiming that site identification work will be conducted. Are there any concrete strategic measures? As Mr CHEUNG Kwok-che asked, will an inter-departmental co-ordination team be set up to deal with this issue? I hope the Secretary will draw up a concrete plan.

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

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, I would like to briefly provide some supplementary information. The SWD is now conducting detailed overall planning and will strive to reserve sites in new developments or new development areas for the development of ICCMWs.

DEPUTY PRESIDENT (in Cantonese): Last supplementary question.

DR PAN PEY-CHYOU (in Cantonese): *The Secretary mentioned in the main reply that after consolidating the existing resources of CMHSS, a saving of \$65 million will be achieved, and together with an additional provision of \$70 million, a total of \$135 million will be available. Given that the existing resources of CMHSS are already stretched, may I ask the Secretary how a further \$65 million can be squeezed from the existing services? Will it result in a drip feed of resources for existing services?*

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): After consolidating various existing services, the expenditure will be \$65 million, and together with the provision of an additional recurrent expenditure of \$70 million announced in the Budget this year, a total of \$135 million will be available. The amount of \$65 million represents the existing operational expenditure after service consolidation, and \$70 million is the amount of additional resources.

Therefore, they add up to \$135 million. Given that resources have doubled, we hope services offered in the future can better cater to the needs of the public.

DEPUTY PRESIDENT (in Cantonese): Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Anti-rodent Measures

7. **MR TOMMY CHEUNG** (in Chinese): *President, it has been reported that a foreign visitor was bitten by a rodent last month in Central — Hong Kong's business and trade centre as well as tourist landmark — which has made Hong Kong an international laughing stock and also reflected that the authorities' adoption of the rodent infestation rate (RIR) as an indicator for enhancing rodent disinfection efforts fails to contain rodent infestation effectively. In this connection, will the Government inform this Council:*

- (a) *whether it has reviewed if the existing practice of enhancing rodent disinfection efforts in accordance with RIRs can achieve the result of continuously alleviating rodent infestation; if so, of the details and outcome of the review; if not, the reasons for that; and whether it will conduct such a review in the near future;*
- (b) *given that I have learnt that even though the RIRs of some districts with serious rodent problems have been successfully brought down following enhanced efforts of the authorities on rodent disinfection, the RIRs of those districts have surged again after routine rodent disinfection operations are resumed, what measures the authorities have put in place to deal with such situations; and*
- (c) *apart from using traditional rodent disinfection methods such as placing baits and rodent cage traps, whether the authorities had studied and planned in the past three years for the introduction of more effective rodent disinfection methods; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, effective rodent prevention and control hinges on the sustained co-operation between the community and the Government. Since 2000, the Food and Environmental Hygiene Department (FEHD) has been making use of the RIR and the rate trend to reflect the general situation of rodent infestation in individual districts so as to devise anti-rodent actions, as well as to assess the progress and overall efficacy of rodent prevention and disinfestation work. When conducting rodent prevention and control work, apart from drawing reference to district RIR, the FEHD from time to time makes appropriate adjustments to the work at district level in light of front-line officers' reports as well as the views of the District Council concerned and the local community. It must be pointed out that, given the high adaptability and reproductive rate of rodents, the situation of rodent infestation in individual districts may vary with changes in the environmental hygiene conditions and the level of active public participation in rodent prevention and control work.

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

- (a) There is no RIR which is adopted internationally. The FEHD has made reference to overseas practices and the actual situation of Hong Kong when devising its RIR. The FEHD has tried out different methods and finally come to the conclusion that adopting the ratio of baits gnawed by rodents as the infestation rate is the most suitable method for Hong Kong. As there have not been major changes in Hong Kong's environment or rodents' habits in recent years, the current survey approach is still appropriate.

In addition to the RIR, front-line staff of the FEHD also take into account the trails left by rodents, complaint figures and the views of the local community and the public in targeting rodent prevention and control actions at areas where rodent problems exist.

- (b) The FEHD deploys resources flexibly in accordance with the rodent infestation situation in every district. As rodents are very adaptive and have a high reproductive rate, active participation of the public is indispensable if anti-rodent work is to achieve optimal results. In this connection, apart from strengthening rodent prevention and control efforts in districts, such as stepping up inspections in rear lanes with poor hygiene conditions, the FEHD also enhances

publicity and education efforts aimed at reminding residents and restaurant owners of the importance of anti-rodent measures. In addition, in order to sustain anti-rodent efforts, we maintain close liaison with District Councils to seek their support in encouraging active local participation in rodent prevention and control work.

Since last year, the FEHD has deployed additional staff to different districts to take forward and co-ordinate pest control work at district level. The department has also strengthened communication with other government departments and local organizations. Visits are made to private and public housing estates, shopping centres, construction sites, hospitals, schools, restaurants, elderly centres, and so on, for carrying out demonstrations and providing technical instructions, with an aim to assisting these bodies in adopting effective rodent prevention and disinfection measures and to promote the importance of rodent prevention and control.

In addition, the FEHD has been actively stepping up its public hygiene efforts. Sustained efforts are made to enhance the environmental hygiene of public markets, aqua privies and public toilets, streets, rear lanes, hygiene black spots as well as private buildings. As a result, the general situation of rodent infestation in Hong Kong is controlled effectively.

- (c) The FEHD has been adopting a comprehensive and targeted approach in its prevention and control work. Following the World Health Organization's relevant recommendations and technical guidelines, the FEHD's existing rodent prevention and control work is based on an integrated approach consisting of improving environmental conditions, applying poisonous baits and setting traps, and so on. This approach is in line with that adopted in major overseas and Mainland cities. Besides, in order to identify an integrated anti-rodent approach most suited to Hong Kong's environment, the FEHD keeps abreast of the latest international developments in the methodologies and materials for rodent monitoring, prevention and control, as well as exchanges views with experts through meetings.

With respect to concrete anti-rodent efforts, the FEHD adopts an adaptive strategy, under which the types of bait and trapping device to be used are flexibly decided having regard to the unique environment of individual districts and preferences of rodents.

Obstruction and Nuisances Caused by Illegal Shop Extensions

8. **MRS SOPHIE LEUNG** (in Chinese): *President, it has been reported that the problem of illegal shop extensions in public places has becoming more and more serious in recent years, which has affected the cityscape and environmental hygiene and also posed danger to other road users. Besides, it has also been reported that the enforcement efforts of the Food and Environmental Hygiene Department (FEHD) are lax, and despite repeated complaints from members of the public, no improvement has yet been made. The persons who were prosecuted and convicted were often fined a few hundred dollars only, and thus deterrent effect was not created. Some persons-in-charge of the shops have already included the fines in the recurrent operating costs of their shops and some have even instructed others to "stand in" for them. In this connection, will the Government inform this Council:*

- (a) *of the total number of black spots of illegal shop extensions in public places of Hong Kong at present, with a breakdown by District Council district;*
- (b) *of the number of prosecutions last year which involved illegal shop extensions in public places, and among such cases, whether there was any person-in-charge of the shop prosecuted for more than once; of the number of cases in which the persons-in-charge of the shops were sentenced to imprisonment; of the number of cases in which the persons-in-charge were fined, the ratio of such persons-in-charge who were fined and the amount of fines;*
- (c) *whether the authorities will amend the legislation to impose heavier penalty on repeated offenders; and*
- (d) *whether the authorities had, in the past three years, considered conducting a comprehensive review on how to handle the aforesaid*

problem, as well as examining the relevant enforcement practices, prosecution procedure and legislation, with a view to eradicating illegal shop extensions in public places and preventing the aforesaid "stand in" cases from happening again?

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, illegal shop extension in public places is one of the street management problems which fall within the ambits of various government departments. For the FEHD, it will, depending on the circumstances of obstruction, take enforcement actions in accordance with the most appropriate statutory provisions among the following three provisions: For shops which have extended its business without authorization and caused obstruction of public places, the FEHD may institute prosecutions under section 4A of the Summary Offences Ordinance (Cap. 228). If the shops have obstructed scavenging services by extending its business without authorization, the FEHD may institute prosecutions under section 22 of the Public Health and Municipal Services Ordinance (Cap. 132). Regarding those licensed food premises that carry on business illegally outside the confines of their premises, the FEHD may take enforcement actions under section 34C of the Food Business Regulation (Cap. 132X). If the situation involves illegal structures, causes traffic congestion or threatens the safety of pedestrians, the FEHD may refer the case to relevant departments such as the Lands Department, Buildings Department or Hong Kong Police Force. Apart from regular enforcement and cleansing operations, District Officers will co-ordinate joint departmental operations to resolve the problem in locations with serious obstruction through concerted efforts. Our reply to the four parts of the questions is as follows:

- (a) The major black spots in the joint departmental operations of various districts are at Annex.
- (b) and (c)

In the past year up to 31 May 2010, the FEHD has instituted 21 311 prosecutions against illegal shop extension in public places under the above legislations, inclusive of repeated cases. The FEHD, however, does not keep statistics specifically on the number of repeated cases.

Offenders in breach of section 4A of the Summary Offences Ordinance are liable to a maximum fine of \$5,000 or imprisonment of three months. Those who obstruct scavenging services in breach of section 22 of the Public Health and Municipal Services Ordinance are liable to a maximum fine of \$5,000. Food premises which carry out business illegally outside the confines of their premises in breach of section 34C of the Food Business Regulation are liable to a maximum fine of \$10,000 and imprisonment of three months.

Offenders in all of the 16 914 cases convicted by the Court in the past year were sentenced to a fine. For the majority of cases which contravened the Summary Offences Ordinance and the Public Health and Municipal Services Ordinance, the fine ranged from \$400 to \$600, while the fine of most cases in contravention of the Food Business Regulation ranged from \$4,000 to \$5,000, with sporadic cases reaching \$10,000. None of the offenders was sentenced to imprisonment, and there does not appear to be a need to increase the maximum penalties. The Court as the judiciary body is responsible for awarding sentences. As the Court will determine the level of penalty and the amount of fine by reference to the circumstances of the cases, the FEHD will provide relevant information, such as the previous record of offence, the area of obstruction, the number of complaints received and the amount of fine in respect of the repeated offenders or offenders in more serious obstruction cases to the Court immediately after conviction as a reference in sentencing. If the FEHD considers that the sentence imposed in a particular case is too lenient, it will consider lodging an appeal after consulting the Department of Justice.

Besides, if a food premises carries out business illegally outside the confines of their premises, the FEHD will take actions under the Demerit Point System (DPS). Under the DPS, a licensee is subject to demerit points registered against his/her food premises in addition to a fine upon conviction. When the demerit points have accumulated to a prescribed level within a specified period, the food business licence of the premises will be suspended temporarily or cancelled. In 2009, the numbers of food premises with their licence suspended temporarily or cancelled due to unauthorized extension of

business outside the confines of their premises were 104 and seven respectively.

- (d) It is the top priority of the FEHD to keep the environment clean. The FEHD staff will continue to handle street obstruction problems in accordance with the above legislations. The FEHD has laid down clear guidelines on the enforcement actions and prosecution procedures relating to illegal shop extension in public places for compliance by law-enforcement officers. "Stand in" cases will definitely not be allowed, and such cases also involve perverting the course of justice. If suspected "stand in" cases are detected, the FEHD will refer them to the relevant law-enforcement departments for follow up.

Annex

Joint Departmental Operations against Major Black Spots of
Illegal Shop Extensions in Public Places

<i>District</i>	<i>Black spots of illegal shop extensions in public places</i>
1. Wan Chai	Stone Nullah Lane, Tai Wo Street, Wan Chai Road, Bowrington Road
2. Eastern	the pavement outside Harmony Garden and Cheerful Garden, the open space outside Walton Estate, the vicinity of Winner Centre, Kam Wa Street, Shing On Street, Shau Kei Wan Road, Hoi Chak Street, Finnie Street, Hoi Hong Street, Hoi Kwong Street, Hoi Tai Street, Hoi Wan Street, King's Road, Chun Yeung Street, Marble Road, Electric Road
3. Southern	Aberdeen Main Road
4. Yau Tsim Mong	the junction of Kok Cheung Street and Ka Shin Street in Mong Kok, No. 176 and No. 565-598 of Reclamation Street, Fa Yuen Street, Nelson Street, Argyle Street, Dundas Street
5. Kowloon City	the area within the four streets, namely Wuhu Street, Ma Tau Wai Road, Station Lane and Dock Street
6. Kwun Tong	Shui Wo Street

<i>District</i>	<i>Black spots of illegal shop extensions in public places</i>
7. Wong Tai Sin	Ngau Chi Wan Village
8. Tsuen Wan	Ho Pui Street, San Tsuen Street, Chuen Lung Street, Siu Wo Street, Sze Pei Square, Texaco Road
9. Yuen Long	Nearby streets of Fook Tak Street, including lane at side of Tai Kiu Market, Sau Fu Street, Tung Lok Street
10. Islands	San Hing Praya Street of Cheung Chau
11. North	Lung Fung Garden and Jockey Club Road of Sheung Shui
12. Kwai Tsing	Kwai Fong district
13. Sha Tin	Food premises in Tai Wai

Construction of a Hospital in Kai Tak Development Area

9. **MR WONG KWOK-KIN** (in Chinese): *President, in November 2007, the Chief Executive in Council approved the Kai Tak Outline Zoning Plan, in which 7.6 hectares of land have been reserved for the construction of a hospital. In this connection, will the Government inform this Council of:*

- (a) the latest progress of the new hospital construction project, including the expected completion time; whether the relevant feasibility study has been completed; if so, of the outcome of the study; if not, the expected completion time;*
- (b) the scale and scope of services of the proposed new hospital, as well as the estimated percentage of the resources to be received by the new hospital in those of the Kowloon East Hospital Cluster; whether the authorities will allocate more resources to the Kowloon East Hospital Cluster for the new hospital; and*
- (c) the population in the district whose service demands can be met by the public health care services provided in Kowloon East (KE) at present; the expected average attendances of the new hospital per annum upon its completion, and how this will tie in with the service demands in the district?*

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

(a) and (b)

About 7 hectares of land has been reserved for hospital development under the Kai Tak Development. The departments concerned and the Hospital Authority (HA) are undertaking studies and preliminary planning on the hospital development project. Details of the project, including the scale of development, service scope and facilities of the hospital are yet to be confirmed at this stage. The Government will consider the project in accordance with the established mechanism.

- (c) According to the Government's projections of population distribution, the population of the KE cluster will increase by about 6% to 1.03 million in 2015 as compared with 2010. Of them, 14% are aged 65 or above, 17% are youths aged zero to 19, and the remaining 69% are aged 20 to 64.

The HA will regularly review the services of the cluster having regard to the demographic changes, increase in service demand and service utilization in the region, and will plan for the services and facilities of the cluster as necessary. To cope with the increasing service demand in the region, the HA has in the past few years allocated additional resources for service improvement in the KE cluster. In 2010-2011, the HA has allocated an additional funding of \$47.5 million for the KE cluster to open additional beds and implement a number of service improvement initiatives. These include provision of additional cataract surgeries, enhancement of clinical oncology services, and introduction of palliative care for patients with end stage renal disease, and so on.

On the other hand, the expansion of Tseung Kwan O Hospital will be completed in 2013. The number of in-patient beds and day beds in the Hospital will increase to 636 and 140 respectively by then. Besides, the number of consultation rooms in the specialist out-patient department will increase to 70, and the number of attendances is expected to increase to 250 000 per annum. Other

services and facilities of the Hospital will also be expanded accordingly to cope with the additional demand arising from the extra beds and enhanced ambulatory care services. The HA will continue to closely monitor the service demand in the region and make necessary resource arrangements, so as to provide appropriate health care services for the residents.

Investigation into Affairs of CITIC Pacific Limited

10. **MR ALBERT HO** (in Chinese): *President, regarding the investigations conducted respectively by the Securities and Futures Commission (SFC) and the Hong Kong Police Force (the police) into the leveraged foreign exchange transactions of CITIC Pacific Limited (CITIC) and related affairs, as well as an earlier press report that the Department of Justice (DoJ) has instructed the police to look into the matters relating to CITIC's bidding for the Shenzhou Peninsula development project in Hainan Province on the Mainland, will the Government inform this Council:*

- (a) *given that SFC had submitted the aforesaid investigation report to DoJ for consideration more than six months ago, of the progress concerned;*
- (b) *whether the police's investigation has been completed; if not, whether the authorities will consider freezing part of the assets of CITIC and the director(s) concerned, so as to ensure that minority shareholders may recover their losses in the future;*
- (c) *given that the aforesaid investigation has been in progress for more than 20 months and the authorities still have not instituted any criminal prosecution, and that it has been learnt that the police's investigation still remains at the stage of determining which of the seized documents are related to the case, whether the authorities have assessed if it is appropriate at present to refer the case to the Market Misconduct Tribunal (MMT) for instituting proceedings, so as to try the case expeditiously; if an assessment has been made, of the results and the factors considered by the authorities;*

- (d) *given that it has been reported that three minority shareholders have applied to claim compensation from the past chairman of CITIC through the Small Claims Tribunal but their cases were not taken on and had to be referred to the High Court for proceedings, yet due to the huge litigation costs and their ineligibility for legal aid, these minority shareholders were forced to give up their claims, what expeditious and cost-effective measures the authorities have at present to assist minority shareholders, who have suffered losses of about several tens of thousand dollars as a result of wrong investment decisions made under the influence of false or misleading communications or market misconduct of listed companies, in claiming compensation from the listed companies concerned or the person(s)-in-charge of the companies, so as to safeguard the rights and interests of minority shareholders;*
- (e) *whether it has ascertained how, in other mature international financial markets (for example, the United Kingdom and the United States, and so on), losses in the amount of several tens of thousand dollars are recovered for minority shareholders in circumstances similar to the aforesaid situation; if so, of the details;*
- (f) *given that CITIC has made a responsibility statement in its circular issued on 16 September 2008, stating that "[t]his Circular includes particulars given in compliance with the Listing Rules [t]he Directors collectively and individually accept full responsibility for the accuracy of the information contained in this Circular and confirm, having made all reasonable enquiries, that to the best of their knowledge and belief, there are no other facts not contained in this Circular, the omission of which would make any statement herein misleading", whether the contents of the responsibility statement are in compliance with the requirements of the rules and guidelines on listing matters; if so, of the purpose of such requirements; whether it has assessed if the requirements can protect minority shareholders when listed companies' circulars contain inaccurate information, so that they can claim losses from the listed companies concerned or the person(s)-in-charge of the companies, or rather protect listed companies; and*

- (g) *focusing on the investigation into the matters relating to CITIC's bidding for the Shenzhou Peninsula development project in Hainan Province on the Mainland, whether the police will investigate if the case involves any connected transactions, damages to the benefits of minority shareholders, failure to disclose the relevant information in a timely and detailed manner, and conduct in breach of the Listing Rules in Hong Kong and the Securities and Futures Ordinance (SFO) (Cap. 571)?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, in response to Mr Albert HO's question, we have consulted the SFC, the DoJ and the police for comments and our reply is as follows:

- (a) According to the DoJ, the SFC has submitted a request for legal advice following the completion of its investigation. The police is also investigating the same conduct but its investigation is not yet concluded. The investigation by the police involves a large volume of documents and computer evidence. CITIC and the directors claimed legal professional privilege in respect of the documents seized and the claim is currently being litigated in the High Court. Since the investigation by both the SFC and the police concern the same set of facts, it is appropriate for the DoJ to finalize its advice to the SFC and the police after it has had an opportunity to consider the results of the police investigation.
- (b) Since its investigation is ongoing, the police would not comment further on the case.
- (c) In general, criminal prosecution will be instituted if there is sufficient evidence and where criminal prosecution is in the public interest. If the DoJ advises against criminal prosecution, the SFC will consider other enforcement options, including referral to the Financial Secretary for consideration of instituting proceedings in the MMT. As investigation by the police is still in progress, the DoJ will finalize its advice to the SFC and the police after it has had an opportunity to consider the results of the police investigation. It

is therefore inappropriate to comment on the way forward at this stage.

(d) and (e)

Sections 281 and 305 of the SFO respectively provide that a person, who has engaged in market misconduct, or committed offences relating to dealings in securities and futures contracts, and so on, under Part XIV Division 2 to 4 of the SFO, is liable to pay compensation to any other person for any pecuniary loss as a result of his conduct. Eligible persons could lodge claims accordingly, and the determination made by the MMT is admissible in evidence.

Under the structure of Hong Kong Courts, the Small Claims Tribunal hears civil claims within its jurisdiction of up to \$50,000, with no legal representation allowed. To ensure that any person who has reasonable grounds for taking or defending a legal action is not prevented from doing so by lack of means, the Administration also provides a means-tested legal aid scheme.

(f) It is a requirement of the Listing Rules (for example, Rules 14.66(2), 14.68(1), 14.69(1)(a) and 14A.59(3)) to include a directors' responsibility statement in the circulars issued by the relevant listed companies. The purpose is to ensure that the listed companies comply with the general disclosure principles of the Listing Rules, in particular Rule 2.13 which requires the information disclosed to be accurate and complete in all material respects and not misleading or deceptive. The Stock Exchange of Hong Kong Limited (SEHK) administers the Listing Rules. In general, where SEHK is aware of facts and circumstances which suggest that the Listing Rules have not been complied with, it would conduct appropriate enquiries and investigation with the companies and/or directors involved. SEHK indicated that it would not comment on individual cases.

(g) We would not comment on individual cases.

Supply of Physiotherapists

11. **MR TAM YIU-CHUNG** (in Chinese): *President, some members of the industry have predicted that the demand for physiotherapists will increase upon the Government's implementation of the licensing system for residential care homes for persons with disabilities. In this connection, will the Government inform this Council whether:*

- (a) it knows the current number of registered physiotherapists in Hong Kong and, among them, the respective numbers of those who are employed in public medical institutions, non-governmental organizations subvented by the Social Welfare Department (SWD) and schools;*
- (b) it knows the number of newly registered physiotherapists in each of the past three years and, among them, the respective numbers of those who graduated from Hong Kong and overseas tertiary institutions;*
- (c) it had, in the past three years, made any manpower forecast and assessment in respect of the physiotherapist profession; if it had, of the outcome; if not, the reasons for that; and*
- (d) it had, in the past three years, planned to increase the number of places in the physiotherapist training programmes offered by the tertiary institutions in Hong Kong; if it had, of the details; if not, the reasons for that?*

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

- (a) As at 31 March 2010, there are 2 190 registered physiotherapists in Hong Kong.

According to the information provided by relevant government departments, as at 31 March 2010, the employment situation of some of the physiotherapists is as follows:

<i>Organizations</i>	<i>Number</i>
Hospital Authority (HA)	755
Private Hospitals	95
Department of Health (DH)	13
SWD	6
Non-governmental organizations subvented by SWD	280
Schools and University Grants Committee (UGC)-funded institutions	81

- (b) The number of newly registered physiotherapists in each of the past three years was as follows:

	<i>2007</i>	<i>2008</i>	<i>2009</i>
Holders of a bachelor degree in physiotherapy awarded by The Hong Kong Polytechnic University	58	57	62
Holders of an entry level degree in physiotherapy awarded by a non-local tertiary institution	14	11	16
Total	72	68	78

In the 2009-2010 to 2011-2012 academic years, the UGC-funded institutions will provide 70 publicly-funded degree places in physiotherapy each year, an increase of 10 places over the 2008-2009 academic year. Accordingly, from 2012 onwards, the number of physiotherapy graduates in Hong Kong will increase to 70.

- (c) and (d)

The Food and Health Bureau has been providing advice on manpower requirements for health care professionals (including physiotherapists) in accordance with the triennial student places allocation and funding requirement planning cycle of the UGC. In projecting the manpower requirements, the Government will take

into account the views of the major employers of health care professionals, including the HA, DH, welfare service providers and private hospitals.

These organizations and departments will take note of the number of retirees each year and the trend of wastage, and make an assessment on the long-term manpower requirements having regard to such factors as population ageing, demographic changes and the special needs of the community for particular areas of services.

In making overall manpower requirement projections for health care personnel, the Government will also take into account the manpower implications of health care service delivery model and other related policies such as the development of primary health care services and promotion of private hospital development.

Besides, the DH conducts statistical studies on the manpower resources of health care professionals (including physiotherapists) regularly to collect the latest information on the numbers, features and employment of health care professionals and keep track of changes in the trend.

We will continue to monitor the manpower requirements for health care professionals closely and make recommendations to UGC on future publicly-funded student places for reference by the institutions in their academic planning.

Checking of Sexual Offences Records of Teachers

12. **MR PAUL CHAN** (in Chinese): *President, it has been reported that a school teacher who was convicted of sexual offences is employed by another school to undertake non-teaching work, and another such teacher is able to continue to teach in another school by using a new name. It has also been reported that the Education Bureau will not check the personal particulars of the tutors employed by tutorial schools, and tutors who have committed sexual offences may therefore continue to engage in child care work. In this connection, will the Government inform this Council:*

- (a) *of the number of cases in the past five years in which teachers were alleged to have committed sexual offences and, among such cases, the respective numbers of those in which the offending teachers were convicted, and those in which the teachers involved were prosecuted but not convicted, as well as the respective numbers of cases under trial and under appeal; of the number of complaints received by schools and Education Bureau during that period in which teachers were alleged to have committed such offences; among those teachers who were prosecuted but not convicted, whether it knows the respective numbers of those who are currently undertaking teaching work and non-teaching work, as well as the respective numbers of those teaching in kindergartens, primary schools and secondary schools;*
- (b) *whether teachers are required to declare if they have any criminal record to the schools employing them at the time of appointment; if so, whether it knows the number of declarations received in the past five years; if not, the reasons for that;*
- (c) *whether the Government has considered establishing an immediate notification system whereby schools can check with Education Bureau whether the teachers being considered for appointment have records of sexual offences, including cases under trial, under appeal and for which a sentence has been handed down; if it has, of the details; if not, the reasons for that;*
- (d) *whether it has considered establishing a professional teachers' council with statutory powers and requiring all teachers to join as members, while forbidding those who have committed sexual offences to join the profession; if it has, of the details; if not, the reasons for that; and*
- (e) *whether there is at present a sexual offences database set up by the police, which is available for enquiry and checking by all educational institutions and organizations engaging in child care work; if it has, of the details; if not, the reasons for that?*

SECRETARY FOR EDUCATION (in Chinese): President, the Education Bureau attaches great importance to the professional conduct of teachers. All along, the Education Bureau has co-operated closely with schools to monitor respectively the registration and appointment of teachers in its endeavour to create a safe learning environment for students so as to safeguard their well-being. To prevent schools from inadvertently appointing improper persons as teachers, the Education Bureau has adopted a series of enhancement measures, which include more stringent vetting and monitoring of the registration status of teachers and allowing schools to make enquiries to the Education Bureau about teacher registration information, subject to the compliance with legal requirements. We also advise schools to strengthen their vetting procedures and double-check candidates' information with different parties before offering an appointment. Schools should require teachers to report any criminal proceedings instituted against them, and should themselves report serious cases to Education Bureau.

On the other hand, the Education Bureau also regulates the appointment of teachers by tutorial schools. Under the Education Ordinance, tutorial schools should require candidates to declare their conviction records. Schools intending to employ people who have been convicted of criminal offences as teachers are required to apply to Education Bureau for registration. Education Bureau will consider each application seriously, and may refuse an application if it deems that the candidate is unfit for teaching.

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

- (a) According to the Education Bureau's record, the numbers of cases in which serving teachers were involved in sexual offences* from January 2006 to May 2010 are as follows:

	<i>Convicted</i>	<i>Prosecuted but not convicted</i>	<i>Under trial</i>	<i>Under appeal</i>	<i>Total</i>
No. of cases	16	11	4	4	35

Note:

- * Reference is made to the proposed list of sexual offences contained in the report entitled "Sexual Offences Records Checks for Child-related Work: Interim Proposals" published by the Law Reform Commission of Hong Kong.

The Education Bureau has always advised schools to seek assistance from law-enforcement agencies when they receive complaints of sexual offences allegedly committed by teachers. If the Education Bureau has knowledge of such incidents, it will also advise the persons concerned to report the cases to the police. In the past, schools did not necessarily report the cases to the Education Bureau. Hence we do not have statistics on such complaints. Nevertheless, if a teacher is prosecuted, the Education Bureau will follow up the development of the case in question.

In fact, the Education Bureau has been closely monitoring cases in which teachers are alleged to have committed criminal offences. Even if the teachers concerned are not convicted, the Education Bureau will still assess whether professional misconduct is involved on the basis of court proceedings and other investigation reports. Teachers who have committed serious professional misconduct may have their teacher registration cancelled. For those non-convicted teachers who have not committed serious professional misconduct, the Education Bureau will not monitor their employment status. However, according to our present teacher information, among the 11 aforementioned teachers who have been prosecuted but not convicted, four of them are still serving in public-sector schools and they have not been involved in serious professional misconduct.

- (b) Although the appointment of teachers is a matter of school-based management, the Education Bureau has issued relevant guidelines to schools from time to time, advising them to formulate a set of proper appointment policies and procedures in selecting suitable candidates. In the past, some schools might ask candidates to declare their criminal records for reference though such information was not required to be submitted to the Education Bureau. Therefore, we do not have statistics on the appointment of teachers with criminal records. However, in order to further safeguard the well-being of students, the Education Bureau announced in May 2010 a package of enhancement measures on appointment matters, specifying that schools should require candidates to declare their conviction records and provide the relevant details. We believe that schools will

follow the guidelines and strengthen their appointment procedures accordingly.

- (c) Candidates being considered for appointment as teachers by schools may be serving teachers or any other persons. Since the Education Bureau is not a law-enforcement agency, it does not keep a record of all sexual convictions in Hong Kong. It is thus impossible for the Education Bureau to provide schools with information on the criminal records of all candidates being considered for appointment as teachers even with the candidates' consent. Nevertheless, to facilitate schools in verifying the registration status of serving teachers before appointment, the Education Bureau will release the registration status and other relevant information about the teachers concerned as soon as possible, on condition that schools have obtained such teachers' consent.

In fact, the Law Reform Commission has recommended the establishment of an administrative scheme for employers of persons engaged in child-related work to check whether a candidate has any previous convictions for sexual offences. The Education Bureau will monitor closely the development of the situation and, upon the confirmation of the arrangements for its implementation, update the guidelines on appointment matters for schools as soon as possible.

- (d) There is no causal relationship between the safeguarding of students' well-being and the establishment of a professional teachers' council with statutory powers. Many countries do not have such councils but they can still deal with teachers who have committed an offence or act of misconduct effectively through legislative, administrative and other means. In Hong Kong, if a teacher is convicted of a criminal offence, the Education Bureau will handle the registration status of the teacher in a lawful, reasonable and just manner, taking into consideration the Court proceedings, the nature and gravity of the offence. In general, for a teacher who is convicted of serious offences (for example, the teacher has been found guilty of a sexual offence in which the victims are children or his/her students), Education Bureau will cancel the registration of the teacher concerned or refuse his/her registration application. Upon

cancellation/refusal of teacher registration, the person will not be allowed to serve as a teacher in schools (including tutorial schools), not even if he/she changes his/her name.

- (e) At present, the police maintain conviction records for certain criminal offences, including sexual offences, to assist them in discharging their statutory duties of preventing, detecting and investigating crime. In addition, according to relevant legal provisions, the police may, upon request of institutions authorized by law such as the Education Bureau and the Social Welfare Department, provide a person's criminal conviction information to these institutions for their reference in registration and authorization of certain professionals, such as school managers, teachers and child-minders.

In addition, in February 2010, the Law Reform Commission published a report on "Sexual Offences Records Checks for Child-related Work: Interim Proposals", recommending the Administration to establish an administrative mechanism, which would enable employers of persons undertaking child-related work and work relating to mentally incapacitated persons to check the criminal conviction records for sexual offences of employees, without delay. The Administration is studying the Law Reform Commission's recommendations for implementation as soon as possible.

Development of Data Centres in Hong Kong

13. **DR SAMSON TAM** (in Chinese): *President, regarding the development of data centres in Hong Kong, will the Government inform this Council:*

- (a) *given that the "Consultancy Study on the Development of Data Centres in Hong Kong — Final Report" published by the Digital 21 Strategy Advisory Committee of the Government in May last year points out that Hong Kong should target at developing itself into a hub for high-end data centres, of the progress in developing data services in Hong Kong since the publication of the report;*

- (b) *of the number of land applications received by the authorities in the past three years for developing data centres, the average time taken to handle each application, and what concrete measures the authorities have put in place to assist the industry in expediting the setting up of data centres; and*
- (c) *given that the authorities intend to develop innovative technologies in the Hong Kong-Shenzhen river-loop area, whether they will also consider developing data centres and related value-added services in that area; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, regarding the questions raised by Dr Samson TAM, my reply is as follows:

- (a) The Digital 21 Strategy Advisory Committee discussed the "Consultancy Report on the Development of Data Centres in Hong Kong" in May last year. The Committee generally echoed the conclusion of the report that Hong Kong was a desirable place for high-end data centres and called for a more comprehensive and proactive policy on data centre development.

In this connection, we are commissioning an economic benefit analysis to study into the wider economic benefits that data centre development may bring to Hong Kong.

Meanwhile, the Government has been working with Hong Kong Science and Technology Parks Corporation (HKSTPC) to support those companies intending to establish data centres in the Industrial Estates (IEs). Invest Hong Kong has been providing free, customized and confidential one-stop shop services to potential data centre investors from overseas. The Office of the Government Chief Information Officer will also be active in promoting Hong Kong to companies considering establishing data centres in the Asia Pacific Region.

- (b) Under the planning and land regimes, data centres are normally permitted as part of the commercial and/or business uses. The Town Planning Board and Lands Department have not received specific applications for data centre sites in the past three years.

The IEs, managed by the HKSTPC, offer venues for the development of high-end data centres. Data centre projects meeting the admission criteria of IEs (including the requirement that their activities cannot be carried out in an ordinary multi-storey industrial or commercial building) can apply for admission. In the past three years, two new data centres were built in the IEs.

- (c) The Hong Kong and Shenzhen governments' initial view is that higher education could be the leading use in the development of the Lok Ma Chau Loop, to be complemented with high-tech research and development facilities as well as cultural and creative industries. On the basis of this, the Planning and Engineering Study on Development of the Lok Ma Chau Loop was commissioned jointly by the two governments in June 2009. According to the current progress, public engagement is scheduled to commence in 2010 with a view to consulting the public, concerned stakeholders, organizations and committees including the Legislative Council on the Preliminary Outline Development Plan (PODP). The views received will serve as input for refining the proposals of the PODP. The proposal of developing data centres and relevant value-added services will be considered together with the views collected in the public engagement in finalizing the themed development of higher education, high-tech research as well as cultural and creative industries in the Loop.

Measures to Improve Hygiene Conditions in Various Public Facilities

14. **MR CHAN KIN-POR** (in Chinese): *President, the peak season of infectious diseases, such as seasonal influenza (influenza) and enterovirus (EV), and so on, recurs in Hong Kong every year. It has been reported that the Leisure and Cultural Services Department (LCSD) has not formulated new health protection measures for its facilities (for example, children playrooms, and so on)*

in various districts and also does not have a standardized disinfection procedure nor conduct registration for the persons who access such facilities, rendering such facilities possible venues for virus transmission. In this connection, will the Government inform this Council:

- (a) of the disinfection procedures for various types of facilities of the LCSD (including children playrooms, public swimming pools, fitness rooms and public toilets, and so on) and their implementation at present; how the LCSD ensures that such procedures are standardized and actually implemented;*
- (b) whether the LCSD adopts special disinfection measures for its facilities during the peak season for the outbreak of infectious diseases (for example, influenza and EV, and so on); if it will, of the specific contents of the measures; if not, the reasons for that;*
- (c) whether the Government will further enhance the preventive and contingency measures in such places as community facilities, schools and kindergartens, and so on, which are susceptible to outbreaks of infectious diseases (for example, influenza and EV, and so on) so as to avoid massive infections; if it will, of the details; if not, the reasons for that; and*
- (d) of the number of complaints received in the past five years by the LCSD about the cleanliness and hygienic conditions of its facilities, as well as the contents of the complaints; whether the LCSD had made any improvements; if it had, of the details; if not, the reasons for that?*

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

- (a) The LCSD attaches great importance to the cleanliness and hygiene of various facilities (including children's playrooms, public swimming pools, fitness rooms, toilets and libraries) under its management. There are guidelines on the daily cleansing and disinfection programme of these facilities to reduce the chance of transmission of infectious diseases.

For public swimming pools, apart from the routine cleansing operation during the opening hours, there is a one-hour session break each at noon and in the evening for cleaning the bottom, sidewalls and surrounding areas of the pools. In addition, another cleansing operation, enhanced with the disinfection of pool water, is conducted every night when the pools are closed to ensure the cleanliness and hygiene of pool water. Besides, all pools are closed for half a day on a designated weekday every week for thorough cleansing of the pools and other facilities. To ensure that the water quality is up to standard, pool water samples are taken for testing on an hourly basis during opening hours to assess whether the residual chlorine levels and pH value meet the hygiene standard. Arrangements are also made to collect pool water samples for bacteriological testing every week.

As for other recreation venues and cultural facilities, in addition to daily cleansing, 1:99 diluted household bleach is used for more thorough cleansing and disinfection during opening hours. In case of contamination by vomit, the facilities/areas will be disinfected at once with 1:49 diluted household bleach, followed by rinsing with clean water.

The LCSD has also drawn up cleansing guidelines specifically for children's playrooms and playgrounds for the compliance of cleansing staff. As regards indoor children's playrooms, cleansing work is carried out immediately after each session, 1:99 diluted household bleach is used for disinfection, followed by cleaning with water. Overall speaking, children's playrooms are cleansed and disinfected no less than four times a day. After daily service hours, all facilities as well as the floor and the walls are once again disinfected with 1:99 diluted household bleach. Venue supervisors are required to inspect the hygienic condition of the playrooms before they are open each day. As children's playrooms are air-conditioned, air filters and air handling units of the ventilation systems are cleaned and checked regularly to maintain good ventilation. The LCSD also provides anti-bacterial hand sanitizers at children's playrooms. Parents and their children are requested to clean their hands with sanitizers before and after using the facilities.

With regard to outdoor children playgrounds, cleansing is carried out by cleansing staff at least twice a day. All facilities are disinfected with 1:99 diluted household bleach, followed by cleaning with water. In addition, the LCSD closely monitors the use of children's playrooms and playgrounds — any persons found to be showing symptoms of infectious diseases will be immediately advised to leave and seek medical treatment.

Management staff and venue supervisors in various districts under the LCSD inspect the venues on a regular basis to ensure that all cleansing and disinfection operations are carried out in accordance with the LCSD's guidelines.

- (b) In view of the recent increasing prevalence of the hand, foot and mouth disease (HFMD) and enterovirus 71 (EV71), the LCSD has reminded its staff to step up the daily cleansing and disinfection programmes of its venues, including lobbies, changing rooms, toilets and drainage with 1:99 diluted household bleach. If any venues or facilities are contaminated by vomit, 1:49 diluted household bleach should be used for cleansing and disinfection immediately.

Meanwhile, the LCSD has sought the advice of the Centre for Health Protection (CHP) on the procedures of cleansing and disinfection for the purpose of preventing the spread of infectious diseases such as EV. The LCSD will continue to step up cleansing and disinfection operation in its facilities, including:

- (i) arranging for the disinfection of lift buttons on an hourly basis;
- (ii) arranging for the cleansing and disinfection of objects frequently touched by human, such as escalator/handrails and door knobs four times a day;
- (iii) cleansing and disinfecting the facilities immediately before and after each major event, or before and after use by venue hirers of large-scale activities;

- (iv) disinfecting the sanitizing floor mats at the entrance of buildings every two hours;
- (v) installing automatic disinfectant hand soap dispensers at the entrance or in the lobby of venues; and
- (vi) displaying publicity posters of the Department of Health (DH) at prominent locations of the LCSD's venues, so as to remind the public to maintain personal hygiene.

The LCSD will continue to maintain close liaison with the DH, and will adopt appropriate preventive measures having regard to the advice of the DH.

- (c) In view of the forthcoming peak season of EV in the community, the CHP of DH has sent letters to all kindergartens, child care centres and institutions as well as primary and secondary schools in Hong Kong in March, April and May this year, reminding them of the importance of maintaining good personal and environmental hygiene, and advising them measures for preventing and controlling the outbreak of HFMD.

In collaboration with the Education Bureau and the Social Welfare Department, the CHP organized a series of health talks in April this year to strengthen measures in preventing and controlling HFMD and EV infections.

To further strengthen precautionary and contingency measures, the Government held an inter-departmental meeting on 27 May 2010 to review the latest situation of HFMD and EV71. The meeting agreed that further preventive and control measures should be adopted by different parties, and that the current criteria on class suspension at individual child care institutions/schools due to EV71 infection should be maintained. The Departments concerned will also launch intensified community education programmes on the prevention of infectious diseases through television, radio, public venues and other channels.

To strengthen risk communication, a daily report of the latest situation of HFMD and EV71 infection is being uploaded to the CHP website, which includes the names of schools/institutions with newly reported HFMD outbreaks and those schools/institutions with class suspension in effect.

The CHP will continue to monitor the latest developments in Hong Kong and overseas. It will work with other Departments to take preventive and control measures as appropriate.

- (d) Over the past five years, the LCSD has received a total of 2 497 complaints about the cleanliness and hygienic conditions of its recreation and cultural facilities. Problems of different natures were involved, including blockage of drains, accumulation of garbage in planters, mosquito nuisance, contamination/poor quality of water in swimming pools, dirty or slippery toilets/changing rooms, littering in outdoor areas, bird droppings on theatre pavements.

Upon receipt of the complaints, the LCSD had immediately arranged for cleansing staff to take follow-up actions. Where necessary, the venue under complaint would be thoroughly cleansed. In addition, the management staff and venue supervisors in various districts would step up inspection to ensure the cleanliness and hygiene of the venues.

Hourly Wage Levels of Employees

15. **MR WONG SING-CHI** (in Chinese): *President, the 2009 Report on Annual Earnings and Hours Survey provides essential inputs for setting the initial rate of the statutory minimum wage of Hong Kong. The information contained in the Report has revealed that the median hourly wage of female employees was significantly lower than that of male employees. According to the tables on "Hourly Wage Level and Distribution Analysed by Sex and Age Group" and "Hourly Wage Level and Distribution Analysed by Sex and Educational Attainment" in the Report, the hourly wage levels of female employees in most of the groups analysed were also lower than those of their male counterparts in the*

corresponding groups. In this connection, will the Government inform this Council:

- (a) whether the authorities know, and if they will look into, the reasons for such pay differences; if so, of the details; if not, the reasons for that;*
- (b) whether the Government has any specific plan and measure in place to promote equal pay for equal work for both sexes and reduce the hourly wage gap between male and female employees; if it has, of the details; if not, the reasons for that; and*
- (c) whether it will ensure that the membership of the Minimum Wage Commission to be set up reflects the gender ratio of the Hong Kong population so that there will be adequate representation of the labour force of both sexes on the Commission, and that they will be equally and reasonably protected further under the minimum wage legislation; if it will, of the details; if not, the reasons for that?*

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President,

- (a) In general, the median hourly wage of female employees is lower than that of their male counterparts. While this difference could be attributed to a whole host of factors, one of the key reasons is the difference in educational attainment between female and male employees. Specifically, compared to their female counterparts, a higher proportion of male employees have completed education at Secondary Six and above. As a result, a higher proportion of male employees work as managers, administrators and professionals who have higher wages than other occupational groups.
- (b) Under the Sex Discrimination Ordinance, it is unlawful to discriminate against an employee, on the ground of sex, in the terms and conditions of employment. The Government will continue to ensure the observance of the principles of equal pay for equal work between men and women in the workplace.

As mentioned in the reply to part (a) above, one of the key reasons for the gap in hourly wage is the difference in educational attainment between female and male employees. The Government has been investing substantially in education to allow both male and female residents equal access to higher levels of education. For example, in the 2009-2010 academic year, of the 74 146 students studying in University Grants Committee-funded programmes at sub-degree level and above, 53.9% are female. We believe that this is the fundamental measure to narrow the wage gap between female and male employees.

Furthermore, with the implementation of statutory minimum wage, it is envisaged that some female employees at the elementary levels will have their wages enhanced.

- (c) Consistent with the established policy, as in the case for other advisory and statutory bodies (ASBs), appointments to the statutory Minimum Wage Commission to be set up upon the enactment of the Minimum Wage Bill would primarily be based on merits taking into account a candidate's ability, expertise, experience, integrity and commitment to public service *vis-a-vis* the functions and nature of business of the ASB concerned, with due regard to gender balance. In our future appointments to the Commission, the Government will continue to identify women who are willing and able to contribute to the work of the Commission. When making appointments, the Government will consider the gender balance, operational needs of the Commission and availability of suitable candidates.

Regulation of Sale of Pets

16. **MR JAMES TO** (in Chinese): *President, recently, I have received quite a number of complaints about the illegal sale of pets on the Internet. Under the existing legislation, persons selling pets on the Internet shall be subject to the regulation of the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139, sub. leg. B). Moreover, the Agriculture, Fisheries and Conservation Department (AFCD) has implemented additional conditions for Animal Trader Licence (ATL) since February this year, stipulating that pet shops*

may only obtain dogs for sale from the approved sources. The AFCD has also indicated that it will step up inspection of licensed pet shops to check the compliance of pet shops and breeders with such conditions. Animal traders who are found to be in breach of the licensing conditions are liable to a fine or suspension of their licences. In this connection, will the Government inform this Council:

- (a) of the number of complaints received by the authorities about illegal sale of pets on the Internet in the first half of this year and, among them, the number in which prosecutions were instituted;*
- (b) during the six months prior to the implementation of the additional conditions for ATL and since their implementation:*
 - (i) of the respective numbers of inspections of licensed pet shops conducted by the AFCD each month;*
 - (ii) whether any animal traders have breached the licensing conditions; and*
 - (iii) of the number of animal traders being prosecuted and, among them, the respective numbers of those who have been fined and whose licences have been suspended; and*
- (c) whether it has reviewed the effectiveness of the implementation of the aforesaid additional conditions; if so, of the details; whether it will consider extending the application of such additional conditions to other kinds of pets as soon as possible; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, under the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B), any person who sells, or offers to sell, animals has to obtain an ATL, unless that animal is kept by him as a pet or any offspring thereof.

To protect public health and animal welfare, the AFCD, after consulting the Legislative Council Panel on Food Safety and Environmental Hygiene (the

Panel), introduced additional ATL conditions on 1 February 2010 with a view to tightening control on the sources of dogs offered for sale. The additional conditions stipulate that pet shops can only sell dogs from approved sources, namely, legal importation into Hong Kong, breeding by licensed dog breeders, other licensed pet shops and *bona fide* private dog owners.

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

- (a) In the first half of 2010, the AFCD has received 11 complaints against suspected illegal sale of pets on the Internet and in-depth investigation has been conducted into each case. As there is no evidence to suggest that commercial activities have been involved, no prosecution has been initiated.
- (b) Since the additional ATL conditions came into effect, the AFCD has been closely monitoring the implementation of the source registration system, and maintains in general the monthly inspection of every licensed pet shop. The AFCD will review the frequency of inspection from time to time having regard to practical needs, such as the number of pet shops, as well as the public's and pet shop owners' understanding of the new measures, and so on.

Since the implementation of the additional ATL conditions, there have been two suspected breaches of the licensing conditions of pet shops. Prosecutions are in progress.

- (c) In the paper entitled "Introduction of Additional Conditions of Animal Traders Licence" which was submitted to the Panel in December 2009, it is stated that the AFCD will review the effectiveness of the new requirements one year after implementation.

The source registration system for the sale of dogs was introduced in light of the possible risk of transmitting diseases, particularly rabies, posed by dogs from unknown sources. Compared with other types of animals, dogs generally have more contact with people as well as other animals and therefore carry a greater chance of spreading diseases. As such, there is a need to impose more stringent requirements on the sale of dogs.

The AFCD reviews the licensing conditions for different types of animal traders from time to time in light of the prevailing situation and actual needs. For example, to prevent avian influenza, the AFCD amended the licensing conditions for bird traders in June 2007 to stipulate that all birds sold by animal traders had to be from approved sources.

Supply of Residential Units

17. **MR FRED LI** (in Chinese): *President, the Government has indicated earlier that it would increase the supply of land and residential units. In this connection, will the Government inform this Council:*

(a) *as at 31 May 2010:*

- (i) *of the number of unsold private residential units of completed buildings, and list, according to the lot number of such buildings, the names of the buildings, their respective years of completion and the total number of units; among the unsold units, the respective numbers of those which have and have not been offered for sale, when the latter is expected to be offered for sale and whether a deadline has been set for offering them for sale;*
- (ii) *of the number of private residential units under construction but not yet sold by way of pre-sale, and list, according to lot number, the total number of residential units in that lot; among the units not yet sold by way of pre-sale, the respective numbers of those which have and have not been offered for pre-sale, when the latter is expected to be offered for pre-sale, the number of units for which pre-sale consents have been granted and whether a deadline has been set for offering them for pre-sale (with a note to indicate those residential units of private residential redevelopment projects for which lease modifications are not required);*

- (iii) *of the number of residential projects at granted sites for which construction has yet to commence (commonly known as "disposed sites"), and list, according to lot number, the areas of the sites, their gross floor areas, expected numbers of completed residential units, and the expected earliest dates for commencement and completion of works;*
 - (iv) *of the number of residential sites which can potentially be supplied (commonly known as "potential sites"), and list, according to lot number, the areas of the sites, their expected gross floor areas, expected numbers of residential units, and the expected earliest dates for granting the sites; and*
 - (v) *of the number of private residential redevelopment projects for which lease modifications are not required but construction has yet to commence, and list, according to lot number, the areas of the sites, their expected gross floor areas, expected numbers of residential units, and the expected earliest dates for commencement and completion of works;*
- (b) *of the respective numbers of private residential projects under construction and the number of units involved in the current and the next four years; of the respective numbers of "potential sites" for developing private residential projects and private residential redevelopment projects not requiring lease modifications that can be granted during the same period, and their gross floor areas and numbers of residential units to be provided; and*
- (c) *of the number of sites resumed by the Government from the Housing Authority in the past five years, and list, according to lot number, the areas of the sites, their expected gross floor areas, expected land uses (in the case of residential use, of the expected numbers of completed units), and the expected earliest dates for granting the sites?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the Government has readily available statistics relating to the supply of private residential units, including the total number of completed but unsold units, the

total number of units under construction but not yet sold, the total number of flats to be generated from disposed sites for which construction has yet to start, the estimated number of units to be generated from potential sites for private residential sites, and the overall supply of private residential units in the primary market in the next three to four years. However, the Government does not have readily available information on individual sites and individual projects, such as their lot numbers, the gross floor areas of residential units to be built, and the names of buildings. As for the information requested by Member, having co-ordinated the input from the Development Bureau and this Bureau, my reply is set out below.

- (a) (i) As at 31 May 2010, there were about 7 000 unsold units in completed private residential developments. The distribution of these units in terms of year of completion is at Table 1. When these units are put up for sale is in accordance with the developers' commercial decisions. The Government is not able to predict when the units will be put up for sale in the market.

Table 1: Unsold units in completed private residential developments

<i>Year of Completion</i>	<i>No. of unsold units in completed private residential developments</i>
Before 2008 ⁽¹⁾	3 000
2008	1 000
2009	2 000
2010 ⁽²⁾	1 000
Total	7 000

Notes:

(1) Developments completed between 2003 and end of 2007

(2) As at May 2010

- (ii) As at 31 May 2010, about 46 000 private residential units were under construction. About 6 000 of them were sold by pre-sale. Therefore, there were about 40 000 units which were under construction and not yet sold. Of the 40 000

units, about 1 900 of them had obtained pre-sale consent and another 1 200 units belonged to private redevelopment projects which did not require lease modification. These 3 100 units can be put up for sale in the market anytime in accordance with the developers' commercial decisions. Regarding the remaining 36 900 units, about 6 700 units were applying for pre-sale consent, and the remaining 30 200 units have yet to apply for pre-sale consent.

