

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 18 November 2009

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 ALBERT CHAN WAI-YIP

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 ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

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.

THE HONOURABLE TANYA CHAN

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 WONG YUK-MAN

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

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

MEMBER ABSENT:

THE HONOURABLE PAUL TSE WAI-CHUN

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

CLERKS IN ATTENDANCE:

MS PAULINE NG MAN-WAH, SECRETARY GENERAL

MRS VIVIAN KAM NG LAI-MAN, ASSISTANT SECRETARY GENERAL

MRS JUSTINA LAM CHENG BO-LING, 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>
Import and Export (Strategic Commodities) Regulations (Amendment of Schedule 1) Order 2009.....	226/2009
Immigration (Amendment) Ordinance 2009 (Commencement) Notice	230/2009

Other Papers

- No. 30 — The Audited Financial Statements together with the Report of the Director of Audit on the Immigration Service Welfare Fund and the Report by the Director of Immigration Incorporated on the Administration of the Fund

Report of the Bills Committee on Copyright (Amendment) Bill 2009

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. The first question.

Pyramid Selling Activities

1. **MR WONG KWOK-HING** (in Cantonese): *Good morning, President, recently, I have received a large number of complaints about the malpractices used by a multi-level marketing company to recruit "members" and trick them into participating in pyramid selling scams. Some victims suspected that the company had, by inducement and harassment, misled them into borrowing huge amounts of loan at one go from a number of finance companies and then handing over the entire borrowed amounts to the person-in-charge of the company for "custody", in order to become "member" distributors of the company's sales*

network. These complainants have pointed out that the real intention of the marketing company was to induce more people to join the company as "members", so that "members" of the upper tiers would be able to pocket part of the funds invested by "members" of the lower tiers as commission, and such rip-offs would be repeated in a similar manner down the different tiers, thereby forming a pyramid of trickery and extortion. Many law-enforcement officers have indicated to me that as there are loopholes in the existing legislation, it is difficult to institute prosecutions and these multi-level marketing companies are thus able to continue to operate and expand. Besides, it has been reported that as the Macao Special Administrative Region (SAR) Government adopts a tough stance against such fraudulent activities and amended the Pyramid Selling Prohibition Ordinance in 2008, it has been successful in eliminating such kind of fraudulent multi-level marketing activities. In this connection, will the Government inform this Council:

- (a) of the number of such complaints or reports received by the authorities since 2007; the total number of people and amount of money involved; how the authorities handled these cases and the outcome thereof; and why some companies which had been the subjects of complaint can continue to operate in Hong Kong using the aforesaid practices;*
- (b) whether it knows and if it has studied the content of the amendments made by the Macao SAR Government to the aforesaid Pyramid Selling Prohibition Ordinance, and from which parts of the amendments Hong Kong may make reference; and*
- (c) whether the Hong Kong SAR Government will review or amend the related existing legislation; if so, of the timetable for introducing such legislative amendments; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Good morning, President and Honourable Members.

President, the Government encourages and supports free and open trade, and is committed to fostering a favourable environment for business. The premise, however, is that businesses should operate within legal bounds. Pyramid selling schemes are different from ordinary business models in that

profits under the former are mainly derived from recruiting participants who pay to join the schemes instead of from the sale of goods and services. Economic benefits that could be generated from such sale of goods or services are limited. Furthermore, when the recruitment of new members cannot be sustained, participants may suffer from financial loss. Legislation is therefore in place to regulate such schemes.

According to the definition of pyramid selling schemes in section 2 of the Pyramid Selling Prohibition Ordinance (Chapter 355) (the Ordinance), one of the defining characteristics is that the reward a participant may receive through the introduction of another participant to join the scheme is not based on the fair market value of goods or services that are actually sold by him or by that other participant. Under the Ordinance, any person who knowingly promotes a pyramid selling scheme commits an offence and is liable to a fine of \$100,000 and imprisonment for three years upon conviction. Besides, it is a criminal offence to adopt deceptive tactics to obtain loans from money lenders, or to conspire to defraud others to join the schemes. The police will conduct investigation into any suspected contravention of relevant criminal legislation.

Regarding part (a) of Mr WONG's question, during the period from 2007 to November this year, the police received seven complaint cases relating to suspected pyramid selling schemes. After investigation, the police have arrested 21 persons in respect of four cases (involving 157 affected persons and \$8.78 million). Investigation for the remaining three cases has been suspended as there is no evidence of contravention of any legislation.

Separately, during the same period, the police received 148 complaint cases relating to undesirable marketing tactics adopted by multi-level marketing companies or their agents. After investigation, eight cases are found to be related to objectionable marketing tactics which might involve offending acts of criminal nature, for example, withholding other people's goods, supplying other persons with or abetting others to use false documents for borrowing. A total of 14 persons were affected and \$2.28 million was involved in these eight complaint cases. To date, the police have arrested 11 persons, and one of them was convicted on 6 October this year by the Court of "using a false instrument" and was sentenced to four months in prison. Investigation for the remaining 140 cases has been suspended either due to no evidence of non-compliance with the law or complainants refusing to provide further information. The police will continue to conduct detailed investigation into every complaint case it receives.

Apart from paying attention to whether there is contravention of the Ordinance, the police will also consider whether any other offence has been committed. If there is sufficient evidence, the police will institute prosecution.

Regarding part (b) of the main question, we are aware of and have taken note of the legislative amendments in relation to pyramid selling schemes in Macao. Under the relevant legislative provisions in Macao, pyramid selling means activities of sale of goods or services organized in the form of chains or similar forms. Whether participants of pyramid schemes can receive any reward depends mainly on whether they can recruit new participants. Nevertheless, we note that the mode of operation of undesirable pyramid selling schemes in the market keeps changing, some of which may not even involve the sale of goods or services. Accordingly, we have also drawn reference from the situation and legislative models in other countries or places. For instance, in Australia, the definition of pyramid selling schemes has been expanded and covers schemes not involving any sale of goods or services. We will continue to examine meticulously whether useful reference can be drawn from other places or countries, with a view to devising proposals which suit the circumstances and needs of Hong Kong.

Regarding the last part of the main question, the Ordinance has been in operation for a considerable period of time. In the light of changes in the mode of operation of pyramid selling schemes and overseas experience, we will examine if there are inadequacies in the existing Ordinance, such as its coverage, definitions and penalties. If the result of our examination indicates that there is a need to amend the Ordinance, we will submit our proposals to relevant Panels of this Council and seek Members' views.

MR WONG KWOK-HING (in Cantonese): *President, from the figures in the Government's main reply relating to part (a) of the main question, we see that prosecutions were staged in relation to 12 cases and the total amount of money cheated of was over \$11.06 million. However, while the Government of the Macao Special Administrative Region (SAR), which is also an SAR Government, adopts a tough stance against these fraud cases, the Hong Kong SAR Government adopts a weak stance against them. "Fearing the tough and bullying the weak", such fraudulent companies have expanded their operations in Hong Kong because they are unable to operate in Macao. Regarding part (c) of my main question, the Government has not provided any reply on the timetable for*

legislative amendments, and it has only indicated that it will study the issue. Therefore, President, may I ask the Government when the outcome of the studies will be available and when legislative amendments will be introduced to prove that the Hong Kong SAR Government is "tough" instead of "weak"?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, when it comes to amending the Ordinance, the issue of definition is very important, but the problems involved are very complicated. We have to ensure that while we adopt a hardline approach against undesirable selling schemes, proper direct selling schemes will not be affected. As there are plenty of similarities in the mode of operation between the two, apart from Macao, we have also drawn reference from Australia, as I have mentioned in the main reply. Similar legislation is also in place in the United Kingdom and Singapore. Therefore, I think we have to examine the relevant legislation very cautiously and carefully. I also agree that if inadequacies are identified, especially in relation to the scope and the definition, we should formulate concrete and detailed proposals before introducing them to Members for consultation. We do plan to put forward concrete proposals in this respect.

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, has your supplementary question not been answered?

MR WONG KWOK-HING (in Cantonese): *No, President, she has not provided any answer on when the studies will be completed.*

PRESIDENT (in Cantonese): Secretary, please give a reply on when the studies will be completed.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, we will proceed as quickly as possible. We will submit the outcome to the Legislative Council for consultation once the studies are completed.

DR PAN PEY-CHYOU (in Cantonese): *President, in the cases we have come across, some young victims were made to obtain loans from different finance companies on one single day. May I ask whether the occurrence of such incidents was due to any loopholes in the existing legislation of Hong Kong?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, regarding loans, two pieces of legislation are applicable. First, on the regulation of finance companies, these institutions are subject to regulation under the Banking Ordinance (Cap.155), and the Hong Kong Monetary Authority (HKMA) is also empowered to conduct thorough investigations into certain cases and require the submission of investigation reports by authorized institutions. The HKMA has always expected these institutions to adopt a prudent and responsible attitude when vetting and approving all loan applications.

Another piece of legislation seeks to regulate licensed money lenders. According to the relevant requirement under the Money Lenders Ordinance (Cap. 163), the evidence established under this Ordinance may, in a prosecution instituted by the police, be used against any person who by any false statement or by any concealment of material facts, induces any money lender to lend money to any person. These are the two pieces of legislation which may be invoked in dealing with cases involving loans.

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

DR PAN PEY-CHYOU (in Cantonese): *President, the Secretary has not answered whether there are any loopholes in the existing legislation. I ask this question because such cases have actually happened.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, regarding the application of these two pieces of legislation, we see that they are now applicable in the law-enforcement process, and investigations and prosecutions have been instituted under them. I think these two pieces of legislation are operating well.

MR ALBERT CHAN (in Cantonese): *President, there are actually numerous cases involving pyramid selling practices in which young people are cheated of their money or harassed. Over the years, many young people have been deceived into joining companies selling aroma products or red wines or paying for the membership of tourist resorts when they are walking about in Tsim Sha Tsui, Causeway Bay or Wan Chai. Some of them are even made to sign binding contracts or even obtain loans from finance companies. This one-stop service is indeed "tailor-made", but it has dragged young people into great trouble. Such cases have been repeating themselves endlessly, and WONG Kwok-hing and many other Members have received streams of such complaints*

PRESIDENT (in Cantonese): Mr Albert CHAN, please state your supplementary question.

MR ALBERT CHAN (in Cantonese): *..... I now state my question: Will the Secretary amend the Ordinance, conduct undercover operations and work with the police to step up the relevant enforcement actions and education efforts as soon as possible, so that the problem will not recur and young people will not be defrauded anymore?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, actually we are equally concerned about the issue of undesirable sales practices, especially those targeted on innocent young people. They are indeed traps. As new practices keep emerging, we think that in parallel with law enforcement, education and publicity should also be stepped up. A number of aspects are involved.

I think one of the approaches is for the police to take high-profile enforcement actions. And, mock cases of pyramid selling schemes, such as cash-planting and investment frauds, were featured in the Police Report in order to arouse the awareness of young people.

Besides, the Labour Department also reminds young job-seekers to pay special attention to jobs with high return which do not require any experience and academic qualifications. Young job-seekers are advised not to apply for such jobs or even make any undertakings lightly. Naturally, we have also worked

with the Consumer Council to alert young people through the Choice Magazine and reports in other newspapers or the media. We will adopt a multi-pronged approach to give serious reminders to young people. As a simple Cantonese saying goes, "benefits will not be offered for no reason", so never believe that there are any high-paying jobs which will yield quick returns. President, we will keep up these efforts.

MR FRED LI (in Cantonese): *President, I believe many Members present must have received complaints against the Digital Crown Holdings (Hong Kong) Limited. Some parents told us in tears that their children behaved as though they were under a spell — this was its most striking trick. Their children had not only made huge payments but had also borrowed large sums of money. Has the Secretary ever heard of stories like these? The victims in these stories are very miserable. It has been a few decades since the enactment of the Ordinance, so no further delay should be brooked now. May I ask the Secretary again whether any timetable is available? When will legislative amendments be introduced to prevent these companies from committing further frauds?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, we are naturally very concerned about the issue of undesirable sales practices. In Hong Kong, such practices will not only create an impact on the victims but will also deal a great blow to the overall business environment and consumers' confidence in the market. Therefore, the direction of our current study is to widen the definition of pyramid selling under the Ordinance. The scope of the existing definition under the Ordinance is rather narrow because the definition implies that a participant will receive reward from the sale of services or goods. We can see that under the relevant legislation in Australia now, the definition is not linked solely to the sale of goods and services. Such a definition will be very helpful to our law-enforcement work. Therefore, we will also amend the Ordinance in this direction.

However, as I said in my response to the main question just now, we must be very careful in formulating a definition under the legislation. The definition must be clear, and the relevant amendment must not create any impact on lawful direct selling schemes. We have proceeded with the relevant task and we also understand its urgency. We will draft the relevant bill and seek legal advice from the Department of Justice. A concrete direction will be set only after these

tasks have been completed. Instead of only revising the scope of the definition, we also consider it necessary to take this opportunity to review the relevant penalties for achieving an appropriate deterrent effect, because the Ordinance was enacted more than two decades ago, as already pointed out by Mr LI. We will carry out these tasks expeditiously.

MS STARRY LEE (in Cantonese): *President, the Macao SAR, our neighbour, introduced amendments to its legislation exactly because it noticed that multi-level marketing companies kept employing new practices. The Secretary also mentioned just now that the ambit of the relevant legislation in Australia is broader than that in Hong Kong, and the Secretary even admitted in her reply that there are lots of inadequacies in our existing legislation. However, the issue is still under study despite the numerous complaints and incidents. Does the Secretary think we are lagging behind Macao or other countries in consumer protection?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, in reviewing a piece of legislation, we must not introduce any legislative amendments from a one-sided or myopic perspective. During the process of the study, we should not only draw reference from neighbouring places but must also consider the practices adopted by countries in other parts of the world for dealing with similar problems. Besides, the actual situation in Hong Kong must also be considered, as selling circumstances vary from place to place. Therefore, the comparison we are conducting is necessary, and it will take some time to finish it. We do not intend to put up any delay, but it takes time for us to finish the analysis and put forward proposals of legislative amendments. I hope Members will understand this. We have undertaken that before proceeding with any actual legislative amendments, we will first discuss our proposals with Members of this Council and then draw up a comprehensive plan on the preparatory work relating to the legislative amendment work in the next stage.

PRESIDENT (in Cantonese): We have spent 20 minutes on this question.

PRESIDENT (in Cantonese): Second question.

Investigation into Affairs of CITIC Pacific Limited

2. **MR ALBERT HO** (in Cantonese): *President, on 20 October last year, the CITIC Pacific Limited (CITIC Pacific) issued a profit warning, which stated that due to its entering into certain leveraged foreign exchange contracts, the company had incurred losses of HK\$15,507,700,000 in total, and the Stock Exchange of Hong Kong Limited (SEHK) as well as the Securities and Futures Commission (SFC) respectively confirmed on 22 October last year that they were making inquiries and launching an investigation into the CITIC Pacific, and the work concerned has to date been going on for a year. Moreover, it was reported that the Commercial Crime Bureau of the Hong Kong Police Force (the police) also conducted a search at the headquarters of the company in April this year. In this connection, will the Government inform this Council:*

- (a) *whether it knows the progress of the respective enquiries and investigations made by the SEHK, the SFC and the police in respect of the aforesaid incident, whether the work concerned has still not been completed; if it has not been completed, of the reason of the slow progress of the work, the difficulties encountered in the course of investigation, and how much more time is estimated to be needed to complete the work and make public the outcome;*
- (b) *given that there have been reports that the immediate past chairman of the aforesaid company sold and encashed in early May this year some of the company's shares, whether it knows if the SFC will consider invoking section 213 of the Securities and Futures Ordinance (SFO) to apply to the court for an order to freeze his assets, so as to ensure that his reduced holding of the relevant assets will not affect the seeking of compensation by people who suffer losses; and*
- (c) *after ascertaining the liability of the people involved in the aforesaid incident, whether it knows if the SFC will consider invoking section 214 of the SFO to apply to the court for an order to disqualify them from being the directors of the company, as well as invoking the relevant legislation to apply to the court to require them to make compensation to the companies and minority shareholders who suffer losses due to their acts, so as to highlight the importance of full disclosure of information by listed companies to their shareholders and the market?*

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

- (a) The SFC announced on 22 October 2008 that they had commenced a formal investigation into the affairs of the CITIC Pacific, and since then the SEHK had suspended their investigation into the company. The SFC's investigation has been completed while the police investigation is still underway. According to the SFC, due to the secrecy provisions set out in section 378 of the SFO, they are unable to provide comment on individual cases. At the same time, the police will not comment further on the progress of the case.

(b) and (c)

Under section 213 of the SFO, the SFC may apply to the court for orders to freeze assets in cases where a person has or may have contravened the SFO and certain parts of the Companies Ordinance (CO) in relation to prospectuses and re-purchase of shares. Under section 214 of the SFO, the SFC may apply to the court to make orders disqualifying a person from being a company director or being involved, directly or indirectly, in the management of any corporation for up to 15 years, if the person is found to be wholly or partly responsible for the company's affairs having being conducted in a manner involving defalcation, fraud or other misconduct. The court may also order a company to bring proceedings in its own name against any person specified in the order and may make any other order it considers appropriate. The SFC will also take all necessary measures to protect the interest of investors and maintain a fair and orderly marketplace for the securities and futures industry in Hong Kong. Depending on the merits of individual cases, the SFC will consider and take appropriate actions under the SFO.

MR ALBERT HO (in Cantonese): *President, the CITIC Pacific is a sizeable red-chip company. More importantly, Mr Larry YUNG, its former chairman, comes from a family of great political influence on the Mainland. Therefore, many investors are concerned about whether the investigation into the CITIC Pacific incident will be influenced by any political considerations, and whether*

the whole investigation will simply come to an unnoticed end due to any political intervention covered up by the confidentiality provisions of the SFO. President, it has been a year since the incident was first exposed, but the SFC has not yet disclosed the findings of its investigation. It therefore seems that people's concern is indeed justified.

President, my supplementary question is: can the Secretary tell us whether the Financial Secretary will reconsider the application jointly signed by 100 individual shareholders of the CITIC Pacific and submitted to him by the Democratic Party in April this year, which requests the Financial Secretary to appoint one or more competent inspectors under section 142(1)(a) of the CO to conduct a comprehensive investigation into the CITIC Pacific's leveraged foreign exchange transactions, and then make public the investigation findings according to this Ordinance, so that the truth can be reviewed to safeguard Hong Kong's reputation as an international financial centre and investors' interests?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, both the police and the SFC will conduct their investigations impartially, and no pressure will be exerted on them.

Mr HO has requested the Financial Secretary to appoint inspectors under section 142 of the CO. After considering the justifications raised in the letter jointly signed by the shareholders, we consider that there are insufficient justifications for the Financial Secretary's appointment of inspectors under the CO to investigate the CITIC Pacific incident.

As I mentioned in my main reply, the SFC has launched an investigation to see if the CITIC Pacific was involved in any misconduct contravening the SFO, and the investigation has been completed. And, at the same time, the Commercial Crime Bureau of the police has also conducted an investigation into other criminal offences that might have been committed by the company.

As for the issue raised by the shareholders, it is in fact already included in the scope of investigation of the institutions concerned. According to our legal advice, the power of the inspectors appointed under section 142 of the CO to investigate the incident will not be any greater than that of the institutions concerned. Therefore, we consider that there are insufficient justifications for accepting the shareholders' request.

However, if the investigation findings of the SFC or the police show that there are still problems involving substantial public interests which merit the appointment of inspectors by the Financial Secretary under the CO, we may consider the request again.

MR RONNY TONG (in Cantonese): *President, the investigation conducted by the Financial Secretary under the CO and that conducted by the police are two different things. The CITIC Pacific is both a famous red-chip company in Hong Kong and also a Hang Seng Index-constituent company. However, it lost half of its assets overnight. This is a very serious incident. Can the authorities explain why the Financial Secretary considers that there are insufficient justifications for conducting an independent investigation under the CO?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, when replying to Mr Albert HO's question just now, I already mentioned that in assessing the effectiveness of an investigation, we will compare the investigative power under the CO and the existing investigative powers of the SFC and the police to see which of them is more effective and comprehensive. I have already answered that the two are in fact more or less the same.

To a certain extent, regarding the investigation conducted by the SFC, as the SFO is a relatively new piece of legislation, it can address the existing needs more properly. Under the CO, the scope of investigation covers the activities of a company only, but under the SFO, the scope of investigation may even cover any people who are related to the company or their business dealings with the company. This is also a factor to be taken into consideration.

However, we do not rule out the possibility that in future, if the investigation findings reveal something which merits our invoking of this Ordinance to launch an investigation, we may consider the request again.

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

MR RONNY TONG (in Cantonese): *President, the Secretary has only stated the differences between the two investigations in her reply. The main point of my question is that precisely because of such differences, the requested investigation, whether in terms of objectives and approach, is different from the one which has already commenced. Why does the Government refuse to conduct it? President, if she has nothing to add, can I ask the Secretary when such an investigation will be conducted?*

PRESIDENT (in Cantonese): Mr TONG, you can only ask one supplementary question at any one time, and I think the Secretary has already given a reply. If you still want to raise other questions, you have to wait for your turn again.

MR KAM NAI-WAI (in Cantonese): *President, it is pointed out in the Secretary's main reply that both the investigation conducted by the SFC and that conducted by the police have been going on for more than one year. As a result of their clandestine approaches, individual shareholders have been kept in the dark. They only know that half of the market value of the whole company was lost at that time. And, the only thing they can do is to turn to the Small Claims Tribunal. However, they now come to know that their cases must be handled by the High Court. There is really a lack of protection for individual shareholders. May I ask the Government whether it will commence a review of the relevant legislation to see if claims can be lodged collectively under a certain mechanism when the interests of many individual shareholders are compromised, a mechanism similar to the one I proposed in the discussions on the Lehman Brothers incident earlier on? When conducting an overall policy review, will the Government consider establishing a collective channel or mechanism for handling claims, so that the interests of individual shareholders can be safeguarded?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): Mr KAM has mentioned the establishment of a mechanism for class actions. In fact, the Law Reform Commission of Hong Kong has released a consultation paper on class actions, and one of the areas under discussion is the establishment of a litigation funds in the financial sector or the method for proceeding with class actions. Consultation on this paper is now underway.

MR CHAN KAM-LAM (in Cantonese): *President, I first declare that I am a member of the SFC. Every year, the SFC imposes penalties on those who are involved in market misconduct, matters concerning price sensitive information or insider trading. There are lots of such cases every year. However, what I want to ask the Government is about the last part of Mr Albert HO's main question: "the importance of full disclosure of information by listed companies to their shareholders and the market". May I ask the Government whether it will step up its regulation of listed companies and impose stricter requirements on the full disclosure of stock prices or certain sensitive corporate information?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): We are now preparing a consultation paper on the timely disclosure of market-sensitive information under the listing legislation. The aim is to provide a legal basis for such disclosure, to give it a more effective status in the law. We are going to conduct a public consultation on this paper in the coming one or two months.

MR JAMES TO (in Cantonese): *President, the world is indeed full of absurdities. As stipulated in the CO, the report on an investigation ordered by the Financial Secretary can be made public. Therefore, individual shareholders requested the Financial Secretary to conduct an investigation under the CO. However, the Financial Secretary advised that he must study the SFC's report before considering whether it was desirable to conduct such an investigation. Now, the SFC has completed its investigation, but it says that the report must be kept confidential. After completing its investigation, the SFC has neither made anything public nor given any account to the public. Nothing has been released at all. And, when we once again request the Financial Secretary to invoke the CO, he says that it is not effective to do so.*

President, may I ask the Government whether it knows anything about the effects? First, the facts can be made public (Do not forget that the SFC refuses to make public any information); second, after the disclosure of the findings, society can know the truth and may even take legal actions. However, the present situation is that all comes to an end after the SFC has completed its investigation into the incident. I want to ask the Government one question. If the situation is really like what they have mentioned, are we supposed to handle

problems relating to listed companies in the same clandestine manner in the future? A Hang Seng Index-constituent company lost half of its assets overnight, inflicting losses on a lot of people. But the investigation is concluded like this. Is this all what we can do?

(Some in the gallery clapped their hands)

PRESIDENT (in Cantonese): Those in the public gallery please keep quiet.

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): As I mentioned in my main reply, the SFC has completed its investigation, but the police investigation is still underway. Under our procedures, the SFC has submitted its investigation report to the Department of Justice. The Department of Justice will see if there is sufficient evidence to institute civil or criminal proceedings. In the process of consideration, the Department of Justice will also give consideration to the police investigation, which is still underway. Upon completion of the police investigation, the Department of Justice will decide whether it will institute any prosecutions on the basis of the investigation findings of the two sides.

PRESIDENT (in Cantonese): Mr Albert HO, this is your second supplementary question.

MR ALBERT HO (in Cantonese): *Regarding the reply given by the Secretary just now, my understanding is that the SFC has completed its work. Pending the completion of the investigation conducted by the Commercial Crime Bureau, it will be decided whether further actions should be taken. In the execution of its duties, the Commercial Crime Bureau is not bound by any confidentiality provisions. And, in Hong Kong, there is the Victims Charter, under which those who have reported their cases to the police have the right to know the investigation findings. May I ask the Secretary whether the victims will be offered any explanations in case the Government does not take any further actions upon the completion of the investigation conducted by the Commercial Crime Bureau in future?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): According to section 378 of the SFO, the SFC is obliged to observe confidentiality. This is aimed at safeguarding public interests and the right to the presumption of innocence before conviction enjoyed by all sides, including individuals and legal entities. This is also meant to protect the reputation of individuals or business operators investigated or disciplined by the SFC. Therefore, under this Ordinance, the SFC is obliged to observe confidentiality. I hope the public can accept and understand this.

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

MR ALBERT HO (in Cantonese): *The Secretary has completely failed to answer my supplementary question. My question is: After the Commercial Crime Bureau has completed its investigation, should it give any accounts to the victims under the Victims Charter promulgated by the Government?*

PRESIDENT (in Cantonese): Which Secretary will give a reply? Secretary for Security, please reply.

SECRETARY FOR SECURITY (in Cantonese): President, I want to make a clarification here. At present, there are two investigations. One is being conducted by the SFC under the SFO to investigate whether anyone has been involved in any irregularities contravening the SFO. The other one is a criminal investigation being conducted by the police into the case of the CITIC Pacific. This investigation will cover the management of the company, including its directors or other related persons, and the aim is to ascertain whether there were any criminal offences such as false statements and fraud. This investigation is still underway. As a usual practice, we, for the time being, will not disclose the progress of a case which is still under investigation. When the investigation is completed in the future, will we disclose the findings to the victims as requested by Mr Albert HO? Upon the completion of its investigation, the police will submit the information it has obtained and the evidence that we consider relevant to the Department of Justice, so as to seek its advice on whether there is sufficient evidence to institute prosecution against the people concerned. As for whether

we should disclose the findings of the entire investigation to the victims and those who have been cheated or who have suffered losses, we must seek advice from the Department of Justice.

PRESIDENT (in Cantonese): This Council has spent more than 21 minutes on this question. Those Members who have not yet asked their questions can only follow up on other occasions.

PRESIDENT (in Cantonese): Third question.

Development of Agricultural and Fisheries Industries

3. **MR WONG YUNG-KAN** (in Cantonese): *President, regarding the development of Hong Kong's agricultural and fisheries industries, will the Government inform this Council:*

- (a) *given that the Government announced last year that about 2 400 hectares of land would be released by phases from the existing Frontier Closed Area, and the Draft Development Plan for that land, which was published at the end of October this year, proposes that 98% of the land be used for conservation purposes to serve as a green buffer zone between Hong Kong and Shenzhen, whether the authorities will consider reserving some area in the land designated for conservation for developing the local agricultural and fisheries industries; if so, of the details; if not, the reasons for that; and*
- (b) *under the premise of safeguarding public health, whether the Government will, in the next three years, set aside resources and step up efforts to develop the local agricultural and fisheries industries; if so, of the details; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, Hong Kong started as a fishing port in its development, and the quality local agricultural and fishery products are well received by the public. It is the Government's fundamental policy to support the sustainable development of the

local agricultural and fisheries industries. Our reply to Member's question is as follows:

- (a) Regarding reserving land in the Frontier Closed Area for the development of the agricultural and fisheries industries, the Development Bureau advised that the Planning Department is now undertaking a planning study to examine the future use of the areas to be released from the Frontier Closed Area. When formulating the Draft Development Plan, the Study Consultant has proposed to retain the rural environment and respect the traditional culture and local lifestyle, while striking a balance between the needs for development and conservation. The Draft Development Plan proposes an area of approximately 320 hectares, including existing farmland and land suitable for farming, to be used for agriculture.

In addition, an area of about 140 hectares is proposed for recreation use. Together with the adjacent agricultural land or village area, this area can be used for promoting leisure farming and cultural/recreational tourism to encourage rehabilitation of fallow farmland. In the western portion of the Study Area, the fish ponds and wetland are of high ecological and conservation values. The Study Consultant has thus proposed to develop eco-tourism to provide more opportunities for recreation, hiking and bird watching activities so as to attract more visitors. These proposals are conducive to promoting rehabilitation of farmland and tourism development to regenerate the local economy and at the same time help preserve the rural settings and traditions. The Planning Department is now conducting a public consultation on the DPP. The whole planning study on the land in the Frontier Closed Area is expected to be completed by early 2010.

- (b) As for resources, the Agriculture, Fisheries and Conservation Department (AFCD) has spent no less than \$100 million in each of the past three years to support the development of the local agricultural and fisheries industries. In the next three years, we will continue to earmark sufficient resources to promote the development of the local agricultural and fisheries industries through the following five-pronged strategy:

First, to assist the local agricultural and fisheries industries to move towards sustainable development, the AFCD will continue to vigorously promote the development of organic farming and advocate the adoption of sustainable technology in resolving technical problems such as pest and disease control, horticultural practices, soil management and seed saving. At present, there are a total of 130 organic farms in Hong Kong which produce about four tonnes of organic agricultural products per day for supply to the market. On fisheries, the AFCD has also launched hatchery trials in collaboration with fish farmers by setting up an experimental hatchery and promoted the use of a small-scale raft system for hatchery among fish farmers. The Department will continue to conduct studies on local fry hatching techniques, increase co-operation with fish farmers in hatchery trials and invite experts from the Mainland and overseas to provide technical support and training to local fish farmers.

We will continue to maintain close dialogue with the Mainland and foreign governments, ensuring the industries understand the impact of the agricultural and fisheries policies of the nearby regions on Hong Kong, and to reflect the views and concerns of local farmers and fishermen to the authorities concerned in the Mainland. In addition, the AFCD, in collaboration with the agricultural and fisheries departments and academic institutions in the Mainland, will also conduct studies and technology exchange, and arrange training for farmers and fishermen.

We will continue to support the industries in technology upgrading and professional training. To meet the market demand for quality and safe food, the AFCD has been identifying appropriate new species with good marketing potential. After successful planting and culture trials, the AFCD will promote these new species to fish and agriculture farmers. Quality species developed in recent years include red flesh rock melon, seedless water melon, yellow flesh water melon, silky gourd and organic strawberry, as well as jade perch in fish culture. These products are very well received in the market, and the demand often exceeds the supply.

In addition, in order to enhance farmers' understanding of the agriculture sector of other countries, the AFCD will arrange overseas

study visits for them in 2010 to facilitate their experience sharing and exchange with their counterparts and technology institutions. The AFCD also plans to launch professional training courses on capture fishery, aquaculture industry and fishery eco-tourism, and so on, during the fishing moratorium in 2010.

The Government will assist the industries in developing quality brand names. Currently a total of 235 vegetable farms and 88 fish farms in the territory have participated in the Accredited Farm Scheme and Accredited Fish Farm Scheme respectively. The AFCD has also helped the industries set up weekend farmers' markets and organize large-scale carnivals to enhance public understanding of local agricultural and fishery products and promote local brand names. The AFCD will continue to organize the fourth FarmFest early next year. It is expected that the event will attract over 100 participating local farmers and fishermen and more than 100 000 visitors.

We will also continue to provide financial support and emergency relief for the industries. In 2008, loans granted to farmers through the Kadoorie Agricultural Aid Loan Fund, the J. E. Joseph Trust Fund and the Vegetable Marketing Organization Loan Fund amounted to \$5.08 million. In July this year, a special loan scheme was set up under the J. E. Joseph Trust Fund to assist poultry farmers in installing metal bird protection nets in their farms so as to enhance biosecurity. A total of \$7.8 million has been granted as loans to 18 farms as at present.

President, we shall continue to support the development of the local agricultural and fisheries industries in accordance to the international trend of technology and standard, in order to enhance the productivity and competitiveness of the local agricultural and fisheries industries and at the same time, maximize the use of our limited farm lands and natural resources for attaining maximal effectiveness.

MR WONG YUNG-KAN (in Cantonese): *President, the Secretary has replied extremely well, because while some efforts have already been made, it is not yet*

known when other issues will be dealt with. However, my question is about the approximately 300 hectares of land to be released by the Government. On the one hand, we do not know where the land is located. On the other, we do not know whether the land is suitable for agricultural uses. Up to now, the Government still cannot tell us how it will assist farmers in applying for more lands, or how application for agricultural lands can be lodged, so that farming can continue to be promoted.

PRESIDENT (in Cantonese): Which Secretary is going to answer? Secretary for Development, please answer.

SECRETARY FOR DEVELOPMENT (in Cantonese): President, the land mentioned in Mr WONG's question is located in the Frontier Closed Area, an area of 320 hectares tentatively recommended as suitable for agricultural uses in our current study on land use planning. Most of the lands recommended to be zoned for agricultural uses are located in Ta Kwu Ling Village and Sha Tau Kok Village. As for the details, I believe Mr WONG can obtain the relevant information from the document (complete with annotations and illustrations) that we delivered to the Panel on Development yesterday. These sites are not Government lands designated to be released for agricultural purposes. Rather the Government thinks that from the land use planning perspective, their release from the Frontier Closed Area can tie in with the objectives relating to conservation and green zoning. In other words, the Government thinks that they are suitable for the said uses. At present, the area in question covers certain lands that have already been used actively for agriculture and also some fallow farmlands. In view of this, how can we promote the rehabilitation of farmlands? In this connection, we must of course rely on the series of ancillary and support measures for agricultural development mentioned by Secretary Dr York CHOW just now.

PROF PATRICK LAU (in Cantonese): *President, the question asked by Mr WONG is about whether the land designated for conservation purposes can be used for the development of agricultural and fisheries industries. In part (a) of the Government's main reply, it is pointed out that an area of 320 hectares is suitable for agricultural uses, while another area of 140 hectares is*

recommended for recreational use. I hope the Government can clarify whether any of these sites can be allocated to the fisheries industry for re-conversion into fish ponds. Is there such a plan? Can that be done? Will the Government do that? If yes, the fisheries industry mentioned just now by the Secretary can receive assistance. He stated very clearly that there are many new methods of hatchery and fish farming

PRESIDENT (in Cantonese): I believe your supplementary question is already clear enough.

PROF PATRICK LAU (in Cantonese): *It has been heard clearly? Thank you.*

SECRETARY FOR DEVELOPMENT (in Cantonese): As the planning study has only come up with a Draft Development Plan, we have not yet come to any specific proposals. The provision of special ancillary facilities to the fisheries industry can be considered only when the development of these sites has reached a certain stage. However, I believe this topic will be studied in the next stage.

MR CHAN HAK-KAN (in Cantonese): *President, I am very glad to hear that the Government is willing to release certain farmlands for the promotion of leisure farming, but as we can see from some successful examples overseas, leisure farming is not quite like what is practised in Hong Kong, where a farmer works on a piece of land in the morning and returns to his own home in the evening. Rather, there are hostels at which leisure farmers can put up. I see that the Government is going to build an eco-hostel in Ma Tso Lung. I would like to ask the Government whether this is the only eco-hostel to be built and whether other sites currently used for leisure farming will also be used for the operation of eco-hostels.*

SECRETARY FOR DEVELOPMENT (in Cantonese): As mentioned by Secretary Dr York CHOW in paragraph (a) of his main reply, apart from the 320 hectares of land considered suitable for farming and agricultural uses, we have also considered a point related to Mr CHAN's supplementary question, that is, the

point that the sole use of the sites as farmlands may not necessarily achieve the optimal effect. Therefore, we have proposed to designate 140 hectares of land adjacent to these agricultural lands for recreational use. However, as to whether the kind of hostels desired by Mr CHAN can indeed emerge on the sites designated for recreational uses, all must to a certain extent depend on planning and commercial considerations. Nevertheless, up to now, we are of the view that Ma Tso Lung is a more suitable site for building the first sizeable eco-hostel in Hong Kong.

MR CHEUNG HOK-MING (in Cantonese): *President, in the second paragraph of part (a) of the Secretary's main reply, it is mentioned that an area of about 140 hectares is proposed for recreational use, and together with the adjacent agricultural land or village area, this area can be used for promoting leisure farming and cultural recreational tourism to encourage the rehabilitation of fallow farmland. May I ask the Secretary to tell us the respective proportions of Government lands and private lands in this area of 140 hectares intended for recreational purposes? Past experience tells that once a site is designated for recreational purposes, it is in fact "frozen". If the area in question includes any private lands, what policy will the government adopt to designate it for recreational purposes? Through land resumption, leasing or land exchanges?*

SECRETARY FOR DEVELOPMENT (in Cantonese): At the moment, we do not have any detailed information about the land ownership of these 140 hectares of land, but I believe a lot of lands in the Frontier Closed Area are in the hands of private owners. Once the lands have been planned for certain purposes, their development must of course require the support of land owners' applications. At the moment, we have no plan to acquire any private lands and then release them for recreational purposes. However, if any private land owners have any commercial interest in the lands which have been planned for recreational purposes or the building of eco-hostels, and if they really lodge applications with the Town Planning Board, we will be glad to render assistance and take appropriate measures to help them materialize their plans. Mr CHEUNG may still remember that, this was the very project we launched at the inception of the Development Opportunities Office in July this year with the aim of urging land owners to pay heed to Hong Kong's social development and economic efficiency.

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

MR CHEUNG HOK-MING (in Cantonese): *I wish to seek an elucidation from the Secretary. When she gave her reply just now, she said*

PRESIDENT (in Cantonese): Mr CHEUNG Hok-ming, you can only point out the part of the question to which the Secretary has not replied.

MR CHEUNG HOK-MING (in Cantonese): *Regarding the recreational purposes I mentioned, the Secretary answered just now that the Government would not voluntarily designate any private lands for recreational purposes. I hope that the Secretary can*

PRESIDENT (in Cantonese): The Secretary has in fact given a reply. If you wish to follow up other issues, please wait for your turn again.

MR CHAN KAM-LAM (in Cantonese): *President, we in the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) do appreciate the direction followed by the Government, that is, the direction of developing businesses with tourism or economic potentials outside the orthodox and traditional agricultural and fisheries industries. However, when there is a need for constructing some leisure fishing facilities on the lands in the New Territories, we often encounter the opposition of environmentalists. As mentioned by the Secretary for Development just now, applications are approved by the Planning Department or the Town Planning Board. However, as we all understand, these actions frequently take a very long time, probably in the region of two to three years, or they may even have to be suspended due to arguments. With regard to lands which can be developed for tourism fisheries or commercial activities of a similar nature, I would like to know whether the Government will voluntarily draw up any land use planning to allow the industry to carry out construction works.*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I cannot quite understand the kind of planning that Mr CHAN wants us to conduct. Naturally, under our land use planning policy, lands are designated for different uses. However, whether a land lot can really be used for the designated purposes sometimes involves the making of business investment decisions. Speaking of business investment decisions, I must say that the degree of government involvement in areas such as infrastructure, company formations for land grant, and the introduction of investment capitals provision is itself a major topic. Perhaps Mr CHAN will have to provide us with a more specific topic before we can conduct any further studies.

PRESIDENT (in Cantonese): Mr WONG Yung-kan, your second supplementary question.

(Mr CHAN Kam-lam raised his hand to indicate a wish to speak)

PRESIDENT (in Cantonese): Mr CHAN Kam-lam, which part of your supplementary question has not been answered?

MR CHAN KAM-LAM (in Cantonese): *The main thing is that the Secretary does not understand what I*

PRESIDENT (in Cantonese): Please state your question clearly, so that the Secretary can give a reply.

MR CHAN KAM-LAM (in Cantonese): *..... My question is: many lands in the New Territories are designated as open spaces or parks. Such lands are very suitable for the development of projects on agricultural or fisheries tourism. If those in the business community or the industries concerned wish to undertake such projects in these places, there is a need for changing the designated land uses. However, this often encounters opposition. With all the voices of opposition, it will take a very long time to change the designated land uses through the normal channels*

PRESIDENT (in Cantonese): Please state your follow-up question.

MR CHAN KAM-LAM (in Cantonese): *My supplementary question is: will the Government voluntarily draw up planning for certain lands, so that they can be used for commercial or tourism purposes again?*

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

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I think that this is precisely the development plan we have drawn up for the lands to be released from the Frontier Closed Area. This is also the land use planning we have recently formulated for the three new development areas. Therefore, interested companies, groups or individuals may carry out development in accordance with our land use planning. However, if the land uses they are interested in are not the same as the uses originally designated, they will have to apply to the Town Planning Board. Since this is a statutory procedure, there is no room for any streamlining, I hope Mr CHAN can understand.

PRESIDENT (in Cantonese): Mr WONG Yung-kan, your second supplementary question.

MR WONG YUNG-KAN (in Cantonese): *I would like to ask one question. In both the second and the third paragraphs, it is mentioned by the Government that many efforts have been made to develop agricultural and fisheries industries. However, if experts from the Mainland are commissioned to make an assessment of what is mentioned in the second paragraph and put forward recommendations, will the Government accept their views after consideration, so as to assist the industries in their development?*

PRESIDENT (in Cantonese): Which Secretary is going to answer? Secretary for Food and Health, please answer.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, in case any advice is provided by outside experts and the agricultural and fisheries industries think that such advice is acceptable given the constraints imposed by our existing resources and farmlands, we will consider such advice actively.

In case anyone, as mentioned by a number of Honourable Members just now, wishes to conduct farming on a land lot planned for agricultural purposes, I can provide more information. The AFCD will collect information about the land and provide it to the applicant for his consideration. The AFCD will also make arrangements for him to meet with the land owner and inform the owner of the applicant's wish to conduct farming on the land, so as to see whether any assistance can be provided. If a tenancy agreement is reached by both parties after negotiations, the AFCD can provide large-scale ploughing machinery for rental when farming commences, so that the applicant does not need to purchase large quantities of machinery all in one go. Other small-scale farm machinery, such as small ploughs and mowers can also be loaned free of charge. They can also apply to the AFCD for low-interest loans or seek technical assistance from them. These are the support the Government will try its best to provide. We can offer assistance to both professional farmers and those who are interested in leisure farming.

PRESIDENT (in Cantonese): Fourth question.

Progress of Mainland/Hong Kong Closer Economic Partnership Arrangement

4. **MR WONG TING-KWONG** (in Cantonese): *It has been reported that the Financial Secretary has pointed out that in the implementation of the Mainland/Hong Kong Closer Economic Partnership Arrangement (CEPA) since it was signed in 2003, there are still problems of "small doors not yet open", some of which are due to the differences in the industries' systems, regulation and connectivity between the two places, and the HKSAR Government will, jointly with the relevant departments of the Mainland, continue to deal with such problems. In this connection, will the Government inform this Council:*

- (a) *how the authorities and the relevant mainland departments specifically enhance efforts to deal with the differences in the*

industries' systems, regulation and connectivity, so as to resolve the problems of "small doors not yet open";

- (b) given that, in respect of the concessionary measures made under CEPA not being fully utilized, a Vice-Minister of the State Ministry of Commerce of our country made a number of suggestions (including organizing publicity and promotional activities with the SAR Government and facilitating the various places to implement the co-ordinating mechanism for CEPA), of the degree of participation of the authorities in such work, as well as the detailed plans and arrangements; and*
- (c) given that the authorities conducted assessments on the economic impact of CEPA in 2005 and 2007 respectively, and that six supplements to CEPA have been signed to date, whether the authorities will conduct assessments on the economic impact again, so as to better understand the latest situation of the impact of CEPA on the economy of Hong Kong; if they will, when the assessments will be conducted and of the details; if not, the reasons for that?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, the Mainland and Hong Kong signed the CEPA in June 2003. To date, the two sides have concluded six supplements. CEPA covers 3 broad areas, namely trade in goods, trade in services and trade and investment facilitation. For trade in goods, over HK\$20.7 billion worth of goods imported into the Mainland have enjoyed the zero tariff preference under CEPA. As for trade in services, Hong Kong service suppliers enjoy preferential treatment in entering the Mainland market in a total of 42 service areas. With respect to trade and investment facilitation, Hong Kong and the Mainland have agreed to strengthen co-operation in nine areas.

CEPA opened the door for Hong Kong business community to enter the services market in the Mainland. Apart from lowering the market entry thresholds for various service industries, CEPA also provides Hong Kong business enterprises with preferential treatment in various service areas which is more favourable than that available to foreign enterprises. The forms of such preferential treatment include relaxation in equity share restrictions, reduction in registered capital requirement, as well as relaxation in restrictions over

geographical location and business scope. In certain service areas, Hong Kong business enterprises are already enjoying national treatment.

In making use of the CEPA benefits in entering the Mainland market, Hong Kong business enterprises are still required to comply with the rules and regulations of the Mainland in making applications for setting up business, registering for practice or operating a business. As reflected by views and comments gathered from the business enterprises by different bureaux and departments of the SAR Government, in certain service industries the "big doors are open, but small doors are not yet open" in the implementation of the liberalization measures. Examples of such problems include delay in the promulgation of rules and regulations as well as implementation details; insufficient knowledge of the new measures among local officials on the Mainland; differences in the systems and regulatory regimes governing professional services between the two places; cumbersome and time-consuming application procedures, and so on.

In respect of part (a) of the question, the SAR Government will continue to attach importance to the implementation of CEPA and follow up the problems encountered by Hong Kong business community in entering the service industries in the Mainland.

We collect views and opinions of the industries through various channels. For instance, I chair the CEPA consultative forum regularly with a view to understanding views and opinions of the industries on the implementation of the liberalization measures under CEPA. Subsequent to the three rounds of CEPA consultative forum held in 2007 and 2008, I will chair the fourth CEPA consultative forum tomorrow. In addition, individual bureaux and departments maintain close liaison with professional bodies and industrial organizations to understand their requests and opinions on the implementation of the liberalization measures in their respective service areas.

As before, we will reflect the comments and requests of the industries to the central, provincial and municipal governments in the Mainland through established co-ordinating mechanism:

- at central level, the two sides hold several meetings of the "CEPA Joint Steering Committee" each year, to discuss implementation issues as well as new liberalization measures under CEPA;

- at provincial/municipal level, the governments of the SAR and Guangdong Province will continue to communicate through channels such as the "Expert Group on Implementing CEPA Services" under the "Hong Kong/Guangdong Co-operation Joint Conference", to take forward the implementation of CEPA. For instance, Hong Kong and Guangdong Province signed a co-operation agreement in August this year, to advance the implementation and step up the publicity of Supplements V and VI to CEPA and the "Guangdong pilot measures";
- individual policy bureaux and departments maintain liaison with their counterparts in the Mainland authorities, to reflect and follow up on requests of the trade in the relevant service areas. If Hong Kong businessmen encounter difficulties in setting up business in the Mainland, the SAR Government will, through the relevant policy bureaux and offices of the SAR Government in the Mainland, provide assistance as appropriate having regard to the nature of the problems involved; and
- the Trade and Industry Department will, through the notification mechanism established with the Mainland authorities, continue to disseminate and update relevant regulations and implementation details regarding the liberalization measures on its CEPA website. The CEPA website also provides other CEPA-related information, including the database on CEPA service sectors, easy guide to investment in CEPA service sectors, list of contact persons in relevant Mainland authorities, hyperlinks with relevant websites of the Mainland authorities, in order to help the business community make use of the relevant preferential treatment.

As for part (b) of the question, the SAR Government will continue to promote CEPA to investors through different means, encouraging them to tap the business opportunities brought about by CEPA. The promotion efforts include:

- (i) the SAR Government and the Central Government jointly organize business forums to familiarize the industry with the implementation arrangements of the services liberalization measures under the Supplements to CEPA. For example, in September this year we co-organized with the Ministry of Commerce and Government of

Guangdong Province a "Business Forum on Implementation of CEPA and Guangdong Pilot Measures in Service Sectors" inviting representatives of relevant central ministries, departments in the Government of Guangdong Province and the nine cities of the Pearl River Delta region to introduce the implementation arrangements for the services liberalization measures under CEPA, in particular the "Guangdong pilot measures";

- (ii) individual policy bureaux also organize seminars in specific service sectors to familiarize the industry with CEPA preferential measures and implementation arrangements. For example, the Food and Health Bureau organized a seminar in March this year, inviting representatives of the Department of Health of Guangdong Province and health bureaux of the five major CEPA implementation cities in Guangdong Province to introduce the implementation details for Supplement V to CEPA to the Hong Kong medical and dental services industry representatives;
- (iii) we will strengthen co-operation with major CEPA implementation cities in Guangdong Province, including organizing seminars and participating in promotional activities, for example, the "Seminar on Hong Kong-Guangzhou Co-operation in Modern Service Industry" as well as the "Seminar on Hong Kong-Foshan Co-operation under CEPA" separately held in Hong Kong in August this year. The Ministry of Commerce will also organize a "Symposium on Mainland-Hong Kong-Macau Strengthened Co-operation in Commercial Services under CEPA" in Foshan at the end of November. Representatives of the SAR Government will attend to support the event; and
- (iv) The Ministry of Commerce organizes CEPA training courses in various provinces and cities in the Mainland to enhance the local government officials' understanding of CEPA. The SAR Government sends representatives to speak on these occasions.

Regarding part (c) of the question, the SAR Government has been closely monitoring the state of CEPA implementation since its implementation from 1 January 2004. We collect statistics relating to the Certificates of Origin

(CEPA), "HKSS Certificates" and "Individual Visit Scheme" (IVS), and so on, to conduct statistical analysis, as well as to assess the impact on Hong Kong's economy. The SAR Government conducted assessments of the impact of CEPA on the economy of Hong Kong by phases in April 2005 and June 2007 respectively, and reported the findings to the Legislative Council Panel on Commerce and Industry. According to the SAR Government's latest preliminary assessment conducted in May this year, between 2004 and 2008, trade in services under CEPA and the IVS had created 43 000 new jobs for Hong Kong residents; and visitors under the IVS had brought additional tourist spending of HK\$58 billion. During the same period, CEPA brought about, for Hong Kong service suppliers, service receipts totalling HK\$46 billion through their business operations on the Mainland, and created 49 500 new jobs for the Mainland.

The SAR Government is conducting another assessment on the impact of CEPA to Hong Kong's economy with reference to trade in services under CEPA and its various supplements and the IVS during 2007 to 2009, including creation of jobs, additional tourist spending, service receipts, and so on. The study will be conducted by the Trade and Industry Department in collaboration with the Economic Analysis and Business Facilitation Unit and Census and Statistics Department. Questionnaires will be sent in the coming few months to around 3 000 business enterprises in different service industries to collect data and comments. The Hong Kong Tourism Board will also randomly interview Mainland tourists visiting Hong Kong under the IVS. The economic assessment is anticipated to be completed by the middle of next year.

MR WONG TING-KWONG (in Cantonese): *President, totally six supplements have been concluded since the signing of CEPA between the Mainland and Hong Kong in June 2003. What will be the focus of the upcoming discussions on CEPA? Which service areas will see the expansion of liberalization measures?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): CEPA has been in place for six years with a total of 250 liberalization measures implemented in 42 areas. We will continue to make efforts in two directions in the future, namely, to intensify the implementation of CEPA and to further liberalize the services market in the Mainland. As regards implementation, most of the liberalization and facilitation measures for

Guangdong under the "early and pilot implementation" policy have been in place since the beginning of this year; our current focus is how these measures can be fully implemented. On the other hand, in addition to consolidating the existing services, namely, the four major pillar industries, we will also proactively promote the six industries mentioned in the policy address under the framework CEPA. These six industries are extremely well-known to us, so I need not repeat them here. We will adopt a step-by-step approach and identify services the liberalization of which has not reached a mature level. Further promotion of such services under the "early and pilot implementation" policy will be carried out individual cities, especially in Guangdong Province.

DR LAM TAI-FAI (in Cantonese): *President, CEPA can be described as a big gift for Hong Kong from the Central Authorities. If the country has not Fortunately, I am loud enough. I thought I had put on the microphone.*

What I mean is that CEPA is indeed a big gift for Hong Kong from the Mainland Government. If our country does not adopt such a policy, I believe the development of Hong Kong's economy will not be that prosperous, and its speed of recovery will not be that fast. However, there is in fact no free lunch in this world. Over the past six years since the implementation of CEPA, two assessments on its impact on the economy have been conducted by the Government, but on each occasion, there were just "praises", and the difficulties encountered during the course of actual implementation were not mentioned. In fact, the implementation of CEPA requires a realistic and pragmatic attitude, and details of the implementation have to be worked out effectively. The regulatory systems in the two places are in fact different; clarifications have to be made by the authorities, so as to ensure that "small doors" are not shut due to differences in interpretation. Therefore, will the Government consider tabling to the Council a report on the effectiveness and progress of each agreement in the future — there is an agreement each year — so that we can thoroughly know which industries still face the problem of "small doors not yet open", and focused publicity efforts and amendments can be made.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, we can consider adopting this mode of reporting to the Council.

MR CHAN KAM-LAM (in Cantonese): *President, it has been six years since CEPA was signed, and it has brought tremendous benefits to Hong Kong's economic development. However, I would like to know the view of the Government on one issue. As the relationship between the two places becomes increasingly close and integrated in areas such as their economies, trade, finance and logistics, has it ever occurred to the Government that ultimately, rather than depending on CEPA as a means of forging closer economic ties between the two places, we may aim at the full integration of the two sides? Is there any such objective, one which can achieve full liberalization within five years or any specified period of time, for example?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): *President, the economic integration between Hong Kong and the Mainland has become a general trend. An outline plan for the development of Guangdong and Hong Kong has been published by the country. We can see that in this direction, the speed of development will become increasingly fast, and the range of co-operation increasingly wide. However, undeniably, as noted by certain Members, in the course of implementing of CEPA, we still need to be more meticulous in certain areas and handle the problem of "small doors not yet open". Therefore, we now need to make the required efforts in a gradual and orderly manner and then introduce concrete liberalization measures for the direct benefit of the industries. However, as dictated by the general trend, our integration with the Mainland is bound to become increasingly close. At present, under the National 12th Five-Year Plan of the country, studies will be conducted on topics such as complementary partnership and mismatched development, so as to explore the roles to be played by the Hong Kong and Macao Special Administrative Regions in the development of the national economy and what policies we can adopt. I believe all these will have a positive impact on promoting the economies of Hong Kong and the country.*

PRESIDENT (in Cantonese): Fifth question.

Employment of Labour Relations Officers

5. **MR LEUNG KWOK-HUNG** (in Cantonese): *President, I have received complaints from members of the public pointing out that in accordance with government requirement, contractors must employ Labour Relations Officers*

(LROs) to work on site for public works projects, but many such posts have been left vacant for a long time and some LROs are paid unequally for the same work. I had a meeting with the officials of the Development Bureau on 18 September this year, but could not resolve the problem. In this connection, will the Government inform this Council:

- (a) given that the Development Bureau indicated in its reply to the Panel on Development of this Council on 16 October this year that in respect of works contracts managed by the works departments, contractors are required to seek approval from Engineers/Architects of the works departments before employing or dismissing LROs to ensure that contractors cannot exert influence on the work of LROs, but I have learned that there are still contractors dismissing LROs without the consent of Engineers/Architects, of the number of such kind of complaint cases received by the authorities in the past five years, and the regulatory actions or penalties currently in place to prevent the recurrence of such kind of incidents;*
- (b) given that the Development Bureau indicated in its reply to this Council on 8 October this year that there were 15 LRO vacancies at that time and it would seek to enhance measures to require consultancy firms/contractors to nominate suitable persons as LROs for the approval of the works departments concerned within a specified period of time after commencement of the works, of the duration of such specified period of time; how the Government will penalize the consultancy firms/contractors which fail to comply with the requirement in making the employment arrangement; and*
- (c) whether it has prosecuted consultancy firms/contractors which did not employ LROs with the remuneration and benefits laid down by the Government, thereby giving rise to the situation of LROs being paid unequally for the same work and their labour rights not being protected; if it has, of the total number of prosecutions during the period from 1 May 2006 to 31 August this year; if not, the reasons for that?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, to enhance the wage protection for construction workers, the Government has progressively

incorporated a series of measures into public works contracts since 1 May 2006, which include employing Labour Relations Officers (LROs) to assist resident Engineers/Architects in monitoring the attendance and payroll records of workers to avoid non-payment of wages. These measures should effectively avoid problems of wages in arrears and detect potential labour disputes early.

