OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 12 November 2014

The Council met at Eleven o'clock

MEMBERS PRESENT:

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

THE HONOURABLE ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE JAMES TO KUN-SUN

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

THE HONOURABLE LEUNG YIU-CHUNG

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

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

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

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

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

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

THE HONOURABLE WONG KWOK-HING, B.B.S., M.H.
PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P., Ph.D., R.N.

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

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

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

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

THE HONOURABLE CYD HO SAU-LAN, J.P.

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

THE HONOURABLE CHAN HAK-KAN, J.P.

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

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

DR THE HONOURABLE LEUNG KA-LAU

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

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

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

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

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

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

THE HONOURABLE WONG YUK-MAN
THE HONOURABLE CLAUDIA MO

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

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

THE HONOURABLE NG LEUNG-SING, S.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN

THE HONOURABLE FRANKIE YICK CHI-MING

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING

THE HONOURABLE GARY FAN KWOK-WAI

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

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

DR THE HONOURABLE KENNETH CHAN KA-LOK

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

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

THE HONOURABLE KENNETH LEUNG

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

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG
THE HONOURABLE DENNIS KWOK

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

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE SIN CHUNG-KAI, S.B.S., J.P.

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

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

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

THE HONOURABLE TANG KA-PIU, J.P.

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

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

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE CHRISTOPHER CHUNG SHU-KUN, B.B.S., M.H., J.P.

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

MEMBERS ABSENT:

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

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

THE HONOURABLE CHEUNG KWOK-CHE
PUBLIC OFFICERS ATTENDING:

MR YAU SHING-MU, J.P.
SECRETARY FOR TRANSPORT AND HOUSING

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

MR LAU KONG-WAH, J.P.
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

THE HONOURABLE LAI TUNG-KWOK, S.B.S., I.D.S.M., J.P.
SECRETARY FOR SECURITY

MR ERIC MA SIU-CHEUNG, J.P.
SECRETARY FOR DEVELOPMENT

CLERKS IN ATTENDANCE:

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

MRS JUSTINA LAM CHENG BO-LING, DEPUTY SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, ASSISTANT SECRETARY GENERAL
PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

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

TABLING OF PAPERS

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

No. 24 — Customs and Excise Service Welfare Fund
Financial statements for the year ended 31 March 2014 and its summary, together with the Report of the Director of Audit

No. 25 — Secretary for Home Affairs Incorporated
Financial statements for the year ended 31 March 2014

No. 26 — Sir Edward Youde Memorial Fund
Report of the Board of Trustees for the Period 1 April 2013 to 31 March 2014

Report No. 2/14-15 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

Report of the Bills Committee on Competition (Amendment) Bill 2014

ORAL ANSWERS TO QUESTIONS

Sale of Retail and Carpark Facilities in Public Housing Estates by The Link Management Limited

1. MISS ALICE MAK (in Cantonese): In 2005, the Hong Kong Housing Authority (HA) divested certain retail and car park facilities of its public housing estates to The Link Real Estate Investment Trust. The Link Management Limited (The Link), which manages the Investment Trust, sold the shopping centres and car parks of nine housing estates (the resold facilities) this year. Some shop tenants and residents of these housing estates have relayed to me their concern that the new owners may raise parking fees and shop rentals significantly, leading to increased commodity prices in their estates, and that the quality of managing the resold facilities may deteriorate. Meanwhile, the Housing Ordinance provides that the HA shall secure the provision of ancillary facilities fit for public rental housing estates, including amenities and commercial retail facilities. In this connection, will the Government inform this Council:

(1) whether it knows if The Link had informed various stakeholders (including the HA and the owners' corporations (OCs) of the housing estates concerned) prior to the sale of the relevant facilities; whether, after learning of The Link's intention to sell such facilities, the authorities have implemented corresponding measures, such as assessing the impact of the resale of the such facilities on the HA as well as on the shop tenants and residents of the housing estates concerned, and providing consultation and support services to the OCs and residents concerned; if they have implemented such measures, of the details; if not, the reasons for that;

(2) whether the authorities have approached the new owners of the resold facilities and explained to them the service targets of such facilities and their management responsibilities, and that in managing such facilities, priorities should be given to addressing the needs of residents of housing estates; if they have, of the responses of the new owners; if not, how the authorities ensure that the new owners will continue to shoulder the responsibilities of the former owners; and

(3) as some residents of the housing estates concerned have relayed to me their concern that the new owners may transform the shopping arcades in the resold facilities into ones that mainly serve tourists or
residents outside the estates, or they may even refuse to shoulder the maintenance responsibilities associated with public areas and facilities, how the authorities will prevent such situations from occurring, with a view to ensuring the continuous provision of suitable facilities to the residents; whether the authorities will set up a task force to monitor and follow up the management issues of the resold facilities?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese):
President, my consolidated reply to Miss Alice MAK's question is as follows:

The Government has explained to the Legislative Council on various occasions the background and objectives of the divestment of retail and carparking facilities by the HA in 2005, as well as the mechanism to regulate the uses of the relevant facilities, including the Secretary for Transport and Housing's comprehensive response to the motion debate relating to The Link Real Estate Investment Trust (REIT) in November 2012 on whether the Government should buy back The Investment Trust, and our discussion with the Legislative Council Panel on Housing on relevant issues in June 2014.

In July 2005, the Court of Final Appeal (CFA) affirmed that the divestment of retail and carparking facilities by the HA was consistent with the HA's object, as laid down in section 4(1) of the Housing Ordinance. It was pointed out that to secure the provision of retail and carparking facilities did not mean that the HA needed to be the direct provider itself, but the HA secured the provision of such facilities so long as such facilities were available, even though they were not provided by the HA but by a third party. In reaching its conclusions, the CFA noted that The Link would adopt a market-oriented commercial approach in operating the relevant retail and carparking facilities, whereas the HA's approach at that time might not always be in line with private sector practice; and after the listing of The Link, there might be changes in relation to the operation of the relevant facilities, including the tenant trade mix.

The Link is a private enterprise. So long as The Link's operations comply with prevailing legislation, conditions of government leases (commonly known as "land leases"), and terms of covenants made between The Link and the HA, the Government and the HA cannot and will not interfere with the day-to-day operation and commercial decisions of The Link, including its disposal or
acquisition of any properties. The Link is not obliged to inform the Government nor the HA before disposing of its properties. However, The Link and the new owners of the relevant facilities are obliged to comply with the relevant legislation and the conditions of land leases, just like other private property owners. The assignment deeds between the HA and The Link also contain certain restrictive covenants. All these ensure that changes in the management or control of the facilities divested by the HA will not affect commercial, carparking, educational, social welfare and recreational uses of such facilities.

Firstly, the land leases have stipulated the land uses of the relevant lots. If an owner wishes to change the relevant land uses, prior agreement from other owners of the lots (including the HA and flat owners) and approval of the Lands Department have to be obtained. The conditions of land leases vary case by case. Generally speaking, there are lease conditions clearly stipulating carparking spaces are restricted to the parking of vehicles by the residents and visitors of the lot concerned, and some land leases may require spaces be provided for the parking of vehicles by the residents and visitors of other specified lots, unlike public car parks.

The assignment deeds between the HA and The Link also contain certain restrictive covenants, which stipulate that if The Link and any future owners dispose of the retail and carparking facilities, the subsequent owners shall also comply with the relevant restrictive covenants. These restrictive covenants stipulated that the commercial and carparking facilities shall not be disposed except as a whole. If the HA still holds any proprietary interest in the relevant estate or court, the restriction that the shopping centre shall not be disposed except as a whole will still be effective. If the HA holds all residential units in the relevant estate or court, the restriction that the carparking facilities shall not be disposed except as a whole will still be effective. The covenants also require The Link and the new owners to continue to let out certain commercial units to non-profit-making organizations nominated by the Education Bureau or the Social Welfare Department at concessionary rents for operating social welfare and educational facilities.

As regards the management and maintenance of common area and recreational facilities in the concerned estates or courts, the Deeds of Mutual Covenant (DMCs) set out provisions to ensure relevant owners to discharge their obligations. For instance, regarding the recreational facilities ancillary to the divested facilities, the owners shall open such recreational facilities for use by
residents of the relevant estates and courts, and properly manage and maintain such facilities and the access thereto in accordance with the provisions of the DMCs. By virtue of the provisions of the DMCs, DMC managers, which in certain estates and courts are performed by the HA, may require The Link or the new owners to comply with the provisions of the DMCs.

The HA divested 180 properties in 2005. The actual circumstances of individual properties varies, and the HA has been communicating with The Link as appropriate, depending on the circumstances of individual properties. For example, if the HA holds any interest in land for a concerned lot, as a co-owner, the HA will consider the suggestions to amend the land leases by other owners, including The Link. When the HA acts as the DMC manager, the HA will require other owners, including The Link, to observe the provisions of the DMCs. For those properties which are subject to welfare letting covenants, the Housing Department (HD) will co-ordinate with the Education Bureau or the Social Welfare Department to handle the matters relating to the letting of educational or social welfare facilities. Should other owners be found to violate any of the requirements as set out in the covenants, the HD will definitely follow up the case and take actions as appropriate.

With reference to the relevant legal documents and the established mechanism as mentioned above, and depending on actual circumstances, the HD will take actions to ensure the proper execution of the legal documents, and take appropriate monitoring actions.

Objectively speaking, the commercial facilities of The Link are located in public housing estates. Their clientele and target customers are mainly public housing residents. When deciding on the market positioning of their commercial facilities, the owners will have to consider the preference and needs of their major target customers. At the same time, shopping habits vary from person to person and will change over time. Owners and commercial tenants have to respond to market signals appropriately, and adjust their modes of operation to keep pace with the times in order to succeed in their businesses.

MISS ALICE MAK (in Cantonese): President, the Secretary has pointed out in the main reply that if the HA holds all residential units in the relevant estate or court, the restriction that the carparking facilities shall not be disposed except as
a whole will still be effective. However, most of the shopping centres and car parks of the nine housing estates sold by The Link are in public rental housing (PRH) estates which have been sold, does it imply that this covenant is no longer effective? In other words, the new owners concerned may divest these car parks and shopping centres such that they can be used by people outside the housing estates, or even subject to speculation.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, as regards the supplementary question raised by Miss MAK, divestment is out of the question if the HA holds ownership and interest in the courts in which the shopping centre concerned is situated. As regards the issue of car parks, divestment is also out of the question if the ownership of the residential units is held by the HA. However, the car parks can be divested only if certain units have already been sold.

MISS ALICE MAK (in Cantonese): President, you should have heard my supplementary question, too. As these sold properties are PRH units, can the new owners divest the car parks or even engage in speculation?

PRESIDENT (in Cantonese): Secretary, can you respond to the situation in PRH estates in particular?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, since the Government or the HA does not hold the ownership of all the residential units of the PRH estates, certain car parks can be divested.

MISS CHAN YUEN-HAN (in Cantonese): President, I find the Government most ridiculous. When it wished to sell properties to The Link, it emphasized the need to maintain all the services previously provided in the public housing estates. Certainly, certain situations decided by the Court may be treated as exceptional cases, but it does not mean that the Government is not obliged to shoulder the original responsibilities.
May I ask whether or not the Government can continue to sell car parks and other facilities? When will the alert level be reached? In the absence of an alert level, does it mean that the Government needs not honour the undertaking made by it when The Link was allowed to be listed? President, this issue was already raised a long time ago …

PRESIDENT (in Cantonese): Miss CHAN, you have already raised your supplementary question. Please sit down and let the Secretary give a reply.