- (iii) As at 31 May 2010, there were 21 projects on disposed sites which had yet to start construction, involving about 12 000 units. The Government will impose a Building Covenant date in the land leases to govern the completion date of the project, but will not set requirements on the date for commencing construction. The timing for these projects to commence construction works will depend on whether site formation is required and when their building plan(s) are approved.
- (iv) As regards the number of potential supply of private residential sites, since the Government may integrate or split those sites depending on the situation, the Government will only provide the total gross floor areas of those sites as reference to avoid confusion. As at 31 May 2010, there are approximately close to 268 hectares of potential supply of private residential sites, which are estimated to produce about 105 700 flats upon completion. The disposal dates of individual sites vary according to circumstances. Some of the sites on the List of Sites for Sale by Application (the Application List) are readily available for triggering, whereas the disposal of some development projects will depend on the time required for the relevant development approval process.

The above figures only denote the possible maximum supply of private residential sites known at the present stage. They have not included sites where planning permission has been obtained but the leases have yet to be executed. Also, the figures have not included sites where their completion dates

are undetermined, for example long term supply of private residential sites the availability of which is still subject to planning and engineering studies or confirmation of land use. As the exact supply is subject to actual market demand and other factors such as progress of land formation/land premium agreement/land exchange, we are not able to provide further breakdown.

- (v) As private redevelopment projects which do not require lease modifications do not have to apply to the Lands Department (LandsD) for lease modifications, the LandsD does not have information on the potential number of private redevelopment projects which do not require lease modifications and have not started construction. The number of units to be generated from private redevelopment projects which do not require lease modifications and are under construction has already been reflected in the overall figures on the total number of private residential units under construction. As mentioned in (ii) above, as at 31 May 2010, there were about 40 000 private residential units which were under construction and not yet sold. This figure has already included 3 200 units from commenced private residential redevelopment projects for which lease modifications are not required.
- (b) The Government is not in a position to predict the progress of the construction works in the primary private residential market in the next three to four years. That said, the Government carries out estimation on the overall supply in the primary private residential market on a regular basis, taking into account the number of completed unsold flats, the number of flats under construction and not yet sold, and the number of units to be generated from disposed sites where construction has not yet started. According to Government's estimation as at May 2010, there will be about 59 000 units available in the primary private residential market in the coming three to four years, comprising 7 000 unsold completed units, 40 000 units under construction and not yet sold, and 12 000 units from projects on "disposed sites" which construction works may start anytime.

- (c) In the past five years, the Housing Authority has surrendered the following public rental housing (PRH) redevelopment sites to the Government (Table 2):

Table 2: PRH redevelopment sites surrendered to the Government by the Housing Authority (from 2005-2006 to 2009-2010)

<i>Year</i>	<i>PRH Redevelopment Sites</i>	<i>Site Area (hectare)</i>	<i>Land Use After surrender</i>
2005-2006	-	-	-
2006-2007	Shek Lei Phase 11	1.4	District open space
	Sau Mau Ping Phase 11	0.8	School
	Kwai Chung Phase 3 (part)	0.4	District open space
2007-2008	-	-	-
2008-2009	Kwai Chung Phase 2A	0.9	District open space
	Tai Hang Tung Phase R1	0.4	District open space
	Shek Kip Mei Phase 4	0.5	School (under construction)
2009-2010	Sau Mau Ping Phase 12	2	District open space
	Lam Tin Phase 9	0.4	Lam Tin North Municipal Services Building (under construction)
	North Point Estate	3.8	The Western part of the Ex-North Point Estate site is for "hotel use only" development which is already included in the Application List. The Government has already initiated the rezoning process of the Eastern part of the Ex-North Point Estate site to turn it into a Comprehensive Development Area.

Implementation of "Trap-neuter-return" Programme

18. **MR ANDREW CHENG** (in Chinese): *President, recently, some animal rights advocates have published a joint declaration, urging the Government to immediately implement the "Trap-Neuter-Return" (TNR) programme, which is internationally recognized as humane and effective, to replace killing as the means currently adopted for controlling the number of abandoned animals. In reply to a question raised by a Member of this Council on 20 January this year, the Government indicated that the Agriculture, Fisheries and Conservation Department (AFCD), "in collaboration with the animal welfare organizations which have been advocating this programme, consulted various District Councils (DCs) on the TNR trial programme in 2007. Nine of the 18 DCs supported in principle the implementation of the programme in their districts". However, it has been learnt that none of the DCs has so far implemented the programme. Besides, the Government also pointed out that a study in the United States showed that euthanasia was more effective than the TNR programme in controlling the number of stray cats. In this connection, will the Government inform this Council:*

- (a) of the reasons for failing to implement the aforesaid trial programme so far and the technical difficulties involved;*
- (b) whether the AFCD has any plan to collaborate with those advocating organizations again in persuading the opposing DCs to implement the trial programme; if so, of the timetable; if not, the reasons for that; and*
- (c) apart from the aforesaid study in the United States, whether the Government has made reference to other studies which have confirmed the effectiveness of TNR; if so, of the findings of such studies; if not, whether the Government has assessed if drawing on the conclusion of one study only may give rise to bias in the formulation of policies?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, dogs are domestic animals and are not accustomed to living in the wild. Neglected dogs

are not only prone to health problems, they may also cause nuisances to the public and spread diseases such as rabies.

In formulating measures to control stray animals, apart from taking an integrated approach such as through legislative control, education and publicity promoting responsible pet ownership, we also need to consider the effectiveness of various measures to be implemented and their possible impact on public health and the community.

Local animal welfare organizations have earlier proposed to the AFCD the introduction of a TNR programme for dogs, allowing neutered stray dogs without an owner to be returned to public places. Successful implementation of the programme is contingent upon public support. In this connection, the AFCD, in collaboration with the animal welfare organizations which have been advocating this programme, consulted the DCs on the TNR trial programme in 2007. Nine of the 18 DCs supported in principle the implementation of the trial programme in their districts, while seven expressed objection and the remaining two made no indication. This shows that the DCs have differing views on the trial programme.

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

- (a) As mentioned above, public recognition and support of the trial programme is crucial to its successful implementation. Hong Kong is a small place with a dense population and the returned stray animals will continue to cause nuisances, including environmental hygiene problems, noise pollution, dog biting and even traffic accidents, and so on. In fact, over the past three years, the annual numbers of complaints lodged with the AFCD regarding stray cats and dogs exceeded 20 000. This shows that the nuisance problem is indeed serious. The Government has the responsibility to address the problem and cannot shirk its duty. The question of responsibility that will arise upon implementation of the programme when the returned dogs cause nuisances and accidents is of critical importance.

As such, the AFCD and the organizations concerned are actively examining the implementation details and the responsibility issue.

The question of how the criteria for assessing the effectiveness of the programme are to be set is also being discussed.

- (b) The AFCD and the organizations concerned are still examining the implementation details and the responsibility issue. Before the formal commencement of the trial programme, for those districts proposed by animal welfare organizations for implementing the trial programme, the AFCD will again consult the DCs concerned irrespective of their previous stance.
- (c) Overseas experience and data show that the TNR programme for dogs is highly controversial. It has never been implemented in the major cities of the advanced European and North American countries which are relatively sparsely populated. Moreover, there is hitherto no formal research study indicating that such programme has produced concrete results.

In considering the details of the trial programme and the responsibility issue, the AFCD also makes reference to overseas programmes and study reports.

Non-emergency Ambulance Transfer Service

19. **DR PAN PEY-CHYOU** (in Chinese): *President, a senior citizen with limited mobility told me earlier that as he was not qualified to use the non-emergency ambulance transfer service (NEATS) provided by the Hospital Authority (HA), therefore, every time he needed to go to a clinic for consultation, he had no alternative but to use the Easy-Access Transport Services (ETS) provided by the Hong Kong Society for Rehabilitation (HKSR). He pointed out that in the past few months, owing to unsuccessful attempts to book the transfer service, he had to defer follow-up medical appointments on two occasions. In this connection, will the Government inform this Council:*

- (a) *what transport services are provided by the authorities to patients with limited mobility;*

- (b) *whether it knows the conditions to be met by patients for using NEATS, and of the details of such conditions;*
- (c) *which government departments, public organizations or bodies provide NEATS to patients at present; whether it knows the number of vehicles deployed for such services, and among such vehicles, the number of those designated to transfer HA patients and their accompanying carers to public hospitals and clinics;*
- (d) *whether it knows the number of people who used NEATS and ETS in the past three years;*
- (e) *whether it knows the statistics in the past three years on HA patients' alteration of follow-up appointment dates or cancellation of follow-up appointments because no transfer service was available owing to insufficient vehicles; if such statistics are not available, whether the HA plans to collect the relevant data; if it will not, of the reasons for that; and*
- (f) *whether the authorities will increase NEATS and ETS?*

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

(a) and (b)

The Government is providing transport services to patients with mobility-disability mainly through the NEATS and the ETS of the HA. The HA's NEATS primarily provides point-to-point transfer service between patients' homes and hospitals or specialist out-patient clinics (SOPC) for geriatric day hospital patients, discharged patients (in-patients or patients who have received treatment at Accident and Emergency Departments) and SOPC patients. The key target clients of NEATS are mobility-handicapped patients who are unable to use transportation such as bus, taxi and Rehabus. Patients have to meet HA's established criteria and guidelines for NEATS in order to receive the services. For example, they should be stretcher-bound patients,

patients who need to use oxygen, wheelchair-bound patients (whose residence not accessible by lift), aged patients in need who live alone and have to rely on walking aid, mentally or sensorily (for example, eyesight) impaired patients who are not assisted by friends or relatives on discharge from hospital. In general, priority of service is given to discharged patients and patients to be transferred from one hospital to another. Except for patients for transfer to another hospital, applications for NEATS from other patients including SOPC patients, geriatric day hospital patients and discharged patients will be first assessed by health care staff before transfer services are provided.

The HA's ETS, which is operated by the HKSR, provides transfer services between homes and hospitals or clinics for patients aged above 60 with minor mobility-disability. Unlike patients served by NEATS, the target clients of ETS are those with relatively minor mobility-disability and therefore ETS will only transfer the patients to designated points near their homes instead of providing direct door-to-door transfer.

- (c) On transfer service for patients, the Auxiliary Medical Service has a total of six non-emergency ambulances to provide transfer service mainly to patients who are in need of special care, such as those who need to use oxygen or are suffering from communicable diseases, stretcher-bound and wheelchair-bound and thus are unable to use public transportation. The Hong Kong St. John Ambulance Brigade also has three ambulances to provide fee-paying transfer service for patients seeking medical consultation or discharged from private hospitals.

In addition, the Government subvents HKSR to operate the Rehabus Service to provide transport service for work, school or follow-up medical appointment, and so on, for people with difficulties in using public transportation. Some elderly homes or rehabilitation service institutions subvented by the Social Welfare Department also have vehicles to provide transfer services for users to attend follow-up medical appointment or various kinds of activities. Moreover, the HKSR also operates the Accessible Hire Car service through

telephone booking, providing transport service to people with mobility-disability to attend follow-up medical appointment.

- (d) The HA has a total of 133 non-emergency ambulances to serve patients of hospitals and clinics under different clusters as well as persons required to accompany the patients. There are a total of 24 buses to provide transfer services under ETS. The numbers of persons served by the two services in the past three years are as follows:

	<i>Number of persons served</i>	
	<i>NEATS</i>	<i>ETS</i>
2007-2008	349 230	144 959
2008-2009	370 371	146 466
2009-2010	386 612	157 173

- (e) The reason for patients to change the dates of or cancel their follow-up medical appointments varies. The HA has not collected information concerning the change of dates or cancellation of follow-up appointments by patients due to the lack of transfer service. In general, applications for NEATS from discharged patients or patients to be transferred to other hospital are mostly made on the day for the service and the HA will endeavour to deliver the transfer service on the same day. In the past three months (that is, from March to May), there were only three applications which were not dealt with on the same day and necessitate the arrangement for transfer on the next day. Health care staff will also arrange special transfer service for patients in light of their conditions. In 2009-2010, a total of some 1 600 trips of special NEATS were provided by different HA clusters. As for ETS, HKSR provides the service on a first-come-first-served basis. Applications from patients will be placed on a waiting list if the quota is full on that day. Under special circumstances, HKSR will try to cope with the application for service in view of patient's request.
- (f) The numbers of persons using NEATS and the ETS have increased steadily over the past three years. In order to enhance the services, the HA has increased the manpower for provision of NEATS by

12% from 315 in 2005 to 353 in 2009. The HA will keep the two services under review having regard to the service demand, including to actively explore improvements of the booking procedures of ETS in order to facilitate transfer of patients to and from hospitals or clinics more effectively.

Proposed Extension of South East New Territories Landfill

20. **MS MIRIAM LAU** (in Chinese): *President, quite a number of Tseung Kwan O residents have indicated to me that the environmental problems created by the South East New Territories (SENT) Landfill since its commissioning have caused nuisances to them for a long time. Recently, the Planning Department submitted a paper to the Sai Kung District Council proposing to further extend the SENT Landfill area, including designating about 5 hectares of land in Clear Water Bay Country Park and about 15.6 hectares of land in Tseung Kwan O Area 137 for landfill extension purpose. In this connection, will the Government inform this Council:*

- (a) *of the number of complaints received about the SENT Landfill since its commissioning, together with a breakdown of the complaints by category; how the authorities follow up such complaints;*
- (b) *given that it has been recently reported that it is expected that the proposed extension of the SENT Landfill will aggravate the adverse impact on residents in the district, including the environment (in terms of odour and visual impact), traffic and the health of the residents nearby, and will also affect Chai Wan District, which is situated on the other side of the bank opposite to Tseung Kwan O, and the authorities had indicated in its paper to the Panel on Environmental Affairs of this Council in October 2008 that they would adopt a number of mitigation measures for the proposed extension of the SENT Landfill in accordance with the principle of avoidance, minimization and compensation as set out in the Technical Memorandum of the Environmental Impact Assessment Ordinance (EIAO) (Cap. 499), whether they have assessed if such*

mitigation measures can resolve the aforesaid adverse impact on residents in the district; whether the authorities have other mitigation measures; if they have, of the details;

- (c) of the daily average numbers of trips run by refuse collection vehicles and vehicles carrying construction waste which travel to and from the SENT Landfill through Tseung Kwan O at present, and the expected changes in the respective vehicular flows of the aforesaid two types of vehicles after the extension of the landfill; what measures the authorities have to mitigate the traffic impact and odour nuisance caused by such vehicles in the Tseung Kwan O District;*
- (d) whether the authorities will plan to require the use of compressed and enclosed type of refuse collection vehicles to travel to and from the SENT Landfill, so as to prevent wastes from spattering and emitting odour during transportation; if so, of the details; if not, the reasons for that;*
- (e) given that the proposed extension of the SENT Landfill will cover 15.6 hectares of industrial land in Tseung Kwan O Area 137, of the original planned use for the site; whether the proposed extension of the landfill will affect the development potential of other industrial land lots in Area 137, and as a result, reduce the employment opportunities within the area for residents in the district;*
- (f) given that it has been reported that the authorities plan to supply the methane generated by the wastes in the SENT Landfill after its extension to the Hong Kong and China Gas Company Limited (Towngas) for conversion into gas, whether the authorities will request Towngas to reduce the tariff for Tseung Kwan O residents, so as to compensate for their being plagued by the environmental problems caused by the landfill for a long time; and*
- (g) given that the life of the SENT Landfill will be extended to 2019 after the proposed extension, whether the authorities have planned to further expand the area of the landfill, with a view to extending the life of the landfill again?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) The development of the SENT Landfill started in the 1990s and was commissioned in 1994, and its operation has been assessed as meeting international standards.

Since 2005, the Environmental Protection Department (EPD) has received complaints about odour problem in the Tseung Kwan O town and the related figures are as follows:

<i>Year</i>	<i>Figures</i>
2005	106
2006	165
2007	459
2008	943
2009	629

Most of the complaints were received in hot and rainy months.

Apart from the SENT Landfill, there are potential sources of odour nuisance in Tseung Kwan O. In this connection, the District Officer of Sai Kung has established an interdepartmental working group comprising representatives from the Sai Kung District Office, EPD, Drainage Services Department, Food and Environmental Hygiene Department (FEHD), District Lands Office and Highways Department. It aims to investigate and follow up on potential sources of odour under the purview of various departments with a view to abating the local odour nuisance. The working group has held a number of meetings, conducted joint inspections in Tseung Kwan O, and stepped up cleaning of the sites where odour may be emitted. We will continue our work on this front.

The EPD looks into each complaint about odour nuisance independently to identify the odour source. The EPD also informs the complainant of the investigation results of each case.

The EPD understands that Tseung Kwan O residents are concerned about the odour nuisance. The Department has stepped up odour management and control measures to further abate the potential odour impact of the Landfill. Such measures implemented so far include for example covering the tipping face with a thicker layer of soil at the end of the daily waste reception process; covering the non-active tipping face with temporary impermeable liner; setting up fixed deodorizers at the Landfill boundary; providing additional mobile deodorizers at the tipping area; putting a mobile cover on the special waste trench; and installing additional landfill gas extraction pipes and mobile landfill gas flares. The EPD will continue to implement the above measures. In addition, the Department is planning to construct an 800-metre wall along the boundary of the Landfill facing the industrial estate to abate environmental and visual impacts on the surrounding area. The EPD will also upgrade the existing facility for wheel washing to full-body vehicle washing facility to ensure that the entire body of every refuse collection vehicle is washed before leaving the Landfill.

- (b) The Government has been working hard to promote waste reduction at source in recent years. Last year, the recovery rate of municipal solid waste has reached 49%. However, as we currently rely almost entirely on landfilling as our only means of waste disposal and the total municipal solid waste disposed of at landfill is about 9 000 tonnes per day, this has exerted pressure on our valuable landfill space. The proposed extension of the SENT Landfill (the proposed Extension) aims to continue an effective management of the municipal solid waste generated in Hong Kong every day when the existing SENT Landfill reaches its capacity. The EPD completed the environmental impact assessment (EIA) and traffic impact assessment on the proposed Extension in 2008. The EIA has studied in detail the potential environmental impacts of the proposed Extension, covering air quality (including odour), ecology, noise,

waste management, water quality, landfill gas as well as landscape and visual impacts, and recommended effective mitigation measures. Apart from Tseung Kwan O, the study on air quality, noise and visual impacts also covered Siu Sai Wan area in north-east of Hong Kong Island. According to the EIA Report, with the implementation of the recommended mitigation measures, the anticipated environmental impacts are acceptable and will meet the relevant requirements under the EIAO and its Technical Memorandum. The EIA was approved by the Authority in May 2008. The traffic impact assessment points out that the Landfill Extension will not have any adverse impact on the traffic. The EPD will ensure that the recommended mitigation measures will be strictly implemented, the works under the proposed Extension will comply with the conditions set out in the environmental permit issued under the EIAO, and the operation of the Landfill will not create any adverse impact on the residents nearby.

- (c) According to the statistics for 2009, on average the SENT Landfill received about 1 050 vehicle loads daily, including about 510 vehicle loads of municipal solid waste.

According to the traffic impact assessment on the proposed Extension, the number of vehicles travelling to and from the Landfill Extension will be similar to that of vehicles travelling to and from the SENT Landfill at present. Therefore, the vehicular flow will be approximately the same upon the exhaustion of the SENT Landfill and the commissioning of the Landfill Extension. As such, the Landfill Extension will not create any adverse impact on the traffic. However, to abate effectively the odour from refuse collection vehicles, the EPD will implement a number of odour mitigation measures under the proposed Extension. They include enclosing entirely the weighbridge area, providing a vehicle washing facility at the exit from the Landfill Extension, and reminding drivers of refuse collection vehicles to take heed of hygiene and keep their vehicles clean.

- (d) Currently there are three strategically located landfills in the territory. Coupled with seven refuse transfer stations, they form a solid waste disposal network which handles the waste generated daily by the community. Bulk waste transfer is adopted to avoid large number of small refuse collection vehicles travelling in the urban areas. The SENT Landfill mainly receives commercial, industrial as well as construction wastes from Hong Kong Island, Kowloon and Sai Kung District and domestic waste from Tseung Kwan O and Sai Kung collected by private waste collectors. It is the private waste collectors' own commercial decisions to choose the types of their refuse collection vehicles. To reduce the environmental impacts of refuse collection vehicles, the EPD regularly draws the attention of the trade to road safety as well as the cleanliness and hygiene of their refuse collection vehicles at landfill liaison meetings. At the meetings of the interdepartmental working group, the EPD also refers the complaints about refuse collection vehicles received to the relevant departments for follow-up. Moreover, the EPD distributes leaflets to drivers of refuse collection vehicles on a monthly basis through the landfill contractors to remind the drivers of the operation practice of refuse collection vehicles, so that they can keep their vehicles clean and tidy. Under the Public Health and Municipal Services Ordinance, the FEHD may, with sufficient evidence, institute prosecutions against people concerned in case of refuse collection vehicles dirtying public roads.
- (e) The 15.6 hectares of land in Tseung Kwan O Area 137 rezoned for the extension of the SENT Landfill as shown on the draft Tseung Kwan O Outline Zoning Plan No. S/TKO/18 was previously zoned "Other Specified Uses" annotated "Deep Waterfront Industry" (OU(DWI)) on the earlier version of the Tseung Kwan O Outline Zoning Plan No. S/TKO/17. According to the Notes of the Outline Zoning Plan, the OU(DWI) zone is intended primarily for special industries which require marine access, access to deep water berths or water frontage. The subject area for the extension of the SENT Landfill is located inland which does not have access to the sea. Although part of the area in Area 137 is proposed for the extension

of the SENT Landfill, the remaining area is still zoned as OU(DWI), which has an area of about 86.9 hectares of land with marine frontage unaffected to meet the long term need of deep waterfront industries.

- (f) To utilize the landfill gas generated from the SENT Landfill more effectively, the EPD has been exploring a large-scale landfill gas recovery and utilization project with the contractor of the SENT Landfill and the town gas producer. The EPD is studying its feasibility and contractual arrangements.
- (g) We estimate that the SENT Landfill will reach its capacity in mid-2010s. We hope to complete the planning in time so that the SENT Landfill Extension can be commissioned immediately after the exhaustion of the SENT Landfill. Our current projection is that the Landfill Extension will reach its capacity in about six years, and then we can proceed with restoration and aftercare of the Landfill Extension. Apart from the proposed Extension, the Government has no plan to further expand the area of the SENT Landfill.

BILLS

First Reading of Bills

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

SUPPLEMENTARY APPROPRIATION (2009-2010) BILL

CLERK (in Cantonese): Supplementary Appropriation (2009-2010) Bill.

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

Second Reading of Bills

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

SUPPLEMENTARY APPROPRIATION (2009-2010) BILL

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Deputy President, I move the Supplementary Appropriation (2009-2010) Bill (the Bill) be read the Second time.

Section 9 of the Public Finance Ordinance provides, "If at the close of account for any financial year it is found that expenditure charged to any head is in excess of the sum appropriated for that head by an Appropriation Ordinance, the excess shall be included in a Supplementary Appropriation Bill which shall be introduced into the Legislative Council as soon as practicable after the close of the financial year to which the excess expenditure relates."

The account for the 2009-2010 financial year has come to a close. The expenditure charged to 17 of all the 83 heads is in excess of the sum appropriated for the respective heads under the Appropriation Ordinance 2009. The relevant increase in expenditure was mainly caused by implementation of the recommendations in the grade structure review reports, injection to the Trust Fund in support of the reconstruction in the Sichuan earthquake stricken areas, as well as the implementation of various one-off relief measures, such as the provision of additional welfare assistance for the needy. The amount of supplementary provision for all the expenditure in excess has been approved by the Finance Committee or under powers delegated by it.

(THE PRESIDENT resumed the Chair)

I hereby introduced the Bill into the Legislative Council to seek final legislative authority for the supplementary provision in respect of the 17 heads totalling about \$6.1 billion.

Thank you, President.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Supplementary Appropriation (2009-2010) Bill be read the Second time.

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

MOTIONS

PRESIDENT (in Cantonese): Motions. Motion concerning the Amendment to the Method for the Selection of the Chief Executive.

I now call upon the Secretary for Constitutional and Mainland Affairs to speak and move his motion.

MS AUDREY EU (in Cantonese): President, point of order.

President, I know that the motion today is proposed under Rule 29 of the Rules of Procedure. In proposing the motion, Secretary Stephen LAM has indeed issued a letter to all Members of the Legislative Council, stating that this motion is based on the Package of Proposals for the Methods for Selecting the Chief Executive and for the Forming of the Legislative Council (the Package), and that the draft motions are based on the relevant content. It is also pointed out in the letter that a subcommittee was set up by the House Committee on 16 April 2010, which was chaired by Mr TAM Yiu-chung, and nine meetings had been held. In his address this morning, Mr TAM Yiu-chung reported the deliberation at those nine meetings and pointed out that the Subcommittee had received views from 163 organizations and individuals.

However, President, it can be seen from the Package or the report delivered by Mr TAM Yiu-chung in the capacity of Chairman of the Subcommittee that, I quote his version: "According to the original proposal put forth by the Administration, all the five new functional constituency seats and the existing District Council (DC) Functional Constituency seat will be returned through election from among elected DC members under the proportional representation system." President, after the meeting, according to this letter the

Subcommittee has completed its deliberation of the two motions and related issues, and the authorities would submit the two resolutions on 23 June, that is today, to be voted by Members.

But, President, according to the Rules of Procedure of the Legislative Council Last Friday, 18 June, the House Committee held a meeting to discuss one very important issue, that is, since Members had just received the notice from the Government, would it be necessary to set up a new subcommittee to discuss the issue. At that time, Members considered that if the content of the motion and the Package to be put to the vote today were the same as before, there was no need to set up a new subcommittee to discuss the issue. We also discussed whether the Subcommittee chaired by Mr TAM Yiu-chung should be dissolved. There was extensive discussion on this at the time. In view of the many reports that there might be changes to the content of the Package, I particularly put forth a question: If changes are made to the content of the Package though the wordings of the resolutions remain unchanged, should the Subcommittee led by Mr TAM Yiu-chung continue to call meetings instead of being dissolved? We had extensive discussions on this.

President, the conclusion made by the House Committee last Friday, that is, 18 June, is now in my hands. After I had put forth the above question, the Chairman of the House Committee, Ms Miriam LAU, said at the time that it was impossible to conjecture whether there would be changes. Mr TAM Yiu-chung said that taking into account the views of Members, the Subcommittee would stop working but would not be dissolved, so that if the Government put forth any proposed amendment to the constitutional reform package, meetings could be called, and Members agreed. President, the agreement was reached in response to the question I raised on that day. In other words, even if the wordings of the motion remain unchanged, any discrepancy in content with the report submitted by the Government and the views we heard at the meetings, the Subcommittee

PRESIDENT (in Cantonese): Please state the point of order you have to raise.

MS AUDREY EU (in Cantonese): President, the point of order I have to raise is simple. On that day, the House Committee discussed the issue according to the

Rules of Procedure of the Legislative Council, and since we now notice that a new amendment was put forth on Monday, should the issue not be referred to the Subcommittee led by Mr TAM Yiu-chung under the House Committee for further discussion? Should we listen to the views of the public? Since all the views of the public and the report we heard before were based on content completely different from that to be delivered by Secretary Stephen LAM in his speech later today, and the new content is the new change announced by the Chief Executive on Monday. Hence, according to the Rules of Procedure, should we not The relevant Subcommittee under the House Committee has not been dissolved. On that day, we had a particular discussion and considered that the Subcommittee should not be dissolved, for there might be new changes, and the Subcommittee should listen to views expressed by the public on the new changes.

PRESIDENT (in Cantonese): Ms Audrey EU, please be seated. According to the Rules of Procedure, since this motion is proposed by the Government, it will be left to the Government to decide when the motion be put to the vote in this Council. Provided that due notice of the motion has been given according to the requirement of this Council, the Government may decide when the motion be to put to the vote. Besides, I think Ms EU would have noticed that the motion this Council is now handling is the motion on the amendment of the method for selecting the Chief Executive, and I believe this motion has not been affected by any recent changes. Hence, according to the Rules of Procedure, I think we should continue with the debate and the voting on this motion.

MS AUDREY EU (in Cantonese): President, you say that this motion is related only to the amendment to the method for selecting the Chief Executive. But, President, why do I have to make particular mention of the letter from Secretary Stephen LAM and present all the relevant documents? The reason is that there is only one subcommittee responsible for the discussion on the amendment to the methods for selecting the Chief Executive and the forming of the Legislative Council. President, I am afraid this will set a bad precedent. Why? For the Government has given this Council 12 days of notice according to Rule 29 of the Rules of Procedure, and our discussion has been carried out according to all the

information provided by the Government. And by last Friday, discussion in the House Committee was still based on the old version.

President, if the Government applies this tactic of making abrupt changes after deliberation of all agenda items have been completed and views of the public heard, where the content of the present proposal differs from the previous proposal on which we gauged public opinions, then what is the purpose of requiring the Government to give this Council 12 days of notice under the Rules of Procedure? Hence, President, I think this is a very significant point of order. I consider it absolutely necessary to put it on record, for this may set a very bad precedent. Even if the President vetoes the point of order raised by me according to the Rules of Procedure, this is still a very important issue, a significant point of order. The Government cannot consult the public and the Legislative Council with one version and change the content by the last two days, and then requests this Council to vote on the proposal as scheduled. Hence, President, we should have discussions all over again.

PRESIDENT (in Cantonese): Ms Audrey EU, I believe you have expressed your views clearly.

(Dr Margaret NG raised her hand in indication)

PRESIDENT (in Cantonese): Dr Margaret NG, do you have a point of order?

DR MARGARET NG (in Cantonese): Surely, it is stated clearly in Rule 29 of the Rules of Procedures that any person responsible for proposing motions or Bills may put forth the motion if due notice has been given. However, President, Rule 29 is based on the background that prior to the notice, the Chairman of the House Committee must be consulted, while the Chairman of the House Committee will arrive at the opinion based on the discussion carried out by the Subcommittee under the House Committee. Since a significant change has been made to the content of the motion, should the Chairman of the House Committee be consulted again? The Chairman of the House Committee may

oppose it, but it does not matter, for the Rules of Procedure does not require that the consent of the Chairman of the House Committee must be sought, but only that the authorities have to consult the Chairman of the House Committee. Under this circumstance, particularly when the House Committee has already arrived at a clear decision of agreement, could the authorities submit the motion to the Legislative Council according to Rule 29 without consulting the Chairman of the House Committee again and request Members to vote on the motion as scheduled? If that is really the case, the consensus and rationale behind Rule 29 will be reduced to nought, and this is tantamount to the non-compliance with the Rules of Procedure.

(Mr LEUNG Kwok-hung stood up)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, do you have a point of order?

MR LEUNG KWOK-HUNG (in Cantonese): Yes, I know. I understand it. I am a polite person, and I know neither weddings nor funerals will be rescheduled.

PRESIDENT (in Cantonese): Please raise your point of order.

MR LEUNG KWOK-HUNG (in Cantonese): Today is the wedding ceremony of the Democratic Party, the Democratic Alliance for the Betterment and Progress of Hong Kong and the Government. It is a big day. But this is the burial of democracy. How can this be rescheduled? However, on second thought, I think this is not the case, for private matters should not be discussed here. President, Ms Emily LAU is sitting over there, and she often says that the Government fails to give sufficient notice.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please be seated.

MR LEUNG KWOK-HUNG (in Cantonese): What is the matter?

PRESIDENT (in Cantonese): Please be seated first.

MR LEUNG KWOK-HUNG (in Cantonese): Today is very important, and you should not hastily prevent me from speaking.

PRESIDENT (in Cantonese): Please be seated first.

MR LEUNG KWOK-HUNG (in Cantonese): One should put on a good show even when one is acting.

PRESIDENT (in Cantonese): The Rules of Procedure have made provisions for speeches by Members. Earlier on, two Members, Ms Audrey EU and Dr Margaret NG, raised points of order, and Members should know that they are very important. At any time during the meeting, Members may raise a point of order. However, Mr LEUNG Kwok-hung, if you are not raising a point of order, you have to wait for your turn to speak. Please state the point of order you want to raise.

MR LEUNG KWOK-HUNG (in Cantonese): The so-called rational

PRESIDENT (in Cantonese): Will you first point out under which rule of the Rules of Procedures

MR LEUNG KWOK-HUNG (in Cantonese): Rule 29 I am quoting the term "reasonable" as mentioned by Dr Margaret NG. What is the definition of "reasonable"? Surely, it is

PRESIDENT (in Cantonese): Please state the point of order.

MR LEUNG KWOK-HUNG (in Cantonese): Will you listen to me first, no hurry. The wedding and the funeral will definitely be carried out

PRESIDENT (in Cantonese): Please state your point of order at once.

MR LEUNG KWOK-HUNG (in Cantonese): I will tell you immediately. I 400% support Dr Margaret NG. Who should give the interpretation of the word "reasonable"? It should be the Chairman of the House Committee. I do not know where the Chairman of the House Committee is sitting. She is not in the Chamber. Will you ask her about this? I am a

PRESIDENT (in Cantonese): You only need to state your point of order.

MR LEUNG KWOK-HUNG (in Cantonese): President, I am returned by the votes of 100 000 people. I came back to the Legislative Council as a Member representing them. You cannot be rude to me. I tell you

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung.

MR LEUNG KWOK-HUNG (in Cantonese): according to Rule 29, what is the definition of "reasonable"? This should be ruled by the Chairman of the House Committee. I now ask: Where is the ruling of the Chairman of the House Committee? Has she ever asked you? When did she tell you this? Or did the Liaison Office of the Central People's Government (LOCPG) in the Hong Kong Special Administrative Region tell you so?

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please be seated.

MR LEUNG KWOK-HUNG (in Cantonese): This is Rule 29. I am a Member, and I represent a lot of members of the public in monitoring the Government. However, the Government changes its policies rapidly

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you should sit down immediately. If you violate the Rules of Procedure again, I will disallow you to go on speaking.

MR LEUNG KWOK-HUNG (in Cantonese): justice lies in the people's heart, President, you are an intellectual

PRESIDENT (in Cantonese): Now that a point of order has been raised by Members. According to them, if we continue to debate and put to the vote this motion relating to the amendment to the methods for selecting the Chief Executive, it will be against Rule 29 of the Rules of Procedures. This is surely an extremely important motion, and the point of order raised by Members is similarly extremely important. I will now suspend the meeting to consider the issue, and then I will make a ruling.

1.35 pm

Meeting suspended.

1.43 pm

Council then resumed.

PRESIDENT (in Cantonese): I now rule on the point of order raised by the two Members earlier. According to Rule 54(5) of the Rules of Procedure, one of the requirements for a bill to resume Second Reading is that the Member or public officer in charge of the bill should, after consultation with the Chairman of the House Committee, give written notice to the Legislative Council Secretariat.

That rule specifies clearly that the public officer in charge should consult the Chairman of the House Committee. But as Members know, Rule 54 regulates the resumption of the Second Reading of bills, and as pointed out by the two Members raising the point of order earlier, this motion should be subject to the regulation of Rule 29 but not Rule 54.

Under Rule 29(1) of the Rules of Procedures, the requirement for moving a motion is specified unequivocally, that is, a notice of not less than 12 clear days before the day on which the motion is to be moved. As I said earlier, the Administration has given notice of this motion 12 clear days before today. A Member has pointed out that some changes in the circumstances related to this motion have taken place in the period concerned, but upon another detailed examination of the case, I consider that those changes will not affect the content of the motion. Hence, in terms of procedure, the motion presented before Members and to be moved by the Secretary for Constitutional and Mainland Affairs shortly is exactly the motion of which the Government gave notice 12 clear days ago. I thus consider that it is not against Rule 29 of the Rules of Procedure.

Mr LEUNG Kwok-hung, is it a point of order?

MR LEUNG KWOK-HUNG (in Cantonese): Yes, it is a point of order. President, no hurry, no fear. In this Chamber, we work for the people of Hong Kong. Today, we are debating a proposal that the Chief Executive, the Democratic Party and other people considers an improved

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you can only raise a point of order now.

MR LEUNG KWOK-HUNG (in Cantonese): Listen to me, it will not take long

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, according to the Rules of Procedure, I cannot allow Members

MR LEUNG KWOK-HUNG (in Cantonese): All people with face and reputation are saying that this is an improved proposal and urge people to accept it. Common law is based on common sense

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please be seated.

MR LEUNG KWOK-HUNG (in Cantonese): Can you convince me?

PRESIDENT (in Cantonese): Some Members have raised a point of order and I have made a ruling on it. I do not intend to debate my ruling with Members in this Chamber.

MR ALBERT CHAN (in Cantonese): President, may I ask you to clarify or explain the meaning of the ruling you made just now? For I consider that it is very important. You pointed out clearly just now that this motion does not violate Rule 29 of the Rules of Procedure. That is to say, the motion proposed by the authorities 12 days ago, and the content of the motion proposed, A motion must have some content. President, are you saying that the content of the motion proposed by the authorities 12 days ago does not bear any relevance to and is not affected by the incidents that happened recently? In other words, the motion to be put to the vote and be passed later will be the motion proposed by the Government 12 days ago, and the incidents that happened recently, including the arrangement passed by the Executive Council yesterday, will have no relevance to the content of the motion to be put to the vote later. Is it the case? I hope the President will clarify this.

PRESIDENT (in Cantonese): Mr Albert CHAN, please be seated. I can only rule on procedural matters. Now, I see that the content of the motion as printed

on the Agenda, that is, the motion we will continue to discuss at this meeting and proposed by the Government, is entirely the same as that proposed by the Government to this Council 12 clear days ago. Hence, it does not violate the Rules of Procedures in terms of procedure.

MR ALBERT CHAN (in Cantonese): President, when you say that it is entirely the same, are you saying that all the content is the same as the motion proposed by the Government 12 days ago, and that there is no change?

PRESIDENT (in Cantonese): You are right, Mr Albert CHAN. The paper is here, you may see this from the paper.

DR MARGARET NG (in Cantonese): President, I just hope that you will clarify your interpretation of the content and application of Rule 29 of the Rules of Procedures. Do you mean that for proposals submitted in the form of a motion, the notice given will remain effective even if the content behind it has been completely changed? President, this is important, for once this point is clarified, it will become a precedent.

PRESIDENT (in Cantonese): The Rules of Procedure made no mention of the meaning of the so-called "content behind". I only see that the motion submitted by the Government to this Council today is very clear, which is set out in the paper clearly, and that is exactly the motion of which the Government gave notice 12 days ago; the content is the same. Dr Margaret NG, the manner in which we deal with this motion is exactly the same as the one we adopted in dealing with the motion in 2005.

DR MARGARET NG (in Cantonese): President, I, by all means, do not wish to start any debate with the President at the meeting. Between the executive and the legislature, a consensus has been reached on many agendas and regulations. Hence, if Rule 29 of the Rules of Procedures is explained in this way, does it imply that any motion can be debated if its wordings remain unchanged and a

12-day notice has been given? As a result, will all motions be required to state every detail clearly in future? President, may I ask you to reconsider this to further clarify the content and application of your ruling and the future impact?

PRESIDENT (in Cantonese): Unless a consensus has been reached by Members that specific amendments should be made to the Rules of Procedure to stipulate what else should be considered other than the wordings of motions to deem that notice has been given, notifications given in compliance with the official procedure are deemed to be notice given. I consider it inappropriate for me to rule under what circumstances should notice given not be regarded as notice.

I have already made the ruling on the point of order. I think we should not continue to debate on this. I now call upon the Secretary for Constitutional and Mainland Affairs to speak and move his motion.

MOTION CONCERNING THE AMENDMENT TO THE METHOD FOR THE SELECTION OF THE CHIEF EXECUTIVE

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I move that the first motion under my name, as printed on the Agenda, that is, "Motion concerning the Amendment to the Method for the Selection of the Chief Executive", be passed. I will later on move another motion, that is, "Motion concerning the Amendment to the Method for the Formation of the Legislative Council and its Voting Procedures".

The SAR Government released the consultation document on the two electoral methods for 2012 in November last year. After conducting an extensive consultation, and in compliance with the Basic Law and the "Decision on Issues Relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2012 and on Issues Relating to Universal Suffrage" (the Decision) adopted by the Standing Committee of the National People's Congress (NPCSC) in 2007, we submitted a proposed package in April this year, which seeks to increase the democratic elements of the elections by enhancing the participation of elected District Council (DC) members in the two elections.

I now brief Members on the contents of the motion. Pursuant to Article 7 of Annex I to the Basic Law, the Interpretation by the NPCSC of Article 7 of Annex I and Article III of Annex II to the Basic Law of 6 April 2004, and the Decision of the NPCSC on Issues relating to the Methods for Selecting the Chief Executive and for Forming the Legislative Council in the year 2012 and on Issues relating to Universal Suffrage of 29 December 2007, the Government proposes that the "Motion concerning the Amendment to the Method for the Selection of the Chief Executive" be passed. Subject to endorsement by a two-thirds majority of all Members of this Council, the "(Draft) Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China Concerning the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region" annexed to this motion will be reported to the Chief Executive for consent, which will then be reported by the Chief Executive to the NPCSC for approval.

According to the (Draft) Amendment to Annex I, the number of members of the Election Committee (EC) to elect the fourth term Chief Executive in 2012 will be increased from 800 to 1 200, and the number of additional seats allocated to each of the four sectors will be increased by 100.

The number of nominations required for candidates for the office of Chief Executive remains at 1% of the number of the EC members, that is, 150. As for the first, second and third sectors, the number of members will be increased by 50% respectively. As for the fourth sector (that is, the political sector), 75 of the additional 100 seats will be allocated to elected DC members. Coupled with the original 42 seats, 117 seats will be returned through election from among elected DC members in future. Appointed DC members will not participate in it. As for the specific arrangements, including the numbers of seats to be allocated to subsectors of the first, second and third sectors, they will be specified by local legislation, that is, in the context of the Chief Executive Election (Amendment) Bill.

After the Government has put forth the proposed package, at the House Committee meeting on 16 April, the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 (the Subcommittee) was set up to study the proposed package. Mr TAM Yiu-chung and Mr Jeffrey LAM were elected as Chairman and Deputy Chairman of the Subcommittee respectively. I would like to express gratitude

on behalf of the Government to Mr TAM, Mr LAM, the Legislative Council Secretariat and all members of the Subcommittee for their valuable opinions and tremendous efforts. The Subcommittee has held nine meetings and met with members of the public and individuals. At these meetings, public officers have explained the stance of the SAR Government and responded to members in respect of the details of the proposal.

President, the Government secured a timetable for universal suffrage in 2007, so that we can implement universal suffrage for selecting the Chief Executive in 2017 and for electing all Members of the Legislative Council in 2020. By 2017, a nominating committee can be formed with reference to the requirements on the EC. Upon the implementation of universal suffrage for the Chief Executive election, candidates, after obtaining support from different sectors within the nominating committee, will be elected by all eligible electors in the territory through "one person, one vote". In 2012, the number of EC members will be increased to 1 200, while the number of seats allocated to the four sectors will be maintained in an even distribution. This is aimed at maintaining the principle of balanced participation, which can also help transform the EC into the nominating committee smoothly when universal suffrage for the Chief Executive elected is implemented in 2017.

President, I implore Members to support the motion.

The Secretary for Constitutional and Mainland Affairs moved the following motion:

"Pursuant to Article 7 of Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Interpretation by the Standing Committee of the National People's Congress of Article 7 of Annex I and Article III of Annex II to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China of 6 April 2004, and the Decision of the Standing Committee of the National People's Congress on Issues relating to the Methods for Selecting the Chief Executive of the Hong Kong Special Administrative Region and for Forming the Legislative Council of the Hong Kong Special Administrative Region in the year 2012 and on Issues relating to Universal Suffrage of 29 December 2007, the "(Draft) Amendment to Annex I to the Basic Law of the Hong Kong Special

Administrative Region of the People's Republic of China Concerning the Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region" appended to this Motion is hereby endorsed by this Council by a two-thirds majority of all Members."

Annex

(Draft) Amendment to Annex I to the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China
Concerning the Method for the Selection of the Chief Executive of
the Hong Kong Special Administrative Region

1. The Election Committee to elect the fourth term Chief Executive in 2012 shall be composed of 1 200 members from the following sectors:

Industrial, commercial and financial sectors	300
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The professions	300
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Labour, social services, religious and other sectors	300
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Members of the Legislative Council, representatives of members of the District Councils, representatives of the Heung Yee Kuk, Hong Kong deputies to the National People's Congress, and representatives of Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference	300
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The term of office of the Election Committee shall be five years.

2. Candidates for the office of Chief Executive may be nominated jointly by not less than 150 members of the Election Committee. Each member may nominate only one candidate."

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

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, no matter how many hours this motion debate will last, we can be certain of one point, that is, this moment may just be negligible compared to Hong Kong people's pursuit of democracy. But it will be a historic moment in the democratization of Hong Kong.

In this Chamber, we can see government officials and Members of the Legislative Council. Outside this Chamber, however, there are many colleagues and members of the media playing their roles faithfully in their respective posts, countless people exerting their utmost in facilitating negotiations over the development of democracy in Hong Kong, and 7 million people of Hong Kong yearning for democracy. The burden of making history is on our shoulders today.

We are making history because we will decide shortly whether or not Hong Kong people can, for the first time, foster the collective will needed to amend Annexes I and II to the Basic Law regarding the methods of selecting the Chief Executive and forming the Legislative Council.

We are making history because we will decide shortly whether or not our political system can take a breakthrough step for the political system in 2012 to lay a firm foundation for implementing election by universal suffrage for the Chief Executive in 2017 and for all seats of the Legislative Council in 2020.

We are making history because the process of setting the stage for constitutional reform represents a watershed for the democratic movement in Hong Kong to move towards maturity. It is now affirmed that only through adopting a moderate, rational and pragmatic line can the democratization of Hong Kong be taken forward in concrete terms.

Democracy is no panacea for all diseases. However, a democratic system that suits the actual situation of Hong Kong is conducive to the handling of affairs related to the economy, society and people's livelihood, the resolution of conflicts

in pursuit of the greatest consensus under the system, and the transformation of the will of the majority public in the community into the basis for administration while protecting the reasonable rights and interests of the minority. Hence, the pursuit of democracy and universal suffrage is the common aspiration of the vast majority of Hong Kong people, and taking democracy forward is also a clear policy objective of the SAR Government.

Since the reunification, the SAR Government has made substantial efforts in undertaking research, consultation and tabling of bills. Soon after the establishment of the third SAR Government in July 2007, the Chief Executive honoured his campaign pledge by activating a new round of constitutional reform efforts through publishing the Green Paper on Constitutional Development and launching public consultation. In December 2007, the Chief Executive reported the public opinion faithfully to the Central Government. On 29 December, the Standing Committee of the National People's Congress (NPCSC) made a historic decision and drew up a timetable for the implementation of universal suffrage for the Chief Executive in 2017 and for the Legislative Council in 2020. The NPCSC also decided that amendments could be made to the two electoral methods for 2012 in a gradual and orderly manner.

In accordance with the NPCSC's decision, the SAR Government set up a task group with wide representativeness under the Commission on Strategic Development in 2008 to initiate discussions on the two electoral methods for 2012. In November 2009, we launched a public consultation on the two electoral methods for 2012 and put forth a specific package of proposals in April this year.

Taking one step at a time, the SAR Government has been taking forward constitutional reform with the greatest sincerity and efforts in a down-to-earth manner. We are clearly aware that constitutional reform touches on the most fundamental issue concerning distribution of interests in society, which is complicated as well as sensitive. In such a pluralistic and liberal society as Hong Kong, the political spectrum is extremely wide. Hence, there is even a greater need for a high degree of tolerance and patience to, by all means, narrow the gap in society in pursuit of a point of compromise acceptable to all parties.

Over the past six months or so, members of the community have walked through an extraordinary path centring around the 2012 constitutional reform

package. During this period, we had seen some Members of the Legislative Council express their advocacies and aspirations through resignations and standing in by-elections, thus triggering discussions and reflections in the community on this approach and further leading to debates on whether or not votes should be cast in such by-elections and, what is more, arguments over the so-called moderate and radical lines.

During the said period, the "Act Now" campaign launched by the SAR Government for the constitutional reform saw government officials, from the Chief Executive to accountable officials, engage themselves in the communities and even a televised debate to directly fight for public support for its constitutional reform package. Although people in the community hold different views on such a mobilization campaign, they are generally positive about the efforts made by the government team in reaching out to the masses. This brand new attempt has also hastened the birth of a new political culture to enable the government team to gain new experiences and training and open up themselves to the baptism of public opinion. This came as a significant enlightenment that has a far-reaching impact on how administration by the Government can better cater to public sentiments in future.

During the said period, we saw that so long as various parties can demonstrate ample wisdom, courage and sincerity, and so long as our starting point is focused on the long-term interest of Hong Kong society by seeking common grounds while preserving differences, we will be able to walk out of the strange phenomenon of dichotomy and untie the knot that has got entangled for years for the sake of opening up a new path.

During the said period, we saw the Central Government demonstrate the greatest sincerity and goodwill in fulfilling its commitment to universal suffrage as set out in the Basic Law and implementing the relevant Decisions made by the NPCSC. Mr Qiao Xiaoyang, Deputy Secretary General of the NPCSC, made two statements one after another, reiterated and further enunciated the timetable for universal suffrage. Furthermore, he made it clear that the two elections by universal suffrage must meet the requirement of universality and equality, thus dispelling the misgivings of some people. Meanwhile, through the LOCPG, the Central Government also resumed the direct dialogue, which had been interrupted for 20 years, with some of the political groups and individuals in Hong Kong. The numerous positive responses made by the Central Authorities to the aspirations of the moderate democrats and Hong Kong society have created the

conditions required for the endorsement of the 2012 constitutional reform package and opened the door to long-term communication and constructive interaction in future. This is conducive to further enhancing the basis of mutual trust between the Mainland and Hong Kong.

During the said period, we saw political parties/groupings and Members of the Legislative Council express a willingness to put aside their differences and disregard the success and failure of their parties/groupings as well as their own, in order to seek consensus across the various parties/groupings in the overall interest of Hong Kong. Not only is this a manifestation of growing political maturity, this is also an essential quality Hong Kong should possess in order to move towards full democracy. I can say, what happened during the past six months was like an enzyme, which made it possible for political engagement and maturity to rise rapidly within a short period of time to enable us to attend a lecture on democracy together.

President, the two motions before us today are compatible with the Basic Law, the NPCSC Decision and the aspiration of Hong Kong's mainstream public opinion for progress made in democracy in 2012. They are also, to the greatest extent, compatible with the aspirations of the majority of Members of the Legislative Council.

Among others, insofar as the motion on the method for selecting the Chief Executive is concerned, the membership of the Election Committee (EC) has manifested the principle of progressing in a gradual and orderly manner, and the composition of the EC has also manifested the spirit of balanced participation. Most importantly, in accordance with the NPCSC Decision of 2007, we have offered a practically feasible basis for reference for the composition of the nominating committee to be set up for implementing universal suffrage for the Chief Executive in 2017, so that the next Government can concentrate its energy on addressing the issue of nomination procedures.

We will come back to the method for forming the Legislative Council when we come to the discussion on the next motion. I would like to emphasize that this "one person, two votes" revised District Council (DC) package represents substantial progress in democracy and has gained cross-party support in the Legislative Council. The electoral arrangement of introducing the new

DC Functional Constituency (DCFC) must be reasonable and fair and allow different parties/groupings to participate in elections with sufficient competition.

Members of the media have already made predictions on the voting results of the two motions. I have no idea of the final voting results. I only hope that Members supporting the motions will not press the wrong button at the critical moment. What is more, I hope Members opposing the motions will, after careful deliberation, cast supportive votes with courage.