We have clear requirements regarding the arrangements for employing LROs. For public works contracts whose administration has been outsourced to consultants, the consultants will include LROs in their resident site staff teams. In these cases, LROs will be employed by the consultants according to the established resident site staff arrangements and with salaries set within the range of the Government's Master Pay Scale (MPS) Points 3 to 15 with respect to their years of service and experience. If the works contracts are administered by works departments, contractors will be responsible for employing LROs under the requirements of the works contracts. In such cases, the remuneration for LROs will be determined by the contractors in the light of the labour market conditions. There is no express provision in public works contracts for the salary range of LROs. Currently, a total of 218 public works contracts have incorporated measures for preventing non-payment of wages. Among them, 151 (around 70%) and 67 (around 30%) contracts are administered by the consultants and the works departments respectively.

My reply to the three-part question is as follows:

- (a) In respect of the dismissal of LROs by contractors, among some 60 public works contracts where LROs have been employed by the contractors over the past five years, there were only two cases where the contractors dismissed LROs without the consent of Engineers/Architects.

In these two cases, the contractors submitted reasons for dismissal to the resident Engineer/Architect immediately after they had dismissed the LROs. The reasons were accepted by the Engineer/Architect. However, since the contractors had not sought prior approval from the Engineer/Architect for the dismissal of LROs in accordance with the contractual requirements, the Engineer/Architect issued written warnings to the contractors to express their concern over the incidents and urge them to avoid the recurrence of similar cases.

Under the current requirements, contractors who fail to seek prior approval from resident Engineers/Architects for the dismissal of LROs are subject to written warnings, and their performance in this respect will be reflected in their quarterly performance reports. This may affect their opportunities in bidding for government works contracts in future.

- (b) The works departments have been closely monitoring the employment of LROs by consultants and contractors. The department concerned will ask the consultant/contractor to recruit a suitable person to fill a vacancy as soon as possible and ensure that a suitable resident site supervisory staff will act as LRO to discharge the duties in the meantime. Among the 15 vacancies as at 8 October mentioned by Mr LEUNG, eleven were filled by suitable persons in the past month while the recruitment exercises for the remaining four are in progress.

To ensure early employment of LROs so as to facilitate the implementation of measures for preventing non-payment of wages, the Development Bureau intends to make it a requirement in newly awarded consultancy/public works contracts that consultants/contractors have to nominate suitable persons as LROs for the approval of the works departments concerned within 14 days after commencement of the works. The works departments will also remind the consultants/contractors that they have to employ LROs within the specified period of time, otherwise their performance in this respect will be reflected in their quarterly performance reports. This may affect their opportunities in bidding for government works contracts in future.

- (c) My response in brief is that no prosecution action of this kind has been taken because in fact, the employment of LROs is not a legal matter but a contractual arrangement. As mentioned above, there are two different kinds of arrangements for employment and remuneration of LROs under the existing system. For LROs employed by consultants, their salaries are set within the range of MPS Points 3 to 15 according to guidelines. Therefore, all these LROs are employed according to our requirements and guidelines and there is no violation of the rules. As for LROs employed by

contractors, their remuneration is determined in the light of the labour market conditions and the Government has not laid down any requirement in this respect. That said, in consideration of the unique function of LROs in the execution of the works, we intend to introduce into new public works contracts a relatively consistent arrangement for the employment of LROs.

MR LEUNG KWOK-HUNG (in Cantonese): *President, it is pointed out by the Secretary in her reply that there are two different kinds of recruitment methods, one being recruitment by the works departments concerned and the other being recruitment by other parties. The proportion is roughly 70% to 30%, but the problem is that the Secretary has not mentioned the fact that many posts are left vacant. According to her main reply, of the 15 posts, four, or about 25%, are still left vacant, the reasons being that the recruitment exercises were unsuccessful or no recruitment exercise has been carried out.*

May I ask the Secretary whether we can follow the examples of other more advanced regions by carrying out recruitment exercises through agencies instead of letting contractors do so? Since 70% of the posts are recruited by consultants and since they offer better pay and can carry out recruitment successfully, may I ask the Secretary whether such an approach can be adopted? In the Mainland, agencies are always employed, with contractors footing the bill. Agencies instead of contractors are responsible for recruitment. The merit of this arrangement is that employees will not be subjected to the duress of employers and thus discouraged from doing their best. Can such an approach be adopted? I believe this is the crux of the whole problem. Will the Secretary introduce such a system?

SECRETARY FOR DEVELOPMENT (in Cantonese): Mr LEUNG may have noticed that it is mentioned in the main reply that we will introduce two improvement measures. I do not think that appointing another company as an agency to recruit LROs is a measure that can yield desirable results. In contrast, the two new measures to be introduced by us First, regarding Mr LEUNG's concern that in some cases, even after the works concerned have been in progress for some time, no LRO is employed, we will require that in the future, whether the one responsible for recruitment is a consultant engineer or a contractor under the supervision of our engineers, nominations of candidates for LROs must be

submitted to us for approval within 14 days after the commencement of the works. After our approval, contractors must hire the nominees immediately. This move should be able to solve the problem of taking a rather long time to recruit LROs in the case of a small number of projects.

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

Second, Mr LEUNG is concerned that since there are two types of works management contracts, there are two recruitment methods. I am sure that in fact, Mr LEUNG is most concerned about the remuneration and benefits enjoyed by the LROs hired under these two different systems. It is also pointed out in the main reply that we will introduce into new contracts a consistent arrangement. In other words, we will apply the same system of remuneration and benefits even to LROs employed through contractors.

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

MR LEUNG KWOK-HUNG (in Cantonese): *There is one problem. She explained that*

DEPUTY PRESIDENT (in Cantonese): Which part of your supplementary question has she not answered? Please point out the part that she has not answered, so that she can reply further.

MR LEUNG KWOK-HUNG (in Cantonese): *It is the part about agencies.*

DEPUTY PRESIDENT (in Cantonese): All right.

MR LEUNG KWOK-HUNG (in Cantonese): *She has not answered why the appointment of agencies is not feasible whereas the existing system works. She*

has only said that the existing system can also achieve what agencies can do. In that case

DEPUTY PRESIDENT (in Cantonese): You have already put your follow-up question. This is not a debate.

MR LEUNG KWOK-HUNG (in Cantonese): *What she expressed was a hope*

DEPUTY PRESIDENT (in Cantonese): You have already pointed out the part that the Secretary has not replied to. I now call on the Secretary to reply.

MR LEUNG KWOK-HUNG (in Cantonese): *What she expressed was a hope but I am talking about actual implementation.*

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

SECRETARY FOR DEVELOPMENT (in Cantonese): Precisely with regard to actual implementation, I am sure that the two new measures mentioned by us just now can effectively address Mr LEUNG's concerns, that is, the need to recruit LROs successfully within a short time and the need to align their remuneration and benefits with LROs hired through consultant engineers. Our measure is meant precisely to deal with this situation. However, if agencies are appointed to carry out recruitment exercises, the relationship among engineers, contractors and government departments will be made more complicated.

MR IP WAI-MING (in Cantonese): *We believe that the employment of resident LROs is a desirable arrangement. Sometimes, we really do not understand why two situations would invariably arise whenever the Government wants to introduce an actual measure. We hope that in the future, such a situation can be avoided in other areas of administration.*

My supplementary is: in part (b) of the main reply given by the Secretary to Mr LEUNG, it is said that a nomination has to be made within 14 days, and that since there are currently two ways of recruiting LROs, the authorities will introduce a relatively consistent arrangement. May I know whether there are any specific details? What does "a relatively consistent arrangement" mean and when will it be introduced?

SECRETARY FOR DEVELOPMENT (in Cantonese): "A relatively consistent arrangement" can be explained as follows. Basically, under the existing arrangement, if the project an LRO is working for is supervised by government departments, the contractor must recruit an LRO as a contract requirement. And, at present, the employment terms are not subject to any regulation by government departments. Rather, they are determined by the contractor purely in the light of labour market conditions.

By a relatively consistent arrangement, it is meant that in the future, when awarding new contracts, we will require contractors to align the pay scale, working hours as well as other additional conditions for the LROs hired by them with those for the LROs hired by consultant engineers.

Simply put, the pay scale for LROs recruited by contractors according to contract requirements, for example, must also be commensurate with seniority and experience and set within the range of Points 3 to 15 on the Government's Master Pay Scale.

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

MR IP WAI-MING (in Cantonese): *My supplementary question also asks when the arrangement will be implemented. Since the Secretary refers to new contracts, can I know the commencement date of those new contracts that will implement this new measure? The Secretary has not answered this part.*

SECRETARY FOR DEVELOPMENT (in Cantonese): What we mean is that this new measure will be implemented when we award new contracts. However,

new contracts are often signed at various times. For example, we have to invite tenders before signing contracts. Therefore, we will implement this new arrangement as soon as the new batch of contracts commence.

MR LEE CHEUK-YAN (in Cantonese): *Resident LROs are responsible for monitoring contractors and sub-contractors to ensure that they pay wages, but the authorities require contractors to recruit them. This sounds somewhat ludicrous. The other approach adopted by the Government is to let consultants carry out recruitment. But I wonder if the Secretary is aware that the Hong Kong Construction Association Limited (HKCA) once told me that as consultants, their strength is works supervision, not monitoring the payment of wages. For this reason, they think they are not the appropriate party for the task and ask the Government to carry out recruitment itself.*

If consultants think they should not be the ones to carry out recruitment, and since it is even more inappropriate for contractors to do so due to conflicts of interests, I wonder if the Secretary will consider the adoption of any alternative approaches, such as the appointment of non-civil service contract staff or civil servants directly under the charge of the Labour Department to monitor the non-payment of wages in construction sites. This will be a more professional and suitable approach.

SECRETARY FOR DEVELOPMENT (in Cantonese): First, we have not received such a proposal from the HKCA. Since its trial in 2006 and full implementation in 2008, the measure of employing LROs has been operating basically well. Admittedly, there are still some minor problems as mentioned just now, but we have already put forward improvement measures.

Please allow me to explain that in the management of construction sites, LROs are important members of works management teams. They are like other people in a works management staff team, such as the superintending engineer, supervisory staff, foremen and Labour Officers, and they belong to this team. For this reason, it is reasonable to require the consultant engineer responsible for works supervision to carry out recruitment according to the contract.

As regards contracts supervised by government departments, our arrangement of requiring contractors to carry out the recruitment is also understandable. The reason is that if the Government is responsible for doing so, we must, first, deal with issues relating to civil service grades. Second, the recruitment procedure of the Government is more complicated and may not be able to tie in with the launch of a project.

However, I believe Mr LEE and other Members are concerned about the lack of any adequate firewalls to ensure that the LROs recruited by contractors will care about the interests of workers and regard wage defaults as their greatest concern. For this reason, we have already put in place a series of firewalls, including assuming the responsibility of approving the appointment of LROs. Contractors are only responsible for nomination and we are responsible for approval. If a contractor wants to dismiss an LRO, prior approval from us and reasonable grounds are also required.

In addition, on accountability, in a construction site, an LRO is accountable to the engineer supervising the works and the office of the LRO is not even located in the same venue as that of the contractor. Rather, it is located in the same place as that of the supervisory engineer. In other words, he is directly responsible to the engineer and is a member of the supervisory staff. Similarly, the performance appraisal report on the LRO is written by us instead of the contractor.

Therefore, I firmly believe that these measures can enable us to ensure that LROs will regard the interests of workers and the prevention and resolution of wage defaults in construction sites as their primary concerns.

DEPUTY PRESIDENT (in Cantonese): Last supplementary question.

MR ALBERT CHAN (in Cantonese): *Deputy President, I am very pleased to hear the Secretary say that the pay for LROs is set according to the Government's pay scale. But in the past, we saw many unsatisfactory cases. For example, although cleansing workers also entered into contracts, the companies concerned often deducted their wages and cut their benefits on various excuses. Insofar as*

contracts are concerned, what mechanism have the Secretary introduced to ensure that the benefits and pay that LROs are entitled to will not be cut due to sub-contracting or the exploitation of grey areas by contractors?

SECRETARY FOR DEVELOPMENT (in Cantonese): As I said just now when replying to Mr LEE in detail, even though an LRO is recruited by a contractor, he is treated in the same way as other members of the supervisory engineer team in terms of his accountability, scope of duties, job nature and daily working relationship.

Therefore, if Mr Albert CHAN is worried that an LRO who is employed to prevent wage default is ironically owed wages, I can tell him that the LRO will be the first person to speak up and tell the supervisory engineer because he has to report his work to us on a daily basis. If his wages are deducted by the contractor who recruited him, I am sure he will be the first person to tell our engineers and the latter will surely follow this up according to the contract and penalize those unscrupulous contractors.

MR ALBERT CHAN (in Cantonese): *Deputy President, I am not talking about the deduction of wages. My supplementary question is as follows. At present, many cleansing workers find that although the standard pay is prescribed in their contracts, their wages are still deducted lawfully on various excuses such as uniform fees payment and late-to-work penalties. Their legitimate benefits and wages are deducted under various contract terms. Can I ask the Secretary how he can ensure that the companies concerned are prevented from doing so?*

SECRETARY FOR DEVELOPMENT (in Cantonese): The way to ensure this is to maintain a close working relationship between our engineers responsible for management or consultant engineers on the one hand and LROs on the other, because they belong to the same team. For this reason, simply put, we will definitely speak up for him and penalize the rule-breaking contractor according to the contract.

DEPUTY PRESIDENT (in Cantonese): Last oral question.

Cross-boundary Vehicles from the Mainland

6. **MS AUDREY EU** (in Cantonese): *Deputy President, some members of the public have relayed to me their concern about the increasing number of cross-boundary vehicles running in Hong Kong. They have from time to time found that some owners of these vehicles have affixed heat-insulating and light-transmitting colour films on the windscreens and windows of their vehicles, and are suspected to have breached the requirement of 44% minimum light transmission rate for vehicle windows. They have also pointed out that the mainland vehicles providing cross-boundary ambulance services resemble the ambulances in Hong Kong in appearance, and can easily cause confusion to the public; besides, such vehicles have installed and use emergency sirens and warning lights not for indicating directions. In this connection, will the Government inform this Council:*

- (a) of the mechanism in place for the authorities to deal with the above motorists who are suspected of violating the traffic regulations in Hong Kong and the vehicles concerned, as well as the number of prosecutions in the past five years; and*
- (b) focusing on the significant increase in the number of mainland ambulances providing cross-boundary medical transfer services, whether the authorities will step up the regulation and monitoring of such vehicles running in Hong Kong; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, all cross boundary vehicles travelling between Hong Kong and the Mainland are subject to regulation by the Hong Kong and Guangdong governments. They are subject to quota control. Non-commercial vehicles travelling on these quotas between Hong Kong and the Mainland may be classified into two categories. The first category comprises vehicles registered and licensed in Hong Kong, including government vehicles and private cars meeting investment threshold in the Mainland. The second category comprises those from the Mainland Government, affiliated departments or business entities. These vehicles are running in Hong Kong under International Circulation Permits (ICPs), and are not required to be registered and licensed in Hong Kong. They

are referred to as "cross-boundary vehicles" in the Member's question. The purpose of issuing quota to these vehicles is to foster official and business exchange between the two places.

As agreed between the two governments, the relevant Mainland authorities may issue quotas to eligible departments or units, but vehicles travelling to Hong Kong on such quotas could not be used for commercial purposes. These vehicles are only allowed to stay temporarily in Hong Kong and should apply for an ICP in accordance with the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E) before they are used on the roads in Hong Kong.

Regarding the construction requirements of cross boundary vehicles, most European and American countries, having regard to the short period of stay of these vehicles, only require compliance with the standards set out in international treaties, and will not require such vehicles to comply in full the standards applicable to their local vehicles. The practice in Hong Kong is broadly similar. Pursuant to regulation 3(a) of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), vehicles holding ICPs should comply with the construction requirements under the relevant international convention. The requirements include prohibiting, without the approval of the Commissioner for Transport, the installation of sirens and flashing lights that are not direction indicators and requiring windcreens to be made of stable and transparent substance and that objects seen through the windcreens should not be distorted. The requirements regarding the light transmission rate of windows and glasses of local vehicles do not apply to these vehicles with temporary stay in Hong Kong.

My replies to the specific questions are as follows:

- (a) The police have been consistent in their enforcement actions against all vehicles and drivers in Hong Kong and will take prosecution actions against any contravention according to local road traffic legislation. Commissioner for Transport has the authority to revoke the ICPs issued if the vehicles concerned are found to have violated any of the conditions of issue.

As the requirements regarding the light transmission rate of windows and glasses of local vehicles do not apply to vehicles staying temporarily in Hong Kong under an ICP, we do not have the relevant

prosecution figures. As regards Mainland vehicles installed with sirens and flashing lights that are not direction indicators, they do not comply with the existing legislative requirements. We do not have any record of prosecution in this aspect for the past five years.

- (b) We are concerned about recent media reports alleging that Mainland ambulances travelling to Hong Kong are not in compliance with our legislative requirements. The relevant departments in Hong Kong have closely monitored the situation and will take appropriate action as necessary.

When vetting applications for ICPs, the Transport Department will examine in detail the information provided on the concerned vehicles including the units to which such vehicles belong, vehicle types, nature of use, and so on, so as to assess whether the vehicles concerned would meet all conditions of issue. In case of doubt, the Transport Department will request further information from the relevant Mainland authorities and the relevant units or applicants.

The relevant departments will also step up monitoring of the entry of Mainland vehicles. If the law-enforcement departments at the control points have observed any Mainland vehicles installed with sirens and flashing lights that are not direction indicators, they will notify the police and the Transport Department for taking appropriate follow-up actions. The police will also take prosecution actions in accordance with the law against Mainland vehicles if they are found to have violated the road traffic legislation including equipment with non-approved devices. If there is evidence to prove that the relevant vehicles have breached the conditions of issue of ICPs, Commissioner for Transport will revoke the relevant ICPs.

In addition to taking follow-up actions in accordance with the conditions of issue of ICPs, the Transport Department will request the Mainland authorities to follow-up on any Mainland vehicle suspected of having breached the quota conditions (such as engaging in carrying of passengers for reward) with a view to removing any abuses.

MS AUDREY EU (in Cantonese): *Deputy President, it so happens that the Chief Secretary for Administration has just entered the Chamber for the next agenda item. Actually, I wrote to him two months ago informing him of the matter and showing him these photographs, which had been circulated on the Internet. Copies of my letter were also sent to many different departments. We can see very clearly from the photographs that the Mainland vehicles concerned did violate our traffic regulations. This photograph was taken on Robinson Road by a citizen because the siren of the ambulance was sounding.*

The Government's letter of reply tells me that these Mainland vehicles cannot be used for commercial purposes. However, I already pointed out in my letter to the Government that the companies providing such cross-boundary ambulance services had been advertising widely on the Mainland. My question is whether there is any government regulation. The reason is that these acts are in breach of our regulations. Deputy President, nevertheless, the Government's reply today only tells us that the authorities will step up patrols and monitoring, and in case of suspected violation of any regulations, the authorities will notify the relevant Mainland authorities, so that they can take appropriate follow-up actions.

Deputy President, we have just discussed the integration between the two places, and the Government also has plans for the development of the health care industry. Yet, evidently, many Mainland people may need cross-boundary ambulance services; as far as I know, these ambulances from the Mainland have been operating for many years. Has the Government actually monitored the situation? If there is an accident affecting the patient on an ambulance or any passers-by, how will the Government handle it? The Government has only specified that the siren cannot be switched on, but what will happen if it is switched on? The Government has only said that the situation will be monitored and the Mainland authorities will be notified. Is there any government department responsible for monitoring cross-boundary ambulance services? If yes, which department? And, how are the services monitored? Deputy President, since 2007, Macao has been providing emergency relief passageways at the Macao-Shenzhen-Hong Kong boundary checkpoints. My question is very simple: which department is responsible? How will it follow up the issue? Will it do so as quickly as possible? What will it do for the provision of the very important cross-boundary ambulance services?

DEPUTY PRESIDENT (in Cantonese): Which Secretary will reply?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): I will reply first and Secretary Dr York CHOW will add some points after that. I have stated in my main reply that we mainly effect regulation through quota control on two categories of vehicles, that is, government vehicles and commercial vehicles. Therefore, on the issue just raised by the Honourable Member, it depends on the type of licence that the vehicle has been issued; the vehicle must comply with the conditions of the quota such as not carrying passengers for reward. Thus, we have just explained the relevant enforcement actions. For example, when the law-enforcement departments at boundary control points observe that a vehicle is in violation of regulations, they will notify the police and the Transport Department. We will continue to take rigorous enforcement actions.

Maybe, I would ask Secretary Dr York CHOW to answer the part of the question on rescue services in the two places.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, concerning emergency rescue services, I believe it is the Government's responsibility to provide the services, and the services are mainly provided by the ambulances of the Fire Services Department. Certainly, we also notice that some patients need such services. For example, some Hong Kong people or foreigner who have fallen seriously ill or sustained injuries in the Mainland may want to return to Hong Kong for medical care, and some patients and injured people in Hong Kong may want to seek medical care in the Mainland. Thus, transfer arrangements have to be made.

(THE PRESIDENT resumed the Chair)

Generally speaking, it is most important for the health care personnel in the two places to have communications. We cannot send a patient to the Mainland without knowing where in the Mainland he should be sent to; and we cannot transfer a patient from the Mainland to Hong Kong without knowing which hospital he will be sent to. Thus, the health care personnel in the two places must have communications beforehand. Then, they can decide on the

appropriate time for the transfer of patients. In general, such transfers should not be of an emergency nature and there should be enough time for making arrangements. As a result, no siren should be sounded. In Hong Kong, arrangements can be made for health care personnel to escort patients across the boundary, and arrangements can similarly be made by their counterparts in the Mainland to receive the patients concerned. There are 100 to some 200 cases each year in which patients are transferred from the Mainland to Hong Kong for medical care. Hence, we can definitely make the relevant arrangements. Public hospitals provide the relevant information to keep the public informed of the relevant transfer services. In private hospitals, there are some companies specializing in the provision of such services. Thus, it is not necessary to use any illegal services in place of the services mentioned.

DR MARGARET NG (in Cantonese): *President, we can see clearly from the Secretary's answer a while ago that private ambulance services are illegal in Hong Kong. If a company in Hong Kong provides private ambulance services and transfers a patient from the Mainland to Hong Kong, the persons involved will certainly be arrested. In that case, why are we so very tolerant of Mainland private ambulances operating in Hong Kong? Why have we not taken any enforcement actions?*

PRESIDENT (in Cantonese): Which Secretary will reply?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Perhaps I will reply first, President. As I said a short while ago, if we receive any information in this respect, we will definitely not be tolerant. It is because the relevant act is in violation of the provision on carrying passengers for reward under the quota system and other regulations such as the requirements in Cap. 374A relating to flashing lights, sirens, and so on. The carriage of passengers for hire or reward is also in contravention of section 52 of Cap. 374. We will take prosecution and enforcement actions against these acts according to the law.

DR MARGARET NG (in Cantonese): *The Secretary has not answered my question. Instead, she only agrees that the act I just referred to is against the*

law. My question is: illegal private ambulances from the Mainland are seen operating in Hong Kong, but why are the persons involved not arrested? This is my question.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, if there is enough evidence As I have just said, we will step up enforcement in this connection and take rigorous actions.

DR MARGARET NG (in Cantonese): *My question has still not been answered. Ms Audrey EU has shown us a lot of evidence. Does the Secretary mean to say that what she has shown us is no evidence? If it is evidence, why are the persons involved not arrested?*

PRESIDENT (in Cantonese): Secretary, please answer why they are not arrested.

DR MARGARET NG (in Cantonese): *That is right.*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, if there is enough evidence, we will certainly institute prosecutions, and Members are welcome to continue to provide any relevant information. What we are now saying is that if problems are found at border control points, the enforcement departments there will notify the police and the Transport Department for taking follow-up actions.

DR MARGARET NG (in Cantonese): *President, by replying in this way, does the Secretary mean to say that she will turn a blind eye to the problem?*

PRESIDENT (in Cantonese): Dr NG, I think that the Secretary has already given an answer.

DR LEUNG KA-LAU (in Cantonese): *President, I also touched upon this problem when I had breakfast with Secretary Eva CHENG this morning. I would like to clarify a few points of confusion here. In my opinion, private ambulance services in Hong Kong are not illegal, and the only thing is that there is a lack of market demand. I believe Ms EU's question is meant to ask how we can keep abreast of the times to facilitate the provision of private ambulance services for which there is a market demand and also the provision of cross-boundary transfer services — I believe that there will be an increasing demand in the future. Nonetheless, the Secretary has only emphasized in his answer how enforcement actions can be taken to ban such services. This is not what we would like to see. Hence, may I ask the Secretary whether better measures can be put in place to facilitate the provision of commercial or private ambulance services and cross-boundary patient transfer services?*

PRESIDENT (in Cantonese): Which Secretary will reply? Secretary for Food and Health, please reply.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I have just explained that emergency rescue services are mainly provided by the Government, so few people provide such services as a business, because even if they have rescued someone, they do not know where he should be sent. Nevertheless, transferring a patient from one place to another is not an illegal activity in general; I must clarify this point. We also have appropriate measures to assist patients in leaving Hong Kong or coming here for admission to suitable hospitals. I have just said that there are such channels.

Concerning how this is to be done, it is most important that the health care personnel in both places must be ready to receive the patients sent to them. If a doctor thinks that a patient's conditions render it unsuitable for him to travel on his own, and that he needs the escort of health care personnel, he should be accompanied by registered health care personnel from the place in question. Now, there are private companies doing these things. They accompany patients from different places in the Mainland, such as Man Kam To, to Hong Kong, and ambulances or other arrangements are available in Hong Kong for receiving and transferring patients. Services can certainly be provided in this aspect. As to whether the operation can become smoother in the future, that is, whether reciprocal services can be provided between both places, the issue calls for further

consideration. Yet, generally speaking, I think that the driver responsible for transferring a patient to another place needs to have local transport knowledge. A Mainland driver driving in Hong Kong or a Hong Kong driver in different Mainland provinces or cities cannot be as effective as local drivers after all.

MR JEFFREY LAM (in Cantonese): *President, a vehicle from a place outside the territory running on the roads in Hong Kong must comply with the laws of Hong Kong. May I ask the authorities concerned how they can make sure that vehicles from places outside the territory do not resemble the law-enforcement vehicles in Hong Kong? If they resemble local law-enforcement vehicles, law enforcement may be affected. Are there any restrictions on the appearance of vehicles?*

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): *President, we mainly impose restrictions under the relevant international conventions. There are requirements relating to sirens, flashing lights and so on as mentioned in the question. It is currently specified in the ICPs that these devices cannot be used, and they also come under the regulation of certain ordinances. If we notice any such devices, we will prosecute the persons involved according to the law, and the ICPs concerned may be revoked.*

MR IP WAI-MING (in Cantonese): *President, I think there is a demand in society for such cross-boundary ambulance services. As I have just said, I once used such services before. My mother had an accident in her hometown and she ought to be sent back to Hong Kong. At that time, I did not know how she should be transferred as she could no longer travel on a wheelchair. Therefore, I actually used such ambulance services; she was directly transferred from a hospital in Foshan, her hometown, to the Queen Elizabeth Hospital in Hong Kong for medical treatment. Therefore, in such cases, this kind of ambulance services is indeed necessary. I have just heard many Honourable colleagues say that these acts may violate the law. In my opinion, as a user I might have violated the law at that time. Thus, I hope the Government can issue more explicit guidelines and hold discussions with the Mainland authorities on such cross-boundary ambulance services, so that people do not need to have any worries and fear that they may breach the law inadvertently when using such services?*

PRESIDENT (in Cantonese): Which Secretary will reply? Secretary for Food and Health, please reply.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, as I have just said, if what is involved is only the transfer of a patient that does not need any emergency medical treatment, the case is just the same as one in which the patient is travelling by any mode of transport, and there are no special requirements. But, if a patient needs a person to accompany him during transfer, that is, if the patient is in critical condition or needs emergency medical treatment, he must be accompanied by properly registered health care personnel in the place of origin. Thus, if he is in the Mainland, he must be accompanied by Mainland health care personnel; if he is in Hong Kong, he must be accompanied by health care personnel in Hong Kong. That is how things stand. I am not clear about Mr IP's experience. Perhaps, the case only involved the transfer of a patient with stable conditions from one place to another. This is exactly the same as renting a commercial vehicle and has nothing to do with ambulance services. However, if an ambulance is used and health care personnel must be present, the transfer arrangement must comply with local laws.

PRESIDENT (in Cantonese): This Council has spent more than 20 minutes on this question. Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Explosion in Manhole

7. **DR RAYMOND HO** (in Chinese): *President, according to the Secretary for Transport and Housing's reply to a written question raised by a Member of this Council on 10 December last year, there were six manhole explosion cases between 2003 and 2008. Among them, four involved manholes for telecommunication facilities. The Secretary pointed out that at the present stage, there was no plan for introducing new statutory requirements regarding the mandatory implementation of the recommendations of the consultancy study entitled "Prevention of Gas Explosion in Utility Manhole" (the Study). Yet, on 11 August this year, another manhole explosion occurred at the junction of Hong Ning Road and Shung Yan Street in Kwun Tong, which blew away five manhole covers. Three manholes for telecommunication facilities were involved in this*

accident which resulted in three persons being injured and admitted to hospital. In this connection, will the Government inform this Council:

- (a) given that while the Government has advocated the relevant trades exercising self-discipline in implementing the recommendations of the Study, it has come to my knowledge that many manhole owners have yet to actually implement those recommendations, whether the Government will firmly require enterprises owning manholes to fulfil their corporate social responsibilities by expeditiously completing the risk assessment for their manholes on various streets within a specified period (for example, in six months) and adopting appropriate improvement measures accordingly, thereby safeguarding public safety; and*
- (b) whether the Government will consider making reference to national standards such as the "GB50373 — Design Code for Communication Conduit and Passage Engineering" and the "GB50374 — Code of Construction and Acceptance for Communication Conduit Engineering", and enacting legislation to require the trades to seal the connecting conduits inside manholes, so as to prevent chain manhole explosions?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President,

- (a) The Highways Department (HyD) completed the Study in May 2008. The Study concluded that amongst the risk of gas explosion for the manholes of various public utilities, the risk level of manholes for town gas and those for telecommunication facilities is relatively higher. But the actual risk of individual manholes is closely related to their design, installation and surrounding environment (for example, whether there are sources of flammable gas nearby). The Study has identified the following feasible measures to reduce the risk of explosion inside manholes:
 - sealing up ducts leading into manholes to prevent explosive gas from entering and accumulating inside manholes;
 - filling up the empty space inside manholes with bags of light-weight and flame-retardant materials to prevent excessive volume of explosive gas from accumulating;

- enhancing the ventilation of the manholes by connecting them to vents or installing manhole covers with vent openings; and
- installing restraints on manhole covers to prevent them from substantial displacement in case of an explosion.

The Study recommended that the relevant government departments and utility companies should, in the light of actual needs, adopt the above precautionary measures for the type(s) of manholes under their purview. Given the unique nature of different types of manholes in terms of their operation, maintenance and safety, different types of manholes are put under the regulatory control of different authorities/departments. In this regard, the HyD has passed the relevant information of the Study to other relevant government departments, public utilities and regulatory authorities for reference and follow-up action. Details are as follows:

Cable manholes

Based on the recommendations of the Study, the HyD has completed the improvement works for all its cable manholes. To reduce the risk of gas explosion, empty space inside the manholes is filled up with bags of light-weight and flame-retardant materials to prevent excessive accumulation of explosive gas.

Electricity manholes

Generally speaking, the risk of electricity manholes is relatively lower. Therefore, the Study has not specifically suggested the adoption of any measures for this type of manholes. Nonetheless, the two power companies also conduct inspections of their respective manholes to ensure safety. The Electrical and Mechanical Services Department (EMSD) monitors the progress of their work.

Manholes for drainage and water supply facilities

On manholes under the management of the Water Supplies Department (WSD) and Drainage Services Department

(DSD), the drains provide ventilation which reduces the risk of accumulation of explosive gas in drainage system manholes. As for water pipes, they are sealed by design and there is no gap between the connecting points of pipes and manhole walls; and sewers also adopt a sealed design. Therefore, the explosion risk of these two types of manholes due to inflow of explosive gas is relatively lower. Nonetheless, the DSD will continue to carry out preventive cleaning for its sewers and manholes regularly to further prevent and reduce the risk of explosive gas (such as methane) from accumulating.

Town gas manholes

The Hong Kong and China Gas Company Limited (HKCG) installs restraints on the covers of its manholes (where necessary) to prevent substantial displacement of the covers in case of an explosion, as recommended in the Study. Moreover, the HKCG has, since 2006, increased the number of routine leakage surveys for all underground medium pressure ductile iron (MPDI) pipes in Hong Kong from three to six times per year. The EMSD has stepped up regular inspections and surprise checks. The HKCG has also drawn up annual programmes for replacing MPDI pipes with polyethylene pipes which perform better in preventing gas leakage.

Manholes for telecommunication facilities

According to the Office of the Telecommunications Authority (OFTA), telecommunication operators have adopted mitigation measures, for example by switching to employ manhole covers with ventilation holes and by surrounding PVC ducts with concrete for prevention of damages, to lower the risk of gas explosion in telecommunications manholes. The OFTA has, in September this year, set up a Joint Forum with representatives from the HyD, Fire Services Department, EMSD and telecommunication operators, with a view to studying the methodology of carrying out risk assessments and co-ordinating mitigation measures. The Joint Forum seeks to

arrive at an acceptable approach and implementation timetable with telecommunication operators in half a year.

To conclude, the Study has assessed the relative risks of gas explosion for different types of manholes and proposed specific preventive measures. Accordingly, the relevant entities have taken corresponding measures to further reduce the risk of their facilities.

- (b) It is required by the national standards "GB50373 — Design Code for Communication Conduit and Passage Engineering" and "GB50374 — Code of Construction and Acceptance for Communication Conduit Engineering" that during and upon completion of the laying of communication conduits, and on entry into a structure or manhole, the openings in the conduits should be sealed to keep the debris off. These requirements are applicable to manholes for telecommunication facilities.

While there are no such statutory requirements in Hong Kong at present, some telecommunication operators have started to install plugs in their newly built conduits in manholes in recent years to seal those which are yet to be commissioned. In addition, as mentioned in part (a), OFTA set up a Joint Forum with the telecommunication operators and the departments concerned in September this year. It will actively study various feasible measures for mitigating the risk of explosion. Drawing reference from the national technical standards and standards of other regions (including the requirements of the above two national standards) as well as relevant experience, it will also formulate possible measures applicable to the actual situation in Hong Kong which can mitigate the risk of explosion in telecommunication manholes. At this stage, the Government has no plan to require utility companies to seal conduits in manholes through legislation.

Development of Chinese Medicine in Hong Kong

8. **DR PAN PEY-CHYOU** (in Chinese): *President, in his policy address delivered recently, the Chief Executive has proposed to promote the development of Chinese medicine and facilitate its development by introducing new certification services, making Hong Kong "a stage for promoting Chinese*

medicine to the world". In this connection, will the Government inform this Council:

- (a) in order to promote Chinese medicine to the world, how the authorities promote to the trades technology for modernizing the Chinese medicine industry by integrating with science and technology, so that the trades would better understand the latest situation of the development of the industry;*
- (b) how the authorities will seek the Mainland's and international recognition of the new certification services proposed for development; apart from introducing new certification services, what other specific measures the authorities have put in place to assist Hong Kong in becoming a stage for promoting Chinese medicine to the world; and*
- (c) given that members of the public have an increasing demand for Chinese medicine, and the international recognition of Chinese medicine has gradually increased, whether the authorities will incorporate Chinese medicine into the public health care system, so as to meet the demand and facilitate the development of the Chinese medicine industry?*

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

- (a) For the purpose of safeguarding public health and consumer rights and ensuring a high professional standard of the Chinese medicine sector so as to expedite the standardization and internationalization of Chinese medicine, the Chinese Medicine Council of Hong Kong was established under the Chinese Medicine Ordinance in 1999. The council has responsibility to implement various regulatory measures relating to Chinese medicine and regulate the safety, quality and efficacy of proprietary Chinese medicines, laying a good foundation for the development of the Chinese medicine industry in Hong Kong and boosting consumer confidence in the use of Chinese medicine products. In fact, the regulatory regime in Hong Kong also serves as a model for other places. In addition, we hope to help Hong Kong's Chinese medicine move towards internationalization through the development of the Chinese

medicine industry with the concept of "evidence-based medicine" and the introduction of a scientific authentication mechanism.

Through the Innovation and Technology Fund (ITF), the Government provides funding support for the conduct of applied research for Chinese medicines and projects for development of a modern technological platform and for procurement of additional advanced equipment for local universities and scientific research institutions so as to enhance their capabilities in pharmaceutical research and development, pre-clinical study, manufacturing process development, analysis of Chinese medicine characteristics and quality assessment, and so on. ITF has also assisted the establishment of many facilities, such as the Process Development Facility for Chinese Medicine in the Hong Kong Institute of Biotechnology, the Traditional Chinese Medicine Centre of the Biotechnology Research Institute in The Hong Kong University of Science and Technology, and the Quality Research Laboratory of the Hong Kong Baptist University for analysis and authentication of the ingredients in Chinese herbal medicines, so as to lay a foundation for the development of modern Chinese medicine and quality control of Chinese medicines. This shows that we are able to provide the Chinese medicine industry with modern equipment and technical support of international standard. Since 2005, the Guangdong-Hong Kong Technology Cooperation Funding Scheme has been established under ITF, so as to encourage closer collaboration in the conduct of applied research for Chinese medicines between the scientific research institutions and enterprises in Hong Kong and Guangdong Province. We have all along encouraged enterprises to leverage the knowledge and resources of the universities and scientific research institutions and work together to enhance the innovation, modern technology level and international competitiveness of the Chinese medicine industry.

In addition, the Government of the Hong Kong Special Administrative Region and the Hong Kong Jockey Club set up the Hong Kong Jockey Club Institute of Chinese Medicine (ICM) in 2001 as a subsidiary of the Hong Kong Applied Science and Technology Research Institute. The purpose is to promote, co-ordinate and strengthen scientific research in Chinese medicines in Hong Kong and facilitate the commercialization of research

results in Chinese medicines, with a view to enhancing the competitiveness of the Chinese medicine industry in the market.

ICM has been given a donation of HK\$500 million from the Hong Kong Jockey Club for funding its research projects and activities. So far, ICM has given support to more than 10 different projects including various applied research projects on the development of new Chinese medicine products, and the standardization and quality assessment of Chinese medicines, and so on. Besides, the Chinese Medicine Laboratory under ICM works with its network of advisors and technology partners in providing technical support on sourcing and quality assessment of Chinese herbal medicines, authentication of Chinese materia medica, analytical methodology development and ingredient verification as well as the provision of Chinese medicine chemical markers and contractual research services. ICM helps the industry to develop high-quality Chinese medicine products by way of modern methods and by integrating with science and technology.

ICM also disseminates its research results, information relating to research activities in Hong Kong, the Mainland and overseas, and the statutory requirements for Chinese medicine products in major overseas markets as well as the latest information about the industry for the reference of the industry through its information webpage, publications, market researches and database. It also updates and shares its experience with the industry on the latest research results by regularly organizing and participating in seminars and forums relevant to the Chinese medicine industry.

- (b) At present, there is yet any uniform set of criteria internationally for the setting of standards for Chinese medicine. By leveraging on its strengths, Hong Kong has made positive efforts to develop standards for Chinese medicine so as to make Hong Kong a platform for promoting Chinese medicine to the world. In 2002, the Department of Health (DH) launched a study programme on the Hong Kong Chinese Materia Medica Standards (HKCMMS) with the purpose of setting standards, in terms of safety and quality, for Chinese herbal medicines which are commonly used in Hong Kong. To facilitate the development of Chinese medicine, the coverage of the programme will be extended from the current 60 herbal medicines to about 200.

Apart from safeguarding public health, the development of safety and quality reference standards for Chinese medicines can help bring about improvements in the use of raw materials for proprietary Chinese medicines and boost public confidence in Chinese medicines. It can also serve as the cornerstone for the conduct of further research on Chinese medicines, facilitate alignment with international requirements and expedite the modernization and internationalization of Chinese medicines as well as facilitating the Chinese medicines trade and laying a foundation for Hong Kong's development into an international Chinese medicine centre. An International Advisory Board, comprising high level representatives from different countries, has been established for the HKCMMS to promote worldwide recognition and acceptance of the HKCMMS research results so as to make Hong Kong a platform for promoting Chinese medicine to the world.

The Hong Kong Accreditation Service (HKAS) under the Innovation and Technology Commission provides accreditation for laboratories, certification bodies and inspection bodies in Hong Kong. Under the mutual recognition arrangements made with international accreditation authorities, the accreditation given to testing and certification agencies by HKAS is recognized by 72 accreditation authorities (including the China National Accreditation Service for Conformity Assessment) in 54 economies.

Besides, the Trade Development Council of Hong Kong holds an International Conference and Exhibition of the Modernization of Chinese Medicine and Health Products each year to provide the Chinese medicine industry with a trade platform for large-scale international exchange and co-operation.

- (c) The contribution of Chinese medicine to the primary health care services is widely recognized by the public. Chinese medicine services in Hong Kong have all along been provided primarily by the private sector. As at 31 October 2009, there were 6 120 registered Chinese medicine practitioners (CMPs) and 2 793 listed CMPs in Hong Kong, providing Chinese medicine services in various districts. For patients who need to be hospitalized or suffer from severe illnesses, they are treated by Western medical practitioners generally while CMPs may play a supplementary role.

In view of the increasing demand for Chinese medicine services from members of the public, the Government is incorporating Chinese medicine services into the public health care system on an incremental basis. The Hospital Authority is now trying out different models of Chinese and Western medicines shared care services in various hospitals. A larger scale of Chinese and Western medicines shared care services will be considered to be incorporated in the proposed Chinese medicine building under the Kwong Wah Hospital Redevelopment Project. Besides, the Government has established public Chinese medicine clinics (CMCs) in various districts since 2003. The main objective is to promote the development of "evidence-based" Chinese medicine and at the same time serve the function of providing the recipients of Comprehensive Social Security Assistance and the elderly with free or reduced-fee Chinese medicine services. At present, there are 14 public CMCs, which are located in the Central and Western District, Wan Chai, Eastern District, Kwun Tong, Wong Tai Sin, Sham Shui Po, Tsuen Wan, Tai Po, Tseung Kwan O, Yuen Long, Tuen Mun, Kwai Tsing, North District and Sha Tin respectively. We are now making an effort to identify suitable sites in the Kowloon City District, Yau Tsim Mong District, Southern District and Islands District for establishing CMCs. Besides, some non-government organizations also provide Chinese medicine services by way of mobile CMCs in a number of districts. It is thus evident that public and private Chinese medicine services complement each other in meeting the needs of the community.

Taxi Drivers' Identity Plates

9. **MISS TANYA CHAN** (in Chinese): *President, on 23 October this year, the Transport Department (TD) launched the newly designed taxi driver identity plate (TDIP) and taxi drivers are required to display the new plate inside their cars, and those who fail to do so will be subject to a fine of \$2,000. The TD has indicated that the objective of launching the new plate is "to enhance the taxi service quality and the professional image of taxi drivers". In this connection, will the Government inform this Council:*

- (a) *apart from being smaller in size as compared with that of the old plate and a slight change in the photograph position and*

background colour of the identity plate, as well as the addition of a six-digit identification number, how the changes in design outlook of the new plate can "enhance the taxi service quality and the professional image of taxi drivers", and therefore they must complete the replacement of identity plates by the end of March next year, or else they will face a fine;

- (b) given the government requirement that the overall width of the new plate inserted inside the plate holder together with the plate holder shall not exceed 120 mm, which is 5 mm smaller than the minimum width of the old plate, making it necessary for the taxi drivers to replace the plate holders, whether it knows the price of plate holders;*
- (c) given that currently taxi drivers are required to display the TDIP on top of the dashboard to the left of the taximeter, and as a result, rear-seat passengers may not be able to see it clearly, whether the Government will consider changing the display position and require the TDIP be displayed at conspicuous positions at both the front and rear seats; if it will, of the detailed arrangement; if not, the reasons for that;*
- (d) given that currently taxi drivers have to pay the agents of TDIPs (agents) a fee ranging from \$10 to \$100 for the new plate, whether it knows how the replacement fee is determined; whether part of the income from replacement fees will be given to the Government, or the whole amount retained by the agents; whether it will consider centralizing the issuance of new plates under the TD and standardizing the replacement fee; if it will, of the detailed arrangement; if not, the reasons for that;*
- (e) whether it knows if there is a standardized application form for the new plate at present; what types of personal data will be collected in the application form for the new plate; how the agents relay such information to the TD; whether there are measures in place to ensure that the drivers' personal data will not be divulged; if there are, of the details; if not, the reasons for that; and*
- (f) as some taxi drivers have pointed out that the locations for replacement of identity plates are insufficient (such as there are no*

such locations in the Southern and Western Districts of Hong Kong Island), whether the Government will consider providing additional locations; if it will, of the details; if not, the reasons for that?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President,

- (a) The old TDIPs were introduced in 2002. Having been used for over seven years, some of these TDIPs may have worn out or been damaged, thus affecting the image of the taxi trade. In addition, some members of the trade consider the old TDIPs too big for display on top of the dashboard, possibly blocking the drivers' sightline. In response to the request of the trade, the TD has also permitted the drivers to display the TDIPs in front of the dashboard while this may make it less convenient for rear seat passengers to read the names of the drivers.

With a view to improving the above situation, the TD rolled out the new TDIPs on 23 October 2009 after consultation with the taxi trade. While there is no change in the font size of the name of the driver on the new TDIPs, the colour of the plate has been changed and the size of the plate has been reduced. The new TDIPs can be displayed on top of the dashboard to the left of the taximeter in all taxis and the names of the drivers can be clearly shown to both front and rear seat passengers. The replacement campaign standardizes the specifications and method of display of all TDIPs and removes those old and torn plates altogether, thereby helping to enhance the professional image and service quality of taxi drivers.

To allow sufficient time for the replacement, the TD has consulted the trade and decided to offer a grace period of about four months from 23 October 2009 to 28 February 2010 for taxi drivers to replace their TDIPs.

- (b) The Government does not designate the suppliers of new plate holders. Drivers can purchase any holders that meet the relevant requirements from the market at their choice. The unit price is about tens of dollars. It is noted that the two dedicated liquefied petroleum gas (LPG) companies are offering new holders for TDIPs for sale or as a gift upon purchase of goods or services.

- (c) Regarding the method of display, the TD has consulted the taxi trade. Both TD and the trade consider it more appropriate to place the TDIPs on top of the dashboard to the left of the taximeter as this position allows front and rear seat passengers to read the names of the drivers clearly.
- (d) The TD does not specify a fixed fee for processing the new TDIPs. The authorized agents are free to set their fees to attract patronization but prior notice to the TD regarding the fee level is required. Revenue generated from the processing all goes to the agents. Since the agents have to use the template form provided by the TD in their production of the new TDIPs, they have to pay to the TD the cost of form printing (current unit cost at 80 cents). To facilitate drivers to make comparison and choice, the TD has distributed to the taxi trade promotional leaflets listing the TDIP processing centres operated by the authorized agents. Relevant information, such as the locations of processing centres and fees, has also been uploaded onto the TD's website.
- (e) When applying for the new TDIPs, drivers must use the application form prescribed and provided by the TD. Applicants are required to fill out in the form their Chinese and English names as well as their driving licence numbers. They have to produce their driving licences for checking when submitting their applications to the authorized agents. Also, the agents will request the drivers to leave their contact numbers so that the agents can notify the drivers to collect the new TDIPs.

The TD has required the authorized agents to deliver to the TD in person or by registered post all application forms containing drivers' particulars. The TD also requires the agents to follow strictly the stipulations under the Personal Data (Privacy) Ordinance when handling, keeping, securing, managing and retaining data of taxi drivers who apply for the new TDIPs.

- (f) As at 11 November 2009, there were a total of 22 authorized agents across the territory, including dedicated LPG refilling stations, taxi associations, photo shops and driving schools. They operate processing centres at 34 locations in different districts to facilitate the processing of new TDIPs. Since taxi drivers will be travelling

among different districts during their daily operation and before/after shift change, they can choose any appropriate and convenient time and location to process the new TDIPs.

The TD sets no limit on the number of authorized agents and welcomes more organizations and taxi associations to join in. Interested parties can submit their applications to the TD. Besides, the TD does not limit the number of processing centres either. Authorized agents can arrange to set up additional processing centres as necessary after notifying the TD.

Appointment of New Chief Executive of Hong Kong Monetary Authority

10. **MS EMILY LAU** (in Chinese): *President, the Financial Secretary announced the appointment of Mr Norman CHAN as the Chief Executive (CE) of the Hong Kong Monetary Authority (HKMA) in mid-July this year. The Financial Secretary stated that he had invited three persons in August 2008 to recommend to him suitable candidates for the post. The Financial Secretary had also invited a retired human resource specialist to assist them in their work. The group completed their work towards the end of 2008. They had altogether considered 39 persons, including persons from the HKMA, regulatory agencies, banks and the academia as well as government officials. The group shortlisted eight people for recommendation to the Financial Secretary in order of priority, among whom Mr Norman CHAN was the first choice. The Government ultimately appointed Mr CHAN as the CE of the HKMA. In this connection, will the Government inform this Council:*

- (a) *of the number of meetings convened by the aforesaid selection group between August and December 2008; whether meetings were convened to discuss the 39-person list; whether interviews were conducted with those on the eight-person list; and how the decision to recommend Mr Norman CHAN was made;*
- (b) *given that the remuneration for Mr CHAN is lower than that for the former CE and there was no prescribed term of office for the former CE, whereas the term for Mr CHAN is five years, of the criteria adopted by the authorities for determining his remuneration, conditions of service and the five-year term; and*

- (c) *given that Mr CHAN was appointed Director of the Chief Executive Office of the Hong Kong Government in July 2007, and the Financial Secretary reached consensus with the former CE one month later on the decision that his term would end at the end of September 2009, whether Mr CHAN was aware of this arrangement?*

FINANCIAL SECRETARY (in Chinese): President, section 5A(1) of the Exchange Fund Ordinance provides the Financial Secretary with the flexibility in deciding the person to be appointed as the Monetary Authority and the related terms of appointment. When announcing the appointment of Mr Norman CHAN as the Monetary Authority at the press conference held on 17 July 2009, the Financial Secretary gave a full account of the appointment procedures, selection criteria, term of office and remuneration arrangements.

- (a) In August 2008, the Financial Secretary invited Dr Victor FUNG, Dr Marvin CHEUNG and Sir John BOND to advise him on candidates for the new Monetary Authority. The Financial Secretary also invited Mr Martin TANG, a retired human resources specialist, to assist in the work.

From August 2008 to the end of the year, the group held three meetings and considered 39 candidates. An eight-person shortlist in order of priority, with Mr Norman CHAN being the first priority, was recommended to the Financial Secretary. The tasks undertaken by the group were then considered accomplished.

The Financial Secretary accepted the recommendation of the group. As the candidates considered by the group are leaders of the financial sector and persons holding important positions in the community, the Financial Secretary is familiar with their professional achievements and personal qualities. Since Mr CHAN was the first choice and he accepted the appointment, there was no need to contact anyone else.

- (b) The Financial Secretary also asked the Governance Sub-Committee (GSC) to advise him on the remuneration and conditions of service of the new Monetary Authority. The GSC submitted its views to

the Financial Secretary having regard to the remuneration and conditions of service of the Chief Executive and Deputy Chief Executive of the HKMA at that time. The Financial Secretary had considered the views of the GSC before deciding on the remuneration and conditions of service of the incumbent Monetary Authority.

As regards the term of office, the Financial Secretary made reference to practices in other countries and considered the views of the GSC and other factors. He considered it appropriate to fix the term of office of the Monetary Authority at five years.

- (c) Appointing the Monetary Authority is the job of the Financial Secretary. Mr Norman CHAN had no knowledge of the entire process.

Statistics on Economic Activities Compiled by Census and Statistics Department

11. **DR DAVID LI:** *President, when compiling statistics, the Census and Statistics Department (C&SD) classifies major economic activities, such as retail sales and employment, in accordance with the Hong Kong Standard Industrial Classification (HSIC). Some members of the public have relayed to me that in the reports published by C&SD such as the Monthly Survey of Retail Sales, statistics are normally available in broad categories up to 4-digit HSIC code. Detailed breakdowns using the 6-digit HSIC code are limited and not comprehensive. In this connection, will the Government inform this Council:*

- (a) *why the Government does not make public comprehensive detailed breakdowns of statistics on economic activities, and whether this is due to technical reasons, cost considerations or other policy concerns; and*
- (b) *whether the Government will consider making all the available detailed breakdowns of statistics based on the HSIC code accessible to the public in the future?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY:

President, the C&SD compiles, analyses and releases statistics on different economic activities by industry according to the statistical classification system, under the Hong Kong Standard Industrial Classification Version 2.0 (HSIC V2.0). The HSIC V2.0 adopts a 5-level hierarchical classification system using different numeric codes, represented by 1-alphabet letter, 2-digit, 3-digit, 4-digit and 6-digit numeric codes, with the 6-digit numeric codes being the most detailed level of industrial classification.

When deciding on the level of details in compiling and releasing statistics on various industries, the C&SD will take into account factors such as the sample size, sample design, degree of statistical precision and user requirements of relevant surveys. This is in line with the practices adopted by other advanced economies.

In determining whether to release more detailed statistics at the 6-digit code level, the C&SD will carefully consider the following factors:

- (i) as constrained by the sample size, detailed breakdowns of statistics at some of the 6-digit code level are subject to larger margins of sampling errors and hence not all statistics are suitable for use in isolation;
- (ii) releasing statistics at the 6-digit code level may risk breaching the confidentiality of information provided by individual establishments because certain codes at this level only entail a small number of establishments; and
- (iii) the sample size of economic surveys would have to be enlarged if all economic statistics are released at the 6-digit code level. As this will increase responding burden of sampled establishments and incur higher cost, we must carefully consider these factors having regard to the practical needs of data users.

The C&SD welcomes suggestions from data users on the selected statistics which would require further breakdowns, and will consider the suggestions in the light of the relevant factors stated above.

Design Manual — Barrier free Access 2008

12. **MR CHEUNG KWOK-CHE** (in Chinese): *President, last year, the Buildings Department published the Design Manual: Barrier Free Access 2008 (the Manual) to provide guidelines on building design to facilitate access by persons with disabilities. However, some of the guidelines are not applicable to food premises. A survey conducted by the University of Hong Kong in June this year reveals that the entrances of most of the restaurants of fast food chains in Hong Kong have steps or thresholds but no access ramps. Immovable seats are also used in many food premises, neglecting the needs of persons with disabilities. In this connection, will the Government inform this Council:*

- (a) why the Manual has not made it mandatory for food premises to provide suitable ramps at their main entrances for access by persons with disabilities and seats specially designed for them; and*
- (b) whether it will examine when it will incorporate the requirements in part (a) in the Manual so as to meet the needs of persons with disabilities?*

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

- (a) To facilitate persons with disabilities to enjoy equal opportunity in entering premises and using the facilities therein, a requirement that ramps shall be provided at all changes in level (including entrance to premises), other than those served by a suitable accessible lift or accessible lifting mechanism at non-domestic premises, has already been stipulated in section 14 of the Third Schedule of the Building (Planning) Regulation (the Regulation) and section 14 of Chapter 4 of the "Design Manual: Barrier Free Access 2008" (the Design Manual). The requirement of provision of ramps is not only applicable to food premises, but also generally to other non-domestic premises (such as shopping arcade, department stores, and so on) and the common area of domestic premises. The abovementioned requirement of provision of ramps at non-domestic premises has already been incorporated in the Regulation and Design Manual since 1985 and applicable to new buildings and alterations or additions of existing buildings thereafter. Since the Regulation and

Design Manual do not have retrospective effect, this requirement is not applicable to food premises located at buildings built before the effective date of this requirement. However, these premises will be subject to this requirement when carrying out alteration or addition works (these include works involving structural alterations).

At present, the Regulation and Design Manual mainly regulate the building design and do not stipulate specific requirements for the furniture, including the seating design, of the food premises.