MISS CHAN YUEN-HAN (in Cantonese): I did not phrase my question clearly. I think that the way I put it was not too good …

PRESIDENT (in Cantonese): Miss CHAN, you have already raised your supplementary question. Please do not express your personal views.

MISS CHAN YUEN-HAN (in Cantonese): … I think that … must the Government come to a certain point before it will turn back? When will it take action to buy back …

PRESIDENT (in Cantonese): Miss CHAN, please stop saying what you think. As you have already raised your supplementary question, please sit down.

MISS CHAN YUEN-HAN (in Cantonese): Thank you, President.

PRESIDENT (in Cantonese): Secretary, please answer the question.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, in the main reply, I have already quoted the CFA's comments on the relationship between the operation of The Link and the HA that the latter must be consistent with its object, as laid down in the Housing Ordinance, that it does not need to be the direct provider. Hence, the provision of services by The Link is consistent with the Government's object.
As regards its commercial approach, The Link will definitely look after the target customers within the precincts of the housing estates concerned.

**PRESIDENT** (in Cantonese): Miss CHAN, has your supplementary question not been answered?

**MISS CHAN YUEN-HAN** (in Cantonese): *He has not answered my question.*

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

**MISS CHAN YUEN-HAN** (in Cantonese): *I pointed out in the first sentence of my supplementary question that the Government was so ridiculous that it violated the undertaking made initially at the sale of public housing …*

**PRESIDENT** (in Cantonese): Miss CHAN, your remark that the Government was ridiculous is not a question. Please repeat your supplementary question.

**MISS CHAN YUEN-HAN** (in Cantonese): *When I said that the Government was ridiculous, I was referring to its failure to honour the undertaking made during the initial sale of public housing properties …*

**PRESIDENT** (in Cantonese): It is an opinion, not a question. Please raise your supplementary question.

**MISS CHAN YUEN-HAN** (in Cantonese): *My supplementary question is: Now that the alert level has already been reached, how can the Government refrain from taking any action? It appears that the Secretary has not answered my question just now, President.*
PRESIDENT (in Cantonese): I do not entirely understand your question. Please repeat your supplementary question.

MISS CHAN YUEN-HAN (in Cantonese): My supplementary question is: Now that the alert level has already been reached, when will the Government exercise its power to buy back The Link REIT? This is my supplementary question. The Secretary has not answered my question. Instead, he replied …

PRESIDENT (in Cantonese): Now I see your point, but you did not mention the acquisition of The Link REIT just now.

MISS CHAN YUEN-HAN (in Cantonese): I did, President.

PRESIDENT (in Cantonese): This is your supplementary question.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, I have already pointed out in the main reply just now that although The Link is a private company, its scope of services and operation focuses mainly on looking after residents of the housing estates and their needs. It has its own commercial strategies in response to the market's development discipline, too.

Regarding the question raised by Miss CHAN just now about a buyback, I believe the Secretary for Transport and Housing has repeatedly explained whether or not buying back some shares of The Link REIT can address and answer the queries raised by Members. We have replied to Members that the Government cannot possibly do this. Moreover, so doing might not be in line with the overall public interest and the use of public coffers.

MR LEUNG YIU-CHUNG (in Cantonese): President, actually, we absolutely objected to the sale of government properties to a private organization at that time. Naturally, the sale would lead to the consequences we see today, I mean
the phenomenon of divestment and speculation, and the subsequent serious
damage to the interest of public housing residents. President, actually, there
are still some public housing residents in Tenants Purchase Scheme (TPS)
estates. As the Secretary said just now, The Link's continued divestment and
speculation activities will absolutely undermine public housing residents …

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

MR LEUNG YIU-CHUNG (in Cantonese): … Hence, I will feel very sorry
should the Government refuse to buy back the properties. Its reluctance to buy
back the properties will also lead to some problems because the recreational
facilities ancillary to many shopping centres and car parks held and managed by
The Link often lack repairs and maintenance. As a result, the residents cannot
use them. However, the Government said in the paper that it would monitor and
enforce the provisions of the DMCs. But who will enforce and monitor the
provisions of the DMCs? What will the Government do if The Link is reluctant
to do so? I can see that the Government often fails to address these issues.
May I ask the Secretary what can be done to resolve these issues?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese):
President, regarding the question raised by Mr LEUNG concerning the use and
monitoring of public recreational facilities and areas, DMC managers are required
to manage the relevant items, particularly public areas, in accordance with the
powers and responsibilities conferred by the DMCs, as well as enforcing the
provisions set out in the DMCs and urging owners to comply with the DMCs.

According to the relevant provisions of the DMCs, owners are required to
open the relevant recreational facilities for use by residents of the housing estates
and courts and properly manage and maintain the relevant facilities. The
management staff may inspect these recreational facilities regularly and, if it is
found that there is a need to maintain the recreational facilities or such facilities
are not opened, liaise and follow up with the persons concerned. Meanwhile,
DMC managers can also issue warning letters to the persons concerned or even
take legal actions to enforce the provisions of the DMCs having regard to the
circumstances.
In certain public housing estates, the HA being the DMC manager will take charge of the aforesaid matters. As regards other schemes such as the Home Ownership Scheme and the TPS, the OCs or property management agencies concerned should relay the relevant issues to The Link or new owners.

MR LEUNG YIU-CHUNG (in Cantonese): The Secretary has not answered my supplementary question. My last question is: What can be done to resolve the existing problem of lacking compliance, execution and action? It is because, for a long time, there has been a lack of repairs and maintenance in recreational areas. As a result, residents are prohibited from playing or taking a rest there. What will the Government do to address this issue? The Secretary was merely reciting the reply but nothing has been done at all actually. In my supplementary question, I clearly asked him what could be done to resolve this issue but he kept on reciting. Is it acceptable to the President?

PRESIDENT (in Cantonese): Mr LEUNG, please sit down. Secretary, do you have anything to add after hearing Mr LEUNG's supplementary question?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, the management staff mentioned earlier can actually do that, and I believe some of them have already done so.

MR LEUNG YIU-CHUNG (in Cantonese): My question is about all the persons concerned, but the Secretary has not answered my supplementary question. He has only said that some of them have already …

PRESIDENT (in Cantonese): Mr LEUNG, the Secretary has already given a reply.

MR LEUNG YIU-CHUNG (in Cantonese): Do you think that he has answered my question? My question is about all persons concerned, but the Secretary's reply is about some of them only. Is such a reply acceptable to the President?
PRESIDENT (in Cantonese): Mr LEUNG, if you are not satisfied with the Secretary's reply, please follow it up through other channels.

MR LEUNG YIU-CHUNG (in Cantonese): President, I am not dissatisfied with the Secretary's reply but I am definitely not satisfied since he has not answered my supplementary question. The fact is that he has not answered my question.

PRESIDENT (in Cantonese): The Secretary has already answered your supplementary question. Please allow some time for other Members to raise questions.

MR CHAN HAN-PAN (in Cantonese): President, it is incumbent upon the HA to provide retail facilities. Although such facilities do not have to be provided by the HA itself, it has the responsibility to maintain commodity prices at a level acceptable to public housing residents. Does the HA have the power to deter The Link from divesting certain properties? If it has no power to do so, how can the HA honour its undertaking of maintaining commodity prices at a level acceptable to the residents?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, I have already answered in the main reply just now under what circumstances properties can be divested by The Link. As for the modes of operation after such sale, we think that the property concerned can basically operate in accordance with its own commercial approach. However, when the relevant organizations consider making any changes, particularly changes related to land uses or revised terms of covenants, consent from the parties concerned should be sought first. For instance, if changes are to be made to land uses, approval from owners or the Lands Department should be obtained. If the changes involve covenants, consent from the parties concerned must be obtained, too. For instance, applications involving education purposes, as mentioned just now, must be processed by the organizations specified by the Education Bureau. Applications involving social welfare purposes must be submitted by applicants
recommended by the Social Welfare Department. As regards the issue of rents, facilities serving social welfare purposes must comply with the standards set by the HA. Hence, the basic operation of the organizations concerned is already regulated by these requirements.

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

MR CHAN HAN-PAN (in Cantonese): The Secretary has not answered my supplementary question. My supplementary question is very clear. Does the Government have the power to deter The Link from divesting certain properties? If it has no power to do so, how can it honour its undertaking of maintaining commodity prices at a level acceptable to the residents? This is my question.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, I have already explained it in my reply. Just now, I mentioned two main categories, one being the divestment of shopping centres. If the Government still holds any proprietary interest within the precincts of these properties, agreement of the Government as the owner must be obtained. (Appendix 1) Another category is the divestment of car parks. If the Government still holds all of the residential properties, the car parks cannot be divested. However, the car parks can be divested if some of the residential properties have already been sold by the Government. So long as the relevant provisions are not violated, the car parks can be divested by The Link. As regards whether or not the rental levels determined can meet the residents' needs, I believe the market need must be taken into account.

PRESIDENT (in Cantonese): We have spent 22 minutes and 45 seconds on this question. Second question.
Compliance with International Covenant on Civil and Political Rights in Selection of Chief Executive by Universal Suffrage

2. **MS EMILY LAU** (in Cantonese): President, according to Article 25(b) of the International Covenant on Civil and Political Rights (ICCPR), citizens shall have the right and the opportunity, without unreasonable restrictions, to vote and to be elected at elections. On the other hand, the Standing Committee of the National People's Congress (NPCSC) made a Decision on 31 August this year on issues such as the selection of the Chief Executive of the Hong Kong Special Administrative Region (SAR) by universal suffrage (the NPCSC Decision). The United Nations Human Rights Committee (UNHRC) convened a meeting in Geneva on the 23rd of last month to consider matters relating to the implementation of universal suffrage for the selection of the Chief Executive in the Hong Kong SAR in accordance with the ICCPR. It has been reported that the UNHRC was of the view that Hong Kong should take all necessary measures to implement the rights of universal suffrage in conformity with the ICCPR and that Hong Kong's performance in following the UNHRC's recommendations was not satisfactory. In this connection, will the executive authorities inform this Council:

(1) whether they have assessed if the selection of the Chief Executive by universal suffrage in 2017, conducted under the framework of the NPCSC Decision, will comply with the requirement of the UNHRC; if the assessment outcome is in the negative, how the authorities will deal with the issue, including how and when they will give a reply to the UNHRC; whether the authorities will formulate a universal suffrage system for the selection of the Chief Executive in 2017 in compliance with the requirement of the UNHRC, so as to ensure that Hong Kong people will enjoy the equal right to vote and to stand for election without unreasonable restrictions; if they will, of the details; if not, the reasons for that;

(2) whether they have assessed if the Government has an obligation to ensure that the method for selecting the Chief Executive by universal suffrage in 2017 complies with the relevant requirements of the ICCPR; if the assessment outcome is in the affirmative, how the authorities will honour such obligation; if the assessment outcome is in the negative, of the justifications; and
(3) as officials of both the Central Government and the Hong Kong SAR Government have said that Hong Kong shall follow the Basic Law and the NPCSC Decision but not the ICCPR in implementing universal suffrage and that the Government of the United Kingdom made a reservation not to apply Article 25(b) when it extended the ICCPR to Hong Kong, what justifications, apart from the reservation, the authorities have in support of the statement that the universal suffrage system in Hong Kong is not regulated by the ICCPR?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the Third Report of the SAR in the light of the ICCPR (Third Report) was submitted to the United Nations in 2011 as requested by the UNHRC. Upon the issue of the Concluding Observations of the UNHRC on the Third Report in March 2013, the SAR Government submitted a follow-up response to the UNHRC in March this year as requested by the UNHRC, and provided further updated information to the UNHRC in light of a UNHRC meeting in October this year.