Here, on behalf of the SAR Government, I have to thank the pro-establishment Members who support the motions. Thanks to your adamant support for the Government's package from the beginning, we have a strong and powerful back-up to strive for greater consensus. Even though the package eventually adopted might not be fully compatible with the original proposals, you can still stand by your promise to support the package having regard to the overall situation. This fully reflects that your determination to promote democracy is absolutely not mere empty words; it is concrete action.

Moreover, I have to thank some pan-democrats for insisting on striving for universal suffrage while working hard in pursuit of a compromise package, so as to give the 2012 constitutional reform an opportunity to move forward.

I all the more have to appeal to Members intending to cast opposition votes. Though I have no doubt about your insistence on pursuing democracy, and I also believe you can find various excuses to oppose the package, I sincerely hope that you can make a wise choice between becoming a "pusher for democracy" or a "stumbling block to democracy".

Still, I would like to take this opportunity to thank the appointed DC members. Apart from their selfless contribution to district work, they are willing to give up their personal interest having regard to the interest of the overall situation, in order to set the stage for the endorsement of the package when the constitutional reform package requires them to give up their right to stand for election and the appointed system to be abolished.

President, the endorsement of the 2012 constitutional reform package is compatible with the mainstream public opinion for constitutional development in

a gradual and orderly manner. The endorsement of the package will boost our confidence and give us a more solid foundation to address more complicated issues facing the development of democracy in future and pave a broad road for implementing universal suffrage for the selection of the Chief Executive in 2017 and the formation of the Legislative Council in 2020.

The endorsement of the package can enable us to get rid of the incessant internal debates resulting from political disputes and dissension in the past and bid farewell to idling, so that the community can concentrate its energy on handling economic, social and livelihood issues which have a bearing on the public at large.

The endorsement of the package will be conducive to fostering a more relaxed social ambience to allow us to use our energy to study and resolve some deep-rooted problems related to the long-term development of Hong Kong.

The endorsement of the package will be conducive to enhancing mutual trust between the Central Authorities and Hong Kong, so that the co-operation between the Mainland and Hong Kong in various domains in the future can get even smoother, and better assuring our sustainable development in the long run.

Many people draw an analogy between 2012 and the saying that "when people are at the end of their tethers, it may suddenly dawn on them that every cloud has a silver lining"

(Mr LEUNG Kwok-hung stood up)

PRESIDENT (in Cantonese): Chief Secretary, please pause for a while. Mr LEUNG Kwok-hung, what is your question?

MR LEUNG KWOK-HUNG (in Cantonese): President, for he

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, what is your question?

MR LEUNG KWOK-HUNG (in Cantonese): Will you listen to me first, why are you so tense?

PRESIDENT (in Cantonese): Please be seated first.

MR LEUNG KWOK-HUNG (in Cantonese): Are you shouting a question at me?

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please be seated first.

MR LEUNG KWOK-HUNG (in Cantonese): I now shout a question at you in return.

PRESIDENT (in Cantonese): Please be seated first.

MR LEUNG KWOK-HUNG (in Cantonese): I now seek an elucidation from the Chief Secretary for Administration.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you have violated the Rules of Procedure, please be seated first. When other Members or public officers are speaking, a Member can only interrupt in two kinds of circumstances. The first one is, as I mentioned earlier, when there is a point of order, then a Member can raise it at any time. The second is for a Member to seek elucidation of some matter raised by that Member or public officer in the course of his speech

MR LEUNG KWOK-HUNG (in Cantonese): Mine is the second one.

PRESIDENT (in Cantonese): Mr LEUNG, will you please take a look at the Rules of Procedure. If you wish to seek an elucidation, you have to follow the procedure by first indicating your wish to seek an elucidation. I will then ask the Member or public officer speaking whether he is willing to give way and listen to your request. If the public officer or the Member is willing to give way, he will resume his seat. I will then call upon you and you may rise to state the content about which you would like to seek an elucidation. If the public officer or the Member consider the elucidation unnecessary and chooses to continue with his speech, you cannot interrupt again. Mr LEUNG Kwok-hung, do you wish to seek an elucidation from the Chief Secretary for Administration now?

MR LEUNG KWOK-HUNG (in Cantonese): Yes.

PRESIDENT (in Cantonese): Then I have to ask the Chief Secretary for Administration whether he is willing to listen to you talking about which part you want to seek an elucidation.

(The Chief Secretary for Administration shook his head to indicate that he did not wish to listen)

PRESIDENT (in Cantonese): Chief Secretary, please continue.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, many people use the saying that "when people are at the end of their tethers, it may suddenly dawn on them that every cloud has a silver lining" to describe the dramatic twists and turns of the 2012 package. As a participant, I only wish to tell Members that the feeling of constant ups and downs is not pleasant. I remember the next day after the launch of the reform package in April, a newspaper published an article written by Mr CHEUNG Man-kwong under the title "there is no grief greater than having a heart which is not dead". Although I do not necessarily agree entirely with his views in the article, I believe many, many people in the community, regardless of their backgrounds and political views, do share the same feeling. It is only because their hearts are not dead that makes it possible for them to hold on to their insistence on democracy. It is only

because their hearts are not dead that makes it possible for them to continue with their quest on the long, long road and eventually find the silver lining at the end of their tethers. These efforts and perseverance are much more concrete and admirable than impassioned speeches and even loud insults.

In the final analysis, no matter how the voting results will turn out, both supporters and opponents belong to the same family. While one should not get conceited because of victory, one should also not be downhearted because of defeat. Victory or defeat, one should maintain the poise of democracy and demonstrate the mind of democracy with mutual respect. Rationality and moral is the foundation of democracy. When we replace reasons with language or even physical violence, the moral high ground we have been counting on will become nothing but a heap of floating sand. We will be going against the spirit of democracy. In the realm of democracy, the end does not justify the means.

President, when the debate is over, the names of 59 Legislative Council Members will be divided into two or three groups according to their votes. After a period of time, I believe history will make a fair and objective judgment on which Members have made it possible for the vessel of democracy in Hong Kong to lift its anchor to sail towards universal suffrage and which Members have enjoyed a free journey by dropping the anchor.

President, the fact that you are eventually not required to choose whether or not to vote might disappoint some people who have intended to make a fuss should you vote. However, judging from the stance demonstrated by you earlier, I believe your determination in promoting the development of democracy in Hong Kong is indisputable.

With these remarks, I urge Honourable Members to cast their sacred votes in support of the motion.

MS CYD HO (in Cantonese): I oppose this motion, for this is a package that will disappoint many people of Hong Kong. I joined this field in 1991 and got the chance to help with election engineering as a volunteer. Now 20 years later, many Members are more senior than me. I have to thank members of the public who support democracy for walking with us through out all these years. We

have experienced setbacks one after another, but through and through, they have never given up democracy. I am most grateful to them.

Let me recap some history here, in 1988, we strove for the direct election of the former Legislative Council, but the public opinion was distorted by the colonial government at the time. The democratic camp learnt a hard and painful lesson. In 1994, Ms Emily LAU advocated the proposal of direct election of all seats of the former Legislative Council. The Meeting Point, which held four votes, abstained from voting, and the voting result of 20 to 21 blew the chance of implementing full direct election in Hong Kong. In 2005, the authorities put forth a really bad package, causing the democrats to oppose it unanimously. However, the people of Hong Kong all along look forward to the reopening of the path to democratization through constitutional reform.

Despite the wait, what kind of process we have gone through this time around? The process is ambiguous and vague. There are only slogans but no content. There are only closed meetings but no public discussions. The Chief Executive who is responsible for promoting the conduct of the constitutional reform cannot but take the blame. In the entire process, the Chief Executive concentrated his efforts on silencing dissenting voices, and he lacked the sincerity to respond to the queries of the public. When the public put questions to him, he only knew chanting the slogan "Act now". President, a Chief Executive who really works for the people of Hong Kong will not delight in oppressing the opposition camp, nor will he find glory in competing with the opposition camp. For even if he managed to stifle all the voices from the democratic camp and all the voices representing the public, we would still have to deal with the problem of disparity between the rich and the poor in Hong Kong. Even if the sentiments and angers of the public were suppressed, the next Chief Executive would have to deal with this time bomb all the same.

Precisely because the incumbent Chief Executive has failed to honour the promise he made during the election — he said he would resolve the problem of constitutional reform once and for all within his term, and so this is a dereliction of duty on his part now, for he has not fulfilled the promise he made during the election — and it will be even more difficult for the next Chief Executive to handle the issue, for public angers and grievances will have intensified by then.

A responsible Chief Executive needs not only to listen to public views, but also promote the forming of a Legislative Council accountable to its electorate by abolishing functional constituencies (FCs) and increasing the number of directly elected seats. In this way, more Members of the Legislative Council and different political parties/groupings may make use of the fair and open discussion, as well as open and impartial electoral competition, to foster consensus in society and arrive at decisions of which the people of Hong Kong are completely and truly convinced.

The design of the political system is actually a distribution of power. If the design allows the existence of 30 FC seats returned by coterie elections, it means that the Chief Executive tacitly allows a lot of consortia to snatch economic profits, which will easily give rise to collusion between the Government and the business sector. Today, we all see that FCs have put the interest of their sectors before the interest of the public. Take Dr David LI of the finance sector as an example. Has he come forward to fight for the victims of the Lehman Brothers incident? Is he using his expertise for bankers or the victims of the Lehman Brothers incident? Hence, if the Chief Executive is sincere, and if he has a heart for the people, he should promote the forming of a Legislative Council that works with him in solving the problem of disparity between the rich and the poor, and be one which is accountable to the public. He should reflect the views of the people of Hong Kong to the Central Authorities on the expeditious abolition of FCs. But, today, the Government has the cards in its hands. Nonetheless, the future Chief Executive or leader will have to deal with one issue, that is, to get out of the predicament where Beijing seeks to exercise control, large consortia want to monopolize and people are becoming discontented with the oppression they face. Hence, we need a Chief Executive who is wholehearted and sincere in communicating with the public, but not a Chief Executive who uses public money and power to mislead public opinions, and who dares to divide society and become the enemy of the people.

Donald TSANG has his own emotional tie. He wants taste direct elections. Though he will not get any vote — he may consider it good to have just several hundreds votes — he wants to face the public on the streets with a loudhailer in his hand. He thinks that political persons participating in direct elections only need to call for action through a loudhailer and many people will

then respond. Sorry, he has got it all wrong. What the public actually needs is his willingness to listen to them carefully, but not distorting opinion polls to come up with figures that suit his needs.

This is the opinion of the public. On 16 May, 580 000 persons cast their votes in the by-election. They all have names and genuine identities. Though they had to face suppression on various fronts and put up with many sly actions, they came out to cast their votes. They did so only to express the attitude that FCs should be abolished as soon as possible. Between 8 and 10 June, Dr Robert CHUNG of the University of Hong Kong conducted a survey, and the findings indicated that 70.6% of the respondents hoped for the full abolition of FCs by 2016, and only 4.3% of them expressed intractable opposition to the abolition of FCs. These are the views of the public. During the debate between Donald TSANG and Audrey EU, the support rate for the abolition of FCs increased to 72%. After the debate between TSANG and EU, the proposal of the Democratic Party was accepted by the Central Authorities, and because of this, the figure dropped slightly to 64% — I am a fair person, so I will also cite this figure. But what was the percentage of respondents insisting on the retention of FCs? It remained at 4.3% all along. This was the opinion of the public. Regarding another question on opposing the abolition of FCs, the figure stood at 30% before the debate but dropped to 17% after it. These were the opinions of the public. In another opinion poll, respondents were asked: Who should be held responsible if the constitutional reform proposal was voted down? 35% of them answered it should be the Central Government, 19% answered that it should be the Chief Executive, and 28% considered that the pan-democratic camp should be held responsible. So, do not besmirch the pan-democratic camp. No matter how, the Government will surely win this time.

I would like to respond to a remark made by Chief Secretary for Administration Henry TANG during a home visit. I saw him soliciting support from residents on the television, and he told them that once the constitutional reform package was passed, the Government would show concern for the public. The truthfulness of this remark is that the Government actually does not care about the public now. The legislation on "compulsory sale of land" has been

passed, and the problem of disparity between the rich and the poor persists, but
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(The Chief Secretary for Administration raised his hand in indication)

PRESIDENT (in Cantonese): Ms HO, please be seated. Chief Secretary, what is your question?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I request the Honourable Member to correct her remark just now, because I did not say anything like that.

PRESIDENT (in Cantonese): Chief Secretary, according to the Rules of Procedure, you may clarify the part considered by you to have been twisted by a Member after the Member has spoken. Ms HO, please continue.

MS CYD HO (in Cantonese): However, another misleading point is that, even if this constitutional reform package was passed, the design of the constitutional system would not enhance the Chief Executive's accountability to the public. Why? Because under the new package, the threshold for nomination will be even higher. In 2007, the democratic camp managed to field a representative to engage in a heated debate with Donald TSANG. But this may not happen again. Even though the election will be conducted on the basis of "one person, one vote" in future, as the screening effect of nomination has been enhanced, the Chief Executive elect will still be loyal to this small circle, the nominating committee, as the first priority. Therefore, I object to this constitutional reform package, for the interest of this small circle will continue to override that of the public. It is a retrogressive package, which is even worse than marching at the same spot again.

While its contents can hardly address the public's aspirations, even in the text of this current package, there are concrete technical problems with some wordings that should be resolved. First of all, the number of members of the EC

will be increased by 400 from 800 to 1 200. That is to say, the number of members in each of the four sectors, namely financial, industrial and commercial sectors; the political sector; religious, labour and social services sectors; and the professions, will increase by 100 respectively. But how do we increase such numbers? How do we select the members? How do we conduct the elections? All these are not spelt out clearly. Of course, Secretary Stephen LAM may tell us that we can have thorough discussions when it comes to enacting local legislation.

President, you have ruled out the motion on adjournment of this Council proposed by me according to Rule 16(1) of the Rules of Procedure, for the same reason that we can have thorough discussion later. In fact, there is a better option. Why don't we enact local legislation first? In doing so, any devil or angel in the details can all be presented in the legislation. But we need not bring it into effect immediately. During the process of legislation, we can study very carefully all the information that we should know and conduct debates where necessary. With the endorsement by the Legislative Council, we can then amend Annex I and Annex II to the Basic Law. If endorsed, we can gazette that piece of local legislation and bring it into effect, rather than putting the cart before the horse as is the case now. At present, the pan-democratic camp is asked to issue a blank cheque to the Government. Or, it is equivalent to asking us to tell the Government the pin of our ATM card and let it withdraw as much as its wishes. There can be no turning back in this way. President, this of course has nothing to do with the text of the motion. But next, I will raise a question which is directly related.

Those 1 200 new members of the EC will include 70 Members of the Legislative Council, who will be elected according to the method for the forming of the Legislative Council. However, in 2012, the election of the Chief Executive should be conducted by the end of March, for his term of office will only be up to the end of June. The Chief Executive of this term will leave his office about two weeks earlier than us. Therefore, when those 1 200 members elect the Chief Executive, there will not be 70, but only 60, Members of the Legislative Council. Annexes to the Basic Law are important constitutional instruments. Should we ignore such a discrepancy already known to us and endorse the package hastily today?

President, I therefore move that the debate be now adjourned in accordance with Rule 40(1) of the Rules of Procedure, so as to give an opportunity for the public to understand more details, including the discrepancy between 60 and 70 Members of the Legislative Council I have just mentioned. President, I also hope that you can deal with it more leniently, so that Members can discuss the justifications that the Legislative Council should conduct afresh a consultation jointly when debating on this motion. Otherwise, I will move that the debate be adjourned in accordance with Rule 40(1) of the Rules of Procedure again during the debate on the method for the forming of the Legislative Council. By that time, Members may accuse me of filibustering and wasting their time. Therefore, I hope the President can deal with it leniently later, so that Members can speak on the two electoral methods and the two Annexes together. Thank you, President.

PRESIDENT (in Cantonese): Ms Cyd HO has moved that the debate be now adjourned. According to Rule 40(1) of the Rules of Procedure, I have to deal with this motion first.

I now propose the question to you and that is: That the debate on the Secretary for Constitutional and Mainland Affairs's motion be now adjourned as moved by Ms Cyd HO. According to Rule 40(5) of the Rules of Procedure, Members are not allowed to move an amendment to this motion.

Secretary for Constitutional and Mainland Affairs, do you wish to speak on this motion?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, following our publication in November last year of a consultation document on the two electoral methods for 2012, a report on the public consultation was presented in April. Regarding the issue of 2012 constitutional reform, a seven-month public consultation and discussion has already been conducted in the community, the Legislative Council, District Councils, as well as inside and outside the Legislative Council. In fact, there have been adequate discussions in the community.

The "one-person-two-votes" proposal, which was mentioned earlier today and put forth by different political parties/groupings, has actually responded to some of the directions of development proposed in the consultation document. Hence, different parties/groupings, Members of the Legislative Council, deputations and individuals have already expressed their views on the "one-person-two-votes" proposal for quite some time. Now, the SAR Government has accepted the "one-person-two-votes" proposal and indicated clearly that local legislation will be enacted subsequent to the Legislative Council's endorsement of the amendments proposed today to Annexes I and II to the Basic Law. At the local legislation level in particular, the Government will listen to the views of the Legislative Council on details concerning various aspects. The Government will also take on board opinions inside and outside this Council during the process of making legislative proposals.

In fact, the two amendments currently proposed to the Annexes to the Basic Law are constitutional amendments. They do not touch upon or involve specific details, which will be dealt with during the enactment of local legislation.

Over the past couple of days, Members expressed concern about such issues as what preparation the Government will make to bring in the five new functional constituency (FC) seats, the nomination threshold, and so on. President, I would like to take this opportunity to reiterate to Members that the SAR Government has already undertaken that, in bringing in the five new FC seats, we will definitely make fair and reasonable arrangements to allow different political parties/groupings to stand for elections, so as to ensure that these elections have sufficient competition.

In fact, President, I have proposed to the Chairman of the Panel on Constitutional Affairs that should these two motions be endorsed by the Legislative Council, we will listen to Members' specific views on the two electoral methods for 2012 at the meetings of the Panel on Constitutional Affairs in July, so that we can consider these views in detail when preparing amendment bills to these two pieces of legislation during the summer recess. Then, we will submit our proposed amendments to Members in autumn and introduce the relevant bills after further listening to Members' feedback.

In view of Members' grave concern about how local legislation will be enacted, I will respond to the issue from two aspects in particular. Let me come back to the "one-person-two-votes" package. The most crucial details of this package are already very clear. Insofar as the number of electors is concerned, five Legislative Council representatives, whom will be nominated by 400-odd elected District Council (DC) members, will be returned by approximately 3.2 million electors under the proportional representation system. As regards the nomination threshold, we have, for quite some time, heard some views suggesting that nominations be made by 10 to 20 elected DC members. We will, of course, respect the views put forth by different political parties/groupings and Members to facilitate the formulation of proposals on local legislation.

As regards the demarcation of constituency boundaries, we will listen to Members' views again during the enactment of local legislation. This concerns how constituencies will be demarcated for the five new FC seats as well as how the five new directly elected geographical constituency seats will be allocated to various major constituencies. Therefore, President, we will certainly have ample time to conduct discussions and deal with the subsequent legislative provisions during the enactment of local legislation.

Earlier in the meeting, Ms Cyd HO raised a technical problem, and that is, the proposed EC will be composed of 1 200 members, and the fourth sector, or the political sector, will have 100 additional members. Of the 300 members of the political sector, we will set aside a total of 70 seats for Members of the fifth Legislative Council, and yet we will have to return the fourth Chief Executive in March 2012, when the number of Legislative Council Members is only 60 at that time. So, what can be done about the 10 outstanding seats? In fact, President, the Government already explained to the Legislative Council in 2005 that a transitional provision would be required. Regarding these 10 seats, Members can choose whether they be returned by elected DC members through election among themselves, by members of the Heung Yee Kuk through election among themselves, or by Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference through election among themselves. However, these 10 EC members will have a fixed term, say, until the end of September 2012, because the new term will see 70 Legislative Council Members starting from October 2012. This transitional provision is precisely what we must consider during the enactment of local legislation. President, these issues

have actually been discussed before. During the enactment of local legislation, we will have ample room and time to deal with these issues, which ought to be dealt with at that level.

For these reasons, President, I think that the motion debate today should be continued rather than adjourned.

Thank you, President.

PRESIDENT (in Cantonese): Chief Secretary for Administration, do you wish to speak?

(The Chief Secretary for Administration shook his head to indicate that he did not wish to speak)

PRESIDENT (in Cantonese): Secretary for Justice, do you wish to speak?

(The Secretary for Justice shook his head to indicate that he did not wish to speak)

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

MR ALBERT HO (in Cantonese): The Government has conducted consultations on the constitutional reform for several months, during which the public have put forth their views on the package proposed by the Government. Most of them are focused on the roadmap in future, including the abolishment of functional constituencies (FCs) and the threshold for election of the Chief Executive by universal suffrage in future. Regarding the 2012 package, as we all know, many people consider the package proposed by the Government in the consultation document undesirable. And certainly, there are also divergent views even on this point.

The Government made a very significant change in policy on Monday. It accepted the revised DC package, under which the five additional seats for DCFC, instead of being returned through election from among DC members, will be elected by 3.2 million members of the public who currently do not have a right to vote in FCs. Although this package has incorporated part of the Democratic Party's proposal released several months ago, discussion on it is very inadequate. I believe the public should be given more time to understand it and express their opinions. Therefore, being a Member who supports this revised package, I have confidence that the more the time given to society for discussion, the better the understanding among the public and the more the support for the revised package. Moreover, I fail to see any reason why we cannot defer the voting for two weeks. Some people may worry, if we do not cast our votes promptly, complications are bound to arise. However, I do believe that so long as we vote according to our rationale, there should not be any substantial change after two weeks. Even if there is any change, we should have sound justifications for it after thorough consideration. In my opinion, it does not matter at all. I think it is not so convincing for us to use this fear of changes as an excuse.

Moreover, given that a lot of controversies have been aroused, some people are concerned that instability may arise in the community. Some may even worry that the personal safety of individuals may be threatened by those who are relatively aggressive or radical. I believe I should be one of those who should be most scared, right? President, it is not the case that my head is so hard and I am not frightened at all. But I believe Hong Kong people are rational and peaceful. Even though there are scolds and insults openly, they are, after all, a peaceful way of expression. I am therefore not so worried about it. For this reason, the Democratic Party supports adjournment of the debate, hoping that we can revert to it by the end of this Session and even some time later. We believe our stance will not change. We will support the revised package ultimately.

MR ALBERT CHAN (in Cantonese): President, before debating this motion, two Members from the Civic Party, Audrey EU and Margaret NG, raised a point of order concerning Rule 29 of the Rules of Procedure. President, you eventually ruled that the Government had moved the motion fully in compliance with Rule 29 according to its textual meaning. However, President, I have asked

you time and again patiently, what is the value and meaning of this provision? President, based on the Rules of Procedure, you eventually ruled that as the wordings of this motion do not constitute any violation, you allow Members to discuss and vote on it.

The most important thing in this Chamber is whether the spirit of the relevant procedures is upheld. You cannot separate the spirit and the body, just like what those from the pan-democratic camp are doing in this Council, right? The Government, in raising this motion according to the parliamentary procedures, should provide its full content within a specified period of time. It cannot call a stag a horse. Of course, those "castrati" and "eunuch" are used to doing so

PRESIDENT (in Cantonese): Mr Albert CHAN, I have made a ruling on the point of order. You should not put forth various views in respect of my ruling in your speech anymore. Please speak on this question.

MR ALBERT CHAN (in Cantonese): I understand this. In fact, I am citing the point of order as a justification for supporting the motion to adjourn the debate. President, we absolutely respect your power to make a ruling. I only wish to point out that the spirit and principle of any law and parliamentary procedure should both be important. Therefore, in order to uphold this spirit, we should not only make some technical interpretation textually, but also provide the relevant information, including its wordings and content, according to the established requirements.

Since this motion was proposed, there have been earth-shaking changes over the past ten-odd days. The Executive Council held a meeting only on Monday and decided to accept the latest amendment. And seemingly, the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) barely held its central executive committee meeting or a meeting last night or the night before last to endorse this amendment. Even for the Hong Kong Government itself, the highest echelon just convened a meeting less than 48 hours ago to endorse the proposal. However, neither extensive consultation nor discussion has been conducted on this proposal.

If this is a political reform, we should have rational discussion. The Government always puts emphasis on rational debates. But now, there is no rational debate at all. Rather, it is a rape of public opinion. The Government has adopted the "cutting the Gordian knot" approach now, making use of the majority in this Council to rape public opinion. If it wishes to conduct constitutional reform and reasoning, it should give us some time for discussion, right? Regrettably, the Government is not prepared to do so. Rather, it has resorted to political violence to rape public opinion. Therefore, if Members from the Democratic Party Albert HO has just made his speech, saying that there has not been enough time for discussion. If the Democratic Party believes in its point, namely there has not been enough time for discussion, it should be true to its words and vote against the motion later.

Members from the Democratic Party all attach importance to public opinion, saying that the public should be given sufficient time for discussion. Albert HO has also said that we should be given two more weeks for discussion. If you believe in what you have said, you should not give a big helping hand under the pretext of mild condemnation, nor should you preach one thing but do another eventually. If you do respect public opinion, I implore Members from the Democratic Party — if we are still allies — to follow their chairman's appeal to vote firmly against the relevant motion later. There were many examples in the past. Over the past 10-odd years, from the era of the United Democrats of Hong Kong to that of the Democratic Party, parties and groupings, including the Democratic Party, would vote against a motion in case the Government failed to consult the public and allow sufficient time for discussion on its consultation papers and the legislation concerned.

President, as for this motion to adjourn the debate today, I appeal that we should look at two crucial points carefully. First of all, what is the difference between the motion to be endorsed now and that proposed by the Government 12 days ago? Is it substantial? In discussing the legislation on Article 23 of the Basic Law, many Members from the democratic camp objected to it, saying that the devil was in the details. At that time, the democratic camp did not object in principle to legislating on Article 23 of the Basic Law. Although many people said that there was no problem with Article 23 of the Basic Law in principle, they had to examine the provisions and details carefully. But now, with such an important constitutional reform which involves the basic right, the right of nomination and the right to be nominated of 7 million people and 3.3 million

electors, many issues have not been discussed at all. Is the Government betraying the public? Can the public be at the beck and call of the Government?

The Government should respect public opinion. If the Government considers the public an entity that deserves respect, it should give them an opportunity Not to mention expressing opinions, they even do not have sufficient time to understand it. The Executive Council endorsed it less than 48 hours ago. What has been endorsed? What are the details? The public do not have any basic information at all. Given that sufficient votes have been secured, the Government has to endorse it in a high-pressure manner, betraying the right of Hong Kong people through closed-door politics, black-box operation and secret dealings. I need not tell you the consequence and whether the political right has been betrayed or not. Basically, both the right to know and the right to be consulted have already been betrayed. Therefore, please refrain from speaking sternly how the constitutional reform will be taken forward. Merely during the discussion on the constitutional reform, it has betrayed the principles and the basic right of the public.

President, the second point is about the operation of this Council in future. If the Government can use force and the majority in this Council to rape public opinion this time, it is absolutely an insult to this Council. The content of the motion proposed by the Government 12 days ago is entirely different from that of the one to be endorsed today. Those "eunuch" and "castrati" are tasked to call a stag a horse. However, Members of this Council can in no way accept such shameful acts which betray our conscience. The motion we are going to endorse now is not the same as that proposed according to the Rules of Procedure 12 days ago. If the Government so very much believes in public opinion Henry TANG said proudly just now that he had experienced the so-called baptism. Has he ever distributed leaflets in the streets? He has not gone through the baptism of democracy at all. Secretary TANG is "dangling in the air". He has never experienced the baptism of democracy. If he wishes to do so, he should take part in elections and obtain the popular mandate, rather than "dangling in the air" here. This is what he has said. If the Government really wishes to experience the baptism of democracy, it should trust its people, rather than just believing in the communist party. The Government should not follow the decision made by "Grandpa" blindly once it blows the whistle.

President, the Government has adopted the "cutting the Gordian knot" tactic and approach, showing that it has no confidence at all. Not only does it have no confidence in those Members and political parties which have made commitment to it, it has no confidence in its people, either. Given that the Chief Secretary for Administration has experienced the so-called baptism, met the people in the districts and trusted Hong Kong people very much, he should give them more chances. The Government should draft the document afresh, spelling out clearly the content of the constitutional reform. During the questioning session just now, I also asked the Secretary about the right to vote, the right of being nominated and the right of nomination. The political system is at stake now. How can the Government be so ridiculous as to not mention the many basic principles, details and crucial parts in the package to be endorsed now? This is really the most ridiculous thing in the world, for it has further betrayed members of the public in Hong Kong.

Given that the public have no idea of the content of the package, is there any difference with Yoga Yoga? The service provider asked customers to trust it and sign a one-year contract. However, it then folded and slipped away. The Democratic Party is very eager to help those victims, isn't it? If we wish to endorse the constitutional reform package, we should not trust others. If we trust others Regina IP, former Secretary for Security, had also asked us to trust her, right? What we should trust are those provisions stipulated in black and white. What we should trust is the public's rational decision after consultation. What we should trust are Hong Kong people. We should not treat people as a tool, persuading them to give their support during the election but betraying them afterwards. Nor should we make a compromise with "Grandpa" through closed-door politics and give up our election platforms of 2008. President, my blood pressure is rising again.

President, I wish to make an appeal, particularly to Members from the democratic camp. During the voting later, I believe an overwhelming majority of Members from the democratic camp will support this motion to adjourn the debate. For this reason, they basically consider that the timing of this voting is inappropriate, immature and unreasonable. Given that they consider that we should postpone the voting today and tomorrow, that they are forced to vote, that they are true to their words, and that their principle is consistent with their stance, then those who vote in favour of the motion to adjourn the debate later should

also vote against the second and third readings of this motion. Otherwise, they will be preaching one thing but doing another.

DR MARGARET NG (in Cantonese): President, I wish to speak mainly in the procedural context in support of Ms Cyd HO's motion. The ruling made by the President just now has really shown the difference between Rule 29 and Rule 54 of the Rules of Procedure. Rule 54 deals with bills while Rule 29 deals with motions. As far as I can remember, Mr James TO raised a question in the House Committee about whether or not Members make any amendment to today's motion. At the outset, I thought that as this motion is related to political structure, we cannot proposed any amendment according to Article 74 of the Basic Law. However, I read it again more carefully and found that Article 74 relates to bills rather than motions. As the difference between them is stipulated in the Basic Law, I then consulted the legal adviser why we could not amend this resolution. The legal adviser reminded me that this matter originated from the Decision made by the NPCSC at that time. Due to its special nature, Members are not allowed to amend this motion proposed by the Government. Since the NPCSC has also noticed such a difference, I think that there is indeed room for the Committee on Rules of Procedure to consider whether corresponding amendments should be made to the Rules of Procedure.

However, President, before making any amendment, the existing Rules of Procedure is still the only valid one. How should we remedy such a problem? Today's situation is really unprecedented. In the past, when the Government implored Members to support or object to a motion — it would of course implore us to support it — we would consider the information provided by the Government when determining whether or not we should object to the motion even if its wordings were simple. This point is very important, which explains why Ms Audrey EU was so annoyed just now. She thinks that she should be fair and there is no reason to discuss one thing and endorse another completely different thing. How can this be? Even though the wordings remain unchanged, everything has changed materially indeed. How should we deal with this?

President, I think the motion moved by Ms Cyd HO to adjourn the debate may be the solution which is most compliant with the Rules of Procedure and natural justice in the present circumstances.

President, let us think about it. Why will there be such a notice? Why should the notice be given under Rule 54 only after consultation with the Chairman of the House Committee instead of obtaining his consent? It is because we have to strike a balance. On the one hand, the sponsor of the motion is not subject to any restriction whether Members support it or not. On the other hand, it can avoid a deep chasm between the executive authorities and the legislature, which may arouse controversies in future. Therefore, the executive authorities will consult the House Committee before resuming the Second Reading or giving a notice, while the House Committee must ensure that Members have sufficient time for discussion. If Members do not have sufficient time to discuss the issues, the Chairman of the House Committee is duty-bound to notify the Government. If the Government resumes the Second Reading in an autocratic manner, Members may very likely object to it. The Government should bear the consequence then. Therefore, if we discuss not only the provision but also its spirit, the spirit of giving a notice is to avoid pulling bolts from the blue. As Members all know, today's situation is completely different. In order to avoid pulling bolts from the blue, we should make consideration afresh. Under what situation should we reconsider it? Should we give a notice afresh or adjourn the debate? Although the wordings of this motion remain unchanged, I find it most fair to consider whether any material and substantial change is involved. Will it affect Members' voting intention? Is it possible that Members' actual votes will be affected substantially? If the answer is in the negative, I think it does not matter whether any notice should be given or a notice given afresh. However, if it will affect Members' voting intention substantially while a notice cannot be given afresh under the Rules of Procedure, I think we had better adjourn the debate.

President, it is a serious matter that there are changes in the content of the District Council (DC) package proposed by the Democratic Party. Why? We need not state whether we support the DC package or not. Just take a look at the Democratic Party. In order to ensure acceptance of this package, it has changed to vote for the Government's motion. As we can see, such a change is most crucial. President, I very much respect the stance stated by Mr Albert HO just now. Although he considers that there have been a lot of discussions within the

Democratic Party, the public have had no opportunity to conduct any discussion at all. Before casting our votes, we should make thorough consideration, understand all the information and have sufficient communication with public officers. Many people may ask, "After listening to it, you will not vote for it, either. Why should you adjourn it then?" President, it is because we have examined it thoroughly and held meetings day and night. Therefore, we may have gain certain understanding. However, we should know the inclination of public opinion. Should we ignore public opinion, or consult the public? The period occasioned by a notice will gave us sufficient time. If Members consider that we should consult those being affected, they will have time to do so. In view of this, it is all the more necessary to consult the public.

President, I note in particular that the Democratic Party has made tremendous efforts to negotiate with the representatives of the Central Authorities. They put forth three conditions at a certain stage. One of them is that there should be a roadmap for ultimate universal suffrage, so as to clarify whether functional constituencies (FCs) will be abolished. In fact, the aim of implementing universal suffrage is to abolish FCs. Without putting forth the other two conditions, the DC package was accepted by the representatives of the Central Authorities. Therefore, when considering the DC package, it is even more necessary for us to take such background information into account. Let us take a look at this DC package. Why did Secretary Stephen LAM ask us to accept this package just now? As mentioned by him, this package has enhanced the democratic elements. The public have to ask, "Originally, did I object to it because there was no democratic element at all. But now I think there is sufficient democratic element now. What are these democratic elements?" This is the first question.

As for the question of threshold, it being high or low, Secretary LAM has tried to sweet-talk us today into believing that the threshold will not be too high. However, during my search for information, I came across a political commentary written by Mr LIAN Yi-zheng. As stated in this article, he had said during the discussion on this package in last December that the threshold was crucial to the overall situation. If the threshold was too high, it would give rise to a situation under which the Legislative Council would be dominated by the DCs. Does the Legislative Council consider it a desirable direction of development? Therefore, this is not a simple question that can be resolved with just a few words.

The third question is about "one-person-two-votes". The Government is very delighted now. It even says that the Democratic Party has made great contribution by putting forth the proposal of "one-person-two-votes" which can be implemented in future. Do we consider it fair and reasonable so long as all Hong Kong people can have "one person, two votes"? Is it the case that the part of FCs If those five new seats are elected by 3 million people, can such a "one-person-two-votes" model resolve the problem? This is also a very complicated problem that we may need to consider.

Lastly, some people may ask, "Will FCs be rationalized as a result?" At present, this is only a statement. However, we should give the Democratic Party an opportunity to give explanation, so as to see if they have come up with this package because of misunderstanding, thinking that both its spirit and details have fully been accepted by the SAR Government or the Central Government. Perhaps, they may find during the discussion that FCs will be rationalized permanently, which is not the price they wish to pay.

President, I think these problems warrant our consideration. In particular, a member of the Alliance for Universal Suffrage said in a current affairs programme last night, "We have not given up the roadmap, only that we have a roadmap for universal suffrage in the community to cope with this DC package." President, we are eager to know what this roadmap is all about. We have yet obtained a roadmap for universal suffrage from the Central Authorities, but have a roadmap for universal suffrage in the community. Should we explore where this roadmap will lead us?

President, based on these reasons, I think the DC package will bring about a great impact, for it can at least affect the Democratic Party's voting inclination today. And at least, it can explain whether the public can tell the Democratic Party that they are heading in a wrong direction. In face of these considerations, I will not advise one-sidedly that we should lobby or ask the public to express that they do not support this proposal. Perhaps, many people may support this proposal. However, I believe my presumption is correct. The content of this part does have a most substantial and material impact on this motion. As we have not been given any further notice, nor provided with sufficient time, we should support Ms Cyd HO's motion to postpone this agenda item, so as to adjourn the debate. Thank you, President.

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

MR LEE CHEUK-YAN (in Cantonese): President, I speak in support of Ms Cyd HO's motion. If the SAR Government considers that the debate and voting should proceed today as planned, disregarding the fact that the package has been mooted for two days only, I think the message is very clear. Why does the SAR Government have to proceed as planned? Because the Central Authorities have given the green light, and so the Government can now proceed. However, it has not considered the views of Hong Kong people at all, nor has it engaged their participation.

I remember the Chief Executive once said the buttons we press are only a few millimetres apart. It is true, but what is our basis for pressing a particular button which is only a few millimetres from other buttons? We have to heed public opinions. Should the SAR Government consider public opinions in putting forward certain proposals? At present, only this package is available. Come to think about this. This issue is very important, so much so that the authorities have said that it would enable the taking of a step forward for the future constitutional system of Hong Kong. While the authorities have claimed that the issue is very significant, that what happens today will be recorded in history as a significant historical moment, what is the place of Hong Kong people in this historical moment? In this significant historical moment, how can Hong Kong people not be involved and consulted at all?

Members may recall that green papers and white papers used to be a prominent feature in the British-Hong Kong era, but they are no longer prominent nowadays. Back then, the authorities would issue green papers or white papers on every issue, and consultation would often take years. The SAR Government has not issued any green paper for quite a while, but in many cases, it still insists on conducting consultation. In some cases, although we hoped the Government could implement certain measures expeditiously, it would allow the issue to drag on for years. In prescribing a minimum wage, for example, the Government is still unwilling to take it forward after postponing it for two years. In response to our demand to construct more Home Ownership Scheme flats, the Government is now saying that six months are required for consultation. It insists on conducting consultation on every issue, but why are Hong Kong people not

allowed to play a role in this significant historical change? I consider it totally unacceptable because this issue will really have an impact on Hong Kong.

Regarding this package, frankly, I have not heard of the issue regarding the 70 seats just mentioned by Stephen LAM until today. Cyd HO has just pointed out that when the Election Committee (EC) is formed for selecting the Chief Executive in the 2012 election, there will only be 60 Members but not 70 Members yet. Today, the Secretary said the remaining 10 Members may be returned through election by District Council (DC) members among themselves. It will be worse if these seats are taken by members of the Heung Yee Kuk, but the fact is they can also conduct an election among themselves. So, we did not know until today that the situation is not what we have expected. Certainly, Secretary Stephen LAM will probably say that it is only a trivial matter as it will only involve 10 out of the 1 200 members. However, they will have great power, and each vote counts. Besides, the Secretary has also told us today that they are only transitional in nature, and there will be 70 seats in September. Frankly, unless the Chief Executive returned in the 2012 election suffers from a leg ailment again, the 10 additional seats will no longer be helpful in September because re-election will be out of the question. Theoretically, it is impossible to organize a re-election. Why? Because the EC will become obsolete after the 2012 election and we will then have to switch to the system of the nominating committee. We will come back to the issue of the nominating committee when we discuss the electoral method for the Chief Executive later. However, as the composition of the nominating committee will be different, these 10 seats will not exist eventually unless the Chief Executive suffers from a leg ailment. Will it be meaningful at all? We did not realize this until today.

Regarding the DC package mentioned just now, there are still many uncertainties. For example, sometimes I would think whether we should enable the returning of super Members by a system under which the whole of Hong Kong will form a single constituency, anyway by a list system under which candidates winning the highest number of votes will get the seats, so that the Members may be elected by 1 million voters. However, Stephen LAM just said that this would not be the case. I heard that there will be a single constituency. Will those Members to be returned through election by elected DC members among themselves on the basis of "one person, one vote" or "one-person-two-votes" belong to different geographical constituencies, or will

the whole of Hong Kong form a single constituency? What will be the threshold? All of these are unclear. As we all know, in many cases, the devil is in the details, and discussions on many issues are required. If these issues are discussed only during the enactment of local legislation after the package is passed, I think there will be many uncertainties and members of the public may not know whether or not the package is sound.

I am most sympathetic to Dr LEUNG Ka-lau because just now he told me he was conducting an online polling. However, the polling had begun before Monday. When I asked him whether those people who had cast their votes before Monday could cast their votes again, he answered in the positive. Therefore, I can imagine that Dr LEUNG Ka-lau will be keeping an eye on the polling results, and when he finds that the results keep changing, he will be at a loss as to what to do. The package changed on Monday. If those doctors are required to consider the package and cast their votes again, they will not have much time to do so. What should they do? Actually, it is the same for all Hong Kong people. They really do not have much time to think about this issue. Is it fair? Are the authorities pretending that members of the Hong Kong public do not exist at all? This issue is so important that it will have an impact on the future of Hong Kong, yet members of the public are only given two days' notice.

During this period of time, the Chief Executive kept calling on us to "Act now", but it turned out that the ship has changed, and I have no idea how he will raise the anchor. The whole thing has changed so drastically that it has undergone a fundamental change, and members of the Hong Kong public should be given more time for discussion. We believe that the more time members of the public are given for discussion, the more rational they become. Do we not want rational discussions? Now, the Chief Executive insists that the motion be pushed through this Council. What will be the consequence? A vote will be taken in the end but because of the absence of rational discussion in society, splitting up and division will ultimately arise. Is this something we would like to see? Why do we not give the people of Hong Kong more room for discussion? It would benefit the credibility of the system in the future if members of the public voice out more and have more time for discussion.

Therefore, I do not consider it beneficial to force it through. On the contrary, all of us would become winners if only we could show mutual accommodation and allow members of the public more time for discussion. If

we proceed as planned, the public will become a major loser at any rate. Thank you, President.

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

MR LEUNG YIU-CHUNG (in Cantonese): President, I will vote against the revised DC package. In spite of this, I still have to say that if the package is put to the vote today, it will definitely be passed. Precisely because of this must I support the motion on adjournment moved by Ms Cyd HO.

Why? Because while this package will definitely be passed, the public do not have any opportunity to discuss it in great detail. This is most unfair to the public, and neither is it fair to the Government. Why do I say so? Because the Government said that in proposing the constitutional reform package, public consultation must be conducted and a people-oriented approach must be adopted. However, members of the public have not had any opportunity and time to express their views on the revised package put forward today. That being the case, how could the Government fulfil its words about consultation and its people-oriented policy? Thus, is the Government giving itself a box on the ear?

I think we should not espouse one thing but act otherwise. While we espouse that public opinions and the system of consultation should be given weight, why do the authorities not conduct any consultation on this significant change today? Many Honourable colleagues have just said that the devil is in the details. It is true, and all of us understand it. In the past couple of days, a member of the public asked me why DC members, who may nominate candidates for the five new DC seats, are not allowed to vote in the election. Because they are already allowed to vote in the election of the original DC seat. This has created a very weird situation in which DC members have the right to nominate but not the right to vote. Why should the authorities create this problem in the system? It is most peculiar indeed. That member of the public went on to suggest further revising the revised package by allowing members of the public to vote in a single election of all the six seats, including the original one, which is a further revision based on the existing idea. He does not oppose the package in principle, he is only trying to enhance the existing revised package out of good

intentions. Why do the authorities not allow the public to express such kinds of views? Why do they not allow the public to engage in discussions? I think these are views we should cherish and value. I have expressed my opposition to the so-called revised package, but I still have to say that I consider it unacceptable in principle because I cannot see any long-term, concrete arrangement for implementing genuine universal suffrage. Therefore, I will vote against it.

However, the worst thing today is that once the Government has secured enough votes, that is, when there are enough supporting votes, the package will be passed. Regarding the content of the package, however, the public I dare not say the public are kept in the dark. They have not been kept in the dark, for they know of it, but the problem is they have had no opportunity to express their views, and this is the biggest problem. I hope the Government will not disregard the views of the public.

President, over the past few weeks, the Government has made a great deal of effort, which I would call a "big show". That is, it has conducted publicity and made home visits in the local communities. What did the Government want to achieve? Supposedly, the Government wished not only to conduct publicity but also listen to the views of the public, although it is a different issue whether or not it will take on board these views. As the Government's intention was supposed to be to listen to the views of the public, why does it not listen to the public's views now that such a significant change has been made? Why does it not stage a "big show" to consult the public and find out whether they consider the proposal a sound one? Even if the Government does not gauge the public's views directly, this part should also be included in the promotional campaign for the package. Unfortunately, however, this part is not even included, and members of the public do not really have a clear idea about it.

Therefore, I consider the motion on adjournment moved by Ms Cyd HO today very meaningful. On the one hand, it can help enhance the governance of the SAR Government. Why? Because the Government will not be criticized as espousing one thing but acting otherwise. The Government can prove that it will honour its words, attach great importance to public opinions, listen to the public's voices and take concrete actions instead of only paying lip-service. This is vitally important. On the other hand, it will give the public an opportunity to express their opinions. We know the schedule is very tight, but we should not

skip such work just because the schedule is tight. No matter how tight the schedule is, the SAR Government is capable of taking whatever initiatives it wants to take. Why does it not take these initiatives? Therefore, I support the motion moved by Ms Cyd HO today, and I support her request. President, I so submit.

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

MR JAMES TO (in Cantonese): President, I speak in support of the motion moved by Ms Cyd HO concerning the deferment of the relevant debate and voting.

President, during our discussion on the item concerning the Subcommittee to study the Government's original package led by Mr TAM Yiu-chung in the House Committee, I proposed retaining this Subcommittee to facilitate the holding of meetings for discussion of any new proposals as and when necessary. To my knowledge, Ms Emily LAU once requested Mr TAM Yiu-chung to convene a meeting, but her request was turned down. Did Mr TAM Yiu-chung decide, on his own, to turn down her request or — this is what I learnt through the grapevine — did the Secretary consider it unnecessary to hold any meeting and indicate that he would not attend any further meetings because there had already been adequate discussion and the details, in which the devil lies, would be discussed when local legislation is enacted in the future? I hope Mr TAM Yiu-chung and the Secretary will clarify later as to who made such a request, and whether or not they turned it down and the reasons for that. I hope the Government will, after listening to the arguments advanced by various Members just now, defer the debate and voting on the motions on its own initiative.

President, when I was having lunch upstairs at about 1 pm, I heard Mr CHEUNG Kwok-che say that he had to consult his voters on whether or not to accept the new package put forward by the Democratic Party. He said there were indeed some difficulties because he had only two days to do so. I also know that Dr LEUNG Ka-lau is smarter in the sense that he adopted a two-pronged approach, that is, by emails and fax, in consultation. He said in the electronic consultation, each doctor had a registration number — just like real estate agents, each doctor has a registration number. Authorized persons of the

Securities and Futures Commission have a registration number, and I have just learnt that doctors have registration numbers, too. He said he had sent out letters with these registration numbers printed on them and the relevant personal identification numbers (PIN) enclosed to ensure that each doctor could only cast one vote. The merit of this approach is that the doctors may, after the announcement by the Executive Council on Monday, that is, at any time before today or the voting, change their mind about whether or not they would support the package of returning the Members through election by elected DC members among themselves or the package put forth by the Democratic Party, by accessing the website again using the same set of numbers, that is, the registration number for doctors and the specific PIN provided by Dr LEUNG Ka-lau for this particular consultation.

Therefore, his planning was more meticulous, but there were also only two days for him to do so. When I asked him what a doctor should do if he was out of town, he said it would not be a problem because he could still access the Internet outside Hong Kong. I added that that particular doctor might not be able to follow the news about Hong Kong. When I was talking with Mrs Regina IP over lunch just now, she said that upon returning to Hong Kong after being away for only a few days, she was surprised to find that the whole scene had changed. Certainly, she had also accessed the Internet in the hotel, and so would that doctor, right?

During our conversation, I found that Mr Paul CHAN had probably also consulted the accountancy sector. I would like to quote an exact remark, which was vulgar — I cannot recall whether it was myself or someone else who made it — and that was "screw up". This was an exact quote. I cannot remember clearly who made this remark, and it is certainly too vulgar. However, what does it mean? He had already sent out the questionnaires to all the accountants, but he had never thought that the Executive Council would make this decision out of the blue two days ago. He did not know what to do because those questionnaires were on the old package. Certainly, since the questionnaires were on the old package, he may vote according to his free will. There is nothing he can do about it. Now that the Government has put forward this package out of the blue, and as he has to represent the accountants, he might as well make his voting decision this way. As the questionnaires were on the old package, he may deduce from the findings concerning the old package whether the accountants would support the new package. Perhaps during these two days,

he may form a focus group consisting of 200 of his advisers and regard it as a sample with representativeness. He may do so, but would the 200 advisers be representative enough? This decision should rest with Mr Paul CHAN, not me.

President, the Chief Executive in Council, that is, the highest policymaking body specified in the Basic Law, had decided on a new package concerning a major institution in society, that is, the constitutional system, and political rights, yet the Legislative Council was given two — and only two — days to make decisions on the legal procedures. On the hundreds of thousands of "Act Now" leaflets handed out, that is, the first version of the leaflets received by members of the public, the expression "Act Now" was printed on one side of them, while the other side was blank. What kind of a package is it? A distant relative of mine asked me, as if he had struck gold, "Ah TO, I got a leaflet. What package is it? The back of it is blank." I said it was a package for returning Members through election by elected DC members among themselves, adding that I did not support it. I also told him to think about it himself. However, the situation now is bad. The back of the second version of the leaflet is no longer blank but contains information on the package for returning Members through election by elected DC members among themselves. Hundreds of thousands of these leaflets have been handed out, and all the respectable members of the Executive Council have been pulled into this. But what were they selling? They were selling the old package, and members of the public only know about the old package.

This morning, I had noodle with beef for breakfast in Gage Street. I will go there twice a week. When the middle-aged woman delivered the tea with milk to me, she said, "Mr TO, you must be very anxious." I said I was indeed anxious because voting would be conducted today. Then she asked me, "What kind of election is proposed in the package? Will it be an election by elected DC members among themselves?" I answered in the negative, and added that that package was history, and the package put forward by us from the Democratic Party was an election on the basis of "one person, one vote". "Really? When was it revised?" she asked. Then, it was funny that she said all the people in that eatery, that is, some 10 to 20 customers and a few middle-aged women serving as helpers, did not really know which package was being discussed. She really cares. I will go to that eatery in Gage Street twice a week, and you will see me there at about eight o'clock in the morning. Really, and many members of the

public know it. I am not doing promotion for that eatery, and neither do I own any share of it. However, she really cares. She asked me about the package because she knows that I am a Member. She really had no idea what the package was about, and all she knew was the so-called "Act Now". "Act Now" has to do with the old package, but what about now? It turned out that there is now a new package, which was decided on in only two days. There were all those advertisements, and the so-called business coalition has distributed all those leaflets. All the people in large housing estates as well as public housing estates and Home Ownership Scheme estates have received those leaflets. However, the leaflets were not distributed in certain housing estates. This is better because those residents would not know about the old package. Even residents who knew about the old package do not know what the new package is about.

President, the Democratic Party believes — it is the Democratic Party — the Democratic Party believes that if this package is sound, good wine needs no bush, so the saying goes. If more time is available, there will be more time to allow the package to ferment. The Democratic Party considers this package sound. Therefore, it is not afraid of deferring the voting on it. Just take a look at the public opinion polls over the past few days, one will find that the package put forth by the Democratic Party has been gaining increasingly more support. So, do the authorities fear that support for this package will decline over time? Are they afraid that support will decline after rational discussion? Are they afraid that someone would express opposition to it after rational discussion and thus there will not be enough supporting votes? Who will oppose it? Why is the SAR Government so weak and timid? If the package under discussion is a sound one, and the editorials of eight to nine newspapers have already given positive comments on it, why does it not allow members of the public to gain a better understanding of it?