According to section 26(1) of the Disability Discrimination Ordinance (DDO), it is unlawful for a person who, whether for payment or not, provides goods, services or facilities, to discriminate against another person with a disability in the terms and conditions or in the manner, in providing goods, services or facilities to the latter. If a person with a disability is not able to use the goods, services or facilities provided by a food premises owing to inadequate access facilities or lack of suitable seating for use by a person with a disability, he/she may lodge a complaint to the Equal Opportunities Commission. However, as stipulated in section 26(2) of DDO, section 26(1) shall not apply if the provision of the goods, services or facilities would impose unjustifiable hardship (circumstances to be taken into account include: the reasonableness of any accommodation to be made available to a person with a disability; the nature of the benefit or detriment likely to accrue or be suffered by any person concerned; the effect of the disability of a person concerned; and the financial circumstances of and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship) on the person who would have to provide those goods, services or facilities.

- (b) The requirements incorporated in the current version of the Design Manual have been made on the basis of consensus reached after a comprehensive review and extensive consultation with stakeholders conducted since 2002. These include a six-month public consultation between January and June 2006. During the consultation, relevant stakeholders did not make concrete proposals on the seating design of food premises for thorough discussion. We will continue to listen to the views of persons with disabilities and stakeholders and strive to encourage all sectors, including the food

business, to collaborate to build a barrier-free environment, thereby facilitating persons with disabilities to receive services and enjoy community facilities on an equal basis.

Setting up of Recycling Teams

13. **MS AUDREY EU** (in Chinese): *President, according to the Government's statistics in 2008, the cost of collecting one tonne of refuse amounted to \$186 and the total amount of refuse collected in that year was 1 888 406 tonnes. Meanwhile, many cities in the world such as Taipei and Sydney have set up recycling teams to increase the amount of waste recycled and thereby achieve waste reduction. In this connection, will the Government inform this Council whether:*

- (a) it has assessed the feasibility of setting up recycling teams in Hong Kong; if so, of the details; if not, the reasons for that; and*
- (b) it has assessed the staff establishment and expenditure involved in setting up recycling teams; if so, of the details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

(a) and (b)

In Hong Kong, waste recovery and recycling are promoted primarily through market activities and the provision of supporting facilities, including the placing and distribution of about 34 000 three-coloured waste separation bins by the Government. These separation bins are placed by government departments (for example, Food and Environmental Hygiene Department) at public places, by the roadside, and in refuse collection points, leisure and cultural facilities, country parks and individual schools to facilitate public participation in waste recovery. There are over 300 active waste recyclers in Hong Kong with a workforce of several thousand employees engaged primarily in recycling of waste paper, waste metals and waste plastics. The waste recovery rate of Hong Kong is comparable to that of other major Asian cities. In 2008, the

recovery rate of municipal solid waste in the territory was about 48%. The recovery rates of Taipei and Sydney, where a similar definition applies, are 44% (July 2009 figure) and 42% (2006-2007 figure) respectively.

Hong Kong has made considerable progress in waste recycling through the provision of supporting facilities by the Government and the operation of the market. To enhance the recovery rates, the Government will continue to implement various measures to support the development of the local recovery and recycling industries, as well as exploring outlets for recyclables and recycled products. The Administration is pushing ahead with the measures put forward in A Policy Framework for the Management of Municipal Solid Waste (2005-2014). They include:

- Promoting the Programme on Source Separation of Waste to encourage the public to separate waste at source, enhance the recovery rate, increase the amount of recycled waste and provide the recycling industry with a steady supply of source materials. As at end October 2009, over 1 250 housing estates participated in the Programme which covers about 67% of the population. We will invite more housing estates to join the Programme and aim to expand it to cover 80% of the local population by end 2010.
- Implementing the Building (Refuse Storage and Material Recovery Chambers and Refuse Chutes) Regulations which have come into effect recently. The Regulations ensure that all new domestic buildings and the domestic parts of all new composite buildings shall provide for a refuse storage and material recovery room on every floor with sufficient space for recovery facilities to tie in with the implementation of source separation of waste.
- Continuing to identify suitable land for short-term lease by waste recyclers through tender. Currently there are 39 lots with an area of about seven hectares for this purpose.
- Continuing to develop the EcoPark in Tuen Mun Area 38 and provide the recycling and environmental industries with

long-term land at affordable rent to encourage the industries to invest in advanced and value-added recycling technologies. Tenancies of the six lots in EcoPark Phase I have been awarded for the recycling of waste wood, used cooking oil, computer equipment, waste plastics, waste metals and acid batteries.

- Promoting among government departments the green procurement policy which includes the use of recycled products or products that contain recycled content as far as practicable when procuring certain products. This will help expand the market for such products, which in turn will promote the recovery and recycling industries.
- Encouraging the research and development of recovery technologies and upgrading the local recovery industry through the Innovation and Technology Fund, the Environment and Conservation Fund and various funds for supporting the small and medium enterprises.
- Implementing the producer responsibility schemes through legislation to promote waste recovery and recycling.

Regulation of Operations of Waste Recyclers

14. **MR KAM NAI-WAI** (in Chinese): *President, some members of the public have relayed to me that although the work of waste recyclers may promote environmental protection and results in waste being recycled or reused, their operations have substantial impact on the environment of the districts nearby and affect the daily life of members of the public at the same time. In this connection, will the Government inform this Council:*

- (a) *of the total number of waste recyclers in Hong Kong in each of the past five years, broken down by region (that is, Hong Kong Island, Kowloon, and the New Territories);*
- (b) *of the number of complaints against waste recyclers received by the authorities in each of the past five years and the main content of the complaints; the respective total numbers of warnings issued to and*

prosecutions instituted against waste recyclers; and the difficulties encountered in taking law-enforcement actions as well as the measures in place to overcome such difficulties;

- (c) whether it will study afresh the establishment of a licensing system, so as to regulate the operations of waste recyclers; and*
- (d) whether it will study providing operation sites for waste recyclers within government facilities in each district of Hong Kong, so as to unify management and minimize nuisance caused to members of the public?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (a) The social and economic environment affects the number of waste recyclers, resulting in considerable variation among its yearly figures. According to the annual Waste Recovery Survey conducted by the Environmental Protection Department (EPD), there had been in Hong Kong an average of some 300 active waste recyclers (detailed in the table below) in the past five years. The geographical distribution is roughly about 15%, 35% and 50% in Hong Kong Island, Kowloon and the New Territories respectively;

<i>Year</i>	<i>Number of active waste recyclers</i>
2004	290
2005	395
2006	343
2007	371
2008	288

- (b) Set out below are the number and nature of complaints concerning waste recyclers that government departments had received; the number of warnings and prosecutions against the waste recyclers; and the relevant enforcement action taken, for the period of the past five years (2004 to 2008):

The Food and Environmental Hygiene Department (FEHD) had received 1 656 complaints concerning the obstruction and

environmental nuisance caused by waste recyclers' placing articles on streets and pavements. In response, the FEHD had issued 2 432 notices and instigated 552 prosecutions in relation to causing blockage in public places or obstructing the scavenging operation. If the business of a waste recycler causes obstruction to the scavenging operation, the FEHD will, in accordance with section 22 of the Public Health and Municipal Services Ordinance (Cap. 132), cause to be served upon the owner of the obstructing article a notice requiring removal of the same within a specified period and the prevention of its recurring obstructions. Where there is non-compliance, such article will be seized, carried away and detained.

<i>Year</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>Total</i>
No. of complaints	296	290	336	338	396	1 656
No. of warnings	219	225	310	329	578	1 661
No. of Prosecutions	98	125	127	115	87	552
No. of Notices	282	346	371	546	887	2 432

The EPD had received 1 141 complaints about waste recyclers, mostly concerning street management problems. These include occupation of public places, obstruction to pedestrians, environmental hygiene problem and pollution (for example, noise, dust, waste and sewage discharge). The EPD had issued 18 warnings and instigated 19 prosecutions against waste recyclers for contravention of environmental legislation. Most of them were related to the contravention of Waste Disposal Ordinance (Cap. 354) by waste recycling yards in the New Territories. The yearly breakdown of statistics concerning waste recyclers is given below:

<i>Year</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>Total</i>
No. of complaints	141	171	205	312	312	1 141
No. of warnings	0	6	2	2	8	18
No. of Prosecutions	2	16	0	1	0	19

The Lands Department (LandsD) had received 160 complaints about waste recyclers, mostly concerning nuisances in respect of noise, environmental hygiene, pollution and obstruction by waste recyclers on private property or short-term leases. The District Lands Offices

of the LandsD referred those complaints that were related to noise and obstruction of pavements to the EPD or FEHD for follow-up. For other complaints, the District Lands Offices had issued a total of 71 warnings to waste recyclers on private property or short-term leases. These recyclers carried out rectification subsequently. The yearly breakdown of statistics concerning waste recyclers is given below:

<i>Year</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>Total</i>
No. of complaints	12	14	25	56	53	160
No. of warnings	8	8	11	23	21	71
No. of Prosecutions	0	0	0	0	0	0

In general, the government departments concerned handle complaints and take enforcement actions within their respective jurisdiction. Consequential to warnings or prosecutions, the waste recyclers concerned normally carried out rectification accordingly;

- (c) At present, similar to other business activities, whether waste recyclers would cause obstruction to public places and nuisances to the environment is already subject to the control of relevant environmental legislation and other legislation concerning public health. There may not be the need for an additional licensing regime to pin down the operations of waste recyclers; and
- (d) The waste recycling industry has its own operational features and requirements. Providing operation sites for waste recyclers within government facilities will impact on the existing services by and functions of these facilities, and may not satisfy the needs of the recyclers either. The Government will therefore continue to identify suitable short-term tenancy sites exclusively for the use of the recycling industry, in order to alleviate the nuisance they might cause to the neighbourhood. For waste recyclers of smaller scale, they are usually situated closer to residential area for access to their business targets, that is, shops and residence. If the daily operation of these recyclers causes blockage of pavements, environmental hygiene problem and noise, and so on, Government will take action in accordance with the existing legislation.

Health Declaration Forms

15. **MR CHAN HAK-KAN** (in Chinese): *President, to combat the Influenza A (H1N1) epidemic, the authorities have, since April this year, required all visitors and local residents to complete health declaration forms when they enter the territory at various boundary control points. However, such a measure has been criticized for wasting paper and having limited effect on controlling and tracking the epidemic situation. In this connection, will the Government inform this Council:*

- (a) *of the total number of completed health declaration forms received at various boundary control points since the implementation of the above measure;*
- (b) *where the completed health declaration forms are stored at present, and which government department is responsible for collating and keeping these forms; when a confirmed case of Influenza A (H1N1) is found to involve a person who came from a place outside Hong Kong, whether the Government will initiate the procedure of searching for the patient's health declaration form and immigration record;*
- (c) *for how long the completed health declaration forms will be kept before they are destroyed; given that these declaration forms contain the personal data of those who completed them, what measures the Government will adopt to safeguard the data from being disclosed when destroying these declaration forms; and*
- (d) *whether it will consider discontinuing the measure of requiring the completion of health declaration forms; if it will, of the specific arrangements, and how it will ensure that the virus will not be brought into Hong Kong from other places; if not, whether it will assess the impact of such a measure on the environment, and whether it will consider changing the current requirement (for example, only requiring those who have influenza symptoms when entering the territory to complete the health declaration forms)?*

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

- (a) The human swine influenza has developed into a global epidemic and remains prevalent in many places. Since end of April this year, the Department of Health (DH) has taken a series of surveillance and control measures at various boundary control points, including temperature screening for people entering Hong Kong and implementation of health declaration. Since the implementation of the measures, the DH collects about 300 000 copies of health declaration form each day at various boundary control points.

(b) and (c)

Upon the collection of health declaration forms submitted by travellers, staff of the DH will immediately examine the information reported, including travel history, contact history and symptoms of the travellers, and conduct screening and assessment with a view to providing them with appropriate health advice. For travellers having flu-like symptoms or serious cases (involving travellers with high fever, respiratory distress, and so on), the DH will refer them to the Designated Flu Clinics or hospitals respectively for further examination and treatment, and adopt prompt measures to prevent the spread of the virus to those who have had contact with them. In the event of a serious outbreak, the DH will trace and inform the travellers concerned.

The DH will ensure compliance with the requirements of the Personal Data (Privacy) Ordinance in handling the health declaration forms. If the DH has confirmed that no follow-up action or referral is required as regards the health declarations made by individual travellers, arrangements would be made for these health declaration forms to be destroyed three months after their collection. The procedures will be carried out strictly in accordance with the Security Regulations issued by the Government, including limiting the types of staff permitted to have access to the data and keeping the declaration forms in sealed containers, so as to ensure that there is no leakage of personal data.

- (d) The number of cases of infection with human swine influenza has already exceeded the number of people contracting seasonal

influenza. Human swine influenza has become the major cause of influenza in Hong Kong and is now widespread in the community. The Government will continue to closely monitor the changes in the risk of the human swine influenza, and keep under review the surveillance and control measures, including the completion of health declaration forms.

Currently, all health declaration forms are printed with recycled paper or paper made from woodpulp derived from renewable forests with a view to minimizing the impact on the environment.

Equal Opportunities Commission

16. **MR LAU KONG-WAH** (in Chinese): *President, will the Government inform this Council whether it knows:*

- (a) *the number of complaint cases involving contravention of the Disability Discrimination Ordinance (DDO) (Cap. 487) received by the Equal Opportunities Commission (EOC) in the past three years and, among such cases, the respective numbers of those cases the investigation of which had and had not been completed;*
- (b) *among the cases in part (a), the number of those requiring further actions after investigation by EOC, including conciliation for the parties concerned or assisting the complainants to file civil suits in court; the number of cases for which EOC decided not to conduct or to discontinue investigation because the complaints were lacking in substance or vexatious, did not involve unlawful act, or a period of more than 12 months had lapsed beginning when the act was done; and the final outcome of those cases which required intervention by EOC in the form of conciliation or bringing to court for litigation; and*
- (c) *given that cases requiring further actions after investigation by EOC have to be dealt with in the first instance by means of the conciliation process, what arrangements EOC will make for cases in which the accused persons refuse to attend the conciliation conferences; focusing on cases in which the accused persons have not provided a defence in respect of the allegations against them*

because they have not participated in the conciliation process, how EOC ensures that these persons will receive fair and just treatment when it decides to provide legal assistance to the complainants?

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

- (a) Between 2007 and October 2009, the EOC received 1 299 complaint cases made under the DDO. Taking into account the outstanding cases brought forward from 2006, the EOC handled a total of 1 434 complaint cases in the period. Of these, 1 263 cases were concluded and 171 cases are still in progress.
- (b) Among the 1 263 concluded cases during the period from 2007 to October 2009, the EOC had conducted conciliation for the parties involved in 447 cases, of which 306 cases had been successfully conciliated with agreement reached.

If settlement cannot be reached by way of conciliation, the complainant can apply for legal assistance from the EOC or bring the civil proceedings in court on his/her own. During the abovementioned period, the EOC received 74 applications for legal assistance in respect of DDO.

Amongst the cases where legal assistance was provided by the EOC during the period, seven cases were settled before court action. The EOC also filed writs in 12 cases, while 11 cases were settled after the issuance of writs and two cases were ended after court trials.

Furthermore, the EOC decided to discontinue investigation, or not to conduct investigation, in 816 complaint cases. Among these cases, 457 cases were lacking in substance or vexatious, 60 cases involved no unlawful acts, 19 cases were beyond the 12-month legal time bar and without reasonable justification for the delay, and 280 cases were closed given that the complainants had no desire to pursue further, withdrawn their cases or lost contact.

- (c) Before the EOC decides to grant legal assistance to a complainant, a respondent will be given sufficient opportunities to give a defence. Upon receipt of a complaint case, the EOC will explore with the

complainant and the respondent to see if they would like to settle the dispute through meetings before the commencement of formal investigation. If there is no chance for a settlement, the EOC will then formally conduct an investigation. In the course of investigation, both the complainant and the respondent have the opportunities to rebut. The information provided by both parties must be sent to the other party for information and comment. After the investigation, if a discriminatory act cannot be ruled out, the EOC will recommend to both parties to proceed to conciliation and explain its reasons for making such a proposal.

Conciliation is to be conducted on a voluntary basis. Conciliation can be conducted in the form of a face-to-face meeting or through shuttling by EOC. The EOC would endeavour to provide assistance to both parties. If either the complainant or the respondent refuses to participate in the conciliation, or a settlement agreement cannot be reached by both parties in the process, the EOC will consider the conciliation unsuccessful. Under such circumstances, the complainant may then apply for legal assistance from the EOC.

Shatin to Central Link

17. **MRS REGINA IP** (in Chinese): *President, I have learnt that the MTR Corporation Limited (MTRCL) has planned to build a large-scale temporary concrete plant, a stockpiling depot, a rubble crushing facility and a barging point next to Hoi Sham Park and in the Kai Tak Development Area during the implementation of the Shatin to Central Link (SCL) project. The barging point therein will be located only about 300 m away from the residential area in the vicinity. Moreover, the Government is going to carry out a number of projects under the Kai Tak Development plan (including Kai Tak City Centre, the cruise terminal and Metro Park, and so on), as well as the project for the Kowloon Bay section of the Central Kowloon Route which will be constructed within the Kai Tak Development Area. In this connection, will the Government inform this Council whether the various government departments concerned will communicate and co-ordinate with MTRCL to arrange for the projects in the Kai Tak Development Area to make use of the temporary supporting facilities of the SCL project so as to minimize the impact on the residents and the environment in the district?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, we have suggested setting up temporary stockpiling areas, concrete batching plant and barging points adjacent to Hoi Sham Park and in the Kai Tak Development Area to handle the huge amount of excavation materials which will be produced during the construction of the SCL and the Kwun Tong Line Extension (KTE) railway tunnels and stations, with a will to treat these excavated materials in the most efficient and environmentally-friendly way. With these facilities, the excavated materials can be stored temporarily and sorted properly. Good quality rocks which are sorted out as suitable for concrete production will be transported to the batching plant. Soil can be used for backfilling near the tunnels and stations. Those unsuitable materials or surplus rocks and soils will be delivered to the barging points via the shortest route and be transported by barges to the designated handling area. Such an arrangement will not only reduce the amount of construction wastes, but also minimize the possible environmental and traffic impact caused by the transportation of the excavated materials.

Originally, we also proposed to set up a temporary barging point near Hoi Sham Park. During the public consultation of the SCL and KTE railway projects, we received a lot of concerns expressed by the local bodies and residents about the aforesaid temporary facilities. Taking into account these concerns, we decide not to set up a barging point adjacent to Hoi Sham Park.

In future, the excavated materials from the KTE project will be transported to the temporary barging point near the International Mail Centre at Hung Hom and it will not affect the surrounding environment. The excavated materials from the SCL project will be handled by the temporary barging point at the ex-Kai Tak Airport Runway. The selected site at the ex-Kai Tak Airport Runway has sufficient distance from the nearest residential buildings so that the impact due to the operation of the barging point on the residents nearby can be minimized.

The Government and the MTRCL understand that both citizens and Council members have serious concern about the adverse environmental effects due to the setting up and the operation of the temporary facilities in Kai Tak Development Area. As such, consultants have been engaged to carry out a detailed Environmental Impact Assessment for the project and to propose the associated mitigation measures. The report of the Environmental Impact Assessment will be released for public inspection and comments. The report will also be examined by the Environmental Protection Department before the Environmental Permit for Construction is issued. The temporary facilities will

be properly controlled under the Environmental Impact Assessment Ordinance, such that there will not be any adverse impact on the residents nearby and the surrounding environment.

Relevant government departments and the MTRCL have been closely communicating and co-ordinating with each other for the implementation of all the projects in the Kai Tak Development Area with a will that the implementation programmes, the arrangements on the associated works sites and the use of supporting facilities, and so on, can be properly co-ordinated.

Relevant government departments will also continue to study the possibility of using the SCL project temporary supporting facilities for the other projects in the Kai Tak Development Area, if the time and land constraints can be accommodated. However, we have to point out that the SCL project temporary supporting facilities will be used mainly on the project itself at its initial stage because of the huge demand. When the construction peak of the railway project is over, the facilities may accommodate the need from other engineering projects. The Railway Development Office of Highways Department will take up the co-ordination role proactively so that the MTRCL can co-operate with other works departments with a will to reduce the impacts of the construction activities on the residents and the environment in the district.

Improvement to Local Education System

18. **MR PAUL TSE** (in Chinese): *President, it has been reported that quite a number of parents in Hong Kong have expressed grave dissatisfaction with the local education system, and there are quite a number of civil servants sending their children to schools overseas for studies. In this connection, will the Government inform this Council:*

- (a) *of the number of dependent children and amount of public money involved in respect of claims for Overseas Education Allowance (OEA) by civil servants in each of the past three financial years;*
- (b) *whether in the past three years, it had carried out any survey to find out the reasons why those civil servants who claimed OEA had sent their children to school overseas for studies, whether it had explained to the public why it spent huge amounts of public money on the payment of OEA, and whether it had consulted the parents in Hong Kong on the local education system so as to review the areas*

where improvements are needed; if it had conducted such survey and consultation, of the results; if not, whether it can conduct such survey and consultation expeditiously; and

- (c) *whether it has looked into the reasons why some parents are still dissatisfied with the local education system and send their children to school overseas for studies even though the education system had undergone reforms year after year; whether it had, in the past three years, thoroughly examined the fundamental problems of the local education system, and formulated specific proposals; if it had, of the results; if not, whether it will conduct such examination expeditiously?*

SECRETARY FOR EDUCATION (in Chinese): President,

- (a) According to existing policy, an eligible civil servant who was offered appointment to the Civil Service before 1 August 1996 may claim OEA for his/her child's education in the United Kingdom if he/she was appointed on local terms, or claim OEA for his/her child's education in the civil servant's country of origin if he/she was appointed on overseas terms. An eligible civil servant may claim OEA from the beginning of the term in which his/her child reaches the age of nine up to the end of the term in which the child becomes 19, and for up to four of his/her children at any one time. The number of children¹ in respect of claims for OEA by eligible civil servants and the actual expenditure in the past three financial years are set out in the table below:

2006-2007		2007-2008		2008-2009	
<i>No. of children</i>	<i>Actual Expenditure (\$000)</i>	<i>No. of children</i>	<i>Actual Expenditure (\$000)</i>	<i>No. of children</i>	<i>Actual Expenditure (\$000)</i>
4 458	544,058	3 996	499,542	3 224	369,246

- (b) The OEA scheme was introduced in 1964. At that time, there were insufficient educational facilities to meet the demand of English-speaking children in Hong Kong and the OEA scheme was

¹ The number of children is calculated by dividing the total number of claims for the allowance by three (that is, the number of terms in a school year).

introduced to enable children of expatriate civil servants to continue their education in their countries of origin. The scheme was extended to local civil servants in 1972 on parity grounds. In the past three years, we have not conducted any survey on civil servants receiving OEA to ascertain the reasons for their sending their children to study abroad.

Since the 1960s, there have been gradual improvements in educational facilities and increasing education opportunities in Hong Kong. Accordingly, there was less justification for the Government to continue to provide OEA to children of civil servants. Following a review of the OEA scheme in 1993, the Government decided to cease the provision of OEA to civil servants who were offered appointment on or after 1 August 1996.

The Government always values the views of different stakeholders (including parents) on the education system. Since the implementation of the curriculum reform in 2001, the Education Bureau has conducted a number of major surveys to collect the views of school leaders, teachers, parents and students. In 2004 and 2006, questionnaires were sent to different groups of stakeholders encompassing school sponsoring bodies, school management committees, principals, teachers, students, parents, early childhood educators and teacher educators to gauge their perception of the education reform and major education initiatives (including the new academic structure for senior secondary education and higher education). These were complemented by the Thematic Household Surveys co-ordinated by the Census and Statistics Department in the same years, where face-to-face interviews were conducted with a random sample of households to gather the public's perception of the education reform and major initiatives. These quantitative surveys have further been complemented by a series of structured focus group interviews (including parents) in order to gain additional insight into their views. The findings indicated that parents and the community generally supported the direction of the education reform and major education initiatives.

- (c) Hong Kong parents sending their children to study abroad is not a new phenomenon. In the Thematic Household Survey conducted

by the Census and Statistics Department in 2002, it was found that some 60 900 households (2.9%) had members aged 25 and below studying outside Hong Kong. As Hong Kong is a cosmopolitan city, it is natural for some parents to send their children to study abroad. This should not be taken as a reflection of a lack of confidence in the Hong Kong education system on the part of both parents and students. On the contrary, it indicates a smooth interface between the local and overseas education systems as Hong Kong students are admitted by overseas secondary schools, post-secondary institutions and universities. The curriculum reform of Hong Kong is also in line with the global trend of curriculum development.

We always value the views of different stakeholders, and have regularly and systematically collected their feedback on the education reform (including the new academic structure for senior secondary education and higher education) so that improvement can be made. As reflected in the survey findings, parents and members of the public support the direction of education reform and major education initiatives. Moreover, we have adopted a multi-stage approach in conducting a series of consultation exercises on the new academic structure for senior secondary education and higher education in 2004, 2005 and 2006. With the support of the community, the new academic structure has been implemented in September 2009. During the implementation of the education reform, we have maintained close communication with parents through different channels (for example, focus group interviews and district-based parents' seminars) in order to understand their needs and concerns. The implementation of the curriculum reform can help to enhance the quality of Hong Kong education and student learning. Through a broad, balanced and diversified New Senior Secondary (NSS) curriculum, students could be helped to develop their potential to the full, and have smooth articulation to multiple pathways for further studies and employment.

Indeed, Hong Kong students have demonstrated outstanding performance in a number of international education researches in recent years, which is a reflection of the positive outcome of our education reform. In the "Programme for International Student Assessment (PISA) 2006", "Progress in International Reading

Literacy Study (PIRLS) 2006" and "The Trends in International Mathematics and Science Study (TIMSS) 2007", Hong Kong students excelled in reading, mathematics and science, and their performance was consistently well above the international standard.

Education is our long-term mission, and it takes time to bear fruit. Its success hinges on the concerted efforts and participation of the community, including the support from parents. The positive effects of the education reform are already emerging. With the implementation of the NSS academic structure in the 2009-2010 school year, we are confident that the quality of the Hong Kong education will progressively improve.

Services Provided by Department of Health

19. **DR JOSEPH LEE** (in Chinese): *President, in line with the Administration's general civil service recruitment freeze, work process re-engineering, re-organization and re-deployment of manpower to cut expenditure since April 2003, the Department of Health (DH) also cut part of its services and manpower. In 2008, the Administration resumed civil service recruitment, and at the same time, the DH also began to provide various additional services. In this connection, will the Government inform this Council:*

- (a) *of the nursing staff establishment for each type of services provided by the DH before it cut its expenditure in 2003;*
- (b) *of the types of services and number of nursing staff cut by the DH since April 2003, together with a breakdown by rank of the reduction in manpower;*
- (c) *of the details of the additional services provided by the DH since the resumption of civil service recruitment in 2008; the number of additional nursing staff recruited by the DH to provide those services, together with a breakdown by rank of the additional staff; and*
- (d) *of the nursing staff establishment for each type of services currently provided by the DH?*

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

- (a) The general out-patient service under the DH was taken over by the Hospital Authority (HA) in July 2003. After the transfer of the service, the establishment of the Registered Nurse (RN) grade under the DH was 1 107 and the details are set out in Annex 1. The actual number of RN grade staff in service was 1 078.
- (b) Upon implementation of the Efficiency Savings Programme and the Second Voluntary Retirement Scheme by the Government, the establishment of the RN grade under the DH was gradually reduced to 952 as at March 2008. Details of the posts reduced are as follows:

<i>Number of posts reduced</i>	<i>Number of posts</i>	<i>Rank</i>
155	5	Senior Nursing Officer
	37	Nursing Officer
	113	RN

The actual number of RN grade staff in service was 913 as at March 2008. During the same period, the DH employed 70 to 80 contract nurses. Through work process re-engineering and re-organization, the DH enhanced its efficiency while maintaining all the existing services. In addition, the DH established the Centre for Health Protection in 2004 so as to strengthen various services for disease control and prevention.

- (c) In 2008 and 2009, the DH launched four new services, that is, the Elderly Health Care Voucher Pilot Scheme, the Childhood Pneumococcal Vaccination Programme, the Childhood Influenza Vaccination Subsidy Scheme and the Elderly Vaccination Subsidy Scheme.

Since the resumption of recruitment of civil servants by the Government in March 2008, the DH has conducted three rounds of recruitment exercise for RNs. A total of 211 RNs have been recruited to cope with new services and to fill the vacancies arising from natural wastage. The DH has also employed 30 contract nurses (25 of whom have already reported duty) to assist in the

time-limited work related to the pneumococcal vaccination catch-up programme.

- (d) The existing establishment of the RN grade under the DH is 1 079 and the details are set out in Annex 2. The actual number of RN grade staff in service is also 1 079.

Annex 1

The establishment of the RN grade for each service of the DH in 2003

<i>Service</i>	<i>The establishment of the RN grade</i>
Family Health Service	326
Child Assessment Service	24
Clinical Genetic Service	2
Elderly Health Service	79
Student Health Service	321
Social Hygiene Service, Tuberculosis and Chest Service, and Diagnosis and Treatment of AIDS	205
Port Health	5
Disease Prevention and Control	52
Health Promotion and Health Education	8
Registration of Health Care Institutions	1
Public Health Nursing	53
Professional Development and Quality Assurance	31
Total:	1 107

Annex 2

The current establishment of the RN grade for each service of the DH

<i>Service</i>	<i>The establishment of the RN grade</i>
Family Health Service	375
Child Assessment Service	23
Clinical Genetic Service	2
Elderly Health Service	103
Student Health Service	188

<i>Service</i>	<i>The establishment of the RN grade</i>
Social Hygiene Service, Tuberculosis and Chest Service, and Diagnosis and Treatment of AIDS	224
Port Health	12
Disease Prevention and Control	54
Health Promotion and Health Education	11
Promoting a Smoke-free Culture	3
Registration of Health Care Institutions	1
Regulation of Medical Devices	2
Public Health Nursing	25
Client Relations	1
Professional Development and Quality Assurance	43
Elderly Health Care Voucher Pilot Scheme	1
Childhood Pneumococcal Vaccination Programme	10
Childhood Influenza Vaccination Subsidy Scheme/Elderly Vaccination Subsidy Scheme	1
Total:	1 079

Bid for 2019 Asian Games

20. **MR FREDERICK FUNG** (in Chinese): *President, the Secretary for Home Affairs was reported to have said earlier on a radio interview that if the Sports Federation and Olympic Committee of Hong Kong, China (SF&OC) intended to make a bid to host the 18th Asian Games (AG) in 2019, the Government would give its strong support. In this connection, will the Government inform this Council:*

- (a) *whether it knows the timetable and procedure for bidding to host the 18th AG in 2019; of the authorities' estimation of the decision in respect of bidding for hosting the AG concerned had to be made the latest to ensure that there is sufficient time to carry out the preparatory work, with a view to complying with the relevant procedure;*
- (b) *whether the authorities have summed up the experience of the failure in bidding for hosting the 2006 AG; if they have, of the conclusion,*

and whether they have already improved and enhanced the shortfalls mentioned in the conclusion; and

- (c) *before deciding on whether or not to make a bid to host the 2019 AG, what factors and components the authorities will consider and assess, and whether these will include the level of support and enthusiasm of members of the public in Hong Kong, sufficiency of sports facilities, enhancement in the standard of Hong Kong athletes, economic condition and related financial commitment, estimated economic benefits to be brought and long-term development of the sports industry, and so on; if they will, of the preliminary assessment on the aforesaid factors and components?*

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

- (a) The Olympic Council of Asia (OCA) requires that any bid to host the AG should be submitted by the National Olympic Committee (NOC) of the relevant member state or territory. In the case of a successful bid, the right to host the event is awarded to the member NOC concerned. According to information provided by the SF&OC, we understand that the OCA has not yet finalized the timetable, procedures and details for bidding for the right to host the 18th AG in 2019. Nevertheless, past experience shows that the OCA usually invites member NOCs to submit bids and announces the bidding timetable about seven years ahead of the AG.
- (b) The 2006 AG was the first major international multi-sports event that Hong Kong had ever bid to host. During the bidding process, we put in considerable effort within a limited timeframe to enlist the support of various sectors of the community, make preliminary arrangements for the competition venues and ancillary facilities required for hosting the event, and lobby for support from other member NOCs. Although Hong Kong did not win the hosting right, the experience that we gained in the process was invaluable. Moreover, Hong Kong will shortly host the 5th East Asian Games, and our experience in organizing this event will provide a good foundation if Hong Kong were again to submit a bid to host a major international multi-sports events in future. If Hong Kong were to

make a bid to host the AG, we would make sufficient preparation by allowing adequate time and resources for the planning and provision of the facilities required, formulating bidding strategies carefully, and forging a consensus within the community to improve Hong Kong's chances of winning the right to host the games.

- (c) If the SF&OC considers that Hong Kong possesses the necessary conditions for hosting the 2019 AG and makes a formal request to the Government of the Hong Kong Special Administrative Region (SAR) to support a bid to the OCA, the SAR Government will carefully consider the matter and assess the relevant factors, such as the level of public support, adequacy of competition venues, availability of hotel accommodation and other ancillary facilities, estimated economic and other benefits to Hong Kong, the contribution to the long-term development of sport locally, and the financial commitment to be borne by the SAR Government.

STATEMENTS

PRESIDENT (in Cantonese): Statement. The Chief Secretary for Administration will make a statement on the "Consultation Document on Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012".

In accordance with Rule 28(2) of the Rules of Procedure, no debate may arise on the statement but Members may put to the public officer making the statement short and succinct questions, provided that they are relevant to the statement.

Consultation Document on Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, the Government of the Hong Kong Special Administrative Region (SAR) will publish a consultation document on the methods for selecting the Chief Executive and for forming the Legislative Council in 2012 later today, and commence a three-month public consultation.

It is the common aspiration of the SAR Government and the community to further democratize Hong Kong's electoral system. Articles 45 and 68 of the

Basic Law stipulate clearly that Hong Kong shall attain the ultimate aim of selecting the Chief Executive and forming the Legislative Council by universal suffrage in the light of the actual situation and in accordance with the principle of gradual and orderly progress.

The SAR Government established the Constitutional Development Task Force in January 2004. After several rounds of public consultation, the SAR Government put forth, in October 2005, a package of proposals for amending the methods for selecting the Chief Executive in 2007 and for forming the Legislative Council in 2008. Regrettably, although the proposed package received the support of the majority of the public, it was not endorsed by a two-third majority of all the Legislative Council Members.

Notwithstanding that, during the period between end 2005 and mid-2007, the SAR Government continued to make effort in promoting discussions within the community on the issue of universal suffrage through the Commission on Strategic Development (the Commission).

Shortly after its establishment in July 2007, the third-term SAR Government issued the Green Paper on Constitutional Development to consult the public on the models, roadmap and timetable for implementing universal suffrage for the Chief Executive and the Legislative Council. In December 2007, the Chief Executive submitted a report to the Standing Committee of the National People's Congress (NPCSC), reflecting to the Central Authorities faithfully the views received during the public consultation. Having considered the report submitted by the Chief Executive, the NPCSC adopted, in late December 2007, 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 NPCSC decision). In accordance with the decision, universal suffrage will not be implemented in 2012, but appropriate amendments conforming to the principle of gradual and orderly progress may be made to the two electoral methods. The decision also makes clear that universal suffrage may be implemented for electing the Chief Executive and all the members of the Legislative Council in 2017 and 2020 respectively.

The NPCSC decision is a historical milestone in the evolution of Hong Kong's constitutional development. It is a constitutional decision with authority and legal effect. It lays a solid foundation for our pursuit of democracy.

To implement the NPCSC decision, the Commission set up a task group on constitutional development which comprised representatives from various sectors to discuss the two electoral methods for 2012.

President, the reason why I dwelled at some length on the discussion process of constitutional development in the past few years is to demonstrate that the SAR Government fully understands the aspiration of various sectors of the community for democracy. Right from the beginning, we have been adopting an empathetic attitude to take forward this task. We will continue to make every endeavour, with utmost sincerity, to roll forward Hong Kong's constitutional development towards the aim of universal suffrage.

The public consultation, which will commence today, is a crucial step for implementing the NPCSC decision. Our objective is to enhance the democratic elements of the two electoral methods for 2012.

This consultation document is prepared on the basis of the discussions of the Commission last year and the proposals put forth by different political parties and groups, as well as individuals and organizations from the community on the two electoral methods for 2012. We have also made reference to the views collected in the previous public consultation exercises conducted by the Task Force on the two electoral methods for 2007 and 2008. The consultation document has summarized the views and the relevant justifications on the key elements of the two electoral methods for 2012 put forth by different sectors, and has set out the directions which may be considered.

In preparing the consultation document, we have considered the following five principles:

The first principles is that it must comply with the relevant provisions of the NPCSC decision, including that appropriate amendments conforming to the principle of gradual and orderly progress may be made to the electoral methods for the Chief Executive and the Legislative Council in 2012. Regarding the electoral method for the Legislative Council in 2012, the half-and-half ratio

between members returned by functional constituencies and members returned by geographical constituencies through direct elections shall remain unchanged;

The second principle is that it must be consistent with the principles under the Basic Law, including meeting the interests of different sectors of society, facilitating the development of the capitalist economy, gradual and orderly progress, and being appropriate to the actual situation in the SAR;

The third principle is that it can respond to the aspiration of the community on constitutional development and enhance the democratic elements of the elections;

The fourth principle is that it can enhance the representativeness and democratic elements of the elections, realize democratic enhancement and development, and pave the way for implementing universal suffrage for the Chief Executive in 2017 and for the Legislative Council in 2020; and

The fifth principle is that it can have the possibility of being accepted by the majority of the public, the Legislative Council, the Chief Executive and the Central Authorities.

The starting point for the directions which may be considered, as set out in the consultation document, is that such directions comply with the abovementioned principles, and that they are legal, reasonable and practicable. We aim to provide a more specific framework to facilitate focused discussion by the public and different sectors of the community, in the hope that this will help forge a broad consensus within the community. However, I should emphasize that the SAR Government adopts an open attitude with regard to the two electoral methods for 2012. We will listen carefully to the views of the public, different sectors of the community and the Legislative Council, and consider these views together with those received in the past before formulating the Government's proposed package.

I would now like to talk about the key content of the consultation document. To start with, as regards the electoral method for selecting the Chief Executive in 2012, the consultation document sets out five key issues and the directions which in the view of the SAR Government may be considered.

First, number of members of the Election Committee (EC): Currently the EC has 800 members. We are of the view that consideration may be given to increasing the number of members to not more than 1 200, so as to meet the requirement of gradual and orderly progress, provide more room for members of the community to participate in the Chief Executive election, and further enhance the representativeness of the EC. This will also help transform the EC into the nominating committee when universal suffrage for the Chief Executive is implemented in 2017.

Second, composition of the EC: In compliance with the principle of balanced participation, consideration may be given to increasing the number of members of the four sectors by the same proportion, that is, to add 100 members for each sector.

For the fourth sector (that is, the Legislative Council, District Councils (DCs), Heung Yee Kuk, Hong Kong Deputies to the National People's Congress and Hong Kong members of the National Committee of the Chinese People's Political Consultative Conference), consideration may be given to allocating most of the 100 seats to DC members in order to enhance the democratic elements of the EC through DC members who have a public mandate.

As regards the representatives of DCs in the EC, consideration may be given to having all such representatives elected from among elected DC members, that is, appointed DC members will not take part in the election.

Third, electorate base of the EC: We consider that increasing the proportion of DC members in the EC, as mentioned above, can broaden the electorate base of the EC more effectively, and thus enhance the democratic elements of the EC election.

Fourth, nominating arrangements for the Chief Executive: The current nomination threshold is at the ratio of one-eighth of the total membership of the EC. This arrangement allows sufficient competition and ensures that candidates have sufficient support. Hence, we are of the view that consideration may be given to maintaining this nomination threshold.

Fifth, political affiliation of the Chief Executive: Regarding the existing requirement that the Chief Executive should not have any political affiliation, consideration may be given to maintaining this requirement at this stage.

The second area is the electoral method for forming the Legislative Council in 2012. The consultation document sets out three key issues and the directions which in the view of the SAR Government may be considered.

First, number of seats of the Legislative Council: We are of the view that consideration may be given to increasing the number of Legislative Council seats from 60 to 70, so as to broaden the scope for political participation and meet the operational requirements of the Legislative Council.

Second, electorate base of the Legislative Council: In accordance with the NPCSC decision, the half-and-half ratio between members returned by functional constituencies and members returned by geographical constituencies through direct elections shall remain unchanged in 2012. In other words, among the 10 additional seats, five will be allocated to functional constituencies. Consideration may be given to having all these five new seats and the existing DC functional constituency seat returned through election among elected DC members, that is, appointed DC members will not take part in the election.

We consider that the arrangement of not creating any "traditional" functional constituency and that through the increased participation of elected DC members, who have a broader electorate base, can help enhance the democratic elements of the functional constituency elections and forge consensus within the community.

Third, nationality of Legislative Council Members: Currently, permanent residents of Hong Kong who are not of Chinese nationality or who have the right of abode in foreign countries may stand in the elections for 12 functional constituency seats. We are of the view that consideration may be given to maintaining such an arrangement.

The proposed package on the elections in 2007 and 2008 put forth by the Government in 2005 was supported by the majority of the public. That is to say, the proposed package at the time was one with broad public support. According to the directions which may be considered as mentioned above, new democratic elements will be injected into the proposed package for the 2012 elections.

First, in 2007 we secured a timetable for universal suffrage.

Second, under the requirement that the half-and-half ratio between members returned by functional constituencies and members returned by geographical constituencies through direct elections shall remain unchanged, we have abided by the principle of not creating new "traditional" functional constituencies. By increasing the number of seats to be returned through election among elected DC members, we are striving for maximum room to enhance the democratic elements of the Legislative Council.

Third, in 2005, some of the Legislative Council Members vetoed the proposed package for the elections in 2007 and 2008, one of the reasons being the participation by appointed DC members. All along, appointed DC members, like elected members, have been serving the public wholeheartedly. The SAR Government fully acknowledges their contribution. However, in order to further enhance the democratic elements of our elections, we now suggest that consideration may be given to having all DC seats in the EC and the Legislative Council elected from among elected DC members in 2012. In other words, by then close to 60% of the seats in the Legislative Council will be returned by geographical constituencies through direct or indirect elections. This is one major step forward.

President, under the framework of the NPCSC decision, we have striven for the maximum room to enhance the democratic elements of the 2012 elections, so as to pave the way for implementing universal suffrage in a steady manner.

The NPCSC decision has made clear the universal suffrage timetable: universal suffrage may be implemented for the Chief Executive in 2017 and for the Legislative Council in 2020. This is a constitutional decision. The decision sets no precondition that democratic progress must be made for the 2012 elections before universal suffrage for the Chief Executive and the Legislative Council could be implemented. However, if progress could be made for constitutional development in 2012, this would be conducive to a steady transition of Hong Kong's electoral system to universal suffrage. On the contrary, if our constitutional development gets stuck again, it will inevitably disappoint members of the public and undermine their confidence in the Legislative Council's ability to reach consensus on constitutional development.

We understand the aspiration of different political parties in the Legislative Council and some members of the community for universal suffrage. However,

I must emphasize that the constitutional decision of the NPCSC was made after careful consideration, which cannot be amended lightly.

Hence, implementing universal suffrage for the Chief Executive and the Legislative Council in 2012 is not consistent with the NPCSC decision. As regards the SAR Government putting forth a roadmap for universal suffrage in 2017 and 2020, this also goes beyond what the current-term SAR Government has been authorized to deal with.

As a matter of fact, following the NPCSC decision which has made clear the universal suffrage timetable, the roadmap for implementing universal suffrage is already beginning to take shape. Regarding the universal suffrage model for the Chief Executive, the NPCSC decision has already made it clear that when universal suffrage for the Chief Executive is implemented in 2017, the nominating committee may be formed with reference to the current provisions regarding the Election Committee in Annex I to the Basic Law. The NPCSC decision also stipulates that the nominating committee shall in accordance with democratic procedures nominate a certain number of candidates for the office of the Chief Executive, who is to be elected through universal suffrage by all registered electors of the SAR (that is, one-person-one-vote).

If the composition of the EC for 2012 can be dealt with properly, it will facilitate the transformation of the EC into the nominating committee when universal suffrage is implemented in 2017. The only remaining issue that needs to be dealt with is how Chief Executive candidates should be nominated in accordance with democratic procedures.

As for the universal suffrage model for the Legislative Council, we consider that the existing functional constituency elections have yet to comply with the principles of universality and equality. The model for implementing universal suffrage in 2020 should comply with these two principles.

From now until 2020, there will be two Legislative Council elections to be held in 2012 and 2016. The community will have sufficient time to deal with the issue of universal suffrage for the Legislative Council. Although the current-term SAR Government will only deal with the 2012 Legislative Council electoral method, we still hope that, by not increasing "traditional" functional constituencies, we can roll forward the electoral system by making gradual and orderly progress towards universal suffrage.

In order to respond to the aspiration of some political parties in the Legislative Council and some individuals in the community for commencing discussion on universal suffrage models as soon as possible, the SAR Government will summarize and conclude any views relating to universal suffrage received during the public consultation. These views will serve as reference for the SAR Government to be formed in 2012 and 2017 for dealing with the issue of universal suffrage for the Chief Executive and the Legislative Council.

President, as I have emphasized repeatedly, the SAR Government is determined with the utmost sincerity to move Hong Kong's electoral system towards universal suffrage. We will adopt an open attitude in listening to the views of the members of the public and various sectors of the community on the two electoral methods for 2012. We will continue to communicate with Legislative Council Members and strive to achieve consensus.

Taking the history of Western democracies as reference, we can clearly see that democratization is an evolutionary process. Over time, each community has to find a democratic system that suits its social development and characteristics. The system can be improved upon continuously.

Hong Kong has its own unique historical background, social environment and constitutional arrangements. We are not constructing our democratic system from scratch. Hong Kong is a society which attaches much importance to stability. Hong Kong people in general are of the view that changes in a system should be made in the light of actual situation and through gradual and orderly progress, and that the system should be improved continuously, so that different parts of the system can operate smoothly in a co-ordinated manner. Hong Kong people do not seek drastic or sudden changes. Imagine a machine with its parts working in an unco-ordinated fashion. It will only lead to enormous, unnecessary damages that can be very costly. Hence, we must adopt a pragmatic approach and roll forward democracy steadily. The NPCSC decision in 2007 is the basis for formulating the two electoral methods for 2012. It is imperative that political parties and the community take this as the starting point, otherwise it will not be possible to forge consensus.

We fully appreciate that constitutional development is a highly sensitive subject. Views are diverse on how we should go down the path of democracy,

and the speed at which we should proceed. If this cannot be dealt with properly, conflicts within the community will be intensified. Hence, what we need is our collective wisdom and the accommodating attitude of the whole community. Confrontation should give way to dialogue; hostility should give way to sincerity; and differences should give way to consensus. At the same time, democratization will unavoidably affect the interests of some individuals. We sincerely hope that all of us can place the overall interest of the community ahead of personal interests.

For years, the Hong Kong community has been discussing the issue of constitutional development. It is time to take action to achieve real progress, so as to prevent the community from continuing to dissipate our energy over disputes about constitutional development. The HKSAR Government, the Legislative Council and members of the public have a common aspiration, that is, to break the stalemate in Hong Kong's constitutional development, to take a progressive step forward on our path to democracy, and to form a solid basis for implementing universal suffrage. Four years ago, we missed a golden opportunity. Up till now, we still feel deeply sorry about that turn of events. We must not allow history to repeat itself. Today, we are facing an unprecedented opportunity. All of us should cherish and seize this opportunity.

I appeal sincerely to my fellow citizens and all members of the Legislative Council that we should adopt an open, rational and accommodating attitude in handling this public consultation. I also hope that various sectors of the community and members of the public will give us your views actively. With the collective wisdom and the determination of the people of Hong Kong, we can bring real democratic progress to the two electoral methods for 2012.

Thank you, President.

PRESIDENT (in Cantonese): Twenty-nine Members have pressed the "Request-to-speak" button. I shall call upon these Members to speak in the order in which they pressed the button. I wish to remind Members once again that no debate may arise on the statement at this stage. Members may only put to the public officer making the statement short and succinct questions.

MR CHEUNG MAN-KWONG (in Cantonese): *Will the Chief Secretary for Administration please make a clarification on paragraph 38, which says that the SAR Government will summarize and conclude any views relating to universal suffrage received during the public consultation? We of course know that the years of implementing universal suffrage referred to by the Government are 2017 and 2020. How will the Government handle such views on universal suffrage? Can the methods of handling such views include an attempt to reflect the views of Hong Kong people to the Central Government? Will it ask the Central Authorities to confirm three points: first, 2017 shall be a year specified by the law for the implementation of universal suffrage; second, the requirements on making nominations in the Chief Executive Election in 2017 will not be higher than those in 2007 to avoid de facto political screening; and, third, all forms of functional constituencies will be abolished in 2020? Can the Government clarify whether it will do so? And, can it clarify whether it is willing to do so?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, as mentioned in my statement, during the social discussions on this issue, we will sort and collate all the views of society received on the two universal suffrage packages. We will also publicize all the views we have received after collation. Therefore, all, including the Central Government, will know what views we have received. We will hand over these views to the future governments, so that they can be aware of what tasks they have to perform in respect of universal suffrage.

As for Mr CHEUNG Man-kwong's question concerning the arrangements for 2017 and 2020, since the NPCSC only authorizes us to handle the two sets of electoral arrangements for 2012, we cannot tell Mr CHEUNG what exact arrangements will be made for these two years. But in regard to the first part of Mr CHEUNG's question, I would like to quote the decision made by the NPCSC in 2007: universal suffrage may be implemented to elect the Chief Executive and all Members of the Legislative Council in 2017 and 2020 respectively. This decision was made by the NPCSC, and it is a solemn one. During the briefing session at the end of December 2007, Mr QIAO Xiaoyang, Deputy Secretary-General of NPCSC, also made it very clear that this was a solemn decision that would be implemented seriously.

MR LEE WING-TAT (in Cantonese): *President, I hope the Chief Secretary for Administration can make a clarification on paragraph 31 regarding the*

relationship between the electoral arrangements for 2012 and those for 2017. It is pointed out in the Chief Secretary for Administration's statement that whether any proposed package for 2012 can be passed is not a precondition for the election of the Chief Executive by universal suffrage in 2017. Last Friday Two weeks ago, when we met with the Chief Executive, he also said something to a similar effect. Can I take it to mean that this is not only the view of the Chief Executive and the Government, and even the Central Government has already confirmed that no matter what happens to the electoral arrangements for 2012 in the end, irrespective of the passage of any package, the timetable for implementing universal suffrage in 2017 and 2020 will not be changed?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, this is not only the view of the Chief Executive or the SAR Government. When he was in Hong Kong in December 2007, Deputy Secretary-General QIAO Xiaoyang also confirmed that while amendments might be made to the electoral arrangements for 2012, this was not a precondition for the election of the Chief Executive in 2007. But we trust both Hong Kong people and the SAR Government hope that the two electoral methods for 2012 can still achieve progress towards the eventual implementation of universal suffrage, because we believe the public also want to implement universal suffrage as expeditiously as possible. Now that a timetable is available, we hope to move towards universal suffrage one step at a time.

MR CHEUNG HOK-MING (in Cantonese): *President, I hope that the Chief Secretary for Administration can clarify paragraph 23 of the statement. It is mentioned in this paragraph that consideration may be given to having all the five new seats and the existing DC functional constituency seat returned through election among elected DC members. This means that appointed DC members may not take part in the election. Chief Secretary for Administration, there are three types of DC members, namely, elected members, appointed members and ex officio members. However, the statement does not mention whether the 27 persons elected under Chapter 576 of the laws of Hong Kong who then become ex officio DC members are also regarded as elected DC members. I hope the Chief Secretary can clarify whether the 27 executive committee members of Rural Committees (that is, ex officio DC members) are also regarded as elected DC members.*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, basically, we hope that all DC members returned by elections can take part in the election. Therefore, we will definitely consider Mr CHEUNG Hok-ming's question in the process of enacting local legislation. We welcome his opinion, and will surely give serious consideration to it.

MR LAU KONG-WAH (in Cantonese): *President, the Chief Secretary for Administration mentioned in paragraph 41 of the statement that Hong Kong is a society that attaches much importance to stability, and that Hong Kong people do not seek drastic or sudden changes. Lest this may result in unnecessary damage, and the costs may be very high. May I ask the Chief Secretary for Administration to tell us the reasons for his mentioning of drastic and sudden changes? In regard to damage and costs, has there been any past experience from which we can draw a lesson?*

(Mr LEUNG Kwok-hung spoke in his seat)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please keep quiet.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I actually made the remark from the bottom of my heart. I think when we look at the various aspects of Hong Kong society, at the policies put forward by the Government I have been living here for several decades, so I have experienced many times before how people in Hong Kong appreciate gradual and orderly progress, rather than sudden and drastic changes. For this reason, when I was formulating different policies as the Financial Secretary and the Secretary for Commerce, Industry and Technology in the past, I would always take account of this mentality of the people. For the same reason, as I mentioned just now, since the NPCSC already decided in 2007 that the Chief Executive and all Legislative Council Members might be elected by universal suffrage in 2017 and 2020 respectively, I think Hong Kong people would all like to make a start now and then move towards the implementation of universal suffrage one step at a time, in accordance with the principle of gradual and orderly progress and in the light of the actual situation in society. Why have I talked about all this? It is

because I hope all Legislative Council Members and the various social sectors can pay heed to this mentality of the people and conduct a round of open and rational discussions with a tolerant attitude.

MR TAM YIU-CHUNG (in Cantonese): *The Chief Secretary for Administration mentioned in paragraphs 23 and 24 of the statement that in order to increase the number of functional constituency seats without creating any "traditional" functional constituencies, consideration may be given to having all the five new seats returned through election among elected DC members. But some in society have recently voiced their disagreement to this proposal, arguing that it will blur the distinction between DCs and the Legislative Council. Has the Government ever considered any alternatives to allocating the new seats to DC members, alternatives that can comply with the NPCSC's decision while being able to increase the number of functional constituency seats?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, we have fully considered many different possibilities. Naturally, we have also considered whether it is possible to create some "traditional" functional constituencies for, say, women, young people, Chinese medicine practitioners or small and medium enterprises under the framework laid down in the decision of the NPCSC in 2007. The addition of many "traditional" functional constituencies may actually be considered. We have in fact considered the idea of putting forward some such proposals for Members' consideration, in the hope that we can further focus our discussions on how best our electoral system may evolve gradually and orderly towards universal suffrage in the future. We have also given thoughts to how we can work out a highest common factor in society, that is, how we can formulate a proposal that is most likely to command the support of a two-thirds majority in the Legislative Council and the general public. All these factors were duly considered before we put forward the present directions for Members' consideration. Naturally, as the consultation is open, we will listen with an open mind to the views of various social sectors, including the opinions of the Legislative Council. Therefore, if Members have any other alternatives, I welcome them to voice their views for our consideration. However, I must add that in the course consideration, we will take account of the

abovementioned factors before determining which proposal to include in the resolution we are going to put forward.

Another point is that our present proposal is in no way meant to gainsay the work of DCs because at present, one quarter (15) of the Members of the Legislative Council is concurrently DC members. What I mean is that all DC members, whether elected or appointed, have been making much contribution to district work. We can also observe that they have all been doing their utmost to serve the public. We very much hope and believe that all DC members, both elected and appointed, are dedicated to serving their districts, society as a whole and the general public. And, we believe that all of them will continue to do so.

MR JEFFREY LAM (in Cantonese): *President, the Chief Secretary for Administration mentioned in paragraph 39 that the Government will adopt an open attitude in listening to the views of members of the public and the various sectors of the community on the two electoral methods for 2012. Chief Secretary for Administration, what kind of attitude, and what yardstick, will the Government adopt in putting forward its final proposal? Is the Chief Secretary for Administration prepared to make an undertaking here that the package to be presented to the Legislative Council at the end of the day will be most representative of public opinions?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, starting from today, we will conduct a three-month public consultation exercise. The greatest difference between this consultation exercise and the one in 2007 is that specific directions are put forward this time around for Members' consideration and discussions. Why do we adopt this approach? It is because we realize that discussions on constitutional development have been going on for many years, starting long before the establishment of the three-person task force in 2004. Social discussions on this issue have been going on for far longer than the five years since 2004. We can say that the various sectors of society have already conducted very thorough and in-depth discussions on this topic. The proposal we are going to put forward is based on all the factors I have just mentioned. What I mean is that we think that the proposal is most likely to receive majority public support, secure the endorsement of a two-third majority of the Legislative Council and command the acceptance of the Chief Executive and

the National People's Congress. In the coming three months, we will listen to the views of the various social sectors with an open attitude. We will also collate and summarize all the views received by us and put forward a proposal only after considering all the views fully.