The Government is aware that the UNHRC has discussed at its meeting on 23 October the implementation of the ICCPR in the SAR. However, the SAR Government has not yet received any official notification from the UNHRC, and hence it is inappropriate to give any specific comment at this stage. We will consider whether it is necessary to make further response upon receipt of the relevant notification from the UNHRC.

Our reply to the questions raised by Ms LAU is as follows.

(1) and (2)

The constitutional basis of the political structure of the SAR lies in the Constitution of the People's Republic of China (Constitution) and the Basic Law. The SAR was established by the decision of the National People's Congress made pursuant to Article 31 and Article 62(13) of the Constitution; the systems to be implemented in the SAR, including the political structure of the SAR, are prescribed in accordance with the Constitution and the Basic Law. According to Article 15 of the Basic Law:
"The Central People's Government shall appoint the Chief Executive and the principal officials of the executive authorities of the Hong Kong Special Administrative Region in accordance with the provisions of Chapter IV of this Law."

According to Article 25 of the Basic Law:

"All Hong Kong residents shall be equal before the law."

According to Article 26 of the Basic Law:

"Permanent residents of the Hong Kong Special Administrative Region shall have the right to vote and the right to stand for election in accordance with law."

According to Article 45 of the Basic Law:

"The Chief Executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government.

The method for selecting the Chief Executive shall be specified in the light of the actual situation in the Hong Kong Special Administrative Region and in accordance with the principle of gradual and orderly progress. The ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures.

The specific method for selecting the Chief Executive is prescribed in Annex I: 'Method for the Selection of the Chief Executive of the Hong Kong Special Administrative Region'."

On 31 August 2014, the NPCSC adopted the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (Decision), formally determining that universal suffrage for the Chief Executive election through "one person, one vote" could be implemented starting from
2017. It also sets out a clear framework on the specific method for selecting the Chief Executive by universal suffrage.

In exploring the specific method for selecting the Chief Executive by universal suffrage, the Basic Law and the relevant Interpretation and Decisions of the NPCSC must be strictly adhered to, and it must be in accordance with "one country, two systems" and the basic policies of the State regarding Hong Kong. As regards how to devise a specific model for implementing universal suffrage, the design of political systems in different parts of the world is different, this is because the electoral system of each country or place must be devised having regard to her own history, constitutional system and actual situations. The United Nations also recognizes that internationally there is no prescribed electoral system considered to be the only one that conforms with the principles of the ICCPR.

As mentioned above, the Decision of the NPCSC adopted on 31 August 2014 sets out a clear framework on the method for selecting the Chief Executive by universal suffrage. When universal suffrage for the Chief Executive election is implemented, all eligible voters in Hong Kong would have the right to vote on a "one person, one vote" basis; and the right to vote is universal and equal. Furthermore, any interested person who meets the requirements in Article 44 of the Basic Law and the relevant statutory qualifications would enjoy an equal opportunity to contend for nomination by the Nominating Committee. Persons nominated by the Nominating Committee would participate in an open election on an equal footing, seek support from 5 million eligible voters, and enjoy an equal right to be elected.

(3) As regards the ICCPR, when the ICCPR was applied to Hong Kong in 1976, a reservation was made by the British Government reserving the right not to apply Article 25(b). After the establishment of the SAR, in accordance with the Central People's Government's notification to the United Nations Secretary-General in June 1996 and Article 39 of the Basic Law, only the provisions as applied to Hong Kong should remain in force, and their implementation has to be through the laws of the SAR. Hence, the basis for the ultimate aim of universal suffrage for Hong Kong's constitutional development lies in the Basic Law and the relevant Interpretation and Decisions of the NPCSC, but not the ICCPR.
MS EMILY LAU (in Cantonese): President, the Secretary has mentioned in part (3) of the main reply that when the ICCPR was applied to Hong Kong then, a reservation was made by the British Government reserving the right not to apply Article 25(b) to Hong Kong which was then a colony. In the meeting of the UNHRC on the 23rd last month, it was mentioned that the reservation clause was about not returning the Legislative Council and the Executive Council by universal suffrage and this had nothing to do with the selection of the Chief Executive by universal suffrage. For many years the UNHRC has been urging the Administration to put into practice universal suffrage in Hong Kong according to the ICCPR. Therefore, I wish to ask the Administration or Beijing whether or not any information has been provided to the United Nations indicating that there is a reservation clause regarding the selection of the Chief Executive by universal suffrage, or if the claim made by the Government now is arbitrary? Since Hong Kong has subscribed to the ICCPR, it should act according to the ICCPR, so how can the Government take the matter into its own hands and do whatever it likes?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, every time when there is a meeting of the UNHRC, officials from the SAR Government attending the meeting will report on the situation in Hong Kong. As a matter of fact, about the issue of universal suffrage in Hong Kong, apart from the ICCPR which the Member has mentioned in which certain provisions therein serve as a guideline, there is a very important point in the ICCPR of the United Nations and that is, the electoral system of each country or place must be devised having regard to its own culture, history and constitutional system. Actually, Article 2 of the ICCPR states that each State Party to the ICCPR undertakes "to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant." In other words, the SAR has in place a provision in the Basic Law which regulates the implementation of universal suffrage and that is, Article 45 of the Basic Law. In fact, regarding work in universal suffrage the NPCSC made a Decision on 31 August and if steps one and two of the constitutional process are followed, what needs to be done is to take the third step in the constitutional process. We will conduct the second round of the consultation. If the support from a two-thirds majority of the 70 Members of the Legislative Council can be obtained, the third step can be completed. Then we
can go on to steps four and five to realize the selection of the Chief Executive by "one person, one vote" in 2017. Therefore, work in universal suffrage has to rely on the Constitution and local legislation. I hope Members can take an active part in it.

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

MS EMILY LAU (in Cantonese): President, he has not answered my supplementary question.

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

MS EMILY LAU (in Cantonese): What I wish to ask is: Has the Administration or Beijing submitted any paper to the United Nations saying that the selection of Chief Executive by universal suffrage does not comply with the requirements under the ICCPR, just like the reservation clause of the British Government in 1976? May I ask if they have done so? Or if they are taking the matter into their own hands and do whatever they like? Then the demand for freedom in the marches and rallies can just be ignored. What is the point of subscribing to the ICCPR?

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the provision will continue to be reserved. In any case, Hong Kong relies on the Basic Law and local legislation, plus the Decision made by the NPCSC to move forward in the direction of selecting the Chief Executive by universal suffrage of "one person, one vote".
MR CHAN CHI-CHUEN (in Cantonese): President, it is clear that although Hong Kong has signed this international covenant, it does not pay any attention to it. The UNHRC says that Hong Kong should take all necessary measures to implement the right of universal suffrage in conformity with the ICCPR. The Secretary mentioned in the main reply: "However, the HKSAR Government has not yet received any official notification from the UNHRC." Secretary, as the saying goes, an ugly wife will have to meet her father-in-law, and what is now denied will someday have to be admitted. It is very clear that the present situation is that the SAR Government knows full well that it does not have any grounds to back up its claim and so it is evading the issue.

Ms Emily LAU made it very clear in part (2) of the main question. She asked the Government whether or not it has an obligation to ensure that the method for selecting the Chief Executive by universal suffrage in 2017 complies with the relevant requirements of the ICCPR. In the reply given by the Secretary spanning several pages, no mention is made of the word "obligation". Actually, he has to answer "Yes" or "No". Or he can answer it this way: The electoral system does not have to conform to the requirements under the ICCPR and only the Decision made by the NPC and the provisions found in the Basic Law have to be complied with. Then he can just say that there is no such obligation. Right? Now the United Nations …

PRESIDENT (in Cantonese): Mr CHAN, please raise your supplementary question clearly for the Secretary to reply.

MR CHAN CHI-CHUEN (in Cantonese): My question is clear enough. The UNHRC says that Hong Kong should take all necessary measures to implement the rights of universal suffrage in conformity with the ICCPR. May I ask the Secretary whether he thinks that the Government does not have any obligation to do it?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, all along the SAR Government has been promoting work in universal suffrage according to the provisions and principles in the Basic Law. Mr CHAN has mentioned the issue of obligation earlier. In fact, I have quoted from Article 2 of the ICCPR earlier and that is, our obligation is we should comply with the Constitution of our country. Hong Kong is an SAR and work
in this respect has to be taken forward in conformity with the Decision made by the NPCSC. Of course, if you look at the "Five-step Process" in constitutional reform, the parties concerned, that is, the NPCSC, the SAR Government and the Legislative Council are obliged to co-ordinate and move forward in this direction. They have the common obligation of putting into practice universal suffrage by "one person, one vote" for the 5 million eligible voters in Hong Kong. This is our obligation together with Members of the Legislative Council. I hope we can work together to do the job well in this regard.

MR CHAN CHI-CHUEN (in Cantonese): President, I was not asking him whether or not there is an obligation to comply with the Decision made by the NPCSC. I was asking him whether or not there is an obligation to conform to the requirements of the ICCPR?

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I have already answered this supplementary question just now.

MS CYD HO (in Cantonese): President, the composition of the Nominating Committee gives its members the power of nomination. This is obviously a contravention of Article 25 of the Basic Law which states: "All Hong Kong residents shall be equal before the law." Now the residents of Hong Kong do not have an equal right to nomination. Pursuant to the Decision made by the NPCSC, the power to nominate is vested in the elites among the elites and they can do the screening. This is similar to the repairs and maintenance of buildings, where there is a rigging of tenders and people can reap indecent profits. In such circumstances, after the screening, two or three candidates will be left and the people of Hong Kong will have to select one by "one person, one vote" …

PRESIDENT (in Cantonese): Ms HO, please raise your supplementary question.
MS CYD HO (in Cantonese): President, may I ask the Secretary through you, when this election, in which the citizens are asked to cast their votes to select one from among the candidates left after screening, still be called a democratic election? Does it meet the requirement of residents of Hong Kong all being equal before the law? How can he prevent the emergence of a situation which resembles the rigging of tenders in buildings with certain people reaping indecent profits?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, under Article 45 of the Basic Law, in the selection of the Chief Executive by universal suffrage, a broadly representative Nominating Committee should be formed for the purpose of nominating candidates in accordance with democratic procedures. Citizens can select the Chief Executive by "one person, one vote". The Nominating Committee is the one and only one agency for nominating candidates. This is clear unequivocally. It is also written clearly in the Constitution and the Basic Law. As for the equal right mentioned by Ms HO, if we look at the Basic Law, we would often cite Article 45. But Article 44 which precedes it has pointed out clearly what kind of persons can be elected. President, perhaps I should read out Article 44 of the Basic Law once again. It says: "The Chief Executive of the Hong Kong Special Administrative Region shall be a Chinese citizen of not less than 40 years of age who is a permanent resident of the Region with no right of abode in any foreign country and has ordinarily resided in Hong Kong for a continuous period of not less than 20 years."

President, in other words, anyone who meets these three conditions can strive for being nominated as a candidate. These three conditions are: not less than 40 years of age, a Chinese citizen of Hong Kong who is a permanent resident there with no right of abode in any foreign country and has ordinarily resided in Hong Kong for a continuous period of not less than 20 years. Anyone who can meet these three requirements can strive for being nominated on an equal basis. But as to the question of how the Nominating Committee can be enhanced in terms of its transparency and competition as a matter of specifics, this is exactly what we intend to do, that is, to identify a solution after discussions with Members in the second round of the consultation exercise under the framework of the NPCSC Decision. We hope that a consensus can be reached and that election by universal suffrage can proceed on schedule.
PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MS CYD HO (in Cantonese): No, he has not answered it.