I do not know whether any questionnaire surveys have been conducted to find out if members of the public know about the old package and the new one. When were such questionnaire surveys conducted? I always ask about the time those questionnaire surveys were conducted and which package they were about. One has to make them clear. Why? Because there were only two days for the package to ferment. I did try to search the records. I actually went out just now to search the records to find out when similar packages were proposed.

The editorials of the *Wen Wei Pao*, the *Ta Kung Pao* and some major newspapers pointed out that the credit should go to Mrs Regina IP because she was the first one who put forth similar packages in the dissertation for her Master's Degree. Besides, Dr Priscilla LEUNG has probably also proposed similar packages, and so have many other people. These press reports wish to remind us that all these people should get credit for it, and it is a consensus in society.

However, was there focused discussion in society back then? Did the Subcommittee chaired by Mr TAM Yiu-chung receive any submissions setting out the pros and cons of this package — I mean the new package? If not, does it mean that members of the public do not have any opinions on it? Or is it assumed that they are very positive about the package put forth by the Democratic Party, and as the Government also supports it, there is thus no need for discussion? As no focused discussion has been conducted, how could one say that public opinions are represented? How should we deal with the issue of public opinions?

President, many details well, I think that as local legislation will be enacted later, some details can be dealt with when we come to the local legislation. However, it should be borne in mind that the Government's original package for electing Members through election by elected DC members among themselves has set out almost all the details, such as whether the five Members of the newly created "super" FC are allowed to hold a foreign passport. However, has the new package set out these details? I am not saying that even very minor details have to be set out, but the problem is even a general framework is lacking. Can we include more details in it? When many people submitted their views to the Subcommittee chaired by Mr TAM Yiu-chung, they also gave their views on many details and the old package for returning Members through election by elected DC members among themselves. However, how many academics have engaged in forum discussions on the new package? In how many articles has this package been discussed? It has been discussed in only a few of them. Public opinion polls, continued academic forums and debates among members of the public have been conducted on the old package, and a large-scale hearing was also conducted here in this Council. Besides, some academics have written articles and spoken in some forums on it, and some talk show hosts have also discussed it in their phone-in programmes. Actually, it is an interactive process. It would be more realistic if public opinion polls are conducted after such a

process. Do we have the opportunity to do so? We do not, regardless of whether or not we support it.

President, this is our situation. I really hope the SAR Government will defer the debate and voting on the motions on its own initiative after listening to the arguments advanced by Members. I also hope that Members who oppose Ms Cyd HO's motion will speak and tell other members of the public and me why this package decided on by the Executive Council can swiftly develop within two days into a package that will bring social harmony.

President, I know many members of the public long for a breakthrough in the constitutional system. I must point out that many people really do. The authorities are now telling them that their wish has come true. But is it real? What package is it? Please let them know so that they can say whether or not they agree to it. Yet, they do not have the opportunity to do so.

MS AUDREY EU (in Cantonese): President, I speak in support of the motion proposed by Ms Cyd HO under Rule 40(1) of the Rules of Procedure for the adjournment of debate. President, I support the adjournment of debate mainly — because I think that the Legislative Council must respect members of the public. In my opinion, the Government's move of revising the original package on Monday and then requesting Members to vote as scheduled on Wednesday is great disrespect for the public as well as this Council. In fact, there is a need for the Government to give us an explanation as there are many blank.

First of all, concerning the parliamentary procedures, President, I do not mean to challenge the ruling made by you just now on the point of order raised by me. However, President, during the House Committee discussion on Friday before last, that is, 11 June, on the resumption of debate on this resolution today, I indeed proposed that, owing to reports on the likelihood of changes being made, the Subcommittee chaired by Mr TAM Yiu-chung should not be dissolved so that meetings could be convened in the light of any change to the content of the package, even if the wordings of the resolution remain unchanged. This was agreed by Members at the meeting. President, I am now holding the minutes of the meeting held that day. It is recorded very clearly in paragraph 29, and the question raised by me is recorded in paragraph 27. Hence, President, a consensus was already reached by this Council at that time. However, one day

can be much too long in politics. A new announcement was then made by the Chief Executive this Monday, followed by revisions of the package after a special meeting of the Executive Council. Therefore, we can now see that the entire Government team (including Members in this Council who are supposed to defend the Government) has changed — the consensus reached only on the Friday before last has already changed after a matter of one week.

President, as this would actually cause serious damage to this Council, the point of order raised by me just now actually has significant implications. In other words, should this Council allow the Government to propose a motion, this Council will not be given time to hold discussions even if the motion, which should originally be vetoed, will be passed — the magnitude of the changes is thus evident — because of a complete change in its underlying content, so long as its wording remains unchanged. President, in accordance with this Council's tradition and usual practice, Members must engage in thorough debates and heed public opinions, despite their diverse views. However, we can see that, in order to achieve the political objectives this time around, this tradition has completely been put aside. The resolution to be voted on by Members today is completely different from the package originally submitted by the Government to this Council for consultation.

Furthermore, I would also like to say a few words on respecting members of the public. According to the package proposed in the consultation document published by the Government in November last year, the five new Legislative Council functional constituency (FC) seats will be returned through election by DC members from among themselves. Subsequently, numerous discussions were held by the Legislative Council. A Subcommittee was formed on 14 April to receive public views after a proposed package was formally tabled by the Government to this Council. The Subcommittee has held nine meetings and listened to the views expressed by 163 deputations and individuals. A lot of discussions were also held in the community, including editorial comments and views expressed by members of the public in radio phone-in programmes. Of course, President, among others, there was also a debate between the Chief Executive and me. This debate, held on 17 June (last Thursday), was based on the original package.

We can see that the Government has all along wished to impress us that it respects members of the public. To achieve this, senior government officials have resorted to all extreme means, from wearing the "Act Now" badges, sitting in double-deck buses, engaging in publicity activities openly or secretly, visiting districts or making door-to-door visits, with a view to impressing the people that the SAR Government respects the views of the public. However, this is not actually the case. President, the content of the package was not revised by the Government until this Monday — the package, which was originally impossible to pass through this Council, was turned into one which can possibly win our endorsement. Regarding this (let us not argue whether there has been any increase in democratic elements), or purely the point that the Government has turned a package which can originally not be passed into one which passage is possible, should members of the public be at least consulted? The Government's explanation is that time is running out because of the need for local legislation. However, local legislation is not to be enacted now. Instead, local legislation will not be tabled before this Council until after the summer recess. The public will ask this question: Should the Government at least give an explanation on many details not yet mentioned? Why should the Government act so hastily that the package has to be passed immediately today? Since the Government has yet to account for so many blanks, why should it force us to pass the package today?

President, one of the changes to be made this time around is that the new FC seats will be returned by members of the public by "one person, one vote", rather than through elections by DC members from among themselves. Some people consider this method very good because of enhanced democratic elements. However, President, I read an article by Prof Benny TAI Yiu-ting of the Department of Law of the University of Hong Kong, entitled "All about nominations", in the *Hong Kong Economic Journal* on 16 June. According to Prof TAI, judging from the entire speech by QIAO Xiaoyang concerning the definition of universal suffrage, "Despite some concessions made to the interpretation of "universal suffrage", QIAO has at the same time drawn a line for "universal suffrage" by emphasizing that suffrage may be subject to "reasonable restraints", and it is very likely that this line falls on the right to nominate. That the Chief Executive to be returned by universal suffrage will be restrained by nomination arrangements has already been provided for in the Basic Law. As for the FCs, if they are not to be abolished, one way to allow the traditional FC bodies to lead the Legislative Council FC seats under the principle of "universality and equality" is to do something about the nomination arrangements

by, for instance, allowing the traditional FC bodies to have greater control in the nomination arrangements. Prof TAI also added, "Whether or not this constitutional reform package proposed by the Government is passed, the confrontation over constitutional reform in the days ahead will probably lie in the nomination arrangements for the Chief Executive and the Legislative Council FC seats."

President, many supporters of democracy oppose this new package precisely because it might lead to control and manipulation of elections and rationalization of FCs as I have heard some people in the FCs say, "'one-person-two-votes' is excellent, and so FCs can remain for good because this arrangement gives people the impression that a high degree of equality can thus be achieved." Hence, President, the Government has absolutely not clearly accounted for these nomination or voting methods, and yet we are requested to vote today. This is extremely unfair to the public at large, the Legislative Council and even the entire constitutional reform. They are not given any respect either.

President, the arrangements concerning electoral expenses are also very important. As Members are aware, under general circumstances, a ceiling will be imposed on electoral expenses for direct geographical constituency (GC) elections having regard to the number of electors in each GC. I have no idea of the ceiling to be imposed on the electoral expenses for these five new seats in the future. Should the ceiling reach \$8 million to \$10 million, there will be another restraint in addition to the number of nominators, as such expenses might not be affordable to many people.

Therefore, President, we can see that during the entire period from November last year to the completion of the task and submission of the report by the Subcommittee, these issues raised by me have never been discussed by us. Neither was there any opportunity for the public to discuss them. Nor has the Government given us any explanation concerning these issues.

President, in addition to these blanks, I am also very much concerned about the developments over the recent month. The changes we are talking about are actually related to the Legislative Council elections, and these elections should be regarded as matters within the autonomy of the Hong Kong SAR. If we review the exclusive interview of LU Ping, the then Director of the Hong Kong and Macao Affairs Office, by the People's Daily in 1993 and the seven diplomatic

exchanges between the Chinese and British sides back then, we can see that it is stated very clearly therein that the Legislative Council elections to be conducted in future are matters within the autonomy of Hong Kong. However, we can see from the developments in the past month that the negotiations and communications were led by officials of the LOCPG. They have not only once but repeatedly come out and made a lot of comments, saying something like "spoiling things by going to extremes" and "stupid people courting trouble for themselves". At one time, they said that the proposal did not comply with the Basic Law and the Decision made by the NPCSC, and then they said shortly afterwards that the proposal was compliant with the Basic Law and the Decision. President, I find this very disturbing because our "one country, two systems" will be affected. Not only have I failed to see the SAR Government defend "one country, two systems", I am also extremely worried about Hong Kong's rule of law because I see that law has been used as a political tool. On 8 June, I saw Elsie LEUNG, former Secretary for Justice and also Deputy Director of the HKSAR Basic Law Committee of the NPCSC, come forth and say that the proposal raised by the Democratic Party (the new DC package) did not comply with the Decision of the NPCSC and the Basic Law. But then, on 17 June, we saw her come forth again and say that the proposal was compatible with the Decision and the Basic Law. President, on Monday, we saw Secretary for Justice WONG Yan-lung come forth and say that the latest proposal was compatible with the law. President, the public has witnessed all these changes. As a practitioner of the legal profession, I all the more find this repugnant. Why can the law be used by people in power as a tool by first stating the proposal as unlawful and then confirming it to be lawful? President, I am frustrated by all these changes, U-turns, especially in the name of compliance with the law.

I believe Secretary Stephen LAM will definitely say something like this when he responds later, "10 lawyers will definitely come up with 11 different kinds of opinions at any time". President, certainly, everyone can express different ideas, but this issue is really a matter of enormous import because both the former and the incumbent Secretary for Justice are involved. President, I am very concerned that the people of Hong Kong are watching these developments. I think that the SAR Government owes Hong Kong people an explanation. These developments can cause great damage to the constitutional reform, and even "one country, two systems" and Hong Kong's "high degree of autonomy".

For all of these reasons, President, I will express strong dissatisfaction not only with the Government's insistence on amending the content of the proposal within two days, but also with its request for us to vote as scheduled. I also demand that Secretary Stephen LAM and the Secretary for Justice give us an account of such issues as "one country, two systems", "a high degree of autonomy" and the rule of law in Hong Kong.

Thank you, President.

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

MR ANDREW CHENG (in Cantonese): President, I speak in support of Ms Cyd HO's motion.

President, I believe all Members will share the feeling that people in the political circle in Hong Kong should have found themselves with a most heavy heart in the past seven days. After the Government's acceptance of the revised package proposed by the Democratic Party, I believe all heavy-weight politicians of whatever political lines will have to size up the situation again and make their respective decisions.

In the past, I believe Members would often see that if the Government was to make a U-turn, it would definitely be a U-turn against a proposal put forth by the Democratic Party. This is indeed a historic moment — for this time around, the Government has made a U-turn to accept a revised package proposed by the Democratic Party.

Mr James TO was absolutely right in pointing out just now that we had all received many "Act Now" leaflets, which were actually aimed at publicizing the Government's previous "lame proposal". As regards the package tabled before us by the Government today, which is very likely to be passed during the voting today or tomorrow, President, I believe if you ask 10 Hong Kong people, more than half of them would probably have no idea of what it is all about. However, a relatively clear message is that this new package is better than the old one. Therefore, when people are asked in opinion polls about the revised DC package proposed by the Democratic Party by improving the so-called indirect FC

elections, they will feel that they have now the opportunity to cast one more vote, that not only LI Ka-shing or the major consortia are given one more vote, and that having two votes is better than just one. Therefore, this package gives people the impression that it is not bad, and the number of supporters has continued to grow.

President, I have no intention to further elaborate on the two motions to be voted on later, because my position towards the two motions is different from that of the Democratic Party. I will strive to focus my speech on the motion proposed by Ms Cyd HO for the adjournment of debate because even the Democratic Party agrees that the adjournment is necessary. I only wish to make the public understand one thing through this debate. Actually, Hong Kong people may probably think that, regarding some issues of very important public policies, the Legislative Council appears to have failed to move an inch because of endless disputes to date. They would rather see more concrete actions taken. However, people must all understand that we must engage in repeated discussions on every major policy — let me just name a few examples: anti-smoking, minimum wage, merger of the two railway corporations, or even The Link REIT incident, which occurred much earlier — to enable the public at large and this Council to gain a clear idea of the relevant details before decisions are made. It is amazing that this constitutional reform package that lies before us and this motion which will affect the political rights of every citizen in Hong Kong in future can be kick-started by the Government within seven days, or to be more frankly, within a couple of days, with the old package replaced by a new one. What is the purpose of the Government in chanting "Act Now" repeatedly? I believe many people in Hong Kong will ask the same question: Why is it so urgent to act now?

Of course, I do not want to use an alternative feeling to speculate if the Government is really worried that, should the voting on the motion be postponed, members of the public will see more clearly that the devil is in the details; and hence the community's support for the motions will fall gradually and a louder voice of opposition will build up, thereby making it difficult for the Government to move another inch. If this is really the case, we will once again sense how timid this Government is. I am really very disappointed about this.

As a Member from the Democratic Party, I support the motion for the adjournment of debate today. I all the more wish to spend a bit more time to

explain to my party comrades why I find the new and old packages proposed by the Government equally disturbing and worrying. They are also equally lame.

The Government has kept saying that a consensus must be fostered and that the new package has already secured sufficient votes, as if a consensus has already been achieved in the community. However, as I pointed out just now, the establishment and the Democratic Party have their own opinions, but this does not mean that consensus has already been fostered. Instead, the community faces an increasing risk of polarization.

Of course, I understand that the Government hopes to see the early passage of the motions, so that the arguments and noise outside the Legislative Council today will stop, as the Government does not want to hear them anymore. Should it be possible for the motions to be voted upon on the 23rd, 24th or even 25th, the Chief Executive will be able to deliver earlier, for he will try very hard to avoid getting near to 1 July. This is because if the voting is postponed until 1 July, I believe the people will demonstrate to the Government with their feet and sweat the inadequacies of its new package after they have gained a better understanding of the new package and when understanding has been fostered. This is why I support the Democratic Party's stance towards this issue — "one more day brings more understanding" — because the approach of dealing with this new package is completely contrary to the Government's past practice. Moreover, the dignity of the Legislative Council will be seriously undermined, too. I would like to tell the Government with a humble heart and words that should it really consider this a revised package, it should all the more chant "Act Now, Act Now, Act Now" in shopping arcades, open air cafes and Chater Garden, and raise a new anchor (*someone make a noise*) Even James TO said just now that the Democratic Party should join in, though I think that the Democratic Party should deal with this issue in its own way.

It impressed me most once when I saw Donald TSANG shout "Act Now" when attending a ritual conducted by a society. Facing the supporters of the society, he shouted "Act Now" at the opposition voices surrounding him and then shirked the responsibility (the responsibility of vetoing the 2005 reform package and thus preventing the constitutional system from moving forward) entirely onto the opposition voices and the people. President, I have emphasized time and again that Donald TSANG is the Chief Executive of Hong Kong people. He

should not divide the community and shirk his responsibility on public occasions in such a high profile, and even speak in an excited tone — a tone similar to the excited tone of Albert CHAN (*Laughter*) — in order to divide the community. I have often reminded Mr Albert CHAN that I am worried about his health because he blushes very easily. Given his age, I am very worried that he might probably suffer from a heart disease. I am really very worried about him, President, and I wish him well sincerely. It is most important for us to keep ourselves healthy so that, most importantly, we can witness genuine universal suffrage.

I also wish to say sincerely to colleagues from the League of Social Democrats something here. Although my stance and theirs towards this issue are getting increasingly close, I hope that we can engage in discussions without being humble or pushy and focus on issues in question rather than making it personal, so that supporters of democracy in Hong Kong can see that we are still united, not divided, despite our diverse principles and strategies. We should not be divided by a few remarks made by the SAR Government and Donald TSANG; should we be divided, the SAR Government would be most happy to see it. I hope we can continue to unite together. Regardless of the outcomes of the voting on the two motions later, I believe the road that lies ahead will only get increasingly rough; we should all the more unite together when the road ahead gets increasingly rough.

I have once expressed my own view to Mr TAM Yiu-chung, Chairman of the DAB, in a television programme: More time should be allowed for discussion when it comes to such important political issues. Moreover, parties and groupings of whatever political lines should also engage in dialogues, not only once or twice, and not only confined to within this Council, because Members should collaborate in dealing with certain matters. If the relationship between Members has already been broken, or even torn apart, such that no sincere dialogues can be conducted because of a lack of mutual trust, Hong Kong's future will get very dim. Hong Kong people will also feel a great sense of fatigue. President, I also feel a great sense of fatigue, particularly the World Cup Finals are in full swing. I have to watch soccer matches, and this makes me even more fatigued. I must watch the matches because so doing can help reduce my stress. I think many soccer fans feel the great sense of fatigue as I do, because they have to watch the World Cup matches as well as keeping an eye on the constitutional reform debates in this Council. Sometimes, this feeling of fatigue can be

overcome by our fighting spirit and will power; and yet sometimes people can get very haggard because of fatigue, or the feeling of having no idea of which way to go. This is precisely the current situation of Hong Kong people. No one will object to the constitutional development moving forward. As a party member of the Democratic Party for 16 years, my belief in democracy is genuine democracy, not the moving forward of constitutional development without commitments and genuine universal suffrage.

Therefore, I would like to appeal to Members here once again to maintain dialogues because the establishment has nothing much to say about this subject today. Actually, I am looking forward to listening to their speeches. I hope to see some interaction among us. I will be most happy to debate with Mr LAU Kong-wah. He is now present. I very much want to hear what the DAB will do to deal with this issue. Mr LAU is also an Executive Council member. I very much want to hear him chant the "Act Now" slogan because he is, by all means, a directly elected GC Member. I believe it would probably be more convincing for him to present this new package and chant the slogan "Act Now" than Secretary Stephen LAM.

Hence, with these remarks, President, I support Ms Cyd HO's motion.

MR ALAN LEONG (in Cantonese): President, if we are to compare the degree of excitement, I remember the Chief Secretary visited the districts with a loudhailer in his hand and chanted "Act Now" at a member of the public less than two feet away. I believe the Chief Secretary surpassed our colleague, Mr Albert CHAN, in terms of the degree of excitement. At least, I have never seen Mr Albert CHAN shouting in the face of somebody with a loudhailer at such a close range. President, Chief Secretary Henry TANG just now made it very clear that the two debates today have historic significance. Furthermore, they are full of substance. It is precisely because of its importance that people opposing the postponement of voting today have advanced weak and illogical arguments. Even if a member of the public has to make a simple decision as to whether he should buy a flat or get married, what subjects should be chosen in pursuing further studies or what examination should be taken, it should take him at least 72 hours for such consideration!

President, when I watched the television last night, I saw the second series of the "Act Now" API featuring a couple of Executive Council Members, including Ronald ARCULLI, Anna WU and Anthony CHEUNG. Of course, they did not have a crystal ball during the shooting of the API, and they would not know that the Chief Executive would make a breakthrough announcement on Monday. I wondered how the 7 million Hong Kong people should interpret the appeals made by these Executive Council Members in publicizing the "Act Now" campaign. Should the audience envisage a scenario in which candidates would be nominated by DC members and then Selected by DC members from among themselves, or five Legislative Council Members be nominated by a certain number of people and then Selected by members of the public by "one person, one vote"? Of course, I do not have an opportunity to ask these Executive Council Members how they felt when they saw this outdated API appear again on the television.

In fact, President, the "Act Now" campaign has attracted a lot of poor comments. One of the reasons given is that it is completely devoid of substance, and there is nothing in it but slogans. I believe Members must vividly recall a scene in which a teacher asked the Financial Secretary during a visit to a district why he should support the Government's 2012 package. The Secretary was seen dumbfounded, implying that he did not know the answer. When he thanked the teacher, the teacher asked him very politely, "What did you thank me for?" The Secretary then replied, "I must thank you for speaking so loudly." President, today is in fact a golden opportunity for the Chief Executive and his accountable team to vindicate the criticisms that they merely know how to stage political shows devoid of substance. Unless you really think that the "Act Now" campaign is a political show and its substance is simply unimportant and does not matter much, how could you convince me logically that there is no need for consultation, given such a major change?

President, I just found log recording the sequence of events in relation to the constitutional reform consultation. Given that even the Chief Secretary agrees that this voting is very important, I think I should speak on whether the debate should be adjourned today for the record, so that such record can be kept by the Legislative Council.

I remember that on 18 November 2009, the Government published a consultation document on the methods for selecting the Chief Executive and for

forming the Legislative Council, and consulted the public on these two 2012 electoral methods. After the completion of the consultation on 19 February this year, the Government published on 14 April a package of proposals for the methods for selecting the Chief Executive and for forming the Legislative Council. As far as I can remember, the package was read out by Chief Secretary Henry TANG in this Council. On 25 May, Mr Albert HO, Chairman of the Democratic Party, insisted that the six DC seats proposed in the 2012 constitutional reform package should be nominated by elected DC members and Selected by all people in Hong Kong by "one person, one vote". At that time, Chairman Albert HO declared that the Democratic Party would definitely veto the constitutional reform package should the Central Authorities fail to give a specific response to the relevant issues. This happened on 25 May. President, on 27 May, that is, two days later, Mr LI Gang, Deputy Director of the LOCPG, said categorically for the first time that the proposal of returning the six DC Functional Constituency (DCFC) seats by all Hong Kong people through "one person, one vote" is incompatible with the legislative intent of the Basic Law. He then appealed to political groups with diverse views to "take one step back, so that we can have a brighter future". End of quote. On 8 June, Ms Maria TAM suggested that a "five-step mechanism" would need to be introduced as the DC electoral package proposed by the Democratic Party involved changes to the methods of returning FC seats — the President certainly knows that she was referring to the "five-step mechanism" prescribed in the decision made by the NPCSC in December 2007 — before it could be realized, but this was beyond the scope of this constitutional reform package. In fact, besides Ms Maria TAM, even the Government's accountable team made similar comments on public occasions, including newspapers and television and radio programmes.

According to a report on 15 June, or one week later, HAO Tiechuan, director-general of publicity, culture and sports of the LOCPG, indicated on 14 June that the DC package proposed by the Government is already compatible with the principle of universal suffrage, and the relevant proposal put forth by the opposition has "three nos", that is, there is no precedent for the proposal, and it has no legal basis and is unnecessary. I guess the President should recall that many people were taken by surprise when something strange happened on 22 June — Chief Executive Donald TSANG indicated, after prudent consideration, that he decided to accept the proposal put forth by the Democratic

Party on the method of returning the five new DCFC seats for the Legislative Council, that the Executive Council had agreed in principle to effect this method through local legislation, and that the Legislative Council would scrutinize and vote today on the resolutions regarding these two electoral methods as scheduled. This is the log on the sequence of events of the current constitutional reform.

President, if this is really a very important decision, as described by the Chief Secretary for Administration, I very much hope that the Administration can give this more thought. During the last weekend, the University of Hong Kong conducted an opinion survey in which 540 people were interviewed. The survey was concluded before the announcement made by the Chief Executive on Monday, 21 June. The findings of the survey reveal that 60% of the interviewees would like the Government to first withdraw its reform package for further discussion and submission to the Legislative Council for a vote later. Considering that 60% of the respondents had already joined the chorus on Sunday calling for the Government to withdraw its reform package which had been discussed for six months, they will definitely act in the same manner in response to the DC package as its direction is unclear, not to mention that it was not known until Monday. President, why do I say that its direction is unclear? As many other colleagues said, there are many ambiguous areas. Will the details ensure that the selection of the Chief Executive and the forming of the Legislative Council can be effected by genuine universal suffrage in two and three steps respectively? The President certainly understands the two steps I am talking about because the election of the Chief Executive will reach the destination by 2017. In the run-up to 2017, only two steps need to be taken, with one step each to be taken in 2012 and then 2017, whereas the Legislative Council election must be accomplished in three steps from 2012 to 2016 and 2020. How can this revised DC package lead us to these two goals and the destination?

President, after the *de facto* referendum campaign triggered by Legislative Council Members from five geographical constituencies, I find that the community has become more focused and clearer of the situation. It is also pressurizing the Government in the hope that the Government can come up with a roadmap expeditiously to achieve the ultimate goal of establishing an electoral system with no FCs. So, how can this revised package enable us to implement dual universal suffrage in 2017 and 2020, that is, to fulfil the solemn commitment

made by the NPC, as frequently mentioned by Secretaries of Departments and Directors of Bureaux? Actually, it is not very far away. It takes only two or three steps for things to be accomplished. Yet, how nominations will be made? What kind of list will there be? How will constituencies be delineated? Will we have a list system? All this, we do not know.

President, the decision we are going to make now will have far-reaching implications. This remark comes not from me. It came from the Chief Secretary this morning. As this decision is so important, should we be careful and ensure that the wrong step is not taken? As a Chinese saying goes, "A single wrong move makes one lose the whole chess game". There was indeed a precedent. We saw that FC seats were introduced for the first time in 1985 when Sir Philip HADDEN-CAVE described the FCs as transitional, but now it looks as if they will remain forever — at least there is such a discussion. Therefore, we cannot deal with such an important constitutional reform rashly. This is the reason why our party leader said during the debate on 17 June that "she would rather mark time than take the wrong step".

President, I support this adjournment motion proposed by Ms Cyd HO, because this step is indeed too important to Hong Kong. We cannot afford to act hastily. Neither do I hope to see Hong Kong face the same torture every five years. This torture will inevitably lead to internal disputes in Hong Kong, and it will do no good to Hong Kong. I so submit.

MR LAU KONG-WAH (in Cantonese): President, Mr Andrew CHENG has just called on me to have a sincere dialogue with him. I will surely do so but it is a pity that he is not in the Chamber at this moment. I hope he can return soon.

Since he and I belong to the same constituency, we have actually been having dialogues for many years and are already very familiar with the viewpoints of each other. Just now, he remarked that he was burdened by a heavy heart. I do understand his feelings right now because the choice he is going to make may be very important to him. However, I am of the view that from the standpoint of all Hong Kong people, today and tomorrow are important moments because we finally have a golden opportunity to move forward on

constitutional development, which has been in dispute for more than a decade. From the perspective of the overall situation, we should hold this debate happily and pass the motion, so as to bring an end to the long years of internal discord and incessant arguments and take a step forward.

Mr Andrew CHENG said just now He has returned to the Chamber. He talked about being agitated, about how he advised Mr Albert CHAN to pay attention to his health as health is of paramount importance. Actually, I have also offered the same advice to Mr Andrew CHENG in private because his face sometimes also goes crimson with rage when he speaks. I have advised him not to be so agitated, telling him that in some cases, one single person is simply unable to stop things from happening, and that one's health should be the most important.

President, when several Members spoke just now, they ridiculed the Chief Executive and his team of officials for reaching out for the public in various districts. I do not think that such mockery is advisable. Honestly, as Members are aware, all these officials, including the Chief Executive, have been taking up the duties of administrative officer in the past few decades, and they act differently from us Members who have been engaged in district work for several decades. However, he still makes his best endeavours and acts with utmost sincerity, attempting to win public support for the passage of the constitutional reform package. I think this is something we should treasure.

There is always the first time for everyone. When I visited the local communities for the first time, I was also very frightened, not knowing how to use the loudhailer, and not knowing how I should shake hands with the public. Even now, when we train novices, we must still teach them all these things. I therefore think that people must not resort to such mockery. Rather, they should encourage government officials and the Chief Executive to visit the local communities more often in future to listen to public opinions, not only on constitutional reform, but also on issues related to livelihood, social and economic problems. I think this is very important.

President, when several Members spoke just now, they kept on challenging your ruling. Personally, I do not think this is appropriate. First, the Rules of Procedure provides that the President's rulings shall be final. In case any

Members are in disagreement, they should initiate discussions in the House Committee or the Committee on Rules of Procedure. It is a pity, however, that several Members have kept on challenging the President's ruling today. This is a complete departure from our convention and the provisions of the Rules of Procedure. President, your ruling is justified.

Just now, several Members insisted on deferring the debate. I learnt that their insistence was based on two reasons. First, it is pointed out that the motion today embodies fundamental changes. Since everything has been changed, the debate must be deferred. Second, they question whether the Government should ignore public opinions or simply rule out any room for discussion. In brief, these are the two major reasons.

President, I wish to respond to these two reasons. First, are there really any fundamental changes? Since many members of the public watching the live broadcast of this meeting on television may not necessarily know the content of the motion under debate, I must read aloud the basic content of the motion today. This is very important. President, I am only going to read out Annex II, that is, the part of the motion on the Legislative Council. It is stated clearly, "The fifth term Legislative Council in the year 2012 shall be composed of 70 members, and the composition shall be as follows: members returned by functional constituencies — 35, and members returned by geographical constituencies — 35." This is the content of the motion.

Some Members argue that there are fundamental changes, but may I ask them what the changes are? I cannot see any. As shown from the wording of the motion, it is basically written on the basis of the Decision of the Standing Committee of the National People's Congress (NPCSC decision) in 2007. The NPCSC decision is the basis. The embodiment of the decision in the motion we are going to vote on today is also the basis. As regards how the actual elections are to be held in future, it is a question of enacting local legislation, and we already have experience in this respect. President, this explains why I cannot agree to the argument that the content of the motion embodies some fundamental changes. This is not in line with the facts.

Second, is it really true that public opinions are ignored? I do not think this is the case in reality. Several Members are very fair in pointing out that the

"one-person-two-votes" package under discussion is not put forward only by the Democratic Party. As a matter of fact, Regina IP, Priscilla LEUNG and even Raymond HO all talked about this idea in the past. Therefore, this is no new package at all. It has in fact been under discussion in society.

Actually, discussion on the present package has already started in 2007. At that time, the NPCSC decision stated that 10 seats would be added, five seats were to be returned by geographical constituencies and another five seats were to be returned by FCs. Therefore, since 2007, many people in society (including this Council) have been putting forward lots of advice, discussing how the election should be held. Some advocate "one person, one vote", others say that "one person, two votes" should be adopted, or that the new Members should be elected from among DC members. As a matter of fact, all these options have been discussed in society. There are no new discussions or we need not start discussing from scratch. Rather, discussions have been held since 2007.

If the motion today is passed after voting, there will be 70 Members, with 35 of them returned by geographical constituencies through direct elections, and the rest returned by functional constituency (FCs). This is what the motion today is all about. If the motion today is passed, we should proceed to enact local legislation. President, in the course of enacting local legislation, as Members here know very clearly, it will be necessary to listen to public opinions. I believe that this will surely arouse many arguments, covering the five new FC seats, nominations by DCs, principles concerning the implementation details of the electoral package, the right to nominate, the right to be nominated and the right to vote. All these may lead to many controversies. However, at the end of the day, we must follow the established procedures of this Council, meaning that we will, as usual, set up a committee, listen to public opinions, conduct public hearings and proceed with discussions and voting in accordance with the Rules of Procedure. Therefore, I do not think we will ignore public opinions on this issue. Quite the contrary, I believe that the passage of the motion will not mark the end of arguments. Certainly there will be arguments, only that they will be related to the enactment of local legislation.

Therefore, President, I do not think that these two reasons are cogent enough to warrant the deferment of the discussion on this motion. That is why I

am against this adjournment motion. Of course, I have heard the remarks of the several Members just now. Honestly, they are against everything. Regardless how the package has been revised, they will still voice their objection. They do not want to follow the Basic Law, nor do they want to stay within the framework laid down by the NPCSC decision. They have only created something out of their imagination for implementation in 2012. If they cannot get what they want, they will certainly oppose the motion today. In that case, I fail to see any reasons for remaining at this stage any more.

President, I must stress once again that these two days are very important to Hong Kong. We hope that the constitutional reform package can be passed because many Hong Kong people and I myself do feel very deeply that over the past decade, Hong Kong has been bogged down in a dilemma marked by too many political disputes, with both sides attacking each other and sapping the strength of each other. Our economy has thus failed to make any progress, resulting in the stagnancy of our economic competitiveness. The public are worried about such a situation.

The Chief Executive once met with the central committee member of the Democratic Alliance for the Better and Progress of Hong Kong, and made a remark, which I still remember. He said that recently, about 70% of his time had spent on handling constitutional reform, if the same amount of time was spent on economic and livelihood issues, the results would be far more satisfactory. This time allocation rule may also apply to an individual, society as a whole or the legislature. Andrew CHENG said just now that he was really tired. Indeed, after all the arguments over the past 10 odd years, all of us are very tired. I have recently exchanged views with Mr CHEUNG Man-kwong and Mr LEE Wing-tat on this motion. We all felt that some 20 years had passed since the 1980s, and now we have before us a golden opportunity of gradually achieving democratic progress, should we lightly let this opportunity slip? We think that this is a golden opportunity and very much hope that Members can treasure it. It is only natural that there are divergent views in the legislature, but I still hope that we can continue with the discussion today in a rational and peaceful way without getting red with rage. I hope we can have a happy ending and can bring good news to Hong Kong people. Thank you, President.

MR ALBERT CHAN (in Cantonese): President, can I ask Mr LAU Kong-wah to make a clarification? He remarked just now that some Members had spoken with the intention of challenging the President's ruling. Can he tell us which Members have sought to challenge the President's ruling and which parts of their speeches are involved? Has he made a mistake or has he simply made things up?

PRESIDENT (in Cantonese): It is not necessary for Mr LAU Kong-wah to make any clarification because I do not think that he has spoken with any intention of challenging my ruling. If I think he has challenged my ruling, I will not allow him to do so.

MR ALBERT CHAN (in Cantonese): President, can this prove that Mr LAU Kong-wah has lied?

MR LAU KONG-WAH (in Cantonese): President, should I be allowed to make a clarification? President, several Members who spoke just now kept talking about the President's ruling and put forward their own viewpoints. The President also reminded these Members, such as Mr LEUNG Kwok-hung, that they should not make any allegations against the ruling. President, I did mention this. This is indeed a fact.

PRESIDENT (in Cantonese): Let me reiterate that I have made a ruling, and Members should focus on discussing this subject, rather than making more comments on the ruling I have made.

MR LEUNG KWOK-HUNG (in Cantonese): Whether I have challenged your ruling is clear to all, regardless of what others said. I did once challenge your ruling, hey, what is wrong with that? The President is bound to be challenged, just like the referee of soccer matches, if he makes a wrong ruling, people will inevitably voice protests.

PRESIDENT (in Cantonese): Please speak on the present motion topic.

MR LEUNG KWOK-HUNG (in Cantonese): First, I am invariably bored whenever I attend such meetings, because I can rarely hear any sensible talks. That is why I prefer reading. In the book *Anti-Memoirs* written by a great French author, Andre MALRAUX, there are two lines from a poem that can be used to aptly describe this meeting and certain people as well. They read, "Unfolding the bedclothes on a bed as desolate as a grave, he fell as deeply asleep as the defeated or the dead." (This is about LAWRENCE). Those who are about to bury their ideal today can best be described by these two lines of poem. They are the dead and the defeated. The defeated have no sense of shame and glory. I have said that in case an autocrat wants to impose autocracy on Hong Kong people, let him step on my dead body to get pass. This is the case of dying in battle.

Today, for those who regard themselves as the defeated or the dead, allowing others to trample on them, I cannot do anything for them. I remember Mr LAU Kong-wah said that this issue has been discussed for a very long time, which is certainly true, as that can be testified by Secretary Stephen LAM. In late November, when Mr CHEUNG Man-kwong put forward this proposal, it was he who dismissed it as impracticable, right? The proposal put forward at that time was the DC package. He replied that it was not feasible and brought an end to all discussions. This proves that as early as November, when the five-district referendum campaign started to get into shape, someone already intended to use it as a bargaining chip for getting something in return. You do not need to search for any records. It was all published in the *Hong Kong Economic Journal*. You can find the press reports after the meeting.

Honourable Members, what is the problem facing us now? The problem we are now discussing is whether a meeting should be conducted in haste. I am not a learned person, so I can only ask secondary students and adults to join me in attending a lecture on the evils of convening hasty meetings. After the founding the People's Republic of China, a meeting of the Political Consultative Conference was convened. It was convened in great haste, and there was a common agenda. In 1954, a constitution was written and things were getting better. It was the revolutionary period. However, there came the Anti-Rightist

Movement, and that movement was initiated during the meeting period. MAO Zedong said that it was, after all, an "overt plot" (Please note, an "overt plot"). There was a policy to "let a hundred flowers bloom; let a hundred schools of thoughts strive". LIN Xiling and LIN Zhao both died tragically, all because MAO Zedong suddenly wrote an article, making a U-turn by asking the whole Chinese Communist Party to learn, and labelling all those who had voiced their opinions as rightists. Millions of people were thus implicated. All these originated from a meeting

PRESIDENT (in Cantonese): Mr LEUNG, what you are talking about

MR LEUNG KWOK-HUNG (in Cantonese): You must not stop me. You also know this part of history. I am trying to cite an example to

PRESIDENT (in Cantonese): What is the relevance of what you are saying to this adjournment motion?

MR LEUNG KWOK-HUNG (in Cantonese): Holding hasty meetings and allowing the leaders to make all decisions, just like what the Democratic Party is doing now, will lead to evil consequences. In this Council, such practice will not only affect the interests of one single political party; the fate of several million people will also be at stake. Therefore, this is an example to illustrate the evils of holding hasty meetings.

Second, at the Lushan Conference, as recalled by Mr LI Rui (He was the personal secretary of MAO Zedong)

The Lushan Conference was originally intended to purge the leftists within the party; yet because PENG Dehuai offended MAO, the "King", the purpose of the Conference suddenly turned to purge the rightists. The change just came abruptly in the course of the conference. Initially, the Conference was meant to criticize radicalism and the leftists, yet all of a sudden, there was a twist and the rightists were criticized instead. Since that Conference, PENG Dehuai had been persecuted until his death during the Cultural Revolution, all because of the sudden change in the

course of the Conference. Therefore, the evil consequences of holding hasty meetings are all very clear.

Third, the decision to persecute LIU Shaoqi at the Eleventh Plenary Session of the Eighth Central Committee also came very abruptly. LIU Shaoqi was condemned as a renegade, traitor and scab, all because of the criticisms made by KANG Sheng. So, the President of the People's Republic of China was caught unprepared and was persecuted and labelled as a renegade, traitor and scab at that meeting, which was convened in great haste. At that time, it was said that no more discussions should be held, and that the most important thing was to launch the unprecedented Cultural Revolution to destroy the old regime and establish a new one, foster proletarian ideology and eliminate bourgeois ideology. All these are high-sounding slogans. LIU Shaoqi certainly died with injustice unredressed.

In this way, no one stop the Cultural Revolution, and even DENG Xiaoping was persecuted and branded the "No. 2 Capitalist Roader". He survived only because of luck. However, DENG Xiaoping could not survive the second crisis. In 1976, the Chinese people really stood up for the first time. In Tiananmen Square, they chanted slogans, saying that they did not want Emperor Qin Shi Huang in modern times. They protested against the Gang of Four (to be precise, it should be the Gang of Five, including MAO Zedong). On 5 April, the first demonstration took place, which was branded a riot. On 7 April, the ruling party hastily passed a resolution, naming DENG Xiaoping a scoundrel and classifying all those who participated in the protest as counter-revolutionaries. A nation-wide purge was ordered. All these happened in just two days. No investigations were conducted because JIANG Qing and KANG Sheng ordered everyone to attend meetings to oust DENG Xiaoping and arrest the counter-revolutionaries. Once again, all decisions were made in a two-day meeting. This is how things would turn out in hasty meetings. At that time, some people did mention giving people a chance. All victims of unjust cases asked for chances to defend themselves since things happened so suddenly.

President, you know all such unjust cases. The Chinese Communist Party has redressed these cases, right? There is another point.

PRESIDENT (in Cantonese): You should not talk about any unjust cases now. What is their relevance to the motion topic under discussion now?

MR LEUNG KWOK-HUNG (in Cantonese): No, I am talking about short meetings with no agenda or sudden changes in agenda. Am I correct? The Lushan Conference suddenly switched from ant-leftist to anti-rightist only because there was a sudden change in agenda. President, you You are just going by the book now. "Buddy", you are a member of the Communist Party. Can you please learn a lesson from the experience of your party? Please do something good.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, I know you are interested in history

MR LEUNG KWOK-HUNG (in Cantonese): In 1987, Honourable Members

PRESIDENT (in Cantonese): But please speak on the present motion topic.

MR LEUNG KWOK-HUNG (in Cantonese): In 1987 In late 1986, the student movement in Shanghai spread across the whole country. When the movement spread to Beijing, HU Yaobang was summoned to a democratic life meeting. Despite being the General Secretary of the Chinese Communist Party, HU was criticized by party elders during the meeting and was forced to step down. Again, the meeting was hastily convened and the agenda was suddenly changed. It was supposed to be a democratic life meeting, but the issue of improper deeds was raised. Well, the meeting was supposed to talk about trivial issues, such as whether there was enough water supply in toilets, and so on, but the agenda was suddenly changed. HU Yaobang was forced to resign. This is something we all know. Precisely for this reason, there was another mistake. On 16 April, at a meeting of the Politburo, HU Yaobang was so angry that he died of stroke. This led to a chain of events, resulted in the 4 June Massacre. HU Yaobang was disgraced. What is more, XI Zhongxun, father of China's

leader designate XI Jinping, was summoned by DENG Xiaoping to the democratic life meeting and ousted just because he had made some comments.

PRESIDENT (in Cantonese): I wish to remind you that you must speak on the motion topic.

MR LEUNG KWOK-HUNG (in Cantonese): Now, this I tell you, you are the only one who understand what I say. You are a member of the Chinese Communist Party, you are cultivated and educated. I am saying all this to you, and I also want to educate the young generation. All meetings convened suddenly with changes in agenda are nothing but a con game.

I talk about HU Yaobang, and I have not finished. In 1989, you were filled with righteous indignant on the day of 4 June. ZHAO Ziyang was purged just because he said that troops should not be deployed to impose martial law. LI Peng mentioned in his diary that DENG Xiaoping became very anxious and ordered him to settle the whole thing as quickly as possible. It turned out that, once again, a meeting was convened at very short notice, and the General Secretary was suddenly dismissed from office. LIU Shaoqi, HU Yaobang and Zhao Ziyang — who were esteemed and beloved by the Chinese people — were all ousted by scoundrels at meetings convened at short notice and with changes in agenda. This affected not only their fates but also the fate of the people they stood up for.

The Cultural Revolution, the First Tiananmen Incident and the Second Tiananmen Incident are all injustice cases in the history of China. All these incidents involved sudden meetings with changes in agenda. Mr LAU Kong-wah said that the present motion topic had in fact been discussed extensively for a very long time. In society, there are always many topics which have been discussed extensively for a very long time. But what we are talking about are discussions in this legislature. "Buddy", what are you talking about anyway? We have been discussing putting an end to one-party dictatorship for a very long time. But can I suddenly add an agenda item asking for the end of one-party dictatorship? Or, is it possible for the SAR Government to voice

support for one-party dictatorship this minute and then demand for ending one-party dictatorship the next moment? Is this possible in the present context? It is all sophistry.

Honourable Members, I really want to say something for Martin LEE He only asked for two weeks for his political party to clear the shame and suspicion. But his party has rejected his request. So, here, I must ask Stephan LAM to give us two weeks, so that Hong Kong people can get to know this issue. The Democratic Party crossed over to the other side and sold itself up at a low price. Should it not tell Hong Kong people why it has betrayed them at such a low price? Does it have a duty to do so? Should the Government be held responsible?

When the League of Social Democrats and the Civic Party launched the five-district referendum campaign, we have been subject to all sorts of attacks and criticisms. But we have documentary proof. We held press conferences from time to time, even though they were not reported by journalists as they were under the pressure of the Communist Party. But we did try to report to the public.

May I ask the Democratic Party whether they have any documents on what they are doing today? Does the party have any documents for internal circulation? If there are no documents, I must ask Secretary Stephen LAM for information. Even though he is not in charge, but can I ask LI Gang? He is a low-ranking official, I cannot deal with him. What I am doing here today is for the benefits of all Hong Kong people, including those gathering outside this building, among them, some people of the pro-establishment camp had given Emily LAU an applause of welcome just now.

To be fair, if people can discuss things calmly, they will realize that my act of throwing bananas in this Chamber or my criticisms will only delay the debate for some 30 seconds only. We are now asking for 14 days, so that Hong Kong people can know what is going on. What is so wrong with that? I am scolded for causing a 30-second delay to the proceedings of the meeting, yet the Government and the Democratic Party conspired to stop Hong Kong people from discussing their under-the-table dealings. They have not only betrayed themselves, but also betrayed me and the 500 000 people whom I represent.

President, you are learned and sensible. Political parties often say, "If this is not done, there will be dire consequences. You must listen to us.". Such remarks are bound to be lies. I must say something for HU Feng — not WU Fung the actor. I am talking about HU Feng who was accused of leading a counter-revolutionary clique. Just because MAO Zedong hated him, he was accused of leading a counter-revolutionary clique. And, the case was even discussed and finalized in the Politburo of the Communist Party. By the time Mr HU FENG was released, he had gone insane. How many writers were also implicated in the persecution of Mr HU Feng? This is a very bad example. This is an example of one person controlling a political party and one political party controlling the whole country.

Honourable members, please let me continue. One day, someone asked me, "Is SZETO Wah having cancer in his brain?" I replied (amidst a huge row), "Personally, I think that if SZETO's brain can still function as it used to be, he would never have reached such a conclusion." There was a "hand-shake" incident in which SZETO Wah raised criticism. If he is right this time, then Mr LAU Chin-shek was also right then. In 2004, Mr LAU Chin-shek said, "The Communist Party does not want Hong Kong to do badly. Why don't we just put aside all differences and stop dwelling on ending one-party dictatorship?" Because of these words, he was denounced by the pan-democratic camp, including the Democratic Party. I was one of those who denounced him. I have not changed by stance, however. I will continue to denounce him. But does the Democratic Party owe him a favour? The Democratic Party is so proud of its achievement, claiming that it has done so and so for Hong Kong people. What did Stephen LAM say that day? LAU Chin-shek was persuaded by you and said those words. Did you back him up? It is all hypocrisy. Have you ever done so? Whom must be thanked? Whom must Henry TANG thank?

If the Democratic Party was right today, LAU Chin-shek was right all the more. LAU Kong-wah was also right because back in 2005, he already asked Members to hold discussions. President, you are even more correct in this case, for back in 2003 — I have been following your deeds and words — you already said, "Please stop arguing, let us have a round-table conference in Beijing.". You made an offer, but the pan-democratic camp incorrectly assessed the situation, thinking that it did not need to talk to you. Well! If one really wants any concession from the other side, one should naturally take actions when one's

strength is at its peak. Now, you are already split up. You have betrayed us on the five-district referendum campaign. You have humbled yourself before the other side. So, you must be in a very unfavourable situation now.

If we want to negotiate, we must do so when we are powerful. If we are to humble ourselves at all, we must do so only when we are totally besieged and when all family members are about to be slaughtered. We surrender not for ourselves, but for the protection of the mass. This was the advocacy put forward by TROTSKY during the Russian Revolution. At that time, the Soviet in Petrograd was besieged, so he had to sign an agreement under coercion. In the context of Hong Kong today, do we need to do so? Can the Democratic Party answer the calls of its conscience?

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

MR PAUL CHAN (in Cantonese): President, during their speeches delivered just now, some Members mentioned the opinion survey conducted by me in the accountancy constituency. I am afraid what they suggested between the lines would lead to misunderstanding among some people who might think that I had deliberately taken advantage of the original constitutional reform package in order to conduct the opinion poll, so that I can ignore the findings of the opinion survey and vote according to my own wish rather than the wish of the accountancy profession. President, such remarks are extremely irresponsible and unfair.

First of all, like many other people, I was totally in the dark about whether the revised constitutional reform package proposed by the Democratic Party would be accepted before the issuance of the survey questionnaire by me on 11 June and even after the conclusion of the survey. I still remember I spoke with grave concern during the debate conducted in this Council on 9 June, that is, two weeks ago, on a motion proposed by Mr Ronny TONG. On that day, I enquired with some Members of this Council, who are also core members of the Democratic Party, in the Ante-Chamber about the situation of the revised reform package. Members were still very pessimistic at that time.

In fact, President, I was no exception, because many people in the community and the political circle, and even some media, knew little about this matter. Or else, Members would not have seen some people making some embarrassing U-turns.

President, some Members mentioned opinion surveys just now, and they also talked about the opinion survey conducted by the medical constituency. Hearing that, members of my constituency will probably ask me, "Paul CHAN, why do you not follow the practice of the medical profession to set a deadline for the opinion survey at the last minute and give us an opportunity to change our minds through the Internet for statistical purpose?" President, the opinion survey conducted by the medical profession has its merits. Dr LEUNG Ka-lau has proved himself to be an outstanding doctor because his opinion survey is designed in such a way that his electors can go online for the survey anywhere and anytime. After completing the survey, they can also go online to change their preference if there is a change in the developments of the matter or if they wish to change their minds. As regards the deadline of the opinion survey, according to Dr LEUNG, the electors of the medical profession can change their preference until the very moment before the voting. This is the merit of the survey. However, has this survey any shortcomings? President, I am afraid the survey has shortcomings, why? Regarding this survey, even Dr LEUNG mentioned just now No, this was not what Dr LEUNG said earlier. He did not speak just now. President, I have to correct my comments. When I enquired with Dr LEUNG earlier, he mentioned what is my concern? My grave concern is how to ensure that a person cannot vote twice when he is asked to a vote in an opinion survey. According to Dr LEUNG, as each elector is given a number, this can ensure that he or she cannot cast another vote.

However, President, what are the shortcomings of this sort of design? First of all, all people being polled can find out the number of people who have cast their votes, the number of supportive votes, and the number of dissenting votes. If they wish to take a more in-depth look to find out the identity of those who have cast supportive votes or dissenting votes, they can also do so. Of course, I am absolutely not implying that Dr LEUNG will act in this manner. Judging from his moral character, Dr LEUNG will not act this way. It is only that the mechanism allows people being polled by this means to find out how

other people vote at any time and at any place. If you wish to canvass for votes, you can do so; if you wish to find out who have cast supportive votes or dissenting votes, you can also do so. I believe people in the accountancy profession, given their smart calculation and professional scepticism, might not be willing to accept opinion surveys conducted in this way.