MR IP KWOK-HIM (in Cantonese): *President, I hope the Chief Secretary for Administration can clarify paragraph 30 of his statement, which mentions that the Government has striven for the maximum room to enhance the democratic elements of the 2012 elections, so as to pave the way for implementing universal suffrage in a steady manner. But in regard to "pave the way for", I must point out that the electoral arrangements for 2012 are not the precondition of implementing universal suffrage in 2017 and 2020. During his visit to Hong Kong in December 2007, Deputy Secretary-General QIAO Xiaoyang also made this very clear. Therefore, what does the Chief Secretary for Administration mean when he talks about "paving the way for" the implementation of universal suffrage.*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, Mr IP Kwok-him has given me a language test. Actually, no matter which expression we use — "pave the way for", "create the necessary conditions for", "make preparations for", or "take a step towards the implementation of universal suffrage" — we are invariably talking about our hope of striving to implement universal suffrage in 2017 and 2020. This is invariably the direction we hope to follow. In other words, while making amendments to our electoral arrangements for 2012 is not a precondition, as pointed out by Deputy Secretary-General QIAO Xiaoyang, I still believe that most Hong Kong people and the SAR Government would like to see gradual and orderly progress towards universal suffrage. I used the expression "pave the way for" just now, but as Mr IP Kwok-him can probably notice, I also used such expressions as "take a step towards the implementation of universal suffrage" and "make preparations for" elsewhere. As for "create the necessary conditions for", I have never used it before. But if there is any suitable occasion in the future, I think I may also use it.

MR JAMES TO (in Cantonese): *May I ask the Chief Secretary for Administration one question? It is mentioned in paragraph 36 of the statement*

that the existing functional constituency elections have yet to comply with the principles of universality and equality. My understanding is that the implementation of universal suffrage should comply with the principles of universality and equality. But in paragraph 37 of the statement, while stating that it will not increase the number of "traditional" functional constituency seats when moving towards universal suffrage, the Government still mentions an increase in the number of "non-traditional" functional constituency seats. President, may I ask the Chief Secretary for Administration to clarify whether the five new functional constituency seats to be returned by election among DC members are in compliance with the principles of universality and equality? If yes, then I must say that they will be here to stay, and it will be very difficult to get rid of them in the future. If his answer is no, then may I ask why such a step should still be taken, with the result that we must abolish 35 functional constituency seats, rather than just 30, when we eventually have universal suffrage in the future? Will the increase of such seats make it even more difficult to get rid of them in the future?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, we must strive for the maximum room to put forward a proposal under the framework of the NPCSC decision in 2007. Why have we proposed to create 10 new seats, half of which are to be returned by direct elections and the other half by functional constituency elections? The Honourable Member prefers not to increase the number of functional constituency seats, so that we will not have to face the trouble of getting rid of such seats in the future, right? Yes, I agree that if we do not create any new seats now, then when the time comes for their abolition in the future, we will just have to abolish 30 seats, rather than 35. I do not rule out the possibility of a further increase in the number of seats in 2016, and I cannot tell what methods will be adopted to bring in the increase.

Therefore, our present proposal is based on two considerations. First, I must point out that I had once also been a Legislative Council Member for seven years, and the workload of the Legislative Council at that time was already very heavy, requiring the total involvement and dedication of all Members. The workload of the Legislative Council must have become much heavier by now, much heavier than it was during my days as a Member. I therefore believe that there is a practical need to increase the number of Members. Our second consideration is that any increase in the number of Members must comply with the "half-and-half" principle (which necessitates a corresponding increase in the

number of functional constituency Members). If we are to increase the number of functional constituency seats, which functional constituencies should receive an increase, with the result that it is most likely to receive public support and ensure the endorsement of a two-third majority in the Legislative Council? For all these reasons, we have come up with idea of having all the new functional constituency seats returned by election among DC members, that is, having all five new constituency seats returned by election among elected DC members. These five new Members and the existing one Member elected from among DC members will make up a total of six. Our proposal is based on these two major considerations.

(Mr James TO raised his hand in indication)

PRESIDENT (in Cantonese): Mr James TO, 30 Members are still waiting for their turns to ask questions. If I permit you to ask a follow-up question, these Members' chances of asking questions will be affected.

MR VINCENT FANG (in Cantonese): *President and the Chief Secretary for Administration, I wish to ask a question on functional constituency elections. In order to enhance the democratic elements of such elections, will the Government consider the possibility of introducing directors' or senior executives' votes to replace the existing company or corporate votes?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I can remember that in the last discussion on the 2005 constitutional package, this proposal was also raised. But there were many divergent views at that time. To begin with, it was thought that this proposal could enhance democratic elements because there would be an increase in the number of electors. But this was not the mainstream opinion. We also heard many different voices then. For this reason, this time around, our consideration remains how best to strive for more democratic elements. We propose to have the five new functional constituency seats returned by election among elected DC members. Together with the existing one Member, there will be totally six seats returned by election among elected DC members. In this way, the electorate base concerned can be greatly expanded. This is our consideration, and I must say that it is not at all easy to forge a consensus because there are vastly divergent views in society.

Second, we believe that the returning of six seats by election among elected DC members will greatly enhance the democratic elements in the electorate base. We therefore hold the view that this proposal is most likely to command a two-third majority support in the Legislative Council.

MR CHAN KAM-LAM (in Cantonese): *President, Articles 45 and 68 of the Basic Law provide that progress towards the full implementation of universal suffrage for the election of the Chief Executive and the Legislative Council shall be made in the light of the actual situation and in accordance with the principle of gradual and orderly progress. It is mentioned in the Chief Secretary for Administration's statement that there is no precondition, but that we must still make some progress in the arrangements for the two elections in 2012. But I hope the Chief Secretary for Administration can clarify one point. My point is that if we fail to achieve any progress in the upcoming two elections, we will obviously fail to meet the requirements of the Basic Law by the time when we move towards the implementation of universal suffrage in 2017 and 2020. Is he saying that there will be no problem even if we simply mark time? Is he saying that even if any major problems arise, we will not violate the Basic Law?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, Articles 45 and 68 of the Basic Law provide that progress towards the full implementation of universal suffrage for the election of the Chief Executive and the Legislative Council shall be made in the light of the actual situation and in accordance with the principle of gradual and orderly progress. However, following the decision made by the NPCSC in 2007, Deputy Secretary-General QIAO Xiaoyang also made it very clear in the briefing that the decision of the NPCSC to implement universal suffrage in 2017 and 2020 was a very solemn decision. We are convinced that the NPCSC had made the decision only after thorough consideration, and that Deputy Secretary-General QIAO Xiaoyang had likewise given serious thoughts to the matter before explaining that the electoral arrangements for 2012 were not the precondition for implementing universal suffrage in 2017 and 2020. But I also believe that the principle of gradual and orderly progress is well accepted by the society of Hong Kong. At the same time, I think that if we can make some improvement and progress, that is, if we can make some amendments in the course of democratization, it will do good to our progress towards the implementation of universal suffrage. I therefore hope

that all Members can adopt an open and tolerant attitude when discussing the proposed changes during this consultation exercise on constitutional development. As for the question of compliance with the principle of gradual and orderly progress, I can only speak on the basis of the NPCSC decision and Deputy Secretary-General QIAO Xiaoyang's explanation.

DR LAM TAI-FAI (in Cantonese): *President, referring to paragraph 34 of the statement, which mentions the timetable and roadmap for implementing universal suffrage, I hope the Chief Secretary for Administration can make a clarification. Can we interpret this statement as covering what Chief Executive Donald TSANG avowed during the Chief Executive Election in 2007, that is, his undertaking that he would definitely seek an ultimate solution to the problems relating to universal suffrage during his term of office, including the formulation of a design and timetable and roadmap? But in the statement made by the Chief Secretary for Administration just now, he did not talk about any roadmap and the arrangements for implementing universal suffrage in 2017 and 2020. May I ask the Chief Secretary for Administration to clarify whether the Chief Executive is going to break his undertaking?*

(Some Members punched the benches)

PRESIDENT (in Cantonese): Please keep quiet. Chief Secretary for Administration, please.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, the Chief Executive did make an undertaking on universal suffrage during his election campaign. In fact, 11 days after his assumption of office, that is, also 11 days after I took office as the Chief Secretary for Administration, on 11 July 2007, he already issued a consultation document and launched a three-month consultation exercise. In this way, he took the first of the five steps laid down in the decision made by the NPCSC in 2004. And, in December 2007, in accordance with the decision made in 2004, the Chief Executive submitted a report to the NPCSC, which promptly made a further decision in the same month, finalizing the timetable for implementing universal suffrage. The timetable for implementing universal suffrage has been formulated. This is a solemn

decision, and I believe most Hong Kong people welcome the NPCSC's timetable for achieving the ultimate aim of implementing universal suffrage as set down in the Basic Law

MR LEUNG KWOK-HUNG (in Cantonese): *President, he said that most people What does he mean?*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you are already

MR LEUNG KWOK-HUNG (in Cantonese): *The democratic camp got 60% of all the votes*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please sit down. You are already on the waiting line to ask questions. Later on, you will have an opportunity to ask the Chief Secretary for Administration to make a clarification. Please do not violate the Rules of Procedure. Chief Secretary for Administration, you may continue.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, following the NPCSC's decision, the Chief Executive put forward the timetable for implementing universal suffrage. I think the Chief Executive has already honoured the undertaking he made during his election campaign. We will now take the third step. In other words, before we can put forward any package, we must first gauge and listen to people's views extensively. Following this, we will take the fourth step, the step of obtaining the Chief Executive's consent. The last step to take will be the submission of the package to the NPCSC for the record or approval.

(Mr LEUNG Kwok-hung sat in the seat of Mr WONG Yuk-man)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please return to your own seat.

MR ANDREW LEUNG (in Cantonese): *President, according to the Chief Secretary for Administration, the consultation period will last three months, and it is repeatedly emphasized in the statement that it is necessary to draw on Hong Kong people's collective wisdom. In the coming three months, what measures will the Government put in place to explain the contents of the consultation document, put people's views in focus and make a decision on the basis of people's collective wisdom?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, in the coming three months, we will seek to collect people's views through various channels. We will seek to collect people's views on our websites and through emails, telephone calls and even letters. We will adopt all such means. Besides, we will also reach out to the community by contacting DCs and different organizations. Recently, some political parties have also invited us to participate in their internal discussions on constitutional reform. We will consider attending all such discussions. But I must of course add that due to the manpower constraint, we may not be able to attend all of these discussions. But still, it is our hope that during the three-month consultation period, we can gauge people's views as extensively as possible. It is only in this way that we can better grasp what kind of scheme we should put before the Legislative Council three months later.

MR WONG KWOK-KIN (in Cantonese): *President, I wish to seek an elucidation on paragraph 19, which mentions that the nomination threshold will be maintained at the current ratio of one-eighth of the total membership of the EC. This means that the threshold will not be lowered. But then, there is no mention of any nomination ceiling. Is there any nomination ceiling? Or, will the current practice of no nomination ceiling be maintained? If yes, some in society will certainly ask, "In the absence of any nomination ceiling, will any single candidate simply get all the nominations, resulting in the total lack of any competition in an election?" Would the Chief Secretary for Administration please make a clarification?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I have read Annex I to the Basic Law and received the past few Chief Executive Elections. As far as I can observe, Hong Kong people actually hope that Chief

Executive Elections can be competitive. The elections of the first and third Chief Executives both saw competition. Therefore, we must strike a balance when formulating a nomination threshold for Members' consideration. On the one hand, we must encourage interested persons to run in Chief Executive Elections. On the other, we must ensure that candidates can all command an appropriate level of support. This explains why we adopted the ratio of one-eighth as the nomination threshold. We believe that this can encourage competition and also ensure that candidates can command an appropriate level of support. Therefore, the direction we put forward to Members for reference and consideration is still the one-eighth of the total membership of the Election Committee. Naturally, this is only a proposal put forward for Members' reference and discussions. If Members have any other opinions, we are all ears.

MR RONNY TONG (in Cantonese): *President, in paragraph 42 of the statement, the Chief Secretary for Administration expresses the hope that confrontation can give way to dialogue; hostility can give way to sincerity; and, differences can give way to consensus. President, I presume that the Chief Secretary for Administration should have the pan-democrats in his mind when he made that remark. If yes, may I ask the Chief Secretary for Administration what actions he will take in the next few months to recognize and materialize the pan-democrats' wish to have dialogue with the Central Authorities?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, these days, despite the cool weather, constitutional reform has still become a heated topic. In regard to the proposal of having all new functional constituency seats returned by election among elected DC members, I have myself heard many divergent voices and opinions from different social sectors, including the several Members who asked questions on this just now. Since they think that appointed DC members have also been making contribution to society, they wonder why they should be deprived of their voting rights. Opinions have not been as one-sided as described by Mr Ronny TONG. He is not the only one who has voiced objection, for example. I know that many other Members here are also opposed to the proposal.

(Mr LEE Cheuk-yan rose to his feet)

PRESIDENT (in Cantonese): Chief Secretary for Administration, please hold on. Mr LEE Cheuk-yan, do you have a point of order?

MR LEE CHEUK-YAN (in Cantonese): *The Chief Secretary for Administration has suddenly commented that some Members have questioned why appointed DC members should be deprived of the right to vote. No Member said anything to this effect just now. I hope he can make a clarification.*

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, yours is not a point of order. However, Mr LEE Cheuk-yan has pointed out what seems to be a fact relating to the contents of a question just now. Chief Secretary for Administration, you may consider giving a reply.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Thank you, President. I know that there are many divergent opinions in society. This actually manifests one of Hong Kong's advantages. Since the various social sectors in Hong Kong hold many divergent views, the course of democratization in Hong Kong is difficult. I therefore hope that Members can all look at this consultation with a tolerant, open and pragmatic attitude.

MR RONNY TONG (in Cantonese): *President, is the Chief Secretary for Administration unable to understand my question*

PRESIDENT (in Cantonese): Mr TONG, I know what you mean. Please sit down.

MR RONNY TONG (in Cantonese): *President, he has failed completely to answer my question.*

PRESIDENT (in Cantonese): Mr TONG, I have already made it very clear that this time around, I will not allow any Member to ask follow-up questions because

many Members are still waiting for their turns. But I do understand what your question is. I wish to remind the Chief Secretary for Administration that regarding the pan-democrats' dialogue with the Central Authorities, Mr TONG wants to know how the SAR Government is going to enable the pan-democrats to have dialogue with the Central Authorities on constitutional reform, or whether it has any plans of doing so.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): Thank you, President. I have indeed omitted this point.*(Laughter)* But had I not been interrupted by Mr LEE Cheuk-yan, I would not have omitted this point.*(Laughter)* Actually, I know that many Members here want to have more opportunities of communicating with the Central Government on constitutional reform. I am certainly aware of Members' aspiration, and I will reflect their views faithfully in the light of the actual situation.

MR CHAN HAK-KAN (in Cantonese): *President, I hope the Chief Secretary for Administration can make a clarification on paragraph 17 about the exclusion of appointed DC members from the election of the five new functional constituency Members to the Legislative Council. Since appointed DC members are currently able to take part in the election of the DC representative on the Legislative Council, may I ask the Chief Secretary why they are to be deprived¹ of the same right under the present proposal?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): I am sorry. There are so many noises. I cannot hear his question. Can Mr CHAN repeat it?

MR CHAN HAK-KAN (in Cantonese): *President, should I repeat my question?*

¹ The word in Chinese used by the Member was "褫", but he pronounced the word wrongly as "dai6".

PRESIDENT (in Cantonese) Mr CHAN Hak-kan, please sit down.

Mr CHAN Hak-kan's question is about the fact that while appointed DC members can elect a representative to the Legislative Council from among all DC members under the current arrangement, they are to be deprived of this right under the new proposal. When Mr CHAN asked his question a moment ago, he pronounced a word wrongly. The word "褸" should be pronounced as "cil", rather than "dai6". Earlier on, Mr Albert HO also mispronounced a word in his question. The word he should be using should be "飭", pronounced as "cik1", not "勒", pronounced as "lak6". I think Members and government officials should set a good example. Chief Secretary for Administration, are there any justifications for depriving appointed DC members of their right?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I thank Mr CHAN Hak-kan for his question. When considering any proposal, we will first consider how to maximize its chance of receiving public support and the endorsement of a two-third majority in the Legislative Council. We know that under the present arrangement, one Legislative Council Member — the one representing DCs — is elected from among all DC members. This means that if all the five new functional constituency Members are to be elected from among elected DC members only, it will be necessary to conduct two elections to return the total of six seats for DC members. We think that this is, first, very complicated. Second, we also take account of the fact that our aim is to widen the electorate base as much as possible. For these reasons, we have proposed to combine the existing seat with the five seats to be created. This means that all the six Legislative Council seats for DC members are to be elected from among elected DC members. We of course understand that there are bound to be many divergent proposals. But as I have pointed out, and I must repeat, that this is a consultation exercise, and we will listen to the views of the various social sectors with an open mind.

MR ABRAHAM SHEK (in Cantonese): *President, the Chief Secretary for Administration's statement has stated very clearly the blueprint and roadmap for elections of the Chief Executive and the Legislative Council in 2012. He stated*

in paragraph 38 that a three-month consultation would be conducted, so as to prevent people from conjecturing that this was a bogus consultation. Under the framework of the NPCSC decision made in 2007, how much room do you have?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, after the NPCSC decision was made in 2007, we considered how to strive for as much room as possible under this framework. Therefore, we have proposed some directions for consideration this time, so as to endeavour to strive for as much room as possible under this framework. Of course, the NPCSC is the highest authority of the country. It is not easy for us to strive for as much room as possible under this framework. We also hope that various sectors in the community, of course including Members of the Legislative Council, can cherish this opportunity to take a step forward towards universal suffrage in 2017 and 2020. Regarding this step, no matter we consider it adequate or too small, or perhaps too big in someone's eyes, I consider that democratic development should evolve step by step and make progress gradually according to the actual situation in society. Therefore, as a pragmatic approach, we should cherish each opportunity. We should make a step forward towards universal suffrage as far as we can.

MRS REGINA IP (in Cantonese): *President, as you teach Chinese, I also wish to seek your advice. The Chief Secretary for Administration has just said that Members of the Legislative Council have a heavy workload ("工作沉重"). I think "沉重" can only collocate with "病情" (patients' condition) while "工作" should collocate with "繁重". Am I right, President? (Laughter)*

PRESIDENT (in Cantonese): Being Members of the Legislative Council, we will very often have a heavy heart ("心情沉重"). (Laughter)

MRS REGINA IP (in Cantonese): *President, I wish to ask the Chief Secretary for Administration to make a clarification on paragraph 24. The Government pointed out that it would not create any "traditional" FC seats but would enhance the democratic elements through the participation of elected DC members who*

have a broader electorate base. However, I think the Chief Secretary for Administration should also know that there are at most about 20 000 electors in each constituency only. Many elected DC members can win by simply securing several hundreds votes. In some constituencies, no election has been conducted for ten-odd years. The electorate base is in fact very weak. Moreover, the Chief Secretary for Administration should also know that many people propose in the Commission on Strategic Development that functional constituencies, such as the civil service and subvented organizations, should be created. They have an electorate base of 200 000 people. Besides, the Chief Secretary for Administration should also know that civil servants are mostly fond of stability. They, just like me, wish to receive pension upon retirement (Laughter)

PRESIDENT (in Cantonese): Mrs Regina IP, please raise your question concisely.

MRS REGINA IP (in Cantonese): *As civil servants will not seek sudden and drastic changes, why the creation of functional constituencies for civil servants The number of people who are engaged in medium and small enterprises is even more. There are also several ten thousands of Chinese medical practitioners. Why does the creation of these functional constituencies fail to meet the requirement of "a broader electorate base"? Why does the Chief Secretary for Administration consider that the electorate base of DC members is boarder than these constituencies proposed by the Commission on Strategy Development?*

PRESIDENT (in Cantonese): Mrs Regina IP, the questions you have just raised are already of a debate nature. Chief Secretary for Administration.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, first of all, I know Members of the Legislative Council are very busy with their work. And, perhaps, for this reason, they may sometimes be distracted. However, I hope Mrs Regina IP will not feel too distraught. Regarding the election among elected DC members proposed by us this time, the electorate base

of DC members is, in fact, not just several hundreds votes as she has mentioned. Actually, 3-odd million electors will select 405 DC members. Therefore, the electorate base of DC members is the greatest.

DR PRISCILLA LEUNG (in Cantonese): *President, I wish to ask the Chief Secretary for Administration about paragraphs 28 and 29. In my opinion, as far as the constitutional reform proposal is concerned, 100 people may have 100 views. Even within the organization to which I belong, we have different views regarding the appointed, elected and professional seats. This represents a kind of understanding.*

However, the Chief Secretary for Administration mentioned in paragraph 28 that the principle of not creating new traditional FCs should be insisted on, and in the last line of paragraph 29 that it was one major step forward to have 60% of the seats returned by geographical constituencies through direct or indirect elections. However, has the Government ever considered that a simpler option can in fact be adopted? In this connection, I wish to know whether there is any alternative which can avoid complicating the whole matter, such as blurring the line between the Legislative Council and DCs, having difficulties in reverting such arrangement or the criticism of discrimination against appointed DC members. If it is really impossible to increase the number of seats in the Legislative Council, we should turn to the electoral base of FCs and open up the elections of FCs gradually until FCs are also returned by universal suffrage. Is this not a more direct approach?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, we have proposed some directions in this consultation paper for discussion. However, as we have mentioned time and again, this is an open consultation. We will continue to listen to the views of different sectors of the community, organizations and Members with an open mind.

Therefore, if Dr Priscilla LEUNG considers that this is not the best proposal and has other views, we welcome her to put forth her ideas for our reference and consideration. Lastly, we of course have to consider whether the proposal raised can stand the best chance of being supported by the general public and the two-third majority of the Legislative Council.

MR FRED LI (in Cantonese): *President, as pointed out by the Chief Secretary for Administration in his statement, the existing FC elections have yet to comply with the principles of "universality" and "equality". The current proposal is that in 2012, there will be five FC seats to be returned through election among elected DC members. May I ask the Government whether the election of these five new FC seats can comply with the principles of "universality" and "equality"? Moreover, is this equivalent to improving and fine-tuning the FC elections, so that they can continue to exist in 2020?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): *President, I have mentioned time and again that the existing FC elections have yet to comply with the principles of "universality" and "equality". By the time of implementing universal suffrage in 2020, there may not be any FC. And even if there were FCs, they should also comply with the principles of "universality" and "equality". I say that there may not be any FC. Even if there were, they should be like this. Therefore, this is a situation of "if and then". Under such circumstances, the current DC package is, on the one hand, aimed at coping with the actual needs of work of the Legislative Council. But most importantly, we are stepping forward towards the direction of "universality" and "equality", as the DCs have an electorate base of 3-odd million voters. Therefore, we consider that this direction is correct.*

MS STARRY LEE (in Cantonese): *President, I hope the Chief Secretary for Administration can make a clarification on paragraph 12, which mentions that "We will listen carefully to the views of the public, different sectors of the community and the Legislative Council, and consider these views together with those received in the past before formulating a proposed package." My understanding is, apart from the views received during the consultation period this time, the Government will also take into account the views put forth by any person or organization in the past. Is my understanding correct? Moreover, when will he submit this proposed package to the Legislative Council and explain it to the public?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): *President, we will of course take into account all the views and proposals received during the consultation period. In fact, before the commencement of the consultation exercise, we already received views from some organizations. We have also*

sought their consent to include their views in those received during the consultation period, and their reply is in the affirmative. Therefore, we will include those views as well. The comprehensive consideration means that we will, eventually, consider whether the proposal raised can command the support of the majority public in society, and whether it will stand the best chance of being endorsed by the two-third majority of the Legislative Council. However, as far as time is concerned, we do not have much time now as the next election will be held in 2012. Therefore, we need about one year's time — if it is endorsed, we should tie in with the new electoral system with local legislation and preparation for about a year. Therefore, we do not have much time now. We keenly hope that the proposed package can be submitted to the Legislative Council next year for consideration.

MS AUDREY EU (in Cantonese): *President, I would like to ask the Chief Secretary for Administration to clarify the last part of paragraph 8, which mentions that the Government will "make every endeavour, with utmost sincerity, to roll forward Hong Kong's constitutional development towards the aim of universal suffrage". President, I wish to ask the Chief Secretary for Administration to clarify the meaning of "the aim of universal suffrage". Does it include abolishing all FCs, no matter the traditional ones or those which have seemingly be improved, and will the nominating committee become a selection mechanism under which candidates will be screened before being elected by the public by "one person, one vote"?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, our consultation exercise this time is to discuss the methods for selecting the Chief Executive and for forming the Legislative Council in 2012. We have yet been authorized by the NPCSC to discuss or draw up packages for elections after 2012 (that is, 2016, 2017 and 2020). The NPCSC has also stated very clearly in its decision this time that the half-and-half ratio between members returned by FCs and members returned by geographical constituencies shall remain unchanged. Therefore, we will focus our discussion on the methods of the two elections in 2012. However, we also know that many organizations do hope to put forward their views and opinions in respect of the two universal suffrage packages in 2017 and 2020. We will collate all the views collected and then pass them to the Government of the next term for reference and consideration.

PRESIDENT (in Cantonese): Dr Margaret NG.

MS AUDREY EU (in Cantonese): *President, he has not answered my question at all. I am not asking about the packages. President, he has not answered my question. I wish to ask him to clarify the meaning of "the aim of universal suffrage".*

PRESIDENT (in Cantonese): Your question is already very clear. Let me see if the Chief Secretary for Administration is willing to add anything. I do not want to break the rule as 10-odd Members are still waiting to raise their questions.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, in fact, the answer given by me just now is already very clear. Therefore, I have nothing to add.

DR MARGARET NG (in Cantonese): *President, I hope the Chief Secretary for Administration can make a clarification on paragraph 36. In that paragraph, he "considers that the existing FC elections have yet to comply with the principles of 'universality' and 'equality'". According to these principles, as you have to pave the way for implementing universal suffrage, should you not abolish the FC seats gradually, starting with an area which is most offensive to the principles of universality and equality? Have you ever considered this? As the NPCSC decision mentioned just now only states that the number of seats should be equal, provided that there are 30 seats. Have you considered that you can abolish the FC seats so long as the ratio of the seats remains unchanged, starting with an area which is most offensive to the principles of fairness, democracy, universality and equality, such as an electorate consisting of no natural persons at all?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, we have put forth a series of proposals for reference and discussion, and consider that these directions can secure the high possibility of being supported by the community. Therefore, we have, under the framework of the NPCSC decision

in 2007, put forth these directions which may be considered. If Dr Margaret NG thinks that there are some areas which can further comply with the principles of "universality" and "equality", we welcome her to raise such proposals, so that we can consider them together.

MS CYD HO (in Cantonese): *President, I hope the Chief Secretary for Administration can clarify "this system" in the sixth line of paragraph 41. As a matter of fact, our existing system has steadily made the disparity between the rich and the poor deteriorate, the poverty problem worsen and inequality become common in Hong Kong today. Because of this system, many social problems have become more and more serious steadily. If we do not change this system in an effective, pragmatic, rational and practical manner expeditiously, these problems will in no way be resolved. President, I hope the Chief Secretary for Administration will not evade from addressing such situation and simply "beat around the bush", just like what he has done in responding to other Members just now. It is because I do not have any chance to raise a second question.*

PRESIDENT (in Cantonese): Please raise your question concisely.

MS CYD HO (in Cantonese): *President, I hope the Chief Secretary for Administration can give us a reply regarding "this system". He has to enhance the existing system. As such, is it the case that he has put forth this proposal merely for enhancing it and has no sincerity in resolving our deteriorating social problems at present?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, the answer is very simple, that is, "yes".

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan.

(Mr LEUNG Kwok-hung spoke in his seat before standing up)

MR LEUNG KWOK-HUNG (in Cantonese): *Is your answer "yes"? Really enhancing such a poor system*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung. Will Members please keep quiet.

MS CYD HO (in Cantonese): *President, I am prepared to give one more chance to the Chief Secretary for Administration to answer my question. Perhaps, he did not catch my question clearly just now. I ask him, is "this system" aimed at enhancing the deteriorating social problems at present?*

PRESIDENT (in Cantonese): Ms Cyd HO, you have raised your question. Please sit down. Chief Secretary for Administration, do you have anything to add?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, what I want to add is "yes". We consider that these directions proposed now can enhance our electoral system and make it more democratic.

MR LEE CHEUK-YAN (in Cantonese): *I hope the Chief Secretary for Administration can make a clarification on paragraph 33, which mentions that "implementing universal suffrage for the Chief Executive and the Legislative Council in 2012 is not consistent with the NPCSC decision. As regards the SAR Government putting forth a roadmap for universal suffrage in 2017 and 2020, this also goes beyond what the current-term SAR Government has been authorized to deal with". Can the Chief Secretary for Administration clarify if he means that the Central Authorities are so tyrannical and authoritative that they not only disallow Hong Kong to implement dual universal suffrage in 2012, but also do not let the current-term SAR Government deal with the electoral packages for 2017 and 2020? If this is what he means, the entire constitutional*

development will be very confusing. If the Chief Secretary for Administration has to pave a road to connect to his residence but he even does not know where his residence is, how can he pave the road? He even has no idea about the roadmap for universal suffrage in 2017 and 2020, how can he make the arrangements for 2012?

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, please put your question in a concise manner.

MR LEE CHEUK-YAN (in Cantonese): *Is it the case that the Chief Secretary for Administration will not be pleased until he has "messed up" the entire proposal on constitutional reform?*

PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, I think your question is already very clear.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, we have put forth these directions according to the decision made by the NPCSC in December 2007 for Members' consideration. The NPCSC is the highest authority in the People's Republic of China and its decision is solemn. I also deeply believe that it has made the decision after thorough consideration. I hope Mr LEE Cheuk-yan can comply with and respect the decision, as it is made by the highest authority in the country. We are obliged to comply with it. Therefore, we have made the proposal under this framework, hoping that it can be accepted by the general public and the two-third majority of the Legislative Council.

PRESIDENT (in Cantonese): Ms Emily LAU.

(Mr LEUNG Kwok-hung spoke in his seat and then stood up to continue to speak)

MR LEUNG KWOK-HUNG (in Cantonese): *The solemn decision made by the NPCSC can be corrected solemnly. What are the reasons for saying here that no change is allowed*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, there are still four Members before your turn. Please sit down. Ms Emily LAU.

MR LEUNG KWOK-HUNG (in Cantonese): *I do not want to act in this way, buddy. I am now confronting and have no intention to steal the limelight, buddy.*

MS EMILY LAU (in Cantonese): *President, we have to confront and get the limelight. We consider that the NPCSC decision can be amended. When we met with the Chief Secretary for Administration yesterday, the Democratic Party also made it very clear that they hoped the SAR Government could tell the Central Authorities that Hong Kong people in fact wanted to implement dual universal suffrage in 2007 and 2008. It is now 2009 only. Therefore, President, we should implement universal suffrage in 2012. As stated in paragraph 41, the public do not seek drastic or sudden changes; otherwise, it will lead to unnecessary damages that can be very costly. President, does the Chief Secretary for Administration know that the whole community is now paying for it together? President, there are many demonstrations every day and Hong Kong is known as "a city of demonstrations". Public grievances are overheated. Does the Chief Secretary for Administration notice such situation? Therefore, what the public want is the implementation of universal suffrage as soon as possible. The Chief Secretary for Administration also said that the public sought drastic and sudden changes. Has he mistaken the whole case? Do they know what the public want? The public depend on them very much, hoping that they can convey our wish to the Central Authorities. Chief Secretary for Administration, what we want is the implementation of dual universal suffrage in 2012.*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, the SAR Government respects very much the requests and voices of those who

demonstrate on the streets. We consider that Hong Kong is a free and open society. Everyone has the right to make lawful declarations and presentations. Therefore, we very much respect their voices and are very clear about their requests. I wonder if Ms Emily LAU knows the NPCSC decision, which has confirmed that we can implement universal suffrage for the Chief Executive in 2017, and after that, we can implement universal suffrage for the Legislative Council in 2020. This decision is supported by 60% of the public, which is indeed not a small number. This is a very clear message from the community, telling us that 60% of the public consider this timetable acceptable. Therefore, we have now activated the third step, that is, the third one among those five steps. In other words, we are now

(Mr LEUNG Kwok-hung stood up)

MR LEUNG KWOK-HUNG (in Cantonese): *President, I really want to clarify that 70%*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung

MR LEUNG KWOK-HUNG (in Cantonese): *..... there is no such report with 70% of the public saying that in 2012 they want it in 2012*

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, I have already said that we are not conducting a debate now. If you have different opinions about what the Chief Secretary for Administration has said, you can express them on other occasions.

MR LEUNG KWOK-HUNG (in Cantonese): *I have to express them here and now.*

PRESIDENT (in Cantonese): But you should not interrupt

MR LEUNG KWOK-HUNG (in Cantonese): *I tell you*

(Mr LEUNG Kwok-hung threw a paper-made microwave oven to the Chief Secretary for Administration, and the Clerk and security officers moved forward to stop him)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please return to your seat. Mr LEUNG Kwok-hung, please leave the Chamber at once.

(Mr LEUNG Kwok-hung continued to shout at the top of his voice)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you should immediately

(Mr LEUNG Kwok-hung continued to shout at the top of his voice)

PRESIDENT (in Cantonese): I now declare the meeting suspended.

2.26 pm

Meeting suspended.

(Mr LEUNG Kwok-hung was escorted out of the Chamber by security officers while the meeting was suspended)

2.28 pm

Council then resumed.

PRESIDENT (in Cantonese): Honourable Members, according to our previous practice, after a public officer has made a statement, we will allow short questions from Members. And the time for this questioning session should be commensurate with that spent on the statement. We have now spent more than

one hour in raising our questions. However, as constitutional development is a matter of grave concern in society and the entire Council, I am going to allow all Members who have requested to pose questions to the Chief Secretary for Administration to raise them. But in doing so, Members should be co-operative. Please neither open any debate nor express any opinion and argument when putting your questions. Moreover, we should also maintain the order of the meeting and should not waste Members' time.

PRESIDENT (in Cantonese): Chief Secretary for Administration, regarding the question asked by Ms Emily LAU just now, do you have anything to add?

(The Chief Secretary for Administration shook his head to indicate that he had nothing to add)

PRESIDENT (in Cantonese): If not, I now call upon Mr LEUNG Yiu-chung to raise his question.

MR LEUNG YIU-CHUNG (in Cantonese): *President, we have a number of elected Members from various constituencies here. They urged repeatedly in their election platforms that dual universal suffrage should be implemented in 2012, which was supported by more than 60% of the electors. As far as the previous consultation document is concerned, the public opinion poll conducted in the community also showed that 60%, or more than 60%, of the public supported the implementation of dual universal suffrage in 2012. As stated by the Chief Secretary for Administration in paragraph 11, in preparing this consultation document, five principles have been considered, and the fifth principle mentioned by him is that "it can have the possibility of being accepted by the majority of the public, the Legislative Council, the Chief Executive and the Central Authorities". May I ask the Chief Secretary for Administration to clarify how he can judge whether the proposal put forth is supported by the majority public? Will he classify the opinions collected in this consultation and allow all people in Hong Kong to select the most appropriate package through a referendum? Otherwise, how can the Chief Secretary for Administration ensure that the information, messages and opinions so collected are supported by the majority public? Will the Chief Secretary for Administration conduct a referendum?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, the decision made by the NPCSC is a solemn decision. I believe they have made it after considering thoroughly the circumstances in various aspects. Therefore, under the framework of the decision, we have proposed some directions for Members' reference and discussion. At the same time, we will also listen to the views of different sectors with an open mind. Upon the completion of the three-month consultation, we will sort opinions from various parties and then make a judgment. We have to judge which package has broad public support in the community and is endorsed by the two-third majority of the Legislative Council.

Just as I have mentioned in response to Ms Emily LAU's question just now, the solemn decision made by the NPCSC regarding the timetable of universal suffrage in 2017 and 2020 is supported by 60% of the public. Therefore, we are now authorized to deal with the methods for conducting the two elections in 2012. We have now come to our third step. I very much hope that we can all adopt an open, accommodating and pragmatic attitude in discussing how we can take a step forward towards universal suffrage.

(Mr LEUNG Yiu-chung stood up and wanted to ask a follow-up question)

PRESIDENT (in Cantonese): Mr LEUNG, I have mentioned just now. I do understand

MR LEUNG YIU-CHUNG (in Cantonese): *Will there be a referendum?*

PRESIDENT (in Cantonese): Mr LEUNG, the Chief Secretary for Administration has answered it in his own way.

MR FREDERICK FUNG (in Cantonese): *President, I wish to ask the Chief Secretary for Administration to make a clarification on the content of paragraphs 17, 18, 23, 28 and 29 in his statement. These five paragraphs mainly point out that the five seats to be returned by the EC or the FCs in the Legislative Council are to be elected from among elected DC members. This can mainly enhance the democratic elements in the EC or the Legislative Council. As stated in paragraph 29, it will increase the seats with democratic elements in the*

Legislative Council to nearly 60%, which is a major step forward. Obviously, the practice of excluding appointed members shows that they do not have any democratic credential or element at all. Appointed DC members and democracy is basically in contradiction. This practice has obviously dealt a blow to the existing arrangement whereby appointed DC members have the right to vote in selecting one Member to the Legislative Council. Such practice has degraded, belittled or even second-rated appointed DC members. In fact, some appointed members have stated openly that this proposal has made them feel very aggrieved

PRESIDENT (in Cantonese): Please raise your question.

MR FREDERICK FUNG (in Cantonese): *May I ask the Chief Secretary to clarify, given that appointed DC members find themselves so aggrieved and they do not have any democratic credentials and are basically in contradiction to democracy, why he does not abolish such seats altogether?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, regarding the right of vote of appointed DC members, those who objected to the 2005 package mainly referred to two reasons: first, there was no timetable; and second, the problem relating to appointed DC members. We consider that the direction proposed for consideration this time around has dealt with these two major obstacles in a pragmatic manner. I absolutely have no intention to belittle the appointed DC members. As I have just mentioned, both appointed and elected DC members all make every endeavour to work for their districts and the public. I believe that honestly, those 15 Members who have worked for the DCs here should also admit this point. Therefore, we only take into account one direction, and that is, the package should have a high possibility of being supported by the two-third majority of the Legislative Council. For this reason, we have proposed this direction for discussion. If Mr Frederick FUNG considers this package undesirable and has a better alternative, we welcome him to put it forth. We will also use this ruler to measure whether it is desirable or not.

MR FREDERICK FUNG (in Cantonese): *President*

PRESIDENT (in Cantonese): I understand what you were about to ask. I think the Chief Secretary for Administration has already answered it.

MS MIRIAM LAU (in Cantonese): *President, the current proposal is that the five new seats returned by the FCs will be elected among elected DC members. In other words, together with the original FCs, six elected DC members will be elected to the Legislative Council. This has also aroused great criticism in the community, that it will blur the line between the Legislative Council and DCs in future. May I ask the Chief Secretary for Administration whether such proposal — a package of election among elected DC members — can in no way be altered? Has the Chief Secretary for Administration considered giving elected DC members the right to vote but not the right of being elected? In other words, those elects may not necessarily be elected DC members. Rather, they can be other competent people in society. Can such practice still serve the purpose of enhancing the democratic elements of the FC elections as mentioned by the Chief Secretary for Administration, but avoid the criticism of blurring the line between the Legislative Council and DCs?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, this proposal sounds innovative. Thank you, Ms Miriam LAU. Let me make it clear, the right to vote, that is, allowing those DC members returned by elections to vote, may not necessarily mean that those elects are elected DC members. That they can be appointed members as well. Is this what she means?

PRESIDENT (in Cantonese): Ms Miriam LAU, please explain.

MS MIRIAM LAU (in Cantonese): *I only mentioned those competent people in society rather than appointed DC members.*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): They may not necessarily be DC members. I thank Ms Miriam LAU for her opinions. Subject to your consent, I will take this into joint consideration with views collected during the consultation period.

MR ALBERT CHAN (in Cantonese): *President, I hope the Chief Secretary for Administration can clarify the content of paragraph 42, in which he mentioned that hostility should give way to sincerity. However, in meeting with Members, it seemed that he had omitted Mrs Regina IP but asked Stephen LAM to receive her. Is this hostility or sincerity to her?*

Moreover, he mentioned in the last part that "placing personal interests in a lower priority". The entire electoral set-up is indeed tailor-made for him. Seemingly, the Chief Executive office in 2012 will be taken up by him, right? His personal interests override everything. If he is so sincere to lower the priority of his personal interests, he had better resign from his office of the Chief Secretary for Administration now. He should declare that he will not take part in the election of the next-term Chief Executive, right? After that, he should not take part in it.

PRESIDENT (in Cantonese): Mr Albert CHAN, I have to remind you that according to the Rules of Procedure, Members should not impute improper motives to other Members or public officers. You should be careful with your remarks.

MR ALBERT CHAN (in Cantonese): *President, if taking part in the election of the Chief Executive is this is not an improper motive. President, this is a very lofty motive. LEUNG Chun-ying is also sitting in the public gallery. This is a very lofty motive.*

PRESIDENT (in Cantonese): You should understand very well what I mean
.....

MR ALBERT CHAN (in Cantonese): *I hope very much the President can make a ruling*

PRESIDENT (in Cantonese): Please put your question concisely.

MR ALBERT CHAN (in Cantonese): *I hope the President can make a ruling. If you consider that taking part in the election of the Chief Executive, as I mentioned just now, is an improper motive, I am prepared to be driven by you out of the Chamber.*

President, as far as personal interests are concerned, it is very difficult to judge who has no personal interests at all. The best approach is conducting a referendum, through which public opinions can be gauged. Therefore, the League of Social Democrats has proposed resignation en masse by Members returned by five geographical constituencies as a referendum on the fight for dual universal suffrage in 2012. Chief Secretary for Administration, under such a situation, a referendum can be achieved. Is it similar to what you have mentioned in paragraph 42, that we can forge consensus and resolve differences among people in Hong Kong?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I wonder to which paragraph of my statement is the issue mentioned by Mr Albert CHAN related. Anyway, he has not I do not know which paragraph he is referring to. However, I only want to remind Members that we are now authorized by the NPCSC to amend Annexes I and II which are related to the two elections in 2012. There are three links here. In fact, there are three parts in the five steps, namely the NPCSC, the Chief Executive and the Legislative Council. Among them, there is no mention of referendum. Therefore, we will not consider it.

MR WONG KWOK-HING (in Cantonese): *President, there is an earnest expression in paragraph 43 of the Secretary's statement; and I quote: "Four years ago, we missed a golden opportunity. Up till now, we still feel deeply sorry about that turn of events. We must not allow history to repeat itself (重蹈覆轍). Today, we are facing an unprecedented opportunity. All of us should cherish and seize this opportunity." I have this question for the Secretary. If this is not a golden opportunity, is it a diamond opportunity? If we miss this diamond opportunity, what will the SAR Government do?*

PRESIDENT (in Cantonese): Mr WONG Kwok-hing, the idiom in Cantonese should be pronounced as 重"蹈"("dou")覆轍 rather than 重"滔"("tou")覆轍.

MR WONG KWOK-HING (in Cantonese): *Thank you, President, for the reminder. (Laughter)*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I hope all of us will treasure this opportunity because the NPCSC has made this solemn decision in accordance with the Basic Law, and we have moved one big stride forward towards the ultimate goal of universal suffrage. Now that we have a timetable, I think we are duty-bound to get well prepared for the two elections by universal suffrage in 2017 and 2020. For this reason, I earnestly hope that the two electoral methods for 2012 will be discussed in a pragmatic and rational manner. Many people would like to express their views on the two elections by universal suffrage in 2017 and 2020. We are ready to collect and sort these views for reference by the Government in charting the future directions. Hence, this is an opportunity, be it diamond, platinum or golden, and we hope that all of us would treasure this opportunity and move one big stride forward towards universal suffrage.

MRS SOPHIE LEUNG (in Cantonese): *President, I would like to ask this question in an ordinary state of mind, and it is also about the point that "it is easy to invite a guest but hard to ask him to leave". In paragraph 22 of his statement, the Chief Secretary for Administration mentioned increasing the number of Legislative Council seats from 60 to 70, among which five will be allocated to functional constituencies and five other seats will be allocated to geographical direct elections. There is a lengthy discussion on the five seats to be allocated to functional constituencies but little has been said about the five other seats to be returned by direct elections.*

May I ask the Government if it has considered that the five seats can be allocated to members returned by three geographical constituencies instead of five, or members can be returned by direct elections in three rather than five

geographical constituencies, or members can be returned by only one geographical constituency in the whole territory? President, why do I say that "it is easy to invite a guest but hard to ask him to leave"? It is because this may involve the interests of individual constituencies. If we can do so, we would be able to change people's impression that the line between the Legislative Council and DCs will become blurred. Has the Government considered this proposal?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I absolutely do not think that is the case. At present, one fourth of all Legislative Council Members are DC members, and the Legislative Council will discuss some district issues from time to time, for example, it has recently discussed the Choi Yuen Village issue. Since Hong Kong is a very small place of some 1 100 sq km, people may think that there are many localized issues. However, these issues are frequently discussed in the Legislative Council as Hong Kong is so small, but they are not just district issues. That is the actual situation in Hong Kong. I treasure and respect the fact that there are 15 DC members in this Council. All of us are devoted and spare no effort in performing our duties in the districts and the Legislative Council.

For this reason, before making this proposal, we did consider how it could have the biggest possibility to get the support of most people and two thirds of Legislative Council Members. Thus, Sophie may have some other ideas about the proposal she just made, for example, whether changes can be introduced by adding seats for members from other functional constituencies or members returned by geographical elections. Changing the existing geographical election methods may be an issue to be considered anew in the future; yet, the change will be fairly gigantic. We are now discussing the elections in 2012, is it appropriate to make such a significant change? In making this change, is there any chance that we will get the public's support and endorsement by two thirds of Legislative Council Members? These issues warrant our careful consideration.

MISS TANYA CHAN (in Cantonese): *President, I would like to ask the Secretary whether the decision right before my eyes today makes it clear that universal suffrage may be implemented for electing the Chief Executive and all*

members of the Legislative Council in 2017 and 2020 respectively. May I ask the Chief Secretary how we should interpret the words "may be" and "will certainly be"? In other words, if I tell the Chief Secretary that he may become the Chief Executive, it means differently from he will certainly become the Chief Executive. I would like to know if the Chief Secretary considers that the decision tells us that universal suffrage will certainly be implemented in 2017 and 2020 respectively without any preconditions.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, the NPCSC made a solemn decision in 2007 on the election of the Chief Executive by universal suffrage in 2017. At the relevant meeting, Deputy Secretary-General QIAO Xiaoyang clearly stated that universal suffrage would not be implemented in 2012, and this was not a precondition. In the light of this proposal, I think we need not have doubts and we should not doubt the decision made by the NPCSC because it is a solemn decision. Also, according to the NPCSC, its decision counts.

DR PAN PEY-CHYOU (in Cantonese): *President, it is mentioned in the Chief Secretary's statement that consideration may be given to having five new functional constituency seats returned through election among elected DC members. I wonder if there will be a case where more DC members would be eager to become Legislative Council Members because of these five seats. For this reason, they will try their best to achieve outstanding performance in the DCs, likening DCs to the Legislative Council. Has the Government taken this case into consideration? Are there measures in place to deal with this? What is the Government's evaluation of the change?*

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, there are 15 DC members among 60 Legislative Council Members today who are devoted and spare no effort in working for the public and the districts. They have my respect for their contribution and I encourage all of them to enthusiastically and devotedly work for the districts and the public. I do not

think that blurring the line between DCs and the Legislative Council belittles the importance of the Legislative Council. I only think that we are taking up different posts and we should do our best. Therefore, if a DC member gets the support of other colleagues because he works enthusiastically and devotedly and is elected as a Legislative Council Member, I will respect the electors' wishes.

MR ALAN LEONG (in Cantonese): *President, it has been almost four years since 19 October 2005 and I believe people will certainly be disappointed with the point that the statement made by the Chief Secretary on 18 November 2009 after these four years are in no way novel. However, I hope that the Chief Secretary would make a clarification and I would like to see if it will make us even more disappointed or not.*

It is mentioned in paragraphs 15 and 16 of the statement the composition of the Election Committee (EC) for selecting the Chief Executive. President, I believe it remains fresh in your memory that it was proposed four years ago that there should be 1 600 members; however, it is proposed today to increase the number of members to not more than 1 200. Thus, there are 400 fewer members compared with the number proposed four years ago. As the President may recall, that is exactly the point I would like to clarify. Based on the proposal four years ago, the number of EC members in the first, second and third sectors would be increased by 100 while the number of EC members in the fourth sector would be increased by 500, mainly by including all DC members. According to the present proposal, the number of members may be increased by 100 for each of the four sectors. Can the Chief Secretary clarify whether it is because I ran for the Chief Executive Election in 2007 after I had received enough nominations? Is it the case that the Government has done some calculations and realized that, if there are 1 600 EC members, even though the minimum requirement is that a candidate must receive at least 200 nominations, I should be able to run for the election because there are more than 100 Legislative Council Members from the democratic camp and DC members? Thus, the Government has made this proposal to reduce the number of members from 1 600 to 1 200. I would like the Secretary to clarify if this is the reason for that.

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, I have been waiting very long for this question; I had waited 83 minutes before Alan raised this question. I thank Alan for raising this question and giving me a chance to express my views.

First of all, in the 2005 proposal — we have excluded appointed DC members this time, that is, around 100 votes, thus, there will certainly be fewer members. However, the most important factor for our consideration is that, it is specified in the decision made by the NPCSC in December 2007 that, in the Chief Executive election to be conducted in 2017, the nominating committee may be formed with reference to the EC in 2012. This is one of the reasons. Second, we think that adding 100 members to each of the four sectors complies better with the principle of balanced participation. Because of these two principles and the exclusion of appointed DC members, there will certainly be fewer members, thus DC members cannot all become EC members. Hence, we suggest that consideration be given to having all representatives elected from among elected DC members.

MR ALBERT HO (in Cantonese): *The Chief Secretary for Administration reiterated in paragraph 33 that there would be a "birdcage" consultation, that is, universal suffrage will not be implemented in 2012 but the Government has not been authorized to put forth a roadmap for universal suffrage in 2017 and 2020. Therefore, in referring to the collection of views in paragraph 38, I believe he has estimated that the public would like to get out of the birdcage and hopes that the NPCSC would listen to their views from now to 2012. Can he consider again if the birdcage can be broken? In expressing their views, people are at least asking for an explicit timetable for 2017 and 2020 so that they will have an idea of the terminal point and how to pave the way in 2012.*

Yet, it is very disappointing that I am not sure if I have misunderstood him; I would like to ask him to clarify one point. In referring to the collection of views outside the birdcage in paragraph 38, it seems that he dares not submit the views for consideration by Beijing for he is timid and very worried, and it appears to him that submitting the views for consideration by Beijing would

offend the leaders in Beijing. Would he, as stated in paragraph 38, only allow the views to serve as reference for the SAR Government, not even daring to submit the views for consideration by Beijing? If that is the case, would he feel ashamed when he receives his remunerations from taxpayers?

CHIEF SECRETARY FOR ADMINISTRATION (in Cantonese): President, the NPCSC made a decision in December 2007 and confirmed that universal suffrage for electing the Chief Executive and all the Members of the Legislative Council would not be implemented in 2012, and that universal suffrage might be implemented for electing the Chief Executive and all the Members of the Legislative Council in 2017 and 2020 respectively. This is a solemn decision and we are very confident that, through the views of various sectors of the community reflected by the SAR Government, the report submitted by the Chief Executive in 2007 or other channels, the Central Government and the NPCSC understand very well Hong Kong people's opinions. In connection with this consultation, I know that many groups would like to express their views on the proposals on universal suffrage in 2017 and 2020; thus, we have promised to collect, sort and summarize all the views that will serve as reference for the Government of the next term.

I think Mr Albert HO would not believe that the Central Government does not know what are discussed in Hong Kong or the aspirations of the community. We had good proof in 2007; when a timetable was provided for universal suffrage in 2017 and 2020, an opinion poll indicated that over 60% of the people gladly received the timetable and found it acceptable. This is good proof. In fact, the Central Government understands Hong Kong people's aspirations very well and listens to them, and it knows that a reasonable timetable that meets the principle of gradual and orderly progress is acceptable. Thus, we will make the views collected known to the public. If the Democratic Party would like to express any views in this connection, we will similarly sort and summarize their views and make them known to the public. I trust that I do not need to submit by hand to the Central Government this public report or has a picture of such action taken to show that I have submitted the views collected. I believe the views will certainly be noted.

PRESIDENT (in Cantonese): The timer has been reset to zero, which means that we have spent more than 90 minutes on this session. This session ends here.

BILLS

First Reading of Bills

PRESIDENT (in Cantonese): Bills: First Reading.

IMPORT AND EXPORT (AMENDMENT) BILL 2009

CLERK (in Cantonese): Import and Export (Amendment) Bill 2009.

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

Second Reading of Bills

PRESIDENT (in Cantonese): Bills: Second Reading.

IMPORT AND EXPORT (AMENDMENT) BILL 2009

SECRETARY FOR SECURITY (in Cantonese): President, I move the Second Reading of the Import and Export (Amendment) Bill 2009.

To strengthen the efforts in combating smuggling activities at sea, the authorities proposed to amend sections 4 and 14A of the Import and Export Ordinance (Cap. 60) (the Ordinance). According to section 4 of the said Ordinance, the Commissioner of Customs and Excise may authorize in writing any person approved by the Secretary for Security, any public officer and any police officer in the rank of inspector or above to exercise any of the powers and perform any of the duties conferred or imposed on an authorized officer by the Ordinance. At present, all police officers of the rank of inspector or above fall within the definition of authorized officers under section 4 of the Ordinance and may enforce the relevant law-enforcement duties such as stops; boarding and

searching any vessels, aircraft or vehicles; arrest and detain related persons; seizure of goods, vessels and vehicles; and requiring relevant persons to produce permits for inspection, record or documentation.

To cope with the ever-changing pattern of smuggling activities, since 2007, the police have begun the implementation of the "Versatile Maritime Policing Response Strategy" on a gradual basis to reinforce law enforcement within Hong Kong waters. Under that scheme, advanced surveillance systems and high-performance small vessels will be introduced in phases by the Marine Police. Each small vessel will be commanded by a sergeant or police officer.

To complement the implementation of the "Versatile Maritime Policing Response Strategy", it has been proposed by the authorities that section 4 of the Ordinance be amended to provide for the Commissioner authorizing police officers of whatever rank to exercise any of the powers and perform any of the duties conferred or imposed on an authorized officer by the Ordinance. This will help the Marine Police to be more flexible in deploying law-enforcement officers at all levels to combat smuggling activities at sea, thereby enhancing the effectiveness and efficiency of the anti-smuggling work of the Marine Police.

In addition, section 14A(6) of the Ordinance stipulates that if the law-enforcement officer concerned reasonably suspects that a vessel has been used or is intended to be used for the purpose of smuggling, and if the vessel has a facility to mount more than two outboard engines where the power of the total engine or engines could exceed 448 kW (that is, 600 horsepower) the vessel or vessel under construction, shall be presumed to have been under construction, constructed or used for the purpose of smuggling. According to statistics for the past three years, most of the seized speedboats used for smuggling were equipped with one or more outboard engine(s) with a total power of over 225 but less than 600 horsepower. Currently, speedboats of this type are not covered in Section 14A(6)(b)(iv). Therefore, even if the law-enforcement agencies reasonably suspect that such vessels have been used or intended to be used for the purpose of smuggling, they cannot take any enforcement action against such vessels by invoking the abovementioned provisions.

In view of this, it has been proposed by the authorities that amendments be made to section 14A(6)(b)(iv) of the Ordinance to amend the number of engines and the total power of the vessel (or vessel under construction) under gross tonnage of 250 for presumption as under construction, has been constructed or

used for the purpose of smuggling to "one or more engines where the total power of the engine or engines could exceed 168 kW (that is, 225 horsepower)", so that the type of vessels commonly constructed or used for the purpose of smuggling could be targeted more effectively.

Amendments proposed in the Import and Export (Amendment) Bill 2009 would help law-enforcement agencies to combat smuggling activities at sea more effectively.

With these remarks, President, I hope Honourable Members will support the Import and Export (Amendment) Bill 2009.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Import and Export (Amendment) Bill 2009 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.

Resumption of Second Reading Debate on Bills

PRESIDENT (in Cantonese): We now resume the Second Reading debate on the Copyright (Amendment) Bill 2009.