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

MS CYD HO (in Cantonese): The Secretary mentioned the qualifications of candidates in the election and that is, from Article 44 …

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

MS CYD HO (in Cantonese): He has not replied on the power of the members in the Nominating Committee to nominate and the fact that common people do not have this power to nominate, and whether this conforms to the requirement set out in Article 25 of the Basic Law in which all residents of Hong Kong are equal before the law.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the composition of the Nominating Committee is broadly representative. It is formed by 38 sectors, covering all walks of life in Hong Kong, such as the business sector, the professionals, the grassroots and the political sector. Its composition is broadly representative.

MS CYD HO (in Cantonese): President, I was asking whether this is equal.

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

MS STARRY LEE (in Cantonese): President, democracy is the common pursuit of human civilization. But as to the pace and form of democracy, due to different historical and social conditions of various places, different electoral systems are tailor-made for the purpose of implementing democracy. So there is no single model of electoral system in the world. What is said in this oral question, that is, conformity with the provision on electoral systems found in Article 25 of the ICCPR, is not the only model. One can understand this simply by taking a look.

My observation is that the right to election is in the form of "one person, one vote". But the right to nomination varies according to the peculiarity of different places. I believe countries like the United Kingdom and the United States comply with the ICCPR. But the right to nominate the Prime Minister of the United Kingdom rests with the political parties. Generally speaking, the party leader of the ruling party will be the Prime Minister. In the United States, the President is not returned by "one person, one vote" but the President is returned by the votes cast by the electors …

PRESIDENT (in Cantonese): Ms LEE, please raise your supplementary question.

MS STARRY LEE (in Cantonese): All right. I now raise my supplementary question. The Decision made by the NPCSC on 31 August actually permits all qualified citizens to strive for nomination by the Nominating Committee. It follows that I do not see how it contravenes the ICCPR …

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

MS STARRY LEE (in Cantonese): May I ask the Secretary if he agrees with my view and observation?
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I agree. And I wish to add one point …

(Mr WONG Yuk-man spoke in his seat)

PRESIDENT (in Cantonese): Secretary, please pause for a moment. Will Members please keep quiet?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): In the book Human Rights and Elections: A Handbook on the Legal, Technical and Human Rights Aspects of Elections published by the United Nations in 1994, there is a paragraph which fits the view expressed by Ms Starry LEE just now. (I quote) "United Nations human rights standards relating to elections are broad in nature and thus may be achieved through a wide variety of political systems. United Nations electoral assistance does not seek to impose any given political model. Rather, it is based upon a realization that there is no single political system or electoral methodology which is appropriate for all peoples and States." (End of quote)

PRESIDENT (in Cantonese): We have spent 22 minutes and 45 seconds on this question. Third Question.

Appointment of Members to Two Statutory Bodies

3. MR WONG YUK-MAN (in Cantonese): President, regarding the appointment of members to the Independent Police Complaints Council (IPCC) and the Minimum Wage Commission, will the Government inform this Council:

(1) of the basis and reasons for the authorities giving only a simple account of the justifications for appointing the chairmen but not any justifications for appointing the other members to the aforesaid Council and Commission in the press releases announcing their appointments;
(2) when the authorities were considering whether or not to reappoint individual members of the aforesaid Council and Commission, which government departments were responsible for evaluating the past performance of the members concerned in the Council and Commission, and of the specific indicators based on which they conducted such evaluations; and

(3) whether the authorities will make public the candidates who had been considered but were eventually not appointed to the aforesaid Council and Commission; if they will not, of the reasons for that?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, the IPCC is a statutory body set up under the Independent Police Complaints Council Ordinance (IPCCO) (Cap. 604, Laws of Hong Kong). Comprising members from different sectors of the community, the IPCC's main responsibility is to monitor and review the handling and investigation of reportable complaints by the Complaints Against Police Office, and, at the same time, make recommendations on the handling and investigation of such complaints as well as Police practices or procedures that have led to or might lead to reportable complaints.

As regards the Minimum Wage Commission (MWC), it is a statutory body established under the Minimum Wage Ordinance (MWO) (Cap. 608, Laws of Hong Kong). Comprising a Chairperson and not more than 12 members drawn from the labour sector, the business sector, the academia and the Government, its main function is to report to the Chief Executive in Council its recommendation on the statutory minimum wage rate.

My reply to the question raised by Mr WONG Yuk-man is as follows:

(1) and (2)

The Government has all along made appointments of non-official members to advisory and statutory bodies on the basis of the merit of the individuals concerned. When appointing a member to serve on an advisory and statutory body, the relevant bureau or department takes into account the candidate's ability, expertise, experience, integrity and commitment to public service, with due regard to the
functions and nature of business of the advisory and statutory body as well as the relevant statutory provisions for the statutory body.

The appointment of IPCC members is made under the IPCCO and the composition of the IPCC is stipulated in section 5 thereof. As laid down in that section, the IPCC consists of a Chairman, three Vice-Chairmen and not less than eight other members appointed by the Chief Executive. It is also stipulated in section 5 that neither a person who holds an office of emolument, whether permanent or temporary, in a government bureau or department nor a person who was a member of the Police Force is eligible for appointment.

For the MWC, appointment of members is made in accordance with the provisions of the MWO. According to section 11 of the MWO, the MWC consists of not more than three members having knowledge or experience relating to the labour sector; not more than three members having knowledge or experience relating to the business sector; not more than three members having knowledge or experience in a relevant academic field; and not more than three other members who are public officers.

The Security Bureau is responsible for co-ordinating appointment of members to the IPCC, whereas the Labour and Welfare Bureau (LWB) and Labour Department co-ordinate appointments to the MWC. In appointing members to the IPCC and the MWC, the Government has acted in accordance with the requirements of the IPCCO and the MWO respectively, observed the principle of appointment on the basis of the merit of the individuals concerned, and made reference to the relevant government guidelines on appointing non-official members to advisory and statutory bodies. The press releases on appointments to the IPCC and the MWC provided appropriate information in line with the general practice of issuing relevant press releases on advisory and statutory bodies of the Government.

(3) The Government has appointed suitable persons to serve as members of the IPCC and the MWC to meet their respective needs. Whether a candidate would eventually be appointed is subject to various factors. In accordance with the Government's established practice
applicable to appointment to advisory and statutory bodies, information relating to any candidate who is not appointed will not be made public.

In respect of appointments to advisory and statutory bodies by the Government, we are of the view that it is not appropriate to make public information on those individual candidates who have been considered but not appointed as this may not only involve the privacy of and bring embarrassment to the persons concerned but also add to the difficulties of the Government in encouraging members of the public to join advisory and statutory bodies.

**MR WONG YUK-MAN** (in Cantonese): President, the Secretary's main reply is not an answer at all. President, my main question is straightforward. The Government adopts "black-box operation" and there is no transparency in all the appointments. We are only provided with the name list and a news announcement of 200 to 300 words, and we know nothing about the background of these members. As I read out the names of IPCC members, I notice that I do not know any of the members except Members of the Legislative Council among them. Who are these people? Since the Government says that appointments are made on the basis of individual merits, will it provide justifications for that? Who are talents and what merits do they have?

The Secretary said in part (3) of the main reply that such information was not made public due to privacy concern. But since these people are members of statutory bodies, how will an announcement on the reasons for appointing or not appointing them give rise to privacy concern? The primary problem is the lack of transparency. It adopts "black-box operation" …

**PRESIDENT** (in Cantonese): Mr WONG, please state your supplementary question.

**MR WONG YUK-MAN** (in Cantonese): … but not appointment on individual merits. If the authorities insist that appointments are made on individual merits, I can only say that "it is appointing lackeys". That is all …
PRESIDENT (in Cantonese): Please state your supplementary question.

MR WONG YUK-MAN (in Cantonese): I am extremely dissatisfied with the Secretary's reply. The members appointed to the MWC by Matthew CHEUNG will only confine the increase of minimum wage. The present proposal on the minimum wage rate of $32.5 has been discussed for a long time. Does he know that?

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

MR WONG YUK-MAN (in Cantonese): This is dereliction of duty on his part. First, I ask him to quit. Matthew CHEUNG should not be responsible for appointing members to the MWC and giving advice. I must ask him whether he will quit.

PRESIDENT (in Cantonese): This is an opinion, not a question. Please state your supplementary question.

MR WONG YUK-MAN (in Cantonese): Why is this not a question? I consider that his appointment approach lacks transparency. It is "black-box operation", and the minimum wage rate set by those members will only cause wage earners to suffer, leaving them in a miserable state ...

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

MR WONG YUK-MAN (in Cantonese): … in that case, should not he resign? Should not he quit?

PRESIDENT (in Cantonese): Secretary, will you respond to Mr WONG Yuk-man?
SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I would like to thank Mr WONG for his view …

(Mr WONG Yuk-man stood up and spoke loudly)

PRESIDENT (in Cantonese): Mr WONG Yuk-man, please be seated.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I would like to thank Mr WONG for his views. I will use the MWC as an example. The effort made by the MWC in the past few years is obvious to all. The minimum wage rate has increased from $28 per hour to $30 per hour. As for the rate proposed by the MWC recently, the Executive Council will scrutinize the proposal at a suitable time, and the entire process is comprehensive. The MWC has made significant contribution and I would like to take this opportunity to express my gratitude to all the members. The contribution they have made is evident to all.

DR HELENA WONG (in Cantonese): President, I declare that I am a member of the IPCC. I would like to ask the Government about the appointment arrangement of the incumbent Chairman, Vice-Chairmen and all members. I think that the membership list is drafted by the Security Bureau and the appointments are made by the Chief Executive solely. Certainly, if the incumbent Chief Executive is returned by election, we will have better protection and the appointment will be fairer. But since the Chief Executive is not elected by the people but by a coterie election at present, there may be problems. As it stands currently, the authorities have already appointed a member of the Chinese People's Political Consultative Conference as the Chairman of the IPCC, and for the new members appointed in succession subsequently, "LEUNG's Fans" …

PRESIDENT (in Cantonese): Please state your supplementary question.
DR HELENA WONG (in Cantonese): … and members from the pro-police group are in the majority. As regards the protection of independence and impartiality as stated in the IPCCO, it is only stipulated that a person who was a member of the Police Force or who has a family member being a member of the Police Force will be ineligible for IPCC membership. However, it is not stated in the IPCCO whether or not persons from the pro-police group may be members of the IPCC …

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

DR HELENA WONG (in Cantonese): … in this connection, should the Government draw reference from the independent framework responsible for monitoring complaints against Police in other countries or regions and examine the mechanism for appointment. It may consider including judges or judicial officers in the composition of the membership, or stipulating that the membership should include elected Members or that a certain number of members must be returned by election. According to the IPPCO, all members must be appointed by the Chief Executive.

My supplementary question is: Does the Government consider that there is room for amending the IPCCO? To ensure the true independence and impartiality of the mechanism for monitoring complaints against the Police, will the authorities consider conducting a relevant study?

PRESIDENT (in Cantonese): Members should think carefully what they intend to ask and phrase the question in concise and precise language. Which Secretary will reply? Secretary for Security, please reply.

SECRETARY FOR SECURITY (in Cantonese): President, first, I have to make it clear that members of the IPCC come from various sectors. Quite a number of members come from the legal sector, and now there are members from the medical sector, education sector, welfare sector and business sector. There are even five Members of the Legislative Council participating in the work of the IPCC.
The IPCC has set up a secretariat, and they act in accordance with the law and established systems. More often than not, the IPCC will meet with the media after their meetings to explain the discussion and results reached at the meetings on issues of general attention and concern of society. Therefore, the IPCC has sufficient independence, impartiality and transparency.