President, how do I conduct the opinion survey? The survey was conducted through the Institute of Certified Public Accountants, because it has the entire database of its members. I passed the questionnaires to the Institute, it distributed the questionnaires to its members and the questionnaires were returned to the Institute upon completion. Hence, the Institute could be in absolute control and could ensure that electors could not cast another vote. Moreover, the voting result would not be known until the survey is over. Furthermore, we cannot tell from the result the people who have voted for or against the reform package. Of the 29 000-odd members of the accountancy profession, more than 400 members have insisted that they do not want any communication by electronic means. Therefore, we have provided a printed questionnaire for 400-odd electors. Moreover, we must ensure that no cheating will be involved in printed questionnaire.

I still remember the opinion survey conducted in 2005 on the constitutional reform package when some people each gave 14 replies because they were so passionate about some political issues that they very much hoped to see their own opinions turn into mainstream opinions. However, we must ensure that nothing like this will happen procedurally; otherwise, people in or outside the profession will question the fairness and impartiality of the survey. Under the present arrangement, I have no idea how many people have cast their votes and who have voted for or against the reform package before the voting result is known. Therefore, people can feel at ease when they cast their votes and will definitely not feel any pressure.

President, I explained just now how this survey was conducted so that colleagues in this Council can have a better understanding, and misunderstanding can be avoided. President, just now, I listened very attentively to the debate conducted in this Council, particularly the discussion on whether this motion should be adjourned for a vote. President, the announcement of this revised

package being accepted was made on Monday. In fact, it is unsatisfactory for a vote to be put today in such a hasty manner. Although I note the comments made by some Members that the revised package is nothing new, because Members actually should have some understanding of the revised package, considering that the constitutional reform consultation has started in November last year, and the package was introduced on 14 April this year and the revised package was proposed by the Democratic Party on 24 May. So, the package cannot be described as brand new or strange. However, President, I have also noted that — for ordinary people, or electors in the accountancy profession — after issuing an email explaining my voting intention today, I have received more than 100 emails so far. Some people mentioned in these emails that they do not actually have a thorough understanding of this revised package, and they hope to have more time for deliberation.

President, I personally support this package because in this Council, I am very concerned about and have paid great attention to these matters. Therefore, I know the whole story. However, I believe many people in the community do not necessarily follow the story as closely as we do and hence, they do not exactly know what has happened. If the Government can slightly postpone this motion, so that we can have more time to digest, discuss and understand the motion, before submitting it for Members to vote according to the intention of their electors, I trust the motion thus passed, President, can gain more extensive support in the community, and thus become more convincing.

With these remarks, President, I support postponing the procedure of voting on this package.

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

DR PRISCILLA LEUNG (in Cantonese): President, I think today is an important historical moment. Actually, I have got this rope just now, and I think it can help illustrate many philosophical ideas. I remember in my first year at university in the department of philosophy, Prof HO Hsiu Hwang taught us the notion of "between zero and one", and that is, in fighting for a certain cause, one

will be able to achieve the ultimate goal once a certain point between zero and one is reached. This rope can also help illustrate other philosophical ideas. One may use it to hang himself; scouts and guides might tie a dead knot if their knotting skills are poor, yet to serve in the St. John Ambulance Brigade, one has to know how to tie a slip knot. Today, we have already tied many knots on the constitutional reform. If these knots are not untied in time just when they are loosened, they may be pulled tight again. When the time has come, they have to be untied.

Over the past 20 years — I used to study political science — I have been pondering over two theories, which I think many civil servants in Hong Kong have come across. One of them is the theory of Incrementalism developed by Charles LINDBLOM, and the other one is the Rational Comprehensive Model (RCM). I remember one could almost be certain that there would be a question on these theories in the examination for third-year students at university. The professor then, that is, my teacher, is now engaged in politics. He said people prefer Incrementalism because they think that society needs development, and the society will move forward in an increasingly fast pace if gradual development is pursued, but it will always stay at "zero" if the first step is not taken. As for the RCM, it refers to making a complete change in one go. When I was studying at university, my teacher always used the Cultural Revolution and MAO Zedong as examples. MAO Zedong was a politician and thinker who initiated the Cultural Revolution. He was a person with ideals because he found that Chinese people had many deep-rooted weaknesses. Even people from the League of Social Democrats said so, and it is true. Those of us who have lived in the Mainland — actually it is the same in Hong Kong — will find that Chinese people have many deep-rooted weaknesses. To bring about a change, one has to change not only the system but also the culture, and everything has to be revamped, regardless of whether or not it is desirable, just like electrotherapy, in which the good cells are also killed. Actually, the society cannot take it. Today, Hong Kong is facing an entangling problem in its constitutional system, which has been bothering us for a long, long time.

I admire "Long Hair" very much because he has been upholding the same principle for years. Up till now — I do not know which generation he belongs to, and perhaps he belongs to the post-50 generation — he still acts so radically.

I would like to share with Members how I felt when I saw youngsters and leaders of university student unions defended the Goddess of Democracy statues in these days. This reminds me of what happened in 1989. Back then, I was at the Tiananmen Square. When ZHAO Ziyang arrived at the Tiananmen Square on 19 May, I was one of those who applauded. We were overjoyed when we saw the military helicopters flying in the sky because no one would believe that a tragedy would happen afterwards. I remember on 26 May, many students had to leave because they were physically exhausted. However, many senior secondary students from other provinces considered it great fun and put up their tents at the Tiananmen Square. I was there at that time, and I said to them that as the Paris Commune had come into being, we should persist and persevere. I witnessed the development of this movement since 15 April, and students from the university I studied in were among the first group of people to gather at the Tiananmen Square to mourn for HU Yaobang.

I have not talked about this experience for two decades. I think going through such a radical and cruel part of history, which is a wound in history, is like witnessing a father killing his son with his own hand under a radical situation. That is why our wound can hardly heal even after two decades. Regarding such radical political movements which are similar to the RCM, that is, the idea of effecting a fundamental revamp, frankly speaking, I reject it somehow. I used to believe in it. When I was studying at university, I was a radical. I think we should respect and admire university students who fight for their causes, remember the June 4 incident and defend the Goddess of Democracy statues because young people tend to pursue their goals and perfection during this stage of life. Today, when we look back at these incidents and the constitutional development, we may face different situations in different positions.

PRESIDENT (in Cantonese): Dr LEUNG, I would like to remind you that we are now conducting an adjournment debate.

DR PRISCILLA LEUNG (in Cantonese): I will speak on it, President, please listen to me. Such radical means, when going to the extreme, will hamper social reforms to roll forward, and may even slow down the progress. Therefore, when

we look back at the constitutional development of Hong Kong, we find that there is so much tension in Hong Kong now, should we pluck up our courage and move forward? As for Albert HO and I, I think Members know that we always debate with and criticize each other. However, I think they have made a significant historical decision at this important historical moment. Insofar as this is concerned, I admire them.

Back to whether we should support this adjournment motion, it is very nice of Mr James TO to mention that we have once put forth the "one-person-two-votes" proposal. I think it is worth mentioning. Regarding the DC proposal based on "one-person-two-votes" model, or returning the five new DCFC seats through direct election over the territory, frankly speaking, it has been put forward since 2006. When I searched the records, I found that such proposal may have been put forward since 2002. I have also searched the documents of the Commission on Strategic Development (CSD), and I found that a few dozen pages were devoted to this subject. Mr Abraham SHEK also agreed to this because we had served at the CSD together for more than two years and had been discussing related issues every day. Back then, we adopted a bookish approach in discussing politics. We proposed a model to the Government, and when the Government considered it infeasible, we proposed another model, and again another model when the previous ones were considered infeasible. This way, the issue has been dragging on till now. Why?

During our bookish approach in discussing politics, many models proposed were in fact quite good, and I would certainly consider them quite good. Back then, when we put forth the "1+30" proposal, many members from the pro-establishment camp commented that only academics would put forth such a proposal because it was seriously detached from the reality. They considered it not possible to conduct FC election by universal suffrage, involving some three million electors. However, a similar package for returning five seats has been put under trial today. Certainly, the package was not proposed by the academics, for if it was, I believe it would not have been treated with importance, because nine critical votes are involved. This is the reality. Apart from our model, a constitutional reform also involves political strength. Do we still wish to drag on? Frankly, I have discussed this issue with people from the Kowloon West New Dynamic, that is, the DC members from my constituency. They are

very positive about this DC package. They think it would be fair for Members to be returned from among elected DC members by universal suffrage. We conducted an internal discussion and concluded that we agree to this package. We did not organize the discussion all of a sudden. When we discussed whether or not to support the DC package, we had already conducted extensive discussion on the subject. Actually, regarding this issue, many Members from the pro-establishment camp — only some but not all of them — in particular, Members representing the business sector, told me that they were very concerned. The atmosphere is that universal suffrage is about to be implemented and they have to prepare for it. Under this atmosphere, if we take this step forward, the business sector and other FCs which are probably considered as conservative will have no choice but take the challenge and move towards universal suffrage.

However, I think putting this package to vote after discussion today is only the first step because many details are yet to be discussed. First, regarding the abolition of FCs, I think Mathias WOO was very sensible by pointing out during our discussion in a television programme the other day that no one in Hong Kong has ever discussed the contributions made by FCs and how we should abolish them. Neither have we examined what kind of mechanisms can perform certain roles. Besides, we should also discuss the subject of political party law.

It is desirable to have so many new political parties in Hong Kong, and these political parties have to move towards maturity. In other places, political parties would begin to mature with the approach of universal suffrage. Political parties have been playing the role of balancing various needs or interests of different sectors. We should allow political parties to balance these needs and interests. There is no mature political party in Hong Kong. If the needs and interests of the business sector, middle-class and grassroots are already balanced within political parties, universal suffrage will not be a cause for concern at all. However, the political parties in Hong Kong are only at their initial stage of development, and I think that as many of them are only based on a single agenda, they are unable to have across strata development. Under this circumstance, political parties have to expedite their development, and constitutional reform should brook no further delay. When FCs are moving towards universal suffrage

PRESIDENT (in Cantonese): Dr LEUNG, we are now conducting an adjournment debate. I think it is more appropriate for you to leave the content of your speech for the debate on the motions to be moved by the Secretary for Constitutional and Mainland Affairs. We are now debating whether the Council shall stand adjourned.

DR PRISCILLA LEUNG (in Cantonese): President, I have other remarks to make for that debate. Please allow me to continue with my speech.

On constitutional reform development, I think we have to discuss, and the Secretary should also give more consideration to issues on how we should proceed with the constitutional reform development in the future, such as the platform for communication. The concrete issues raised by many Members from the pan-democratic camp just now may have to be considered during the enactment of local legislation. Therefore, I think the knot

(A person in the public gallery made some noises)

PRESIDENT (in Cantonese): Dr LEUNG, please wait for a while. Will the person in the public gallery please keep quiet.

(The person in the public gallery still made some noises)

PRESIDENT (in Cantonese): Will the person in the public gallery please immediately stop expressing your views.

(The person in the public gallery continued to make some noises)

PRESIDENT (in Cantonese): Security Assistants, please escort the person in the public gallery out of the Chamber.

(The Security Assistants helped the person in the public gallery to leave the Chamber)

PRESIDENT (in Cantonese): Persons in the public gallery, please understand that when the meeting is in progress, you are not allowed to make any noise to interrupt the meeting.

(The Security Assistants escorted the person in the public gallery out of the Chamber)

PRESIDENT (in Cantonese): Dr LEUNG, please continue. However, please speak on the adjournment motion.

DR PRISCILLA LEUNG (in Cantonese): Therefore, President, I think the discussion in Hong Kong now should dovetail with the development of the constitutional reform and the implementation of the package, if it is passed. Therefore, I think it is high time we conduct a formal discussion because, as I said just now, the knot has been loosened, and we should continue to untie it. If we allow the issue to drag on, it will become a dead knot.

For these reasons, I support continuing with the debate.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, Secretary for Constitutional and Mainland Affairs, do you wish to speak again?

(Mr Paul TSE and Mr WONG Yuk-man raised their hands to indicate their wish to speak)

MR PAUL TSE (in Cantonese): President, just now, Mr LAU Kong-wah put forward several justifications for opposing a deferment of the debate. I agree to

all such justifications. He also read aloud the content of the Annex. The topic of our discussion today is actually very simple, only involving the issue of "35 plus 35". Members all know this well. But some Members have argued, "No, this is not exactly the case. On the face of it, we are discussing this issue, but in reality, amendments will be required in many areas." I have yet to find out what they actually mean, because I am after all a novice in this Council. Very often, when it comes to the moving of a motion or a bill, in case there is a need for any last-minute amendments or if the wording cannot be changed immediately, it is still possible to continue with the debate, rather than deferring it, for the Government can still make some sort of verbal or written undertakings. I think this is a practical and feasible approach with proven effectiveness.

Regarding public opinion, let me try to base my discussions from three perspectives because presently, opinions about this motion seem to be divided into three camps. I shall start from the perspective of the pro-establishment camp, which may also include me. Although I am not a confirmed supporter of the pro-establishment camp or I may not speak for the pro-establishment camp every time, I think FCs have made much contributions, and what we should do now is to comprehensively study and discuss the backgrounds and justifications leading to the existence of FCs, solicit public views and then discuss the abolition and retention of FCs. It is just too early to discuss this issue at this stage. Anyway, from the perspectives of the pro-establishment camp and those supporting the retention of FCs, the present revised package (I shall use this term from now on) seems to be worse than the original one, in the sense that FC seats are more "spread out". Members can all see this very clearly.

If there will be further consultation on the revised package, it is most important that the staunch supporters of FCs must be consulted. In this connection, some Members, including Dr LEUNG Ka-lau and Mr Paul CHAN have been doing their utmost — please allow me to deviate a little. Actually, once we are elected to office under the system of representative government, we must discharge our responsibility. We cannot argue that we cannot vote until the last-minute results of opinion polls are available. If this argument holds, it will be better to elect a machine to office. We must make our own judgment because no one in our respective sectors knows the development better than we

do. After extensive consultation, we must still discharge our responsibility at the end of the day. We cannot use opinion polls as a shield, saying that whether we are turning right or left must depend on the findings of opinion polls. The fact is that subsequently, if our electors are unhappy with us, they will not vote for us next time. This is very simple. We must not be so indecisive as to argue that we must defer our decision until the last minute when the results of opinion polls are available. This simply does not work. Maybe, I should not make such a criticism, but if I have some views, I have to voice them out.

Sometime before 12 February, I already conducted quite a comprehensive opinion poll on the original package among members of the tourism sector. Following the poll, I also disclosed the findings to all my electors and the relevant government departments. This is very clear. How about the revised package? Time-wise, it is impossible for me to do the same. Nor do I think that there is any such need because I can basically grasp the pulse, so to speak. I also tried to have last-minute talks with representative figures in the tourism sector. It appears to me that they do not have any strong objection because there is very little change to the original package. Frankly speaking, following the last-minute confirmation over the past few days, I can aver that we in the tourism sector generally support the revised package. This is the viewpoint of the so-called pro-establishment camp on FCs.

As for those diehard opponents, I am not referring to any particular individuals or political parties, Members are well aware that even if we spend 10 more years discussing this package, they will oppose it all the same. It is pointless to talk about two more weeks. I fail to see how the diehard opponents will ever change their minds even if they are given two more weeks. It is pointless to do so, as can be evidenced by the case of the Express Rail Link. I think that since the outcome will just be the same, we should not waste any more time. The reason is that all amendments will be to no avail.

All hinges on the Democratic Party. I do not want to criticize it too much because it has been caught in a very pitiable situation lately. But I still want to raise several points here. First, if my understanding is correct, the Democratic Party convened a general meeting this Monday evening, during which its

founding Chairman proposed to defer the matter for two weeks, so that the party could have enough time for discussion before making a decision. But then, after discussion, the proposal was vetoed. The question I want to ask is, since even the Democratic Party itself thinks that a decision on this package should not be further delayed, why are they saying, just two days later, that we should wait for two more weeks? Are they saying that the practice applicable to the party may not be applicable to the general public? Why have they changed their minds? I suppose they should give an explanation if there is any opportunity.

The second point is that in all the most popular newspapers today, the Democratic Party puts up a large advertisement entitled "To All Hong Kong People" to explain its position. It is very clearly stated that since the electorate base of the DC seats in the Legislative Council has been expanded from some 400 people under the original package to 3.14 million people under the revised package, the party thinks that the latter should be supported. Besides, I quote, "The Democratic Party is convinced that today we should vote for the Government's revised constitutional reform package for 2012. The reasons are as follows". The Party is obviously talking about today. May I ask why they ask for deferment now? Are there any secret reasons unknown to us? Are there any partisan struggles that led to such a sudden change? Will Beijing, the Hong Kong Government, the various government departments and even political parties thus worry that there may be problems? The Democratic Party must give an explanation, or everybody will wonder why after all the talks about today, they now support the deferment of the debate. That I really cannot understand. Admittedly, deferment itself is no big deal, but I also think that having clearly referred to today, such a major political party simply should not adopt such a stance now. This is not a responsible attitude towards the public. All Hong Kong people know that they are going to vote today, but then, they suddenly support a deferment of two weeks. So, they should give an explanation.

President, we in the legal profession I believe that Members sitting on my right do frequently come across such a situation. During negotiations, whether it is "horse trading" or "bargaining", we may first have a certain position, or a package in mind. In court, we will negotiate with the other side and listen to what the judge says. Afterwards, we will hold further discussions and think again. Then, at the last minute, we may change our position and accept the so-called "give and take" package. It is of course very simple in the case of a

lawsuit, for we can consult our clients, solicitors, barristers and our own team again. But in the case of the revised package, while one may find it acceptable, it is difficult for one to know the opinions of all members of the public instantly. I have mentioned, and let me emphasized once again, that the very essence of representative government is for one to make a decision immediately after the first round of consultation, because in theory, he or she should know best. A Member of this legislature is a representative of his or her electorate. The Member must make a judgment. If he or she makes a wrong judgment, the electors will penalize him or her next time. If the Member makes a correct judgment, the electors will continue to support him or her. It is as simple as that. One simply cannot always wait until the last minute before deciding what to do. We are no longer living in the times of ancient Greece or Rome, when everyone could cast a vote directly. This is not in line with the spirit of a representative government.

Speaking of debate and bargaining, if one has previously been instructed to accept an offer of \$1, one can actually accept the offer of the other side when it is willing to give \$2. One can then explain to his client that this is a better offer and should be accepted. There are no reasons for turning down such an offer. This is just common sense. But now, someone is saying, "No, the instruction is to take \$1, but \$2 is being offered. This is fine, but we must think it all over again." Is this in accordance with common sense? I frankly cannot see the rationale. Therefore, I hope that the people concerned can answer these questions when opportunities arise.

President, I also wish to share my thoughts with you. May I sidetrack a little for one or two minutes. I must make two important decisions this week. I must make a decision for the tourism sector and my electorate. I also have to make another decision for myself whether I should continue to fight or I should settle a case that has dragged on for more than 10 years. The choice between a settlement and continuing the lawsuit may involve a million, 10 million or more than 10 million dollars. Over all these years, I have thinking about this, about whether I should seek to overturn the rulings in some cases of injustice. I have been extremely frustrated over the past weekend. The reason is that there are actually some proposals that can settle the problem. I have been thinking over and over again without any result. I believe that even if I am given two more weeks, the only outcome will be two more weeks of torture because in cases like this, there can never be any right or wrong answers. One can only make a

decision on the basis of his judgment of the time, his past experience and the information he has. One cannot say that two more weeks can lead to a change of the original decision.

Some Members have said that the present package was put forward as early as 2007. This is clearly a fact. When I review the sequence of events once again, I notice that on 19 February, the Democratic Party formally put forward the revised package to Secretary Stephen LAM. There were extensive media coverage, and there were many discussions, commentaries and arguments in the media and among political parties. It is not true that this package was only introduced a few days ago. It is a long known fact the other side is willing to offer \$1 or \$2. The other side initially refused to offer \$2, and it only offered \$1. For a long time, there was no agreement on the difference of \$1. Then, the other side said, "Alright, I will offer \$2. Are you sure the \$2-offer really works?" They replied that the \$2-offer would be acceptable and guaranteed that nine votes could be secured. No, they guaranteed that they would hold a meeting and make their party members support the package. Of course, we now know that seven votes instead of nine may be secured. I do not know whether the other side will accept this. Basically, this is a specific package that cannot be changed. But then, at the very last minute, after convening the general meeting and the vetoing of Martin LEE's proposal of postponing the matter for two weeks, they now talk about two more weeks again. I really fail to see what has been going on. Is this precisely the last-minute change feared so much by many members of the public and government officials?

I do not want to criticize the Members belonging to the Democratic Party here. But I do want to ask a number of questions about logic and common sense, in the hope that they can make us feel more comfortable. The reason is that if they have any good points or cogent reasons Frankly speaking, up to this minute, I still have not decided whether I should support the deferment of the debate. I think even if two more weeks are given, it will just prolong the agony, and will not solve the problem concerning the dispute about \$1 and \$2.

Therefore, speaking of the three camps and the revised package, the pro-establishment camp and FCs, including the one I represent all find the package acceptable because it enables us to take a step forward. And, the diehard opponents will never change their position even if discussions go on for

10 more years. All hinges on the Democratic Party. I hope that they can express their position clearly and tell us why the whole thing must be postponed for two weeks. Thank you, President.

MR WONG YUK-MAN (in Cantonese): President, as a Chinese saying goes, "going slowly will yield satisfactory results". In many cases, haste simply does not work. Even the collusion between the Democratic Party and the totalitarian regime does not start today, right? Over the past decade or so, many so-called intermediaries representing various government departments and research institutions on the Mainland have come to Hong Kong to contact the Hong Kong democratic camp for propaganda purposes. They have met with many people. In some cases, they have even established regular or non-regular communication channels. This is already an open secret. Their justification for doing so is that since Hong Kong has already been reunited with the motherland, there should be no problem for people in the SAR to dine and to wine with mainland government officials or even communists cadres.

The Democratic Party's so-called revised package can be traced back to their objection to the five-district referendum campaign. That very day, LI GANG arranged a limousine to take the three top leaders of the Democratic Party to the office of Liaison Office of the Central People's Government in the Hong Kong Special Administrative region (the Liaison Office). Everybody could see very clearly that the level of reception — President, you should know too well — was very high indeed. In the past, there were no contacts at all. Even though there might be some under-the-table dealings, meetings, communications, "informal briefings" and exchanges of intelligence, but contacts could never be conducted openly. I am not so lucky, and I have never met with any officials from the Liaison Office. They have never made any overtures to me. So far in my life, I have never had any such experience. The only occasion was that I had dinner with the then Deputy Director of the Liaison Office, WANG Fengzhao for two hours, in my capacity as the publisher of *Sing Pao*, thanks to the arrangement made by Mr LAU Nai-keung. But I paid for the meal. I was the publisher of *Sing Pao* at that time, and WANG Fengzhao was in charge of the propaganda department of the Liaison Office. So, it was only normal for us to have some sort of communications. However, the meeting had no meaningful exchanges.

There is understandably a huge gap between the Democratic Party and the Communist Party. Some dealings must be involved before contacts can be made. What I want to know is details of the dealing. A couple of days ago, Emily and I met in a radio programme Everybody knows that we are good friends, and I seldom criticize her. This time, things turned out really bad, she has fallen out with me. We have been friends for decades. I believe there will be great trouble in future. But I have always taken delight in making enemies, and making friends is only secondary to me. There is really nothing much I can do. I asked her whether there were any under-the-table dealings between the Democratic Party and the Communist Party. I asked her whether there was anything that could not be disclosed. I must say that it is only natural for us to ask all these questions. "Buddy", LI GANG once said publicly, "We want to express our approval of the Democratic Party's opposition to the five-district referendum." (*In Putonghua*)

PRESIDENT (in Cantonese): Mr WONG Yuk-man, we are holding a debate on the adjournment motion.

MR WONG YUK-MAN (in Cantonese): Yes, I will come to this. I first want to tell you why we should defer — going slowly will yield satisfactory results. I have just explained that to you. Since I have mentioned this point, I must say a few words on the background. I have 15 minutes to speak, "Buddy". Even if you give me 15 more minutes, I can use all the time.

I said I did not know whether they had any behind-the-door or under-the-table dealings. She immediately flew into a rage and pounded on the table, saying, "You have defamed the Democratic Party, you have smeared the reputation of the Democratic Party. You must produce evidence." Since I was talking about under-the-table dealing, how could I produce any evidence to her? Did she mean that I was eavesdropping underneath the table? That is actually a subjective judgment based on known facts. "Long Hair" once told the story of QIN Gui, about the allusion of "The Exposure of the East Window Plot". The story was about how QIN Gui and his wife plotted to murder YUE Fei. This is a very famous idiom. When I hosted a programme on Chinese History, I also explained the origin of this idiom. Many people frequently use this idiom without knowing that it originated from the story that QIN Gui and his wife plotted the execution of YUE Fei in front of a window in the eastern wing of their

house and their actions were eventually exposed. Now that the plot of the Democratic Party has come to light, why can I not question them? They must give an explanation. However, it is such a great pity that so far, not only we, but also There are nine Members belonging to the Democratic Party, among them, I do not know whether KAM Nai-wai is aware of this incident. It seems that he has been kept in the dark. I guess WONG Sing-chi, James TO and Andrew CHENG do not know anything as well, right? Only the group of six knows what has happened, and one of them is not a Legislative Council Member

PRESIDENT (in Cantonese): Mr WONG Yuk-man, is what you are saying relevant to the adjournment motion?

MR WONG YUK-MAN (in Cantonese): Going slowly will yield satisfactory results. I want an explanation from them. I have to make use of this two-week interval, I also have to question the Government whether they have any under-the-table dealings, give me some time to think and find evidence. Emily always asks me for proof — no rush, what I am saying is no filibuster. Some Members have said, "It is a waste of time. It is useless talking to people like you.". This is in a way also correct. You think that he is biased, and he likewise thinks that you are biased. It is difficult for either party to persuade the other party to accept a biased view. It is inevitable that there can never be any interactions. You will only remain a heterodox person in my eyes. It is as simple as that. However, President, we are also reasonable fellows.

President, the U-turn of the Democratic Party is really a very big event. You also find it unexpected, right? I do not believe that you know this beforehand. I bet with someone — though I was not being serious — a couple of months ago that the constitutional reform package would surely be passed because I reckoned that the President would cast your vote. My guess was wrong. Later, I started to sense something queer. The Alliance for Universal Suffrage held a press conference last Friday, the purpose was to further lower the bottom line, that is, as long as the Government accepted the DC package, the Alliance would cast a positive vote. By that time, I realized that something was seriously wrong. I rang up Albert HO twice, and afterwards I have a hunch. As can be expected, Albert was tongue-tight. Even so, I could still sense that the constitutional reform package would surely be passed. But I still had many

questions and doubts. Now, they have fallen out with me, they should give me some reasons for this, right? Therefore, speaking of this debate, all of us should really have a break today, go back and think about the whole thing calmly. It is all that simple. Everybody just go back and think with a clear mind. All parties concerned, including the Government, should spend two weeks on further deliberation.

I really do not bother to reprimand Secretary Stephen LAM. What is point of doing so anyway? Who is he to say anything at all? Am I correct? He never has any say at all. That very day, after his meeting with the Democratic Party, he said firmly and politely that no changes could be made. As for the Chief Secretary for Administration, he was all smiles, and he succeeded in making me believe that there was no room for changing the Government's constitutional reform package. But, just overnight, all Hong Kong people realized that their guesses were all wrong (Someone has mentioned LAU Kong-wah). LAU Kong-wah of course did not know, his level is much lower than me, even though his status is high as he is a member of the Executive Council. But then, he is just slightly lower in status than the President. The President did not know, nor did TAM Yiu-chung. Being the Chairman of the biggest political party in Hong Kong, the pro-establishment camp, the Chairman of the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012, as well as the Chairman of the Panel on Constitutional Affairs, TAM Yiu-chung knew nothing. He is really pitiful.

Therefore, President, I said on that day that old patriots were inferior to new patriots; new patriots were inferior to sudden patriots; sudden patriots were inferior to those opposing China and upsetting order in Hong Kong. The political party that opposes China and upsets order in Hong Kong has become so prestigious now, right? It has become the new favourite. Why is the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) not given such a preferential treatment? President, you are really brilliant, and the two of us must commend you. We admire you the most. You once remarked that the DAB had to endure insult without getting any glory. This is really a remark with deep implications. You are superb. It is really all about insult without glory. President, have you ever asked why insult and glory cannot go hand in hand? You people love the country, love Hong Kong and support the Communist Party. For the interests of Hong Kong's future, for the

implementation of "one country, two systems" and "a high degree of autonomy" and for the maintenance of stability and prosperity, you people have come under all sorts of You have really bear disgrace and a heavy burden. At one time, you endured all sorts of disgrace for the sake of survival. It was so miserable then. Now, you can finally see the clear sky. Now, some 10 years later, you are the President of the Legislative Council. How prestigious you are! All these Honourable Executive Council and Legislative Council Members will become

PRESIDENT (in Cantonese): Mr WONG Yuk-man, I do not think that your remarks are relevant to the adjournment motion.

MR WONG YUK-MAN (in Cantonese): Speaking on this adjournment motion again, as you know, my remarks Given the present situation I simply failed to see what Priscilla LEUNG was driving at just now. You stopped her and asked her The situation now is just the same. But, buddy, at least, my remarks are very amusing, right? By the way, I must remind people that in this world, in the political arena, nothing is impossible, and there are no eternal enemies, nor eternal friends. Only benefits are ever-lasting.

President, I am sure you must know a Chinese saying — when one has no power, relations will break off; when there are no benefits, people will go away. It is always like this. When you have power, you enjoy high prestige. It is just like you now, "Buddy". Your smile is so bright. Sometime ago, when there are no benefits, people just go away. It is just like that. Look at the Chairman sitting over there and there are also They look so majestic. When I look at the two of them, I am really very happy. I can put my arms on their shoulders because I am slightly taller. I must tell you, Albert HO is certainly a man of "high" level of wisdom. You would never have dreamt that once he is the party Chairman, he would make such a U-turn

MR ALBERT HO (in Putonghua): Good for you.

MR WONG YUK-MAN (in Cantonese): Could have you imagined that?

MR ALBERT HO (in Putonghua): I cannot figure it out.

MR WONG YUK-MAN (in Cantonese): Could you have imagined that? No one could have imagined that. Over the past few days, I have thought about the whole thing over and over again. People like us are really a total flop. Having reached the last part of the second half of my life, I may suddenly get cancer. So, I must plan for the last part in the second half of my life. In the end I hope that when I still have the energy, I can see some progress in the democratic development of Hong Kong. Many people dislike our unruly behaviour, but some have told us, "Yuk-man, I do not like your style. But I do not think we can do without you. With you, there can at least be a balance. You do not have the ability to start a rebellion anyway." Some people even ask me why I do not go to Jinggangshan to start a revolution. I of course do not have such an ability, "Buddy". I had such an ability, I would have died long ago, right? In Hong Kong, utilitarian thinking is dominant, and benefits are everything. Very few people have structural thinking. So, people do not talk about principles. They only talk about means to achieve ends.

CHEN Dai, a disciple of Mencius, frequently asked his teacher — this relates to what I am now saying — if by bending only one cubit, one made eight cubits straight, was it a thing which might be done?. What CHEN Dai meant was that one made a small concession so as to gain on the major issue. Actually this is possible and one should not be so rigid all time. In other words, we cannot always walk straight, we must know when to turn round the corner. Mencius then told CHEN Dai, it was alright for a person to do so if he pursued benefits, but if a person pursued righteousness, he must not do so. There should be no compromises. The difference between us and the democratic camp today is a difference in fundamental principle rather than one in approach. The split facing the pan-democratic camp today is not attributable to the League of Social Democrats, but those who have caused the split. "Long Hair" gave a very good example. There is a man who has abandoned his wife and begins a relationship with another woman. When his wife asks for a divorce, the man refuses, saying

that she stirs up trouble and destroys harmony. The point is that the man is the one who splits the family. He begins another relationship and abandons his wife. Then, when his wife asks for a divorce, he tells her not to split the family. President, is he logical? Of course not.

To many people, this motion that concerns the future of Hong Kong is a very important choice they have to make. We are discussing these two motions in the Chamber today, but we must give people, including Secretary Stephen LAM and Chief Secretary for Administration Henry TANG, more time for further consideration. Frankly speaking, someone has just said that since they already have a deal with the Democratic Party and there is a tacit understanding, it should be alright to defer two weeks, so that those in the dark can get to know more about the situation and more information can be provided. I am not talking about intentional delay. "Buddy"

MR LEUNG KWOK-HUNG (in Cantonese): The situation now is even worse than that of the Express Rail Link.

MR WONG YUK-MAN (in Cantonese): It is no intentional delay. "Going slowly will yield satisfactory results".

If you want things to run smoothly, then I must beg the Government to tell us all the details concerning their discussions with the Democratic Party on the revised package. President, do we have the right to know? Do we have any consensus on the nomination threshold? Do we have any consensus on the electoral method and voting system? Is it going to be just one territory-wide election, or five elections in five constituencies? There are all sorts of questions like these. Is it possible for non DC members to stand for election? We want answers to all these issues. I guess you have discussed all these issues. If so, then there is really a big problem. Even LAU Kong-wah did not seem to know, when the Executive Council passed the DC package proposed by the Democratic Party, do not put words into the mouth of LAU Kong-wah. I really admire LAU Kong-wah because he had foresight. He left the United Democrats of Hong

Kong a long time ago and joined the pro-establishment camp. Who are you people anyway? You do not have any foresight at all. But

(Mr LEUNG Kwok-hung clapped)

PRESIDENT (in Cantonese): Keep quiet.

MR WONG YUK-MAN (in Cantonese): Although you do not have any foresight, you can get even more benefits. In this world You have been chided for so many years by those people in the democratic camp, right? I want to vindicate LAU Kong-wah today! You vindicated LAU Chin-shek just now. Good. Besides vindicating LAU Chin-shek, we must also vindicate LAU Kong-wah.

I support Ms Cyd HO's motion.

MR LEE WING-TAT (in Cantonese): President, to begin with, I do not know that I have a wife called WONG Yuk-man. *(Laughter)* President, Mr Paul TSE asked me a question, and I must reply. He said that even Mr Martin LEE of our party asked for a deferment of these two motions for two weeks in our general meeting, so he wanted to know why we have changed our position today. Actually, there is some misunderstanding on his part. The motion moved by Mr Martin LEE in our general meeting was to defer our general meeting, not the Government's two motions for two weeks. However, according to the rules of our party, the general meeting is the highest organ of authority. If the general meeting could not make a decision before Monday, all the nine Members belonging to the party would not have any party authorization and instruction on how they should vote. This was what I told the press. I told them that if no decision was made that night, the nine Members could vote in three ways without violating party discipline. I therefore hope that Paul can understand that we have not changed our position. I believe that the Government also knew that that night, it was the first time Not the first time. I mean when the constitutional reform package was discussed several weeks ago

MR PAUL TSE (in Cantonese): I wish to clarify what I said just now

PRESIDENT (in Cantonese): If you want to make a clarification on any part of your speech that has been misinterpreted by another Member, you may stand up and make a request for making a clarification after the Member has finished speaking.

Mr LEE Wing-tat, please continue.

MR LEE WING-TAT (in Cantonese): Therefore, the first point that I wish to clarify is that Mr Martin LEE did not propose to defer the entire proposal. I hope that after we have voiced this view, the Government will confirm that we did not raise the deferment of the motion today. After we had worked out the amended or revised proposal, we told the Chief Secretary for Administration or Mr Stephen LAM during our meeting that even if our proposal was accepted, we had to let the public understand it clearly, because all these happened within a very short period of time. We have voiced this view to the Secretary and the Chief Secretary for Administration, saying that we hoped the tabling of the motion could be deferred.

Our Chairman, Mr Albert HO — since he does not have any more opportunity to speak, let me speak on his behalf — has more than once said publicly to the media that he hoped the public would have more time for discussion, so it is not true that we made this decision today. Members can simply go on the Internet, search in WiseNews the press reports over the past several weeks using the name "Albert HO", and you will find that Mr Albert HO has raised this suggestion many times.

President, my position is very simple, that is, this is a new proposal and even though we consider it more desirable, we think that the more the truth is debated, the clearer it will become. For this reason, even if the debate on the motion is deferred for a fortnight, the Democratic Party has never been worried. As a member of the team of six, I believe and I am confident that, when more members of the public have understood the details of this proposal, they will support it. On Monday afternoon, my office in Kwai Tsing received almost 20

phone calls. My secretary told me that most of the people called to inveigh against the Democratic Party. These members of the public asked us why we supported the government's package. Fortunately, my secretary was very smart — his name is Eric LAM Lap-chi and I must praise him — he asked these local residents if they knew what kind of proposal we were giving our support to. These local residents said that we supported returning Members from among DC members. My secretary was very smart, he told me that he explained to each person who called for more than 10 minutes, telling them that this was not the case. According to the package of the Democratic Party, DC members will nominate candidates, and with a lower threshold, more than three million voters in Hong Kong can take part in voting, except those who are eligible FC voters. After explaining to them, many people supported us instead. What I mean is that, if details of the package are explained as clearly as possible, people who have doubts or even have misunderstandings about our package can change their stance and support us. For this reason, our position has always been very clear. Of course, the Government also has its own considerations but our support for Ms Cyd HO's motion today is consistent with the views that have been raised by us.

President, just now, some colleagues talked about the issue of negotiations and I also wish to say a few words. When Nelson MANDELA had negotiations with the Government of white people in the 1980s, we must bear in mind that at that time, he was yet been elected President of South Africa and he was only a prisoner, they did not hold talks in the football stadium in South Africa in which the World Cup Football matches are now being held. All negotiations were held in conference rooms, either during the time when MANDELA was still imprisoned or after his release. What he had to do was to explain to his organization of black people the situation after the negotiations. I have great respect for many colleagues here, but think about this: when you have to negotiate with organizations with opposing views, will you conduct the meeting in the Hong Kong Stadium or Chater Garden? Of course, some civil groups may want to do so but I cannot find any government in the world that will negotiate with dissenting groups in a stadium. However, I agree that it is the responsibility of each person involved in negotiations to disclose all the details of the negotiations as far as possible. After meeting with Mr LI Gang, Mr Albert HO, our Chairman, disclosed on that day — not on the next day but on the same day — details of our meeting without any omissions. President, you also know

that this matter will be recorded in history and in the future, history would say that Mr Albert HO or this team of six from the Democratic Party did not deceive the people. At present, there is a banned book that I am not yet able to buy. It is about the 4 June incident as LI Peng described it. No facts in history can be covered up forever.

I have played a part in the democratic movement for many years and all along, I only have two principles, one, do not say anything; second, when you have something to say, do not tell lies. People involved in politics must do so. President, the mechanism of the Democratic Party is very simple. Our team of six comprises the chairman Mr Albert HO, the vice-chairman Ms Emily LAU, Mr SIN Chung-kai, I LEE Wing-tat, Mr CHEUNG Man-kwong and Dr YEUNG Sum. We were authorized by the Central Executive Committee to hold the meetings and negotiations and to decide the relevant strategy and details. I know all the details, but that is not restricted to the six of us. Unlike what Mr WONG Yuk-man said, not just the six of us know all the details, all 30 members of the Central Executive Committee know the details as well. The vice-chairman, Ms Emily LAU, is not here but she also worked very hard. She hosted dozens of forums relating to the constitution reform and I also thank Secretary Stephan LAM for attending one of them. Like we always say, the Democratic Party is very open. Even on matters that decisions have been made at the General Meeting, we still allow party members to voice their different views and we will not take any disciplinary action against them. For this reason, Mr Albert HO is often opposed by others and when I served as the chairman, I was also opposed frequently. Even matters on which the General Meeting has made decisions can still be opposed.

I remember that several years ago, when I was once chatting with Ms Audrey EU, she asked me, "Ah Tat, why is your party so funny?" I asked her what she meant. She said, "Why can your party members still openly oppose matters on which your party has made a decision?" In response, I said, "Audrey, you do not understand. The practice of the Democratic Party is that if you disagree with something, even though the General Meeting has made a decision, you can still voice different opinions but you cannot vote differently.". I believe that only in this way can a party can be considered tolerant. If you believe that the more the truth is debated, the clearer it will become, you have to leave it to the General Meeting to make the decision and in Hong Kong, and we are the only political party that leaves the decision-making to the general meeting. Our

approach is absolutely correct. Not only the Party Central Committee and the Central Executive Committee mentioned by us are informed, ordinary members are also informed and even the nine Honourable colleagues belonging to the Party Caucus are also informed. Two meetings were held weekly and each time, there was an agenda and the chairman was responsible for reporting the progress of the negotiations on behalf of the team of six and listening to opinions. Of course, there were different opinions but what is so unusual about this?

President, finally, I wish to say that we support the deferment of the discussion for two weeks because we have the confidence that this course of action and direction are more suitable. We have never ruled out the efforts of civil groups and I even agree with some analyses, that is, many academics said that one of the main reasons for the Central Government's willingness to sit down and talk with us was the *de facto* referendum in the five geographical constituencies. All the political campaigns outside the legislature and the pressure exerted by civil groups have contributed a lot to the outcome on this occasion. I do not know how to analyse all these factors, but one of the possible reason is that the Central Government considers that should the proposal be voted down again, it would be all the more difficult for the SAR Government to govern Hong Kong and the social cleavage would be even greater. Moreover, various social conflicts, the wealth disparity, the issues relating to the post-1980s generation and other problems would be even thornier.

After voicing our views, I happened to sit next to the Chief Executive Donald TSANG in a banquet hosted by the President of the Legislative Council to which senior officials were invited. I said to the Chief Executive that very often, things may change on a spur of the moment, meaning that one can find hundreds of reasons to oppose certain changes but if one can find one reason to support the change, that may already be enough. That is to say, if this change can give the public and the Government, including the SAR Government and the Central Government, a relatively harmonious opportunity for reconciliation, this is far more important than all other demerits of the package.

On another occasion, I had a discussion with a senior official on issues relating to Choi Yuen Village. I said that in considering an issue, the Democratic Party always attaches greater importance to the overarching principle

than the details. This time, there are many aspects of the government proposal which we disagree, such as some of the arrangements relating to the selection of the Chief Executive and even the electoral arrangements in the revised proposal. However, the most important point is the overriding principle of the proposal. If this principle is conducive to solving the problem of constitutional reform, it may not be necessary to attain consensus on some minor matters. Therefore, President, when we take this step, of course we are aware of the difficulties involved but one thing is certain, since we have considered carefully before treading this road, we will walk along with perseverance. I also have to say to you all, to those who criticize and even denounce the Democratic Party outside this legislature, we still regard them as friends. In any social movement, one cannot pin one's hope solely on the 10 or 20 seats in the legislature to change the many decisions of the Government. Their voices and actions play a fairly positive role in spurring the Government, including the Central Government, into easing social conflicts. Thank you, President.

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

DR LEUNG KA-LAU (in Cantonese): President, I shall be very brief. Since I have been mentioned by others repeatedly, I am a bit "uneasy". So, I want to give a short reply here. How should we consult our electorate? Actually, different people can do it in different ways, and different methods have their own advantages and disadvantages. I wish to make a point here, I also have my personal opinions. Before consulting my electorate, I have already issued a newsletter to them. They will decide on their own whether or not to accept my views, as they are capable of independent thinking. No matter what I say, they will not change their minds. However, I still respect their views very much. In particular, when it comes to such an important issue, I cannot possibly say, "If you do not agree to my views, just do not vote for me next time.". I cannot say anything like this. And, is it very indecisive for me to refer to the last-minute poll findings on the Internet? This has nothing to do with indecisiveness. I do so just because this is made possible with information technology.

Another fact is that the Government put forward this amendment just two days ago. How can I refuse my electorate to look at the poll findings at the very

last minute? Maybe, even now, they do not have a full picture of the amendment, and I cannot guarantee that all the 10 000 electors have a full picture of the amendment.

I can tell Members that in these two days, I suddenly received many replies from my electors, thanks to the design of the mechanism to collect views. Actually, many of my electors have already heard that there might be slight amendments to the package. Therefore, they have to consider the package before making a decision. Since there is such a design, I received many comments after the Government's announcement. All these comments make it easier for me to make a decision as there is a clear difference. Therefore, I will support Ms Cyd HO's proposal. If this is really a good proposal, a slight deferment of voting there may still be many disputes in the coming two weeks — disputes that are described as "burning". It is all like burning.

In the long run, I believe that giving people more time for discussion will help reduce future disputes. Besides, while I have such a design to collect the views of the sector quickly, I do not think other Members can ascertain the views of their electorate so quickly. They can at best make guesses. I do not think that they can accurately know whether there are any clear differences.

President, I so submit.

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

MR PAUL TSE (in Cantonese): just now, I have not misunderstood the internal motion of the Democratic Party. I only mean that if it is an internal what is good for the party is good for the people, that is, if it is believed within the party that debating the motion now would not pose any problem, there should not be a problem to the public to debate this motion now. I do not have any misunderstanding.

PRESIDENT (in Cantonese): I believe Mr LEE Wing-tat has already responded to your query. Does any other Member wish to speak?

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Secretary for Constitutional and Mainland Affairs, do you wish to speak?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, many Members are very concerned about this subject and I am very grateful to them. Our colleagues in the Government have also listened to Members' views very carefully. Now, I wish to give my response concerning several areas.

First, Members wish to know if they have adequate time and opportunities to discuss the "one-person-two-votes" package, the answer is very definite and in the affirmative. Going back to the first round of public consultations, it began on 18 November last year and soon afterwards, some Members already proposed the possibility and idea of "one person, two votes". Mr CHEUNG Man-kwong also put forward this concept at a very early stage. Before we released the report on the consultation exercise on 14 April, the Democratic Party and the Alliance for Universal Suffrage formally submitted their representations to us. The "one-person-two-votes" model was included in the representations submitted by these political parties and groups; and at the same time, members of the public were also discussing this idea. In the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 chaired by Mr TAM Yiu-chung, we also discussed the "one-person-two-votes" package for a number of times. If I remember correctly, it was also raised in the two meetings on 3 and 11 May, when all parties exchanged their views. Therefore, society is not unfamiliar with the "one-person-two-votes" package.

Second, Members are very concerned whether the public support the proposal. I am very sure that they do. The public welcome the proposal of

giving 3.2 million people a second vote in the Legislative Council elections in 2012. If we look at the public opinion surveys conducted and published in the past few days the Hong Kong Research Association conducted a public opinion survey on 21 and 22 June and the results were published yesterday. The response of the public is that 55% of them hope that the Legislative Council can pass the revised constitutional reform package for 2012, incorporating the "one-person-two-votes" idea. Earlier on, on 15 June, the Hong Kong Institute of Asia-Pacific Studies of The Chinese University of Hong Kong (The CUHK) also published the results of a survey. The survey results were published on 15 June and at that time, various parties had not yet decided whether or not to accept the "one-person-two-votes" package but according to the public opinion survey of The CUHK, at that time, 58% of the public hoped that the "one-person-two-votes" package could be given the green light and passed by the Legislative Council. Therefore, the situation in respect of these two areas is very clear.

Third, what I wish to add is that the "one-person-two-votes" package, that is, the idea of adopting the "one-person-two-votes" model when holding the Legislative Council elections, was not only raised in the past few months. President, you remember that in early 2004, we established a three-person constitutional Development Task Force, comprising the Chief Secretary for Administration, the Secretary for Justice and I (back then, I was serving as the Secretary), and initiated the discussion on constitutional development in Hong Kong. In the first phase spanning from 2004 to 2005, the SAR Government published a total of five reports and all people had the opportunity to discuss each of them. In the second phase from November 2005 to 2006, a task force under the Commission on Strategic Development initiated the discussions on the model of universal suffrage, the roadmap and the timetable. In the third phase, after the third Chief Executive and the third SAR Government took office in July 2007, we issued the Green Paper on Constitutional Development in July for public consultation. Subsequently, in late 2007, the Chief Executive submitted a report to the NPCSC, and the NPCSC made a decision relating to the timetable for universal suffrage at the end of December, that is, to select the Chief Executive by universal suffrage in 2017 and to form the Legislative Council by universal suffrage in 2020. The fourth phase, which we have just gone through together, covered the three-month public consultation launched in November 2009 on

constitutional development in 2012 and the publication of the consultation report in April this year. President, in these four different phases, various political parties and groupings, groups, Members and individuals put forward various types of electoral proposals and models based on the "one-person-two-votes" idea. For this reason, based on the discussions in the past several years and the more focused discussions of late, the SAR Government believes that the discussion has matured and has reached a stage at which we can vote on the amendments to Annex I and Annex II of the Basic Law.

Fourth, I wish to talk about some Members' queries concerning whether the major components of the "one-person-two-votes" package and the implementation details for enacting local legislation are clear enough. President, I reiterate that concerning the "one-person-two-votes" package, I believe that the major components are already clear enough. They include the number of voters, which should be 3.2 million people, that is, 230 000 people who have the right to vote in other FCs will be discounted from the total number of registered voters, which stands at 3.43 million latest. In addition, concerning the candidates and the right to nominate, some 400 elected DC members will have the right to nominate and they also have the right to stand for elections. Third, concerning the nomination threshold, we are really paying great attention to the views voiced by various political parties and groupings, individuals and Members. So far, the proposed nomination threshold proposed is between 10 to 20 elected DC members for each candidate. When we draw up details of local legislation, we will respect the views of various political parties and groupings.

In addition, some Members also wish to know if Hong Kong permanent residents with overseas passports and the right of abode in overseas countries will be allowed to play a part in the latest "one-person-two-votes" package, that is, to stand for election of the five new DCFC seats. Here, I can give Members a very definite reply, they will not be allowed to do so. At present, our policy is very clear. Hong Kong permanent residents with the right of abode in overseas countries are only allowed to stand for elections for the existing 12 FC seats and this is the limit. In fact, it is not possible for us to let five more elected DC members having the right of abode in overseas countries to stand for election in this regard since the Basic Law has already set a ceiling. Even if there are 70 seats in the Legislative Council, given that the ceiling is 20%, there can only be

14 such seats and at present, 12 seats have already been allocated to other FCs for contest among candidates having the right of abode in overseas countries, so it is not possible for us to introduce any other additional category. Therefore, our position in this regard is very clear.

Ms Audrey EU also mentioned the ceiling of the expenditure for electoral campaigns and of course, this is a condition that all of us are very concerned about. We will also listen to all the views in a sensible and reasonable manner before putting forward our proposals.

Fifth, I wish to comment on the queries raised by Ms Audrey EU. She asked why the former Secretary for Justice, Ms Elsie LEUNG, expressed two different stances because earlier on, she believed that if the nomination of candidates by DC members and election by the public under the "one-person-two votes" package are allowed for these five new FCs, this would be tantamount to direct elections. President, in fact, I also learnt from the press that Ms Elsie LEUNG had explained that earlier on, she thought that the proposal would give voting rights to all 3.43 million registered voters and she only learnt subsequently that the 230 000 voters with voting rights in other FCs would be discounted. She believes that this is different and as the proposed five FC seats will be nominated by DC members and elected by the public, they can still be considered as FC seats.

Ms Audrey EU also asked if we can elaborate the Basic Law and the NPCSC decision in this way and whether we have the legislative power to deal with this proposal at the level of enacting local legislation. In fact, in this regard, the Secretary for Justice has already issued a detailed statement two days ago, so there is no need for me to add further information.

Sixth, Mr Alan LEONG was very concerned about our Announcement of Public Interest (API) on TV and queried if we were still publicizing the proposal of returning five FC seats from among 400 elected DC members. I can tell Members clearly that we stopped broadcasting this API on television on Monday because our SAR Government had made a new decision, the some 400 elected DC members would make nominations and 3.2 million registered voters will cast

their votes. Therefore, the broadcasting of the relevant API was stopped on that day.

President, lastly, I wish to make some conclusions. In sum, the time is now ripe and the opportunity has come. I believe that the legislature can continue to discuss, debate and vote on these two motions today.