COPYRIGHT (AMENDMENT) BILL 2009

Resumption of debate on Second Reading which was moved on 6 May 2009

PRESIDENT (in Cantonese): Dr Samson TAM, Chairman of the Bills Committee on the above Bill, will now address the Council on the Committee's Report.

DR SAMSON TAM (in Cantonese): President, in my capacity as Chairman of the Bills Committee on Copyright (Amendment) Bill 2009, I now report on the deliberations of the Bills Committee.

Under section 119B (which has not yet commenced operation) of the Copyright Ordinance (the Ordinance), as added by section 33 of the Copyright (Amendment) Ordinance 2007, a person commits an offence if he, for the purpose of or in the course of any trade or business and on a regular or frequent basis, without the licence of the copyright owner, makes for distribution or distributes an infringing copy of a copyright work in a printed form contained in a book, a magazine, a periodical or a newspaper resulting in a financial loss to the copyright owner (the copying and distribution offence).

The Copyright (Amendment) Bill 2009 (the Bill) seeks to amend the Copyright Ordinance to provide for the circumstances in which section 119B(1) does not apply to give effect to the provisions added in 2007 and prescribe numeric limits within which the copying and distribution offence does not apply.

The Bills Committee has held six meetings with the Administration and invited views from the stakeholders in the industry including copyright owners associations and trade associations. Members of the Bills Committee in general support the policy intent of the Bill to set out specifically that certain levels of unauthorized use of copyright works do not attract criminal liability under section 119B of the Copyright Ordinance: where the infringing pages in magazines, periodicals are of A4 size, the number of such infringing pages does not exceed 500; and the making within any period of 180 days of infringing copies of books or specified journals if the total value of the copies does not exceed \$6,000.

Members have noted that the set of numeric limits are drawn up after extensive discussion with the relevant stakeholders over the past years having regard to the need to maintain a reasonable balance between the interests of copyright owners and users. Therefore, members support putting in place a proper legislative framework providing criminal sanctions for copyright infringing acts. Members consider that, in line with the international trend, it is important to protect intellectual property rights which are conducive to the development of creative industries in Hong Kong.

In the course of deliberation, members have raised concerns about the definition of "infringing page", and the operation of the numeric limits in relation to the making or distribution of infringing copies. In the Bill, "infringing page" is defined as a side of a page that embodies, whether in whole or in part, an infringing copy of any copyright work in a printed form that is contained in a magazine, periodical or newspaper. A member has opined that the expression of

"a side of a page" may cause confusion to the public, as it may be read as meaning the upper, lower, left or right side of a page. Having considered a member's comments and noting that the way the term "infringing page" is used or referred to in other parts of the Bill should have already made it clear that "infringing page" should be counted on a single-sided basis, the Administration will move a Committee Stage amendment (CSA) to delete the words "a side of" immediately preceding the words "a page" in the definition.

The Bills Committee has pointed out that there is no provision in the Ordinance or the Bill for determining the exchange rate of a foreign currency that will be used in calculating the total value in Hong Kong-dollar equivalent of qualifying copies of a book/specified journal denominated in foreign currencies. In view of currency fluctuation, the Bills Committee considers that the method for determining the exchange rate of a foreign currency should be specified in the Bill to provide greater certainty. The Administration responded that prescribing a reference exchange rate published by a defined organization in the Bill will give a greater degree of certainty to both the business end-users and the enforcement agency. To address the Bills Committee's concern, the Administration will move CSAs to prescribe a method for converting a foreign currency into Hong Kong dollars by making reference to the opening indicative counter exchange selling rate published by The Hong Kong Association of Banks, or where no such rate is published, the representative exchange rate published by the International Monetary Fund in respect of that foreign currency.

The Bills Committee has noted that a person who commits a copying and distribution offence under the Ordinance is liable on conviction on indictment to a fine in respect of each infringing copy and to imprisonment for four years. Some members have raised concern whether the penalty level is too high for inadvertent breaches by members of the public, particularly where the numeric limits are relatively complicated and not easy to understand. The Administration has advised that the penalty level is the maximum penalty that may be imposed on an offender and is in line with that of the majority of offences under the Ordinance. The penalty provisions reflect the serious view that has been taken by the Administration and society at large on the need to rigorously combat copyright piracy.

In view of this, the Bills Committee considers that the new provision should be widely publicized so that the risk of inadvertent breaches by members of the public will be minimized. The Administration has assured members that,

after the passage of the Bill, the Administration will roll out extensive publicity and public education programmes to give the business end-users sufficient time to understand and gain a good grasp of the operation of the numeric limits before bringing the offence into operation.

The Bills Committee supports the proposed CSAs to be moved by the Administration in light of the concerns of the Bills Committee.

President, next, I am going to express my views on the Bill.

In the past few years, there were voices or arguments in the community in relation to the Ordinance mainly because difficulties would be encountered in implementing the Ordinance enacted years ago, thus, the implementation has been postponed till now. In the past two years, I noticed that the Government and all the stakeholders had held repeated discussions before establishing the current refuge, that is, protection area, so that users will not breach the law inadvertently and incur criminal liabilities. For this reason, I absolutely support the Bill.

The Bills Committee has spent time during six meetings to listen to the views of various stakeholders, and they understand that it is rather difficult to prescribe the limits as the best standards may not be found all over the world. With the efforts made by the Government in the past, the limits acceptable to all have eventually been prescribed. In my opinion, this may not necessarily be able to plug all the loopholes, but this may after all be considered as a pragmatic practice. Nevertheless, as the methods for calculating the limits are fairly complicated, many members eventually came to realize how the limits are calculated after they had repeatedly sought clarifications.

Hence, I hope the Government will spend more time and resources on end-user education when introducing new laws in the future so that they will not inadvertently breach the law because the limits have not been clearly prescribed.

With these remarks, President, I support the Bill.

MR WONG TING-KWONG (in Cantonese): President, copyright is a kind of intellectual property rights, that is, the original creators' proprietary rights to the publication, distribution or use of the works. Copyright subsists in the

substantive delivery of information and ensures that the proceeds are paid to the authors, thereby encouraging creative work to facilitate the flow of information. The protection of intellectual property rights is in line with the international trend and conducive to the development of creative industries, thereby reinforcing our advantages as a modern international city. Therefore, the Democratic Alliance for the Betterment and Progress of Hong Kong supports the Copyright (Amendment) Bill 2009 (the Bill) and the amendments.

As far as I can remember, before the Copyright (Amendment) Bill 2007 was passed at the end of the Legislative Session in 2007, I had a meeting with the representatives of publishers; they were worried that the SAR Government would present a *fait accompli* because the Government would later have to set out specifically the restrictions on the unauthorized use of copyright works under section 119B of the Copyright Ordinance (Cap. 528), as added by section 33 of the Copyright (Amendment) Ordinance 2007. They were afraid that the restrictions proposed by the Administration might be excessively loose, which might injure their interests.

However, the Bills Committee on Copyright (Amendment) Bill 2009 (the Bills Committee) is aware that the copyright owners generally support the legislative proposal and have urged for early enactment. Whilst some copyright users consider the numeric limits complicated and difficult to enforce, in my opinion, to maintain a balance between the interests of copyright owners and the flow of information, it is inevitable sometimes to set out specifically the relevant provisions so that the laws will be practicable.

At the meetings of the Bills Committee, I have expressed concern about the calculation of the total number of infringing pages made. As the Administration has clearly explained, a more easily quantifiable unit will be adopted, that is, where the infringing pages are of A4 size, an infringing page is a page that embodies an infringing copy of any copyright work in a printed form that is contained in a magazine, periodical or newspaper. For any infringing pages embodying an image of an infringing copy that has been reduced or enlarged in size, the number of those infringing pages shall be calculated on the basis of the original size of the original image of the copyright work.

I agree to the provision in the Bill that a director or partner charged with the copying and distribution offence can adduce evidence to raise the issue that he

did not authorize the relevant act of copying or distribution to be done, which may be admissible as evidence in Court. In that case, he will be taken to have adduced sufficient evidence. Similar to the situation of the "possession offence", directors/partners will not be held criminally liable for the infringing acts of their staff if those acts were not authorized.

Furthermore, we have noted that, before rolling out suitable licensing arrangements covering Internet distribution, the relevant laws will not apply to Internet distribution of infringing copies. We understand that, in respect of the boundless virtual world on the Internet, formulating pragmatic provisions on the relevant restriction is not easy and fairly complicated. I hope the Government will conduct careful studies and closely listen to views, and an important point is that it should not formulate legal provisions that cannot be enforced.

While making sound legislation, the Administration should conduct long-term publicity and education. The Administration has undertaken that, after the passage of the Bill, it will roll out publicity and public education programmes for about four to six months before bringing the offence provisions into operation. I think it is definitely necessary to publicize the new provision but it should be a long-term government policy to educate the public so as to minimize the risk of inadvertent breaches by members of the public. In so doing, public awareness of the protection of intellectual property rights could be continuously enhanced, thereby producing positive impacts on society and the economy.

With these remarks, President, I support the Bill and the amendments.

MS MIRIAM LAU (in Cantonese): President, through the Copyright (Amendment) Bill 2009 (the Bill), the Administration has clarified the circumstances in relation to the copying and distribution offence in which section 119B(1) of the Copyright Ordinance (the Ordinance) does not apply to enable the public to understand better what constitutes an infringement of copyright and the limits allowed in law. The Liberal Party supports the Bill.

At the meetings of the Bills Committee on Copyright (Amendment) Bill 2009 (the Bills Committee), members have expressed views on a number of drafting and technical issues, and expressed concern that, because of exchange

rate fluctuation, the users making or distributing copies of foreign books and journals may find it hard to determine if the numeric limits have been exceeded. The Administration has readily accepted good advice and proposed a Committee stage amendment (CSA) to deal with the issue. The Liberal Party appreciates this act of the Government and supports the passage of the CSA.

In the course of discussions by the Bills Committee, one of the foci of the discussions is on the criminal liabilities of the directors of enterprises for the copyright infringing acts of their employees. Under section 119B of the Ordinance, directors/partners of enterprises will be held criminally liable for the infringing acts committed by themselves. The Liberal Party generally raises no objection to this provision. It is acceptable for limited companies to be held liable for the infringing acts committed by employees as there is a direct relationship of subordination between the employers and the employees. Nevertheless, regarding the criminal liabilities of directors of limited companies for the copyright infringing acts of their employees, the Liberal Party would like to take this opportunity to express our concern.

The Liberal Party is aware that there are precedents of the directors of enterprises being held criminally liable for the infringing acts. For example, under section 275 of the Company Ordinance, directors shall be criminally liable for fraudulent trading. Yet, this is a criminal offence of fraud knowingly committed by a director, which is purely a criminal offence and is different from the case in this Ordinance. Under this Ordinance, directors of enterprises have to bear criminal liabilities for the copyright infringing acts of their employees. Nonetheless, they are the employees of the enterprises, why are the directors rather than the enterprises or limited companies held liable?

Although it is stipulated in the Ordinance that a person charged with the offence can adduce evidence to raise the issue that he did not authorize the relevant infringing act to be done, and if the Court is satisfied, he may not be held criminally liable. However, the Liberal Party thinks that this is not fair to the directors of enterprises because the directors of large multinational companies may be very rich and have the financial resources for engaging a number of senior barristers for their defence. They do not need to worry about the burden of proof or adducing evidence because the solicitors and barristers will naturally handle matters for them. Yet, a majority of limited companies in Hong Kong — around 98% — are small and medium enterprises (SMEs) where the bosses are concurrently directors and they work hard all day long. In case they are charged

with the offence, they really do not have enough time and resources to adduce evidence to prove that they are not guilty.

In addition, it will be very troublesome if the case is taken to Court. As we all know, the criminal proceedings in Hong Kong are not simple. In the face of professional prosecutors, how should the situation be coped with, the witnesses cross-examined and evidence adduced? In this connection, even if the directors being charged have university qualifications, they may not be able to cope with the situation; let alone some directors of SMEs with lower academic qualifications. To save lawyers' fees, they may choose to defend themselves, and they may even be forced to choose to admit the offence. Is that fair to them?

Over the last 10 years, the economic situation in Hong Kong has not been favourable; and facing challenges from our neighbouring regions, we need to constantly enhance our competitiveness and attract foreign investments. However, since the reunification, there has been numerous examples of the Government specifying in the laws enacted the criminal liabilities of directors. On a number of occasions, for example, at the meetings of the Bills Committee, the Liberal Party has called upon the Government not to easily provide for criminal liabilities for directors without pressing needs. Otherwise, a few years later, foreign investors intending to make investments and set up companies in Hong Kong may find that the directors may still shoulder a variety of criminal liabilities even though limited companies are established. How will this not deal a blow to the desire of foreign investors to make investment?

Certainly, to revive our economy, we must first strengthen the local economy instead of merely relying on foreign investments. Nevertheless, the directors of local companies similarly face various criminal liabilities and encounter obstacles in business operation. The Liberal Party thinks that this is not conducive to the development of our business environment.

In view of the fact that the criminal liabilities of directors are not directly included under the Bill, the Liberal Party cannot propose amendments. Yet, we call upon the Government to try its best to reduce the number of provisions on the criminal liabilities of directors of enterprises in other laws to be enacted in the future lest our competitiveness and business environment should be undermined.

I so submit, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): If not, I now call upon the Secretary for Commerce and Economic Development to reply.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, first of all, I would like to express my sincere thanks to Dr Samson TAM, Chairman of the Bills Committee on Copyright (Amendment) Bill 2009, and its members.

The Copyright (Amendment) Bill 2009 (the Bill) was introduced into the Legislative Council in May this year. After the Bill was set down for Second Reading, the Bills Committee for the scrutiny of the Bill has held six meetings and invited views from the industry players and stakeholders. I am very grateful to them for their enthusiastic expression of views on the Bill, which has enabled the Administration and the Bills Committee to get a better grasp and understanding of the aspirations and concerns of the industry.

President, I would briefly explain the background of the Bill before reporting the process and details of the deliberations on the Bill, and responding to some issues of concern raised by Honourable Members just now.

Concerning the background of the Bill, Honourable Members must actually be aware that the main objective of the Bill is to give effect to a business end-user copying and distribution offence as added by the Copyright (Amendment) Ordinance 2007. Putting it simply, a business end-user may be convicted if he, without the licence of the copyright owner, copies or distributes an infringing copy of a copyright work in a printed form resulting in a financial loss to the copyright owner.

Under the principle of respecting intellectual property rights, organizations making copies of printed matters such as newspapers and periodicals on a regular or frequent basis for the purpose of any trade or business should obtain prior authorization. Also, to ensure that the criminal liabilities will not affect the daily operation of organizations, before the implementation of the provision on

the relevant offence, we have to prescribe by way of legislation numeric limits within which the copying and distribution offence does not apply.

When the Legislative Council enacted the Copyright (Amendment) Ordinance 2007 in mid-2007, it accepted the Administration's proposal to prescribe in the Ordinance the copying and distribution offence and the enabling provisions of the numeric limits before prescribing subsequently by subsidiary legislation the specific numeric limits.

When the Administration proceeded to draft the subsidiary legislation in relation to the numeric limits, the Department of Justice advised that the proposed formulation of the numeric limits might go beyond the scope of the enabling provisions.

After carefully studying the legal advice of the Department of Justice, we decided to amend the relevant provision (that is, section 119B of the Copyright Ordinance) to address the concern that the numeric limits might go beyond the scope of the enabling provisions. The Bill proposes to amend section 119B and also to prescribe the numeric limits within which the copying and distribution offence does not apply in a new schedule.

The proposed numeric limits within which the copying and distribution offence does not apply that have been agreed between the Administration and the stakeholders (including newspaper, periodical and book publishers) after extensive consultation are as follows: first, for newspapers, magazines and periodicals, a maximum of 500 A4-size pages embodying infringing copies of copyright works within any 14-day period; and second, for books and specified journals, a maximum total retail value of \$6,000 within any 180-day period.

In drafting the Bill, we have made the best efforts to ensure that the provisions are simple and readily comprehensible to enable organizations to understand the operation of the provisions. For example, in respect of newspapers and magazines, we have decided to take an A4-size page as a unit of calculation. As compared with a piece of copyright work, it is easier to understand and get a clear idea of the concept of an A4-size page.

Moreover, we have made every effort to make the provisions distinct and explicit to avoid inadvertent breaches by the industry. Thus, there are detailed

provisions in the Bill setting forth the methods of counting the number of infringing pages and retail prices of books (including how to handle the infringing pages embodying an image of an infringing copy that has been reduced or enlarged in size, and that the marked retail price as printed by the publisher should be taken as the standard).

Having considered the comments of the Bills Committee, we have decided to move two amendments, first, to make technical amendments to the English definition of "infringing page"; and second, to prescribe the exchange rate to be used as reference in calculating the total retail value of a book and a specified journal. Both amendments have the support of the Bills Committee.

Furthermore, the Bill has prescribed the exclusion of Intranet distribution from the copying and distribution offence for the time being, so as to allow more time for the relevant copyright owners to roll out suitable licensing arrangements. Subject to the situation of the implementation of the licensing arrangements, the Administration will discuss with the copyright owners the numeric limits applicable to Intranet distribution.

President, upon passage of the Bill, the Administration will implement as soon as possible the copying and distribution offence added in 2007 to provide suitable protection for copyright work in printed form so as to improve the copyright protection system in Hong Kong.

After the passage of the Bill, we will roll out publicity and public education programmes to allow more time for industry players to understand and get a grasp of the operation of the numeric limits and make preparations. The Administration will specify the commencement date of the criminal liability provision in the form of subsidiary legislation in due course.

In addition, I appreciate very well the concerns raised by Ms Miriam LAU from the Liberal Party. The Administration has provided for sufficient defence in the Ordinance. And, apart from general publicity and public education programmes, the Administration will co-operate with some local trade associations in organizing targeted publicity programmes, enabling the directors and partners of companies to know and understand the details of the relevant provisions through seminars, trade magazines, leaflets, direct transmission and email information.

I hope Members will support the Bill and the amendments proposed by the Administration.

Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the Copyright (Amendment) Bill 2009 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Copyright (Amendment) Bill 2009.

Council went into Committee.

Committee Stage

CHAIRMAN (in Cantonese): Committee stage. Council is now in Committee

COPYRIGHT (AMENDMENT) BILL 2009

CHAIRMAN (in Cantonese): I now propose the question to you and that is: That the following clauses stand part of the Copyright (Amendment) Bill 2009.

CHAIRMAN (in Cantonese): Clerk.

CLERK (in Cantonese): Clauses 1, 2 and 3.

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 1, 2 and 3 stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clause 4.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Chairman, I move that the clause read out just now be amended as set out in the paper circularized to Members. Two amendments are involved.

First of all, in the English version of the Bill, there were the wordings of "a side of a page" in the original definition of "infringing page" to make it clear that "page" in "infringing page" refers to one side of a page. The dictionary meaning of the word "page" may refer to one side or both sides of a sheet of paper. To avoid ambiguity, we adopted "a side of a page" in the Bill. Having understood

the authorities' policy intent, the Bills Committee considered that it was unnecessary to elaborate the word "page" because "infringing page", when read in context, will naturally be interpreted as one side of a sheet of paper. Moreover, the expression of "a side of a page" may cause other confusions, as it may be read as meaning the upper/lower/left/right side of a page. Therefore, we have reviewed the definition of infringing page, and considered that the fact that "page" is referred to as "頁面" throughout the Chinese version of the Bill and the way the term "infringing page" is used in different parts of the Bill should have already made it clear that each infringing page is to be counted on a single-sided basis.

We propose to amend the English version of section 1(1) of the new Schedule 1AA to the Bill by deleting "a side of" immediately preceding "a page" in the definition of infringing page. This is a technical amendment and does not entail any policy change, nor does it affect the overall structure of the Bill.

The second amendment provides for the method of converting the price denominated in a foreign currency into Hong Kong dollars in calculating the total retail prices of, among others, books. We propose that in calculating the exchange value of the relevant foreign currency, reference be made to the opening indicative counter exchange selling rate published by the Hong Kong Association of Banks, or where no such rate is published, the representative exchange rate published by the International Monetary Fund in respect of that foreign currency. We agree with the Bills Committee's view and believe that this amendment will give a greater degree of certainty to both business end-users and the enforcement agency.

The two amendments have gained the support of the Bills Committee. I implore Members to endorse the amendments. Thank you, Chairman.

Proposed amendments

Clause 4 (see Annex I)

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

(No Member indicated a wish to speak)

CHAIRMAN (in Cantonese): I now put the question to you and that is: That the amendments moved by the Secretary for Commerce and Economic Development be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CLERK (in Cantonese): Clause 4 as amended.

CHAIRMAN (in Cantonese): I now put the question to you and that is: That clause 4 as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

CHAIRMAN (in Cantonese): Council now resumes.

Council then resumed.

Third Reading of Bills

PRESIDENT (in Cantonese): Bills: Third Reading.

COPYRIGHT (AMENDMENT) BILL 2009

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

Copyright (Amendment) Bill 2009

has passed through Committee stage with amendments. I move that this Bill be read the Third time and do pass.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Copyright (Amendment) Bill 2009 be read the Third time and do pass.

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

(Members raised their hands)

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

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority of Members who are present. I declare the motion passed.

CLERK (in Cantonese): Copyright (Amendment) Bill 2009.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions. Two motions with no legislative effect. I have accepted the recommendations of the House Committee: that is, the movers of these motions each may speak, including reply, for up to 15 minutes, and have another five minutes to speak on the amendments; the movers of amendments each may speak for up to 10 minutes; and other Members each may speak for up to seven minutes. I am obliged to direct any Member speaking in excess of the specified time to discontinue.

First motion: Providing support for family carers.

PRESIDENT (in Cantonese): Members who wish to speak in the debate on the motion will please press the "Request to speak" button.

I now call upon Mr WONG Sing-chi to speak and move his motion.

PROVIDING SUPPORT FOR FAMILY CARERS

MR WONG SING-CHI (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

President, first of all, I would like to declare that I am also a family carer. My wife is a chronic patient and my father suffers from vascular sclerosis and has to take Warfarin on a regular basis. I have to pay constant attention to whether my father would suddenly pass out somewhere at home because of blood pressure conditions and whether my wife has to be rushed to hospital due to various conditions. Besides, on many occasions, I have to pay attention specifically to note whether my family members' conditions have deteriorated or whether they have developed other conditions. I even have to take up a major role with regard to household chores and care. Fortunately, I have a good job and a steady income now, but I was in a very poor and difficult situation when I was unemployed or in financial straits.

I was able to tide over the predicament these years, but it seems to me that the Government has not given much attention to family carers because there was

no policy to help me overcome my difficulties throughout the years when I was at the trough of my life. Therefore, many people think that we have to look after the family carers, and related studies abound. However, it seems that the Government's support for these people is far from adequate, and it has neither faced up to nor tried to understand the plight of family carers.

Recently, I have met with a group of people suffering from muscular dystrophy. All of them suffer from respiratory problems and have to use respiratory machines or undergo tracheostomy to sustain their lives, but they know that this would mean extra expenses for their families. Unfortunately, their families are not eligible for Comprehensive Social Security Assistance and can barely make ends meet. A couple of these muscular dystrophy patients told me that there were occasions when their conditions were extremely serious that they would rather pass away slowly than undergoing tracheostomy or using respiratory machines. This is really heartrending, and one could not help but ask why this society does not take any action to rescue the dying.

I have moved the motion on "Providing support for family carers" here in the hope of giving the Government a crash course within a period as short as two to three hours to enable it to know that family carers badly need its assistance and support.

Over the past couple of months, I have met with many family carer self-help organizations in groups to acquire an understanding of their situations. They genuinely hope the Government will introduce more measures for them. For example, parents whose children were born with hereditary diseases badly need emotional support and the existing concessionary measures should be adjusted in the light of the actual deterioration of the patients' conditions. All their specific requests are very practical and reasonable. However, it seems that no improvement has been made in this respect so far. The family carers' views are mostly on the kind of benefits that should be provided by the Government or how improvement can be made to policies on people with disabilities, the chronically ill or the elderly. These are proposals put forward by many family carers, which are not accusations against the Government. We can see that many family carers are actually bearing this pressure in silence without shirking their responsibilities. However, as a responsible Government and members of the community, we should also try to understand their plight and provide them with assistance.

What impresses me most is that these family carers are not concerned about their own livelihood in their old age because their children or family members are unable to provide for their needs, nor are they afraid that the Government would not provide them with support as they grow old, thereby giving rise to livelihood problems. Rather, their greatest concern is that when they grow old, they will be unable to take care of their ailing family members or fight for more benefits or rights for them. We can see that these family carers actually act out of selfless love and render meticulous care to their family members. Why has the Government remained indifferent? I hope the Government will really face up to their needs and provide them with greater support.

When I put to the Secretary a question on family carers on 3 June this year, I could well anticipate the reply from the authorities — the Secretary responded to the question by providing statistics such as 41 district elderly community centres and 150 neighbourhood elderly centres. Before Honourable colleagues proceed to a debate on the motion, perhaps we may take a look at the definition of family carers first.

A family carer is a person who takes care of his/her family member(s) without remuneration. It is pointed out in an article entitled "Impact of Caregiving on Health and Quality of Life" (Study Report on Carers) jointly published by a number of academics that a family carer is a person who spends at least four hours per week to provide day-to-day care for someone who has a family relationship with him/her and requires to be taken care of. A family carer can be a parent, a child or a sibling of the person being taken care of; and the carer may not necessarily be younger than the one being cared for. Very often, we can see some elderly parents taking care of their younger children to enable them to lead a better life and prevent them from facing too many difficulties.

One may ask why we have to support these family carers. The Government has been encouraging mutual help and support among family members. Moreover, because of different problems, such as problems of the provision of support for people who are taken care of, family carers face with tremendous pressure and various difficulties. Family members should support each other, but in reality, many families are unable to practise mutual support because they face numerous difficulties, which would naturally arise particularly when a family member has fallen ill and the family is in a difficult financial position.

The Government has all along emphasized that the purpose of community care is to enable people who have to be taken care of to reintegrate into the community. But this cannot be achieved without family support. I think the Government also very much hopes that elderly people who have to be taken care of can receive care at home — the recent discussion on the issue of nursing home places for the elderly was also conducted in the hope of achieving this. We can often see that some parents have been compelled to give up their careers in order to take care of their young children. Those who have to care for their chronically ill spouses lead a hard life and they have to go to work in fear and anxiety in the daytime. I personally have a most unforgettable experience in this. One day, after taking my wife to work, I thought I could go to work myself, but unexpectedly she called me in no time saying that she had pain in the abdomen. I immediately turned back and drove her to hospital, where she was subsequently diagnosed with peritonitis. Fortunately, I drove her to work, and fortunately I had not left her workplace at that time, and fortunately I could take her to hospital in the shortest possible time, or else peritonitis could be fatal. This was not the only incident, and similar incidents have happened twice or thrice.

Therefore, I am very worried all the time during my working hours. Now as I speak here, I am actually very worried that something would happen to my wife. Members may only come to know now how such pressure is like. Many people even have to give up their careers, out of enduring love rooted in family ethics, in order to look after their elderly parents. But the Government has turned a blind eye to all these.

When a member of a family suffers from a chronic disease, such as mental disorder, the Government only provides services for the patient. However, when a member of a family gives up his/her job in order to care for another member of the family, the Government would not provide him/her with any support and would only regard this as his/her personal choice. Social security is only available to patients, and the Government has all along failed to formulate any support policy on other forms of family services. Non-governmental organizations providing support services may only apply for subsidies on an annual basis, and when subsidies are not available, these services have to be discontinued. As the Government has implemented the lump sum grant policy, government organizations may even set aside part of the grant on the ground of reservation of resources, thereby affecting the service quality. This community care strategy may precisely add to the pressure of family carers.

Certainly, the Democratic Party does not oppose these stances. Rather, it will continue to encourage more social service organizations to provide these services. However, the Study Report on Carers pointed out that caring for family members is regarded as a kind of ethical responsibility in traditional Chinese and Asian societies, and therefore sending ailing elderly family members or young family members to residential care centres would be regarded as discarding or even abusing them. In the absence of government support, it is not difficult to imagine the kind of mental stress borne by family carers. On the one hand, they do not dare to send these family members to residential care centres, and on the other, they have difficulties taking care of them on their own. Therefore, the Democratic Party hopes the Government will continue to provide support to carers based on the concept of encouraging mutual help and support among family members.

The Study Report on Carers also pointed out that family carers' health conditions tend to be worse than those of non-family carers, that is, ordinary people. For example, they may experience anxiety or depression and their quality of life is poorer, and 46% of the female family carers reported symptoms of anxiety. As family carers are under constant physical hardship and stress which cannot be alleviated, depression is very common among them. If appropriate help is not sought, these problems may develop into psychological disorders or depressive disorder. People who experience depressive symptoms may lose interest or pleasure in almost everything, and their appetite and sleep will also be affected, which will further affect their health. This will greatly hamper family carers' ability to care for the others, and chronic patients taken care of by them may have to be put under the care of society in the end. Besides, as family carers have to be genuinely committed to taking care of their elderly or ailing family members, their own careers and financial positions would be greatly affected. Very often, family carers have to choose between caring for their family members and pursuing their careers, and they may have to give up their jobs eventually. For members of the public, these family carers are facing major problems.

Apart from all of these problems, there are various other details, and Members from my party will continue to discuss these details later. Therefore, we hope the Government will provide support to these carers.

Here, I would like to point out that family carers have actually made enormous contribution to society. There are 1 126 700 chronic patients, 347 900

people with disabilities and 87 000 people with intellectual disability in Hong Kong, and 70% of them are taken care of by their family members. In other words, there are about 1.09 million family carers in Hong Kong. Assuming that each of them spends six hours per day, which comes to 2 190 hours per year, to care for their family members, all family carers in Hong Kong spend over 2.39 billion hours per year to care for their family members. Calculated on the current proposed minimum wage, that is, \$30 per hour, these family carers have actually generated more than \$71.8 billion of economic benefits. As I have said, the efforts made by these family carers have actually reduced the Government's expenditure in areas such as social services, medical care and education. Therefore, the Democratic Party hopes the Government will put family carers under the scope of social welfare.

I hope Members will express support for my motion later to provide more support and services to family carers. I so submit.

Mr WONG Sing-chi moved the following motion: (Translation)

"That, out of care and love rooted in family ethics, family carers (that is, people taking care of their chronically ill, disabled or elderly family members without remuneration) work tirelessly and give up their job to look after their ill or elderly family members day and night while facing social, psychological, physical and financial pressures and agony, hence substantially reducing the Government's expenditure in areas such as social services, medical care and education; in order to affirm their contributions to Hong Kong, this Council urges the Government to adopt the following measures to provide support for family carers:

- (a) to set up a 'subsidy system for carers of persons with disabilities' to alleviate their financial burden;
- (b) to recognize that family carers have contributed to the community and they are partners of the Government, and include the services of family carers into the scope of social welfare planning;
- (c) to enhance relief support services for carers so as to enable them to take a respite, which include:
 - (i) adopting a family case approach to manage different categories of persons with disabilities and illness, so as to

reduce the chance of family carers developing carer syndrome;

- (ii) increasing the provision of day care bed service;
 - (iii) increasing the provision of respite care bed service; and
 - (iv) having to introduce emergency respite care bed service;
- (d) to provide long-term and stable support for self-help family carers organizations; and
- (e) to set up an inter-departmental group to review afresh the effectiveness of community care support services."

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

PRESIDENT (in Cantonese): Mr CHEUNG Kwok-che and Mr WONG Yuk-man will move amendments to this motion. Mr CHAN Hak-kan will also move an amendment to Mr WONG Yuk-man's amendment. This Council will now proceed to a joint debate on the motion and the amendments.

I will call upon the Members who intend to move amendments to speak one by one; but no amendments are to be moved at this stage.

MR CHEUNG KWOK-CHE (in Cantonese): President, I am very grateful to Mr WONG Sing-chi for moving this motion today, which allows us to express our views on family carers.

I would like to put this question to Members and that is: In your twilight years, do you wish to lead a peaceful and contented life with your family members by your side or live in a residential care home for the elderly, feeling lonely and helpless? If, unfortunately, one of your family members is a person with a disability, do you wish to render him/her greater care and spend more time to look after him/her or heartlessly leave him/her totally on his/her own? After

the birth of your newborn babies, do you wish to stay by their side and witness them growing into strong and healthy children or put them under someone else's care, depriving them of parental love and care in their childhood?

In this civilized and developed city of Hong Kong where cost-effectiveness is always the priority, family carers have become more and more cherished. Undeniably, the welfare system of Hong Kong is very unhealthy, and some carers have to give up their jobs to take care of family members who badly need care and attention. The price they pay is indeed too high.

Therefore, it is indeed necessary for the Government to lend a helping hand to family carers with financial difficulties. Of course, the Government would certainly ask where the money would come from. Actually, it has been proved by many countries that the contribution made by family carers for their relatives gratis may reduce government expenditure on social welfare or medical care.

In the United Kingdom, it is estimated that the selfless contribution made by family carers can achieve an annual saving of £8.7 billion (about HK\$100 billion) in government expenditure. In view of this, the British Government has provided various forms of corresponding financial support to family carers to alleviate their financial burden.

I have to stress that in quoting the statistics of the United Kingdom, I do not intend to induce or compel the Government to provide financial assistance to family carers because the role they play, that is, providing tender loving care to family members, cannot be replaced by ordinary social welfare services. By setting out these statistics, I only hope the Government will draw reference from them and review the amount of allowance provided for family carers.

Besides, some family carers may not have totally given up their jobs. They may choose to work half-time or spare some time after work to look after their family members. For these family carers, I think it may not be necessary to provide them with financial assistance direct. Rather, consideration can be given to granting them tax allowances, just as members of the public may enjoy tax allowances for maintaining their parents aged 55 or above and may even enjoy additional tax allowances for living with their dependent parents. Why? This is to encourage the younger generation to undertake the responsibility of caring for their parents. As the Government always stresses that attaching

importance to the family is a core value of society of Hong Kong, it may also provide additional tax allowances for family carers.

When it comes to family carers, those who care for young children may often be neglected. Actually, many parents may wish to take care of their children throughout their development, but unfortunately, they do not have the time to do so because of work. Those with the means may employ maids; the impoverished grassroots may put their children under the care of the older generation, and some parents may even take care of their newborn babies on a half-time or full-time basis.

We should be aware that meticulous care should be rendered to young children at their infancy or else their development and growth will be seriously hampered. Therefore, it is necessary for the Government to formulate measures to provide more support to carers of young children so as to create a better environment for the growth of our next generation. These measures include increasing the provision of occasional care services, especially those for children with disabilities. However, there are currently only 53 respite care places for children with disabilities in Hong Kong, which is actually unable to meet the demand.

Besides, at the last meeting of the Panel on Welfare Services, a discussion was held on the effectiveness of the "Integrated Discharge Support Trial Programme for elderly patients". This Programme provides home-based medical examination services and meal delivery services to elderly people discharged from hospitals who have difficulty in taking care of themselves. Elderly carer training is also provided under the Programme. As the Programme has achieved satisfactory results in its preliminary evaluation, I think consideration can be given to extending the service to people with disabilities in order to alleviate the mental and financial burden of their family members.

As for elderly carer training provided under the Programme, I think attempts can be made to expand it to include different kinds of training in order to provide residential care training for family carers who always have to take care of family members living in residential care homes. Even if they are unable to bring their family members home to take care of them, they may take care of them at residential care homes after receiving such training.

Actually, many complementary support services introduced by the Government lack detailed planning, which has given rise to mismatches. Some

employed people have reflected to me that day care centres would take the elderly people home at two to three o'clock in the afternoon when their family members may still be at work, and it is difficult to find someone else to take care of them for a couple of hours. Besides, day care centres are closed on holidays.

Since family carers face so many problems, has the Secretary thought of improving the situation apart from listening to different views? Certainly, we understand that we cannot expect the Government to enhance all support services indefinitely. Therefore, it is very important to acknowledge the important functions of self-help organizations and provide them with stable financial support and venues.

These self-help organizations are usually established by recipients on their own initiative. They have the best knowledge of recipients' needs and can provide the most efficient support for family carers. As such, it is necessary for the Government to establish an inter-departmental group to comprehensively review how different groups of family carers can complement existing social services and fine-tune the direction of such services so as to put resources to more appropriate use.

The Government's provision of support for family carers should seek to demonstrate its care for them and its understanding of their support for their family members, and it should also seek to affirm their contribution to society instead of only aiming at reducing government expenditure. To foster a caring society, government support is vital. I hope public officers will try to adopt the perspective of family carers in examining and understanding their needs and provide them with appropriate support.

President, I so submit.

MR WONG YUK-MAN (in Cantonese): President, Mr WONG Sing-chi states in his motion on "Providing support for family carers" that family carers have "substantially reduced the Government's expenditure in areas such as social services, medical care and education". To affirm their contribution to Hong Kong, he proposes measures to provide support for family carers.

Coincidentally, my amendment and Mr CHEUNG Kwok-che's amendment too propose the deletion of the same clause, "substantially reducing the

Government's expenditure in areas such as social services, medical care and education". In fact, this is a discussion about the concept of social welfare. Family carers have to endure all kinds of agony and pressure. Since WONG Sing-chi has to attend to a chronically ill family member, he surely has deep appreciation of their plights. Actually, many people are facing the same situation. One of my family members suffers from chronic depression, and I am haunted by the fear every day. However, even if we try to heap praises on these so-called family carers now, commending them for the significant contribution they have made, it will not solve the problem. This discourse, which emphasizes the role played by family carers, is called the myth of residual welfare mode. We fall into this myth for we know that we being a family have to take care of our family members. So we have to bear the greatest responsibility, beyond that borne by the Government and society. All along, the Government has adopted this mindset of so-called residual welfare mode, which has formed the basic of its welfare policies. The Government even uses this as an excuse to reduce its commitment to the disadvantaged. The League of Social Democrats (LSD) can in no way agree with this. Under the residual welfare mode, passive thinking is adopted for welfare policies, for the mode is established on the premise that the market and families are two natural channels for such services, while the responsibility undertaken by the Government is lesser in comparison. Individual needs can be properly satisfied through the market and families, and the provision of social welfare or the intervention of the Government should only be set in motion when these two channels break down. Before that, the provision of this kind of welfare should be transient.

The LSD states clearly in its platform that "The welfare philosophy adopted in Hong Kong so far stops at the residual welfare mode, where assistance is only provided to those incapable of supporting themselves, and people are not provided with comprehensive social security. For this reason, the welfare standard in Hong Kong is far below that in western countries, and the disadvantaged group in Hong Kong society has not been taken care of properly. Social welfare is indeed the right of every citizen. The Government is obliged to enable all citizens to live in dignity by means of social welfare policies. The objectives for providing welfare are to enhance integration and equal participation, bring about a society focusing on community care, and provide services that can facilitate self-actualization of families and individuals. The provision of comprehensive social protection will enhance the equality of opportunity, so that everyone can have comprehensive development opportunities. It will also enable people to live happier, while their pressure

from work and daily life will be reduced, which will thereby promote harmony and stability in society". This is an elucidation of the concept adopted by the LSD, which is stated unequivocally in its policy agenda on social affairs. For this reason, I propose in my amendment the deletion of reference to the residual welfare mode.

Mr WONG Sing-chi proposes five measures to support family carers, but the LSD considers that those five measures, though may be of some help to family carers, fail to address the crux of the problem. The LSD thinks that the crux of the problem lies in the failure of the Government to provide adequate care to the disadvantaged groups, adding unnecessary pressure and plights to family carers. The most effective way to support family carers is to provide direct support to persons in need of care, that is, the chronically ill, persons with disabilities, the elderly and children. Therefore, I propose in my amendment three measures that can provide direct support to persons in need of care.

First, the Drug Formulary should be abolished. Not long ago, a car accident occurred in Mong Kok exposed the scandal that "treatment was only provided upon payment of medical fees" under the Hospital Authority (HA). The public was gripped by the fear and worry that Hong Kong would be in the predicament of "no money, no medical treatment" in future. The whole incident can be traced back to the implementation of the Drug Formulary system by the HA in 2005. Under the system, a large batch of new drugs and more expensive drugs with higher efficacy are listed as "non-standard drugs" and specified as the self-financed items of patients. However, more often than not, patients from the disadvantaged groups cannot afford drugs with lesser side-effects and higher efficacy. I have looked up the information of the past few years. During the period, frequent complaints about the unavailability of new drugs were made to the HA by the public. Take patients suffering from cancer, thalassaemia, mucopolysaccharidoses, and mental illness as an example. We often read in newspaper reports of the complaints they made to the HA for the provision of effective drugs. Hence, the abolition of the Drug Formulary to provide people with chronic diseases with suitable drugs with lesser side-effects is a pragmatic measure to support the chronically ill.

Second, vacant school premises should be converted to increase residential care places. In the previous session, I asked an oral question on the supply of nursing home places. At that time, I told a story about a Japanese film, The

Ballad of Narayama. I wonder if the Secretary still remembers that. The elderly people in Hong Kong have to wait for residential care places, but till they die, they cannot get a place.

There is an acute shortage of residential care places for the elderly. According to the information provided by the Government, 24 423 elderly people are now waiting for places in care-and-attention homes and nursing homes. The waiting time for a nursing home place is as long as 41 months, and some 6 400 elderly people are waiting in line. Last year, 1 847 elderly people died during their wait for nursing home places. In the past five years, a total of 7 638 elderly people died during their wait for nursing home places. As for subsidized residential care places, the waiting time for certain more popular subsidized places is 23 months. How uncaring and heartless this Government is.

In the policy address, the Government proposes to purchase places from non-profit-making and self-financing nursing homes, so as to increase the proportion of nursing home places in subsidized contract residential care homes, and to provide 500 additional public nursing home places in the next three years. However, the measures proposed by the Government fall far short of the aspiration of civil organizations, which request the provision of at least 2 000 additional nursing home places. In fact, the measures are completely detached from the reality. It is said in one of the paragraphs in the policy address that a progressive society should include kindness, care for others, mutual support, civic-mindedness and respect for traditional values. But this is after all nothing but empty talk.

There shortage of residential care places for persons with disabilities is also acute, with some 6 200 persons on the waiting list and a long waiting time of 10 to 12 years. A mother once complained to Secretary for Labour and Welfare Matthew CHEUNG that her daughter, who has severe disability and is mentally disabled, had been waiting for a residential care place for persons with disabilities for nine years, but had not yet been allocated a place. Another mother complained that her daughter with intellectual disability started waiting for a residential care place at the age of 10 or so, but now her daughter was already 30 years old and yet her wish had not yet been fulfilled. The mother said she was already some 60 years old and she felt utterly hopeless. When parents of these children with disabilities grow old and become incapable of taking care of themselves, who will take care of their children with disabilities? Concerning these problems, the policy address only gloss them over with a phrase of

"increasing subvented residential care places"; it does not at the very least give the specific number of places to be increased. How will parents of children with disabilities not feel hopeless?

According to the information provided by the Education Bureau, 34 school premises are now left vacant because of under-enrolment. Since suitable purposes have not been identified for these premises, they have been returned to the relevant government departments for disposal, which is a serious waste of land resource. In this connection, we have asked in an oral question whether these vacant school premises can be converted into nursing homes or residential care homes, but the Government adopts an attitude of complete indifference.

Third, more care worker posts should be created to provide additional home care services. At present, there is a shortage of home care and community care services, and the elderly thus cannot live at ease at home. Applicants for home care and community care services in various districts now have to wait for around three months for the service. The Hong Kong Council of Social Service (HKCSS) proposes the creation of 1 000 care worker posts to provide additional hours of service and suitable care to the 2 000 elderly people waiting for nursing home places and the several thousands of others living at home during their wait for care and attention places. The HKCSS also proposes the reinforcement of support for carers to facilitate them in taking care of the elderly, so that the elderly can live happily in their golden years. The cost of the relevant proposals and services is around \$150 million per annum.

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

MR CHAN HAK-KAN (in Cantonese): President, regarding the motion proposed by Mr WONG Sing-chi on "Providing support for family carers" today, I support the motion and most of the content of the amendments. However, I would like to focus on the proposed abolition of the Drug Formulary put forth by Mr WONG Yuk-man. I have reservation about the proposal, so I will propose my amendment here.

We notice that many inadequacies and demerits are found in the Drug Formulary since its introduction. However, we cannot deny the specific merits the Drug Formulary has brought forth to the overall drug management system. I

will thus focus on the Drug Formulary in my speech. As for the other part of the motion, Members from the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) will present overall comments separately.

I recalled that the Drug Formulary was introduced by the HA in 2005. At that time, many views on the system were expressed by various sectors. Back then, before the introduction of the Drug Formulary in 2005, different hospitals and hospital clusters purchased their drugs separately, and a standardized drug system was absent. In other words, a patient might be prescribed different types of drug in different hospitals, while the quality and efficacy of the two different drugs were different. This arrangement is unfair to patients and undesirable.

Hence, with the implementation of the Drug Formulary, it can be assured in some measure that patients will be treated equally in drug prescription. Put in this perspective, I believe Members will agree to the rationale of the Drug Formulary. If the Drug Formulary is abolished hastily, it will give rise to the problem of non-standardization of medication as in the past. Moreover, since different hospital clusters act in their own way and purchase their own drugs, it will give rise to many unnecessary disputes. The arrangement will thus undermine the HA's position in bargaining with drug manufacturers, and the HA may not necessarily get the best bargain in purchasing quality drugs, hence affecting the interest of patients.

Actually, since the implementation of the Drug Formulary, the mainstream opinion we have heard so far is that many new and expensive drugs are not listed in the Drug Formulary and patients have to pay out of their own pocket for those drugs, bearing the expensive costs so incurred. Hence, rather than criticizing the inadequacies of the Drug Formulary system and demanding its abolition, I think we had better focus on the enhancement of the existing system.

As to which drugs should be included in the Drug Formulary, I know the HA has in fact put in place a mechanism, under which reviews and decisions are made by the Drug Advisory Committee comprising medical practitioners, pharmacists and experts. This advisory framework is open to criticism for the absence of patients' representatives, which gives patients no way to voice their opinions. As a patient, they have the right to choose treatments. If they can express their views direct on the advisory committee and reflect them to professionals or the HA, it will be the most desirable option.

Secretary Matthew CHEUNG is in this Chamber today, I hope he will convey this message to Secretary Dr York CHOW, that the inclusion of patients' representatives in the advisory framework should be given proactive consideration. However, I have to stress that though I request the inclusion of patients' representatives, it cannot be translated into our doubt on the judgment of professionals. We only worry that in considering the use of drugs, medical practitioners or pharmacists will only take into account the cost factor and overlook the need of patients.

I believe the case Secretary Dr York CHOW heard most often is the one on patients suffering from thalassaemia, an example cited by Mr WONG Yuk-man earlier. These patients hope that the HA will introduce a new drug, which is very convenient to them, for they only need to take the drug once a day, sparing them of daily injections and enhancing the quality of treatment substantially. However, since the cost of this drug is high, the HA eventually decided that it should not be listed in the Drug Formulary.

President, the HA has recently established a consultation framework for patients' groups to inform patients of the latest developments in connection with the Drug Formulary. But, as far as I understand it, the consultation meeting is only held once a year, which is really insufficient. Such meetings should be convened on a quarterly basis, so that the HA and the advisory committee can really hear the views of patients.

President, for patients who need to take drugs not on the Drug Formulary, they may apply to the Samaritan Fund for financial assistance under the present system. However, the assistance provided is capped at around 10 self-financed drugs. The number is too small indeed. I think this should be increased suitably to enable more chronically ill patients to benefit.

Another detail that warrants review is the mode of subsidy. Under the current mode of subsidy, the household instead of the individual patient is used as the basis for assessment. But the possession of assets by family members of patients does not mean that they can or will bare the medical expenses of the patients concerned. This presumption will affect patients with genuine need. Their families may be relatively well-off, but it may impose an enormous burden on their families if they have to pay the expensive medical expenses. Hence, the use of household as a unit for assessment will jeopardize their chances of

obtaining subsidy. This is particularly so for families with chronically ill patients, for the computation method has actually deprived them of the chance of obtaining subsidy. So, I hope the authorities will conduct a detailed review of the arrangement.

For other proposals in the original motion, including the provision of subsidies to care and attention homes, the creation of more care worker posts and the enhancement of support services for family carers, the DAB supports the majority of those proposals, particularly in view of the ageing population in Hong Kong and increasing demand in this respect in society. If the Government still fails to pay attention to this problem, it will become more serious within two to three decades. By then, not only the standard of living of the elderly will be affected, the pressure faced by family carers will also grow.

President, I so submit.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, first of all, I would like to thank Mr WONG Sing-chi for proposing this motion on "Providing support for family carers" today, and Mr CHEUNG Kwok-che, Mr WONG Yuk-man and Mr CHAN Hak-kan for their amendments.

One of the core values upheld in Hong Kong society is placing importance on family. The Government always encourages family members to render mutual support and attaches great importance to the contribution made by family carers to their family members. I would like to express my heartfelt thanks to all family carers, who surely include Mr WONG Sing-chi and Mr WONG Yuk-man. The Government is very much concerned about the service needs of various types of family carers. It spares no effort in providing suitable services and support to them with a view to enhancing their caring capability and alleviating their pressure, thereby improving their standard of living.

In respect of elderly carers, we understand that a majority of the elderly wish to remain in the community familiar to them, so that they can be attended to and taken care of by their family members and neighbours. In view of this, the Government has provided with them support in various aspects, including the provision of information, training and counselling on elderly care, demonstration on the use of rehabilitation equipment and lending of such equipment via the 158 District Elderly Community Centres and Neighbourhood Elderly Centres in the

territory. The Government also sets up resources centres and assists elderly carers to form self-help groups to enhance their caring capability.

Some elderly carers may have to work or study during the day, they thus cannot take care of their elderly members at home during the day. In view of this, the Government makes particular efforts to provide home care services and day care services for the elderly in need to cater for their needs in meals, rehabilitation and personal care. These services will provide proper support to family members of the elderly and encourage the elderly to age at home.

In respect of rehabilitation policy, its established objective is to reinforce the capabilities of persons with disabilities to live independently, so that they can continue to live at home and integrate fully into society. To this end, the Social Welfare Department (SWD) restructured its community support service in January this year to set up 16 district-based District Support Centres to provide one-stop convenient and tailor-made support to persons with disabilities living in the community, and their family members and carers.

The setting up of District Support Centres is one of the important measures introduced by the Government to implement its district-based strategy. The reinforced services provided by District Support Centres will not only enhance the household and community living skills of persons with disabilities living in the community, but will also provide training and support to carers of persons with disabilities. Recently, I have visited one of the District Support Centres. I saw in person that when a young person with disabilities was receiving rehabilitation training on the one hand, his mother was counselled by a clinical psychologist on the other. The suitable and tailor-made arrangement, which concurrently caters for the need of persons with disabilities and their carers, impresses me deeply. I believe this "one-stop" mode of integrated services is precisely the new mode of service that can satisfy the needs of persons with disabilities and their carers. Moreover, the arrangement can in fact alleviate the pressure faced by persons with disabilities during their wait for residential care places, as well as the burden borne by their family members and carers, in a practical manner.

Moreover, a series of community support services have now been put in place to provide training and assistance to carers of persons with disabilities. The services include those provided by Parents/Relatives Resource Centre for

Disabled Persons, Community Rehabilitation Day Centre, Transitional Care and Support Centre for Tetraplegic Patients, Day Care Service for Persons with Severe Disabilities, Specialized Home-based Training and Support Service, community-based support projects, Community Mental Health Link Services and Community Mental Health Intervention Project, and so on. These services can enhance the capability of carers on the one hand and alleviate their pressure on the other.

As for child care, it is the responsibility of parents to look after their young children. For parents who cannot take care of their young children temporarily due to work or other reasons, the Government has all along provided subsidies to non-governmental organizations (NGOs) to provide various modes of child care services to them, and has made every effort to enhance the flexibility of such services. Standard services are provided through independent child care centres and kindergartens cum child care centres. But as Members all know, the SWD has subsidized operators to provide occasional child care services and extend their service hours. It has also introduced novel child care services with more flexible time and mode, including the enhancement of Mutual Help Child Care Centres, Day Care in Small Group Home, Day Foster Care Service and the Neighbourhood Support Child Care Project, which include the home-based child carers.

For children aged between six and 12, NGOs also provide after-school care services, so that children, whose parents have to work, seek employment, attend retraining courses, employment practice programmes and training, or for other reasons cannot take care of them after school, will receive proper care. The services provided include tutorials, meal services, parents counselling and education, skills learning and other social activities. For low-income families and families on Comprehensive Social Security Assistance, the SWD will provide full-fee or half-fee subsidies for after-school care services.

We will continue to provide various types of services, ranging from training, counselling, information to occasional care services and support, as well as the setting up of self-help groups, to support the various needs of different types of family carers.

President, I so submit. After hearing the views expressed by Members on the topic, I will give a comprehensive and detailed response.

MR WONG KWOK-HING (in Cantonese): In recent years, the problems of the chronically ill, persons with disabilities and the elderly have aroused widespread public concern. But, more often than not, our discussions are focused only on the disadvantaged groups of the chronically ill, persons with disabilities and the elderly, overlooking another group of people other than these groups, their carers, who have been bustling and labouring to take care of them and enduring enormous pressure in their daily lives. At present, members of society have started to realize the need to show concern for different disadvantaged groups, say the chronically ill and the elderly, but the needs of their carers still fail to attract the attention of society and the Government. According to statistics, there are over 1.15 million chronically ill patients in Hong Kong, so their carers are not small in number. The carers of the chronically ill, persons with disabilities and the elderly usually need support in various aspects, which includes financial support, psychological support and skills training support, and so on.

I will first talk about financial support. It is mentioned in the original motion, as well as the amendments, that a 'subsidy system for carers of persons with disabilities' should be set up. However, under the existing scope of welfare planning, no consideration is given to this aspect. Hence, I hope the Government will consider this proposal mentioned in the original motion and amendments.

I would like to quote a case as an example in front of the Secretary, for the Secretary is also familiar with this case. It is the case of LEE Shing-leung (李誠良), whose right leg was amputated recently. He is now seeking judicial review on his application for disability allowance. Since his right leg has been removed, he can no longer work. He used to earn around \$12,000 monthly, while his wife working as a cleaning worker earned around \$7,000. They used to have a household income of \$19,000 to \$20,000, which was quite good already. Since Mr LEE has become disabled, he surely cannot work anymore, and his wife, who has to take care of him, also cannot work. In the absence of support, his wife has no choice but ceases working and takes care of him. At present, they are on Comprehensive Social Security Allowance (CSSA). With the deduction of rent, the couple can only live on the remaining \$3,800 CSSA payment. If the Government can provide an allowance to carers — surely, only persons in need, like Mrs LEE, can apply. If she is provided with such allowance, the couple may not have to apply for CSSA. Hence, I think the

Government should consider the proposal in the original motion and the amendments.

Second, the Government should enhance its support for carers. At present, some self-help organizations are playing a positive role, but the Government fails to provide adequate support, training and resources to these self-help carers organizations. Actually, it is an arduous and challenging task to take care of the chronically ill at home. How can this concept of family care be realized? I think the support of the Government is essential.

A few years ago, there was a film called Summer Snow, with Roy CHIAO and Josephine SIAO casted in the lead roles. The film was about the caring of senile dementia patients. I have deep feelings about the film, for my father also suffered from senile dementia during his late years. The situation we faced, the skills and concept we have to master in taking care of these patients are completely different from those relating to the caring of general patients. Without strong support from the Government, how can carers perform well in providing family care? Hence, I hope that the Government will surely consider this proposal.

Third, I hope that the Secretary will discuss with the Secretary for Transport and Housing the existing housing policy. Under the current housing policy on public housing estates, young people are forced to move out of public housing flats, which prevents them from taking care of their parents. This policy runs contrary to the Harmonious Families Transfer Exercise now implemented by the Government. According to the relevant information, some 23 000 public housing tenants in the territory are forced to ask their young children to move out to avoid paying 1.5 times or double rent. As a result, only the elderly are left living in public housing estates. Among the 852 000 elderly persons now in the territory, 41% are living in public housing estates, while among the 652 000 public housing tenants in Hong Kong, 103 000 households are elderly tenants. Since young people are forced to move out of their public housing flats *de facto*, who will take care of the elderly then?

Secretary, recently, a tragic incident happened in Tsuen Wan Fuk Loi Estate, which makes one sad even on hearing it. An elderly person died of hunger in a public housing flat and no one knew about that. Can you imagine that this incident could have occurred in Hong Kong in the 21st century? Why would this happen? It is because no one takes care of the elderly person. As a

result, many of them become hidden elderly, who do not know how to seek help or cannot find any support. Hence, should the Government not also take into account the situation in public housing when it formulates a policy for carers?