Dr WONG mentioned the IPCC Chairman appointed recently, yet I consider the nouns she used to describe the Chairman most unfair. She even said that the Government had appointed some so-called "LEUNG's fans" to public offices, and this is unfair too. Certain people are enthusiastic in serving society and are willing to sacrifice their private time to take up public offices, yet the relevant comments will have significant negative impact.

As I said earlier, members of the IPCC come from various sectors of society, so we consider the system reasonable. Moreover, the system is not established today. The IPCC originated from the then Independent Police Complaints Council ("警監會") before becoming a statutory body, thus it has a long history. The present system evolved from a relevant system which had been operating for a long time. As in the case of other appointment systems of the Government, I do not consider it necessary to introduce major changes to this appointment system.

MR KENNETH LEUNG (in Cantonese): President, the Secretary said just now that the appointment system was proven and had been operating for some time. He said that members include persons from various classes and sectors, such as lawyers and doctors, and so on. However, my question is not about the ecology of the membership classified according to their classes or professions. My question is straightforward. Will the Secretary give an unequivocal assurance that persons from different parts on the political spectrum will have the opportunity to be appointed or reappointed by the Bureau as IPCC members?

SECRETARY FOR SECURITY (in Cantonese): I believe facts speak louder than words. Members may see that existing members of the IPCC have different backgrounds, or as Mr LEUNG said, they may come from different parts of the political spectrum.
MR ALAN LEONG (in Cantonese): The IPCC, formerly known as "警監會" in Chinese, is an extremely important organization. It serves as an adjudicator between the public and the Police, and credibility is the foundation of its actions. Since the establishment of the organization, its four former Chairmen were all Senior Counsels, namely, Denis CHANG, Robert TANG, Ronny WONG and JAT Sew-tong. May I ask the Secretary why a Senior Counsel is not appointed as the fifth Chairman? Is it because the Secretary has failed to find one, meaning he was treated to "the lemon" of refusal? Or is it because the Secretary has never made such an invitation?

SECRETARY FOR SECURITY (in Cantonese): I think if we simply look at the case of the IPCC, the scope will be relatively narrow. We may as well look at the former organization of the IPCC, which is "監警會" in Chinese. The first Chairman was a former Member of the Executive Council, and then there was the President of a university, and other persons of high esteem in society. Certainly, as Mr LEONG said, the Chairmen of the last four terms were all Senior Counsels. The newly appointed Chairman of the IPCC is a senior solicitor who has a long history in serving society in public offices, and he is also serving in other important public offices at present.

All the appointments are made according to the criteria mentioned by Secretary Matthew CHEUNG earlier. As to the question of whether or not a Senior Counsel must be appointed, I can tell Mr LEONG unequivocally that there is no such requirement under the law. If we include certain requirements which are not stipulated in the law as a consideration for appointment, we are imposing restrictions on our choice, which may lead us to an outcome of a narrower scope.

PRESIDENT (in Cantonese): Mr LEONG, has your supplement question not been answered?

MR ALAN LEONG (in Cantonese): President, he has not answered my question. I asked whether the authorities had approached any Senior Counsel and whether he had been treated to "the lemon" of refusal. Besides, President, I would like to point out that he is wrong about the former Chairmen, for in both the IPCC and the former IPCC, there were a total of four Chairmen only and none of them was a university professor.

PRESIDENT (in Cantonese): Secretary, concerning the issue on "the lemon" of refusal, do you have anything to add?
SECRETARY FOR SECURITY (in Cantonese): President, pardon me if I put it wrong just now. However, I have never said that there was a university professor among them, for I only said that there was a President of a university.

Regarding the candidates we have considered, as Secretary Matthew CHEUNG has made it clearly in part (3) of the main reply, the authorities will not make public information on those individual candidates who have been considered but not appointed. Allow me to repeat it once again, the reason for not doing so is that we consider once the information of individuals who have not been appointed is made public, it will not only involve privacy of and bring embarrassment to the persons concerned, but will also add to the difficulties of the Government in encouraging members of the public to join advisory and statutory bodies.

MR CHAN KAM-LAM (in Cantonese): President, the Secretary stated in the replies that the authorities would consider various aspects in making appointments. However, two Members pointed out earlier that the Secretary had considered mainly "LEUNG's fans" and persons in the pro-government camp. Mr Kenneth LEUNG asked whether persons with different political views would stand any chance of appointment. I feel that the two Members — Dr Helena WONG and Mr Kenneth LEUNG — are lying with eyes wide open despite the facts, they are distorting the facts … In actuality, Mr Kenneth LEUNG and Dr Helena WONG have both been appointed as members of the IPCC …

(Some Members spoke loudly in their seats)

PRESIDENT (in Cantonese): Members, please be quiet.

(Some Members continued to speak loudly in their seats)

PRESIDENT (in Cantonese): Members, please keep quiet.

(Mr Kenneth LEUNG and Dr Helena WONG stood up and requested the President to make a ruling on the criticisms made by Mr CHAN Kam-lam of them)
PRESIDENT (in Cantonese): Will the two Members sit down. Mr CHAN Kam-lam, we are in the question session but not in a debate. It is unfair for you to make comments of other Members when you ask your question. You should withdraw the comments you have made of the two Members who asked questions earlier, and do not give your personal opinions. Members should not give personal opinions when they ask questions but should state the question direct.

MR CHAN KAM-LAM (in Cantonese): President, what I said just now is a presentation of the fact …

(Mr Kenneth LEUNG and Dr Helena WONG stood up to refute and raised a point of order)

PRESIDENT (in Cantonese): Members, we are not in a debate now. Members have already raised a point of order, and I will make a ruling.

Mr CHAN Kam-lam, please stop debating. As I pointed out just now, you should not make comments of other Members when you ask questions. Otherwise, for the sake of fairness, I will have to allow other Members to respond to your comments. The comments you made of the two Members just now are not facts as you said. You may consider those remarks facts, but they constitute criticisms of other Members. I now order you to withdraw the comments you have made of the two Members earlier.

MR CHAN KAM-LAM (in Cantonese): President, if my comments are unfair to them, I am willing to withdraw them, but I …

PRESIDENT (in Cantonese): You should withdraw the comments you have made.

MR CHAN KAM-LAM (in Cantonese): But I must explain clearly that …
PRESIDENT (in Cantonese): Please state your question immediately.

MR CHAN KAM-LAM (in Cantonese): All right. I would like to ask the Secretary about the Members’ comments that IPCC members appointed by the Secretary are "LEUNG's fans", or that the Secretary has not appointed persons with different opinions, or that persons with different opinions do not stand any chance of appointment or reappointment. May I ask if these comments are facts? Has the Government been wronged? Is it fair for the Members concerned to ask such questions and are they telling the truth?

SECRETARY FOR SECURITY (in Cantonese): I think the best way to answer Mr CHAN’s question is to invite Members to look at the membership list of the IPCC. Members may find out and ponder whether members on the list have certain specific stance and whether they have any political inclination. Members will then get the answer.

MR CHAN KAM-LAM (in Cantonese): President, will the Secretary give a clearer answer by reading out the membership list, so that Members will know about that?

SECRETARY FOR SECURITY (in Cantonese): President, the incumbent Chairman of the IPCC is Mr Larry KWOK. There are three Vice-Chairmen, namely Dr LAM Tai-fai, Mr Abraham SHEK and Mr CHAN Kin-por. As for members …

(Some Members spoke loudly in their seats)

PRESIDENT (in Cantonese): Members, please keep quiet. Secretary, please continue with your reply.
SECRETARY FOR SECURITY (in Cantonese): As for members, there are Mr Lawrence MA, Mr Clement TAO, Mr John YAN, Mr Eric CHEUNG, Ms Christine FANG, Mr IP Shing-hing, Ms LAU Yuk-kuen, Mr Kenneth LEUNG, Ms MA Hok-ka, Ms WONG Hang-yee, Dr Helena WONG, Ms Mary Teresa WONG, Mr Adrian YIP, Mr Vincent Simon HO, Mr Arthur LUK, Mr Eugene CHAN, Mr CHAN Pui-kwong, Mr Edwin CHENG, Ms SO Lai-chun and Ms Lisa LAU.

PRESIDENT (in Cantonese): I have to remind Members again that you should not shout aloud in your seats. When other Members or public officers are speaking, please keep quiet.

MR PAUL TSE (in Cantonese): President, according to my understanding, both the IPCC and the MWC follow the "6-6 Rules", as we commonly called it, where any person in public office will not sit on more than six boards and will not be in the same public office for more than six years.

May I know whether this appointment principle is applicable to the two committees mentioned? In fact, the objective of this principle is to introduce "new blood" into the committees. In that case, have the authorities laid down any reference for the ratio of "new blood" to be included in the appointment every year?

PRESIDENT (in Cantonese): Which Secretary will answer? Secretary for Labour and Welfare, please reply.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I thank Mr TSE for his question. Regarding the "6-6 Rules" principle, we will follow it as far as possible generally and will deviate from it only in exceptional cases. Therefore, among the 3 900-odd members on the 470 bodies in the Government at present, only around 320 members, 5%, have been appointed for more than six years. There are only two persons sitting on more than six boards, and they are appointed to seven committees for various reasons.
However, the Honourable Member is right in saying that we hope to bring in "new blood" through the change of membership, so that there will be new perspectives and views. Therefore, we will by all means identify suitable candidates and find "new blood", so that the views expressed by members will cover more and wider perspectives in society. We will continue to do so.

(Mr Paul TSE stood up)

PRESIDENT (in Cantonese): Mr Paul TSE, has your supplementary question not been answered? Please repeat your supplementary question.

MR PAUL TSE (in Cantonese): My supplementary question is about the ratio of "new blood". Do the authorities have some rough figures on it? I did ask this in my supplementary question, but the Secretary has not answered it.

PRESIDENT (in Cantonese): You have asked a new question. Secretary, will you provide the relevant figures?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, no hard indicator has been laid down in this regard for, more often than not, it depends on the actual situation. Sometimes, when certain issues are under discussion or when certain members have proposed some major plans, studies or issues, it will be difficult to replace the members in the middle of those projects. Having said that, there must be replacement in membership, because the purpose of the six-year rule is to enable such replacement.

PRESIDENT (in Cantonese): We have spent nearly 23 minutes on this question. Fourth question.

Water Supply for Hong Kong

4. MR DENNIS KWOK (in Cantonese): President, at present, Dongjiang water is the main source of fresh water for Hong Kong, meeting around 70% to 80% of the total water consumption in Hong Kong. Yet, there are many uncertainties in the supply of Dongjiang water, which include droughts occurring
from time to time in Mainland provinces as a result of global climate changes, the significant increase in demand for water resources on the Mainland in recent years, as well as the potential impacts of urban development in cities along the Dongjiang River on the quality of Dongjiang water. Meanwhile, the current agreement for the supply of Dongjiang water is due to expire at the end of this year, and the Government has reached another agreement with the Guangdong authorities for the supply of Dongjiang water in the next three years. The new agreement will continue to adopt the "package deal lump sum" approach in the calculation of water price, that is, a fixed amount of annual lump sum payment will be made to the Guangdong side for the supply of an annual agreed quantity of Dongjiang water to Hong Kong. The annual increase in water price under the new agreement will be around 6%, and the lump sum to be paid over the three-year period will amount to $13.49 billion. In this connection, will the Government inform this Council:

(1) of the unit price of Dongjiang water imported to Hong Kong in the past two years, as well as the unit price of Dongjiang water under the scenario of the quantity of water imported reaching the annual supply ceiling; whether it has assessed if the water price calculated according to the "package deal lump sum" approach can be reduced with a lower annual supply ceiling; if the assessment outcome is in the affirmative, of the Government's reasons for maintaining the annual supply ceiling in the new agreement at 820 million cu m; if such an assessment has not been conducted, the reasons for that;

(2) in addition to the several desalination plant systems under construction and the desalination plant at Tseung Kwan O which is expected to commence operation in 2020, of the details of the other projects on water resources under study by the authorities; and

(3) as the Secretary for Development has advised that the authorities had studied various options such as expanding the reservoirs and interconnecting them, and the results showed that these options were not cost-effective as the cost involved would far exceed that of collecting rainwater and purchasing Dongjiang water at present, whether the Government can provide information on the relevant studies, including the names of the reservoirs studied, the scopes and estimated costs of the works projects, as well as the government department(s) responsible for the studies?
PRESIDENT (in Cantonese): The public who are watching the live broadcast may wish to note that "several desalination plant systems under construction" mentioned by Mr KWOK in part (2) of the main question should be "several seawater flushing systems under construction".