In fact, in the past few days, when I listen to the views of various social groups or when I meet with relatives, friends, colleagues or members of the public in the street, some people would say, "Secretary, the revised package is quite good. In future, I can have one more vote.". This view is very clear. For this reason, after dealing with the amendments to Annex I and Annex II of the Basic Law at the constitutional level, we should proceed to enact local legislation.

In fact, under the leadership of the Chief Executive, Mr Donald TSANG, the SAR Government has gone into the midst of the public and gauged public opinion. We have also made a judgment by accepting the "one-person-two-votes" package. We believe that this is favourable, conducive and constructive to the overall constitutional development in Hong Kong. Therefore, after making this judgment, we believe that it is now possible to embark on the journey.

Mr WONG Yuk-man said that "going slowly will yield satisfactory results". In fact, we have been going slowly for five years. Since the last Legislative Council negatived the proposal for 2007 and 2008 back in 2005, we have not make any progress for five years. For this reason, since we are all in this Chamber today, I believe there is a majority of more than two thirds of all Members who agree with this proposal, we should act on our words and should not waste any more time by deferring the voting.

PRESIDENT (in Cantonese): Chief Secretary for Administration, do you wish to speak?

(The Chief Secretary for Administration shook his head to indicate that he did not wish to speak)

PRESIDENT (in Cantonese): Secretary for Justice, do you wish to speak?

SECRETARY FOR JUSTICE (in Cantonese): President, just now, when Ms Audrey EU spoke, she made a rather serious allegation, so I find it necessary to give a supplementary response. When she talked about her position on the constitutionality and legality of the new DC package, she said that the law had degenerated into a tool for those in power, and she felt distasteful. I wish to give a response on this point.

First, as the Secretary for Justice of the SAR, I have never said that I think the new DC package has violated the Basic Law or the NPCSC decision. The first time that I gave my legal advice on the constitutionality and legality of this package was on 21 June. At that time, I pointed out that after careful consideration, we believed that this package was in line with the Basic Law and the NPCSC decision in 2007. As far as I understand, this piece of advice offered by me concurs with those of the friends in the Democratic Party, the friends in the Alliance for Universal Suffrage and many academics. In the case of the Department of Justice, we have never voiced any contradictory views. The Secretary mentioned the views expressed by Ms Elsie LEUNG on this issue just now. We are all well aware that when Ms Elsie LEUNG made her comments, she was no longer an official of the SAR and there is no reason to regard her personal views as those of the SAR Government or the Department of Justice. As regards why she changed her view, as the Secretary said just now, she has already given an explanation publicly. If Members think that this is to treat the law as a tool of those in power and make such an allegation against her, I think this is not very fair.

Therefore, in view of the foregoing reasons, if Ms EU accuses those in power of denigrating the law into a tool and if this accusation is directed at the SAR Government, this is unacceptable and is not founded on facts. Thank you, President.

PRESIDENT (in Cantonese): Ms Cyd HO, you can now speak in reply.

MS CYD HO (in Cantonese): In fact, regarding the voting to be held later, we already know the result without the actual voting, because this motion would be shot down again by separate voting and FC Members. We cannot adjourn the present debate on constitutional reform and it will surely proceed. However, President, what we request is really very basic and minor, we only ask for more time for the public to understand this proposal of changing the method of returning five of the six DCFC seats. The change of the three-year university system into a four-year one was discussed for a long time and changing the secondary curriculum into the "3+3+4" academic structure, which only affected secondary school students, was also discussed for a long time. However, as regards the changing of the method of returning five of the six DCFC seats and the entire constitutional reform package, the public may really fail to have a full understanding. Why are we unwilling to give them even such a little bit of time? Is the Government afraid that if the public is given a few more weeks, they will realize that this package is retrogressive and worse than making no changes, hence they would no longer give their support? If this package is really a progressive one, it can stand up to the test. If the Government has confidence on the package, it can get more support after the debate. However, if the Government is afraid that the package cannot stand up to the test, is the Government also aware that this is only a retrogressive package with an attractive packaging?

In fact, the proposal to change the method of returning five of the six DCFC seats, which will enable ordinary members of the public to vote, was only formally announced by the SAR Government on Monday, 21 June. If we all have an excellent database, as well as very advanced information technology equipment, as Dr LEUNG Ka-lau does, of course, we can carry out consultations frequently. However, what about other political parties and groupings and Members? Let me give Mr James TO a brief response. We really do not even have time for conducting a public opinion survey.

How is a public opinion survey conducted? Just now, the Secretary mentioned policy research in Hong Kong. Those people were really terrific. The proposal was announced at noon on 21 June and the public opinion survey was conducted on the very same day. I wonder if they had received information

in advance. However, if we want to conduct a public opinion survey, what should we do? We have to spend at least a couple of days on designing the questionnaire together with public opinion survey organizations or academic institutions to ensure, as far as possible, that the questions are fair and not misleading. Of course, we also have to discuss issues such as manpower and expenditure. We then have to spend at least two evenings on making phone calls, two to three days on compiling the data and analyzing the data before the results can be published. The whole process will take at least one week. For this reason, if we can adjourn this debate and resume the discussion after a fortnight or several months, this should not pose any problems at all. Moreover, this is essential.

However, President, through this incident, the public can see that the Central Authorities and the Liaison Office no longer work behind the scene now, instead, they have all gone onstage. This is most regrettable. This is already very evident, and the picture is more revealing in the process of changing the method of returning five of the six DCFC seats. Earlier on, some people who claimed to understand the thinking of the Central Authorities said that the package put forward by the Democratic Party was unconstitutional, illegal and a violation of the Basic Law. However, for some unknown reasons, after the debate between EU and TSANG, all these people suddenly changed their stance, stating that the package was legal and constitutional, instead of being illegal and unconstitutional. Of course, Ms Elsie LEUNG offered a very interesting reason. She said that since she had not been in Hong Kong, she had had an incomplete understanding of the situation. Now that she had understood the situation, she advised that the proposal was compliant with the Basic Law. However, given such a sudden turn of events, we have the impression that whether something is legal and constitutional or otherwise is only a convenient explanation; the real issue depends on whether or not an agreement can be reached. In that case, does this mean that what the Central Authorities consents is legal and what they do not consent is illegal? In this process, did all parties respect the public?

It is said that as many as 120 000 people participated in the rally under the theme "Roll Forward Democracy" on 19 June. What they supported was the proposal to return all six DCFC seats by the same method rather than only five of

them. You are fooling even your own people and even though 120 000 people came out, you have not told them about such a change.

President, concerning this proposal to change the method of returning five of the six DCFC seats, apart from the uncertainties relating to the nomination threshold, there are also other issues, such as who are the nominators, candidates and voters. To borrow the words of Ms Elsie LEUNG, why did she say that this proposal was constitutional? This is because voters who will return candidates to fill the five DCFC seats do not include those who return candidates to fill the existing traditional FC seats. For this reason, when we say that there will be six representatives from DCFCs in this legislature, five of them will be returned by one method and the other one is returned by the existing method, under which voters in this existing FC seat are all DC members. Although we do not like small circles, we all know that this situation appears to be reasonable because this group of people have the right to vote, nominate and stand for election at the same time. However, the five new seats are weirdos because for those who are qualified to be candidates and nominators, they cannot vote, because if they vote in this election, it will become "one person, three votes"; and according to Ms Elsie LEUNG, this is a violation of the Basic Law. Separately, the voters of these five seats do not have the right to nominate. The candidates have to go to other districts and turn to the existing DCFC to solicit nominations and they can stand for election only after securing a certain number of nominations. This is really a weirdo. We should not say that the nine New Functional Constituencies proposed by Chris PATTEN was just the same, in which any related person could become a candidate. That was a weirdo of the colonial era. Nowadays, with "Hong Kong people ruling Hong Kong" and "a high degree of autonomy", why should we model on such a weirdo? Moreover, this proposal is even worse than weirdos because voters in these FCs do not have the right to nominate. In view of this, why do we say that we are going in the wrong direction? Because if we accept this method of nomination whereby one has to go to other districts to solicit nominations, we will establish a selective nomination mechanism. Will the same line of thinking also be applied to the nomination of candidates for the Chief Executive election in the future?

Another implication of tabling this proposal on changing the method of returning five of the six DCFC seats so hastily in less than 72 hours is why

such a change is necessary. Why can all six seats not be elected by the same method? There are two possibilities behind this. First, in order to avoid losing the 10 votes from the DAB while securing the nine votes from the Democratic Party, the Government has to reserve that sure-win seat for the DAB.

Another possibility is that the Central Authorities are actually holding firmly to their ground and they have no wish and will by no means reduce the 30 FC seats. That is to say, the present proposal will not enable us to abolish FCs in the future, rather, we can only rely on the continual increase in DCFC seats to dilute the situation a little bit.

Therefore, we really need more time to carry out consultation, we have to find out why all six DC seats cannot be returned by the same method, so that they will be subject to the same procedure and have the same nominators, voters and candidates. However, unfortunately, at present, the proposal has been tabled for voting within less than three days. We would ask, first, do the Central Authorities have no wish to abolish FCs and is this proposal introduced to deceive us once again under the guise of promoting democratic advancement. Second, is it that the SAR Government wants to secure a total of 19 votes from both the Democratic Party and the DAB, thus it puts forward such a weirdo for Hong Kong people to vote on? In fact, we may have to face a constitutional crisis later on.

President, when I spoke for the first time, I mentioned that the most satisfactory approach is to go through the local legislative process first and propose all the details for public discussion. Even though we in the pro-democracy camp do not have enough votes to support, amend or vote down the legislation, at least, the public will go through a process of detailed discussion and learn about all the details. Moreover, the legislation need not come into immediate effect after its enactment. As we can see, the legislation proposed by Mr James TO concerning the interception of communications has not come into effect even after eight years. After the passage of such legislation, it can be set aside, and only be gazetted and come into effect after the passage of Annex I and Annex II. This approach will be more secure and proper.

However, we are now facing a risk, that is, in passing Annex I and Annex II today, although the Government has promised the Democratic Party that the nomination threshold would not be raised, neither the DAB nor the Liberal Party has made such a promise. Everyone speaks, but they are not bound by law or political credibility. After the Annexes have been passed, if the local legislation proposed by the Government cannot be passed, what should be done? Will the legislation be amended until the DAB finds it acceptable? By that time, it will be too late for the Democratic Party to regret, and the public will also have deep regrets. Concerning this potential political and constitutional crisis, the Secretary for Justice, Mr WONG Yan-lung, will be held accountable. At the beginning, why did he agree to this process of amending Annex I and Annex II to the Basic Law instead of enacting a piece of detailed local legislation?

President, finally, I wish to read out a passage from a speech delivered in a debate about full direct elections in the Legislative Council in 1994. I will not disclose which Member gave this speech for the time being. "Perhaps many people think that political reality cannot be changed. As provisions have been laid down in the Basic Law in respect of our political development, we can do nothing but accept the fact that we may only act within this small frame or we may be blamed for turning a blind eye to reality. Yet, we should not forget that political reality is man-made. Even natural phenomena change with time, let alone man-made rules of behaviour. The ones who really turn a blind eye to reality are exactly those who regard political reality as a natural law or an iron cage. Under what circumstances will political reality become an iron cage? It happens when we do not believe in our own ability. When we do not trust ourselves, we will become prisoners trapped in the man-made cage."

President, this speech serves to interpret the political reality that we are talking about today. This political reality includes the framework of the Basic Law and the NPCSC decision in 2007. However, if we do not have the courage to change these artificial bounds, we will become the accomplices in creating this political reality. For this reason, I will not support this package due to the existence of so many rules. Moreover, if the Central Authorities really want to take forward democratic progress, they also have to withdraw the NPCSC decision in 2007. Otherwise, how possibly can FCs be abolished, unless this is also a sham, with the intention of deceiving us for several decades more.

President, I long for freedom, so I will not step into this iron cage. I will oppose this package. Thank you.

PRESIDENT (in Cantonese): Before I put the question, I have to remind Members that under Rule 40(2) of the Rules of Procedure, if the motion to adjourn is passed, this Council will immediately move on to deal with the next item; and if the motion is negated, this Council will continue with the debate on the Secretary for Constitutional and Mainland Affairs' motion concerning the Amendment to the Method for the Selection of the Chief Executive.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion to adjourn, moved by Ms Cyd HO under Rule 40(1) of the Rules of Procedure, 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)

Ms Cyd HO rose to claim a division.

PRESIDENT (in Cantonese): Ms Cyd HO has claimed a division. The division bell will ring for three minutes.

PRESIDENT (in Cantonese): Mr Albert CHAN, please move the placard a little to one side as I cannot see Members next to you.

(Mr Albert CHAN put the placard down)

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:

Dr Margaret NG, Mr CHEUNG Man-kwong, Dr Joseph LEE, Mr Paul CHAN, Dr LEUNG Ka-lau and Mr CHEUNG Kwok-che voted for the motion.

Dr Raymond HO, Dr David LI, Mrs Sophie LEUNG, Dr Philip WONG, Mr WONG Yung-kan, Mr LAU Wong-fat, Ms Miriam LAU, Mr Timothy FOK, Mr Abraham SHEK, Ms LI Fung-ying, Mr Tommy CHEUNG, Mr Vincent FANG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Mr CHIM Pui-chung, Prof Patrick LAU, Dr LAM Tai-fai, Mr CHAN Kin-por, Mr IP Wai-ming, Mr IP Kwok-him, Dr PAN Pey-chyou, Mr Paul TSE and Dr Samson TAM voted against the motion.

Geographical Constituencies:

Mr Albert HO, Mr LEE Cheuk-yan, Mr Fred LI, Mr James TO, Mr LEUNG Yiu-chung, Ms Emily LAU, Mr Andrew CHENG, Mr Frederick FUNG, Ms Audrey EU, Mr LEE Wing-tat, Mr Ronny TONG, Mr KAM Nai-wai, Ms Cyd HO, Mr WONG Sing-chi, Mr Alan LEONG, Miss Tanya CHAN, Mr Albert CHAN and Mr WONG Yuk-man voted for the motion.

Mr CHAN Kam-lam, Mr LAU Kong-wah, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHEUNG Hok-ming, Ms Starry LEE, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin and Mrs Regina IP voted against the motion.

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

THE PRESIDENT announced that among the Members returned by functional constituencies, 30 were present, six were in favour of the motion and 24 against it; while among the Members returned by geographical constituencies through direct elections, 29 were present, 18 were in favour of the motion and 10 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

PRESIDENT (in Cantonese): We will now proceed to the debate on the Motion concerning the Amendment to the Method for the Selection of the Chief Executive.

MR ALBERT HO (in Cantonese): President, today, the Democratic Party published a "Letter to all the People of Hong Kong" in two Chinese newspapers. For public record purpose, I will now read out this letter:

"Dear members of the public,

The Democratic Party has, during the past few months, made its best endeavours through campaigns and negotiations to get the concession of the Central Government and the SAR Government on constitutional reform. Under the revised package now accepted by the Government and to be implemented in 2012, not only will five directly-elected seats be added, the electorate base for the five newly created functional constituencies (FCs) will also be extended from the original proposed some 400 people (including elected District Council members) to 3.14 million voters who do not have voting rights in traditional FCs.

The Democratic Party is convinced that today we should vote for the Government's revised constitutional reform package for 2012. The reasons are as follows:

- (1) Whilst the Democratic Party and the general public are resolved to continue to fight for the implementation of genuine dual universal suffrage in 2017 and 2020 and the abolition of FCs, we should not give up the opportunity to attain real progress in a phased manner. The revised package for 2012 enhances the democratic elements in the Legislative Council and puts an end to the present political impasse in Hong Kong, so that there can be greater room and better conditions for democratic movement in the future.
- (2) We cannot see a way out if we once again veto the original constitutional reform package and only rely on street protests. If we keep straitened in such an impasse and beset with aggravating social cleavages, many supporters of democracy in main-stream society would feel helpless and weary, they may eventually give up their long-term support for democracy. This will be detrimental to the long-term democratic development in Hong Kong.

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

- (3) Will the five newly created FCs rationalize and beautify the FC system? Absolutely not. First, any forms of FCs are transitional arrangements progressing towards the goal of electing all Legislative Council Members by universal suffrage in 2020. This is the pledge made by the SAR Government to the United Nations Human Rights Committee. Second, the fact that representatives of the five newly created FC seats will be returned by 3.2 million voters further reveals the unfairness of the present FC system in that the representatives are elected by several hundred voters and very often, they return uncontested. The people of Hong Kong are clear-minded and we have to trust them.
- (4) We have walked along the road to democracy with the general public over the past two decades. By standing together through storm and stress, supporting and encouraging each other, as well as struggling

for every inch of land, we have, by taking one step at a time, opened up a room for democracy. In the days to come, with stronger will and more concerned efforts, we will, through social struggles, pressure in the legislature, as well as dialogues and negotiations, continue to strive for democracy. The differences in the strategies among members of the pro-democracy camp should not cause divisions, nor should the differences in judgment undermine overall unity and mutual respect.

The Democratic Party
23 June 2010"

Deputy President, all in all, I firmly believe that in today's difficult political situation, we need to find a breakthrough point to get out of the impasse. At present, we have to strive for real progress in a phased manner, so that the continual accumulation of quantitative changes will bring about irreversible quality changes and even great changes. We must not underestimate the challenges and changes brought about by the implementation of this 2010 revised proposal. We believe that by that time, the political situation will take on a new vigour. At this stage, even though we have made some real progress, I wish to stress and reiterate the following points.

First, the Democratic Party definitely has not and will not give up striving for the ideal of implementing ultimate and genuine universal suffrage. As the saying goes, "As distance tests a horse's strength, so time reveals a person's heart". On the road to democracy, we have fought alongside for many years and I do not wish to see our friends query the credibility of their comrades-in-arms of so many years so easily.

Second, concerning the views raised by friends opposing the revised package put forward by us, I respect and have heard these views. I think that undeniably, these opponents have their own grounds and even though I cannot subscribe to all of them, I think that ultimately, this decision involves making political judgments. However, what we are facing today are differences in political judgment and I do not believe that we differ in fundamental beliefs, principles or goals. Therefore, I find it hard to accept some people's accusation

that the Democratic Party has abandoned its ideals and betrayed democracy. How possibly can we be that kind of people?

Third, of course, I also fully understand that people who query the position of the Democratic Party have indeed some misunderstandings and I believe these are premised on the fact that all along, a lot of people have great distrust of the Communist Party of China. Of course, they have their reasons for distrusting the Communist Party. They believe that the Communist Party never has any sincerity in negotiations and it only intends to deceive other people. For this reason, they are concerned that the Democratic Party has fallen into the trap of being co-opted into the united front. They believe that any outcome of negotiations would surely be unfavourable to democracy.

Deputy President, there is, of course, inadequate trust between we in the Democratic Party and Beijing. If we fully trust each other, the scenario of having no communication and contact for more than two decades will not occur. However, today, I believe that due to some practical needs, on the basis of very limited mutual trust, I stress that on the basis of very limited mutual trust, we have to sit together to solve some urgent problems that Hong Kong public hope we can solve for them. This is because not only the Central Government, I believe the great majority of the public as well do not wish to see the deteriorating governance crisis of Donald TSANG's administration, still less do they wish to see society continue to move towards cleavage and ungovernability. Seeing that there is such a need, we believe that since we share a common goal, we should sit down to negotiate, in the hope of reaching a compromise acceptable to all parties. We are actually doubtful as to whether future negotiations would yield further results. Frankly speaking, some people have asked me if I had any confidence in future negotiations on ultimate universal suffrage. I can tell you that I do not have great confidence, but I am not completely in lack of confidence either. However, precisely because of this reason, if real progress can be made at the present stage, I will not give them up lightly and I believe many members of the public also share this view.

Today, the results of the breakthrough that all of us are striving for are specific and real. Moreover, they can be implemented immediately. Hence, I do not think that we and members of the public would be deceived. In the process of negotiation, we did not involve other groupings in the pro-democracy

camp to join in, and this is to be regretted. Because of this, I also fully understand and comprehend why there are suspicions against us. On this point, I can only say that if there will be opportunities for talks in the future, all political parties and groupings in the pan-democratic camp must truly be given the chance to take part. Only in this way can an agreement be reached with extensive social support. There is also another point that gives rise to misunderstanding, or even resentment against us. WONG Yuk-man mentioned today that our refusal to take part in the five-district referendum campaign has caused them some harm. Moreover, objectively speaking, it was because of our non-participation in the referendum that we were able to enter into negotiation with the Central Authorities. Nevertheless, on behalf of the Democratic Party, I wish to inform members of the public once again that it was in March this year that we started to prepare for having dialogue with the Central Authorities and making the first contacts. It was in May that the first formal meeting was conducted. The decision of not participating in the referendum campaign was made last November by leaders of the Democratic Party, and a decision was made in the General Meeting of the party held in December. For this reason, I can say for sure that our non-participation in the five-district referendum campaign was definitely not a bargaining chip for having dialogue with the Central Authorities. This is the true fact.

A number of Honourable colleagues have criticized on a number of occasions that our negotiations lacked adequate transparency and it was held only behind closed doors. I understand these criticisms, but I hope that you will all understand, in conducting this kind of talks, it is impossible to bring loudspeakers to the room, and let the people outside listen to the discussions. I believe that no one throughout the world would ever do this. However, I can tell everyone clearly that the details of the discussions have been fully disclosed and the so-called agreement reached between the Hong Kong Government and us, has also been fully disclosed. Today, Members have to decide if they will support this revised proposal, that is, the agreement derived from the talks. I stress that apart from this, there is no other agreement, nor are there any under-the-table dealings.

Deputy President, one last point and also a very important point is that if anyone thinks that this historical breakthrough has some value and the Democratic Party has made a little contribution to it, I can tell Members that I do

not think in this way at all. Of course, this breakthrough did not come easy because the Central Authorities had made known its position a number of times, so it is difficult to make people think they can change. However, I stress that the many ordeals during this time contributed to this change. In fact, the power of the struggle waged by the entire civil society, including the votes cast by 500 000 people in the referendum in five geographical constituencies, which I must acknowledge, the touching passions of young people in the post-1980 generation, the debate between Ms Audrey EU and the Chief Executive, in which the heartfelt sentiments of Hong Kong people and the irrefutable arguments for the pursuit of democracy, were voiced, the continual actions of the Civic Party, the League of Social Democrats and a number of other pro-democracy organizations and social groups, have all served to create this joint force. The Democratic Party is only playing the role of a tool in accomplishing the final small step, so it is necessary for us to remain united and strive together towards our common goal.

With these remarks, I support today's amendment.

MR RONNY TONG (in Cantonese): Deputy President, doubtless the two resolutions today are enormously important, but their importance only lies in the election methods for the Chief Executive and the Legislative Council of the next term. For me there are two other issues which are equally important, if not more. The first is the continuance of the democratic movement in Hong Kong, and the other is the relationship between the democratic camp and the Central Authorities.

Deputy President, over these past few days, I have gained a deep impression that no matter at which end of the wide spectrum of the democratic camp we stand, we have to admit that this is the darkest hour of the democratic movement in Hong Kong. This is because we can see the parties and groupings in the democratic camp and their supporters use some very radical and some very — I wish to say malicious but I really do not want to use this adjective — words to criticize some forerunners in the democratic movement who have given so much over the past 20 years or so. I think that no matter what kind of opinion people may have on him, I do not think one should use his health condition to criticize him. For someone who has fought for democracy for so long, accusing

him of betraying the cause of democracy and the people of Hong Kong is the worst insult that can be hurled at him. I fail to see how someone could say such words.

Deputy President, I can only talk about my personal feelings and the things I have done. I am not trying to put up a defence for the Democratic Party for the fact that they have given more of their time and efforts than me on this. But personally, ever since I was re-elected in 2008, I have done my best to strive for the greatest degree of democracy for this constitutional reform package. Over the past couple of years, I have toiled and laboured, working through various channels and ways of expression, to relay the pros and cons to people who may have the chance to convey the same to the Central Authorities. I hope that these constant internal arguments and deep-rooted conflicts in Hong Kong can be resolved as soon as possible. Of course, I demand that the Central Authorities make a clear explanation of the definition of genuine universal suffrage and give a timetable for the abolition of FCs. Even if FCs cannot be abolished at once, I hope that separate voting can be abolished by 2016. I also hope that there can be a roadmap. If the roadmap suggested by the democratic camp cannot be accepted, I hope that a roadmap acceptable to the people of Hong Kong can be put forward by the Central Authorities and the SAR Government.

Deputy President, I do not think I have succeeded, nor has the democratic camp of Hong Kong. When something is not a success, it is not. When there are no results, there are not any. Even if this resolution is negated once, twice or 100 times, the political reality cannot be changed at this moment in time. Regardless of whether the Alliance for Universal Suffrage or the Democratic Party have put forward this so-called revised package, and regardless of whether this package is accepted or it may be changed, this political reality can never be changed even if the package is rejected. Since it cannot be changed even if the package is not rejected, how can it be called that we have abandoned democracy? If none of us have accomplished anything and if no accomplishments mean that democracy is abandoned, then no one in the democracy camp can aloft above all this. But at this moment in time, should we give up because we have not gained any results? Deputy President, I will never admit that the failure we have now is a total failure. Those who think that this is a total failure are the ones who give up democracy betraying the people of Hong Kong.

Deputy President, I really fail to see why the democratic camp cannot focus its attack on the enemies outside and why it cannot be united. We all know what the most basic elements of democracy are. They are tolerance, pluralism, co-existence and respect. Those who do not agree with these elements and core values should be ashamed of calling themselves democrats. Deputy President, the Government would pass a judgment that many people hold different views. The political judgment I hold differs greatly from that of my party, but that does not mean that we are enemies. I have never regarded people in my party who disagree with me enemies. I do not want them to see me as an enemy either. We are all members of the democratic camp, so why do we see our comrades as enemies? We have got so much work to do and if we are divided and engage in lashing attacks at each other, who will stand to gain the most when the rift between us is so deep that it cannot be mended?

Of course, I see that many people are saying that we have wool pulled over our eyes, that the Central Authorities are delaying our demands and we are so stupid. NG Chi-sum wrote an article and accused us of being shameless starlets on paper. I almost came to tears when I read that article, for I do not think that people on the same front should attack each other.

Deputy President, most people in the democratic camp agree that negotiations should be conducted. Even the Civic Party would say that negotiations should be conducted, to be followed by a by-election, then a resignation *en masse*. You people want negotiations, but just what kind of negotiations? The first thing we should do is to sit down with the other side and talk, right? We must be prepared, prepared to make compromises. There is no such thing as one-sided talk in this world. That is not a talk, but it is forcing the other side to surrender or the other side wants you to surrender. Just how much you need to compromise would depend on how much political power you have got. This is because political power would mean how much you can fight for. So how can this be said to be cheated? Since this is a bargain, then both parties will make their bargaining chips known. We want a definition of genuine universal suffrage. We want the abolition of FCs. We demand a roadmap. Or else, we will vote down the package. We are clear about the things we want. So how can it be called that we have wool pulled over our eyes? The other side does not have to cheat us. It just says that it cannot agree and all you can do is to vote it down.

In whatever negotiations, a certain balance must be struck so that the other side would agree that a balance has been struck with respect to all the interests at stake. If I want my proposal endorsed, then I will have to make a U-turn. Deputy President, now no one in the democratic camp has made this U-turn. The ones who have made a U-turn are those in the pro-establishment camp. Have you not seen on the TV how embarrassed they are? They apologized to Hong Kong people, saying that they were out of town at that time and they did not examine clearly the details of the proposal made by the Alliance for Universal Suffrage or the Democratic Party. How embarrassing it was. This is also an inevitable result of any negotiation. When negotiations are hard and arduous, it is only at the last moment that some common ground can be identified. Deputy President, had both sides succeeded in the negotiations, I would not have to be a Member of this Council and Hong Kong would have been spared all these pains of fighting for democracy for over 20 years without getting anything. This is bound to happen. What does it mean by being cheated and what does it mean by procrastination? The Central Authorities think that they have got all the political chips in their hands and they will give it to you whenever they feel like it. This is their stand. Our only chip is the right to veto. But, Deputy President, the right to veto is a political chip meant to gain progress in democracy, rather than putting up opposition for the sake of it.

Deputy President, I have done some soul-searching myself. In 2005, I rejected the constitutional reform package firmly. I wanted all Honourable colleagues from the democratic camp to agree. But five years down the line, what will happen if the package is negated? I do not want to criticize anyone here. But have those who oppose the package said what should be done after vetoing it? They want universal suffrage, but have they said what kind of universal suffrage they are prepared to accept? The Alliance for Universal Suffrage has indeed spent a lot of time on that and they have got something after spending so much time on it. It is not a proposal unknown to the democratic camp. No, it is not. Deputy President, we can trace how this proposal has come about.

Many people have admitted earlier that they have raised the "one-person-two-votes" proposal before. We should not argue who was the first one to come up with this idea. I just want to point out that after the package was voted down last time, the democratic camp spent six months to reach a consensus

proposal in 2007 and one of the vital elements was a kind of universal suffrage characterized by "one-person-two-votes". Of course, no one has ever thought about this so-called DC package, I am not saying that it is a DC package, I just want to say that

MR LEUNG KWOK-HUNG (in Cantonese): Deputy President.

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, is it a point of order?

MR LEUNG KWOK-HUNG (in Cantonese): I demand an elucidation by Mr Ronny TONG.

DEPUTY PRESIDENT (in Cantonese): You wish to seek an elucidation from Mr Ronny TONG, right?

MR LEUNG KWOK-HUNG (in Cantonese): Right.

DEPUTY PRESIDENT (in Cantonese): All right. Mr Ronny TONG, would you like to make a clarification?

MR RONNY TONG (in Cantonese): I do not know what Mr LEUNG would like me to clarify. I have to know that first.

DEPUTY PRESIDENT (in Cantonese): Please sit down. Mr LEUNG Kwok-hung, please say what you wish Mr TONG to clarify.

MR LEUNG KWOK-HUNG (in Cantonese): Is the 2007 proposal which Mr TONG has mentioned the same as the proposal we have now?

MR RONNY TONG (in Cantonese): No.

MR LEUNG KWOK-HUNG: OK.

MR RONNY TONG (in Cantonese): Deputy President, it is the proposal for 2007. Mr LEUNG Kwok-hung and all Members of this Council from the League of Social Democrats did not sign it, but all people in the pan-democratic camp did sign it. Nothing was mentioned in that proposal about members of the DCs because that idea was not included then. I was not talking about that event, I was saying that one of our goals, or least one of the goals of those who signed that proposal, was to go in the direction of "one-person-two-votes" model of universal suffrage. But if we have reached that goal today, we may well call it a day, but in terms of the stage

(Mr WONG Yuk-man made a remark while seated)

DEPUTY PRESIDENT (in Cantonese): Mr WONG Yuk-man, please keep quiet when Mr Ronny TONG is speaking. Mr Ronny TONG, please go on.

MR RONNY TONG (in Cantonese): Deputy President, I was saying that the model of "one-person-two-votes" is the goal for all members of the democratic camp who have signed up on that proposal. I repeat, the League of Social Democrats was not yet formed at that time and the three Members did not sign that proposal.

(Mr Albert CHAN talked with Mr LEUNG Kwok-hung)

DEPUTY PRESIDENT (in Cantonese): Would Honourable colleagues remain silent when Mr Ronny TONG is addressing this Council? Mr Albert CHAN, do you wish to seek an elucidation from Mr TONG?

MR ALBERT CHAN (in Cantonese): Yes.

DEPUTY PRESIDENT (in Cantonese): All right, please sit down. Mr Ronny TONG, would you like to clarify?

MR RONNY TONG (in Cantonese): Deputy President, I would like to. Just now I could not clarify

MR ALBERT CHAN (in Cantonese): Mr Ronny TONG said that the League of Social Democrats was not yet formed in 2007. Then can he clarify as to where the League of Social Democrats was if the League of Social Democrats was not formed in 2007?

MR RONNY TONG (in Cantonese): Deputy President, I am really not that sure. As far as I know, the three Members from the League of Social Democrats did not sign on that proposal. Deputy President, with respect to that proposal, we convened a forum in 2009 in which the model of universal suffrage was affirmed and that was "one-person-two-votes". When the Alliance for Universal Suffrage demanded that a roadmap and an ultimate proposal be formulated, it still used the "one-person-two-votes" model as the ultimate model. But when we discussed the model and roadmap, we also considered whether or not the concept of "one-person-two-votes" could be introduced to the 2012 constitutional reform package. Of course, we accept the framework prescribed by the Decision of the NPCSC. I believe this applies to the Civic Party as well. We cannot do anything to overturn the proportion between seats returned by direct elections and seats returned by FCs, nor can the words "direct elections" be used to describe these five or six seats returned by the DCs. However, the thinking is clear enough. We have fought to achieve this and for the next step, we want to expand this model of "one-person-two-votes" to the entire Council and use this to solve the problem of the abolition or replacement of FCs.

Deputy President, this is the goal of the democratic camp. We are fighting in this direction. So how can we be accused of having abandoned

democracy and betrayed the people of Hong Kong? I can never, never take this. As I said earlier, this is the worst possible kind of insult hurled at us. Deputy President, insofar as this package is concerned, I do not think that it is perfect. It could well be true to say that no one would think that it is perfect — that includes the pro-establishment camp, the SAR Government, and more so the Central Government. But this is the only common ground that we can ever reach now. As to the question of whether this package is real crap, Deputy President, I would elaborate on that when we discuss the motion on the method of forming the Legislative Council. All I can say now is that while it is not perfect, it is not a crap package. Members should ponder over the good and bad points of this package in a careful and rational manner (*The buzzer sounded*).

DEPUTY PRESIDENT (in Cantonese): Your speaking time is up.

MR LEE CHEUK-YAN (in Cantonese): Deputy President, on behalf of the Hong Kong Confederation of Trade Unions I speak in opposition of the two motions. Although I oppose the two motions, in no way do I think there should be any division in the democratic camp. This is because we cannot afford to do so. If the forces of democracy cannot be united in this fight, I dare say the road to democracy in Hong Kong will be rough and long. What is the good of having the people divided into two camps? Actually, Members share the same goal, but why do they seem to be strangers? I can never take it.

Besides, personally I would think that Mr LEUNG Kwok-hung owes Uncle Wah an apology. I think while we are involved in politics, we should never give up personal feelings among us. Uncle Wah has been walking on this road to democracy for so many years. He has been carrying the responsibility of achieving democracy in China and Hong Kong. How can we say that his cancer has spread to his brain when he is suffering from that disease? I was heartbroken when I heard that remark. Why has Hong Kong come to this state, to such an extent that people from among us are attacking their peers? Of course, some people may think that those from the Democratic Party are no longer comrades to them, but do we have to say such things? For me, I will never say these things.

I have absolute trust in them. Even though our tactics are different, we have experienced a lot together. Now many people may be unhappy with the Democratic Party, but they may not have gone through what we have done. For many years, we have fought together and even now I do not agree entirely with what the Democratic Party is doing, I will never say what it is doing is a betrayal. I hope all the more that people who are listening to this debate will never come to this conclusion lightly. Just think, people in the Democratic Party have been fighting for more than 20 years, do they want to come to a bitter end? What good is there for them if they do so? So I hope Members can cherish the passion they have put in for the democratic movement. It is only when there is passion between people that the citizens can feel it and more people will come over to our side. If we continue to attack each other, it would only make people think that there is no unity in Hong Kong. This is the last thing I would wish to see. Therefore, I sincerely implore Mr LEUNG Kwok-hung — we are actually two of a kind, Long Hair has been my comrade-in-arms for so many years — I hope very much that he can extend an apology to Uncle Wah. Some people may think that an apology is useless, but I really think that we should speak from our hearts and say what is proper.

Deputy President, I have to come back to the reasons for our opposition to the method for selecting the Chief Executive. I will talk about the so-called revised package for DCs. I will concentrate on discussing the method for selecting the Chief Executive. First of all, what kind of comparison we should make of this package? Actually, we can approach it by comparing two aspects: first, by comparing it with the present situation; second, by comparing it with the package proposed by the Government in 2005.

When it is compared with the existing arrangements, now there are 800 people and each of the four sectors has 200 people, so the threshold for nomination is 100 persons. Under the existing arrangement — I remember that when Alan LEONG ran in the election last time, he got 124 nominations, and so he passed that threshold. But we all know that it is a small-circle election and he did not stand a chance of getting elected. We knew well enough that he did not stand a chance. Anyway, now the threshold is nomination by 100 people. If this is changed to the new arrangement whereby there should be 300 persons in each sector, then what is the difference between that and the arrangement whereby each of the four sectors has 200 persons?

Just what is the matter with this proposal of 300 persons? Someone would say that it would be better when the number of persons is increased, for it shows that it is more democratic. But we should never fall into this trap of headcount because it is like inbreeding. These people come from the same groups and bodies. So what is the difference when 20 persons, or 30 persons or 40 persons are elected from these groups and bodies? They will have the same stand. Even if the number of persons in each of the four sectors is 300 persons, what kind of progress will it make on the existing arrangement? Then the Government raised the threshold to 150 persons and that is 1% all the same, and 75 members of the DCs are included in the political sector. However, as some Members have said, it is not that 75 DC members are included. This is because 10 Members of the Legislative Council are fake, that is, they have not yet been elected by then. The result is likely that there will be 85 DC members, and it is unknown as to how these 85 DC members will be returned. The whole set-up will not be different from the present one at all.

Another approach is to compare it with the 2005 package. In the 2005 package, at least the Government counted all the some 400 members of the DCs and hence the number of members of the Election Committee (EC) was 1 600. Even though 200 persons are required as the nomination threshold — this is because when there are 1 600 people, 200 people will be required as the threshold if we work it out according to the 1% rule — but in the 2005 package, at least the some 400 directly elected DC members were all included. This is better than the package before us now. Hence when this package was introduced, I pointed out that it was worse than the 2005 version. And it is a fact that it is worse, worse than crap. If this package is worse than the one before it, then how can we ever lend our support to it? This is the first point I wish to make.

The second point is comparing it with the future, a point we care all the more. No matter what we are talking now, the most important thing is whether there can be genuine universal suffrage ultimately. Although the timetable says it is 2017, but will there be genuine universal suffrage at that time? How is the present package related to the arrangement in 2017? It turns out that there is none. Why am I saying that? Because QIAO Xiaoyang said, to this effect, "There are still some questions raised by some groups and individuals concerning the nomination threshold for the selection of the Chief Executive by universal

suffrage and the method for functional constituency elections, and in my opinion," — mind you, this is what QIAO Xiaoyang thinks, not me — "all discussions on these issues cannot deviate from the provisions of the Basic Law. Article 45 of the Basic Law clearly provides that the method for the selection of the Chief Executive by universal suffrage should be that 'the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.' This shows that the nominating committee for the selection of the Chief Executive will nominate candidates according to 'democratic procedures' and it is a completely different method from the present practice of nominating candidates by 100 members of the EC. And nothing can be compared between these two nomination methods because they are totally different. As to the design of the democratic procedures for universal suffrage, in-depth studies have to be made according to the stipulations in the Basic Law."

In other words, no matter what the arrangement for 2012 is, it bears no relationship with the arrangement for 2017. This is because he pointed out clearly that when compared with 2017, the two nomination methods are totally different and they cannot be compared. That is to say, when 1% is used now, it is not known if it is still 1% by that time. No one knows the arrangement for 2017 and there can be no comparison. There is another point which is unknown to us and that is, the design of the democratic procedures for universal suffrage that will need in-depth studies. And what are democratic procedures? No one knows.

I remember that a member of the Commission on Strategic Development once suggested that a threshold should be set up in each of the four sectors and then a general threshold should be set up on top of these. If a threshold is to be set up for each of the four sectors, then it is like raising the requirement indefinitely. As we all know, when Alan LEONG ran in the election, he could not even manage to get one nomination from the business sector. If a threshold is set up for each sector, then no one can run in that election. This is the first possibility.

The second view is that there should not be too many candidates, for that will make citizens hard to make their choices. Should the number of candidates be restricted? Then this can be treated as part of the democratic procedures for

nomination. Then what should be done about this? Even if the nomination threshold is still 150 people, then there should be eight candidates. But they think that eight candidates are far too many and it would be hard for the citizens to choose. And so they may set up a pre-election, such that only two or three candidates are selected. This will really be disastrous. For by playing this game, a real election by universal suffrage will disappear. There will be no election by universal suffrage which has competition. There will be no election by universal suffrage which has a low threshold and no screening. What is the point of it all if there will be screening?

What are the difficulties I am facing now? The present package has got nothing to do with 2017 and it is worse than the previous package. It has got nothing to do with the future. Then why should we bother making these arrangements? We may as well not do anything. Members may just put aside for the time being the method for forming the Legislative Council, but as for the method for selecting the Chief Executive, we cannot endorse it. This is because it is by no means related and we do not know why we are doing it. So, Deputy President, I oppose this crap package. This method for selecting the Chief Executive is certainly crap, totally meaningless.

Thank you, Deputy President.

MR ALBERT CHAN (in Cantonese): Deputy President, the discussion on the constitutional reform package, on the question of whether the stand taken by Members or political parties on the package is right or wrong, and on whether or not people have acted in disregard of the call of their conscience or betrayed the interests of the people should not be based on groundless speculations, but on some basis, yardstick or standard.

Under a representative political system, this standard is your platform when you run in the election. The fundamental spirit of representative government is that a person or a party tries to gain the people's trust or mandate by running in an election. This is the spirit and *raison d'être* of the entire system. When a party or a Member makes an election promise — I hope Mr Ronny TONG would hear this because what he said just now is a complete distortion of the basic stand and principles of the democratic camp.

Distortion is cheating, and not voting in accordance with the election platform is cheating and betraying the voters. It is no different from the company Yoga Yoga which sold memberships and then folded. So I was shocked when Mr Ronny TONG said that the common ultimate principle of the democratic camp was "one-person-two-votes". When did the democratic camp say that it is "one-person-two-votes"? I hope very much that the Civic Party can make a clarification as to whether the Civic Party had said during the 2008 election that it was "one-person-two-votes". When did Ronny TONG say during a party forum or election forum that it was to be "one-person-two-votes"? He has this ultimate goal of "one-person-two-votes" in his heart, but he has not explained or given any account to his voters. When they voted, they had no idea at all that he had made this pact with the pan-democratic camp in secret where the ultimate goal was to be "one-person-two-votes". Sorry, all through these years, I have not really heard of any consensus in the pan-democratic camp that it is "one-person-two-votes".

A common platform is found in DC elections, but this may not apply to Legislative Council elections. The pan-democrats formulated a common election platform during the DC elections. It was their political stand, and also their hope and wish for the constitutional reform. It was something they shared in common. But all of a sudden, something happens and this is unknown to Members and even the public. What would it be if it is not cheating and deceiving voters and betraying the conscience? This is a value judgment, not some reckless ranting and raving. During the 1920s, the writer LU Xun said many times during his debate with the Mandarin Duck and Butterfly School that when someone called another person a whore, if she happened to be a whore, then it was not ranting but telling the truth.

I hope very much that when the Democratic Party or Ronny TONG speaks later, they can tell me the truth. This is because I may not know it because I may not have followed up all the elections and I may not know everything about the publicity materials of all the candidates during the elections. But when I looked up the election records of 2008, the platform of LEE Wing-tat was clear enough. It was written clearly that his platform was dual elections by universal suffrage for the Legislative Council and the Chief Executive in 2012. If the pan-democrats have really entered into an agreement and agreed with the agenda of the Alliance for Universal Suffrage that "one-person-two-votes" is their ultimate demand and goal, then would the Democratic Party explain why this was

not mentioned in the 2008 elections at all? What would it be if it is not cheating and deceiving the voters?

As we can see in history, many places, governments or political parties have not honoured their election promises. This happens very often. We can find this in the presidential elections of the United States. But they will not act so shamelessly as to distort the facts. Many parties will resort to resignation if they cannot fulfil their election promises. Some will bow and apologize. They will not distort the facts like what the Democratic Party is doing now. But they even go as far as saying that they have managed to fight for greater democracy for the people. The "one-person-two-votes" they talk about is proof that the FCs will last forever. These FCs are easy to come by but hard to send away. Now it is so hard to get the 30 seats abolished and when five more super FCs are added, it would be impossible to send them away. If they are not abolished by 2020, will he commit hara kiri and disband the Democratic Party?

When LEE Wing-tat explained the mechanisms inside the Democratic Party, it seemed that they are very democratic and there are orderly procedures to them. There are discussions among party members and there are general meetings of members. But is the party or the people more important? The spirit of representative government is to get the entrustment from the people during an election and also their political mandate. Once this mandate is obtained, a public policy formulated in the assembly would carry the mandate of the people. This is the fundamental spirit and principle of representative government. If no respect is paid to this fundamental spirit and principle, then how different is it from the communist party? For the communist party, the party reigns supreme and the interests of the party override those of the people. Can they give any justifications? Can they say what the fundamental principles of a political system are? Can they talk about political concepts and political ethics?

To honour election promises and the election platform is political ethics in the most fundamental sense. If you forget after the election, then please read your election promises and the stand of your party during the elections. The Democratic Party may think that it cannot honour its election promises and after looking at the situation, it may think that it was being silly in 2008, not as smart as LAU Chin-shek. LAU Chin-shek talked about his theory of a grand reconciliation. As Long Hair has said many times, if you want to discuss with

the Central Authorities, then you should resign like what Members of the League of Social Democrats and the Civic Party have done and try to regain the mandate of the people. This is the kind of moral reasoning and decision that should be made.

When you run in an election — I like to use abortion as an example — this is because this issue is found in the platforms of many parties overseas — some people may oppose abortion on religious grounds and you may say you oppose abortion during the elections. But when votes are to be cast, you turn around and support abortion. This is acting in contravention of your election promise and you will be condemned and scolded as having betrayed your voters. Betraying the voters is an objective description of the situation. When voters cast their votes for the Democratic Party, they supported dual elections by universal suffrage in 2012. But now in June 2010, it votes in this Chamber for the permanent existence of FCs. Is this not betraying the voters?

People like to say that we rant and rave, and we stir up troubles and conflicts. But those who cause conflicts are those who go back on their election platform

(Mr Albert HO stood up)

DEPUTY PRESIDENT (in Cantonese): Mr Albert CHAN, please pause for a while. Mr Albert HO, are you seeking an elucidation from Mr Albert CHAN?

MR ALBERT HO (in Cantonese): I wish Mr Albert CHAN to clarify, fighting for

DEPUTY PRESIDENT (in Cantonese): Please wait for a moment, and sit down first. Mr Albert CHAN, are you prepared to make a clarification?

MR ALBERT CHAN (in Cantonese): Certainly, Deputy President.

MR ALBERT HO (in Cantonese): According to you, do those who fight for a roadmap for universal suffrage in 2017 and 2020 contravene their 2012 election platform and should therefore resign?

MR ALBERT CHAN (in Cantonese): Deputy President, the election literature of LEE Wing-tat is written to this effect: "Put into practice the election of the Chief Executive and all Members of the Legislative Council by universal suffrage in 2012". This is the election promise of the Democratic Party — maybe it only represents that of LEE Wing-tat, not the Democratic Party. You have said that this cannot be put into effect because Members of the Legislative Council do not have any right to make a proposal and so when the proposal made by the Government cannot meet this requirement, all you can do is to vote against it. You cannot support something which is entirely contrary to your platform

MR ALBERT HO (in Cantonese): Deputy President, he has not clarified my remark, that is, whether or not fighting for an ultimate roadmap for universal suffrage in 2017 and 2020 is a contravention of the election promise for 2012 and hence resignation is the only course of action to take. Is this his logic?

DEPUTY PRESIDENT (in Cantonese): Mr Albert CHAN, are you prepared to clarify?

MR LEUNG KWOK-HUNG (in Cantonese): Deputy President

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, this is not your time to speak.

MR ALBERT CHAN (in Cantonese): Albert HO's question is not the focus of my criticism. Now he has put another question into my mouth. I have not said anything about 2017. I was saying that the so-called revised package raised by

the Democratic Party today was never mentioned in 2008 and there has never been any mandate from the people for it to raise this revised package. You have said that it is mentioned by the party. This is making the will and opinion of the party overriding the 300 000 supporters of the Democratic Party. This is the conclusion we get from logical reasoning. This is an objective description, a judgment based on the facts. It is never, never an accusation.

If the Democratic Party thinks that this package is so good, why did it not put it forward in 2008? Why did it not resign like Members from the Civic Party and the League of Social Democrats and bow in apology, then strive to obtain the people's mandate again? This is the fundamental spirit and principle of representative government. Do you know what is meant by representative government and striving to get the mandate and entrustment of the people? Why do we always condemn Donald TSANG, those eunuchs, the castrati and slaves that they do not have the people's mandate and they are not supported by public opinion? Because they are not elected by the people.

SZETO Wah often says that we should stand on the moral high ground. If you have the mandate and entrustment of the people, you can stand on the moral high ground and condemn these slaves and eunuchs. Why do we criticize the communist party for its dictatorship? Why do we always say that the people should be trusted? If the Democratic Party trusts the people so much, it should believe that the people are not making empty talks and the people should not be used as a tool, a tool to return you to this Council. If you want to show your respect for the people, you should work through their mandate and entrustment, get their votes and let the people entrust you through some open, fair and just procedures to vote and speak for them, as well as to monitor the Government in the Council. This is the fundamental spirit and arrangement of representative government.

But now everything is twisted. The arguments presented by Mr Ronny TONG are even more horrifying. I really hope that people from the democratic camp can read some books on political theory and learn that the fundamental arrangements, concepts and ideas of representative government are not secret dealings but working through open elections. You say that you want to see elections by universal suffrage in 2012. But two years have passed and now you have engaged in this kind of backroom politics and communication with some middleman for the communists. Then you raise a proposal which was never mentioned during the elections in 2008. This is a grave issue of political ethics,

and it is a serious deception and exploitation of the political rights of the people. It is also a serious blunder.

As for the mistakes made by the Democratic Party, I had pointed out many times at the time when I was still in the Democratic Party. The very founding of the Democratic Party was a blunder. It was formed by black-box politics. At that time some senior members of the United Democrats of Hong Kong had a deal with some senior members of the Meeting Point — in much the same way as the backroom politics on this occasion, and they said that they wanted to set up a joint organization. At that time I was a member of the central committee of the United Democrats of Hong Kong and I did not know anything about this black-box operation. Finally, they arrived at a deal and said that owing to this grand cause of democracy they wanted to found a joint organization. At that time, some members of the United Democrats of Hong Kong broke into tears at the meeting and said that they were very angry. They accused these senior members of robbing them of the right to know. Then in the political platform for 2000, the party stated its opposition to the imposition of a minimum wage and it betrayed the interests of the workers. Then, thanks to the efforts made by LAW Chi-kwong, the party betrayed the interests of the social workers by agreeing to the lump sum grant arrangement. Finally, under the fervent support of SIN Chung-kai, the party supported the listing of The Link REIT and betrayed the interests of the grassroots.

All these can be traced. Since it can betray the interests of the workers, party members, the grassroots and the social workers, how can it not betray the interests of those 300 000 voters who cast their votes for it? So I hope Albert HO — I do not have any expectations for the other members of the democratic camp, I only cherish some expectation for Albert HO. Therefore, a few days ago, I called Martin and told him that I could not figure out why Albert HO could ever come to this. This is because Albert HO has read many books on political theory. He knows how these political systems and ideas work. Before votes are cast on this and at this moment in time, I still see friends in the Democratic Party my comrades. But after the votes are cast, if they act in breach of the political platform for 2008 and betray the people of Hong Kong and the 300 000 voters who have voted for it, this is like betraying one's political stand and ideas and then betraying one's conscience. We will have to wait and see if we are comrades anymore.

DEPUTY PRESIDENT (in Cantonese): Speaking time is up. Does any other Member wish to speak?