Finally, I would like to talk about the Integrated Discharge Support Trial Programme for Elderly Patients. The programme was first implemented in the Kwai Tsing District and the Island District during August 2008 to July 2009. The objective of the programme is to provide elderly care training and support services. I hope the Government will expeditiously review the programme, consolidating the experience gained, so as to implement the programme on a territory-wide basis. It should not postpone the examination of the programme to three years later. Thank you, President.

DR PAN PEY-CHYOU (in Cantonese): President, I have to talk about my job first. I work in the Hospital Authority (HA), and my major duty is to take care of elderly patients suffering from mental illness. But, in fact, most of the time during my work, I have to face their family members, that is, the carers. As I listened to the Secretary just now, he seemed to suggest that a lot of services have already been provided to elderly carers and carers of persons with disabilities. However, as I learn from my daily contact with patients and their family members, I do not think this is the reality. The wide range of support mentioned by the Secretary, according to my understanding, is only some kind of internal resources redeployment. When front-line staff members notice the need, they would think of ways to improvise the support required. It is hoped that the newly introduced Integrated Discharge Support Trial Programme for Elderly Patients can improve the situation. Today, Mr WONG Sing-chi has raised a subject of great importance to welfare policy that is often overlooked, that is, the support for carers.

President, we know clearly that the focus of the existing welfare policy of the Government is community-based and home-based. In other words, persons with disabilities, no matter physical or mental disabilities, wish to live with their families. The Government's policy tends to enable them to continue living in a familiar environment. Hence, their family members living with them will naturally become their carers. In actuality, these carers, who are already busy with their own lives, have to take care of persons with disabilities suffering from illnesses at the same time. The pressure borne by these carers is heavier than that of other people in general, and they have to cope with greater anxiety. All

along, the Government fails to put in place a proper set of measures to help these carers. Though various support measures have been implemented, they are piecemeal, fragmented and incomprehensive. Besides, not much additional resource is allocated to provide assistance to them so as to alleviate their pressure and anxiety. Hence, I hope that the motion today may help the authorities to address squarely the situation of these carers.

Mr WONG Kwok-hing mentioned earlier the film *Summer Snow*. Coincidentally, I also want to mention this film. It was shot a dozen or so years ago and I hope the Secretary will watch it when he has time. The difficulties and situation faced by carers as reflected in the film are quite true. The situation has not changed much over the past 10 years or so, and they are still enduring hardships and fully stretched. I have seen many elderly patients suffering from chronic diseases, such as dementia, stroke or Parkinson's disease, and so on. Many of their carers experience the same difficulties faced by the lead actress in the film. They have to work gruellingly to earn a living for the family on the one hand and fulfilling the responsibility of taking care of patients on the other. Their burden is so heavy that they can hardly have any respite. Some of them eventually suffer from mental illnesses, falling victims to depression or anxiety disorder. Take dementia as an example. Many studies have found that the incidence rate of mental disorder of carers of dementia patients is very high. One significant reason for elderly suffering from dementia having to enrol in residential homes is that their carers can no longer manage the pressure they have to bear.

President, we understand that it is no easy task to look after the chronically ill, particularly those with mental problems. These patients cannot take care of themselves or control their behavior, nor are they willing to co-operate. Some of them even have a bad temper and are prone to violence. For this reason, carers who lack patience and love definitely cannot deal with them. However, what physical, psychological and daily support has the Government provided for these cares? Financially, the amount of disability allowance is meagre. As for CSSA, under the current system, a household is used as the unit, which has rendered many patients living with their families ineligible to apply for CSSA. Eventually, carers have to earn a living for their families and take care of the patients at home at the same time.

More often than not, these carers are their spouses, whose health is already deteriorating, incapable of taking care of their partners. However, subject to

certain application requirements, say their family members may be unable or unwilling to sign the so-called "bad son statement", they cannot apply for CSSA. But, on the other hand, they cannot afford to employ domestic helpers to take care of the patients. In the end, they have to shoulder the heavy burden of caring. I think the Government should acknowledge the burden borne by these carers, providing them with more financial support as compensation for the expenses and burden undertaken by carers.

President, in the film Summer Snow, an episode described how the lead actress went around identifying an elderly care centre to help her take care of her father-in-law. At that time, the social worker replied that no place was available and that due to manpower shortage, they could only accept elderly people in better health condition. Moreover, she had to wait for many years for a residential care place. Though I know that the services have been enhanced now, but more often than not, the situation is just the same as that in the film. For instance, more than a thousand elderly people are waiting for subsidized day care places and day respite services, and so on. At present, the waiting time for day respite services is seven to eight months, while the waiting time for subsidized residential care places is three to four years. The shortage of respite services is also serious. Hence, if carers cannot find the residential care places, they can in no way take care of the persons with disabilities once they themselves are in trouble, say when they have fallen sick. In view of these, support for carers is most inadequate in actuality. As for psychological counselling and support now provided by certain organizations or self-help groups, there is a strong demand for the further development of such services.

MR CHAN KIN-POR (in Cantonese): President, the Government always encourages the integration of persons with disabilities into society. However, the support provided to their carers who endure all the hardships to provide unswerving care to persons with disabilities day after day, including their spouses, children, parents, brothers and sisters and other relatives, it indeed leaves a lot to be desired.

Since some of these carers may not afford employing private nurses or helpers, they cannot but quit their jobs and stay home to take care of their family members with disabilities. Sometimes, these carers may have to act as psychologists to offer psychological comfort to the family members they take care of. But this group of carers has to deal with great challenges and a heavy

burden in physical, mental and financial aspects simultaneously. Yet from whom can they seek help?

With the ageing population, we can envisage that Hong Kong will face a much bigger problem in this respect. The Government should examine and identify a comprehensive and feasible option as soon as possible to offer protection to family members of persons with disabilities.

Certainly, the ultimate solution to this problem is the provision of additional resources for the setting up of residential care homes for persons with disabilities. However, before adequate residential care homes are established by the Government, we should expeditiously provide more support to carers of persons with disabilities.

President, Mr WONG Sing-chi, Mr CHEUNG Kwok-che, Mr WONG Yuk-man, Mr CHAN Hak-kan and other Members who have spoken just now have put forth proposals, and many of them are valuable and constructive suggestions. The Government really needs to examine and think up a comprehensive option for this, which includes the early examination of the provision of an allowance to carers of persons with disabilities. I support Mr WONG Yuk-man's proposal of converting vacant school premises into residential care homes for persons with disabilities to ensure the full utilization of resources. To Mr CHAN Hak-kan's proposal on enhancing the Drug Formulary, I also give my strong support.

Actually, in many countries and regions, support measures of various degrees are provided to carers of persons with disabilities. Carers are not only provided with psychological and health support services, but are also offered allowances or additional tax concessions, which aim to alleviate their financial burden. For instance, in Ireland, carer's allowances are provided; in Britain, care allowances are provided to the disabled; in Australia, care payments and care allowances are offered to carers, and in Finland, informal care allowances are provided. All these allowances aim to alleviate the financial burden borne by carers.

President, Hong Kong is a loving and caring society. We should show our care to people in need with sincerity and through pragmatic actions. Since persons with disabilities and their carers have to face psychological and financial of various degrees, I hope the Government will commence the study as soon as

possible and come up with a comprehensive policy to support persons with disabilities and their carers who are intimately tied together.

President, I so submit.

MR TOMMY CHEUNG (in Cantonese): President, this week, the weather turned cold. On Monday, the Hong Kong Observatory issued the first Cold Weather Warning this year. However, for the elderly, persons with disabilities and the chronically ill, whose health condition is declining, they will feel warm at heart in all kinds of weather if they are taken care off by their carers willingly at all times.

Many family carers choose to work quietly for the family members in need, so I think they are highly worthy of our commendation and respect. However, it is no easy task to take care of these persons in need. According to a survey conducted by The Chinese University of Hong Kong earlier, the physical and mental health of respondents who have to take care of elderly family members in the long term are poorer than other citizens in general. For instance, male carers are 10.9 times more vulnerable to bronchitis in comparison with males in general. For female carers, they are even 17.3 times more vulnerable to gastro-intestinal ulcer in comparison with other females in general. These conditions will eventually accelerate the degeneration of their bodies. It is evident that these carers have not only worked with all their heart and might to fulfil their responsibility, they have also exhibited their self-sacrificing spirit. If the Government can provide more support, it can surely alleviate their pressure.

Hence, the Liberal Party fully agrees with the spirit of the motion today, that the Government should take practical measures to enhance the support for carers. In respect of the services provided, the Government should provide more tailor-made and practical services to them to alleviate their physical and mental stress.

For instance, the Government may provide more respite care places, so that carers may handle some urgent or non-routine tasks, or take a day off from their caring work to "recharge". Regrettably, these places are in great scarcity. Take the case of the elderly as an example. Though the Social Welfare Department (SWD) has now provided Residential Respite Service for Elders, an elder can at maximum apply for 42 days of service a year, and the booking has to

be made six months in advance. Nonetheless, the number of respite places offered in the 18 districts territory-wide is in acute shortage with only 11 places in total. In other words, each district is not even provided with one specific place. Worse still, the advance bookings of some of these places have already lined up to April next year. In case of emergency where an elderly needs a respite place, the carer can only look for other alternatives.

With regard to the Day Respite Service for Elders, the shortage of services is also a problem. Hence, we think the authorities must increase the places for respite services, so that carers can apply for these services more easily and take a break from their caring work without worries.

Moreover, there are more than 25 000 elderly people waiting for all kinds of long-term subsidized residential care places. The average waiting time, President, is as long as 22 to 38 months. During the wait, it is inevitable that these elderly people have to apply for respite services more often, imposing an additional burden on the respite services that are already in short supply.

However, in increasing long-term care and attention places, the Government is incapable to solve the problem though it intends to do so. It does propose in the policy address an increase of residential care places, but only 500 places will be added in three years. It is only a drop in a bucket compared to the 25 000 elderly people waiting in the queue. Hence, to deal with the problem at root, the Liberal Party thinks that the authorities should increase the residential care places substantially, for only this will address the shortage of respite places at the same time.

The Liberal Party considers that the authorities should also provide support to self-help organizations or voluntary organizations in a sustainable manner. For instance, it should assist them in organizing certain training courses to teach carers of various skills. As for the Integrated Discharge Support Trial Programme mentioned in Mr CHEUNG Kwok-che's amendment, it also includes elderly care training and other support services, so it is worthy to carry on with the implementation.

President, the Liberal Party strongly believes that if the Government can, apart from subsidies in money terms, provide more diversified and comprehensive services, as well as services that suit the needs of carers better, it is addressing the pressing needs of carers and using resources in the most

effective way. Hence, regarding the setting up of a subsidy system for carers of persons with disabilities as proposed in the original motion, the Liberal Party has reservation about it.

First, though the original motion has not mentioned the specific amount involved in providing the subsidy, the proposer of the motion, the Democratic Party, has previously suggested that a monthly allowance of \$1,000 be granted to each of the 120 000 family members of persons with disabilities. It will mean an annual spending of \$1.44 billion of public money. Besides, this is an ongoing programme, which I am afraid will impose a rather heavy and long-term burden on taxpayers. Moreover, the provision of such subsidy may give rise to abuses, in which case public money is not properly spent. These problems must be resolved.

Regarding the abolition of the Drug Formulary proposed by Mr WONG Yuk-man, the Liberal Party does not support the proposal. On the contrary, the Liberal Party considers Mr CHAN Hak-kan's proposed enhancement of the selection mechanism of the Drug Formulary, as well as the increase of the subsidy amount under the Samaritan Fund and the expansion of the categories of drugs covered by the Fund, more pragmatic and practicable.

President, I so submit.

MS LI FUNG-YING (in Cantonese): President, in the policy address, the Chief Executive emphasized the value of family. He said that it is the Government's policy to encourage the elderly to age at home and persons with disabilities to live in the community together with their family members and carers. However, the objective laid down by the Chief Executive is seriously detached from the reality, and there is a huge discrepancy between the two. One of the reasons is that the labour market in Hong Kong is unfavourable for the promotion of home care policy. Moreover, the Government has not put in place adequate measures to support family carers. Under such circumstances, the Chief Executive's proposals on ageing at home and community care for persons with disabilities are only unrealistic targets. I will say that the motion on "Providing support for family carers" proposed today has added a chapter to home care which hitherto has no concrete content, but I can hardly be optimistic about the implementation of home care measures in the future.

President, certain figures speak volumes about how determined the Government is in implementing ageing at home as it claimed. In this financial year, the Government provides subsidies to 2 314 places for Day Respite Service for Elders. But compared to the some 1.7 million elderly people aged 65 and above, or the number of elderly on the waiting list, the provision of these some 2 000 places is disproportionate. The number of these places, though disproportionate, exceeds the 2 234 places provided in 2008-2009. According to the Government, this should be credited to the additional resource the Government invested in elderly care. The Chief Executive pointed out in the policy address earlier that in the next two years, the Government would provide additional subsidized day care places in districts with a stronger service demand. This remark suggests that services now provided by day care centres have already satisfied the need of the community, only that the problem lies with the stronger service demand for day care services in certain communities. I think it is an attempt to camouflage the fact, presenting the case in an artful and evasive manner. Actually, in the past three years, Hong Kong has been facing a constant shortage of long-term day care centre places, and the utilization rate of these centres is as high as 110%. May I ask the Secretary of the districts in the territory that do not have a strong demand for day care service? If the Government is determined to implement ageing at home, it should stop playing on words and figures. It should stop pretending to be concerned about the problem and saying that additional elderly day care service places will be provided in districts with a stronger demand. It should admit that there is an acute shortage of elderly day care services, and it must increase on a full scale the places for elderly day care services.

Actually, the measures on elderly care adopted by the Government have been out of pace with the speed of ageing of the population in Hong Kong. With regard to the promotion of ageing at home, I hope the Government is doing so out of good intention but not to shift the responsibility to families. Hence, in addition to increasing full scale the places for elderly day care services, other support measures for day care services must be provided. If families have to undertake the responsibility of taking care of the elderly, the chronically ill and persons with disabilities, carers should acquire some general knowledge on nursing, and since the need of persons in need of care varies, carers may have to learn certain special knowledge, for it is important to both the carers and the persons being taken care of. I propose that the Government should allocate additional resources to day care organizations, so that they can provide training to

family carers, teaching them how to take care of the persons they need to take care of. They can also promote some general nursing skills and knowledge at the neighbourhood level, providing backup support for home care services.

President, apart from the problem of lack of support measures, finally, I would like to talk about some fundamental problems. Some of the policies adopted by the Government run counter to its policy of family care. The most obvious example is the absence of a universal retirement protection system. If a family member has to stay home to take care of the elderly, the chronically ill or persons with disabilities, this family member will enjoy no protection upon retirement. This is a kind of punishment to family carers. For dual-income families, family members will be working extremely long hours, which is common among wage earners in Hong Kong. Not only do the grassroots need to work long hours, they are earning extremely low wages. Most wage earners are exhausted when they return home from work, and if they have to take up the role of family carers, they will lack the strength to do so even if they want to. President, till these fundamental problems are solved, the family care or home care proposals mentioned by the Chief Executive will remain another policy on paper put forth by the Government.

With these remarks, I support the motion and the amendments. Thank you, President.

MR PAUL CHAN (in Cantonese): President, before I come to the topic of this motion debate, please allow me to talk about two reports I have read recently in the newspapers.

The first report is about LAU Hiu-fung, a student studying in the Department of Computing of the Hong Kong Polytechnic University (PolyU), who is suffering from muscular dystrophy. He graduated earlier on with the first-class honour degree. It is reported that LAU was diagnosed as suffering from Duchenne Muscular Dystrophy at the age of eight, and he has become wheelchair-bound since the age of 12. However, this has not sapped his will to continue with his studies.

LAU can successfully continue with his studies because his great mother has been taking care of him. During the past three years of studies in the

university, LAU's mother played a crucial role. Every day, she endured all the hardship to accompany LAU to travel from Ma On Shan to Hung Hom to attend classes. She would accompany her son during the classes, for her son's bones could not bear the pressure from sitting for long hours and so, she had to help him stretch his muscles and release the bent tendons of his hands. She would accompany her son till he left school, and most often it would be eight o'clock or even 10 o'clock when they returned home.

Once back at home, LAU's mother has to take care of the daily needs of his son. Even in the middle of the night, she has to get up to help his son to turn over to stretch his muscles. Though LAU has now found a job in the PolyU, LAU's mother still has to accompany his son to work. She explains that everyone has his dignity, and since the condition of his son is serious and he does not want others to help, she, as his mother, is the best person to take care of him.

President, another report is about three students suffering from inherited muscle dystrophy. These students may be limited by their physical disabilities, but they have a strong will. They have not only completed their university education but also established a self-employed team with the assistance of certain charitable organizations. They provide webpage design and maintenance, all kinds of graphic design, translation of articles and copywriting services. They can earn their own living because they have the support and help of their family members behind them. After reading their stories, I believe they do strike a chord in Members' hearts.

President, these two stories are only among the many moving stories we can learn from newspapers. More often than not, these stories are about how the chronically ill or persons with disabilities overcome their physical disabilities to serve the community, while at the same time earning their own living and alleviating the burden of their family members.

These real-life stories tell us that a group of unswerving family carers is painstakingly making all efforts to take care of persons with disabilities, the chronically ill and the elderly in their families. They do not want to depend on others, nor do they want to seek subsidies from the Government. However, it does not mean that the Government can thus ignore their existence, neglecting their needs and the difficulties they face.

President, the Census and Statistics Department (C&SD) published the Special Topics Report No. 48 of the General Household Survey at the end of last year. It is stated in the report that there are a total of 361 000 persons with one or more types of disability and 1 152 000 patients suffering from chronic illnesses. Close to 30% and 10% of the persons concerned indicated that their daily lives are affected by their disabilities or chronic illnesses. Among the 125 000 persons with disability living at home and have to be taken care of by others, 82.9% of them live with their carers, while 30% of these carers are their spouses, 29% are their children, sons-in-law and daughters-in-law. Among the 121 000 chronically ill patients living at home and being taken care of, 84.8% of their carers live with them, 38% of these carers are their spouses and 24% are their children, sons-in-law and daughters-in-law.

President, in August this year, the Government published another survey report, the Thematic Household Survey Report No. 40. The survey, which targets elderly living at home and residential care homes, focuses on the health condition and self-care capability of the elderly. The results of the survey indicate that over 70% of the elderly living at home suffer from chronic diseases.

President, though the figures quoted above are hard facts, we can see that over 60% of this heavy responsibility of taking care of persons with disabilities and the chronically ill fall on their close relatives. But what support is provided to these close relatives? The survey of the C&SD has not provided the relevant figures or answers. However, these figures have undeniably shown that there are many people in need in society, and the government departments concerned should know their existence and needs. But why does the Government seem to be turning a blind eye to this and provide no corresponding support measures?

I have looked up some papers of the Legislative Council. Among the papers I have read, in the past few years, the Government only mentioned the term "home care" briefly in a paper in the middle of last year when it proposed relief measures in response to the soaring inflation. However, it is pointed out in the paper issued last year that the Government will only provide meal delivery services to the elderly and person with disabilities in need through the Integrated Home Care Service Teams and Enhanced Home and Community Care Service Teams operated by NGOs, and provide meal services to them through various types of service centres at various community levels. Nonetheless, it has not mentioned how support should be provided to the family carers concerned.

Today, I am very grateful to Mr WONG Sing-chi for proposing this motion. Since he is a family carer himself, his account in the first person of the difficulties faced by family carers and their needs will give society and the legislature a better understanding of the problem and arouse greater concern from them on this issue. I hope the Government will think carefully about how it should respond to this need in society, and formulate policies that can keep abreast of the times in order to be more caring and sympathetic to the needs of the public.

Thank you, President.

MR IP WAI-MING (in Cantonese): President, a recent report points out that the life expectancy of the people of Hong Kong is 82.2 years, just second to the Japanese, who has the longest lifespan of 82.7 years. As the people of Hong Kong now live longer and the development of medical care has become more mature, the number of elderly people is expected to keep on increasing. Moreover, at present, one in every six persons in Hong Kong suffers from chronic diseases. According to the statistics of the Government, there are a total of 360 000 persons with disabilities in Hong Kong. For the chronically ill and persons with disabilities, their family members usually undertake the role of carers out of love and care for their family members. I know these carers are facing tremendous pressure psychologically, physically and financially.

President, earlier on, a friend of mine has given up the opportunity to work, busy travelling to and from the residential care home and the hospital to take care of his parents aged over 80 round the clock. All he wants is to fulfil his filial duties. We can easily see that many family members have taken up the role of carers, and this will indeed reduce the community's reliance on social services and medical services, and the pressure on the services concerned. Hence, these carers are actually helping society. For this reason, I propose that the authorities should provide support to family carers by increasing the tax allowances, subsidizing the creation of care worker posts, as well as adopting matching measures to provide psychological support service to family carers.

President, at present, the Government states under the Disabled Dependant Allowance that, "If a taxpayer maintains a dependent who is eligible to claim an allowance under the Government's Disability Allowance Scheme in any year of

assessment, the taxpayer may apply for the Disabled Dependent Allowance." I think the Government can increase the maximum level of the Disabled Dependent Allowance, which stands at \$60,000 at present, to alleviate the financial burden borne by these family members. I think this measure should not only be considered from the perspective of tax revenue, but also from the cost-effectiveness it will bring forth to society as a whole.

Moreover, in the policy address, the Chief Executive said that the Government would implement the policy of "ageing in the community as the core, institutional care as back-up", and that home care services tailor-made to the needs of the elderly will be provided. If society places on families the full responsibility of taking care of their family members, I believe many families will surely find it unbearable. Actually, is it possible for the Government to increase its subsidies for certain social welfare organizations, so that they may create more home carer posts to take care of the elderly? This arrangement can on the one hand alleviate the burden of family carers and create job opportunities on the other, easing the pressure brought by unemployment of the middle-aged.

In fact, one of the reasons why we support Mr WONG Yuk-man's amendment is that he proposes the conversion of vacant school premises into residential care homes, and we can see that many school premises are now left vacant. However, even if those school premises are converted into residential care homes, we still have to deal with other problems, for this can only provide the hardware, while we are now facing a shortage of people who can take up the role of a home carer. Yesterday, I read a recruitment advertisement for a full-time home carer. The applicant is required to provide home exercises and rehabilitation services, but the salary offered is only some \$7,000. Insofar as I am aware, many organizations have been unable to recruit required staff, for the workload of these posts are heavy and the carers have to work 12 hours a day in many residential care homes. When I was on the Labour Advisory Board, I had examined many requests for importation of labour from residential care homes, and I noticed that these workers were only offered some \$7,000. As far as I know, at the best of times, they can earn more than this amount of wages. Hence, I think the Government should increase their salary to attract more people to join the sector, so as to address the demand in this respect.

Moreover, I think the authorities should at the same time provide professional psychological support and counselling programmes to family carers.

I think the Government or social service organizations should be able to provide this service, which aims to guide family members to adjust their psychological status and relieve their mental stress. I myself have had this experience and would like to say a few words on the predicament faced by family carers. A few years ago, some time before her death, my mother became bedridden. At that time, the responsibility of taking care of my mother fell on me and my single brother. Basically, we had to bath my mother and prepare breakfast for her every morning, and then wait for the part-time carer whom we had employed to take care of her. When we returned home at night, we had to prepare dinner for her, bath her and feed her medicine before she slept. The whole routine was indeed tiring. It was not only physically demanding, but also mentally straining. But I believe I have to undertake this responsibility as her son. Actually, I was much younger a few years ago and I still found it manageable physically. However, I notice that some elderly are only taken care of by their elderly spouse or middle-aged sons. I can feel the tremendous pressure, both physically and psychologically, faced by these carers. They are actually having a hard time. In this connection, we think that the authorities should provide financial support, subsidies and manpower. In addition, I hope that the Government will provide psychological counselling and support services to these family carers. I think it is all the more necessary to provide these services, so as to help them adjust their mindset.

President, I so submit.

MR TAM YIU-CHUNG (in Cantonese): President, to take care of chronically ill, disabled or elderly family members at home is a round-the-clock job without pay and also a physical, mental and emotional challenge. Earlier on, in an interview of the Physics Nobel Laureate, Prof Charles KAO, a most touching remark was made by Mrs KAO. She said that the pressure of taking care of a patient suffering from Alzheimer's disease was very great because she knew how this man was like in the past, but the illness had changed the man and one could even say that the man of the past had departed. Like all family carers, Mrs KAO quietly devotes her life to a family member and always stands by the one being cared for, fighting side by side with him and courageously facing the relentless ravages of illness, disability and age.

Long-term care has a great impact on the health and life of family carers. The 1st Step Association of Hong Kong conducted a survey on the daily needs of

carers of people with serious physical disabilities and found that these carers often have to cope with the pressure and labour of providing care and that most carers have to attend to household chores and take care of their children at the same time. However, at present, complementary medical and community support services are inadequate and the contribution of these carers to society is not always recognized. As a result, they are subjected to great psychological pressure. Moreover, due to extended and frequent carrying of their family members with disabilities, they suffer serious strain injuries. Moreover, due to great financial pressure, prolonged mental stress and social isolation, their self-esteem is very low. Family carers bind their families together, reduce social costs and promote social harmony. They are making great contribution to society, so it is incumbent on the Government to provide support to them.

To support family carers, first of all, corresponding public services should be increased to relieve the burden of these carers. For example, regarding residential care places, at present, due to the severe shortage of subsidized residential care homes for persons with disabilities, there are currently more than 6 000 people with disabilities on the central waiting list and generally speaking, the waiting time is eight to 10 years. Regarding the elderly, at present, 25 600 people have registered in the central waiting list, waiting to move into various kinds of subsidized care places and among them, over 19 000 people are waiting for places in care and attention homes and the average waiting time is 32 months. In view of this, there is an urgent need to increase the number of places in various types of residential care homes. In addition, I believe that the Integrated discharge Support Programme for Elderly Patients should be expanded. Apart from the pilot scheme introduced in the three districts of Kwun Tong, Kwai Tsing and Tuen Mun, the Government should introduce this scheme into various districts in Hong Kong to improve the quality of life of these elderly people and reduce the risk of repeated admissions. Only in this way can the burden borne by family carers be eased effectively.

Today, this motion has provided an excellent opportunity for us to examine the support services for various types of family carers. I wish to focus on the care for demented patients, such as patients suffering from Alzheimer's Disease and Parkinson's Disease. Under the existing welfare system, the Government deals with these patients through the provision of ordinary services for the elderly. As a result, their conditions cannot be alleviated and the burden on family carers is increased. The biggest problem is that some younger patients

cannot use the relevant services as they do not meet the criteria of being elderly people. The DAB hopes that the Government can enhance the support for demented patients, for example, by establishing a subsidized service centre for the demented in each of the five major districts in Hong Kong, lifting the age limit for service users, developing training-based treatment services for early-stage and middle-stage patients to slow down deterioration, increasing the number of professional carers for demented patients, providing respite care places in day care centres exclusively for the demented, providing subsidies to residential care homes by making reference to the education voucher scheme or buying places direct from self-financed day care centres for demented patients to alleviate the financial burden on families and stepping up publicity on the symptoms of early-stage and middle-stage dementia, so that families of the patients can identify and understand the disease early and then actively seek assistance. Meanwhile, non-essential administrative measures should be abolished to minimize the inconvenience caused to family carers. For example, dementia is not a curable disease. When patients apply for the disability allowance, there is no need to request family members to submit certification by a doctor annually at all.

At present, although services designed for demented patients are available in day care centres for the elderly established by the Government, improvements must be made to the approach and the contents. These centres should increase training activities for demented patients instead of letting them idle in these centres for the whole day. These centres have to care for demented patients as a group separate from physically weak elderly people according to the level of intelligence of these patients. Of course, the provision of professional training to the staff taking care of demented patients in residential care homes and care and attention homes is also an indispensable measure. The Government should also provide additional resources and extend the service hours of respite care service, as well as allowing family members to freely choose the services provided by the various centres in a district.

To provide support to family carers, we should also approach the problem from the angle of financial support. At present, apart from the disabled dependant allowance, no other assistance measure is available in Hong Kong. In view of this, the DAB supports the establishment of a subsidy system to care for persons with disabilities. Regarding the details, be it the wage programme adopted in the United States and Sweden or the carers' allowance or carers'

compensation adopted in Australia, the United Kingdom, the United States and Finland, they are all worthy reference for us.

I so submit. Thank you, President.

MR RONNY TONG (in Cantonese): President, originally, given the traditional ethos of the Chinese, today's subject should not have been raised.

However, due to the public policies formulated by the Government, including the systems for the application of public rental housing and CSSA in the former case, in order to impose a ceiling on the income of households living in public rental housing, all grown-up children have to be removed from the list of household members and find another place to live, whereas the CSSA system requires children to sign a so-called "bad son statement" in order for elderly people to be granted the old age allowance under the CSSA Scheme. President, these policies underscore the selfishness and irresponsibility of the Government and its intention of reducing the welfare contents of its public policies, thus leading to the disintegration of the traditional family structure. In society, there is an increasing number of households consisting of elderly singletons or two elderly persons. Given the gradual extension of the average life expectancy and ageing of Hong Kong people, it is all the more necessary for elderly people to rely on the Government to provide services to them and help them cope with their living in the twilight years. In view of this, it is very fortunate for elderly people to be cared for by their family members.

More importantly, the support provided by the Government to family carers can actually reduce the burden borne by the Government in expenses on elderly services.

Similarly, since the Government lacks commitment to the provision of welfare to people with disabilities and did not develop and increase the resources and staff for rehabilitation services, and since it is trying to implement the Drug Formulary system to reduce health care expenditure, family members are denied the means or ability to assume responsibility for the care of family members with disabilities. In the end, family members can only pass the responsibility onto the Government.

All these are the adverse consequences of the Government's attempt to reduce its welfare commitment. As a result, the queue for services is never-ending.

President, last time, when I responded to the policy address of the Chief Executive, I pointed out that at present, there are over 23 000 elderly people confirmed by the Government as eligible for places in care-and-attention homes or nursing homes but on average, they have to wait for three to four years before they can be admitted. As regards people with disabilities, their situation is even more miserable. If we discount pre-school children, at present, over 6 500 people have been confirmed as being eligible for places in residential care homes for people with disabilities, but it turns out that the average waiting time for them is as long as five to eight years.

It must be noted that family members taking care of the old, weak and disabled in local communities have to wait for at least four years before they can entrust these old, weak or disabled people to the care of residential care homes. To family members who only have love but lack experience, the pressure is tremendous.

At present, due to the lack of resources and the very long queues, elderly people can make use of the day care centres or home care service in local communities and persons with disabilities can receive training in sheltered workshops and find employment opportunities. Family carers can acquire knowledge, information and skill and receive counselling service from community support networks or resource centres. When necessary, family carers can also entrust their family members to various service organizations, so that their family members can stay in them temporarily or make use of the day care services, so as to reduce the pressure on family carers.

However, since this kind of community service is inadequate, some family members said that so long as their family members waiting for residential care places have to remain in local communities, ultimately, it is still necessary for them to assume the duty of caring for their family members. Take day care centers for the elderly as an example, according to information, as of March 2009, there were as many as 1 044 people in the queue and on average, they had to wait for 10 months before getting the service. Even with regard to such home care services as the delivery of meals and household cleansing service, since there are

numerous people in the queue, even people who manage to get these services can only get on average about half an hour of home care service. It is obvious that all these services cannot help family carers or relieve their burden of care provision.

President, to cater to and bolster the mental and physical health of carers, naturally, the most urgent measure is to build additional residential care homes and provide additional manpower in a well-planned manner, so as to effectively reduce the number of people waiting for residential care places. Unfortunately, President, year after year, the policy addresses and the budgets have disregarded our demand.

In the short term, to provide a subsidy to carers would also be an effective method. On the one hand, this is a kind of financial compensation to carers who have given up their jobs to take care of their family members, and on the other, the subsidy can also be used by them to buy community care services. I have already pointed out in a study conducted in 2008 on the poor elderly living in remote districts that if we want to develop local community economic activities in these districts and encourage the elderly to take care of each other, the Government can adopt the mode of subsidies for volunteers to subsidize younger elderly people to take care of their older, weaker or disabled neighbours, for example, by accompanying them on medical appointments, buying food, cleaning and carrying out repairs, so that they can give play to their remaining energy. These services can also be performed by women in these districts who want to take up part-time jobs. In this way, they will not have to waste time on travelling and can also earn money to supplement family income, whereas society can also tap the manpower of women. The subsidy can serve to invigorate local community economic activities and fill a service vacuum. However, President, since I put forward this proposal, the Government has not given me any satisfactory response, nor have I heard the Government cite any reason explaining why it considers such a scheme infeasible or undesirable.

President, today, on behalf of the Civic Party, I agree with the original motion and all the amendments. Apart from providing additional resources speedily, more importantly, the Government has to formulate effective schemes to solve the problem of elderly people and people with disabilities waiting for residential care places.

DR JOSEPH LEE (in Cantonese): President, first of all, I wish to thank Mr WONG Sing-chi for moving this meaningful motion.

We have all along been concerned about the support provided by the Government to family carers. However, we have to note that the care and concern of family members are very important to most chronically ill, persons with disabilities and elderly people. Not only is the devoted and proper care by their family members and the setting of a harmonious family conducive to their recovery, their minor psychological problems can also be ameliorated effectively, thus indirectly reducing their reliance on drug treatment and significantly reducing government expenses.

As I said in my response to the policy address this year, the Government should encourage family members to take care of the needy in their families, elderly people in particular. In view of this, the Government should provide greater support, for example, support services, so that family members can have sufficient knowledge, resources, complementary facilities and ability to take care of the old and the weak in their families.

Unfortunately, I find that the effort of the Government in this regard is extremely inadequate. At present, I can only see the Government produce several minutes of announcements of public interest through the Family Council to promote the core values or the concept of family harmony, and the job is considered done. Is this effective? Obviously, the effectiveness is limited. It must be noted that Hong Kong people are very busy. For example, someone said this morning that we passed each day coping with heavy work and in sombre moods. In these circumstances, may I ask whether or not we can have enough time to take care of the elderly or chronically ill in our families?

Regarding the policy on the elderly, it seems that the Government lacks long-term planning or systematic support in various aspects of health care. As a result, some people who have to take care of the chronically ill, mentally ill or elderly people at home are feeling physically and mentally burnt out.

Today, I wish to talk about how the Government should support these people who exert themselves physically and mentally day and night to take care of the chronically ill or elderly people at home long term.

First, on caring for the elderly, each of us faces the prospect of old age and we all hope that at that time, we can enjoy our old age in comfort, live together with our family in a harmonious, pleasant and cosy home and lead a rich and healthy social life. However, in the past, the suicide rate among the elderly accounted for 35% of the total. This reflects the lack of care and concern for the elderly and the unhappy life they lead. A recent report points out that 30% to 40% of the elderly people are living very unhappily, so we should pay attention to this issue.

In addition, instances of the abuse of elderly people and the poor quality of residential care homes for the elderly are also reported from time to time. Recently, I learnt that someone had inflicted grievous bodily harm on his father and even abandoned him in the street. This is most lamentable indeed. Family members have no time to take care of their elderly people and they also lack understanding of the mental and physical conditions of elderly people, so as a result, the likelihood of conflict increases. Even for elderly people who are capable of looking after themselves, with the lack of care, they can easily feel helpless and depressed, thinking that they are a burden, and develop negative emotions. Furthermore, due to the lack of appropriate care, the condition of chronically ill elderly people is also affected. In the event that family members are incapable of taking care of them, they can only end up relying on the care of social welfare organizations or hospitals. Obviously, this is not a situation that we wish to see in society.

In order to actively solve these problems, I believe the Government, apart from offering tax concessions, should also commit more resources to educating family carers on how to take care of elderly patients in their families and provide additional support, for example, by increasing the resources for community service centres, so that elderly people can go to these activity centres to take part in social or learning activities after their family members have gone to work and would not become detached from society. When their family members return home, they can have common topics to talk about, thus promoting family harmony.

The Government can also make appropriate transport arrangements and offer subsidies and concessions to encourage the chronically ill to go out and take part in activities. As regards Mr WONG Sing-chi's proposal on increasing the number of day care places, this is also a most effective approach that can ease the

burden of families taking care of elderly people and actively encourage family members to take care of those in need of care among them.

In addition, for families having to take care of the chronically ill (for example, persons with disabilities), some knowledge of nursing and care and support is also very important. However, it seems the Government has not adequately or systematically carried out planning to provide adequate knowledge and training to family members of the chronically ill. As a result, they may not know how to take care of the chronically ill in need. I hope the Government can strengthen the support for these family carers. Apart from speeding up the development of primary services, it can also arrange for a primary services professional team to educate the family members of these patients, so that they can acquire fundamental knowledge of care for patients, in order to meet the needs of the chronically ill in their families, control their conditions and avoid having to go back to hospitals frequently for follow-up consultations, thus reducing the burden on hospitals.

Finally, I wish to talk about the issue of family members caring for mental patients, an issue that should not be overlooked. In recent years, we have seen some unfortunate incidents of mental patients harming other people in various circumstances. This is often due to a lack of resources from the Government, as a result of which ex-mental patients lack appropriate care, thus leading to deterioration in their condition and even a relapse. In dealing with mental illnesses, the Government obviously lacks a set of good policies to achieve its goals.

Apart from a well-developed policy, the Government also has to significantly increase the complementary facilities. Concerning the issue of manpower which is raised by us frequently, the Government can increase the number of halfway houses and the manpower for provision of rehabilitation services. All these measures will help the family members concerned. Most importantly, family members should be taught how to live together with the mentally ill, so that they would not feel any unease in each other's company. This will be conducive to the harmonious relationship between family members and the mentally ill.

As regards the proposals put forward by other Members, such as flexi-hours, enhancing social security and the establishment of family crisis centres, they are all desirable proposals. I hope that through today's motion, the

Government can face up to this problem, so that people taking care of elderly people, persons with disabilities or mental patients at home can receive adequate support.

Thank you, President.

MR KAM NAI-WAI (in Cantonese): Today, the Democratic Party has proposed this motion of "Providing support for family carers" and in fact, all of us know that family carers in Hong Kong are a group neglected by society. In the Government's planning of the social welfare policy for Hong Kong, no special support is given to them.

Recently, the Democratic Party conducted a survey and published the findings of this questionnaire survey concerning this motion on Monday. The survey interviewed 738 members of the public and among them, 25.7% said that there were chronically ill, people with disabilities or elderly people requiring full-time or long-term care by family members in their families. In other words, in every four respondents, there is one family carer among them, so this indicates that the number of family carers is fairly large. Among them, over 56% are aged 60 or older. These old family carers are already physically past their prime but they still have to take care of their ill or elderly family members long term. Coupled with their concern for the health and quality of life of their family members, the pressure on them is immense.

The aforesaid questionnaire survey also shows that these carers themselves are quite old but physically, they have to cope with immense pressure. I believe they have no other alternatives. In such circumstances, the Government should really provide some support to them and acknowledge their contribution to society. In addition, the questionnaire survey also found that an overwhelming majority of respondents believed that support should be provided to these family carers.

We believe the public also understand that family carers have to take care of their ill or old relatives full time and their families are both psychologically and physically dependent on these carers. As a result, the pressure borne by the carers, be it in financial, mental or even physical terms, are onerous and I have already pointed this out.

I wish to state our position and views on the amendments proposed by various Honourable colleagues today. Mr WONG Yuk-man proposes in his amendment that vacant school premises be converted to increase the number of residential care places for persons with disabilities and subsidized care and attention places for the elderly. The Democratic Party agrees with this. The Government has kept culling schools and consequently, there are many vacant school premises. However, the Government does not have any plans on their uses and there is no knowing if property developers will be allowed to develop them into high-rises with such descriptions as "880-storey buildings". But these sites are probably not large enough. Sometimes, the Government would claim that the District Councils were posing obstacles. However, as we all know, at present, those waiting for these residential care places for people with disabilities or care and attention places for the elderly may have to wait for several years. How should we make good use of these school premises left vacant due to the culling of schools? We hope the Government will not just task Secretary Matthew CHEUNG to conduct a study, rather, the entire Government has to be involved. By this, I mean that Secretary Michael SUEN should also join the study to see if these vacant school premises can be utilized. The Democratic Party also agrees with Mr WONG Yuk-man's proposal on creating more care worker posts to provide additional home care services. We agree that these measures can ease the burden on carers.

However, Mr WONG Yuk-man proposes that the Drug Formulary be abolished. The Democratic Party has reservation about this. In principle, the Democratic Party agrees with the formulation of the Drug Formulary to align the different practices among hospital clusters because the drugs prescribed to patients by various hospitals are different and the need for purchase of these drugs also varies from case to case. However, we think that improvements can be made to this Drug Formulary system. Since the introduction of the Drug Formulary in 2005, unless the drugs are bought at patients' own expenses, in practice, the drugs used by the Hospital Authority (HA) have actually been standardized. In general, standardized drugs are used and only in some cases that more expensive or the original brand name drugs cannot be used according to the condition of patients. The HA cited limited resources as the ground to transfer the drug expenses onto patients by means of the Drug Formulary, thus making it necessary for patients to buy drugs at their expenses sometimes.

Earlier on, Members can see that take the cancer patients who died as a result of taking drugs contaminated by fungi in the order of mucormycosis as an example, even though the immunity systems of these patients were compromised

after chemotherapy, the hospital concerned did not use drugs produced under more stringent control in view of the patients' condition to reduce their risk of infection. After blood cancer patients have taken Gleevec (this is the name of the drug), they can lead a comparatively speaking normal life but if they cease taking the drug, even their survival will be questionable. These drugs are very important to patients. However, even with regard to this kind of drugs, it may require repeated lobbying by many Honourable colleagues, the Legislative Council and patients' groups before they can stand a chance of being included in the Drug Formulary. Why can this kind of drugs not be included in the standard Formulary? I think the Government must conduct a review. For this reason, the Democratic Party proposes that the Drug Formulary system be improved and the HA should allocate more resources for the Drug Formulary system for purposes of procuring quality drugs. At the same time, additional resources should also be reserved for front-line doctors to use more expensive drugs in the light of patients' actual condition.

Although the Democratic Party thinks that improvements to the Drug Formulary system are called for, it believes that in principle, there is still a realistic need to retain the Drug Formulary. For this reason, we will abstain from voting on the amendment proposed by Mr WONG Yuk-man. And because of the same belief, the Democratic Party will vote in support of the amendment to Mr WONG Yuk-man's amendment proposed by Mr CHAN Hak-kan.

I so submit. Thank you, President.

MR JAMES TO (in Cantonese): President, my following speech has been approved by Mr Albert HO. Since he does not feel well in his throat today, he cannot deliver his speech.

In Hong Kong, the policy on family carers is still rather backward, unlike such places as the United Kingdom, Sweden and Finland, where fairly comprehensive policies and legislation are in place to protect family carers. Just now, Mr WONG Sing-chi has spelt out in detail the problems faced by carers. He has moved his original motion in the hope of improving and augmenting the existing services.

President, the time allocation, arrangement of tasks and extent of involvement on the part of carers have a direct and great bearing on their social

life. Many family carers are kept constantly on the run and have no spare time to take part in social activities at all, or they are too preoccupied with providing care, so much so that their subject of conversation always revolves around the provision of care. As a result, they unknowingly lose interest in taking part in gatherings not related to the daily tasks of providing care, thus alienating themselves from their friends and narrowing their social circle. In this way, they lack a balanced life in the form of an appropriate dose of social activity. Often, family carers would become more reticent and unwilling to talk about their problems with other people, thus gradually isolating themselves and missing the opportunities to get support from friends and family members.

The Democratic Party has proposed a "subsidy system for carers of persons with disabilities" for many years and in specific terms, we request that the Government grant each family member who has to care for any person with disabilities for extended periods of time a monthly subsidy of \$1,000, so as to meet their financial needs. This will serve to solve the problem of these carers having to give up full-time or part-time work due to the need to provide full-time care. Moreover, it is necessary for carers of persons with disabilities to receive special training since the physical injury to which they are exposed is also very great. This allowance of \$1,000 can supplement their daily needs and provide additional support on top of CSSA, so it is essential.

Some family carers have conveyed the view that if various categories of people with disabilities and illnesses can be managed in the mode of family cases and various types of respite care beds provided, their pressure could be eased. Since such a policy is absent presently, if family carers have urgent matters to attend to and cannot take care of their disabled or ill family members, the situation of having nobody to provide care may arise and the mental pressure on carers would increase significantly. Even when the carers are ill or have some urgent matters to attend to, all they can do is to dig their toes. Even if they could find someone to help them provide care, this helper may not have knowledge of or experience in providing care, so this may lead to dangers. At present, the waiting time for day care bed service and respite care bed service is very long. In view of this, the Democratic Party demands that the Government enhance these services. At the same time, the Democratic Party also demands that the Government introduce emergency respite care bed service to solve the problem of family carers being unable to provide care on account of unforeseen circumstances.

Every two years, self-help organizations have to write "thousand-word articles", that is, proposals, to apply for funds. Often, this measure renders it impossible for these organizations to provide long-term services. The Democratic Party demands that the Government provide long-term and stable support to self-help family carer organizations and establish an inter-departmental group to review afresh the effectiveness of community care support services.

Regarding Mr CHEUNG Kwok-che's amendment, the Democratic Party supports it. We are grateful to Mr CHEUNG for improving the Democratic Party's motion by including carers of young children. In fact, full-time carers of children may also display the aforementioned symptoms of carers. Moreover, when these carers have unforeseen matters to attend to and cannot take care of their young children, they may not be able to find suitable people to provide care in their place, so even greater troubles may arise. More importantly, although the carer and the one being cared for have very profound emotional bonds and carers do not mind the toil of providing care to ill, elderly or young family members day and night, carers also badly need a rest actually. I hope the Government will consider in earnest the provision of additional beds and respite services in this area, as proposed by Mr WONG Sing-chi and Mr CHEUNG Kwok-che.

Mr CHEUNG Kwok-che proposes an option, namely, "additional tax allowance", under the subsidy system for carers of persons with disabilities. I hope the Government can actively consider the proposals put forward by the Democratic Party and Mr CHEUNG, so as not to disappoint the public.

Although the Integrated Discharge Support Trial Programme for Elderly Patients is still on trial, the Democratic Party agrees with the concept of this programme to provide one-stop support services to elderly people and their carers, so as to strengthen the support for discharged elderly people and their carers, enhance their quality of life and enable these elderly people to continue to spend their old age in local communities. For this reason, the Democratic Party believes that the Government should make reference to this concept and approach and provide similar services to persons with disabilities, so as to help them integrate into society and ease the pressure on family carers.

I so submit.

DR PRISCILLA LEUNG (in Cantonese): President, two weeks ago, I visited a 28-year-old young person in the rehabilitation centre of Kowloon Hospital. Ten years ago, raised by her mother in a single-parent family, she had worked hard and completed her master's programme, then found a stable job. In May this year, she made a business trip to Indonesia. On returning to Hong Kong, together with her two colleagues, she was found to have been infected with paratyphoid fever. Her two colleagues did not develop any illness but she did and had a high fever. Subsequently, she became paralyzed.

Her mother sought help from me. She used to have a normal job and had to work from nine to five. Her worry and despair at that time can well be imagined. Basically, her daily work was surely affected. However, in order to earn an enough income to support the basic treatment for her daughter, she still insists on working. Apart from the need to receive material support, obviously, psychological counselling for this single mother whom I met was also essential. I am also concerned about whether she can continue to bear all this. When I talked to her, in fact, she could speak no more than three sentences before breaking into tears. It was very difficult for her to accept the fact that her daughter, who was originally a cheerful and lively young woman, could all of a sudden become paralyzed for life after making a business trip.

We can see from this example that the support network for this in Hong Kong is actually very inadequate. Regarding this kind of illness, two months after this young woman had been admitted into hospital, her family members were told that she could not be cured and her mother was asked to take her daughter home as soon as possible. However, if she took her daughter out of hospital, a host of problems would arise. For one thing, the entrance to her home is narrow and a wheelchair may not be able to get through. In order to queue up for housing, she had no alternative but to defer taking her daughter out of hospital. For another, she also faces a great dilemma, that is, she had consulted some Chinese medicine therapists separately and their judgment was different from that of Western medicine practitioners. They believed that there was a possibility of her daughter being cured. Since time is life but the policy of the hospital does not allow the practice of Chinese medicine or combining Chinese medicine with Western medicine, she was at a loss. She hopes very much that she can take her daughter out of the hospital all by herself, but it is not convenient to take care of her paralyzed daughter at home, since even the bed will have to be specially designed.

I have also seen this kind of situation in various cases. At present, the rate of stroke among Hong Kong people is very high. If a family member suffers from stroke, in fact, all family members are affected, for example, they have to act as counsellors or accompany their family member to physiotherapy sessions, and so on. The situation with regard to this kind of illness is just the same as the situation faced by the young lady mentioned just now. With good psychological care, mental guidance and even professional counsel, the patients may recover more quickly because the will of the patients may affect the speed of recovery and paralyzed people may even rise all of a sudden. For this reason, family members would never give up. So long as there is a glimmer of hope, they still want to do their utmost to help the patient. In these circumstances, the burden on family members is very heavy indeed.

I have also witnessed some more unfortunate cases, that is, when these patients were still waiting for their chance to come, their family members already had a mental breakdown and put an end to their own lives because the pressure was too great and they were depressed. They could not face a new situation in life and the onerous burden of taking care of their family members. For this reason, I think Mr WONG Sing-chi's motion has pointed to the very desirable direction of looking at how best family carers can be helped in a systematic manner as this deserves examination by Hong Kong society. He mentioned in item (b) the inclusion of the services of family carers into the scope of social welfare planning and I personally agree with this very much. During the meeting with us, the family carer whom I mentioned earlier on also told us time and again that when she saw the state of her daughter, she found it even more unbearable than if she were to die.

Members may still remember the story of TANG Siu-pun (Pun Tsai) a few years ago. He wrote an open letter pleading for euthanasia. As a result, various parties provided suitable resources as well as a suitable set of equipment and wheelchair to him, so that his contact with the outside world could be improved. As a result, he experienced great improvements in his mental state. For this reason, we very much hope that family carers, even if they have to look after their family members, can still lead a normal life, such that the number of depressed people in Hong Kong can be reduced, to say the least.

In fact, it is a great burden to take care of ill people and the psychological burden is even greater. For this reason, I agree with the original motion moved by Mr WONG Sing-chi and the amendment proposed by Mr CHEUNG

Kwok-che. However, regarding Mr WONG Yuk-man's amendment and Mr CHAN Hak-kan's amendment to Mr WONG Yuk-man's amendment, I will support Mr CHAN Hak-kan because he proposes that the selection mechanism of the Drug Formulary be enhanced and I think this is a more feasible proposal. Therefore, I support the original motion. Thank you.

MR ALAN LEONG (in Cantonese): President, I know a family of three with a child who has both moderate intellectual disability and mental illness. The mother of this child told me that if possible, she hoped that she could take care of her son personally but she herself was suffering from a chronic illness and the father of the child had to work shifts, so his working hours were irregular. Sometimes, he was not at home throughout the night and naturally, the heavy burden of caring for this child fell on her shoulders. Since she fully understood that support from society was inadequate, she said that her greatest worry was that she was not healthy enough and could not take care of her son for a long time and that she may die earlier than her son. One can imagine how anxious and worried this mother is when she thinks of the prospect of both husband and wife passing away earlier than their son and leaving their son all alone.

President, the difficulties faced by family carers are invariably related to the immense pressure, lack of support and understanding, and so on. Chinese people attach greater importance to the concept of the family and when any member in a family suffers from an illness, old age or physical disabilities, society, the Government and the family members themselves would all believe that it is the latter's responsibility to take care of the patients. Of course, it is desirable for a family to take care of and understand each other, but the Government cannot completely shirk the responsibility and consider the job done. Rather, it should provide various forms of support to cater to the needs of family carers in rendering care.

The great majority of family carers have to take care of their family members in need full-time and round the clock. If they fall ill, they cannot even consider taking any sick leave and to them, their family members who are ill or in need always come first. Be it carers of elderly people, the chronically ill or persons with disabilities, most of them are over 40 years old or even older. Among them, the carers of elderly people are mostly the spouses of these elderly people, that is, they themselves are also elderly. They take care of these family members in need day and night without any rest day. They hope that the Government can provide more respite care service and among them, the family

members of elderly people all say that respite care places are utterly inadequate. Often times, they want to take a rest but they have to wait for a long time to receive such a service from respite carers, and even when they themselves have also fallen ill, they still cannot get the service. In fact, not only can the provision of respite care service enable family carers to take a short break, it will also make them realize that society approves of their efforts and is prepared to provide assistance when they need a rest. I believe the Government should give them support.

Meanwhile, President, the support for family carers in local communities is equally important. Often, carers have to cope with the family member being cared for all on their own, so it can be imagined how great the pressure is. More often than not, due to the need to take care of family members, they have to make sacrifices continually and it is arguably a luxury to talk about maintaining a normal social life.

President, in view of the Government's reluctance to provide support, many family carers have grouped together with friends of similar background or circumstances and organized self-help family carer organizations or support groups. They can share the difficulties they encountered in daily life and their experience with one another. However, President, it is a shame that at present, it is difficult for the majority of these self-help organizations to secure stable government funding, so their development is very much restricted. In this regard, it is incumbent upon the Government to take the initiative to provide stable funding to these self-help organizations, so that they can strengthen their self-support network.

President, the Government has passed the responsibility of caring for the elderly, persons with disabilities and the chronically ill onto their family members. These family members are still exerting their utmost despite the extremely difficult circumstances and of course, this spirit merits our affirmation and appreciation. However, officials responsible for policy formulation have an even greater responsibility to help family carers in obtaining comprehensive assistance, instead of deserting them after handing the responsibility over to them.

President, I so submit.

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

MR ALBERT CHAN (in Cantonese): President, I speak to elaborate on the rationale and purpose underlying the amendment proposed by Mr WONG Yuk-man. President, there are many different concepts of public policies, in particular those on public services for the disadvantaged. What the Government and the industrial and commercial sectors would prefer is: based on the concept of the family in traditional Chinese culture, problems should preferably be resolved by the family without any help from employers and the Government. It would be perfect if public funding is not required and the problems would be resolved by one's own children, relatives and friends without the need for the Government to undertake any responsibility.

Regarding the original motion moved by Mr WONG Sing-chi, although he did not necessarily mean that it seeks to reduce government expenditure through family members' provision of support and assistance, the wordings and content are arguably subject to interpretation. One should avoid turning motions like this into a severe reproof offering little help, with the aim of helping the Government out by freeing it from the responsibility, thereby allowing it to shift the responsibility onto other shoulders, because many members of the public, particularly grass-root households consisting of elderly members and members with disabilities and with a monthly income of less than \$10,000, are facing severe hardships in living.

I have cited an example plenty of times in this Chamber. Many years ago, I was acquainted with a young couple who gave birth to a baby shortly after their marriage. Unfortunately, however, the infant was born with a physical disability, and they decided to migrate to Canada shortly afterwards. They had successful careers at that time, and both of them belonged to the elite generation born in Hong Kong after the War. But because of the need to take care of their child and the problems they would face in their child's development, they decided to migrate elsewhere. Actually, it was also a severe accusation against the then colonial Government. More than a decade has swiftly gone by, but there has been little improvement in services for people with disabilities, particularly the elderly, in Hong Kong. We have repeatedly censured the Government here in this Chamber for the inadequacy in residential care services, which has caused more than 7 000 elderly people to remain on the waiting list, unable to gain admission to residential care homes when they died. These elderly people were ill-treated as a result of the Government's policy blunders.

The elderly people we have met in various districts actually live in extremely poor conditions. Some live on the "fruit grant" and dwell in cramped living conditions in old districts, while others are ill-treated by their children, who do not even provide them with food. They have to leave home early in the morning every day and wander pointlessly in the park until late at night when they are allowed to go home. Cases like these abound. The lack of government support in this respect has left many members of the public in agony.

Every Mother's Day, the Chung Hwa Travel Service would invite me to an activity in which some good mothers are chosen. When many of these mothers receive their prizes, the announcer would invariably explain why they could win their prizes and glorify their motherly love and the sacrifices they have made to cater for the daily needs of their children. Actually, these prizes are also indirect reproof and accusations against the Government's blunders. Because if the Government provides reasonable resources in terms of policy and facility, many people of Hong Kong, particularly parents who face the problem of taking care of children with disabilities, will not have to survive on minimal sleep, compelled to sacrifice their basic needs in order to take care of their children, thereby being totally deprived of their basic necessities of life.