SECRETARY FOR DEVELOPMENT (in Cantonese): President, the natural fresh water resources in Hong Kong mainly come from rainfall. But the yield collected from local catchment is inadequate to meet our needs. The rainfall is also unstable. Dongjiang water, which now provides about 70% to 80% of our fresh water supply, is able to fill the gap arising from the inadequate local yield. Therefore, a reliable and stable Dongjiang water supply arrangement is essential to Hong Kong.

The Guangdong authorities promulgated the "Water Resources Distribution Plan in the Dongjiang River Basin of Guangdong Province" (Distribution Plan) in 2008 setting out the maximum amount of water that Shenzhen, respective cities in Guangdong Province and Hong Kong can draw from Dongjiang. Under the Distribution Plan, the annual quantity of Dongjiang water available for abstraction for water supply is 10 700 million cu m (mcm). Hong Kong has been allocated an ultimate annual supply quantity of 1 100 mcm. Taking into account the slower pace of growth of fresh water demand in Hong Kong, the annual supply ceiling in the current Dongjiang water supply agreement is 820 mcm. The Guangdong authorities regulates the flow of Dongjiang by co-ordinating the flow control of the three major reservoirs (with a total storage capacity of 17 000 mcm) of Dongjiang and maintains a stable supply of water to Hong Kong.

The Guangdong authorities have been attaching great importance to the protection of Dongjiang water. It has implemented a series of measures on prevention and control of water pollution to ensure that the quality of Dongjiang water supplied to Hong Kong complies with Type II waters in the Environmental Quality Standards for Surface Water (GB 3838-2002), which is the highest national standard for surface water applicable for the abstraction for human consumption. According to our water quality monitoring data, the quality of Dongjiang water supplied to Hong Kong has met this standard.

To meet the challenges arising from climate changes and competing demands for water resources in the Pearl River Delta Region, we promulgated the
Total Water Management (TWM) Strategy in 2008. The TWM strategy seeks to manage the water demand and water supply in order to achieve an optimal balance in the supply and demand of water resources to support the sustainable development of Hong Kong.

My reply to the three parts of the question raised by Mr Dennis KWOK is as follows:

(1) We have adopted the "package deal lump sum" approach in the Dongjiang water supply agreements since 2006. Under this approach, we make a fixed annual lump sum payment to the Guangdong side in return for a guaranteed annual water supply up to the ceiling in the agreements. The actual quantity of Dongjiang water imported can also be flexibly adjusted in accordance with the local yield of the year to meet our needs. Under this approach, Hong Kong is assured of an adequate fresh water supply even under drought condition with a return period of one in 100 years. We can also avoid importing Dongjiang water more than necessary in years of high yield, thereby avoiding wastage of water resources and saving pumping cost. Therefore, unit water price is not applicable under this approach.

The Water Supplies Department carries out detailed analysis based on fresh water demand forecast and estimates the annual supply ceiling during the agreement periods for 99% reliability of water supply. Since the promulgation of the TWM Strategy in 2008, we have been implementing various water demand management initiatives to contain the growth of fresh water demand and reduce water loss. The annual supply ceiling of Dongjiang water has therefore been maintained at 820 mcm since 2006.

If the annual supply ceiling is lowered, Hong Kong will be exposed to a risk of inadequate water supply in the event of drought. In fact, over the past eight years when the "package deal lump sum" approach was adopted, Hong Kong needed to import Dongjiang water up to the ceiling in 2011 as the rainfall in that year fell short of the normal level by 40%. If the annual supply ceiling had been lowered than the 820 mcm, Hong Kong might have inadequate fresh water supply in 2011 and might need to impose water rationing, which would seriously affect people's livelihood and the economy.
(2) Apart from expanding the seawater flushing system and studying the
collection of desalination plant, the Water Supplies Department
also plans to provide reclaimed water in the North East New
Territories (NENT). The department will also promote "grey water
reuse" and "rainwater harvesting".

As it is far from the seashore, the North New Territories mainly uses
fresh water for flushing. To support the developments in NENT,
the capacity and treatment level of the Shek Wu Hui Sewage
Treatment Works will be upgraded. The Water Supplies
Department (WSD) plans to convert the secondary treated effluent from
the Shek Wu Hui Treatment Works into reclaimed water for
supplying to the NENT New Development Areas, Sheung Shui and
Fanling for flushing and non-potable uses. It is anticipated that
reclaimed water will be supplied to the residents of Sheung Shui and
Fanling by 2022.

In addition, the WSD is also formulating guidelines on introducing
facilities for "grey water reuse" and "rainwater harvesting" in
appropriate new government projects. We will also encourage
developers to adopt such facilities.

(3) The Secretary for Development remarked in his blog article entitled
"Water management strategy responds to climate change" that the
Administration had considered various options, including expanding
the reservoirs and interconnecting them, with a view to minimizing
the amount of overflow from the reservoirs. However, the
assessments showed that such options were not cost-effective, as the
investment and operational cost to further reduce overflow would far
exceed the cost of collecting rainwater or even the purchase cost of
Dongjiang water.

The overflow from local reservoirs has been significantly reduced
since the adoption of the "package deal lump sum" approach in 2006.
At present, overflow only occurs in small and medium-sized
reservoirs. Their scope for expansion is extremely limited by the
terrains. Indeed, any expansion may affect the surrounding
environment, ecology and nearby facilities. The dams and water
supply facilities of some of these reservoirs have also been
designated declared monuments. With regard to the option of interconnecting the reservoirs, it would entail works of very large scale and high costs as they are very far from large reservoirs.

According to the rough estimates of the Water Supplies Department, the unit cost for expanding or interconnecting reservoirs to reduce overflow would be over HK$20 per cubic metre, far exceeding the current costs of collecting rainwater or even the purchase cost of Dongjiang water. It should be noted that the estimates have not yet taken into account the costs for implementing necessary measures to mitigate the environmental impact of the works and reprovisioning of affected infrastructures.

Increasing local water storage will require increasing the area of the local catchment and expanding reservoirs. At present, the local catchment measures 300 sq km, accounting for about 30% of the total area of Hong Kong. There is a serious shortage of developable land in Hong Kong. Besides, developments within the catchment are subject to stringent restrictions. In consideration of land resources and the impact on environment and nearby facilities, it is not viable to identify suitable land in Hong Kong for expanding the catchment or constructing large new reservoirs.

MR DENNIS KWOK (in Cantonese): President, I asked this question mainly because the Mainland currently faces water pollution problems and increasingly scarce water resources. The issue of seawater desalination is mentioned in part (2) of my question. But judging from the Bureau's reply, they actually have not directly addressed the issue. Apart from the project for the construction of a desalination plant at Tseung Kwan O, does the Government have any long-term plan for the construction of several desalination plants in order to supply fresh water to Hong Kong people?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I thank Mr Dennis KWOK for his supplementary question. Regarding seawater desalination, first, I hope Members will understand that seawater desalination is a technique incurring rather high energy consumption and relatively expensive costs. Also, high electricity consumption will surely lead to environmental
problems related to emissions. Hence, among various options, Dongjiang water is the most cost-effective one at present.

As to our plan, in fact, the WSD commenced its planning work for the desalination plant at Tseung Kwan O in 2012. A detailed planning and investigation study covering an environment assessment report will be completed by around 2015. We expect the desalination plant at Tseung Kwan O to commence operation by 2020 with an output capacity of 50 mcm per annum, which is expandable to 100 mcm in the future, amounting to about 5% to 10% of the current fresh water demand in Hong Kong.

MR JAMES TIEN (in Cantonese): President, this question has precisely shown that under "a high degree of autonomy", there are things which Hong Kong is unable to do by itself. Fresh water is a good example. Also, we have to effect co-ordination with the Central Authorities or Guangdong Province on many issues.

President, my supplementary question is about the Distribution Plan promulgated by the Guangdong authorities in 2008 as pointed out by the Secretary in his main reply, under which we have been allocated an annual supply quantity of 1,100 mcm, involving around $4.5 billion. Why do we have to discuss such an important issue at an interval of three years? Can they expand the discussion framework to cover the year 2047, so that we are guaranteed fresh water supply in this period of time with a slight rise in price every three years at most in the light of inflation? What is the concept of this agreement which we have entered into? A price rise does not matter much. What concerns people is whether they will still be able to get such a water supply of 820 mcm three years later. Or is the agreement basically long-term in nature, just that the price will be adjusted every three years? In that case, I think the public will feel better assured, and this will also obviate the need to carry out costly yet impractical seawater desalination. Would the Secretary give a reply from this perspective?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I thank Mr TIEN for his supplementary question. In fact, the Distribution Plan promulgated by Guangdong Province in 2008 is an overall planning framework and a mutual agreement. The ultimate annual supply quantity of 1,100 mcm is allocated to Hong Kong under the agreement reached between Hong Kong and
the Guangdong Provincial Government. Based on the existing cost adjustment mechanism, we have set a reasonable time frame of three years for cost adjustment. This is the primary reason for that.

**MR JAMES TIEN** (in Cantonese): *Maybe my properties in Hong Kong …*

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

**MR JAMES TIEN** (in Cantonese): … *It is simple. Is it a contract of a three-year term, or basically of no fixed term, just stating that there will be a slight rise in price every three years until 2047? If the expiry date of this agreement is not 2047, what is it then?*

**PRESIDENT** (in Cantonese): Secretary, can you clarify this point?

**SECRETARY FOR DEVELOPMENT** (in Cantonese): The 1 100 mcm is the ultimate quantity, which will continue to take effect under the agreement reached between Guangdong and Hong Kong. As to the supply agreement mentioned now, it is a three-year term which mainly concerns the details and prices.

**DR KENNETH CHAN** (in Cantonese): *The Secretary told us that Dongjiang water is highly reliable and cost-effective, so we keep renewing the agreement every three years, virtually putting our mind at ease.*

   *Secretary, my supplementary question is, as regards the policy and strategic thinking of the Administration, in case the Guangdong authorities fail to provide the 1 100 mcm of Dongjiang water or the quality and total quantity of fresh water provided to Hong Kong have been seriously affected as a result of natural disasters or man-made incidents, by what means will the Government cope with the required daily fresh water consumption in Hong Kong?*
SECRETARY FOR DEVELOPMENT (in Cantonese): President, at present, Dongjiang water accounts for about 70% to 80% of the water supply in Hong Kong, and the remaining 20% to 30% is mainly collected from rainfall in Hong Kong. Regarding our long-term plan, we must first endeavour to contain the growth of fresh water demand through demand management initiatives. As to other alternatives for water supply, one of them is seawater desalination which is in progress. As I said earlier, it can help provide 10% of the water supply when we combat climate changes and face unforeseeable droughts. Besides, we have adopted the approach of "grey water reuse" and "rainwater harvesting" to alleviate our reliance on rainfall.