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): If not

(Dr Margaret NG and Mr Andrew CHENG raised their hands to indicate that they wished to speak)

DR MARGARET NG: Deputy President, what has to come, has to come. The result of the vote is not in question. Tonight, we are here to explain the reasons for our decision. Democracy is not about the art of compromise, of closing a deal and then selling it to the people as the best bargain. It is not about counting votes or manipulating public opinion polls. Democracy is the endeavour to reach consensus through open, rational and informed debate, by giving each other an opportunity to test our positions through argument. This is not such an occasion, we are merely striving at doing the second best, and that is to give reasons for our decision on how to vote and to be accountable to the public we represent. Honesty and integrity are the minimum requirements of public life. Otherwise we rule by naked power or deception, and sooner or later this will lead to an eruption of anger among the people, and we face turmoil and violence.

The stability of Hong Kong is very much on my mind as we debate the Government's proposals for political reform.

Deputy President, I oppose the Government's proposals for three reasons. First, they fail completely to address the constitutional and social purposes of reform. Reform should aim at moving towards the elimination of unfairness in Hong Kong's political system, in order to give people the right to universal suffrage under the Basic Law and to ensure good governance for Hong Kong as a whole. It is not to protect the vested interests of some Members of this Council and the sectors they represent, or to woo extra votes by creating seats to give the followers of any of the parties greater "job opportunities" as Legislative Council

Members. Public offices exist to serve the public. They are not to be created to benefit office-bearers.

Secondly, the method which the Government has adopted to push through these proposals has been dishonest and in utter contempt of the public. The consultation exercise was a sham. Minimum resources are used to help ordinary citizens to understand these proposals. Views received are merely put into a compendium and committed to oblivion. Then the Government launched a propaganda campaign which did nothing but to disgrace the Chief Executive personally and the Government as a whole, while the final deal is closed behind closed doors, and ostensibly between the Democratic Party and the representatives of the Central Authorities. No one who is not already in the know is allowed time to digest these developments. Legal interpretation is debased to serve political expediency. By his action or lack of action, the Chief Executive has made it clear that he no longer represents the people of Hong Kong, and "one country, two systems" is no longer a sustainable illusion. All this has eroded credible government in the HKSAR and will encourage lawlessness.

Thirdly, I oppose these proposals on the grounds of principle and conscience. I have stood for election in the legal functional constituency in order that we may give our vote to the abolition of functional constituencies, the continued existence of which is contrary to Article 25 of the ICCPR and the Basic Law, and a blatant unfairness in our political system. I have been returned on that pledge, and I stand by it. It is not only my personal conviction or the conviction of the Civic Party.

Personally and as a party, I and my colleagues have, in the past months, gone to the community to explain and listen, and to consult people in all walks of life. We firmly believe that the development of democracy is not to be achieved as a gift begged on our knees from those who hold absolute power. Democracy must be earned by the people by personal participation and by taking responsibility for our choice. Our sincere action in the referendum movement has been the target of personal insults from this Government acting as the puppets of the power and influence behind it. But no one can take away the truth that innumerable citizens of Hong Kong have come to realize: that we must have a roadmap to genuine universal suffrage which abolishes all functional

constituencies. We are given that mandate of that cause. We are not about to abandon the people who have shown so much faith and courage.

And there is an equally important message in our opposition. Democracy prospers by creating choice, not by eliminating acceptable alternatives. The Government has been doing its best to equate being rational and moderate with supporting these proposals, and equate opposition with violence and unreason. The essence of democracy is that one can oppose resolutely and rationally without violence. And that is what we uphold and what we stand for. We do not condone violence, but we must warn the Government that it will provoke violence by pursuing divisive policies which make a section of the community feel permanently alienated.

Now I would like to address specific proposals, first, the selection of the Chief Executive.

For so long as Hong Kong was a colony and the Governor was imposed on us by a foreign state, people might be able to tolerate the Government provided they could survive and prosper under it. But once the Chief Executive is selected locally and by local people under the Basic Law, you cannot expect people indefinitely to accept that only a privileged few are given the right to select him. You cannot avoid the suspicion that votes are traded for interests between those privileged few and the man who would be Chief Executive. And it will only be a matter of time that people protest that this man does not represent them. And then how long can you expect this man, devoid of popular mandate, to govern effectively and with authority? Ten years? Fifteen years? Our older generation may be more compliant, but the younger generation is showing every sign that they find such inequality repugnant.

So don't let us haggle about whether the Chief Executive Election Committee should be 800 or 1 200 or 1 600, if the overwhelming proportion of them represent the privileged. Rather, consider what is the best way for Hong Kong to give effect to a workable system of electing the Chief Executive by real universal suffrage under Article 45 of the Basic Law, and work out, in consultation with the people, how best to achieve that in the shortest possible time.

Likewise the far more visible operation of the Legislative Council. Let me remind the Government what the reservation of the United Kingdom Government was in 1976 regarding universal suffrage under the ICCPR. It reads as follows:

"The Government of the United Kingdom reserve the right not to apply sub-paragraph (b) of Article 25 in so far as it may require the establishment of an elected Executive or Legislative Council in Hong Kong"

The effect of this reservation has been made clear many times. It is that, while the United Kingdom Government did not have to introduce election into the Executive Council or Legislative Council, once the Legislative Council became elected, the election must be by universal suffrage.

It makes sense. For once we start to have an elected Legislative Council, for how long can you justify unequal elections? How can privilege be tolerated except as a transitional measure? For as long as the privilege is not used to further the interests of its own sector, or at least not blatantly so, the public may not be too concerned. But this state of affairs cannot last. As the privilege becomes increasingly abused and blatantly abused for the interests of the privileged, inevitably the public becomes increasingly resentful. One incident after another shows that the privileges of business and professional sectors are protected, while the interests of everyone else is compromised. So how long do you expect society docilely to accept this, especially when times are hard, and hardworking people are denied a living wage?

The system of allowing the same privileged groups to elect the Chief Executive as well as control the Legislative Council is a recipe for disaster for governance: for the Government under the Chief Executive cannot fully respond to the real needs of the people, and the Legislative Council cannot truly reflect their will. It will not be long before this arsenal of discontent blows up. We do not have the luxury of time. We are not talking about making a pretty dress to wear to a ball. We are talking about heading off a disaster.

Deputy President, at the heart of the matter for both resolutions put before this Council today is the issue of functional constituencies.

The Government's proposals are unacceptable because they offer no solution to the existing state of unfairness and no commitment to ultimate elimination of privilege and unfairness or to ultimate universal suffrage of a genuine kind. On the proposal for the Chief Executive election, a token increase, in the fourth sector, of 75 popularly elected District Council members is more than offset by the increase of 300 in the other three sectors, and by raising the threshold of minimum subscribers for nomination to 150. These are changes which leave us almost exactly where we were before. It does not open up the Chief Executive election to real competition, but can even make it more difficult to happen because of the higher threshold. More important still, as a blueprint of the future nomination committee, it provides no guarantee for a real election by universal suffrage, one which encourages open and fair competition. It is a meaningless proposal when we need a real step forward. Deputy President, we should reject it without hesitation, as I hereby do. Thank you.

MR ANDREW CHENG (in Cantonese): Deputy President, as I already said when I spoke for the first time earlier, it made my heart ache to find Mr Albert CHAN so indignant and fail to get the thought off his mind, and to hear, in my capacity as a Democratic Party member, the criticisms he just made against the Democratic Party. As a founding member of the Democratic Party, I originally wanted to read aloud the script prepared so that I would be more rational, instead of making too sentimental remarks. I would also like to listen to more remarks and opinions of Members in support of this package before laying bare my true feelings. Unfortunately, there are very few Members in this Chamber now for such an important motion.

(THE PRESIDENT resumed the Chair)

President, I am stating explicitly the small differences between me and the Democratic Party through this speech. Unfortunately, because of these small differences, I will vote differently from the Democratic Party, and I have to make the most important choice. However, these differences will not have any effect on the years of friendship between me and the Democratic Party, especially my fellow colleagues. Here, I call upon other parties and groupings once again,

especially colleagues in the democratic camp, to engage no more in personal attacks and hurling abuses, and to go on making efforts on the road to democracy.

President, I hope you would not mind; as there are two proposals, that is, the proposals on the selection of the Chief Executive and the formation of the Legislative Council, I may have to state my position in one go. Albert CHAN referred to the part of the 2008 election platform of the Democratic Party, and I understood his point. The expeditious implementation of full universal suffrage and selecting the Chief Executive and forming the Legislative Council by universal suffrage in 2012 are really the solemn election promises we made to Hong Kong people. In the event of any changes, we should seriously account for them to the electors who supported and voted for us. We are really exhausted these days and we are waiting for a breakthrough, just like Hong Kong people. This breakthrough — in the face of an icebreaking expedition, I am touched and I find that there is something to look forward to. Many people said to me, "Andrew CHENG, you were a young and vigorous member of the Democratic Party, but you seldom expressed your views these two years, especially on the constitutional reform issue." Moreover, I have just turned 50, and a young and vigorous member aged 50 may sound a bit funny. Yet, "young and vigorous members" should not be defined by age because there are not only young people outside this Council now, there may even be some people aged over 80, who are excitingly making noises outside this Council, striving for universal suffrage.

Why did I seldom express my views on the constitutional reform issue these two years? It was because I trust the Democratic Party, especially our leaders and the six colleagues in the constitutional reform team. I expected a breakthrough after the icebreaking expedition. In fact, in connection with the election promise we then gave on dual universal suffrage in 2012, a compromise proposal was made after lengthy discussions. First, the new proposal on District Council Functional Constituency (DCFC) election. The most important point is that there is a timetable for the abolition of FCs behind this proposal. If we just optimize FCs without these most fundamental roadmaps and timetables, I believe Legislative Council Members elected in the future as super DC representatives, who would have 200 000 to 300 000 votes and represent public opinion — we, directly elected Members, only have some tens of thousands of votes — would

not automatically vote for the abolition of FCs to which they belong. I have a big question mark over this.

Certainly, some will say that they were directly elected and under pressure. However, we should not forget that some of our colleagues from FCs are representatives returned through "one person, one vote". Let us look at the two representatives from the accountancy and medical sectors. Their speeches and political inclinations in this term were different from those in the last term. If the future super Legislative Council Members from the pro-establishment camp want to follow the Central Authorities and continue to hold the communist party's belief that their continual existence can be ensured through "one-person-two-votes" and FCs, I think they will only stick to the point that the so-called revised DC package should be retained forever, let alone other traditional FC organizations and seats.

That is exactly the serious discrepancy between the mainstream views of me and the Democratic Party on this issue. I have compromised again and again. I can tell the President that, when we pass this revised package and timetable, I really have contradictory feelings. If the proposal and the timetable are really accepted by the Central Authorities, I trust that I must hold on. Nonetheless, I think that I will hold on even though it may be very hard for me to do so because I will certainly be by Albert CHAN or "Long Hair"; should I believe in the timetable? We have made concessions again and again. On 7 June when QIAO Xiaoyang listed four conditions as the criteria for universal suffrage, I heard quite a few Honourable colleagues say that "we can wait no more and we can move back no more". With the words still ringing in our ears, why has our baseline been breached within a short time?

Therefore, I wish to express clearly here that this is the most important difference between me and the Democratic Party members in judging the political consequences of the revised DC package. In my opinion, this revised FC package which makes use of super DC representatives to fight for the abolition of all FCs is really unattainable and beset with difficulties. Some subsequently said — Mr CHEUNG Man-kwong whom I still deeply respect often tells me that "I have been fighting for more than 20 years, and we have been going the same way in the past 20 years or so. A period of more than 20 years is very long, now that the communist party is willing to give us something, we should take it and

continue to move forward and continue with the fight." Having listened to what he said, I was a bit moved for a certain period of time. The group of colleagues whom I respect most — I got to know them when I became a founding member of the party in 1994 — I had just returned to Hong Kong when they participated in the direct election in 1988. Up to this moment, I have never doubted their conviction to fight for democracy. I only hope they will understand that more than 20 years have passed, but the democratization towards genuine universal suffrage will take a very, very long time, and people's power will be needed in the course of resistance.

Insofar as the democracy wheel is concerned, 20-plus years are actually insignificant. We may not necessarily need to demand insistently that we should be successful in fighting for our names to be found in the democratization process more than 20 years later. In my several years' experience as a Legislative Council Member, I was sitting there at the time and Uncle Wah sat next to me in two terms. Besides helping me with Chinese whenever I could not understand certain Chinese expressions, I would ask Uncle Wah how they should be written and read. Yet, the most important point is that, Uncle Wah often said, "I may not have contributed to the success, but I will naturally be part of the success". Thus, I would like to tell my colleagues in the Democratic Party that we should not say that there seems not much achievement after this fight for years, and what should be the next step. If this package is vetoed, people's power will be demonstrated on July 1. I am not being seditious and telling people to take to the streets, but, without other alternatives, people will understand that democracy should be fought with sweat. After the displaying of the Goddess of Democracy statue had met with opposition, we saw glittering candle lights at the 4 June Vigil this year, which demonstrated people's power. When the 2005 constitutional reform package was vetoed, we were just given a timetable. If vetoing the package this time can help strive for a timetable for genuine universal suffrage and the abolition of FCs, it is going to be another victory for people's power that I am looking forward to.

Unfortunately, if the package to be passed this time is a so-called transitional revised package, I am worried that people's power may be weakened because "one-person-two-votes" is really very attractive. Then, people's power will be gradually weakened and genuine universal suffrage will become an increasingly distant target.

President, I think highly of the friendship among Democratic Party members, but I must be loyal to my beliefs and election promises. Given the fact that loyalty and righteousness can hardly co-exist, I have chosen to vote in opposition to the Democratic Party's revised FC proposal. It is not my intention to make things difficult for the Party and ask for an exemption to be approved. Neither can I make things difficult for myself and violate my personal beliefs. Thus, I can only officially withdraw from the Party and leave Party members with whom I have worked together for 16 years, and continue to make efforts for ultimate universal suffrage outside the Party.

President, I call upon Honourable colleagues once again to encourage one another, be united and work hard, instead of becoming divided, hurling abuses at and criticizing one another. Thank you.

DR RAYMOND HO (in Cantonese): President, during the five years from 1985 to 1990, the Basic Law Drafting Committee (BLDC) and the Basic Law Consultative Committee (BLCC) drafted and thoroughly discussed the provisions of the Basic Law. As a representative Selected by the Hong Kong Institution of Engineers, I proactively participated in the work of the BLCC at the time. Therefore, I have some knowledge of the Basic Law drafting work and process. The then BLDC and BLCC completed the drafting work after extensive consultations and in-depth discussions. In accordance with the Constitution of the People's Republic of China, the National People's Congress (NPC) enacted the Basic Law of the Hong Kong Special Administrative Region (SAR), prescribing the systems to be practised in the SAR. The Basic Law is the mini-constitution of Hong Kong, and it overrides local laws. The provisions of the Basic Law include the arrangements for the implementation of universal suffrage.

It is explicitly stated in the Basic Law that the ultimate aim is the implementation of universal suffrage. Under Article 45, the method for selecting the Chief Executive shall be specified in the light of the actual situation in the SAR and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures. Annex I to the Basic Law also sets out

the relevant provisions for the method for the selection of the Chief Executive of the SAR.

In the light of the actual situation and in accordance with the principle of gradual and orderly progress, the method for selecting the Chief Executive is being enhanced in terms of representativeness. First, the first term Chief Executive of the SAR was elected by an Election Committee (EC) constituted under the Basic Law, comprising 400 members from various sectors in the community. The subsequent Chief Executives were elected by an EC comprising 800 members from various sectors in the community. On the basis of the Package of Proposals of the SAR Government for the Methods for Selecting the Chief Executive in 2012, the number of EC members will be increased from the current 800 to 1 200. As for the fourth sector (that is, the political sector), the SAR Government proposes that three quarters of the 100 new seats (that is, 75 seats) be allocated to elected District Council (DC) members. Together with the existing 42 seats, the DC subsector will have a total of 117 seats, which will be returned through election from among elected DC members. The aim of this proposal is to increase public participation in the EC through the elected DC members who are returned by more than 3.4 million voters, so as to enhance the democratic elements of the Chief Executive election. Elected DC members represent different strata of the community. They have made contribution to district administration and kept a close tab on public opinion. Their participation will be conducive to the interests of different sectors of society and balanced participation.

At present, among the 800 members of the EC, there are 42 appointed and elected DC members, and 30 directly elected Legislative Council Members, but the total number only accounts for 9% of all EC members. However, according to the Package of Proposals of the Government, there will be 117 elected DC members among 1 200 EC members, and together with 35 Legislative Council Members returned by geographical direct elections, the ratio of members directly representing public opinion of the total membership of the EC will increase to 12.6%. The relevant arrangements comply with the principle of gradual and orderly progress.

According to the arrangements proposed by the Government, the status and role of a DC member will undoubtedly be enhanced, which is conducive to encouraging more aspiring persons to participate in the DC elections. This may

also encourage more professionals to participate in district affairs, thereby nurturing more outstanding political talents and creating more favourable conditions for universal suffrage.

Concerning the proposed arrangements, I already expressed my views on different occasions in the past. The DC subsector will have a total of 117 seats, which will be returned through election from among elected DC member. I think this is very unfair to appointed DC members. Appointed DC members will not have the right to take part in the election, and they will not have the right to nominate and vote. It seems that the contribution they made to district affairs has not been recognized at all.

Moreover, about the arrangements for nominating candidates for the office of Chief Executive, the Government proposes to maintain the nomination threshold at the existing level, that is, at the ratio of one eighth of the total membership of the EC (that is, 150 members). I have mentioned that the existing requirement of 100 members can be maintained. Yet I think it is more satisfactory to set the ceiling on the number of nominations at 200 members as more candidates for the office of Chief Executive should be nominated, creating more favourable conditions for implementing universal suffrage for the Chief Executive election in 2017.

Although I have some reservations about the Government's Package of Proposals, I still support it. The Standing Committee of the NPC (NPCSC) made the Decision on 29 December 2007, setting a definite timetable for implementing universal suffrage for the Chief Executive and the Legislative Council of SAR. The Decision explicitly states that the Chief Executive can be elected by universal suffrage in Hong Kong in 2017. Hence, the Government's Package of Proposals can facilitate the making of preparations while we are moving towards the goal.

The Package of Proposals has been thoroughly discussed by the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 (Subcommittee), and the Subcommittee has met with more than 200 representatives from various sectors to understand their views and ideas on the package.

I deeply understand that people from various sectors in the community have different views on and expectations of the definition of universal suffrage and the related constitutional arrangements, but, in view of the overall situation, we cannot just stick to our views, not ready to make any compromises. Unfortunately, that the 2005 constitutional reform package was vetoed, causing the constitutional development of Hong Kong to fall into a standstill was precisely due to the regard for overall situation. Though I take issue with certain particulars of the Government's Package of Proposals, I am prepared to make a concession and strive for a consensus in society without violating the general principle of the achievement of universal suffrage. Through supporting the Government's package, I also hope that the constitutional development of Hong Kong will continue to move forward.

To implement universal suffrage, we must comply with the provisions of the Basic Law on gradual and orderly progress, and the relevant procedures of the constitutional reform quintet. First of all, the Chief Executive should propose a constitutional reform, and produce a report after extensively consulting local people. Then, the SAR Government should submit the report to the NPCSC for a decision. Next, with the approval of a two-thirds majority of Legislative Council Members, and the consent and ratification of the Chief Executive, the relevant proposal should be submitted to the NPCSC for approval or for the record.

Currently, according to the relevant procedures and the provisions of Annex I to the Basic Law, the Government has proposed the method for selecting the Chief Executive and forming the Legislative Council in 2012, and the relevant procedures will only be completed with the approval of a two-thirds majority of Legislative Council Members, the consent of the Chief Executive and the approval of the NPCSC. For this reason, the decision made by Honourable colleagues now will have crucial effects in taking forward the development of our democratic constitutional system.

Regardless of the voting results today, I think that all the Legislative Council Members, including Honourable colleagues from different parties and groupings must continue to maintain communication. If the motion is not passed, we should definitely not give up and plunge our constitutional development into a standstill. Through consultations, we must continue to look

for proposals acceptable to various parties so that our constitutional development will not drop anchor now; instead, we should be able to move forward. If the motion is passed smoothly, I believe there will still be disagreement insofar as certain particulars are concerned. We must continue to have discussions with a view to arriving at a consensus, which will facilitate the ultimate implementation of the constitutional reform.

Hence, the Professional Forum (comprising four Members) to which I belong has recently suggested establishing a new platform for communication in the hope of enhancing communication behind closed doors, to boost mutual trust among various parties and groupings, and to explore together constitutional development issues such as the retention or abolition of FCs and the method for selecting the Chief Executive. This proposal will facilitate the reaching of a consensus on constitutional reform, and creating more favourable conditions for the continuous fight for the goal before the Central Government.

When the Professional Forum disclosed the proposal to the media earlier on, we already stressed that this platform of communication was not led by any individual because the representatives of various parties and groupings could take turns to chair meetings. When necessary, government officials could be invited to participate in further discussions. Of course, if this platform can be established, reports must be given to the public in phases. This platform is still being worked out and we await the participation of various parties and groupings in exploring the idea further. If this new platform can be activated, it will be utilized by the Legislative Council Members in this term and also those in the next to maintain constant communication. This is the idea of the four of us from the Professional Forum, and we hope that this new idea can be further considered.

With these remarks, President, I support the motion. Thank you.

MR CHIM PUI-CHUNG (in Cantonese): President, Hong Kong is a most special city. As we can see, the richest Chinese in the world is living in this small place where the price per sq ft of luxury flats exceeds \$70,000. We also know that the salary of the Chief Executive of the Hong Kong Monetary Authority is higher than that of the financial leader in the United States

commonly known as the most influential financial leader in the world. As it turns out, there is a ruling party, that is, the SAR Government, which does not have a representative member in the Legislative Council, and there is no direct representative. Also, it so happens that 12 Honourable Members holding foreign passports will arbitrarily criticize their country. So, what is so strange about having functional constituencies (FCs) in Hong Kong? That is a characteristic of politics in Hong Kong. Given this problem in Hong Kong, all people should make efforts together to balance the interests of various sectors and achieve greater success in the future.

President, some Legislative Council Members and people take the political issues too lightly and rashly at present. Let us analyse this carefully. If Hong Kong is a country and what we are striving for is correct because it has the support and endorsement of the people, will it not be successful once it has the chance to take the helm of the state? However, we should not forget that Hong Kong is a Special Administrative Region (SAR) of China. Can we deny "one country"? I am not flattering, and I am just telling the truth. Therefore, some members of the public must clearly understand that. As I often emphasize, we all know that Macao of old could not be compared to Hong Kong. There were a few million people in Hong Kong in the past, and there are 7 million people now. But there are only some 400 000 people in Macao, and Macao is less than one tenth of Hong Kong in various aspects. Did Hong Kong people think highly of Macao people in the past? Before long, as I said at the last Legislative Council meeting, the betting revenue of Macao in May was \$17 billion. On the basis of this tendency, its revenue is going to exceed \$200 billion. We do not feel envious and we are not jealous; we must understand what objective we should be heading towards.

As a Legislative Council Member, I have the responsibility and obligation to tell the naked truth frankly because I need not fight for a vote that is not "*de facto*". All of us must understand that it is right to strive this way if Hong Kong is an independent country. I especially want to sincerely advise representative political parties in this Council that voters and the public have expectations of them. We have a pretty good idea of what we would eventually get if we went into a dead end.

President, 13 years have already passed but we have not seen our society become more democratic or more advanced. As I just said, China is a country after all, and the communist party is still in power, will it lightly hand over its political power? We should take a look in the mirror! I have said that we can organize revolutions if we are bold enough; otherwise, we must have dialogues and compromises. There is definitely another alternative: if anyone thinks that Hong Kong is unfair to him, he might as well migrate for the third time. Why is it the third time? As we all know, there was the first general migration after the 1967 riots, and the second general migration in 1982 when the reunification of Hong Kong was confirmed. So, people can migrate for another time. Hong Kong is a city that affords easy entry and exit, President, and that is nothing strange. As a participant in politics — we are absolutely not qualified to be called politicians, we are just rather happy, free and easy participants in politics — we can express our views as we like in our own ways.

President, we understand that the constitutional reform package to be voted upon later on will very likely be passed. If it is eventually passed, I personally think that it will be due to the efforts made by various parties. The first one is the Chief Executive who has fulfilled his responsibilities as the Chief Executive. I know that many Honourable colleagues have criticized him for not making any commitment; but I think that he has actually committed too much. Why? He is appointed by the People's Republic of China, thus, it is actually incorrect for him not to give up his title of nobility. Putting it more coarsely, he said that he wanted to get the job done, but I do not think that he has already got the job done because he has three responsibilities now that he has accepted the appointment by the People's Republic of China as the Chief Executive of the SAR, that is, he should have the senses of responsibility, honour and mission. Without these senses, all officials including the Secretaries of Departments and Directors of Bureaux should go to the private sector expeditiously, which would be better than staying in the Government and getting the job done. Therefore, what can the Chief Executive do under these provisions of the Central Government? We should organize revolutions with him, but he will certainly hate to do so as he has higher salaries. In that case, people should show him respect this time since he has striven hard. Of course, it is understandable that we cannot expect everything to turn out just as we wish.

Second, the Democratic Party has really attained the highest level in politics, which is making compromises. There are two results before us: if this

opportunity is given up and rejected, would the Central Authorities be afraid? It will only leave us marching on the same spot. Some have said that it will lose face, yet, how will it lose face in the international community now? So, what will Hong Kong people get? There will be internal arguments, what good it is for people to exchange blows? Politicians make use of the contradictions among people; though they may not necessarily gain any benefits, it is untrue that they may not gain any benefits at all. Thus, the public have become ideal tools. What will they get if that is the result? Hence, whether the Democratic Party has weighed the interests of various parties and the facts, or moved one step forward this time, I think that it has really attained the highest level in politics, which is making compromises. Certainly, I myself have never compromised, but I deeply respect them for they are ready to compromise.

President, there are certainly other factors, including the fact that the DAB as a political party can render support without taking credit, firmly believing that they will win the recognition and support of voters.

President, we must understand that the constitutional reform started in 2005 but it will only be realized in 2012. What benefits will the passage of the constitutional reform motion bring the public? It is perfectly normal and realistic for people to have different views. Nonetheless, engaging in politics requires mutual respect, which may not necessarily be attained in this Council. In fact, we can say that the 60 Legislative Council Members are equal, but some Members think that they can override other Honourable colleagues if they are ferocious enough or when they speak loudly. How can they have such mindsets? I would like to offer a piece of advice to Honourable colleagues. If they are so capable, they should fight the police outside; but here in this Chamber, they should respect one another here. Proper debates will definitely not undermine people's respect for us, and only conduct over board will undermine our representativeness and status. Of course, I am not saying that I am terrific because I also have a temperament, and I sometimes do not behave well. In any case, since the Central Government can discuss right ideas that are beneficial to Hong Kong and the country this time, Hong Kong people should see the communist regime in a new light.

In my opinion, Legislative Council Members and the public must clearly understand that, under all circumstances, we have absolutely every right and responsibility to criticize the State and the Government. Yet, we must "love our

country and love Hong Kong", and we can absolutely not oppose China and stir up troubles in Hong Kong. Nonetheless, we should not refrain from saying anything. We can speak up because we need not always echo the communist party's views. The communist party with more than 80 million members does not need Hong Kong people to be completely obedient. Yet, Hong Kong people must "love our country and love Hong Kong".

President, if this constitutional reform package is passed, the future of our fight for democracy and universal suffrage will be brighter and smoother. Why? It is just like doing business: favourable mutual trust is certainly conducive to easier future communication. Of course, it is most important to strengthen our own conditions and representativeness with a view to communicating with the authorities concerned. If we walk into a blind alley where we cannot see the way ahead, when will we arrive at Rome?

Hence, President, if we can take one step forward for constitutional reform this time, various sectors in Hong Kong will become more harmonious in the future. I have always emphasized that Hong Kong does not have resources but only talents, thus internal arguments and struggles will only undermine our representativeness. As we can see, the progress in various aspects on the Mainland is beyond assessment. Crowned with the words "the communist party", the conditions in various aspects are actually far more capitalistic than the capitalists. If Hong Kong people do not rouse to catch up but continue to exhaust our energy politically, our future path is going to be very rough. Yet, work hard, brilliant Hong Kong people!

PROF PATRICK LAU (in Cantonese): President, first of all, I would like to give an explanation on the electorate composition of my sector. Actually, the electors come from four professional sectors, including 4 932 surveyors (who make up the majority), 2 628 architects, 426 planners and 216 landscape architects.

Regarding the Government's Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council, I have thrice issued questionnaires to the sector through four professional institutes, and I have also organized consultative forums to collect the views of these professionals. Most importantly, when the Government announced its

acceptance of the Democratic Party's revised DC package, I consulted the chairmen of professional institutes for the third time. I am very grateful to these institutes for their speedy response, which served as very important reference for my voting decision today.

In November last year when the Government issued the consultation document on amendment to the method of selecting the Chief Executive, I conducted the first-round consultation in the sector. The result showed that almost half of the respondents supported and another half opposed the issues raised by the Government. I also submitted the result to the Constitutional and Mainland Affairs Bureau for reference.

In April this year when the Government conducted consultations on the specific amendments to the method for selecting the Chief Executive, I conducted the second-round questionnaire survey. The result showed that, among the four professional institutes, the Institute of Surveyors and the Institute of Landscape Architects supported the proposal; and there was a 1% opposition from the Institute of Architects. However, I emphasize that there was an evident 68% opposition from the Institute of Planners.

It is quite clear that although there are views that the election of the Chief Executive by universal suffrage should be expeditiously implemented, the results of the two consultations showed that almost half of the sector supported and another half opposed the amendment to the method for the selection of the Chief Executive proposed by the Government.

The most important point is that, after the announcement of the revised package by the Government this week, I conducted the third-round consultation among the chairmen of the Institutes. The result was that the Councils of the Institute of Surveyors, the Institute of Architects and the Institute of Landscape Architects supported in principle the Government's revised package.

As regards the views of the Institute of Planners, in an email that I received from the Institute at dusk on 22 June, I was asked to cite the opinions of the Institute: The Institute issued 426 questionnaires to eligible members in June this year and 115 questionnaires were returned, thus the reply rate was 27%. Among these questionnaires, 34 supported the proposal on the method for selecting the Chief Executive in 2012; 78 did not support it and three abstained. They

emphasized that the results of the questionnaire survey only reflected the views of members before the Government announced the revised package on 21 June, and they did not represent the stance of the Institute towards the revised package. They also asked for more time for discussion.

I would like to say that the voting decision this time is only related to the selection of the Chief Executive in 2012 where the number of Election Committee (EC) members will be increased from the current 800 to 1 200, and the candidates for the office of Chief Executive may be nominated by 150 members of the EC. The wordings of the amendment will not be changed after the Government's introduction of the revised package.

As proposed by the Government, among the newly added 400 EC members, 10 will come from my sector. As we can see, a larger number of professionals will have more opportunities to participate in the selection of the Chief Executive; hence, the democratic elements are enhanced in some measure.

In fact, quite a number of Western countries adopt the electoral college systems for the nomination of heads of state, and the problem lies in how we can gradually enlarge the small circles and eventually achieve the ultimate aim of the election of the Chief Executive by universal suffrage as specified in the Basic Law.

Although it is very likely that the Government's motion will be passed today, I hope that the Government will not put a full stop to constitutional development. On the contrary, "Acting Now" is just the starting point for taking forward our constitutional development. I hope that people from various sectors in the community will seize the time and make effective use of the established communication platform to foster the finalization of a roadmap leading to the election of the Chief Executive by universal suffrage as quickly as possible.

I so submit. Thank you, President.

MR CHEUNG MAN-KWONG (in Cantonese): President, the constitutional reform debate today starts with the 2012 package. At the last stage, the Central Authorities and the SAR Government accepted the "one-person-two-votes"

revised package proposed by the Democratic Party, thus maximizing the democratic elements in the 2007 Decision of the NPCSC which only increased five directly elected seats and five functional constituency (FC) seats. The new District Councils (DC) FC seats would be directly returned by nearly 3.2 million voters who are not FC voters rather than being returned through election by elected DC members from among themselves. In brief, this package allows all voters to have "two votes".

In any case, the Central Authorities only promised that the Chief Executive can be selected in 2017 and the Legislative Council can be formed in 2020 by universal suffrage. Therefore

MR LEUNG KWOK-HUNG (in Cantonese): President, I would like to ask Mr CHEUNG Man-kwong to clarify one point.

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please sit down first. Mr CHEUNG, are you prepared to hear what Mr LEUNG Kwok-hung would you to clarify?

MR CHEUNG MAN-KWONG (in Cantonese): No.

PRESIDENT (in Cantonese): Please continue.

MR CHEUNG MAN-KWONG (in Cantonese): Even though the 2012 package of the Democratic Party has enhanced democratic elements to the fullest extent within the NPCSC Decision parameters, it is just a transitional package, and FCs cannot be abolished at once. However, if the transitional package really enhances democratic elements, and increases 10 directly elected and *de facto* directly elected seats in the Legislative Council, so that the ratio of directly elected seats to FC seats in the Legislative Council becomes 40:30, and there are 10 more directly elected seats for the first time, the political situation will gradually develop from a quantity change to quality change.

A more important point is that a platform for fighting for universal suffrage has been created through dialogues. In addition to resistance in the parliamentary assembly and social actions in the past, there is now a platform for dialogues and negotiations. I have participated in democratic movements for 35 years, but I have found that the voices of democratic movements frequently failed to enter the establishment and stimulate the realization of democratic universal suffrage. The only exception was that, before China recovered the sovereignty over Hong Kong, the Basic Law Drafting Committee and the Basic Law Consultative Committee were established so that Hong Kong people could make a thin voice over the chasm of Sino-British negotiations and fight for a democratic Basic Law.

The 4 June crackdown happened in the course of drafting the Basic Law, and the dialogues between the democratic camp and the Central Authorities were suspended. It has already been 21 years since. Therefore, 13 years since the reunification, the voice of Hong Kong people still fails to enter the establishment, and there are just resistance in the parliamentary assembly and social actions. The democratic camp's only means of counteracting the establishment is the unstable power of veto in the Legislative Council.

We exercised the power of veto once in 2005, and we can certainly use that right again this year. This power is double-edged, for it can stop the passage of undemocratic packages and leave the constitutional reform marching on the spot, such that the ratio of directly elected seats to FC seats in the Legislative Council will remain at 30:30. Today, if we veto the constitutional reform package, we will be marching on the spot from 2004 to 2016, and we will be going nowhere during these 12 years.

A 12-year period is very long. When our constitutional development is going nowhere, there will be internal arguments and struggles, as well as laceration in society. Certainly, the Government will not be able to govern and Hong Kong can hardly move forward. That was the argument among us, "post-50s", which has now spread to the "post-90s", so that is our responsibility. That is the business of a generation of people that we must resolve on our own.

If the constitutional reform package to be passed today is the original "crap" package, it is not a pity to veto it again. But once the constitutional reform package is replaced by the package of the Alliance for Universal Suffrage and the Democratic Party, there will immediately be 10 more directly elected and

de facto directly elected seats, which will start giving impetus to the gradual quality change of the Legislative Council. Therefore, we will not lightly exercise the veto as we support a constitutional reform — we will move forward so long as we are heading towards enhancing the democratic elements.

The Democratic Party trusts the people, and we deeply believe that the people will not give up the ultimate goal of abolishing FCs as a result of increasing the *de facto* directly elected DC seats. The Democratic Party trusts direct election, so long as the number of directly elected seats continues to increase in 2012 and 2016 — we certainly should strive for such increases, and we will be able to open up a new scene: directly elected seats will gradually encircle and isolate FC seats, and a two-thirds majority will eventually be secured. We can start an uprising, when the opportunity comes, to abolish FCs and send them to the Museum of History.

Having struggled for 25 years in the democratic movement, the democratic camp can actually follow two routes. Putting it simply, one of the routes is "one great leap" for the immediate realization of genuine universal suffrage. Another route is taking one step at a time, and fighting for a change, from quantity change to quality change, gradually rallying more people to our side along the way, and developing from the minority one-third veto to a two-thirds majority vote.

I certainly hope that we can successfully take "one great leap", and I have struggled for 25 years with many comrades-in-arms, spending all our youthful years for this purpose. I cannot help asking now 25 years ever since: Is there only one route in the fight for democracy? Are dialogues and negotiations allowed for the sake of the realization of universal suffrage? When there are dialogues and negotiations, as Mr Ronny TONG has said, should the goal be an immediate overall victory within one month of the dialogues, such that we should be able to abolish FCs and remove all obstacles in respect of the nomination of the Chief Executive? And if we fail to attain overall victory within one month, even if we can secure 10 directly elected and *de facto* directly elected seats in the Legislative Council despite the explicit statement that we will absolutely not change our position towards the abolition of FCs, must we veto the package at once to destroy good and bad alike, and go nowhere, or else, we will be accused of having made a mistake? I respect but disagree with this strategy of taking "one great leap" without any concessions, and I will not give up struggling for every inch of land, taking one step at a time.

The Democratic Party must reiterate here that we have not given up the abolition of FCs, and it will be discrediting us to say that we have. Our dialogue with the Central Authorities officially began on 24 May. The first request made by the Democratic Party in the course of the dialogue was that we should proceed towards legislating on ultimate universal suffrage in the next 10 years, and avoid endless arguments and internal struggles over constitutional reform in every term within the next 10 years.

Mr LI Gang from the Liaison Office of the Central People's Government in the SAR (LOCPG) responded that they were prepared to consider the package on legislating on constitutional reform in 10 years, but he said that it was a new package, and it was impossible for the NPC to make such a swift decision for there was only one month before the vote. However, we started to have dialogues and the LOCPG can consider the retention or abolition of FCs in the future. When I asked Mr LI Gang again one month later, he told me that the issue was under consideration.

For the Democratic Party, the mutual trust required for dialogues had not yet been established, on what basis should the people believe that the future dialogues could really resolve the issue concerning the retention or abolition of FCs? Therefore, the Democratic Party further proposed that, if the Central Government could show its sincerity in respect of the progress towards universal suffrage, fully utilizing the Decision of the NPCSC in 2007, and tolerating the 2012 package, apart from five directly elected seats, changes could be made so that five DCFC seats will be directly returned by 3.2 million voters in Hong Kong; of course, with the exception of 230 000 FC electors.

The goodwill of the Central Authorities in revising the functions of DCs helps to make people believe that dialogues are feasible. So long as Hong Kong people agree that dialogues are not procrastination or deception but a means to solve the predicament concerning the constitutional reform, we can still fight for the abolition of FCs through social actions, parliamentary resistance, dialogues and negotiations, and struggle for at least 10 years for this purpose.

Thus, the 2012 package will start this quality change. If this momentum persists until 2016, there will gradually be more directly elected seats than FC seats. With 40 directly elected and *de facto* directly elected seats to 30 FC seats

in the Legislative Council, we will then fight again for greater democratic progress in 2016, and for direct election to encircle and isolate FCs. The people's eyes are discerning, and they will not allow some small circles such as the agriculture and fisheries sector, or big circles such as the education sector to exist forever because of "one-person-two-votes". It cannot be hidden away in the blue mountains, and it is flowing eastward after all. Who can stop the spring torrent flowing eastward? Who can stop this trend of universal suffrage for the people in this age? The statement that increasing the directly elected seats for the DCFC will reinforce FCs is actually a disbelief in people's power and wisdom.

Thus, the 2012 package just helps democracy get a start, and it is after all a good thing to have 10 additional directly elected and *de facto* directly elected seats. Vetoing the package and taking "one great leap" is worth our respect. Nonetheless, what is wrong in accepting the package, increasing 10 directly elected and *de facto* directly elected seats and abolishing FCs by taking one step at a time? We are not betraying democracy, so why should we be discredited?

We must admit today that the democratic camp has two routes: the leftist route and the moderate route. Nevertheless, democratic movements are never about absolutely correct routes. My 25-year experience in the democratic movement tells me that the routes are opened up by men. The Democratic Party will not say that it is right, and it dares not say that others are wrong. Democracy should embrace diversified routes and different political spectrums; we should respect one another and agree to disagree. Yet, we should not exchange hot words, expletives and abuses, or abuse SZETO Wah by saying that the cancer must have spread to his brain.

Let us ponder over this: For a person going the same way en route to democracy, a political opponent who holds different views, or an elderly person who has fought for democracy throughout his life, even though his political views are different, SZETO Wah's cancer should not be used as the focus of attack, nor should he be abused by saying that the cancer must have spread to his brain, without the tiniest bit of remorse. If someone like that comes into power one day, even though he is flaunting the banner of democracy, it will be the beginning of political terrorism because the minimum extent of humanity should be observed in all societies.

Throughout the 35 years that I have participated in the democratic movement, I made the mistake of thinking that I was the only one who was right, and I was no longer tolerant to people going the same way. Today, I finally realize that the spirit of democracy is about tolerance. We should respect people going the same way and those holding different views. We should not insult or curse others and we should not speak foul. We should be peaceful, rational and non-violent. Since the route to democracy is opened up by the people, it is most important to win people's support and the goal cannot be achieved by abuses and foul language.

I must say that the Democratic Party's package is just a transitional package, but the Democratic Party is now facing the failure by some people going the same way to understand, and even the departure of my old friend Andrew CHENG. Andrew CHENG and I have been comrades-in-arms for 16 years, and both of us are the fans of Manchester United and England, thus, we are old friends insofar as public and private affairs are concerned. No matter what the future will be, I will not doubt Andrew CHENG's perseverance in fighting for democracy. Even though I have not successfully convinced him to give up the idea of withdrawing from the Party, I would still like to send him a poem by HE Da: "Together we walk, thinking of the same ideal; now we part company, thinking of revelry when we join forces."

When all of us in a political party are working together for the same ideal, even though we part company for the moment, universal suffrage will still remain our goal. When universal suffrage is realized, we will join forces and it will be the day of revelry. In 2020, I will have struggled for democracy for the 45th year. At that time, I hope Andrew CHENG and I will join forces on the day of revelry.

With these remarks, President, I strive for universal suffrage. Thank you.

MR IP KWOK-HIM (in Cantonese): President, taking forward our constitutional development is the common wish of the public, and also the goal that the DAB has always been working to achieve. There was an opportunity in 2005 to take forward our constitutional development but, unfortunately, the relevant motion was not passed by a two-thirds majority of all Legislative Council Members. As a result, five years of precious time for constitutional

development has been wasted for nothing. Today, Legislative Council Members will have to make another significant choice.

After the 2005 constitutional reform package was vetoed, there have been ongoing discussions in the community on constitutional development. In November last year, the Government activated three-step mechanism for the 2012 constitutional reform and launched extensive and intense public discussions. Despite divergent views and widely divided opinions, an absolute majority of the public explicitly and strongly supports taking forward constitutional development. This is consistent with the position of the DAB. In the past few years, the DAB has actually been making efforts to push forward constitutional development.

In the course of constitutional reform discussions, the community has divided opinions, and various parties and groupings hold respective aspirations and positions insofar as democratic constitutional development is concerned. With each of them sticking to its own views, it is not at all easy to work out a proposal that is satisfactory to all. That is the actual situation in Hong Kong at present. In fact, the proposal under discussion today is not satisfactory to all so far. Democracy requires tolerance. Having listened to Mr CHEUNG Man-kwong's remarks just now, I feel all the more that tolerance and respect are important. The DAB constantly insists that the overall interests of Hong Kong should come first, and it has always been our belief that we should take the interests of the whole into account. So long as the constitutional reform proposal complies with the relevant provisions of the Basic Law and the NPCSC, and is conducive to obtaining the support of a two-thirds majority of all Legislative Council Members, and to taking forward constitutional development, the DAB is ready to deal with it with an open mind and in a rational and pragmatic manner.

Many supporters of the DAB have told us that the current constitutional reform package is most unfavourable to the DAB, and they hope that the DAB would think twice. The DAB understands very well the interests at stake, but it consistently thinks that the overall situation of constitutional development is associated with the overall interests of all Hong Kong people, which is the most important point. As a matter of fact, the DAB supports the constitutional reform, and it never thinks that the interests of political parties should override the overall interests of all Hong Kong people. Taking the 2005 constitutional reform package which sought to allocate five new FC seats to DCs as an example,

as we can recall, being affected by the legislation to implement Article 23 of the Basic Law at the time, the elected DC members from the DAB decreased from the original 87 to 62, and the DAB secured 30 fewer seats than the Democratic Party in the 2003 election. On the premise of making things favourable to constitutional development and the overall interests of all Hong Kong people, the DAB decided to support the constitutional reform package under such adverse circumstances, which was the fact. In fact, we only have one objective — we hope that constitutional development can be taken forward according to people's aspirations. Nearly 70% of the public supported that back then.

Though the DAB also understands that the current revised election method will bring new challenges and tests, we will continue to work hard to serve the public, fight for the support and trust of more people, and make efforts together in order to realize the ultimate aim of implementing universal suffrage.

The motion we are discussing is a part of the whole constitutional reform package, and the aim is to amend Annex I to the Basic Law and to make preparations for the election of the Chief Executive in 2012. It is really strange that there has actually been little discussion in the community on the method for selecting the Chief Executive, and the focus has been on the arrangements for the election of the Legislative Council. We will certainly touch upon this topic in the next discussion session. Actually, the most important task now is to implement the election of the Chief Executive by universal suffrage. On the one hand, the Decision of the NPCSC in 2007 was about selecting the Chief Executive by universal suffrage before forming the Legislative Council by universal suffrage. On the other hand, since Hong Kong is executive-led, the democratization of Hong Kong will be taken forward in great measure so long as the Chief Executive is elected by universal suffrage. The DAB supports this motion because it creates favourable conditions for the election of the Chief Executive in 2017.

The motion proposes enlarging the membership of the Election Committee (EC) for the selection of the Chief Executive from the current 800 to 1 200. The DAB holds that this method and proposal can enhance participation by people from various sectors of the community, and increase the representativeness of the EC. Of course, we have also heard the opposition camp say that the current package is "retrogressive" for it only proposes increasing the membership by 400,

whereas the Government already proposed in the 2005 package that the membership of the EC be increased by 800. We find this criticism by the opposition camp unfounded. It should be understood that, to judge whether a proposal is progressive or retrogressive, a comparison must be made with the system before the implementation of the proposal rather than a proposal that has not been implemented. Let me draw an analogy: many Honourable Members, Honourable colleagues and people are now revelling in the World Cup Finals in South Africa. There are 32 teams participating, and a big improvement has evidently been made as there are four and a half teams from the Asian region, compared with only three and a half teams 12 years ago. Yet, we cannot say that this is retrogressive when these four and a half teams are compared to five teams as undertaken by the FIFA. The quota of five teams is merely a suggestion, and it is by no means an established system.

Actually, we have also noted that Mr Alan LEONG has told the media his queries about the EC membership being merely increased by 400 because he obtained enough nominations and became a Chief Executive candidate last time, so the Government has now particularly adjusted the new membership downward from 800 to 400. I think Mr LEONG is really imaginative; he could have imagined that the system designed by the Government especially pinpoints him. I hope he would cease to inflate his ego. As a matter of fact, regardless of the membership of the EC, it will not affect whether a person will be successfully nominated and become a Chief Executive candidate. It is because the Government has proposed that the current nomination threshold should remain unchanged at one eighth of all EC members. So, even though there are more members, the threshold will still remain at the original percentage, and it will not become especially higher. A system will not be designed for the convenience of an individual or for repelling an individual. We should understand that there is a fewer number of new EC members than that proposed in the 2005 package. A very important factor for consideration is that there is now a timetable for universal suffrage, that is, the election of the Chief Executive in 2017 by universal suffrage, thus it is inappropriate to substantially increase the membership of the EC in 2012. Because substantially increasing the membership may make it difficult for the smooth transition of the EC into a nominating committee. Hence, this actually creates conditions for the transition of the EC into a nominating committee.

To address the community's concern about the voting rights of appointed DC members, the greatest difference of the constitutional reform package of the Government this time from the 2005 package is that appointed DC members do not have the right to participate in the EC for the selection of the Chief Executive, and they will not have the rights to vote and stand in the DCFC election. President, as a DCFC member, I would like to take some time to speak in fairness to appointed DC members.

To enhance the democratic elements in the Chief Executive and the Legislative Council elections and in light of the overall situation of striving to take forward constitutional development, it is comprehensible for the Government to make such an arrangement for appointed DC members. In fact, that appointed DC members will not have the right to participate in the EC for the selection of the Chief Executive, and that they will not have the rights to vote and stand for the DCFC election can be likened to, as pointed out by Dr CHAN Tung, Chairman of the Sham Shui Po DC, "not at all different from having one's arms and legs chopped off", because appointed DC members will no longer have any political character and they will only provide district services. Under this circumstance, the abolition of the DC appointment system or not is no longer crucial. Actually, appointed DC members make substantial contribution to the districts. For example, when a case of throwing things from a height happened in Sham Shui Po earlier on, the appointed members in the district took the initiative to raise \$400,000 for the installation of closed circuit televisions in old buildings. Some appointed DC members spent money and made efforts, sponsored district activities with their DC members' allowances, and even paid out of their pockets to promote district affairs. Hence, the DC appointment system can allow some persons with breadth of vision to serve the districts through channels other than elections. When the Government puts forward the DC appointment system for public discussion in the future, I hope all of us will engage in discussions in a fair and rational manner.

With these remarks, I support the motion.

MR CHEUNG KWOK-CHE (in Cantonese): President, as the arguments on the constitutional reform have come to this en-route stop today, I believe it is time to draw a close. The Government "played foul" a couple of days before the vote on the reform package by suddenly accepting the revised package proposed by

the Democratic Party before there could be thorough discussion in the community. I think it is necessary to defer the discussion before a vote is taken.

The constitutional reform concerns the future development of Hong Kong. It is a very solemn topic which absolutely must not be treated lightly. It must not be passed before detailed discussion or consultation. I have this question for the Government. The revised package was actually put forward quite some time ago, as also mentioned a number of times earlier on, so why did the Government accept it only two or three days before the vote and hasten to make a public announcement?

The narrowing of the room for discussion in the community to compel the Legislative Council to vote on the package of proposals as soon as possible is indeed a quick way to cut the Gordian knot, such that the package of proposals can be passed hastily. But this may cause even more serious counter-effects that may intensify social conflicts and further aggravate the relationship between the legislature and the executive.

In the social welfare sector alone, I have been discussing the Government's package of proposals with the sector over the past couple of weeks, and the last consultation session was held on this past Sunday. But as the Government announced only on Monday its acceptance of the revised package, many social workers in the sector really had no idea of what was happening. They had even continuously conveyed to me their wish for the vote to be deferred, so that they could gain a fuller understanding of the contents of the new package.

Indeed, there are similar aspirations in the sector and also among the general public. Therefore, I really cannot see what reasons the Government have to refuse withdrawing the package of proposals temporarily, putting off the vote, and as I have suggested, reintroducing the proposal again in October when this Council resumes for a vote to be taken. I urge the Government to withdraw this package of proposals before it is put to the vote. In my opinion, if members of the community can have in-depth discussions on the new package during summer (as the Legislative Council will be in recess anyway), it can help improve the package and better still, ease the intense public sentiments. I believe this can also help the Government in lobbying Members like us who are opposed to the reform package. Perhaps after three months of discussion, we may eventually agree to the proposals. If the Government categorically refused to accede to this

request, I am sure that the Government will be adding fuel to the flames and digging its own grave insofar as this whole issue is concerned.

Let me come back to the revised part of the methods for selecting the Chief Executive. The proposed amendments include increasing the number of EC members to 1 200 for the selection of the Chief Executive in 2012 and raising the nomination threshold for Chief Executive candidature to 150.

On the surface it seems that increasing the number of EC members will enhance the legitimacy of the Chief Executive, as also mentioned by some colleagues earlier. But is there any improvement compared with the 2005 package? Under the current proposal, the number of EC members will be increased by 400, with 100 members added to each of the four sectors. With regard to the new and original seats allocated to DC members in the political sector, the abolition of the voting right of appointed DC members in response to public opinions seems to represent a small (increase in) democratic element. But regarding the composition of the other three EC sectors, namely, industrial, commercial and financial sectors, the professions, labour, social services, religious and other sectors, the Government still has not explicitly stated whether or not their respective electorate base will become broader than it is now. The legitimacy of the new EC members is inevitably open to question.