Therefore, President, Mr WONG Yuk-man has proposed an amendment to delete the sentence "substantially reducing the Government's expenditure in areas such as social services, medical care and education" from Mr WONG Sing-chi's motion. We request that this sentence be deleted so that the Government would get a clear message and, that is, it should in no way shirk its responsibility, and it has to undertake the provision of basic public expenditure and facilities necessary for people with disabilities, particularly the elderly. We have also learnt that many premises of primary and secondary schools which have ceased operation in Hong Kong, particularly school premises in the rural areas, are suitable for conversion into residential care homes. School premises with 32 classrooms can easily accommodate over a hundred or even up to 300 or 400 elderly people or people with disabilities. Therefore, there are mismatches of government resources. Despite the availability of resources, the Government still refuses to provide these services. I hope the Secretary will learn a lesson from the bitter experience and, for the sake of these young people, so that we need not move these motions to censure the Government every year, using the opportunity to demonstrate the Government's heartlessness on each of these occasions. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr WONG Sing-chi, you may now speak on the amendments. You may speak for up to five minutes.

MR WONG SING-CHI (in Cantonese): President, today, many colleagues have responded to the motion proposed by me. I have to thank Mr CHEUNG Kwok-che, Mr WONG Yuk-man and Mr CHAN Hak-kan for proposing amendments to my motion.

Mr WONG Yuk-man said earlier that I mentioned in the motion that family carers have "substantially reduced the Government's expenditure in areas such as social services, medical care and education". In fact, I do not mean that we have to alleviate the burden of the Government. Instead, I mean to tell the Government that these family carers are now doing some work that should have been done by the Government and have thus reduced the Government's expenditure. These family carers are making such great contribution to society, and it only requires the Government to make some effort to alleviate their burden, what is so difficult about that? So, by all accounts, these are the responsibilities of the Government.

Mr Albert CHAN said that my mild rebuke is a great favour in disguise to the Government. His remark may not mean to direct at me. He probably meant that what we did under this circumstance seemed like a great favour given to the Government in the disguise of a mild rebuke. I do hope that my mild rebuke can really do a great favour to the Government. I hope that the Government will really double its effort though it has been rebuked fiercely, providing greater assistance to these family carers. My greatest worry is that, despite our fierce rebuke, it does not help. In that case, our intended effect will not be achieved.

From the speeches made by a number of Members today, I felt that they understand quite well the situation faced by family carers. The reason is simple, for some Members do have to act as family carers of their dependents, or that

many people around them have to take care of some persons in need. We indeed will come across these situations time and again in our daily lives, which are the reality and the actual situations they are facing.

Many Members stated in their speeches that

PRESIDENT (in Cantonese): Mr WONG Sing-chi, you should speak on the amendments.

MR WONG SING-CHI (in Cantonese): Alright, I will continue. I heard many Members say that many of the cases they have come across are facing such circumstances. So, Mr CHEUNG Kwok-che put forth many ideas for enhancement in his amendment. We think these proposals are worthy of support.

Mr WONG Yuk-man mentioned the Drug Formulary earlier. We know that there are rationales for implementing the Drug Formulary, for the Drug Formulary can facilitate the standardization of the distribution, handling and management of drugs. Actually, we know that there are many problems with the Drug Formulary, but abolishing the Drug Formulary will give rise to many problems that cannot be resolved. Hence, I think we should better enhance the Drug Formulary, so that persons with disabilities in need can be taken care of.

I notice from the amendments today that Members understand quite well the difficulties faced by these family carers, and we will strive for the interests of family carers sincerely, hoping that improvement can be made in terms of policy and service.

I hope the Secretary will address this problem squarely when he responds shortly, providing greater assistance to these family carers in future. Thank you, President.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I am very grateful to the 15 Members for putting forward many valuable and constructive views on the support and services provided for family carers earlier on. I would now respond in greater detail to the key issues raised by Mr WONG

Sing-chi, Mr CHEUNG Kwok-che, Mr WONG Yuk-man, Mr CHAN Hak-kan and other Members.

Like Members, the Government attaches great importance to the contribution made by family carers to their family and society. As I mentioned in my speech at the outset of the motion debate, the objective of the Government is to provide family carers with the services and support they require, in order to help them discharge their family responsibilities, alleviate their burden and ease their pressure. To this end, we will continue to actively enhance the support measures in accordance with the needs of service users, with a view to providing service users and different categories of family carers with appropriate and diversified services.

Mr WONG Sing-chi and other Members hope that the Government will include the support services for family carers into the scope of social welfare planning. Let me stress again that the Government has attached great importance to the contribution of family carers and their needs, and this is a key element of the strategic development of the overall social welfare policies, including the policies on rehabilitation services, elderly care services and child care services. We will continuously review from time to time the effectiveness and development directions of various welfare services in providing support to service users as well as their family carers at the policy and service levels. We will also listen to the views of stakeholders to ensure that services are tailored to the circumstances and needs. In fact, the Government has introduced a series of measures in recent years to enhance the support services provided to family carers.

In respect of caring for the elderly, as I mentioned earlier, the Government is providing a series of care and support services to the elderly and their carers through various channels. These services have not only encouraged the elderly to age in place but also provided support to family members of the elderly, enabling them to go to work, care for their family or pursue studies in tandem with fulfilling their responsibility of taking care of the elderly. Over 27 000 elderly people are currently recipients of various subsidized elderly day care or home-based community care services. The Government will continuously inject resources to increase the number of places for these services. Take the elderly day care services as an example. We will provide a total of 80 additional places in Tsuen Wan, Tai Po, Sham Shui Po and Southern District early next year.

In respect of home care services, additional resources were provided in December last year for setting up six additional Enhanced Home and Community Care Service Teams, providing 810 additional places for home care services. For frail cases, the average waiting time for home care services has now been shortened to around two months.

Apart from day care and home care services, we also provide emergency placement as well as residential and day respite services through subvented residential care homes and day care centres for the elderly, so that carers can find time to rest (or to "recharge", borrowing Members' rhetoric), or attend to urgent matters, thereby easing the pressure on the carers. These services specifically target elderly who live in the community but require assistance from family members or relatives by providing them with short-term residential care or temporary emergency day care services, thereby rendering relief to carers.

In addition to the services I have just mentioned, the Government has in recent years introduced a series of new measures to address the special needs of the elderly or their carers, with a view to further enhancing the support for them. The "District-based Scheme on Carer Training" (the Training Scheme) launched in October 2007 is a good example. The Training Scheme, which mainly aims to provide training to elderly carers, covers a wide range of areas, including care for the elderly (which includes care for demented and frail elderly), knowledge of common ailments in elders, and enhancement of communication skills with them. We hope to upgrade the caring capacity of elderly carers through the training programme, thereby alleviating the pressure they face in caring for the elders. Under the Training Scheme, those who have completed the training programme are also engaged to work as elderly carers to provide practical elderly care service at the district level.

Since its implementation the Training Scheme has been very well-received among elderly carers. The first round of training is completed with over 700 carers being successfully trained. The second round of training, which already commenced in March this year, is expected to train up 1 500 carers in a year's time. In view of the positive response to the Training Scheme, the Chief Executive has announced in the policy address this year the extension of the Training Scheme to cover all Neighbourhood Elderly Centres in the territory.

Another new initiative worth mentioning is the Integrated Discharge Support Trial Programme for Elderly Patients (Support Programme), as also mentioned by Members earlier on. Many elderly who live at home may require

emergency admission to hospitals due to accidents, such as a fall or health conditions (including acute diseases). After their discharge from hospitals, it may still take some time for their functional capabilities to recover. Their family members will often feel distressed or helpless as they do not know how to take care of the elderly after their discharge and hence find themselves under immense pressure.

In view of this, the Government has since last year launched the Support Programme in phases in various districts to provide "one-stop" support services for elderly hospital dischargees who are incapable of taking care of themselves. Under the Support Programme, medical staff and service teams of non-governmental organizations (NGOs) will help make post-discharge arrangements for the elderly before they are discharged from hospital and provide home support services to them after their discharge. What kinds of services are provided? They include rehabilitation exercises, personal care, provision of meals, and even escort, "elder sitter" services, home modification, and so on. Training is also provided to carers of the elderly to equip them with the skills of post-discharge care. .

The Support Programme has been very well-received among the elderly and their carers since its implementation. According to many family members of the elderly who have taken part in it, the Support Programme has provided appropriate care services for elderly dischargees during their recuperation and more importantly, the Support Programme has enabled them to have the ability and confidence in taking care of the elderly, thus greatly alleviating the pressure on them as carers. The Support Programme will run for three years, and the Government and the Elderly Commission will comprehensively review the effectiveness of the Support Programme upon its completion and consider the way forward. I have heard Members express the wish for the Support Programme to be extended to other districts of the territory. We will certainly consider this view in the review.

To ensure that various subsidized community care services can better meet the needs of the elderly and their carers, we will work with the Elderly Commission to examine how to strengthen home care services for the elderly through a more flexible and diverse mode of service delivery, and social enterprises and the private market will also be encouraged to develop related services, with a view to providing greater support for elders who age at home and also for their carers.

Moreover, apart from the tax deduction for expenses on residential care for the elderly up to a maximum of \$60,000 annually, there are also allowances for dependent parents and grandparents. Taxpayers living with their dependents for the whole year can enjoy an allowance of \$60,000 as additional support for family carers.

President, in respect of rehabilitation services, the Government provides various types of day training, care and community support services to people with disabilities and their carers with the objective of assisting people with disabilities to develop their potentials, so that while their ability of independent living can be enhanced, their carers' caring capacity can also be enhanced and their pressure be alleviated.

As regards service centres providing day training, there are early education and training centres, special child care centres, integrated programme in child care centre, and training and activity centres for ex-mental patients, and of course, there are also sheltered workshops, integrated vocational training centres and integrated vocational rehabilitation services centres, providing a total of more than 19 000 places. To enhance the provision of day training and vocational rehabilitation services, the Chief Executive, when delivering the policy address in October, undertook to continuously increase the number of places for these services to cater for the needs. On the other hand, nursing homes and community rehabilitation day centres for people with severe disabilities also provide day care services for severely disabled persons. A series of day care services, including personal and nursing care services, as well as social and rehabilitation services are provided for severely disabled persons aged between 15 and 59. These services will also be provided at the 16 District Support Centres for people with disabilities at a later stage.

Moreover, similar to elderly care services, we provide short-term residential care services to people with disabilities in need through some residential care homes for people with disabilities, so that their carers can temporarily put aside their caring responsibilities to deal with personal matters or take a respite for stress relief. Since April last year, these services have been made available also to disabled children aged between six and 15. In addition, there is also an emergency placement service to provide temporary residential arrangement for people with disabilities in need, so that their safety would not be put at risk as a result of them being neglected and deprived of accommodation. The service targets are mentally or physically disabled people aged 15 or above

who are homeless or abandoned or who have no carer. The services are currently provided by the Wing Lung Bank Golden Jubilee Sheltered Workshop and Hostel of the Social Welfare Department (SWD).

Apart from day care and training services which I have just mentioned, we provide community rehabilitation day centres for discharged patients with mental, neurological or physical impairments, as well as patients with severe disabilities. Paramedic care and psycho-social rehabilitation services will be provided to strengthen their functional capacities and self-care abilities, while at the same time enhancing their domestic and community living skills. The services also include training activities and education programmes for family members and carers of people with disabilities, in order to enhance their caring capacities and help ease their pressure, thereby improving the quality of their living. There are now four community rehabilitation day centres which are located in Wan Chai, Kwun Tong, Sha Tin and Tuen Mun, providing services to discharged patients with neurological or physical impairment. Besides, community rehabilitation day services are provided for discharged mental patients at the five training and activity centres in Wan Chai, Sham Shui Po, Kwun Tong, Tuen Mun and Sha Tin.

Through the 16 District Support Centres for people with disabilities, we will continue to strengthen the support services required by people with disabilities to enable them to live in the community continuously on the one hand and provide training to people with disabilities to upgrade their self-care capacities on the other, thereby alleviating the burden and pressure of their carers.

I fully appreciate the pressure faced by people with disabilities in need of residential care service as well as that of their carers. Most people with disabilities on the waiting list for residential care service are receiving various day training, vocational rehabilitation and community support services provided by the SWD. Those on the waiting list who require urgent or long-term residential care service for reasons such as their family is unable to provide continued care to them due to changes in family conditions can be given priority placement in residential care homes after assessment by the SWD. Over the past two years (that is, 2007-2008 and 2008-2009), there were respectively 193 and 196 applicants on the waiting list who were given priority placement in residential care homes due to their carers' health conditions or because the applicants were not taken care of. It shows that a certain degree of flexibility is built-in.

Community support for ex-mental patients and their carers has recently been an issue of concern to Members. The first one-stop Integrated Community Centre for Mental Wellness has been established in Tin Shui Wai to provide accessible and integrated community mental health support services to discharged mental patients, persons with suspected mental health problems, their families and carers, and residents living in the district. In the next financial year, as also announced by the Chief Executive in the policy address, we will expand this integrated service model across the territory by revamping the existing community mental health support services of the SWD through setting up an Integrated Community Centre for Mental Wellness in all 18 districts. The manpower of the SWD will be strengthened in the meantime to dovetail with the "Case Management Programme" of the Hospital Authority (HA), in order to provide appropriate support for patients with severe mental illness living in the community as well as their family members and carers.

On child care services, as I said earlier, the Government will continue to provide various types of child care services to parents in need through subvented NGOs, and we will be committed to providing services with a greater degree of flexibility. In the current year and the next, the focus of our work in this area is to continuously take forward the Neighbourhood Support Child Care Project (NSCCP) which covers home-based child carers. The NSCCP aims to provide parents in need with more flexible child care services in addition to the regular ones and at the same time promote community participation and mutual assistance in the neighbourhood, which is very important. The NSCCP has two components, namely, home-based child care service for children below the age of six, and centre-based care group for young children aged between three and six. The operating hours of these two services are very flexible as services are also provided in the evenings, at some weekends and during certain holidays. The first phase of the NSCCP, which was launched in October 2008, covers six locations with a more pressing demand for child care services, including Tung Chung, Sham Shui Po, Kwai Chung, Tuen Mun, Yuen Long and Kwun Tong. Since March 2009, the NSCCP has been extended to Wong Tai Sin/Sai Kung, Kowloon City/Yau Tsim Mong, Tai Po/North, Sha Tin, and Eastern/Wan Chai, covering in full all the 11 administrative districts of the SWD. Feedback from service users has been generally positive.

In respect of financial assistance, as Members all know, eligible families can receive cash assistance under the Comprehensive Social Security Assistance (CSSA) Scheme to meet the basic needs of living. Under the CSSA Scheme, a

higher standard payment is made to people with disabilities, and there are also various grants and special allowances, including the grant to cover fees for Home Help Service/Integrated Home Care Service which is specially provided to people with special nursing needs, and also the grant to cover costs of Enhanced Home and Community Care Services and Community-based Support Projects for people with disabilities and their families. A series of grants and allowances are currently provided. Recipients in need of regular nursing care can also apply for the care and attention allowance, subject to medical certification and a social worker's recommendation, to meet the expenses on the use of nursing services at home, including the actual expenses incurred for employing carers.

On the proposal of providing a subsidy for family carers, as I mentioned earlier, the Government provides various types of support services to family carers with the objective of helping them discharge their family responsibilities and alleviating their stress, rather than substituting family functions. We consider that our existing support services can reflect social values and better meet the actual circumstances and needs in society, compared to the direct provision of subsidies to family carers.

Regarding the proposal of providing additional tax allowance for carers of people with disabilities, under the Inland Revenue Ordinance, insofar as personal tax assessment is concerned, taxpayers can enjoy various allowances for their dependents, including spouse, children, parents or parents-in-law, grandparents, sisters, and brothers. Besides, taxpayers can apply for an additional allowance for dependents with disabilities. The current rate of this additional allowance is \$60,000 for each disabled dependent.

Some Members have expressed concern on the development of self-help organizations, and I fully appreciate this. The Government has all along been supporting and facilitating the development of self-help organizations, with a view to promoting the spirit of self-help and mutual help among service users and their families or carers, and encouraging their active participation in the formulation of policies and services to ensure that the planned services are tailored to the special needs of service users.

Let me briefly explain that in respect of the support for self-help organizations, the Government has, through the Community Rehabilitation Network, organized for people with visceral disability or chronic illness as well

as their family members group activities in psycho-social rehabilitation, education, development and recreation, and through this Network we have promoted and strengthened self-help organizations, and also launched community network activities. Besides, the Government has since 2001 provided funding support to self-help organizations of people with disabilities through a funding support scheme for these self-help organizations of the SWD to support their operation and development. In 2006, additional resources were provided to the Community Rehabilitation Network to strengthen the additional support for self-help organizations and enhance their professional support services. At present, the Government has provided funding totalling some \$16 million for 57 self-help organizations to subsidize their costs in manpower and service programmes during the period from 1 April 2008 and 31 March 2010. Last year, we further provided subsidies of some \$2.6 million to 50 self-help organizations and seven parent organizations to strengthen their support services for carers and improve their facilities. And, it has also been our practice to invite representatives of self-help organizations to actively participate in the development of rehabilitation policies and services.

With regard to Members' view that the Government has to set up an inter-departmental group to review the provision of community services, the Government very much agrees that collaborative and co-ordinated efforts of various departments are crucial to continued improvement of our community support services. For this reason, we have closely worked with the relevant departments in an effort to provide a continuum of community care and support services for people in need. We will continuously maintain close liaison and co-operation with the relevant departments, making concerted efforts to take forward support services on various fronts.

Mr WONG Yuk-man proposed that vacant school premises be converted to increase residential care places for the elderly and people with disabilities. I thank him for putting forward this proposal. The Government has actually been making proactive efforts to identify suitable sites in various districts of the territory for developing residential care homes. We have maintained close liaison with the relevant government departments, such as the Lands Department, the Planning Department, the Housing Department and the Government Property Agency, in order to explore how conversion or redevelopment works can be carried out for constructing residential care homes in new development projects or redevelopment projects, such as public housing estates, under their purview, or

by way of, as suggested by Mr WONG, converting vacant buildings, such as premises of primary and secondary schools which have ceased operation.

In examining whether a particular site is suitable for development as a residential care home, the SWD will look into various factors, including whether the size of the site concerned allows the construction of or conversion into a residential care home of a certain scale so as to achieve cost-effectiveness, and the site should also be located in a place accessible by public transport to facilitate visits by the family members of elders. Besides, places with bad air quality or those affected by noise pollution may not be suitable for elders to reside in. Therefore, the SWD also has to particularly consider the facilities and development projects in the vicinity during the site searching process.

I wish to explain to Members that over the past few years, the SWD and the Labour and Welfare Bureau have in fact inspected a number of vacant primary and secondary school premises and explored the feasibility of converting them into residential care homes for the elderly and people with disabilities. Nevertheless, most of the school premises were not suitable for development of residential care homes owing to their relatively small sizes or other constraints, for example, lifts or ramps could not be built because of structural limitations. The SWD will continue to identify sites or vacant buildings for development of residential care homes through different means, in order to increase the supply of places.

Take residential care homes for the elderly (RCHEs) as an example, in the next three years, five contract RCHEs will be completed. These five RCHEs will definitely be completed, as the sites have been identified and planning is also made for them. These RCHEs are located in Sham Shui Po, and Cherry Street and Tai Kok Tsui Road in Tai Kok Tsui, which are places with a large number of elderly residents, while others are located in such old districts as Sham Shui Po, Tung Chung and Sai Ying Pun, providing about 500 places upon commencement of operation. Certainly, these places are to be provided by the known projects planned, and those new initiatives announced in the policy address have not yet been counted. So, Members must not think that only 500 additional places will be provided. This is not the case, because planning is being made to provide other new places, and services will commence gradually. In respect of residential care homes for people with disabilities, works are being carried out to convert the former Kwai Chung South Clinic in Kwai Shing Wai and the Ma Tau

Wai Girls' Home into Integrated Rehabilitation Service Centres. These two centres, upon completion by end 2010, are expected to provide at least 490 residential care and day training places.

Some Members proposed that a family case approach be adopted to provide support to people in need as well as their carers. In fact, apart from the existing community support services, people with disabilities, elders and carers with other welfare needs, including emotional support, housing needs or financial assistance, can seek assistance from Integrated Family Service Centres which will definitely provide them with suitable services and support using a family case approach.

In respect of the Drug Formulary, Mr WONG Yuk-man proposed to abolish it, whereas Mr CHAN Hak-kan proposed to enhance it. According to the information provided to me by the Food and Health Bureau, the Drug Formulary of the HA aims to ensure equitable access to cost-effective drugs of proven efficacy and safety through standardization of drug policy and drug utilization in all HA hospitals and clinics. About 1 300 standard drugs are currently included in the Drug Formulary of the HA which are all cost-effective drugs of proven clinical efficacy and therapeutic effectiveness for the treatment of various acute and chronic diseases. Many expensive drugs are also included for provision at standard fees. With reference to the established mechanism and through its Expert Panel, the HA will regularly assess new drugs and review the list of drugs in the Drug Formulary as well as the scope of funding of the Samaritan Fund (the Fund), taking into account scientific evidence on safety and efficacy, cost-effectiveness, technological advances in treatment options, actual experience in the use of individual drugs, and views of professionals and patient groups. As at April this year, 60 new drugs have been included in the Drug Formulary since its introduction, and five self-financed drugs are grouped under drugs covered by subsidies under the Fund. As a result of these changes, subsidies granted by the Fund on drugs have increased substantially from \$17.3 million in 2004-2005 to \$75.1 million in 2008-2009.

The HA also seeks to understand and address the concerns of patient groups about the introduction of new drugs or re-categorization of existing drugs in the Drug Formulary through its long-established liaison channel. To further enhance its partnership with patient groups, the HA has established a formal consultation mechanism with patient groups on the Drug Formulary this year. Under this mechanism, the first annual consultation meeting was held in May

2009. Patient groups were invited to give their views after the consultation meeting and there has been extensive participation from patient groups. Moreover, the HA has since January last year relaxed the assessment criteria for financial assistance under the Fund, thus enabling more patients to become eligible for subsidies in the safety net.

President, Members, the Government very much recognizes the contribution made by family carers in taking care of their family members and towards society, and we do agree to the need to provide suitable support to them. The Government will make continuous efforts to understand the demand for various welfare services of family carers through a diversity of channels and at the same time review the mode and contents of service delivery together with NGOs providing support services, with a view to ensuring that service users and their family members are provided with pertinent services and support.

President, I so submit. Thank you.

PRESIDENT (in Cantonese): I now call upon Mr CHEUNG Kwok-che to move his amendment to the motion.

MR CHEUNG KWOK-CHE (in Cantonese): President, I move that Mr WONG Sing-chi's motion be amended.

Mr CHEUNG Kwok-che moved the following amendment: (Translation)

"To add ", or young children" after "disabled or elderly family members"; to add "or young children" after "ill or elderly family members"; to delete ", hence substantially reducing the Government's expenditure in areas such as social services, medical care and education" after "agony"; to add "and review afresh the existing social services to complement such measures" after "measures to provide support for family carers"; to add ", such as providing additional tax allowances," after "'subsidy system for carers of persons with disabilities' "; to delete "and" after "provision of respite care bed service"; to add "and (v) increasing the provision of occasional child care services to provide support for family carers of children with disabilities and other difficulties;" after "emergency respite care bed service;"; to add "acknowledge the important functions of

self-help organizations, and" after "(d) to"; to add "various categories of" after "stable support for"; to delete "and" after "family carers organizations"; and to add ", and examine how such services can complement the existing social services; (f) to turn the Integrated Discharge Support Trial Programme for Elderly Patients into regular services, and provide similar services for persons with disabilities so that they can have discharge support after hospital discharge; and (g) to study the provision of training for family carers to enable them to know how to take care of family members living in residential care homes" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHEUNG Kwok-che to Mr WONG Sing-chi's motion, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr WONG Yuk-man, as Mr CHEUNG Kwok-che's amendment has been passed, you may now move your revised amendment. You may speak for up to three minutes to explain the revised terms in your amendment.

MR WONG YUK-MAN (in Cantonese): I move that Mr WONG Sing-chi's motion, as amended by Mr CHEUNG Kwok-che, be further amended by my revised amendment. I do not have anything to add.

Mr WONG Yuk-man moved the following further amendment to the motion as amended by Mr CHEUNG Kwok-che: (Translation)

"To add "; (h) to abolish the Drug Formulary so that people with chronic illness can be provided with suitable drugs with less side effects; (i) to convert vacant school premises to increase residential care places for persons with disabilities, subsidized care and attention places as well as nursing home places, so as to shorten the waiting time for such places; and (j) to create more care worker posts to provide additional home care services for those who are waiting for care and attention places as well as nursing home places, so as to strengthen the support for carers" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr WONG Yuk-man's amendment to Mr WONG Sing-chi's motion as amended by Mr CHEUNG Kwok-che, be passed.

PRESIDENT (in Cantonese): I now call upon Mr CHAN Hak-kan to move his amendment to Mr WONG Yuk-man's amendment.

MR CHAN HAK-KAN (in Cantonese): President, I move that Mr WONG Yuk-man's amendment be amended.

Mr CHAN Hak-kan moved the following amendment to Mr WONG Yuk-man's amendment: (Translation)

"To delete "abolish" before "the Drug Formulary" and substitute with "enhance the selection mechanism of"; and to add ", so that more drugs with therapeutic effectiveness but are of higher costs will be included in the Drug Formulary, and increase the amount of subsidy under the

Samaritan Fund as well as extend the scope of the Fund to cover more categories of drugs to assist patients in need to purchase drugs not on the Drug Formulary," before "so that people with chronic illness".

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr CHAN Hak-kan to Mr WONG Yuk-man's amendment, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): I now put the question to you and that is: That Mr WONG Yuk-man's amendment, as amended by Mr CHAN Hak-kan, to Mr WONG Sing-chi's motion as amended by Mr CHEUNG Kwok-che, be passed.

PRESIDENT (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Mr WONG Sing-chi, you may now reply and you have 19 seconds.

MR WONG SING-CHI (in Cantonese): I would respond very quickly to the Secretary's remark that a lot of efforts have been made. In fact, I know that the Secretary has really made some efforts. However, as a number of Honourable Members have said, in connection with the support for family carers, there is still plenty of room for continuous improvement and effort. I hope the Secretary will work with us in the future through various channels to get the job done. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr WONG Sing-chi, as amended by Mr CHEUNG Kwok-che, Mr WONG Yuk-man and Mr CHAN Hak-kan, be passed.

PRESIDENT (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Second motion: Strengthening and continuously supporting the teaching and learning of Chinese for non-Chinese speaking students.

PRESIDENT (in Cantonese): Members who wish to speak in the debate on the motion will please press the "Request to speak" button.

I now call upon Dr Margaret NG to speak and move her motion.

**STRENGTHENING AND CONTINUOUSLY SUPPORTING THE
TEACHING AND LEARNING OF CHINESE FOR NON-CHINESE
SPEAKING STUDENTS**

DR MARGARET NG (in Cantonese): President, Hong Kong is a society where unfairness has become more and more prevalent, and increasingly institutionalized, and as a result, people subject to unfair treatment can never have their plight reversed. The consultation on constitutional reform announced by the Government today is a case in point. However, a lot has been said on matters of principle and today, let me start by telling a story.

(THE PRESIDENT'S DEPUTY, MR FRED LI, took the Chair)

This is a story about a Pakistani boy named Khezar HAYA, whose Chinese name is 夏見山. Since his grandparents came to Hong Kong for settlement many years ago, he is now the third generation of Hong Kong people in the family. His father has long retired and his mother is a housewife. They have seven children and Khezar is the fifth child. While they are Pakistanis, they live the Hong Kong way of life. They speak Cantonese in their daily lives and watch

TVB and ATV when they turn on the television, and a lot of their friends are Hong Kong people.

When Khezar's elder brothers and sisters studied in school, there was no Chinese Language lesson for them and so, even though they understand and speak Cantonese, they have not formally learned to read and write Chinese. So, they have not been able to land a better job. His whole family understands the importance of Chinese in Hong Kong society and so, Khezar and his two younger sisters have worked very hard learning Chinese since kindergarten. Khezar sat in the Hong Kong Certificate of Education Examination (HKCEE) this year and took the examination of the standard curriculum of Chinese Language. To play safe, he also took the Chinese Language examination of the GCSE. He finally got a pass in five subjects in the HKCEE, scoring the highest grade of 5 in English Language but only a "U" class in Chinese Language. Fortunately, he got an "A", which is the highest grade, in Chinese Language of the GCSE.

Khezar's dream is to become either a fireman or policeman, but with these results it is impossible for him to realize his dream. He had applied for appointment as a policeman and passed the physical fitness test and other assessments, but during the interview the interviewer told him that his Chinese language standard was still not up to par even though he had scored an "A" in GCSE, and his application was eventually rejected. Then what is Khezar doing now? He now works as a delivery worker.

Deputy President, what is fairness? Is it fair to require everyone to reach a uniform standard of Chinese language disregarding whether or not he has had the opportunity to learn Chinese? Is this actually another instance of *de facto* unfairness and inequality, creating another kind of misfortune? These ethnic minority children and youngsters who are the concern of this motion that I propose today are the unfortunate ones under this situation.

Members, it is perhaps because we speak Chinese, read Chinese books and newspapers and write Chinese since we were born that we do not think there is any problem in learning Chinese. But even for us Members, it is absolutely not easy to be proficient in Chinese. For example, in this Chamber, even though the Chinese proficiency of the 60 of us is probably not low, the President has twice corrected our Cantonese pronunciation of Chinese characters today, pointing out that our pronunciation was wrong and one of the Members whose pronunciation

was wrong is the Chairman of the Democratic Party. So, think about this: It is indeed not easy to learn Chinese, not to mention wrong pronunciation by the Chief Executive, something to which we are accustomed. Even if we Members now study 浪淘沙, a lyric verse by LI Yu, the last emperor of the South Tang Dynasty, in the Chinese Language textbook for Secondary Three students, I wonder how many Members can understand what LI Yu was trying to say, let alone a Pakistani student. From this we can see that to ethnic minority students, even though they were born and brought up here, and they spend all their life in Hong Kong and work very hard, there is still a gap which is not easy to bridge. If we apply to everyone the same ruler for measurement, that would be tantamount to neglecting the different situations of different people and condemning them to a predicament that they cannot possibly change. What is more, many ethnic minority students actually perform remarkably well in other subjects, except Chinese Language. But given the across-the-board requirement under the education system that Chinese Language is a must for pursuing higher studies, many ethnic minority students with good academic performance are forced to quit school and take up low-skilled jobs. The boy named Khezar in the story told by me just now scored a pass in five HKCEE subjects with an "A" in English Language and yet, he cannot pursue further studies and has to work as a delivery worker. Would you consider that to be fair? I think this is ridiculous, and all the more I feel sorry and sad for him. I think our society is doing injustice to him.

Deputy President, looking back on the past, I think Hong Kong people in my generation still recall what happened during the British colonial era. Though Hong Kong is a Chinese society, English was the principal language used in the Administration and major business firms; and the Secretary should also remember those days. If we did not perform well in English Language, our future would be greatly restricted. Having said that, the education system back then at least still provided the majority of Hong Kong people with the opportunity to learn English.

Given the mainstreaming of Chinese nowadays, it is utterly impossible for people who do not know Chinese to integrate into the mainstream society and they will hence be more and more marginalized. What the ethnic minorities want today is not to force other people to accept their languages. They are only asking for a reasonable opportunity such that they can be helped in learning Chinese, so as to integrate into society. What should be our aim today?

Should we put ourselves in their shoes, be mindful of the past and decide not to treat others the way we ourselves do not want, or should we give a hard time to the children of non-Chinese people with the mentality that it is now their turn to suffer and remain indifferent when they are neglected and treated without sympathy?

Deputy President, the Race Discrimination Ordinance enacted in the last term of the Legislative Council is a milestone in the protection of ethnic minorities in Hong Kong. But this Ordinance still has great deficiencies. On the education for young people of ethnic minorities, the Ordinance cannot force the Government to draw up policies on equality for them to get out of the dead alley. To speak up against injustice is the reason why I proposed this motion, although, as you also understand, Deputy President, education is not my profession and I feel to be very estranged from education. But I know that many Members have studied the issue of education for a long time and they have profound understanding of it. In this debate, they will certainly have many concrete proposals and methods to make up for my inadequacies.

Lastly, I would like the ethnic minorities to tell in their own words their situation and aspirations. I wish to read out a letter from a Pakistani girl to Premier WEN Jiabao. It reads:

"Grandpa WEN, how do you do? I wonder how the victims in Sichuan are doing now. I hope the children there are doing just fine. Although I am not a Chinese by ethnic origin, I feel very sad at seeing their situation. Grandpa WEN, you personally went there disregarding your own safety to give your condolences to the victims during their hardest time and to comfort a child whose parents had died. My family and I watched in tears as we were so much moved by your loving care and your kind face. I sincerely think that you are a Prime Minister who very much loves your people. So, I am writing this letter to you to tell you our situation.

"My name is Fatima Bibi KHAN (簡天敏). I am a Hong Kong Pakistani born in Hong Kong with six brothers and sisters. I am 13 years old and am studying in Primary Six. I will be going to Secondary One after the summer holiday.

"My elder brother works very hard to support the family. I hope that I can join him earlier to provide for the family and this is why I always study very hard.

I hope to find a good job when I grow up. I do well in all the subjects but I am poor in Chinese. I know that one must be very good in Chinese in order to find a job in Hong Kong, but I have tried my best and I still cannot pass the examination and tests in Chinese Language. My lowest mark is zero; sometimes I get eight marks; sometimes I get 35 marks; and the highest mark is 59. Although the teacher said that my Chinese standard is the best among all South Asian students, I cried sadly whenever I received my report card. The marks that I can get with all the hard work simply do not allow me to go to a good school. I will be teased as a "band three" poor performer for my whole life.

"Except my elder sister and me, nobody in the family has had the opportunity to learn Chinese. I am very worried about not being able to find a good job. Many of us of South Asian origin are unemployed and live in poverty. Even if they manage to land a job, they have to work laboriously, and I do not want to be like them. I always hear the adults say that Hong Kong people want to stand on their own feet and they do not want to be lazybones. I do not want to be a lazybone, but what should I do? In Hong Kong, there is not any Chinese Language curriculum and textbook tailored to our standard, and the Chinese characters are like pictures which are indeed very difficult to learn. I really wish to master Chinese well but my elder sister and me, the Nepalis, Indians and Filipinos just cannot catch up even though we have worked very hard.

"Grandpa WEN, I have a dream. My dream is to become a social worker when I grow up, so that I can help people in need and make contribution to society. I look forward to receiving your reply soon."

Deputy President, although this letter has many characters that are wrongly written, its effect is overwhelming. A very expressive girl she is. Why do we make her face such a destiny?

With these remarks, Deputy President, I beg to move.

Dr Margaret NG moved the following motion: (Translation)

"That, as the Race Discrimination Ordinance passed by this Council in 2008 still has many deficiencies, the Government must introduce policies to achieve racial equality in a more comprehensive manner; this Council urges the Government to strengthen and continuously support the teaching

and learning of Chinese for non-Chinese speaking ('NCS') students, to develop, having regard to the Chinese proficiency and the needs of NCS students, learning objectives and relevant diagnostic and assessment tools for different stages, including external assessment standards, and to provide appropriate teaching materials and effective pedagogies so as to facilitate effective learning, with the ultimate objective of upgrading NCS students' Chinese proficiency, including listening, speaking, reading and writing, so that they can compete in the local employment market and gain entry to various professional sectors."

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

DEPUTY PRESIDENT (in Cantonese): Two Members will move amendments to this motion. This Council will now proceed to a joint debate on the motion and the two amendments.

I will call upon Mr CHEUNG Man-kwong to speak first, to be followed by Ms Starry LEE; but no amendments are to be moved at this stage.

MR CHEUNG MAN-KWONG (in Cantonese): Deputy President, it is indeed not easy to learn Chinese. Though being a Member representing the Education sector myself, I sometimes mispronounce Chinese characters. I had once mispronounced a character in a debate and when I sat down after finishing my speech, I got a note from SZETO Wah telling me about my wrong pronunciation. On another occasion, I was about to speak in a debate but I did not know the pronunciation of a character and so, I wrote a note to "Uncle Wah" asking him how it should be pronounced, but he told me that he did not know the pronunciation either. From this we know that if even SZETO Wah sometimes does not know the pronunciation of Chinese characters, how can we expect the ethnic minorities to reach the same Chinese language standard as ours in their studies and employment?

The President of the United States, Barrack OBAMA, is currently visiting China. Last year when OBAMA ran in the presidential election, his good friend, Rev. Jeremiah WRIGHT, made some remarks on hatred towards the White

people, which put OBAMA's electioneering in jeopardy. OBAMA subsequently gave a speech on the race issue, particularly laying stress on students of ethnic minorities and rousing the world to rethink race discrimination. OBAMA pointed out that in some schools where racial segregation is enforced, black students can only access inferior education, which explains the achievement gap between black and white students. The SAR Government should attach great importance to OBAMA's viewpoints on the education of ethnic minorities.

In 2004, the promotion of integrated education in Hong Kong removed the restriction that ethnic minority students can only choose from seven non-Chinese language schools. This is actually breaking racial segregation for students, allowing them to integrate into local schools. However, the Government has not provided appropriate education support for schools admitting ethnic minority students. Given the scattering of ethnic minority students in different grades and the shortage of school resources, it takes a great deal of effort to arrange for individual remedial class and the students cannot catch up with the mainstream curriculum. As a result, ethnic minority students are like abandoned children, wasting their time in such schools. Some parents even said in tears that it would be better for their children to return to non-Chinese speaking schools.

Over the years, the Education Bureau has been apathetic to ethnic minority students. It was only after the enactment of the Race Discrimination Ordinance in 2006 that the Government made some improvement under pressure, including the provision of the Supplementary Guide to the Chinese Language Curriculum for Non-Chinese Speaking Students as well as Chinese language textbooks for them. Last year, I visited some ethnic minority schools and found that even though some students had completed the primary curriculum, they knew nothing about the Chinese language and all they could do was to recite some passages along with other students. This has invoked deep feelings in me. If a student has consistently failed to catch up with the Chinese Language curriculum, not knowing what the teachers have said and taught, he would lose his interest in learning very soon, and if his Chinese language standard is unsatisfactory, how can his learning be effective in other subjects taught in Chinese? Once he fails in Chinese Language, he fails in all subjects. No wonder some ethnic minority students already threw in the towel in junior secondary forms and quit school.

In 2007, the Hong Kong Professional Teachers' Union and the Hong Kong Unison conducted a survey on the learning of Chinese language among ethnic minority students. The survey found that the greatest difficulty they faced in

learning was the lack of support from parents. Parents of ethnic minority students have limitations in financial means and educational attainment, and they do not know much English, not to mention Chinese. How can they give guidance to their children on their homework and how can they afford hiring private tutors for their children? Although the Education Bureau now allocates a special grant of \$300,000 to \$600,000 to the 26 designated ethnic minority schools annually to support ethnic minority students, students who study in non-designated schools do not receive any subsidy. According to the Government's information, in 2008, there were 10 secondary schools and nine primary schools which are the so-called non-designated schools with 30 or more ethnic minority students. So, there were thousands of ethnic minority students studying in these schools, and the problem must not be taken lightly.

In this connection, I have repeatedly asked the Education Bureau and the Constitutional and Mainland Affairs Bureau to provide outreaching Chinese Language teachers for ethnic minority students, so that remedial classes can be provided to students after class or during non-school hours. The objective is to help students build a good foundation in Chinese language and improve the effectiveness of learning, thereby giving play to the spirit of the Race Discrimination Ordinance. Last month, Secretary Stephen LAM finally acceded to the request of the Democratic Party and undertook to provide subsidies to the four Chinese Language Learning Support Centres for them to introduce remedial teaching service at the outreach centres and send teachers to non-designated schools with more ethnic minority students to provide after-school Chinese Language remedial classes.

However, Deputy President, the Democratic Party must reiterate that the implementation of the outreaching Chinese Language teachers programme should focus on two points: First, in their proposals to be submitted, the Chinese Language Learning Support Centres should be required to include two types of services. That is, apart from the original remedial classes provided in the Centres, some outreaching remedial programmes in Chinese Language must also be provided on a pilot basis, whereby Chinese Language teachers will be sent to schools with a larger number of ethnic minority students to provide remedial teaching after school hours or during holidays for students who cannot catch up with the Chinese Language curriculum. Second, I call on the Education Bureau and the Constitutional and Mainland Affairs Bureau to ensure co-ordination, co-operation and provision of support. They must not think that they can

slacken their efforts or simply shake off their responsibility after drawing up the curriculum. The Education Bureau should provide information on the number of ethnic minority students in non-designated schools, so that the Support Centres can map out plans accordingly with an accurate focus in providing outreaching Chinese Language teachers service. In future, the authorities should review this mode of teaching and its effectiveness and then further promote it.

Deputy President, education can facilitate social mobility and help eliminate poverty. I am particularly concerned about the equal opportunity for ethnic minority students to study in university. In the course of scrutinizing the Race Discrimination Bill, the Democratic Party had lobbied universities for their recognition of the GCSE results of ethnic minority students, so that Chinese language will no longer be an obstacle to them in pursuing university education. After all, students can learn entirely in English in universities.

However, the Democratic Party has not forgotten many ethnic minority students who cannot go to university, and these students actually constitute the majority. The Chinese language standard of the GCSE is far lower than that of the Hong Kong Diploma of Secondary Education (HKDSE) Examination and so, it cannot meet the requirements of local jobs and is not accepted by many employers. I therefore proposed an amendment suggesting to formulate between the future HKDSE and the GCSE a Chinese language benchmark test suitable for ethnic minorities in Hong Kong, and non-Chinese speaking (NCS) students can take the test of their own accord.

This Chinese language benchmark test proposed by me targets the standard and needs of NCS people from ethnic minorities. For example, the test will not include writings in classical Chinese. The standard of the benchmark test can sufficiently cope with employment and daily lives in Hong Kong. The benchmark test is different from the "assessment tools" in the original motion, for the former is not meant to eliminate students. The benchmark test is somewhat similar to IELTS, as it is conducted for a number of times throughout the year and people from ethnic minorities of all ages and any standard can take the test whenever they feel that they are adequately prepared for it. If they cannot obtain satisfactory results in the test, they can still take the test again next time. Once they pass the test, they can prove to the employers that their Chinese language standard can meet the job requirements.

Deputy President, the President of the United States, Barrack OBAMA, has made an appeal to his people in his speech, saying that investing in the welfare and education of black, yellow and white children will ultimately help America prosper. Similarly, investing in ethnic minority students by the SAR Government will make Hong Kong more harmonious, and this is absolutely something worth doing, because helping these ethnic minority students to give play to their talents will ultimately benefit the community of Hong Kong.

Honourable colleagues, ethnic minorities have been neglected, belittled and discriminated against for a very long time in Hong Kong. When we are here squarely addressing their problems today, especially in respect of their children's education and problem with the learning of Chinese language, we should change such discrimination in history, and give them hopes and opportunities. Ethnic minority children are our children too, and ethnic minority communities are part of Hong Kong society as a whole. Today is the end of all kinds of discrimination and the beginning of all hopes. I strongly believe that once they can master Chinese language and avail themselves of the opportunity of education, they will become a vital part of Hong Kong and this very part is exactly what a civilized society should accept and what constitutes part of the core values.

With these remarks, Deputy President, I beg to move.

MS STARRY LEE (in Cantonese): Deputy President, according to government statistics, the ethnic minority population in Hong Kong is about 350 000, accounting for about 5% of the total population, and 10% of them were born and brought up in Hong Kong. I very much respect these ethnic minority communities. Like us, they have made Hong Kong their home. As early as in 2004 the Democratic Alliance for the Betterment and Progress of Hong Kong (DAB) already set up the Ethnic Minorities Committee and the Ethnic Minorities Service Centre in Jordan, hoping to strengthen contacts with ethnic minorities and help them integrate into society.

People of ethnic minorities who left their homeland to settle in Hong Kong are like our parents coming from the Mainland to settle in Hong Kong decades ago. They did not know English and could only work manual labour jobs to feed the family. Although they worked laboriously, they were still hopeful about the future as they pinned all their hopes on their next generation. They

also hoped that through education, their children could move up the social ladder and become successful one day.

Hong Kong is a land of dreams that has made a lot of miracles. The story of Secretary for Justice WONG Yan-lung has encouraged numerous parents and children to continuously work hard, and epitomized the spirit of perseverance and diligence of Hong Kong people under the Lion's Rock: "Where there is a dream, there is a way".

However, to parents and children of ethnic minorities, while they live with us under the same roof in Hong Kong, we do not have the same dream. Although they are prepared to work laboriously, their children, when compared to ours, have no hopes, no prospect and no chance of success. Given a poor standard of Chinese, they are marginalized in their studies and employment.

This claim is founded on facts. The number of ethnic minority students in public sector schools has been increasing. In 2006, the number of these students stood at some 7 000 and in 2008, it was some 9 000. There are also over 10 000 ethnic minority children studying in kindergartens, accounting for nearly 10% of the total number of kindergarten students.

In 2007 and 2008, only six ethnic minority students were admitted by local universities each year, and in 2009, only one ethnic minority student could go to university. Why is it that only 1.8% to 2.8% of the 200 to 300-odd ethnic minority youths taking the Hong Kong Certificate for Education Examination (HKCEE) can go to university eventually? The admission rate of Hong Kong students is 15.4%. In this knowledge-based economy, how can they possibly move up the social ladder?

It is a common wish of young people to find a good job after completing their studies, and it is the wish of many people to join the Civil Service in order to repay society. Unfortunately, to the new generation of ethnic minorities, finding a good job can only be a dream beyond their reach because of their Chinese language standard. Deputy President, without a dream, how can there be motivation?

Some friends from ethnic minorities have told me that a decade or so ago, non-Chinese people could still join the Government with the results in English

Language in the HKCEE and the Hong Kong Advanced Level Examination but since 2003, applicants for non-degree posts in the Civil Service have been required to attain Grade E or above in both Chinese Language and English Language in the HKCEE. This policy has virtually imposed a death sentence on them, dashing all their hopes of joining the Civil Service.

Even though the Government has since 2007 allowed applicants to submit their result in Chinese Language of the GCSE as the equivalent of the Chinese Language result in the HKCEE, ethnic minority people still have to overcome one hurdle after another, for they must pass the Chinese language tests held internally by government departments before they can stand any chance of being appointed to the job. To ethnic minority people, this is, in fact, a retrogression in policy, because almost no ethnic minority applicant has been able to pass these tests.

Deputy President, I cannot tell all the stories for them because there are indeed too many of these examples in the ethnic minority communities. While the story of how Secretary for Justice WONG Yan-lung had made determined efforts to strive for success can motivate Hong Kong youths to work hard for continuous improvement, and though I have tried very hard to find similar inspiring stories from the ethnic minority communities, I have not been able to find some typical cases to share with Members.

Where exactly does the problem lie? I think the most pressing problem that needs to be addressed is their Chinese reading and writing abilities, in order to help them seek employment and pursue studies effectively in the long term. Deputy President, the current Chinese language curriculum in schools is specifically designed for Hong Kong students whose mother tongue is Cantonese. To ethnic minority students who are not native speakers of Cantonese, the curriculum is indeed too difficult. Coupled with the absence of a relevant language environment at home and the lack of knowledge of Chinese culture, there are indeed certain difficulties for them to catch up with the progress of the Chinese language curriculum. While ethnic minority students who were born and brought up in Hong Kong may be able to understand and speak Cantonese from their daily contact with schoolmates or watching television programmes, when it comes to reading and writing Chinese characters, what they have learnt is only rudimentary even though they have made tremendous efforts. When they are promoted to secondary school and come across writings in classical Chinese, they cannot even make head nor tail of them. They will tell you that after studying the texts about returning the jade intact to the State of Zhao and LIAN

Po strapping brambles to his bare back to ask for forgiveness, they do not even know who LIN Xiangru was.

Indeed, teachers of ethnic minority students know very well where the problem lies. As indicated in an opinion poll conducted among front-line teachers, 85% of the teachers interviewed pointed out that they encountered more difficulties when teaching Chinese language to ethnic minorities than local students. These difficulties include the lack of suitable textbooks, the compilation of a curriculum suitable for ethnic minorities, the lack of a curriculum guide provided by the Education Bureau, inadequate support for parents, inadequate support provided by the Education Bureau, and so on. Besides, 75% of the teachers pointed out that the current Chinese Language curriculum is not suitable for ethnic minority students at all. For this reason, teachers of designated schools can only "feel their way across the river" and prepare by themselves teaching materials for ethnic minority students. When different teachers prepare their own teaching materials, the teaching materials are "良莠不齊" (which means "of a varying standard"; the Cantonese pronunciation of "莠" is "jəu⁵" and the Member pronounced it as "əu³"). To NCS students in mainstream schools, there is almost no support at all. Deputy President, I also mispronounced a character just now. So, the DAB supports the original motion today which calls for the formulation of methods for strengthening and continuously supporting the teaching and learning of Chinese for NCS students.

I understand that the Government is currently conducting a study on good practices in primary and secondary schools to support NCS students, and I hope the Government can expeditiously publish the findings of the study and introduce specific support measures to upgrade the Chinese proficiency of NCS children in the long term, thereby facilitating their employment in Hong Kong, enhancing their competitiveness and thus giving them the opportunity to gain entry to various professional sectors.

Deputy President, the amendment proposed by me today consists of two parts. First, I propose to include general knowledge about local culture and life in the teaching materials, so that students can practically put what they have learnt into practice and better still, this will be of great help to students in their Liberal Studies in future. It is because according to academics who teach Chinese Language, a key point in teaching foreigners Chinese language is to link the teaching materials with daily lives.

Moreover, apart from teachers of "designated schools" who have more opportunities to come into contact with ethnic minority students, teachers of other mainstream schools have comparatively less knowledge of the cultural background of ethnic minority students. For this reason, it is necessary for teachers to learn more about the cultural backgrounds of people from different ethnic minorities, so that they can more easily understand the learning needs of ethnic minority students.

I understand that the Education Bureau has a series of training programmes specifically for Chinese Language teachers of ethnic minority students. However, most of the programmes are provided on a short-term basis which may not be helpful to the studies on the teaching and learning of Chinese for NCS students. I also understand that local universities also provide advanced courses on teaching Chinese as a second language. I propose that the Government should provide subsidies to these Chinese Language teachers as incentives for taking up these courses, so as to enhance the professional knowledge of these teachers and hence enable them to more effectively support the learning of ethnic minority students.

With these remarks, Deputy President, I call on Members to support my amendment.

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, first of all, I wish to thank Dr Margaret NG for proposing the motion debate on supporting the teaching and learning of Chinese for NCS students.

The Government has all along been committed to eliminating racial discrimination and promoting racial equality, with such measures as the implementation of the Racial Discrimination Ordinance and administrative guidelines on establishing conduct that promotes racial equality. In June and October this year, reports on the progress of work regarding the guidelines was in fact made to the Panel on Constitutional Affairs by the Constitutional and Mainland Affairs Bureau, the Education Bureau, and other relevant Policy Bureaux, departments and public bodies.

As regards education, the Education Bureau is committed to helping NCS students adapt to the local education system and integrate into society as soon as

possible, and to provide them with a range of support measures. The relevant support measures focus on three areas as follows:

First, learning materials, teaching aids and reference materials covering both the primary and secondary school curricula are designed and distributed to schools and NCS students as stepped up efforts in support of the learning and teaching of Chinese Language;

Second, the authorities will increase the number of designated schools and strengthen the support for schools which admit more NCS students, thereby promoting support for the development of teaching materials for NCS students, and encourage experience sharing among schools which have admitted NCS students; and

Third, to strengthen after-class support for students of NCS schools through setting up more support centers for the learning of Chinese language.

In addition, the Government has produced an information kit for NCS parents with various versions in the languages of the ethnic minorities for distribution to parents at maternal and child health centres and NGOs for the reference of relevant persons.

We will continue to review and strengthen the measures from time to time, in addition to continued provision of appropriate support services to the ethnic minorities.

Deputy President, I so submit. After listening to the views of Members, I will give a response accordingly.

Thank you, Deputy President.

MR TOMMY CHEUNG (in Cantonese): Deputy President, in 2007, when this Council discussed the rights of ethnic minorities I said that I hoped ethnic minorities could be helped in integrating into Hong Kong society in terms of education, employment, public services and legislation. Therefore, with respect to the motion today, especially on the question of supporting the learning of Chinese for NCS students, I am certainly very supportive of it.

According to the enrolment statistics of schools in 2007, NCS students in Hong Kong numbered about 9 700 and the number is by no means small. As Hong Kong is a predominantly Chinese society, the level of proficiency in Chinese language is very important to ethnic minorities in their success or otherwise in integrating into the local society. Therefore, I will make a number of recommendations to address the issue in the hope that they can be helped.

In my opinion, the most pressing task for the Government is to subsidize these NCS students in taking the GCSE (Chinese) examination or even lower the examination fees to a level comparable to the HKCEE Chinese Language examination or that for other languages.

In 2007 when the Government introduced this examination, the intention then was to let ethnic minority students sit for a Chinese Language examination that is different from that taken by locals. The idea is good. But the application fee for GCSE (Chinese) is \$965, which is four times as expensive as the local Chinese Language examination fee of \$195. It must be noted that many NCS students come from low-income families and the sum is expensive for them. No wonder in May, about 100 NCS students and their parents marched in protest of this high fee for the GCSE (Chinese) examination. I hope that the Government can look closely into the issue and remove this obstacle to their integration into our society.

As for the view that the level of the GCSE (Chinese) examination is low and even if it can help NCS students in pursuing further studies, it may not be enough to serve their needs in work and everyday life. It is thus suggested that another Chinese Language benchmark test be set up to raise their Chinese proficiency and recognition by employers. In the long run, this proposal can help ethnic minorities in their integration into society, hence it should be considered by the Government. However, to design such a benchmark test, it will surely take time and so for the time being, it is a pressing need for the Government to offer subsidies to these students to take the GCSE (Chinese) examination and this suggestion is feasible.

Of course, a lot have to be done by the Government to help ethnic minorities learn Chinese well and integrate well into society. For example, the Government may improve the "designated schools" scheme. Despite the increase in the number of such schools from 15 to 26 this year, and that more

schools can get subsidies and advisory service to enhance the support in teaching given to ethnic minority students, it is clear that with close to 10 000 NCS students in Hong Kong, the increase falls short of the demand.

Besides, the approval criteria are not clear, thus limiting the number of successful applications from schools. An example is that there is a school with an enrolment of ethnic minority students taking up 83% of the student population but the school has yet to be accepted as a designated school. The situation warrants our concern.

The Government should explain the criteria for schools to become designated schools as well as the criteria used to work out the special grant for such schools. In this way, unfairness will be prevented.

Also, the Government should offer some courses in support. The Education Bureau has commissioned the University of Hong Kong to set up a Chinese Language Learning Support Centre for NCS students from Primary One to Four.

I think that the Government should review the effectiveness of this scheme on a regular basis and deploy resources as suitable to enhance it. An example is to extend the four-week bridging course to Primary Five and Six so that more needy students can benefit.

(THE PRESIDENT resumed the Chair)

There is another point that the Government should not overlook and, that is, to enhance its support for the teaching of Chinese language to NCS students at the pre-school level. Many studies have proven that learning languages should begin the earlier the better. But the Supplementary Guide to Chinese Language Curriculum (Non-Chinese Speaking Students) published by the Education Bureau last year only covers the primary and secondary levels and the pre-school level is not taken into account. This is clearly inadequate.

President, quality teachers are required for a good Chinese education. In 2008 the Education Bureau commissioned the Hong Kong Polytechnic University to offer a training programme for Chinese language teachers teaching in primary

schools which admit NCS students. I would think that now is the time for the Government to examine the needs and contents of this programme to see if it should be expanded and improved in order to achieve better training results. Of course, the Government should also extend the programme to include kindergarten teachers.

Meanwhile, with respect to the proposals made by Mr CHEUNG Man-kwong and Ms Starry LEE in their respective amendments on organizing outreaching tutorial services, subsidizing teachers in their studying of courses on cultural diversity, and so on, I think they would also help NCS students learn Chinese well, so the Liberal Party supports these two amendments and the original motion.

Thank you, President.

PROF PATRICK LAU (in Cantonese): President, people of various ethnic origins have come to settle in Hong Kong ever since the inception of the city. These people have made tremendous contribution to the development of Hong Kong. Hong Kong is after all, a society with a population of predominantly Chinese and when added to the increasing importance of the China market, the Chinese language has taken a very important place in work and studies. As the mother tongue of many NCS people is not Chinese or English, it is hard for them to integrate into the local community. Although their children grow up in Hong Kong and speak Cantonese fluently, they cannot read or write much Chinese. Education is crucial to child development and government support for NCS people is inadequate. So I think we must formulate a suitable education policy and provide effective pedagogies so that their potentials can be fully realized and they can find it easier to mix with the local community. This will in turn make Hong Kong a more open and diversified city.