DR KENNETH CHAN (in Cantonese): The Secretary is only reading from his script. My supplementary question is actually very simple. I advise him to be more flexible in his thinking. Would he inform Hong Kong people of the contingency measures adopted by the Administration to fill the shortage of water supply in case the aforesaid water supply drops from 70% or 80% to 50% or 60%? Will water rationing be imposed to suspend water supply immediately, or is there any other alternative?

PRESIDENT (in Cantonese): Secretary, does the Government have any contingency measures?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I understand the situation mentioned by Dr CHAN. At present, apart from Dongjiang water which is directly imported and then transferred to water treatment plants for treatment, we also have our own water storage system. The capacity of our reservoirs is 500 mcm, which can serve as a buffer. In the long run, we certainly have to consider exploring fresh water supply. It has been our practice to utilize reservoirs as a buffer to cope with short-term droughts or any urgent need to suspend water supply.

MR MICHAEL TIEN (in Cantonese): President, I find it really hard to accept this "package deal lump sum" approach. President, according to the information to hand, in two of the years of the past decade, we have wasted as much as 200 mcm of water, amounting to an annual wastage of $1 billion.
Besides, in five of those years, 100 mcm of water was wasted annually. On the basis of $5 per cubic metre, we have wasted $0.5 billion annually. In other words, by multiplying five years and the $0.5 billion wasted annually, the water supply paid but not used in the past decade was worth $2.5 billion. Together with the $1 billion wasted annually in two of those years mentioned just now, we have thrown public funds totalling $4.5 billion down the drain without getting the water supply in question.

I will put my supplementary question now. Why can the Government not negotiate with them, so that the "package deal lump sum" will be reduced to 600 mcm annually? Any quantity exceeding this level can be purchased at a premium instead of $5 per cubic metre. In that case, even if they ask for $7 per cubic metre, it will still be a smart bargain. Why does the Administration not reduce the "package deal lump sum" to a decade low and put forward a premium with an annual increment? This is the way how business should be done. In fact, the sum will not be more than $4 billion in a decade …

PRESIDENT (in Cantonese): Mr TIEN, you have put your supplementary question. Please let the Secretary reply.

SECRETARY FOR DEVELOPMENT (in Cantonese): President, as I pointed out in the main reply earlier on, the "package deal lump sum" approach has its merits. I have also learnt about the views put forward by Mr TIEN in which he questioned whether we would stand to benefit if we have adopted a lower "package deal lump sum" in the past decade.

In retrospect, the rainwater collected by the catchment in Hong Kong in the past three decades was actually between 100 mcm to 360 mcm, with an average of around 250 mcm. In the past three decades, we have hit an all-time low on three occasions with only about 100 mcm of rainwater collected, which was quite an acute shortage. As our average consumption of fresh water is 950 mcm, the shortage amounted to more than 800 mcm. And for the three occasions on which we experienced a shortage, we imported Dongjiang water at a quantity close to the existing supply ceiling of 820 mcm.

We have also noticed that droughts occur rather frequently and last longer. This is also a factor that we need to consider in maintaining the ceiling at the
level of 820 mcm. In fact, the three droughts all occurred in the past 15 years. In other words, there have been three droughts in the past 15 years, indicating a rather high frequency.

Meanwhile, we also understand the need to explore other ways to combat climate change. Hence, we are exploring ways of seawater desalination, so that we can lose no time in using it as replenishment in times of drought. When the rainfall is high, we will make adjustment by reducing the usage of desalination plants. We have all along been studying this.

As I said earlier on, as far as the supply quantity of Dongjiang water is concerned, if the lump sum of 820 mcm was lowered, we would have faced a shortage of fresh water in 2011, and there might have been a need to impose water rationing or other control measures. This is my brief reply.

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

MR MICHAEL TIEN (in Cantonese): He has not responded to my supplementary question. I do not mean to ask him to reduce it to 600 mcm. Rather, an additional term of agreement should be made in respect of water supply quantity exceeding 600 mcm. Any quantity exceeding 600 mcm will warrant a higher purchase price. Has he put forward this recommendation to the other party?

PRESIDENT (in Cantonese): Secretary, has the Administration considered this arrangement?

SECRETARY FOR DEVELOPMENT (in Cantonese): We have not touched upon this approach in our negotiation with Guangdong over the agreement because we need a guaranteed quantity of 820 mcm to ensure a more stable supply of water. In the long run, we may consider studying this.
MS CYD HO (in Cantonese): In fact, in handling fresh water supply, the Government is really too satisfied with the current state to come up with any contingency plan given the convenience of purchase. Actually, in addition to the existing local catchment measuring 300 sq km, some works projects have been completed for rainwater collection in Hong Kong. However, at that time, in order to prevent flooding … They include an underground stormwater storage tank at Happy Valley and a box culvert at Central and Western Mid-Levels. Both works projects cost $12 billion in total, but the rainwater collected by them eventually ends up in the ocean.

When the Government considers proposals of rainwater collection … such rainwater is known as "street water", the quality of which is definitely not as good as that in the catchment. But I wonder why the Government has not carried out any study to make good use of the "street water" collected at a cost of more than $10 billion, such as doing a price comparison covering the cost of $20 per cubic metre of the reservoir network, and that of seawater desalination. If the Government only resorts to the purchase of Dongjiang water without even doing such studies, how is it going to cope with crises?

SECRETARY FOR DEVELOPMENT (in Cantonese): I thank Ms Cyd HO for her supplementary question. Regarding the existing catchment in Hong Kong, earlier on, I mentioned that our catchment measuring 300 sq km mainly collects upstream rainfall which is clean and not polluted on higher ground. As to raw water transfer tunnels, they mainly serve to collect midstream rainfall, the common sources of which are roads, buildings and slopes. For this reason, such rainwater carries pollutants. Besides, such torrents have a rather special feature. They are mainly dense torrents which come rapidly, bringing with them pollutants from soil and roads.

If we wish to store such rainwater, large stormwater storage tanks will be required, but they will rarely be in use. As such stormwater is contaminated with pollutants, special treatment facilities are surely required, and transfer infrastructure has to be built for transfer to users.

About the stormwater storage tank at Happy Valley mentioned by Ms Cyd HO, we have actually incorporated the function of reuse of collected rainwater in our design for non-potable uses.
Submission of Reports on Constitutional Development to Central People's Government

5. **DR KWOK KA-KI** (in Cantonese): President, on 15 July this year, the Chief Executive made a report to the Standing Committee of the National People's Congress (NPCSC) on whether there is a need to amend the methods for selecting Chief Executive of the Hong Kong Special Administrative Region (HKSAR) in 2017 and for forming the Legislative Council of HKSAR in 2016 (the July 15 Report) in accordance with the Interpretation by NPCSC of Article 7 of Annex I and Article III of Annex II to the Basic Law of HKSAR of the People's Republic of China (the Interpretation). After considering the aforesaid report, the NPCSC made a decision on 31 August on issues relating to the selection of Chief Executive by universal suffrage and the method for forming the Legislative Council in 2016. Many members of the public have occupied roads in a number of districts since 28 September to fight for the selection of Chief Executive by universal suffrage in 2017 (the occupation movement). On 21 October, government officials had a dialogue with representatives of the Hong Kong Federation of Students. At the meeting, the Chief Secretary for Administration said that the SAR Government would submit a Public Sentiments Report regarding constitutional development to the Hong Kong and Macao Affairs Office of the State Council. In this connection, will the Government inform this Council:

   (1) of the legal and policy bases for the authorities submitting the Public Sentiments Report; whether they have assessed if such an action complies with the requirements on amending the methods for selecting the Chief Executive and forming the Legislative Council as set out in the Interpretation; if the assessment outcome is in the affirmative, of the details; what the authorities expect the submission of the Public Sentiments Report will accomplish, including whether it will facilitate a peaceful conclusion of the occupation movement;
(2) which government officials are responsible for drafting the Public Sentiments Report; when the report will be completed; how the authorities ensure that the report will fully reflect the public opinions in Hong Kong and the NPCSC will go along with the wishes of the public when making decisions on the constitutional development of Hong Kong; and

(3) whether the Chief Executive will, in response to the public aspiration for the selection of Chief Executive by universal suffrage in 2017, re-submit the July 15 Report after making amendments or a supplement to it; if he will, of the details; if not, the reasons for that?

PRESIDENT (in Cantonese): The phrase "撰寫" (to draft) should be pronounced as "讚寫" (zaan3 se2) rather than "選寫" (yun2 se2).

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, on 15 July 2014, the SAR Government published the Report on the Public Consultation on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2016, to objectively and truthfully reflect the views received from different groups and individuals from various sectors of the community during the five-month consultation period. On the same day, the Chief Executive submitted his report to the Standing Committee of the NPCSC to invite the NPCSC to make a determination on whether there is a need to amend the methods for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2016, and formally kick-started the "Five-step Process" of constitutional development. On 31 August 2014, the NPCSC adopted the Decision of the Standing Committee of the National People's Congress on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (Decision), which marks the completion of the Second Step of the "Five-step Process" of constitutional development. The Decision formally determines that universal suffrage for the Chief Executive election through "one person, one vote" could be implemented starting from 2017.
Officials from the Central Authorities have repeatedly reiterated that they attach great importance to the constitutional development of the HKSAR, and have been keeping abreast of the opinions and sentiments of the community in Hong Kong, including the different views and opinions of different sectors of the community since the Decision was adopted by the NPCSC.

Our reply to the questions raised by Dr KWOK is as follows.

(1) Members of the Task Force on Constitutional Development (Task Force), including the Chief Secretary for Administration, the Secretary for Justice, and the Secretary for Constitutional and Mainland Affairs, together with the Director of Chief Executive's Office and Under Secretary for Constitutional and Mainland Affairs, had a two-hour dialogue with representatives of the Hong Kong Federation of Students (HKFS) on 21 October 2014. At the meeting, the Government indicated that, without prejudice to the provisions of the Basic Law, and outside the "Five-step" constitutional process, we were willing to submit a "Public Sentiments Report" to the Hong Kong and Macao Affairs Office of the State Council, to objectively and truthfully reflect the aspirations and opinions regarding constitutional development expressed by different sectors of the community and the related social movement since 31 August.

(2) The "Public Sentiments Report" will be drafted and submitted in the name of the Task Force. We will endeavour to include the different aspirations and opinions from different sectors of the community that have been publicly expressed through various channels, including relevant opinion polls and signature campaigns conducted by different organizations. In adopting the Decision on 31 August, the NPCSC had stated that the Decision was made after having considered thoroughly the report submitted by the Chief Executive, as well as the views from different sectors of the community.

(3) As mentioned above, the SAR Government will only submit one "Public Sentiments Report", which will not constitute a part of the "Five-step" constitutional process. For the next step, the SAR Government will conduct a second round of public consultation in accordance with the Decision adopted by the NPCSC on 31 August,
and submit at an appropriate juncture to the Legislative Council a resolution to amend Annex I to the Basic Law, with a view to securing a two-thirds majority approval of the Legislative Council, so that the SAR could implement universal suffrage for the Chief Executive election through "one person, one vote" in 2017.