As the composition of the new electorate of the EC is very important to the nomination and selection of the Chief Executive, if the relevant details are not spelt out clearly, I will not accept a proposal in which "the devil is in the details".

However, I think the greatest controversy certainly lies in the nomination threshold for Chief Executive candidature, for this will have an extremely significant bearing on the election of the Chief Executive by universal suffrage in future. The Government has now proposed to raise the nomination threshold from 100 to 150. This is obviously a hindrance to people outside the establishment in running in the Chief Executive election, with the purpose of ensuring that candidature is kept under control.

According to the Government, the nomination threshold is increased to 150 in proportion to the previous threshold which was set at a ratio of one eighth of the 800 EC members. Taken *per se*, this ratio of one eighth may seem to be

sensible. They said that it is increased only proportionally and that the threshold has not really been raised. But they have obviously turned a deaf ear to the voices of the sector and the community, because we have demanded that the threshold be maintained at 100, not at a ratio of one eighth. It must be noted that it is very difficult for any person contesting the election to secure 100 nominations, let alone 150 nominations. If we go on campaigning for an increase in the number of EC members to 8 000 which means that the representativeness will be further enhanced, would it mean that a prospective candidate has to secure 1 000 nominations then? So, this is not in line with the logic of thinking of the people.

Certainly, as Members all understand, even if a member of the pan-democratic camp can secure 150 nominations, it is still impossible for him or her to be elected in the small-circle election. But what if the Chief Executive will be elected by "one person, one vote" in future? As it is provided in the Basic Law that the election of the Chief Executive by universal suffrage will still be subject to nominations by the EC, in proposing a higher threshold now, does the Government aim to pave the way for the election of the Chief Executive by universal suffrage in the future by stifling the chance of people outside the establishment to run in the election?

There is indeed a huge gap between this regressive proposal and the demand made by the Hong Kong Social Workers' General Union of maintaining a low nomination threshold for Chief Executive candidature. We, therefore, consider this proposal absolutely unacceptable.

As I have said more than once, only when there is democracy can people's livelihood be assured. Only a Chief Executive with a broad mandate from the people can truly serve the people and fight for their benefits. If the SAR Government and the Central Government, for want of maintaining stability in society, allow the small circle to elect a Chief Executive who knows only to fawn on the big wigs and major consortiums, I strongly believe that the differences and conflicts now exist in the community will definitely intensify continuously.

There are now a large number of young people taking part in a peaceful assembly outside the Legislative Council. That they have come forth is precisely the result of the continuous deepening of social conflicts by the

Government. Although the Government has attempted to sling mud at them, I urge Members to calmly and clearly look at their behaviour, their aspirations and their voices made for the sake of justice. Do you think that they oppose the Government's package of proposals in order to seek private gains? Why are they sleeping without a shelter and eating against the wind on the street? What is their purpose in writing down "Hong Kong people ruling Hong Kong" in great distress? I trust a vast majority of those people who are assembling outside the Legislative Council are not trouble-makers. Nor do they aim to steal the show. Rather, they are genuinely making an effort to contribute to democracy in Hong Kong. If the Government knows only to sling mud at them by describing their acts as radical, I believe this would produce just the opposite result.

Chief Executive, Secretaries of Department and Directors of Bureau, you should cherish these young people with convictions. They are prepared to care about society, to care about democracy, and to care about Hong Kong. They do not just spend their time speculating on the residential property market and speculating on the stock market. They have spoken up for the future of Hong Kong. When we retire in the future, our batons will be passed to them.

Many people have said that Western countries had to fight for as long as a century before their democratic systems can be established, whereas in Hong Kong, as Mr CHEUNG Man-kwong also said, we have only fought for two to three decades. So, these people questioned that Hong Kong is moving forward too quickly and that we should move on slowly. As a Chinese proverb goes, "the ancestors planted the trees, and their descendants enjoy the cool under the shade". The success of Western countries in achieving democracy can actually serve as reference for Hong Kong, so that we can see how we can avoid taking unnecessary steps and speed up our pace of democratization. Furthermore, whether or not it is suitable for democracy to develop in a place depends on the social environment and the people's quality of that place at the time.

With the political quality of Hong Kong people, coupled with a sound system of rule of law, I think we absolutely have the ability to elect our Chief Executive by "one person, one vote" immediately, and the Government should not use the timetable to hold us back. However, while we reflect the sector's opposition to the Government's package of proposals, it does not mean that we will give up our fight for the implementation of dual universal suffrage, because

when I think about the day which is destined to come when the people will eventually become masters of their own house, I will fight on with unremitting perseverance.

President, I so submit.

MS EMILY LAU (in Cantonese): President, recently, the Democratic Party has held many meetings to discuss this package of proposals. There was once when a member of our party said that he agreed with us in supporting this DC proposal. He said, "The Democratic Party must stab itself." What he meant was that if we support this proposal, we would be like stabbing ourselves. He added, "But I still agree to it." In fact, I certainly share his view.

President, in this process, we actually fully appreciate (although we may not know it precisely) that many people are in great fear of the communist party, and they even have a deep hatred for the communist party. I understand that some colleagues have criticized us for changing our position as we had pledged to fight for dual universal suffrage in 2012 during the election back then. I personally would apologize to these members of the public because I have indeed changed, especially if I am to support this package of proposals introduced by the Government.

In fact, when we wrote to the Central Authorities or the SAR Government, we did state clearly our wish for the implementation of dual universal suffrage in 2012, but failing that, we would ask for this and that. Of course, the public do not consider this adequate, so I think we owe them an apology. But President, there are also many people who very much support our action. That is to say, they wish to make this step. As also indicated by some opinion polls, 70% or a certain percentage of the public do not want to remain stagnant as such, not being able to move at all. But what we are capable of doing does not allow us to move in whatever way as we like. So, when the Democratic Party made this decision, we knew very well that this would arouse great controversies. But when we discussed this internally, we all wanted to do this.

In fact, President, my first proposal was implementation in 2012 and if that failed it, I urged that its implementation be guaranteed in 2017 and 2020. Later, some younger members of our Party proposed that we still must look at 2012,

meaning that even if we do not ask for universal suffrage, other issues will still warrant our discussion. In the beginning, they did not dare to raise this with me and they were reluctant to discuss this with me, because they thought that I would certainly say no and so, they turned to other people and discussed this with them. Later, after I had heard of this, I asked them why we could not discuss this together. After this discussion, we heard that some people had made this proposal and some people had made other proposals. Some people proposed the merging of FCs, and some people also said that this proposal is like a big nullah creating a watering-down effect. We then went on with our discussion and subsequently, we joined the Alliance for Universal Suffrage. We held discussions with some academics and members of the Alliance for Universal Suffrage and finally came up with this proposal.

So, if members of the public consider that we have reneged on our pledge made in the election, I would accept it, and I would take any condemnation by the public. I only wish that the public can appreciate that we are doing this out of good intentions. I know that many people hope that we can do something by all means. As to whether we will be proven right or wrong at the end of the day, President, I think the future developments will bear testimony to this. But we in the Democratic Party, like those in the DAB, will have to face the voters next year, President. If we have really done something wrong, the voters can be very cruel and we can be totally defeated overnight.

President, I wonder if you still recall that a few years ago, Canada held a general election in which the Conservative Party, which had taken up over 100 seats when it was the ruling party, turned out to be able to secure only two seats in the election. However, not one single shot was fired; nor was one drop of blood shed. Yet, we can see that the voters in Canada were very cruel. Voters in Hong Kong certainly can do the same and if that happened, we in the Democratic Party would readily face it. What we are asking for is a We hope to achieve direct elections ultimately but now, it is impossible for us to achieve it, and now, we have only made one small step. If people think that this is a very wrong move to make, fine, President, we will, we will, and we have to accept the criticisms against us from society and voters. Because in any case, we still have to make a decision. As for this decision made by the Democratic Party, Mr Andrew CHENG does not accept it and he does not like it, but I very much respect his view, because there is no point forcing him to accept it,

President. So, if you can accept it, let us do it together, and I trust that on the road to democracy, we will still continue to work with Mr Andrew CHENG and also with other people.

President, some people said that Emily LAU must have changed. Yes, I have changed indeed. In 1994, I introduced a Private Member's Bill — it was possible to introduce a Private Member's Bill in this Council during the colonial era but this is out of the question now — That was a bill on the full direct election of the Legislative Council, and Chris PATTEN also introduced a bill. I said at the time that I did not support Chris PATTEN's bill, and I definitely must support mine. Many colleagues in the pan-democratic camp came to me in Room 216, trying to convince me that I must not do so, for Chris PATTEN's bill would then be voted down. In fact, their guess turned out to be wrong because what mattered most was the amendments proposed by the Liberal Party to that bill introduced by Chris PATTEN, and Chris PATTEN finally won by just one vote. But after Chris PATTEN had beaten the amendments, many people returned to his side and so, they could heave a sigh of relief and in the end, it did not matter even if we voted against Chris PATTEN's bill. However, my bill was put to the vote on the same day. The vote was taken at 6 am and I lost by one vote. A Member came to me and said, "Ha, ha, now you know how it feels to be defeated by one vote." President, that very Member is in this Chamber now.

It was easy at that time. I could "stand firm", I could oppose it, and I could act independently. But I do not think that I had really achieved a lot. It was in 2004 that I made some slight adjustments in my position. Why? I supported Fernando CHEUNG to run in the election. In the past, I would never support anyone running in this small-circle election. But I thought that Fernando was very good and I very much hoped that he could be elected to this Council. Although he was running in the FC election, I still gave Fernando CHEUNG my support. In 2008, we in the Frontier held a lot of meetings. We even convened the General Meeting and joined the Democratic Party. We all know what the Democratic Party has done before. They have taken part in the small-circle election. I think that we need to make compromises on some issues, because I hope that through compromises, co-operation and pooling our strengths together, we can do more for the people. Some people like to say, "Good for you, Emily LAU, as you "stand firm" and oppose everything." But sometimes, I think co-operation is also very important.

President, you should remember the eight-party consensus reached by us in the past. As I told the media just today, there were people holding banners which read "Move Forward" outside this Council and I walked up to them and told them about the eight-party consensus. The media then said to me, "Hey, people are saying that you have shouted "Act Now" together with them!" I said I did not shout "Act Now" together with them. Then they said, "Why did you go talking to them then?" I said that they are also Hong Kong citizens, and I do not just talk to people in support of the pan-democrats. I will certainly go talking to any Hong Kong citizen who comes to me, and I would explain the eight-party consensus to them. I hope that if we passed this package of proposals, the atmosphere would be better, so that we could forge an eight-party consensus. President, it is because the Government is incapable of playing an executive-led role and it is incapable of doing many things. Under the eight-party consensus that we reached back then, somebody would be responsible for convening a meeting on a monthly basis. President, do you still recall that I contacted you when SARS broke out at that time? Why? Because there was an outbreak of SARS at the Amoy Gardens with one case after another being reported, but the Government did not dare to take actions to deal with it. President, I had asked you if we could hold a meeting. The meeting lasted just half an hour and the eight parties agreed that isolation must be implemented and yet, TUNG Chee-hwa did not dare to announce isolation because he would be taken to task for adopting the measure. It was almost one week after the eight parties had made this proposal that the Government announced the implementation of isolation measures.

President, you will recall that we had done a lot of work through the eight-party consensus. An example is the handling of air pollution, and that was part of our work back in 1994 and 1995. Then, after the 911 incident, those measures aiming to stimulate the economy were finally incorporated by Antony LEUNG into his budget. I very much agree to co-operating with people and working with them in concert. But later, the LOCPG, the SAR Government and Beijing all did not wish to have this eight-party consensus because an eight-party consensus would mean a legislature-led government and that would challenge the executive-led system and so, it must be quashed.

So, President, I told those people holding the banner of "Roll Forward Constitutional Development" outside that everyone wants universal suffrage and

we also hope that there will be universal suffrage. But why should there be universal suffrage? Because when there is universal suffrage, the people's livelihood will be improved. I said that even if universal suffrage could not be achieved, if the atmosphere became better with the passage of this package of proposals, we could again work for an eight-party consensus because the public are worried about inflation and they are worried about property prices, and there are many things that we can do and want to do. I also told them that as also stated by the Chairperson of the Equal Opportunities Commission, LAM Woon-kwong, with regard to many issues, such as taking care of the underprivileged, a consensus has actually been reached in the Legislative Council, just that the executive authorities do not accept it. So, President, there are things that we can actually do but during this process, I must give up something.

This time around, discussions had been held within the Party over and over again, especially among the younger members. When they first made these proposals, they thought that Emily would certainly chide them and rejected these proposals. They were later taken by surprise on learning that I was prepared to listen to them and I was willing to compromise, but I made just one point and that is, we had made pledges to the voters. Now, as some voters have also said, we, of course, did say at the outset that we would fight for dual universal suffrage in 2012 and we did make this pledge back then. But there are even more people who are scared. What are they afraid of, President? They are afraid of the communist party. Some people may be very resistant to communism, and they have always thought that we are helping them to resist the communist party. They would think that we now side with the communist party and they would have nothing to count on and would definitely be meeting their doom. In this regard, should the Central Government actually reflect on itself?

President, as you have said a number of times, Hong Kong has reunified with the country territorially, but not quite so in terms of the hearts of the people. Why do so many Hong Kong citizens feel apprehensive? But on the other hand, many people are going northward every day for entertainment, shopping, doing business, and so on. But despite so much prosperity and economic development, they still cannot command our citizens' trust and confidence in the Central Authorities. With regard to how things are handled this time around, Mr CHEUNG Kwok-che asked earlier why, for no reason at all, a package of proposals was introduced just a couple of days before the vote. Members, do

you think that this is what it wanted to do? President, do you think that this is what it wanted to do? The authorities made an announcement on 7 June that there were no other options. Our working group on constitutional reform held a meeting on 8 June and our internal discussion also concluded that there were no other options, and we all reckoned that nothing could be achieved. But then, some people said that regarding the proposal of electing the DC seats through the five geographical constituencies, it appeared that the door had not been completely shut because nothing had been said to the effect that Even if QIAO Xiaoyang had come forth talking a lot of gibberish and talking about such and such conditions and universal suffrage, he did not say that the proposal was in violation of the Basic Law.

So, in our discussion, some people asked: If that was the case, or if this package were the only option, could we accept it? Some people said that we could accept it (because we all knew at the time that there would be no alternative, and it was also announced on 7 June that there would be none). Two days later, our Central Committee held a meeting and we continued to discuss the same issues over and over again, knowing only too well that nothing could be achieved. But some people then said that if this package was the only option, what we could see was like reaching the dead end (how our Party members had felt actually reflected the view of Hong Kong citizens). Nothing could be achieved, and we knew that it would certainly be voted down — That is, if the same package were put to the vote, it would certainly be voted down. But we were like swimmers on the verge of drowning who wished to firmly hold onto something. Members, would there be such a thing? If yes, could we accept it? Some people said that we could accept it.

So, Albert HO had precisely heard this view from various members at many meetings, noticing that our members very much wished to achieve something. So, two days later, he dashed forward to announce in public that if there would be such a proposal, he would accept it and although he is the Chairman, if this would turn out to be not working, he, being the Chairman, would be responsible for that and he would step down. After Albert HO had made those remarks, the Government invited him to a meeting and asked, "Albert HO, were you serious when you made those remarks? If there were this proposal, would you really accept it?" At that time, nothing could actually be done, as we all knew that Zhongnanhai had already made a decision. But later, perhaps somebody had further submitted a report and Elsie LEUNG also came

forth to say that she was out of town at that time and that she had misunderstood our proposal. Then, many people started to change their stances, President. Many people, especially the foreign media, were very interested in knowing why Zhongnanhai would still make changes after reaching a decision. Members, you may know more than I do. If our doing so would result in criticisms and allegations from many members of the public, we could do nothing about it and we in the Democratic Party have to bear them.

But I believe we have no axe to grind and what is more, we are all people who will be retiring. We think that making this step may bring some benefits to Hong Kong, for this will shake the entire system. I think many people would wish to take part in the DC election and also the Legislative Council election. With more people entering the Legislative Council, I hope that this can bring changes and liveliness to the political arena. Recently, I have been asked by a reporter whether I agree that it has never been so exciting as it is now throughout the many years of discussion on the constitutional system. I said that it is very exciting, all the more so to the Democratic Party. But we need more stimulation, and we all the more hope that this would stimulate the people of Hong Kong, including the young people outside this Council, those "post-40s", "post-50s", "post-60s", and "post-80s", so that they will become more active and fight for their causes by peaceful, rational, and non-violent means without using swear words. Inside this Council we will do our utmost and outside this Council, we will work with the people of Hong Kong. We have no axe to grind, President. I would feel very, very indignant indeed if anyone would question our integrity. I have worked with many people in the Democratic Party for decades, and what have we ever done that can give people a reason to accuse us for seeking private gains or selling out our integrity, President? But sometimes, no matter what we said, other people will still point their fingers at us, making allegations against us even if they do not have any evidence.

However, a lot of things will happen soon. I have also suggested that the threshold must not be set at too high a level, and it would be best to set it at 10 seats, so that all political parties can take part in it. If an excessively high threshold is set in the papers to be released in a couple of months, which would give many people the impression that this is a scam meant only to benefit certain parties and groupings, I would, as I have said, admit my mistake and step down immediately and then, it would be necessary to hold a by-election — not a referendum though — I would not run in elections anymore, President. I hope

that I, Emily LAU, and the Democratic Party can continue to make contribution to the democratization of Hong Kong.

MR WONG KWOK-HING (in Cantonese): President, with regard to the method for the selection of the Chief Executive under discussion now, I do not see much controversy over it. Despite that some political parties hold different views, there is actually not much opposition from them. So, I urge Members in this Chamber to at least vote in support of this resolution relating to the Chief Executive.

President, the several Members of us from the Hong Kong Federation of Trade Unions support both resolutions. President, after five years of stagnancy since the 2005 constitutional reform package was voted down, I am confident that the two resolutions proposed by the Government can be passed today. I also hope that colleagues in this Chamber can duly contribute their efforts to the turning of a new page for the development of a democratic constitutional system in Hong Kong.

President, on the eve of the Government's tabling of these two resolutions for a vote by this Council, a new change was made which focused on a new proposal for returning the five new District Council Functional Constituency (DCFC) seats. This focus has aroused strong reverberations in society, but it is precisely this focus that has brought about substantial changes in the entire situation. Let us cool ourselves down and review the changes over the past few days, then we will see what is the mainstream or what is the main opinion of the public. I think there is a lot of objective information which enables us to share our views on this point with a cool head.

I would like to cite the first example and that is, after the introduction of the new proposal, there has been greater support for the Government's constitutional reform package while the percentage of opposition against it has dropped. This is an indisputable fact. This is one point. Second, after the announcement of this new package, 10 academics who teach political and social sciences in tertiary institutions in Hong Kong jointly published an article entitled "Untie the dead knot of constitutional reform; Find a way out for Hong Kong", with a subtitle which reads "Support the passage of the proposal on elected-District Council seats". These 10 well-known academics teaching

political and social sciences are professionals in their fields and in their article, they have drawn an important conclusion which says to the effect that as the Central Authorities have responded positively to the constitutional reform proposals for 2012 made by the democratic camp, if the Legislative Council once again votes down a package which has made certain improvements, mutual trust would only be further damaged and this could possibly result in a repeat of the nightmare about a package being voted down and then rehashed over and over again. I think this appeal made by these 10 academics merits in-depth thoughts. I, therefore, hope that those colleagues who insist on opposing the package will consider the view of these academics.

President, let me further share with Members the third point. On the following day after the announcement on the new package, that is, on 22 June, various major Chinese newspapers in Hong Kong overwhelmingly threw weight behind this package, and I think this has fully reflected the mainstream view of the press, the media and members of the public in Hong Kong. *Oriental Daily News* made this comment today: "Mountains can hardly block the view, Eastward the river continues to flow"; the editorial of *Hong Kong Economic Times* days ago was entitled: "Mutual concessions made by Central Authorities and pan-democrats, Breakthrough made to untie the dead knot"; in *Ming Pao Daily News*, it reads, "An about-turn in constitutional reform makes the community the biggest winner"; in *Sing Tao Daily*, it reads, "One-person-two-vote system obviously enhances democratic elements"; in *Apple Daily*, it reads, "Walk out of the dead alley before we can start moving towards universal suffrage"; in *Hong Kong Economic Journal*, it reads, "Controversy remains on one-person-two-vote system, Pan-democrats torn further apart by internal conflicts"; in *Sing Pao Daily News*, it reads, "Mutual understanding and concessions lead to win-win situation, Roll forward the democratic constitutional system"; in *Ta Kung Po*, it reads, "Local legislation is deemed feasible; 'Act Now' for constitutional reform"; in *Hong Kong Commercial Daily*, it reads: "Cherish the opportunity to roll forward constitutional development"; in *Wen Wei Po*, it reads, "Central Authorities showed sincerity, All parties should seek common ground while accommodating differences". Members, if we all attach importance to the press and the media, these are the mainstream views of the media in Hong Kong.

President, I also wish to cite one point and that is, a certain newspaper which played a key role in the media for the promotion of the so-called referendum or a *de facto* referendum in the five geographical constituencies made

this conclusion in its commentary. In its editorial this newspaper made an appeal. It said to the effect that while the revised package proposed by the Democratic Party and the Alliance for Universal Suffrage is not perfect, it can at least bring substantial improvement to the constitutional system of Hong Kong and it can at least increase the democratic elements in the constitutional system, which is far better than remaining stagnant." This is an extract from an editorial of a certain newspaper which was actively promoting referendum and opposing the so-called "crap package". Is this 180 degree-change in position worthy of our deep thoughts? Should we all the more cherish the very good opportunity and state of development in front of us now? Such an opportunity rarely comes by in Hong Kong. It enables us to forge the greatest possible consensus. It enables the Government to propose the two resolutions on constitutional reform. Making one step forward is better than remaining stagnant.

President, with regard to the current state of development, I think it can be attributed to four factors. I think one of the factors is that it is the mainstream public opinion in Hong Kong that constitutional reform should move forward. Externally, there are the conditions for change and internally, there is the basis for change. Had it not been the wish of the public that there should be no further argument, that society should stop tearing itself apart, that there should be no further internal conflicts, that it is necessary to seek common ground while accommodating differences, and that it is better to move ahead than coming to a halt, I believe the relevant political party would not have made such a change. Without the hard work of so many people and organizations who support the establishment and who love Hong Kong, I believe the current developments could never have taken place. Some time ago, more than 1 million signatures were collected and some 100 000 people took to the streets in support of rolling forward the constitutional reform. This is the mainstream public opinion in Hong Kong. This is the consensus. This has also created the ambience, which provides an important basis for all the changes that have taken place today. This is one point.

Second, I think the pan-democratic camp led by the Democratic Party has indeed responded to the public aspiration in advocating rational dialogues and communication while actively fighting for their causes. They have continuously put forward various possible proposals for discussion with all sides, including the Government, the Central Government and others. Moreover, they made a crucial decision and that is, they did not support the holding of a referendum, and

this came as a most pivotal declaration of stance. I think the pan-democratic camp led by the Democratic Party has done the right thing, for they have responded to the public sentiments in Hong Kong. They have done the right thing, while actively striving for their causes and this is a very important factor leading to the changes in the prevailing circumstances.

Third, President, I think the Central Government, in handling the constitutional reform of Hong Kong, has indeed considered the proposals made by the SAR Government as well as the views of Hong Kong people from an extremely high point, taking into account the interest of all nationals, which certainly includes the interest of Hong Kong people. They hope that the country can maintain long-term peace and stability, that Hong Kong can also maintain long-term prosperity and stability, and that we can move forward in the development of a democratic constitutional system. From this we can see that although many situations have arisen along the way, the Central Government has not only been seeking common ground while accommodating minor differences. It has also been seeking common ground while accommodating major differences by holding dialogues and meetings and forging communication with the relevant groups and individuals in the pan-democratic camp, including the Democratic Party. I think this is a good thing. This is absolutely what Hong Kong people would wish to see.

Let us look at the other side. They always call for the end of one-party dictatorship and they want this and they want that. Some time ago they even put on a show outside the LOCPG, but they were still invited to a meeting and discussions were also held with them. From this we can see that the Central Government is standing on a very high point in that it has put aside arguments over ideologies and arguments on issues left over by history for the people's interest, with a view to seeking common ground while accommodating major differences. Now that the Central Government has satisfied our demands and yet, some people are like "Lord YE" as in a story of a Chinese idiom who was particularly fond of dragons but was scared when a dragon came to him. How could it be like this? I think this is the third factor leading to the changes in the prevailing circumstances, and it is very important.

For the fourth factor, I think the SAR Government has made unimaginably great efforts and suffered great hardships in the process of constitutional reform.

From the Chief Executive to the Secretaries of Department and Directors of Bureau, they all have indeed exerted their utmost. While we saw that the situation was close to a "dead" one, they were still able to make a rescue. Of course, we may not know much about the inside story but no doubt they have really made great efforts and from what we can see today, their efforts have not been wasted. It is these various factors which have led to such rare developments in Hong Kong today since the reunification. I really hope that Members in this Chamber can put aside their political opinions and in the interest of Hong Kong people — accord top priority to the public interest and support this package of the Government, in order to enable constitutional development to move one step forward.

President, a member of a political party said that she preferred to remain stagnant rather than making a wrong move. To remain stagnant means doing nothing but just waiting for chance to come by, and doing nothing but just waiting for chance to come by means that we have to "drop the anchor" and wait for five more years. Together with the past five years, it would add up to a decade's wait. Just as "Chai Kau" has said, how many decades can there be in one's life? President, I very much hope to tell those people who think that remaining stagnant is tantamount to persevering with their convictions and beliefs that they are actually "all wrong" indeed. I think we should really get started, and in fighting for democracy, what we do must be on tenable grounds, to our advantage and with restraint. When eating rice, we would eat it mouthful by mouthful. We do not eat the entire bowl of rice in one gulp. This is the attitude we should take in fighting for democracy.

President, I think "thousands of boats pass by the side of the sunken ship; Ten thousand trees grow luxuriantly in front of the withered" (*The buzzer sounded*)

PRESIDENT (in Cantonese): Mr WONG, your speaking time is up.

MR WONG KWOK-HING (in Cantonese): I am confident that constitutional development can definitely move forward.

PRESIDENT (in Cantonese): We now have less than half an hour before 10 pm. As I can see from the list of Members waiting to speak, there are still three Members who have requested to speak. When I made the announcement just now, Mr Paul CHAN had not pressed the button requesting to speak, but I think Mr Jeffrey LAM, Mr LEUNG Yiu-chung and Mr Frederick FUNG would like to speak tonight. So, I will suspend the meeting after Mr Jeffrey LAM, Mr LEUNG Yiu-chung and Mr Frederick FUNG have spoken.

MR JEFFREY LAM (in Cantonese): President, it turned out that one day is really too long in politics. Over the past few weeks, activities in connection with the 2012 constitutional reform package such as communications, publicity and debates have extended far into every corner of society, and the heart of the general public. At this critical moment when we in this Council are about to vote on the constitutional reform package, the situation has taken on a volatile and unpredictable turn. Perhaps we may liken this to a walk on a trail in a deep forest, where when we think that we have come to the dead end on this trail, light breaks through the thick canopy and points at a clearing.

These two important pieces of legislation, which determine the future of Hong Kong and whether the constitutional development can take the most significant first step, eventually brought a ray of hope to the political quagmire that had been besetting Hong Kong for years this past Monday when the Government introduced the revised package. But this ray of hope has not come by easily. It is the result of frank and rational communication conducted among the Central Government, the SAR Government, various social sectors in Hong Kong and the mild democrats with mutual understanding and accommodation.

Thanks to the peaceful and rational attitude adopted by various parties in seeking to forge the greatest consensus in Hong Kong over the constitutional system issue, while putting aside their arguments and narrowing their differences in opinion, the constitutional reform package finally manages to take the first step towards the goal of universal suffrage. However, this credit or benefit should go not to any particular individual or political party, for it is the 7 million Hong Kong people who really stand to benefit. The stance of us in the Economic Synergy in regard to the constitutional reform package has all along been clear. In our opinion, any package will merit support, as long as it can take the very first step for the constitutional development of Hong Kong, as long as it is conducive

to the forging of consensus among Hong Kong people, and as long as it can take us towards universal suffrage within the framework laid down in the Basic Law and the parameters set by the NPCSC Decision of 2007. We hold the same stance towards the original package introduced by the Government previously, as well as the revised package presented on Monday.

President, I remember a vote was similarly taken in this Chamber in 2005 on the constitutional reform package for 2007 and 2008. At that time, the Central Government, the SAR Government and the pro-establishment political parties all expressed goodwill and made concessions in the hope of securing endorsement of the said package, such that the democratization of Hong Kong can take a step forward. However, in the face of a package which was conducive to democratization, the pan-democrats negated the package by way of a bundling-up tactic for the reason that a timetable for universal suffrage was lacking. As a result, Hong Kong people had to waste five years on the road to democracy.

Then, in my speech, I made these remarks, and I quote: "The Basic Law stipulated unequivocally that dual elections by universal suffrage will be the ultimate aim for the constitutional development of Hong Kong. I do not think the Chief Executive is a man who will go back on his promise. Besides, we should not doubt the sincerity of the Central Authorities and the SAR Government in implementing universal suffrage."(End of quote)

Time flies. In these past five years, Hong Kong managed to fight for a timetable for universal suffrage which is practicable and constitutionally binding. To facilitate early progress towards this goal, the SAR Government introduced two constitutional reform packages for 2012 at the end of last year for purposes of public consultation, so that various sectors in Hong Kong can open extensive and in-depth discussions on the constitutional development.

In the context of the Legislative Council, the Government has engaged in discussions with the Subcommittee on Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012 in nine meetings convened during more than two months. And deputations were invited to present their opinions on the package during such meetings.

As regards publicity, during the last two months, the team of accountability officials of the SAR Government has been visiting various districts to conduct "Act Now" publicity campaigns for the constitutional reform in order to secure the people's support. Besides, efforts have also been made through various channels to enable Hong Kong people to understand better the importance of pushing the constitutional system forward. In terms of communication, the SAR Government has also demonstrated its sincerity in taking forward the democratic development by engaging in exchanges with various political parties and groupings with a rational approach, seeking common grounds while preserving differences, and trying to forge a consensus. And it has persisted until this last stage of putting the package to the vote. During the same period, it has been actively conveying to the Central Authorities the views of various social sectors.

In all of these actions, we can see the sincerity of the SAR Government. But this is its duty after all. We understand that this ray of hope for democracy could not have been created had we relied on the unilateral efforts of the Government.

After the introduction of the 2012 constitutional reform package by the SAR Government, Deputy Secretary-General of NPCSC QIAO Xiaoyang made two statements respectively, reiterating the authority and legal validity of the timetable for universal suffrage, further elaborating the definition of universal suffrage, answering Hong Kong people's questions about the timetable and definition of universal suffrage and addressing their requests. Meanwhile, Deputy Director of LOCPG LI Gang met with representatives of various mild democrats for communication and exchange of opinions. All this showed the Central Government's concern for and sincerity in taking forward the development of Hong Kong's constitutional system and enabling the early realization of the goal of dual universal suffrage for the people.

However, the 2005 experience tells us that for the two packages to secure endorsement by two thirds of the Legislative Council, that is, 40 Members, we need the art of compromise, a rational attitude and bold commitment. Since the opening of discussions on the constitutional reform, the Alliance for Universal Suffrage under the leadership of the Democratic Party has been engaging in rational dialogues underpinned by a pragmatic and responsible attitude and exerting its utmost to forge a consensus in society within the framework of the Basic Law and the NPCSC Decision. They proposed the revised package for the

DC functional constituency, which was eventually accepted by the SAR Government. And the package was endorsed by an overwhelming majority vote at the general meeting of the Democratic Party. All this showed that they were not blindly opposing the constitutional reform for the sake of opposition. This demeanor of theirs is a true quest for democracy in the interest of Hong Kong's future and that of our children.

Moreover, the SAR Government offered an explanation on the revised package on Monday, confirming its conformity with the definition of functional constituency in terms of candidature, nomination and election methods. Also, it stated categorically that the package would not contravene the Basic Law and the NPCSC Decision. Subsequently, various pro-establishment political parties and groupings and Members expressed agreement with the revised package in the overall interest of Hong Kong and for the desire to forge the greatest consensus in society. With this action, they demonstrated their boldness and sincerity.

It is precisely due to the efforts of all four parties that democracy in Hong Kong is given the opportunity to take the critical step forward. We in the Economic Synergy think that the Legislative Council should endorse the Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012, such that there can be room of progress for the development of the constitutional system, democracy and society. In the run-up to implementing the timetable for universal suffrage, various sectors in Hong Kong ought to again engage in extensive and in-depth discussions, which are rational and frank in nature, with a view to forging a consensus on the specific methods and details of achieving the ultimate goal of universal suffrage.

In the past few months, President, I believe the discussions on the constitutional reform package have been a heated topic and concern to the public other than the World Cup Finals, having extended to every corner of society. After the vote on the constitutional reform package today, it does not mean that the discussions should end here and then. Rather, it actually signifies a beginning, for in the local legislation that will be presented before us in future, we still need the people's participation and meticulous scrutiny by the Legislative Council in order for the legislative process to be conducted smoothly.

From another angle, however, the discussions on the constitutional system in the past month have stolen the limelight in society, thus distracting it from the

many major events in the country and the international community. Hence, given the debts crisis besetting some European countries, will the global economy take a second plunge? Added to this is a small rise in the unemployment rate in Hong Kong. We should remain alert to these situations. For this reason, we have to once again direct our attention and energy to these issues and various questions related to society and the people's livelihood.

President, as representatives of the industrial and commercial sectors, we hope to see social harmony, economic prosperity, stable and fair systems, a happy population and a beautiful living environment in Hong Kong. The realization of this vision hinges on effective governance by the Government and the solidity and industry of Hong Kong people, rather than unnecessary troubles, disputes and division.

The ray of hope for democracy has lit the path running towards universal suffrage. All Honourable colleagues in the Legislative Council today should drum up their courage to take this solid step forward.

I so submit, President.

MR LEUNG YIU-CHUNG (in Cantonese): President, now we are discussing the constitutional reform proposals in this Council, but behind this, there is division in the democratic camp. Of course, the division does not begin today and in fact it began since the *de facto* referendum triggered by the resignation of Members from five geographical constituencies. Why did this *de facto* referendum caused by resignation *en masse* appear? The main reason is that we could see that the constitutional reform package introduced by the SAR Government would very likely retain the election method for FCs and the small-circle election to select the Chief Executive. This pattern of constitutional development is not acceptable to the democrats and so this tactical move was made to call for public support and in the hope of awakening the Government so that it could come up with a proposal in line with the democratization agenda.

However and unfortunately, this *de facto* referendum movement has led to division among the democratic camp, much to our regret. As we know, it is only by being united and harnessing the strong forces in society that democracy

can be achieved and that we can attain our goals from those in power. But this *de facto* referendum has led to serious division in the democratic camp. The revised package proposed by the Democratic Party has once again undermined the solidity in society. This makes us feel indignant and sorry. I am sure Members will understand that constant division will never help achieve democratization. So I would still hope that we can preserve our differences and find common grounds and work together for the cause of democracy.

CHEUNG Man-kwong said earlier that we cannot afford to lose even an inch of our ground. There is nothing wrong about this premise. But the question is: what is the inch of ground that we have? With respect to the method for selecting the Chief Executive in 2012 as proposed by the Government, just how much element of democracy in it that can compel me to accept it? It turns out that candidature for the Chief Executive election that used to require nomination by 100 members of the EC will now need 150. This is worse in terms of quantity. Certainly, one may say that the base is different now because the number of people at the base is increased. But this increase does not mean any change in quantity. Also, it was proposed in 2005 that the EC should be composed of 1 600 people with some DC members in it. Now it is changed to 1 200 and DC members cannot take part in it. President, this is not making even an inch of progress in terms of quantity, and there is no improvement in quality either. How then can we lend our support to it?

President, I recall that in 1996 I was expelled from this Chamber because I made the remark "foul grass growing out of a foul vase". It made me the first and the last Member to be expelled from this Chamber during the colonial era. President, now that 13 years have passed since the reunification and we have gone through the times of two Chief Executives, that is, TUNG Chee-hwa and Donald TSANG. How have they governed Hong Kong and what are their popularity ratings? From what we can see, I am right about my opinion of them. These two Chief Executives have failed in their popularity ratings and what they have done is not accepted by the public. This is because they are not facing the people and there is no need for them to hold themselves accountable to them. And they are not elected by the people by "one person, one vote". In fact, the objectives of their governance have shown no concern for public opinion. Donald TSANG even said in public that there is a difference between those who

are close to him or distant from him. How can he gain the support of the people when he is guided by such policy objectives? Moreover, he is always favouring the big consortia in his policies in politics and people's livelihood, resulting in a great disparity between the rich and the poor. It also makes him the greatest enemy of the people and a cause of social conflicts. How do we explain these problems? This is the result of small-circle elections that cannot be removed, that the people cannot elect a Chief Executive "one person, one vote". Hence the Chief Executive is not accountable to the public and the community. I therefore fail to see why I should support this proposal on the method to select the Chief Executive.

I understand very well that the Democratic Party wants some progress in this cause. But after reading their statement, I can only but feel sorry. Why? The statement says to this effect: "If the constitutional reform package is voted down for another time, we will not be able to see any prospect of fighting for the cause by resorting to demonstrations on the streets. As people in mainstream society in support of democracy are caught in the impasse and witness society being torn increasingly apart, they will only be overwhelmed by a sense of powerlessness and distaste. Then they will relinquish their long-standing support for democracy. This is most unfavourable to the long-term development of democracy in Hong Kong." President, ever since 1978 I have been fighting for the cause of democracy. And I have spent a long time on this long and dreary path to democracy. If I am asked if I have become tired of it, I trust anyone, like me, would certainly feel so. No one expects to walk such a long and dreary path, unless he is a marathon runner. Nevertheless, I believe the people will know that this path to democracy is hard and rugged and they also know that because it is hard and rugged, they must persist and never get tired of it.

Like the 4 June pro-democracy movement, political parties have also walked on this road for 21 years. During these 21 years, we have not made an inch of progress. Activists in the pro-democratic movement are not released, China with its one-party dictatorship is not opened up, and democracy is still a forlorn hope in China. But we can see that the people of Hong Kong have not grown tired and enervated. They still show their support for the 4 June rallies each year and take part in the marches. We can see during the candlelight vigil held not too long ago the flickering flames of the candles lit up the Victoria Park.

What does this tell us? This makes us feel that we have not grown tired and we are not enervated. There is still that burning desire in our hearts for the dawning of democracy. So I think we should not worry or be afraid, that we will walk alone on this path to democracy. If only we can insist on our principles, we will certainly find comrades fighting with us. In any case, democracy can only be achieved by uniting all the forces in society. Today, I call upon Members to unite and discard our differences. We should work together for the cause of democracy in Hong Kong.

I know that some members of the public think that if we negative this proposal, there will never be even an inch of progress. They will be disappointed. But I am sure that after some time when this feeling of disappointment is over, they will come out again and join our fight. I therefore appeal to Members again, even if the proposal is passed, it is still a very long way from our goal of democracy. We must work hard and I hope we can join hands and fight for democracy in Hong Kong.

President, I so submit.

MR FREDERICK FUNG (in Cantonese): President, I have strong mixed feelings about this debate today. I remember that in 1974 when I started to study in the University of Hong Kong (HKU), it was the latter part of the period of active social movements. After the campaign of combating corruption and nabbing GODBER, the campaign of defending the Diaoyutai Islands, and the Chinese Language Movement, and when those activists had to face the issue of how they should deal with China, these activists in the HKU were finally divided into two factions: One being the patriotic faction and the other the social faction. When I started to study in the HKU in 1974, these movements were approaching the end. I studied social sciences and naturally, the Faculty of Social Sciences became the fortress of the social faction and I naturally became one of their members. What has invoked mixed feelings in me is that more than three decades after my school years, there is still a pro-democracy movement in society and the activists are again divided over the China issue, and the divisions among them are no less than those that I had seen between the patriotic and social factions in the HKU back then.

On the surface, this debate appears to be about a motion on the legislation on the selection of the Chief Executive but obviously, we can see that in this entire debate today, we are discussing the difference between two routes, or justifications of two routes and what is more, the struggles between two routes. As LEUNG Yiu-chung said, the division started from the *de facto* referendum and what is happening now is a continuation of the division. I must ask: Are these two routes incompatible? Is it that they can only be opposing each other? If we, including even the pro-establishment camp, share a common aspiration in that we all wish to see dual universal suffrage in 2017 and 2020, why should we be slaying each other because we have adopted different approaches? I think today's debate is an instance of the pan-democrats slaying each other. Certainly, the severity may vary.

In fact, we all know that the activists back in the 1980s constantly had contact with the Xinhua News Agency and the day when the 4 June incident happened marked the end of such contact. After the 4 June incident, we announced that we would have no further contact with the Chinese side (including the Central Authorities). The Association for Democracy and People's Livelihood (ADPL) adopted the same approach. But in mid-1990, the ADPL felt a need to review whether we should continue not to make such contact. Would this help us in Hong Kong, and especially in the drafting of the Basic Law or the preparation of the constitutional reform, would this help build a democratic society and achieve universal suffrage after the implementation of "Hong Kong people ruling Hong Kong"? We thought that we would not be going anywhere if things should go on like that and so, the ADPL considered that we should start resuming contact with the Central Authorities. We had conducted a study and after the study, the relevant working group concluded that there could be three possibilities.

President, it seems that I am digressing but this is related to today's debate. We thought that if the conditions in China would then continue to worsen after the 4 June incident in that people would be arrested and killed, then the Government of the People's Republic of China would be an enemy, and the people would have to overthrow it. If the Central Government would vindicate the 4 June incident, release the dissidents and press ahead with economic reforms, that would be a government welcomed by the people. The third possibility falls in the middle, which means that it would continue to carry out economic reforms

and open up the country but it would adamantly refuse to admit its mistakes and in that case, what can we do? But we still had to discuss the future of Hong Kong and democracy in Hong Kong. At that time, although the ADPL said that we would have to maintain such contact, the approach to be taken would be different from the past in that we would have contact with the Chinese side only to discuss four topics. First, to discuss issues relating to democracy in Hong Kong; second, to discuss major livelihood issues of Hong Kong; third, to discuss issues relating to democracy in the Mainland; and fourth, to discuss the unification of China. As for all the other occasions when contact was made with the Central Government in the past, such as banquets hosted by the Xinhua News Agency, including the celebration of the National Day, the Spring Reception, and so on, the ADPL would not show up.

In 1991 when Director LU Ping visited Hong Kong, we requested a meeting with him. That was the first time the democratic camp met with a Central government official at ministerial level after the cessation of contact with the Chinese side, and also the first time that members of the democratic camp had directly discussed the 4 June incident with a Central government official at ministerial level. We talked for 10 minutes and the discussion turned sour. The aide of LU Ping even asked him to stop discussing with us. This is what happened and all was made public in a press conference. I am not going to repeat it.

Why do I have to give an account of all this? In fact, this is indeed a very difficult task. Even though we wanted to do it, all the contact points back in the 1990s were in Beijing because Hong Kong was a colony and so, it was entirely impossible for us to make any contact. The only channel we could explore was the Central Government's appointment of Hong Kong Affairs Advisers, District Affairs Advisers, Members of the Preparatory Committee, and so on. The ADPL considered it necessary to fight for every position. We did not mean to fight for the position *per se*. We wanted to fight for these positions as a tool for communication and dialogue with the Central Authorities, with a view to reflecting our views to them.

Certainly, the ADPL is a small political party. We did not have many Members in representative assemblies; nor did we have any decision-making power. The decision-making power lied not in Hong Kong, but in Beijing.

Then why did we still participate in this? I think there were three objectives for our participation: First, we did not understand the culture of each other and through the process of getting to know each other, we hoped to understand the way of thinking of Chinese officials and how they worked. Conversely, I also hoped that they could understand the way of thinking of Hong Kong people and particularly, the way of thinking of the ADPL which was formerly a pressure group.

In this process, we had twice staged a procession in Beijing and submitted a letter at the Great Hall of the People. I would call this an approach of passing strictures, as they did not accept our views. But as I stated very clearly at every meeting, at that time, we in the democratic camp — while we might not necessarily represent the democratic camp, I was obliged to clearly state the views of the democratic camp on the future development of democracy and universal suffrage after 1997, so that there would at least be a record of different opinions in history. We were rejected and chided by the democratic camp at that time. That very feeling enables me to fully appreciate how the Democratic Party feels today. But this feeling is telling me that this is no easy task. This feeling is telling me that it is not easy to walk on the path before us. This feeling is like walking on thin ice, and the price to be paid is dear. In the 1998 election, as we all know, all the four Members of the Legislative Council of the ADPL contesting the election lost.

Certainly, I personally welcome this step taken by the Democratic Party today, because all that the ADPL can show is that between the so-called black and white, or between the two routes, one being to fight for democracy and the other being pro-China, which seem to be entirely incompatible, we can provide a third possibility for reference by other people. All we can do is to serve as reference for other people. Yet, the Democratic Party today is different from us. The Democratic Party has nine votes in this Council and by joining other pan-democrats, they can have the power to veto. Apart from this, these nine votes can also join up to form a force to seize the initiative. The point is, insofar as this issue is concerned, does it want to seize the initiative or to veto? These nine votes of the Democratic Party are decisive. It is not easy. It is very difficult.

My personal conclusion is that, President, if we do not do this today, can anyone tell me what we can do afterwards? If we do not move forward, what is going to happen four years later? As we have always said among the pan-democrats and the Alliance for Universal Suffrage, we have to cure a dead horse as if it is alive. "Dead horse" means what we consider to be impossible and inconceivable and that is, the comment made by the NPCSC that there will be dual universal suffrage in 2017 and 2020. We would treat that as a "dead horse" and yet, we must cure it as if it is a live horse. When I said that we must cure it as if it is a live horse, I mean we have to make sure that the Government will not again discuss the 2005 package next time. That is, we have to make sure that it will not introduce the 2005 package for a third time for discussion. I do not know if anyone can seize this initiative at the level of the Legislative Council. If not, then there would be only one option and that is, if the proposal put forward today is better than that in the past, we would have to accept it, so as to make it impossible for the Government to reintroduce the same package for our discussion on the arrangements for 2016. The package to be introduced then will certainly be better than the one proposed now, because if they would say that the *status quo* would be maintained in 2016, they would not be able to explain how dual universal suffrage could be achieved in 2017 and 2020. This is a strategic consideration.

President, insofar as this package is concerned, the ADPL will vote against it unless two principles are met. The first principle is that the District Council (DC) appointment system must be abolished, and the second principle is that the Government's package must be better than the current arrangements. Otherwise, we would vote against it. The Government has accepted the proposal of the Democratic Party today, and I think their proposal is better than the original package of the Government, but I am not going to explain this in detail as Members should understand it. However, it has not been easy to fight for the abolition of the DC appointment system. Although other political parties have also made this demand, only the ADPL has dared to cry out loudly for its abolition. Last Thursday the Government still said that it would consider abolishing the DC appointment system, but in a programme of Commercial Radio on Saturday, the Chief Secretary for Administration said that the Government was willing to abolish the DC appointment system and I wonder if that was a slip of the tongue. But then, I made enquiries with the Chief Secretary who

subsequently issued a statement that the attitude of the Government was only to actively consider the abolition of the DC appointment system. "Actively consider" means that it remains to be an idea in its mind which has yet to transform into an action and this, the ADPL considered unacceptable, and we would continue to fight for it. We had originally planned to stage a procession on Sunday but after talking to the Chief Secretary on telephone on the night of Saturday, he said that he would arrange for us to discuss this with the Chief Executive as far as possible but at that time, we had not yet been told the exact date of the meeting. It was only at around 10 o'clock that night that we were told that arrangements could be made for us to meet with the Chief Executive the next morning.

In the course of our meeting with the Chief Executive — I am not going to quote what he had said — I thought some issues could be reconsidered. On the Monday just passed, the Chief Executive announced in a press conference that proposals would be made on the abolition of the DC appointment system. It means that the Government is no longer just considering it. Rather, it will propose the abolition of the DC appointment system and put forward proposals to this end. I can see that with regard to the ADPL's approach of fighting for a cause while negotiating for it, or the approach of "negotiating and criticizing", insofar as the DC appointment system is concerned, obviously we are not as lucky as we were last time because on that previous occasion, the package would not be passed without the one vote of the ADPL. This is why the Government agreed to all the three conditions put forth by the ADPL when it introduced the 2005 package. But this time around, there is room for us to manoeuvre only in respect of the part on DCs. That said, I think the Government has ultimately agreed to our proposal in principle.

To political parties, and to people engaging in politics, their interpretation of politics certainly is not the same. Some people said that "politics is the art of the possible". But I think politics is a practicable art. Politics must be practicable and achievable. If everything cannot be put into practice, that would no longer be politics, because it would not be necessary to do anything at all. Only what is achievable can be considered politics. I agree with the practice adopted by the Democratic Party this time around, and I believe if the Democratic Party can continuously adopt the approach of negotiating and fighting at the same time, they can definitely do better and do more than the ADPL, because they can

cast an opposition vote when things are not right, and when things are right and reasonable, they can cast a supportive vote. This is how they can play a decisive role. Even if a consensus is reached between the Government and the ADPL, the Government still needs to seek support from three more votes and this means that we do not have a decisive role to play.

The ADPL is very happy with the practices and direction of the Democratic Party now. During the rally organized by the Alliance for Universal Suffrage on Sunday, I had very strong feelings. It so happened that I was standing beside Albert HO and as we walked hand in hand, I was close to tears because the path that we are taking is not going to be easy. It is very difficult to walk this path. I understand that as the Democratic Party take this path, they too will find it very difficult but this is a path that the Democratic Party and the ADPL have walked, although our roles may be different. I still hope that the Civic Party and the League of Social Democrats can think about this: If we share the same objective in that we all hope to achieve dual universal suffrage in 2017 and 2020, even though you may be one step ahead of me while I am one step behind today, or you skew more to the left while I skew more to the right, what problem will there be? As long as our objective is to see it in 2017 and 2020, so long as we can cure a dead horse as if it is living, the radicals and the moderates are actually in the same family, and what Hong Kong precisely needs is the concerted efforts of the whole family.

We must bear in mind that it requires the consent of the Central Authorities, the consent of the Chief Executive of the Hong Kong Special Administrative Region and the consent of the Legislative Council to initiate the mechanism of dual universal suffrage. All the three lights must be green, and it would be impossible to move forward without any one of these green lights. The pan-democrats are the minority in this term of the Legislative Council. Even though we are the majority outside this Council, does it mean that more people from us can be elected Members of the Legislative Council in the next election? Second, if supporters of the democratic camp further broke up, whether at a ratio of 3:7, 4:6 or 5:5, we would become the minority and we would not know when all the three lights can be turned on again, still less do I know when Hong Kong, Honourable Members, the Chief Executive and the people of Hong Kong can see dual universal suffrage.

Today, I encourage the Democratic Party to take this difficult step, and I think the Democratic Party is brave in willing to make this step. The ADPL supports you, and we are prepared to walk with you. Thank you, President.

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): I now suspend the meeting until nine o'clock tomorrow morning.

Suspended accordingly at ten minutes past Ten o'clock.

Appendix 1

REQUEST FOR POST-MEETING AMENDMENT

The Secretary for Labour and Welfare requested the following post-meeting amendment in respect of a supplementary question to Question 5

Line 2, second paragraph, page 50 of the Confirmed version

To amend "..... the Panel on Welfare Services on 11 and 12 July," as
"..... the Panel on Welfare Services on 12 July," (Translation)

(Please refer to line 3 to 4, last paragraph, page 9659 of this Translated version)