University education can help students discover their potentials and after studies and training, they will know how to find a job that will best suit their talents. So I am glad to find that the Government has been flexible in dealing with the minimum entrance requirements for university education and this change serves to enable more NCS students to be admitted to the local universities. In the past, all applicants had to submit results in Chinese language examinations and now alternative qualifications in the Chinese language such as the Chinese

language examinations of the GCSE, GCE and the International Baccalaureate are accepted instead of the Chinese Language results in the Advanced Level examinations. Also, the tertiary institutions have begun to admit NCS students and they may use a language other than Chinese or English to replace Chinese as part of the admission requirements. Some institutions have even relaxed the requirement in respect of Chinese Language to admit students who have outstanding performance in other subjects.

I agree with these flexible arrangements made by the Education Bureau which give these NCS students a greater chance to receive university education and professional training. As a result, they can have more chances to study different subjects and they will not be deprived of the opportunity to apply for degree programmes because they cannot speak Chinese.

Having said that, I have doubts about the practical effects of this policy. First, I hope the Secretary can tell us how many students have been admitted under this arrangement. What is their employment situation after graduation? This arrangement which began in the 2008-2009 academic year has now spanned two academic years and I hope the Government can enhance the transparency of JUPAS, in that apart from making public the scores for admission, other kinds of information can be published as well. This will show how effective this arrangement is for NCS students.

Due to the disparity in the Chinese language proficiency and pace of learning between NCS students and local students, it is not fair to measure their Chinese language proficiency with the same standards. I agree with the amendment on setting up a Chinese language benchmark test suitable for NCS students. I would say that we may model on the past practice of having Syllabus A in HKCEE English Language which is not as difficult as Syllabus B English Language. This will enable students to choose the examination that suits their ability. And it will ensure that no students will be deprived of learning incentives and interest owing to the difficulties of the subject. This assessment system can also enable NCS students to know where their Chinese level stands and help them in applying for admission to tertiary institutions and meeting the needs of daily life. Also, the assessment system can give public recognition to the Chinese proficiency of these NCS students. This will be helpful to these students and their personal development in this diversified society of Hong Kong.

I agree with the amendments in that apart from formulating a Chinese language benchmark test suitable for NCS students, schools can use the level of Chinese proficiency required by this test to adjust their mode of teaching. As language proficiency can only be developed through intensive learning and practice, I think that the Government should provide relevant teaching in the primary and secondary schools as early as possible and foster the Chinese proficiency of these NCS students from an early time. The Government should also organize special classes to cope with the level of Chinese proficiency of these students and meet their needs. When focused teaching is put into practice, these students can learn Chinese at a steady pace. President, I am actually very much opposed to tutorials. There are many tutorial schools in Hong Kong, but this is not a healthy development. On the other hand, many teachers are unemployed, why should these teachers not be allowed to teach this group of students so that they can become more proficient in Chinese language?

Lastly, I agree that schools may add elements of Hong Kong culture and living in Hong Kong to their teaching materials. This is because the pedagogy of many languages is closely linked to living. Chinese literature, especially, is immensely related to the Chinese culture. So we need to have a pedagogy that is closely linked to living and group discussions may be used to foster more exchanges of views among students and make learning an integral part of their life. This can make them learn Chinese effectively and they can be given equal opportunities so that they can join our society and work to build a Hong Kong of diversified cultures.

Thank you, President.

MR WONG YUK-MAN (in Cantonese): President, I am very grateful to Dr Margaret NG for proposing this motion on "Strengthening and continuously supporting the teaching and learning of Chinese for non-Chinese speaking students". Under Article 39 of the Basic Law, the Government has a constitutional obligation to protect the right to education of its citizens under a situation without any existence of racial discrimination. The United Nations Committee on Elimination of Racial Discrimination held a hearing this August and some of its members queried that the SAR Government had been negligent in addressing the learning difficulties of NCS students. This is a well-justified query.

This motion proposed by Dr Margaret NG today actually serves to give the Government an opportunity to respond to this query raised by the United Nations Committee on the Elimination of Racial Discrimination in its hearing in August. The League of Social Democrats advocates help to the weak and the vulnerable. Our goal is to help the weak and the vulnerable who are about to stumble and fall. This is actually part of the orthodox ethical thinking of China in the ancient times, but now in this commercial society of Hong Kong, we are taking a rational and practical approach to look at the related problems. As a matter of fact, government policies, I am referring to policies that address the disadvantaged and the poor, are devised from a very practical perspective.

In 2007, that is, two years ago, it is the bicentennial of the abolition of the Slave Trade Act by Britain and movie-makers in Hollywood produced a film called *Amazing Grace*. This film is about the legend of a Member of the Parliament called William WILBERFORCE who championed for the abolition of slavery in the Parliament. I think many people may have watched this movie. Some people here are Christians and I do not know if they have watched this movie. This is really a very touching movie. It makes us think about the question of the abolition of slavery. At that time there was a saying that one slave less is one brother more. It is clear that the Enlightenment and rationalism of the modern times have provided a theoretical framework for freedom and human rights. Many people think that rationalism and the Enlightenment have contributed to the emancipation of Negroes and the abolition of the slavery system. But some scholars are saying that the Enlightenment with its anti-religion inclination has changed into discrimination against the coloured people after the slavery system was abolished.

This kind of racism perpetuated for quite a long time after the abolition of slavery and there came Martin Luther KING who led the equal rights movement for the blacks with the zeal of a preacher filled with the love of Jesus Christ. This scholar thinks that the Enlightenment the concepts of freedom and human rights which he admires helped the abolition of slavery and the emancipation of Negroes. But as the movement has an inborn contradiction of opposing the slaves as well as the co-existence of the blacks with other people in society, there is quite a clash of ideas in it.

Figures of the Enlightenment including Voltaire think that it is only a myth that the common ancestors of humans are Adam and Eve. It is precisely because they do not believe in this idea of common ancestry for mankind that they think

that humans came from different sources or origins. It is because of this belief in the multiple origins of humans that they are inclined to pluralistic values and relativism. And so they have a tendency to view the blacks as different from them. It is hard to curb this kind of thinking in people.

If you think that there is no common ancestry for mankind, the difference between white people and black people is like the difference between mankind and the origin of the universe in a theory of cosmology. As a matter of fact, often times liberalism is only a poise and advocates of liberalism would look at people of different races or the ethnic minorities as their own numbers. But this kind of equality is nothing but pretence. This is the so-called genteel poise of the liberalists. It is certain that liberalism may control a person's behaviour, but it can never control his heart. We can just see that all through the last 200 years, racial discrimination has remained alive and well.

Turning back to Hong Kong, the philosophy of governance held by the Government is one of neo-liberalism and it is held as an absolute value. It may appear to say that it has great sympathy for the disadvantaged and it supports the ethnic minorities. People in this Chamber may talk about equality all the time and they will support the ethnic minorities. But behind all this and in their subconscious looms the spectre of liberalism and rationalism. These people would think that they are superior and they are handing out alms to other people and it is politically right to think this way.

But if you think that all people share the same ancestor and if you believe that one slave less is one brother more, then you will not see the ethnic minorities this way. You will know that they are the same as us and they have the same right in education, and in the cultural and economic spheres. They are identical to us, for they are our brothers, not aliens.

So I hope the Government can approach the question from another perspective and refrain from doing a patchwork on the question. It should approach from the idea enshrined in the United Nations Universal Declaration of the Rights of Man that all men are born free and are equal in their rights and dignity. Even if you were not a Christian, you should know that love suffers long, and is kind. You should not only treat your family in this way but this is an essential humanistic spirit that you should use to treat the ethnic minorities. Thank you, President.

MR WONG SING-CHI (in Cantonese): President, education is very important to every person and every society. Besides, education is the right of every man. For the ethnic minorities, education is of particular importance to them. In a situation where the culture in the community where they live is different from that of their own, the ethnic minorities can only learn the language and culture, as well as other knowledge of the community where they live by receiving education before they can be accepted by people of that particular society. Hence they can be given work and develop their skills, improve their lot and integrate into that society.

In Hong Kong, the Chinese take up more than 95% of the population and ethnic minorities like Indians, Nepalese and Pakistani take up only 0.7% of the population or about 47 000 people. The common language they use is neither Chinese nor English and in many cases, they would have difficulties in adaptation, like going to school, finding a job or making friends. Therefore, it is important that their Chinese proficiency should be raised to a rudimentary level so that they can cope with the demands of daily life and work.

According to information from the 2006 Population By-census of the Census and Statistics Department, there are about 11 000 ethnic minority children who receive pre-school, primary and secondary education. Of these, about 3 000 receive primary school education and about 7 000 receive secondary school education. Under the integration policy in education, they have to study in the normal primary and secondary schools.

It is regrettable that for a long time, ethnic minority students have been facing the problem of learning Chinese. As their parents do not know Chinese, they cannot offer help to them in school work. Therefore, these students rely heavily on teaching provided by the schools to enable them to reach a basic level in Chinese. Now there are 533 primary and secondary schools in Hong Kong which admit NCS students, but government subsidies are only given to 22 designated schools to give them more resources in providing suitable teaching materials and support to help these ethnic minority students learn Chinese more effectively.

As we know, there are no criteria by which the Government may use, such as the number or proportion of ethnic minority students admitted, to classify a school as a designated school and hence entitlement to additional subsidies. In

some cases, even if a school has admitted more than 30 ethnic minority students or if the proportion of such students is as high as 56% to 83%, that school is not classified as a designated school and cannot get additional subsidies to meet the learning needs of such students effectively.

The Democratic Party urges the Government to define what is meant by designated schools and offer subsidies. The Government should also formulate a set of clear-cut criteria and increase resources to help all ethnic minority students get suitable support services for the learning of Chinese.

The Democratic Party suggests that the Government may consider allocating funds for the organization of outreaching tutorial services to schools to provide ethnic minority students with language tutorials in Chinese, so that they will not lose their drive for learning because their Chinese proficiency continuously lags behind that of others. For schools not classified as designated schools, this kind of outreaching tutorial service in Chinese would at least help in providing remedial work.

Also, the ethnic minority students are required to take the same tests as the Chinese speaking students and have their scores counted for the purpose of secondary school place allocation. This practice will affect the banding of the schools they will be allocated. Primary school students in those designated schools can learn Chinese through some school-based curriculum from Primary One to Four commensurate with their standard. For example, certain culturally-specific contents like Tang poetry will be removed. But when they come to Primary Five, they have to learn Chinese together with the Chinese speaking students and take the same tests. It is only natural that their scores in Chinese will be lower and this would affect their overall assessment. They are often assessed as belonging to the band 3 category and sent to band 3 schools, which is not commensurate with their academic performance. For those ethnic minority students not studying in designated schools, the situation is even worse and it is most unfair to them.

The Government should review the existing mechanism for allocation of secondary school places. When submitting scores in Chinese Language and assessing the banding of the ethnic minority students, some appropriate adjustments should be made. Another alternative is to design a set of examination and assessment criteria applicable to ethnic minority students who

experience this culture and learning gap when learning Chinese. This will enable ethnic minority students with good performance in English and Mathematics and who have reached a basic level of Chinese to study in a band 1 or band 2 secondary school. In this way, it would be fairer to them.

The suggestion to formulate a Chinese language benchmark test suitable for ethnic minority students may gradually be extended to secondary schools. Such a test may become the teaching objective of Chinese Language teaching to ethnic minority students and as a qualification for employment commonly recognized by society.

If the Government wants to promote integrated education, it must have enough resources and a suitable education system. The Democratic Party hopes that the Government will study the said proposals and support the ethnic minority students in their industrious learning, in order to obtain a basic qualification recognized by society, one which will help them find a job, improve their lot, serve society and truly become integrated into the Hong Kong community. Speaking for the society as a whole, people with different talents may work together and drive our society forward in different areas.

I so submit.

MR ALBERT CHAN (in Cantonese): President, it would be like playing music to a bull if we say to the Government that it should respect and protect the rights of the ethnic minorities, especially their rights in culture, language and religion. In the past, when it comes to Arthur LI, it is like facing a mad bull, and it is like facing a deaf cow in the case of Fanny LAW. Now, facing Uncle SUEN, I do not know what kind of a bull he is. I do not want to be accused of age discrimination if I liken him to an old bull. But this question of the rights of the ethnic minorities has long been neglected by the Government. The severity of this is such that even government policies do have some discriminatory effect in themselves.

Of course, the Government would not dare discriminate against the ethnic minorities in a blatant manner. But in terms of practical effect, it can be seen that over the years and even now, the generation of ethnic minorities who were born and raised up here in Hong Kong, the way they receive their education, their

education level and their employment situation, can all be said to be less favourable or lower than all other people who were born and raised up here. The number of them who are able to study in a university is low and the number of them who can become professionals is also low.

Their situation is admittedly somewhat better during the times of the British rule. After the reunification, the ethnic minorities face worse and more serious discrimination. Before 1997, during the British Hong Kong Administration era, even if ethnic minorities did not know any Chinese, they could become policemen, work in the prisons and serve in the disciplined forces. Many ethnic minorities, especially those of Indian or Pakistani descent, would work in the prisons or become policemen. And these used to be the major occupations taken up by these people. But this has now become a thing of the past after the reunification because they do not know Chinese, and so they cannot serve in these positions.

I do not know why in the case of a social worker I am a social worker. President, I left Hong Kong after completing Form Four and I came back from Canada after getting a degree. My Chinese did not even reach the standard of a Form Five student and there was no examination result to prove the standard of my Chinese. But I could still be a professional social worker. Why is it that in the absence of any proof of my Chinese proficiency I could still become a professional social worker? Why in the case of a fireman, just like what Margaret has mentioned, a person cannot become a fireman because of that? So the entire system is full of discrimination. Secretary, I hope you will know clearly what the situation is like. If this situation is allowed to continue, and if the authorities do not do anything about it, it is like encouraging and condoning discrimination. This must be condemned.

President, on the question of education for the ethnic minorities, in the past I went with many ethnic minority people in the field of education or who were concerned about education to many meetings with the Government. These meetings were held in this Chamber and in the conference rooms and there were dozens of these meetings. But these meetings were like playing music to a bull. I have taken part in the graduation ceremony of a primary school operated by Hong Kong Unison in Yuen Long for a countless number of times. In the ceremony, I felt the distress of the children and their parents about education and the prospects of their children.

For many years, ethnic minority groups have raised the question of whether they can be allowed to operate their own schools. They have their own culture and sources of support, as well as their own religion. But all through these years, the Government has only rejected their requests. This is because all along the government policy has been one of so-called integration, but there is actually no harmony to speak of. President, it has just been cultural hegemony, forcing the ethnic minorities to accept this cultural domination of a Great China. Anyone who does not speak Chinese will have to learn.

If you emigrate to Canada or places in Europe and North America, you will see that there are schools for Chinese in many places. Why is it that when you emigrate to other places, you want your children to go to a Chinese school? In Hong Kong, you are discriminating against the ethnic minorities and do not allow them to operate their own schools. It would be very difficult for them if they want to do that. There is a group called Hong Kong Unison in Yuen Long which offers related services, but it is struggling to survive. You send your kids to international schools, like the ones called California, Canada, and so on, you can do anything with money. That is to say, if you have no money, you cannot run your own school; and when you have got money, you can have your own way. This is discrimination fuelled by the power of money. Secretary, people who have got no money in Hong Kong, that is, the ethnic minorities, are leading a miserable life. So we should face up to these problems and correct them.

I am glad that Margaret has proposed this motion so that people from all quarters can point out the faults of the Government. I have to scold the Government and say that it should not have done such things. This is because it has put the ethnic minority children in great plights. Why do these children have to face so many problems? Very often this is due to some innate inadequacies, by these I mean the comparatively low educational level in the ethnic minority families and their low income. In such circumstances, young people will have learning difficulties as they grow up as well as other problems too. But the support they get is certainly little. Because of little support, it is more difficult to rectify, resolve these problems.

Why can rich people all send their children to university? Because they can get tutorials. They can switch to another university if they are rejected by it. If they fail in the first year, they can repeat. Or they can go from a university in Britain to another one in France, and if they cannot do well in that French university, they can go to Canada. They can try everywhere and spend 10 years

before graduation. It would not really matter if they do not graduate. Like the case of Richard LI, he is not a graduate, but all other people think that he is a college graduate. He can be a CEO and he can do everything with his money.

Therefore, insofar as the whole system is concerned, if the Government does nothing to help, a lot of problems will continue to exist. In Tin Shui Wai, Kwai Chung, Tsuen Wan, Tuen Mun, or Tung Chung, I have come across the problems faced by countless ethnic minority families. It is obvious that if these problems are not addressed, it will become a dereliction of duty on the part of the Government. I hope this dereliction of duty will not continue, and if it does, it will become a crime, or as the Christians put it, a sin. This kind of sin cannot be forgiven and it can only be commuted when one goes to the Kingdom of Heaven.

I therefore hope that the Secretary can rectify this problem which has existed for so many years before the expiry of his term of office. I hope he will stop being a blind bull. Thank you, President.

MR LEE CHEUK-YAN (in Cantonese): I am very grateful to Dr Margaret NG for proposing this motion. I remember very well that when examining the racial discrimination law in the last term, we found many loopholes in the law. On the other hand, the entire Race Discrimination Ordinance is a piece of legislation characterized by passivity. That is to say, it is not doing anything to promote equal opportunities and it cannot provide equal opportunities to the ethnic minorities in areas like education and employment. So I would think that this is a continuation of the piece of passive and pessimistic legislation and I hope that it can develop into a more positive one which can really improve the situation and enable these people to have equal opportunities.

I remember the issue which we had the hardest time discussing was about matriculation qualifications. A breakthrough was made in that ethnic minorities may have their results in GCSE (Chinese) recognized, but actually this is not very useful. It is because if an ethnic minority student cannot catch up in Chinese during the primary and secondary levels, it is very hard for them to get to the stage of sitting for university entrance examinations. Not many people can do it because there are so many hurdles they have to overcome. And they cannot overcome them anyway. So they cannot manage to get to that final stage and if they cannot, it is meaningless for the authorities to open such a small slit in the

door for them. They cannot get through it because they have not been able to overcome the hurdles before that. If they cannot do well in primary and secondary education, how can we tell them to apply for a university?

So Secretary, if you really want to do something, you cannot just do this bit, and you must start from primary school or even pre-school education. I can see an example provided by the Hong Kong Unison. There was this ethnic minority student called Bibi and her single mother had sent her to a mainstream primary school in the hope of raising her competitiveness. She hoped that the child could learn Chinese fast and well and integrate into mainstream society and find a good job in future. I believe all parents think that way. It is unexpected that she had difficulties in learning Chinese. But her family is poor and so it could not afford to pay for tutorials in Chinese. There were no resources to support her. At last, she was forced to further her studies in a school which admits NCS children and so she has left the mainstream.

After learning about this case, I felt that since she has left the mainstream, the mental stress she experiences may be reduced greatly. Her problem is eased, but the question is, since she has left the mainstream, ultimately she may find that she cannot enter the mainstream society.

So it is a dead end for her if she wants to get into the mainstream society or decides not to get into it. This is like a crossroads of life for these people. Then should they do it or not? If they want to get in, they have to study in a mainstream school, but they cannot catch up with the Chinese Language taught there. If they do not study in a mainstream school, it would be impossible for them to apply for a job in the Civil Service later. The GCSE (Chinese) results are not recognized for appointment to the Civil Service. In this way, their prospects are restricted. So if we cannot address this problem, that is, the problem of insufficient resources and the obstacles they encounter in learning Chinese, we will never be able to help them.

I would think that education is the most important thing. I think everyone here, including Uncle SUEN, will agree to that. If we want the ethnic minorities to break the shackles of poverty and move up the social ladder, and if we do not want to see ethnic minority children trapped in that vicious cycle of poverty, then we must try to think of ways to break it. By this vicious cycle I mean that they come from poor families, their parents are not well-educated and they cannot help

their children in learning Chinese. And if they cannot help them learn Chinese well, their children will still be poor later on and they are not well-educated. The same pattern would go on for their children and their children afterwards from generation to generation. The only way to break this cycle is education. This is something we all agree. But why is nothing done on that even to date? Is it because we, and the Secretary in particular, have not put in resources to help them learn Chinese?

Just think, we Hong Kong Chinese people would want our children to learn English well and we would resort to all sorts of ways to make them learn English well. Our Government would put in a lot of resources to help children from the mainstream Chinese society learn English, like hiring English teachers. But why can the same amount of efforts and resources not be put in for the ethnic minorities and help them learn Chinese well? Mr CHEUNG Man-kwong suggests organizing outreaching tutorial services to schools or sending more outreaching Chinese Language teachers. We really need to help them in every possible way. For if not, there can never be any advancement on their part. So I hope the Secretary can make a pledge today and, that is, more resources would be put in to help them so that the vicious cycle found in that problem can be shattered.

President, the last point I wish to make and it is also mentioned by Albert CHAN earlier is that the Government should not impose so many restrictions on jobs in the Civil Service. Something ought to be done to give ethnic minorities more chances. For example, as it was mentioned earlier, they speak Cantonese, but they may not write Chinese well. They can play a great role in the prisons. Why are the Correctional Services Department and the Fire Service not prepared to hire them? Or even the Police Force. They would love to work there. Actually, they do have some advantage over other people because they know how to handle problems of ethnic minorities. Why should they be barred from working there because of the Chinese language requirement? They do not have to always use Chinese. They may have to sometimes. And they can manage the everyday Chinese and it would be fine as long as they are not required to write in Chinese. Why is the Hong Kong Government so narrow-minded to require them to be proficient in Chinese at a certain level? Why can this requirement not be relaxed a bit? Some sort of relaxation would be good because many ethnic minorities would go to government departments on business. When they visit these offices and meet people of their own race, they

will have no problem in communication for they can be helped by ethnic minority civil servants. So many things like these need a will on the part of the Government before they can be done.

Finally, I think that the situation can be described in English as positive discrimination. I do not know how to put this in Chinese. I think it is only with positive discrimination that people can be given equal opportunities, because they do not start from the same point like other people. Since they do not start from an equal footing, they should be helped and given equal opportunities. There must be positive discrimination. Thank you, President.

MS CYD HO (in Cantonese): President, at this time when our young Chinese people face a big problem of upward social mobility, it is necessary for the authorities to allocate resources to specifically solve the problem. We really have to remember that there is a group of people in society who are less fortunate than us, namely, the ethnic minorities. Most of them belong to the lowest bottom stratum of society. As they do not speak our language, they cannot get any information about support and services available. So they can only stay locked up in a small circle of abject poverty, and this is very unfortunate indeed.

Since a few years ago, ethnic minority students may apply for enrolment in a mainstream school. This ought to be a good thing for it enables different races to mix. But the Government has only given this a beginning without seeking to get the job completed satisfactory. It sends these ethnic minority kids to mainstream schools and gives them no support from there any further. And teachers there have a lot of administrative work to do and they have no time at all. Naturally these ethnic minority kids who need special support are just shoved aside like pieces of furniture. They are unattended to and there are no extra classes given to them to meet their special needs, that is, to help them catch up with what they should have learnt in the classroom. So this group of kids become somewhat like the kids with intellectual disabilities whom we talked about last week. They just sit here for nine years and leave school after those nine years. This policy which started as well-intentioned has done harm to these kids because there are no matching facilities and no resources. They are wasting their time in mainstream schools, not learning anything that they ought to learn.

So I hope that the education authorities will finish and be committed to the tasks started by them. I agree with Mr CHEUNG Man-kwong who says in his

amendment that suitable support in teaching and learning should be given to this group of ethnic minority school children.

President, I once visited some secondary schools in New Zealand and found that there were many Chinese kids from the Mainland who studied there. These kids would not leave school after classes and they would stay in groups in the school. Those in Forms 1 to 3 would be in a group and those in Forms 4 and 5 would stay in another classroom. They were like forming another class. The teachers there would watch over them doing their homework. The kids would ask when they had questions. This kind of service would be maintained until it is felt that there is no need for it. That is, until the kids feel that they know about the things they have learnt in class and they can go home and do their homework and revision on their own.

It would be a joke if this idea is raised in Hong Kong. The Government will surely say that it has set aside 25% of its resources in the budget for education and that money is not enough and so this cannot be done. But we have so many resources actually and if we can set aside money early, we can groom talents. But if we want to save up a small amount of resources now, we are actually giving up a lot of talents and in doing so we are sowing the seeds of the youth problem.

There used to be a gang of ethnic minority young people in Tseung Kwan O some years ago and the gang would come out and fight with other gangs of Chinese young people at night. This event was put down very soon. But this is a warning we cannot afford to neglect and forget.

President, there would certainly be some people in society who can surge ahead of others. When they can climb up the social ladder successfully, they would have the ability to go back to their group and help their own people. That is why many Members are concerned about whether ethnic minorities can enter the universities. If there are some ethnic minority people who can become teachers, then they can certainly do something in language in the kindergartens, primary schools and secondary schools specifically for the ethnic minority kids. If some of the ethnic minority people become social workers, they will certainly understand better the cultural background of the ethnic minority young people, hence they are able to offer special assistance to them. If some ethnic minority people can become lawyers, they can certainly provide support to ethnic minority young people whose cases have commenced legal proceedings and they will be

able to offer help to them in law in a fair manner. Put simply, if we have ethnic minorities who work in the Labour Department, when their compatriots go there to find a job, they would not have to make such a big fuss, for people who speak their language will offer them help instantly.

In the hearings conducted in this Council before, we heard some ethnic minority people speak Cantonese. Were it not for the fact that we actually saw them, we would not be able to tell the difference between the Cantonese they spoke and ours. They did not have that inarticulate speech and their Cantonese was much more accurate in pronunciation than our Chinese kids. So there is actually much the Government can do in this respect.

Just now some Members talked about the difficulties ethnic minorities would face with respect to university admission. I hope that the universities can take remedial measures at once and apply flexibility in admitting some ethnic minority students whose scores in Chinese Language are not high enough. They can be admitted to the Institute of Education or they can be accepted to a social science programme like social work, or even law. In this way, there will be some pioneers among them to help their own people.

President, I have got some figures and now let me read them out. It may be scaring, though. Some Members said that for the years 2007 and 2008, only six ethnic minority students were admitted to universities. Just how would people go through this sieve? In 2008 also, 310 ethnic minority students were in Secondary Five and they sat for the HKCEE. A total of 124 met the requirements for study in Secondary Six. Only 84 got into Secondary Six finally. Twenty took the Advanced Level examination in Secondary Seven. Ten could join in the JUPAS exercise and six got into university. This is like a sieve. It is characterized by endless selections. The figures look like an inverted pyramid. It shows perfectly well that the percentages of Chinese and non-Chinese students in entering a university are totally disproportionate to their population size.

President, I hope that as we want to help the disadvantaged, we can offer them some suitable tools, tools they may use to carve a future for themselves. I thank Dr Margaret NG for her motion today. I am in full support of it and I also support the two amendments.

Thank you, President.

MISS TANYA CHAN (in Cantonese): President, last week when we discussed special education, we mentioned the United Nations Convention on the Rights of the Child. Today as we discuss the education of non-Chinese speaking (NCS) students, I have to quote the Convention again. The Convention talks about equal opportunities. Under Article 28 of the Convention, education should be made available and accessible to all children. The Article also says that higher education should be accessible to all on the basis of capacity. But what is the situation in Hong Kong?

As many Honourable colleagues have said, students who wish to be admitted into a publicly-funded undergraduate programme through the JUPAS must get a pass in Chinese Language and Culture in the Advanced Level examination. It is only in very exceptional cases that students can submit results of a third language in the place of Chinese and apply for a university place. For a NCS student who has all along been educated in Hong Kong, the chances of his being given special consideration are extremely slim.

In the face of such rules of the game, NCS students in Hong Kong can only work hard to study Chinese. But is the kind of Chinese language education provided by the schools in Hong Kong to these students enough? If it is really not enough, on what grounds can we say that the education we give to NCS students is given in equal opportunity?

If we look at the suggested key learning areas for primary school Chinese Language compiled by the Education Bureau, we will find that the learning areas of Chinese Language education may cover topics like reading, writing, listening, speaking, literature, Chinese culture, conduct and ethics, thinking and self-learning in language. There are altogether nine learning areas. Are we right to say that this basic Chinese Language curriculum is far too hard for a NCS student? It is already a great feat for them to manage to acquire skills in listening, speaking, reading and writing Chinese. And on top of that, they are required to learn Chinese culture and poetry, would this not be too much for them?

I do not know if education officials or Uncle SUEN would say that they have got a Supplementary Guide to Chinese Language Curriculum (Non-Chinese Speaking Students). Well, let us look at this Supplementary Guide and see what it says. It says, "NCS students will have more choices in schooling if they are able to adapt to a learning environment with Chinese as the major language

medium. Schools should offer their best in helping NCS students to learn Chinese effectively, eventually enabling them to immerse into the community, preparing them for building Hong Kong's future." That is beautifully written, but what is the realistic situation?

I have heard an interesting story about a friend of my personal assistant. She gave tutorials to two NCS students. They were a girl and her younger brother. The boy was in Primary Two and the girl was in Primary Four. They do not use Chinese at home and their parents are people of South Asian descent who have come here to do business. When you hear about the Chinese homework they do, you will certainly be shocked and speechless with your mouth shaped like the alphabet "O", as the in phrase describes.

Let me talk about the boy in Primary Two first. The school he goes to claims that a special Chinese curriculum would be offered to NCS students in Primary One and Two. How special is that curriculum? One of the assignments is to give a group of characters to the kids and ask them to identify some meaningful words. Guess what are these? I was shocked at hearing it. These words include "bean sprouts" (芽菜), "spare ribs" (排骨), "fried vermicelli in Singapore style" (星洲炒米) and "wonton noodles" (餛飩麵). How are the characters for "wonton" written? It is in the old and complicated style (餛飩), not the simplified modern style (雲吞). All of these words are related to food. I would think that these are quite special and they suit me very well. However, these words are not written in the way we would often see them. For these kids, what is the use of learning them? Would it be true that the next time when they dine out, they would know what to order? Or would this make them more involved in the life here in Hong Kong?

As for the elder sister, things are also very special. The kind of special class this school gives to NCS students is only up to Primary Two. In Primary Three, they will have to learn the same curriculum as the local students, no matter how much basic Chinese grammar they know. They will have to learn rhetoric, things like comparisons, exaggerations, parallel structure, proverbs, and so on, and also traditional Chinese culture. As a matter of fact, can these NCS students understand and use these concepts so easily?

If NCS students are required to learn Chinese in this way, I think they are really making life hard for people. On top of that, the Government does not face

up and respond to the needs of NCS students and their parents in terms of curriculum, support and assessment method. In other words, even if parents of NCS students agree that their children should integrate with the local students, are government resources really able to provide a chance for such integration to be effected in an effective and equal manner?

President, the greatest difficulty faced by NCS students in learning Chinese is that the Chinese Language curriculum in Hong Kong is not purely a study of the language and the skills of using it. It has added in a lot of contents in culture and tradition and in the process of assessment, these cultural contents could be very complicated. The most obvious example is the subject of Chinese Language and Culture in the matriculation class. If we look at other international language tests like TOEFL, SAT and IELTS, they do not carry any cultural element at all. But what about the assessment of Chinese Language in Hong Kong?

Actually, universities on the Mainland do have some Chinese language requirements for overseas students, but the emphasis of the Mainland assessment system is on the ability to use the language. There is nothing on Chinese culture to be assessed. So I hope the Government can make reference to the assessment systems in other places and give NCS students a chance to take these examinations and get good grades.

Honestly, when I was in Form One to Form Five, I gave up the study of Chinese and took French. Therefore, I understand the difficulty of learning a language which is not my mother tongue and in a place which is not my home country. It is very hard to use that language. Although I used it often, I needed extra lessons from teachers and classmates before I managed to pass the subject in the HKCEE. But for these NCS students, they would have to face both problems in socializing and learning once they come here. I hope very much that the Government can provide more resources and take good care of them so that they can have equal opportunities in learning and receiving education. Thank you, President.

MR JAMES TO (in Cantonese): President, last year the Legislative Council passed the Race Discrimination Ordinance finally. Our good intention is to reduce the discrimination against ethnic minorities in society, or at least the law

will ensure that a message and mechanism can be enshrined in our institution, that ethnic minorities will be free from discrimination, and that those aggrieved may have a statutory avenue of redress. But when this law is put into practice, the Government should take matching action in its administrative measures before an ideal society with racial harmony can be effectively achieved.

The motion topic today calls for supporting the teaching and learning of Chinese for NCS students. As early as when the Race Discrimination Bill was being examined in this Council, we had discussed this issue. At that time, we strove to make the universities relax their admission criteria, such that NCS students may use the overseas qualification of GCSE (Chinese) examination which is of a lower standard to satisfy their Chinese proficiency requirement.

However, unfairness still exists. Why? Because the Government has not taken matching measures to offer subsidies to help the local ethnic minority students sit for this overseas examination. The fee for this overseas examination is about \$1,000, with a difference of close to four times compared with the \$200 which local Chinese speaking students pay when they take the local Chinese Language examination.

In June this year, the Government in reply to a written question by a Member of this Council said that the Government understood the concern of NCS students for the examination fee for GCSE (Chinese) and was actively exploring feasible ways to offer support to these students in order to alleviate their financial burden. Now, it has been more than one year from the enactment of the law last June and students will need to apply for such an examination within this month, but what is the reply of the Government on that?

That the Government should offer a subsidy to these students taking the examination will not only serve to alleviate their financial burden but more importantly, this will address the question of fairness. These NCS students are also permanent residents of Hong Kong, but why may Chinese speaking students take an examination in Chinese Language and pay a lower fee whereas the NCS students are denied this? Can it be justified to say that since we do not have a test that suits their level of Chinese proficiency, so they are forced to pay for a more expensive overseas examination before they can have a chance to receive university education? Does it mean that those without means may not take the examination and the Government is doing nothing about it?

Moreover, as other Members from the Democratic Party have pointed out, with respect to issues like the tests the scores of which are submitted to the authorities for the purpose of allocating secondary school places and the requirement on Chinese proficiency as a condition of employment, the Government should in the long run formulate a different benchmark test that takes into account the cultural and learning differences experienced by these NCS students so that they can learn a suitable Chinese Language curriculum, with matching teaching objectives and assessment criteria. This will enable NCS students to have clearly-defined learning goals and they may obtain recognized qualifications in Chinese language which will meet their needs in further studies and equip them for the competitive job market.

Insofar as Hong Kong society and the development of education are concerned, the successful development of a systematic and widely recognized qualifications framework for Chinese Language examination that suits NCS students at all levels is conducive to the development of education services into a goal industry.

Last November the Government launched the Supplementary Guide to Chinese Language Curriculum (Non-Chinese Speaking Students) and pledged that teaching materials in Chinese Language would be provided to primary and secondary teachers in the third quarter this year. May I ask the Government what the progress is so far?

In order that ethnic minority students can be helped in learning basic Chinese, apart from the Guide, it is important to have curriculum and teaching materials as well. Given the cultural and learning differences of these students, the Government should invite relevant scholars for collaboration and research on curriculum design and preparing teaching materials to ensure their suitability for these students as well as their quality. Also, the Government should allocate sufficient resources to schools and parents to help NCS students learn Chinese so that most of them can reach a certain level of proficiency. Consideration may even be given to allowing them to come into contact with Chinese as early as at the kindergarten stage.

President, a Chinese education policy for the ethnic minorities is not only a problem for the ethnic minorities of this generation, for the effects can only be seen in the next generation and the generation after next. A government that has

vision and foresight should not just sit back and do nothing. It should exert its utmost and strive to improve. May I wish the Government to be truly able to listen to views from all quarters and formulate a good Chinese education policy for the ethnic minorities.

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

MR RONNY TONG (in Cantonese): President, I do not know how many of us here know about the TV personality with the Chinese name of KIU Bo-bo. His skin and blood are Indian. He was born and raised up in Hong Kong. He is 100% Hong Kong. In 2005, he left a deep impression on the viewers when he took part in a TV talent quest show wearing weird clothes and with an outlandish look. He then co-starred in many TV drama series and made his way to becoming a well-known actor for programmes aired during the prime hours. I think many people would not know that he used to be a civil servant like many of the public officers sitting here. Before turning an actor, he had been working in the Correctional Services Department under the Security Bureau as an Assistant Officer II for as long as 15 years. Unfortunately, as he said, since he did not know how to read Chinese, he could only stay in the same position in the Department for 15 years and was never promoted.

President, the story of KIU Bo-bo will no longer happen so easily nowadays. He cannot read Chinese but he can still be a civil servant like other natives of Hong Kong. But after the reunification, it is almost unheard of for anyone who cannot read Chinese to become a member of the disciplined forces. This is because Chinese has become the principal language of Hong Kong and if ethnic minority people want to be civil servants, they will have to face this language barrier. President, certainly I have no idea whether or not the proportion of ethnic minorities in the Civil Service has dropped ever since the reunification, nor do I know if the cause of such a drop is due to language which has posed a major barrier. Our general impression is that we only see less and less civil servants who are ethnic minorities. If the Secretary can give us some figures on that for our reference, he would of course be welcome.

President, the 2006 Population By-census shows that more than 80% of the ethnic minorities engage in non-skilled manual jobs. Besides a large number of

them, that is, the Filipino and Indonesian domestic helpers, the remaining 30% to 40% of Nepalese and Pakistani people engage in non-skilled manual jobs. Most of these people were born and raised up in Hong Kong. This situation may be related to their education participation rates. In 2006, the education participation rates for ethnic minorities in the age brackets of 17 to 18 and from 19 to 24 are 74.3% and 6.7% respectively, far lower than the 82.8% and 37.3% respectively for the overall population of Hong Kong. Among these people, the situation of non-Chinese Asians like Pakistanis and Thais is the worst. This clearly shows that the age participation rate of ethnic minorities in tertiary education is low. This bears a close relationship with the existing education system.

President, when deliberating on the Race Discrimination Ordinance during the last term of this Council, we conveyed clearly to the authorities in the meetings of the Bills Committee that the major obstacle to the integration of ethnic minorities into society and also in their further studies in tertiary institutions lay in the teaching of Chinese in mainstream schools. This is a problem we cannot afford to overlook. Now these students have to face a number of obstacles, including, first, since their mother tongue is not Chinese, it is more difficult for them to learn Chinese than local students; second, it is a great challenge for them to reach the kind of standard for Chinese Language in the HKCEE examination. They can certainly sit for the GCSE (Chinese) examination as suggested by the authorities, but the fee charged is as high as \$965, much higher than \$195 for an ordinary subject in the HKCEE. It is hard for these minority students to afford such a high fee, especially the grass-roots students. Third, an integrated and systematic Chinese Language curriculum specially designed for ethnic minorities is lacking. Hence this accounts for great difficulties in both teaching and learning. President, a survey conducted by the Professional Teachers' Union has proven this point. This is a cause for ethnic minority students being unable to learn Chinese effectively.

President, despite the fact that a Supplementary Guide has been issued to the schools as guidance for schools in respect of teaching strategies for Chinese Language, student demands are not met. There is a great disparity between teaching quality in Chinese Language from school to school. With respect to the support for students, apart from increasing the special grants, we sincerely suggest that the Government should set aside more resources and systematically

train up teachers of Chinese Language who are competent in teaching ethnic minority students. Also, more chances such as tutorials and classes should be given to minority students to learn about Chinese culture. This will enable them to truly integrate into our society as they learn the Chinese language.

What we need is in fact a package of integrated, systematic and well co-ordinated policies for teaching the ethnic minority students. This will enable them to enjoy equal opportunities like the local university students and compete with other people of Hong Kong in a fair manner. Thank you, President.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Dr Margaret NG, you may now speak on the two amendments. You have five minutes.

DR MARGARET NG (in Cantonese): President, I am very grateful to Mr CHEUNG Man-kwong and Ms Starry LEE for proposing their respective amendments.

In Mr CHEUNG Man-kwong's amendment, some of its contents seek to delete wordings in my motion like diagnostic and assessment tools, external assessment standards, and so on. I understand CHEUNG Man-kwong's worry is that I might be doing a disservice out of good intentions by setting up some assessments and thus imposing more obstacles for the ethnic minorities. I think that it is perfectly all right for him to make such a deletion. I can accept that. In his amendment, Mr CHEUNG Man-kwong mainly proposes some concrete measures that I have expected of him. Such measures include suitable teaching materials, effective pedagogies, outreaching tutorial services and in the long run, a Chinese language benchmark test suitable for ethnic minorities. All these are good and specific recommendations. I therefore hope that the authorities would accept them. Moreover, they should not just accept them in theory but also in practice by increasing resources for them substantially.

Ms Starry LEE's amendment mainly deals with two aspects. One is to add general knowledge about local culture and life to the teaching materials, that is also perfectly okay. But as I have heard from Miss Tanya CHAN who said in her speech earlier that teaching materials now already carry contents on local culture and life like wonton noodles, and so on. Another point found in Ms Starry LEE's amendment is that she hopes the Government can enhance teachers' understanding of cultural diversity. This is a most commendable point, for communication cannot be done one-way but must be two-way. We should not think that the ethnic minority students are particularly troublesome. We never find any problems learning Chinese, but why do they need extra care and attention in learning Chinese? If teachers can spend more time to learn more about the different races, and even the multi-racial culture in China, they will come to realize that we must know that different people have different cultures. Another thing is, when teachers and other students know about the cultures of other races, this would help remove the barriers between them. When the ethnic minorities can learn Chinese well, this can help them integrate into our community. Actually, there can be some sort of exchange in learning languages in the sense that if we teach them Chinese, they can also teach us their language. When we teach them how to say "wonton noodles", they can also teach us some words about their own customs. In this way, it can help foster incentives for interactive language learning. So I would think that this point raised by Ms Starry LEE is very good and I would like to thank her. Ms Starry LEE also proposes that teachers should be subsidized to take relevant professional courses so that they can support NCS students more effectively. I also think that this is a point worth supporting.

President, it has been a rather unlucky turn of events that, like you, I have been induced by the *Ming Pao Daily News* to teach English. I find that my English is passable, but if I am to teach people how to speak English, I really do not know how to go about doing it. It seems that Ms Starry LEE has also been asked to teach English, too. So if we are to teach some NCS people to speak Chinese, it would be a very different thing even though we speak Chinese ourselves. If teachers are given some subsidy, I believe the resources can be used very effectively.

President, the only thing I wish to add to Ms Starry LEE's amendment is that she says that Mr WONG Yan-lung has inspired many people, but it seems that there are no counterparts of Mr WONG among the ethnic minorities. Mr

WONG comes from the legal profession like me and in the legal profession there are many outstanding figures from the ethnic minorities. So role models like Mr WONG may also be found among the ethnic minorities. They are not just well-known in the legal profession but also examples of admiration for their pursuit of justice and the assistance they render to the less fortunate. So I think there are very good role models not just among the Chinese but also among the ethnic minorities. I hope that when the Secretary for Education speaks later on, he would say that more resources would be committed to helping the ethnic minorities. Thank you.

SECRETARY FOR EDUCATION (in Cantonese): President, I thank Dr Margaret NG for moving the motion today, so that Members can put forth their valuable views. I would like to give a consolidated response to the main issues raised by Dr NG and the other 12 Members.

Some Members have criticized that the support provided by the Government to the teaching and learning of Chinese for NCS students is inadequate. This I beg to differ. First of all, it is the Government's policy to make every endeavour to encourage NCS students to integrate into the local education system and community expeditiously. Assisting NCS students to upgrade their Chinese proficiency is even one of our key areas of work. In this connection, we have already drawn up a series of support measures to enhance the effectiveness of the teaching and learning of Chinese for NCS students. These measures include formulating the Supplementary Guide to the Chinese Language Curriculum (Supplementary Guide), compiling curricula and teaching materials as well as providing relevant training courses for teachers. In devising such support measures, we have also taken the views of stakeholders into full account, especially those given by ethnic minorities groups.

It is necessary for support measures to take root and bring their effectiveness into full play. We understand that some NCS students who are currently enrolled on local courses, particularly those who have had a late start in the learning of Chinese Language or have not been given full opportunities to learn the local Chinese Language curriculum, may wish to attain an alternative Chinese Language qualification through examination for pursuing higher education or employment.

In response to these requests, we have already held the General Certificate of Secondary Education Examination (GCSE) (Chinese) in Hong Kong through the Hong Kong Examinations and Assessment Authority (HKEAA), so as to facilitate NCS students in pursuing higher education and employment in Hong Kong. As for the admission of Form Six students to public schools and under the Joint University and Polytechnic Admissions System adopted by the University Grants Committee-funded institutions, other qualifications in Chinese Language, including the results of GCSE (Chinese) just mentioned, are accepted. In this summer, about 25% of Form Five NCS students (that is, 110-odd students) have taken the GCSE (Chinese). The majority of these students have obtained the relevant examination qualification successfully.

We should note that apart from pursuing studies in universities, there are also other avenues. As Members have seldom mentioned them today, I would like to provide some additional information here. Over 260 NCS students who have completed Form Five or above are currently taking degree/diploma or certificate courses organized by the Vocational Training Council (VTC) and the Hong Kong Academy for Performing Arts. The VTC is also very willing to assist those NCS students with a lower proficiency in Chinese by providing courses using English as the medium and designated courses for them. At present, about 500 NCS students are enrolled on various kinds of designated courses.

Regarding the concern of people from all walks of life about the higher fee for taking the GCSE (Chinese) as compared to the HKCEE, three Members have also raised this point just now. As the GCSE (Chinese) is an overseas examination, though the examination authorities had applied discretion in the past, the examination fee is still higher than that of local examinations. However, after consideration, and as an incentive to encourage NCS students to learn the Chinese Language to prepare themselves for pursuing higher education and employment, we issued a notice earlier today to inform schools that with effect from 2010, the examination fee for eligible school candidates of this overseas examination will be reduced to a level on par with that for taking examinations in other language subjects in the HKCEE or the future Diploma of Secondary Education. Details are available in the HKEAA homepage.

Members have proposed just now that there should be another Chinese curriculum for NCS students. I would like to share with Members the

viewpoints of the Education Bureau from the perspective of education. In order to enhance NCS students' effectiveness in learning Chinese Language, we consider it necessary to start from the basics, that is, the curriculum. The curriculum framework in Hong Kong is flexible and robust, which is applicable to all students in the territory. Schools have all along been fine-tuning their curriculum strategies and learning materials according to students' competence and intelligence, regardless of their ethnic origins.

We drew up the Supplementary Guide especially for NCS students at the end of last year on teaching principles, teaching strategies and assessment modes in respect of Chinese learning of NCS students, so as to provide concrete proposals for schools and teachers to assist NCS students to overcome their difficulties. Ms Starry LEE has mentioned just now that we should include general knowledge about culture and life in the teaching materials. As a matter of fact, the Supplementary Guide covers diversified curriculum modes namely "immersion in Chinese Language lessons", "bridging/transition", "specific learning purposes" and "integration", so as to cater for the different needs and aspirations of NCS students in learning Chinese as a second language. In fact, schools have gradually made reference to the Supplementary Guide to fine-tune the teaching and learning of their curricula, adjust the learning level and provide diversified paths according to students' situations and needs, so as to cater for their holistic and personalized development and facilitate them in building a good foundation in Chinese Language.

Mr CHEUNG Man-kwong proposed that we should focus on the Chinese proficiency and needs of NCS students to provide suitable teaching materials and effective pedagogies. We agree to this viewpoint and are currently putting in more efforts in this regard. In order to further assist schools and NCS students to implement the Supplementary Guide, and having considered that schools need more Chinese Language teaching materials which are suitable for NCS students, we have already started collecting, compiling, enriching and fine-tuning information and teaching materials from schools which are more experienced in teaching NCS students. These contents have been compiled into textbooks. The first set of textbooks covering both the secondary and primary levels have already been distributed to schools in two batches free of charge in June and September this year respectively for use by teachers and students. Another set will be distributed by the middle of next year. Moreover, a series of supplementary course materials will also be distributed, and they include lexical

lists for Chinese learning with English explanations, a self-learning software on how to read and write Chinese characters and a learning software on traditional Chinese virtues.

In order to enhance students' learning effectiveness, we have conducted a study on the Chinese proficiency of NCS students with the assistance of a tertiary institution. The study is expected to complete at the end of this year. By that time, we will, based on the findings, proceed with the development of the assessment tools in schools. We anticipate that by the end of next year, schools will be able to use these tools to evaluate the Chinese proficiency of NCS students more accurately, so as to stipulate a clear learning objective for them and perfect the teaching and learning process to enhance its effectiveness.

Mr CHEUNG Man-kwong requested in his amendment that a Chinese Language benchmark test suitable for NCS people should be formulated. I have reiterated time and again that at present, all NCS students have opportunities to learn Chinese Language through an adjusted and easier curriculum. Schools have provided a basic curriculum in Chinese Language to cater for the Chinese proficiency of different NCS students according to the diversified curriculum modes under the Supplementary Guide, so as to cope with the needs of different NCS students.

Many Members proposed that after-school support should be provided, such as outreaching language tutorials in Chinese for NCS students at schools. I would like to give a joint response in this regard. We have designated some schools which have admitted a critical mass of NCS students as "designated schools" and provided them with additional resources. The number of "designated schools" has increased from 15 in the academic year of 2006-2007 to 26 in the academic year of 2009-2010. By using our subsidies, these "designated schools" can improve their teaching strategies and methods and share their valuable experiences with other schools admitting NCS students through a special network. As a matter of fact, we have not set a ceiling for the number of "designated schools". Taking into account the spread of NCS students in the districts among other considerations such as whether these schools have the experience and capability to take care of NCS students, and whether they are prepared to partner with the Education Bureau to develop teaching materials for support of these students and share their experiences with other schools admitting NCS students, we will increase the number of "designated schools" appropriately.

Other "non-designated schools" can also enjoy the school-based support services for "designated schools". All "non-designated schools" are invited to take part in various school-based support services offered or commissioned by the Education Bureau. And teaching NCS students Chinese Language is one of the focuses of school-based support services.

In order to consolidate the learning of NCS students in schools, we have increased the number of locations for establishment of Chinese Language Learning Support Centres to 10 in this academic year. We are delighted to note that with our tremendous efforts in promotion, the number of participating NCS students has increased to about 400, who have fully utilized our after-school support services. In future, we will continue to reinforce our services in this regard, hoping that with the concerted efforts of schools and the community, the after-school learning needs of NCS students can be addressed.

We will continue to evaluate the progress of various measures and take into consideration the views of different stakeholders. We hope that, with the efforts made by various parties, we can further address the learning needs of NCS students and enhance their learning effectiveness.

President, I so submit.

PRESIDENT (in Cantonese): I will now call upon Mr CHEUNG Man-kwong to move his amendment to the motion.

MR CHEUNG MAN-KWONG (in Cantonese): President, I move that Dr Margaret NG's motion be amended.

Mr CHEUNG Man-kwong moved the following amendment: (Translation)

"To delete "as" after "That," and substitute with "to effectively implement"; to delete "still has many deficiencies, the Government" after "this Council in 2008" and substitute with ", the Administration"; to delete "Government" after "urges the" and substitute with "Administration"; to delete "to develop, having regard to the Chinese proficiency and the needs of NCS students, learning objectives and relevant diagnostic and

assessment tools for different stages, including external assessment standards, and to provide appropriate teaching materials and effective pedagogies so as to facilitate effective learning," after "(NCS) students,"; and to add "; to this end, this Council urges the Administration to adopt the following measures: (a) focusing on the Chinese proficiency and the needs of NCS students, to provide suitable teaching materials and effective pedagogies so as to facilitate effective learning; (b) to organize outreaching tutorial services to schools to provide ethnic minority students with language tutorials in Chinese, so that they will not lose their drive for learning because their Chinese proficiency continuously lags behind that of others; and (c) having regard to differences in Chinese proficiency and learning among NCS people as well as the Chinese proficiency required for working and living in Hong Kong, to formulate a Chinese language benchmark test suitable for NCS people, so that schools can use it as the teaching goal and various sectors can also assess their proficiency in Chinese in accordance with it" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment proposed by Mr CHEUNG Man-kwong to Dr Margaret NG's motion, be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Ms Starry LEE, as the amendment proposed by Mr CHEUNG Man-kwong has been passed, you may now move your revised amendment. You have three minutes to explain the revised terms in your amendment.

MS STARRY LEE (in Cantonese): President, I move that Dr Margaret NG's motion, as amended by Mr CHEUNG Man-kwong, be further amended by my revised amendment. As Mr CHEUNG Man-kwong's amendment has been passed, the last item of my amendment, that is, "the Government should enhance school teachers' understanding of cultural diversity and subsidize their studying of relevant professional courses, so that teachers can support NCS students more effectively", is revised as item (d) of the amendment.

Ms Starry LEE moved the following further amendment to the motion as amended by Mr CHEUNG Man-kwong: (Translation)

"To add "; and (d) to enhance school teachers' understanding of cultural diversity and subsidize their studying of relevant professional courses, so that teachers can support NCS students more effectively" immediately before the full stop."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Ms Starry LEE's amendment to Dr Margaret NG's motion as amended by Mr CHEUNG Man-kwong be passed.

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

(Members raised their hands)

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

(No hands raised)

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

PRESIDENT (in Cantonese): Dr Margaret NG, you may now reply and you have two minutes 29 seconds.

DR MARGARET NG (in Cantonese): President, I am grateful to Members for their comments and support. In the last meeting of the United Nations Committee for the Elimination of All Forms of Racial Discrimination, we expressed our grave concern about language education for ethnic minorities and that is why I moved this motion debate today. Moreover, today, we can also see that Members are united in throwing weight behind this motion, demanding that the Government commit more resources to achieving real results. However, it seems that the Secretary has remained unaffected, saying that he did not agree there was a need to commit more resources. President, this is really strange.

The ethnic minorities are in deep waters now. Members believe that the resources committed by the Administration are like a drop in the ocean — I hope my pronunciation of these Chinese words is correct — and the Government is hardhearted. President, as we have limited time today, I cannot explain point by point why the resources presented by him are so inadequate. However, we will surely settle the scores with him one by one in the future.

Today, I just want to raise one point with the Secretary. Secretary, today, there are a lot of people in the public gallery who are very concerned about the future of Hong Kong as well as their own future as members of Hong Kong. I wonder if the Secretary can look into their eyes and say, "I cannot help you any more and this is all that I can give you.". Can the Secretary do that? If not, I call on the Secretary to work harder and study further to see if it is really not possible for the Administration to allocate more resources.

President, earlier today, we have listened to the so-called "constitutional reform consultation", but I will call it "no reform consultation". I hope that members of the ethnic minorities now at the public gallery can run in the elections, so that there can be a representative of yours in this Chamber and at

least, one Member will champion for your due rights and everyone in Hong Kong concerned about this issue will also support you. Not just today, or only in this debate, we will always have you in our minds in each and every debate or matter. Thank you.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Dr Margaret NG, as amended by Mr CHEUNG Man-kwong and Ms Starry LEE, be passed.

PRESIDENT (in Cantonese): Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11.00 am on Wednesday, 25 November 2009.

Adjourned accordingly at twenty-two minutes to Nine o'clock.

Annex I

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COMMITTEE STAGEAmendments to be moved by the Secretary for Commerce and
Economic Development

<u>Clause</u>	<u>Amendment Proposed</u>
4	In the proposed Schedule 1AA, in section 1(1), in the English text, in the definition of "infringing page", by deleting "a side of".
4	In the proposed Schedule 1AA, in Part 1, by adding - "1A. Currency conversion For the purposes of converting into Hong Kong dollars a marked retail price, marked subscription price, recommended retail price, recommended subscription price or market value that is denominated in a currency other than the Hong Kong dollar, reference is to be made to - (a) the opening indicative counter exchange selling rate published by The Hong Kong Association of Banks in

respect of that other

currency; or

- (b) if no such rate is published, the representative exchange rate published by the International Monetary Fund in respect of that other currency.".

- 4 In the proposed Schedule 1AA, in section 5, by adding -

"(7) If the marked retail price, recommended retail price or market value referred to in subsection (3) or (4) is denominated in a currency other than the Hong Kong dollar, section 1A of this Schedule applies to the conversion of that price or value into Hong Kong dollars.".

- 4 In the proposed Schedule 1AA, in section 7, by adding -

"(6) If the marked retail price, marked subscription price or recommended subscription price referred to in subsection (3) is denominated in a currency other than

the Hong Kong dollar, section 1A of this Schedule applies to the conversion of that price into Hong Kong dollars.".

- 4 In the proposed Schedule 1AA, in section 8, by adding -

"(4) If the recommended retail price referred to in subsection (3) is denominated in a currency other than the Hong Kong dollar, section 1A of this Schedule applies to the conversion of that price into Hong Kong dollars.".