**DR KWOK KA-KI** (in Cantonese): President, the reply of the Secretary is quite outrageous and also disappointing. First, the Government submitted a report that caused public outrage on 15 July. The report failed to give an account of the wish of the Hong Kong public to implement genuine universal suffrage in 2017. As a result, the NPCSC made a decision on bogus universal suffrage on 31 August. Since then, the Umbrella Movement mushroomed throughout Hong Kong.

My supplementary question is very clear. How will the report to be drafted by the authorities deal with the Hong Kong public's aspiration for genuine universal suffrage and give an account of it? First, the Secretary did not say how the occupation movement could be resolved; second, the Secretary did not even set down a completion date and third, it turns out that the Public Sentiments Report will not have any effect on the so-called report on universal suffrage adopted by the NPCSC on 31 August that left Hong Kong people utterly disappointed …

**PRESIDENT** (in Cantonese): Mr KWOK, please ask your supplementary question.

**DR KWOK KA-KI** (in Cantonese): My supplementary question is: What actually is the aim of the Secretary in writing this Public Sentiments Report? Is he going to continue to loaf about and mislead the public into thinking that the Government is doing something? Or does he really have the wish to bring about changes to this so-called report on electing the Chief Executive by universal suffrage published on 31 August that has disappointed all Hong Kong people and made it impossible for Hong Kong to truly implement the universal and fair election of the Chief Executive by universal suffrage through "one person, one vote"?
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, first, I do not agree with Dr KWOK Ka-ki's claim that the public consultation report submitted by us to the NPCSC was not comprehensive enough. In fact, if he looks at it, he will find that the views of all the people who met with us, all the views expressed by the public, including those of each Member seated here and the political parties and groupings to which they belong, were all included in the report. Therefore, the report submitted by us has fully and truthfully reflected the public sentiments and views in Hong Kong.

When the Chief Secretary for Administration and several representatives of the HKFS had a dialogue, in fact, we expressed our greatest sincerity, that is, we hope very much that the events that happened or the views expressed in the community after 31 August, as well as the public sentiments and views expressed by various sectors, and having regard to the responses at that time — we are now making preparations — can be included in this Public Sentiments Report to be submitted to the State Council for examination. However, as I pointed out clearly in the main reply, the "Five-step" constitutional process is a very stringent and solemn process and no additional steps will be inserted. Therefore, we will still take this matter forward step by step and in a gradual and orderly manner.

As I pointed in my main reply, we have gone through the First Step and Second Step of constitutional development and today, we are looking at the impending launch of the Third Step. We will also have discussions with Members and hope very much that Members can work hard together.

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

DR KWOK KA-KI (in Cantonese): President, the supplementary question asked by me is very clear …

PRESIDENT (in Cantonese): Please repeat your supplementary question.
DR KWOK KA-KI (in Cantonese): … I asked about what purpose this Public Sentiments Report would serve. Does he want to continue to loaf about, submitting something casually as the homework to while away the time, or does he really want to resolve the present dispute? Does the Secretary's reply mean that this Public Sentiments Report is actually trash and that basically, it cannot change the so-called proposal on bogus universal suffrage in any way?

PRESIDENT (in Cantonese): Dr KWOK Ka-ki, please do not express any more views. Please sit down and let the Secretary reply.

Secretary, can you explain what purpose the Public Sentiments Report will serve?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, concerning this Public Sentiments Report, I have said that basically, we will submit to the State Council the public sentiments and views of various sectors in Hong Kong after the NPCSC made the Decision on 31 August, in the hope that they will be informed of the situation in Hong Kong.

MISS CHAN YUEN-HAN (in Cantonese): President, the occupation movement is still ongoing. When the Government met with the student representatives, it proposed that a Public Sentiments Report be submitted to the Central Authorities but it seems it was not accepted by the students, so the aim of ending the movement could not be achieved. Of course, I think various parties are somewhat disappointed by this. However, I hope the Government will understand that it plays a very important role in this. In view of this, apart from the Secretary's comment on the necessity to submit a Public Sentiments Report, in the face of the present situation, particularly given that in these several days, the whole town has been very concerned about this matter and everyone has been browsing all the information on the Internet early in the morning each day, may I ask the Government what it will do to try to resolve this issue peacefully? Since many people in Hong Kong (including the Government) care about the students very much and hope that this matter could be resolved peacefully, what preparations has the Government made in the past few days? Can he tell us about them?
PRESIDENT (in Cantonese): Miss CHAN, your question is not directly related to the main question. Can you elaborate it?

MISS CHAN YUEN-HAN (in Cantonese): President, it is related.

PRESIDENT (in Cantonese): This main question is about the Public Sentiments Report to be prepared by the Government, so what is the relevance of your question to it?

MISS CHAN YUEN-HAN (in Cantonese): President, it is related. Recently, the Chief Executive met with the State President in Beijing and he mentioned certain matters. I am not sure if that represents an extension of the Public Sentiments Report. We have no knowledge of it, President. May I know if the details are the same as those in the Public Sentiments Report and relate to how this issue in Hong Kong can be resolved peacefully? I think there is a great deal of relevance but we do not know about this, President. Therefore, may I ask how, apart from submitting a report, the Government is going to deal with this matter in these several days?

PRESIDENT (in Cantonese): Secretary, can you reply to this question?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): I understand what Miss CHAN meant. In fact, we are about to embark on the Third Step of the "Five-step" constitutional process mentioned by me just now and before doing so, we will conduct a consultation again. The target of our consultation is not limited to students. It also includes the general public and all the Members here. Constitutional reform is the aspiration and right of many people, so we hope very much that in the second round of consultation, various parties could participate actively. As regards the Public Sentiments Report, as I said just now, we will submit it to the State Council for reference.
MISS CHAN YUEN-HAN (in Cantonese): President, the Secretary did not reply to my supplementary question. I think it is related to the Public Sentiments Report because the report will be submitted to Beijing and of course, it has to propose how to solve the problem in Hong Kong peacefully. May I ask what will be done in these few days to achieve this goal? Because this is now the concern of the whole city. Although the Secretary said he understood my question, he did not give me a direct reply.

PRESIDENT (in Cantonese): Miss CHAN, I believe many people are concerned about the issue raised by you but I believe it is not directly related to the present main question. I understand your concern over this issue but please follow up this very important question through other channels.

MR IP KIN-YUEN (in Cantonese): President, I wish to follow up Dr KWOK Ka-ki's question. It is asked therein "how the authorities ensure that the report will fully reflect the public opinions in Hong Kong" and the main reply says that "the different aspirations and opinions from different sectors of the community that have been publicly expressed through various channels" will be collected as far as possible, "including relevant opinion polls and signature campaigns conducted by different organizations". After reading such a reply, I am very worried because it did not give a complete answer to how public opinions can be collected accurately and comprehensively. For example, we know that in many opinion surveys, such signatures as "C. Ronaldo", "Gian", "Nobita", and so on, could be found. In that case, how can it be ensured that the information related to these signatures is accurate? An even bigger problem is: Social movements nowadays, for example, the Umbrella Movement, do not convey just a direct or single message, rather, their contents are very rich and the message is not just a single one, nor are they being presented directly to the Government …

PRESIDENT (in Cantonese): Mr IP, please ask your supplementary question.

MR IP KIN-YUEN (in Cantonese): In these circumstances, my supplementary question is: How can it be ensured that the views collected this time around are comprehensive and accurate, and is it necessary for the public to provide assistance in some areas, for example, by providing information to the Government direct? This is actually related to the approach adopted in the entire information collection process.
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): I understand Mr IP's concern but I also ask him to rest assured. We have accumulated some experience. When we submitted a report in relation to the consultation lasting five months, we also conveyed the views truthfully. Although the Public Sentiments Report on this occasion is a novelty, we will look at the public views expressed by friends or organizations in society and even opinion surveys and collect all of them. If Mr IP has any views, he can also raise them with us.

MR IP KIN-YUEN (in Cantonese): I believe that there is a very important issue, that is, the views expressed in the Umbrella Movement. How can the Government collect them? Because at the scene, there is a great deal of information and we believe this is also an issue of concern to many members of the public.

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): I understand this. I believe the relevant parties will also collect such views but as regards how they can be expressed and presented, we are still collecting the information in this regard.

MR IP KWOK-HIM (in Cantonese): President, in fact, the Public Sentiments Report and the exchange platform are both outcomes of the dialogue between representatives of the HKFS and the Government. At present, in respect of the two gestures of goodwill made by the Government in the dialogue, students of the HKFS have not accepted them. Originally, one of my questions is about whether or not the Government is going to stop making any effort on account of this but the main reply says that this exercise will continue. Since it will continue, I wish to know more because after the NPCSC made the Decision, indeed, there have been great changes in public sentiment. In particular, some groups have initiated a very stringent signature campaign the procedure of which includes requiring members of the public to produce their identity cards and recording the first four digits of their identity cards. Their demand is very clear, that is, "Support Our Police, Free Our Roads, Restore Law and Order". The
signature campaign this time around won the support of 1.83 million people in total. May I ask the Secretary if this large-scale signature campaign will be reflected to the Central Authorities in this Public Sentiments Report, so that the Central Authorities will understand that Hong Kong people eagerly look forward to the election of the Chief Executive by "one person, one vote" and they hope all the more that order can be restored in Hong Kong, so that the rule of law can be upheld?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the Public Sentiments Report mentioned by Mr IP Kwok-him just now is an outcome of our dialogue and Mr IP also pointed out that apparently, the HKFS does not accept it, so are we going to continue with our effort? President, in fact, officials in charge of constitutional development have shown the greatest sincerity and patience, hoping that various social sectors — including the academic sector and the HKFS — could maintain dialogue. Since both sides could express their respective views in the dialogue candidly, we also undertook that a report on public sentiments and views would be compiled. Therefore, we will continue to take this matter forward.

As regards Mr IP's comment that starting from 31 August, various forms of expression and demands could be found in society, I believe that in the future Public Sentiments Report, these will definitely be reflected, so I ask Mr IP to put his mind at ease. However, on the issue of universal suffrage mentioned by Members, there are indeed different views and demands in society but we really have a common goal, that is, the hope that the Chief Executive can be elected by "one person, one vote".

(Mr Christopher CHEUNG raised his hand in indication)

PRESIDENT (in Cantonese): Mr CHEUNG, what is your point?

MR CHRISTOPHER CHEUNG (in Cantonese): President, I was the first to press the "Request to speak" button but I have still not been given my turn.

PRESIDENT (in Cantonese): Because you have asked questions five times.
MR CHRISTOPHER CHEUNG (in Cantonese): Before the end of the time for this question, will I have the opportunity to ask a question?

PRESIDENT (in Cantonese): There are still 11 Members waiting for their turns to ask questions. You have already asked questions five times and the four Members waiting in front you have only asked questions three times, whereas six others have only asked questions four times and they are all waiting.

MR CHRISTOPHER CHEUNG (in Cantonese): All right, I see.

MR LEE CHEUK-YAN (in Cantonese): President, just now, Mr LAU Kong-wah still has the brazenness to say that the Government is full of goodwill, whereas Mr IP Kwok-him said that it had made two gestures of goodwill but I think that throughout, the Government has only shown its "trip will", that is, to trip Hong Kong people up and play tricks on Hong Kong people. Ever since the report on 15 July, it has practically been playing tricks on Hong Kong people …

PRESIDENT (in Cantonese): Mr LEE, please ask your supplementary question.

MR LEE CHEUK-YAN (in Cantonese): President, I will ask my supplementary question but I also have to talk about the background because throughout, they have been playing tricks on Hong Kong people. Therefore, concerning this Public Sentiments Report, we believe it is only continuing to play tricks on us and continuing to trip Hong Kong people up. From the very beginning, on 15 July, there were already distortions, then the NPCSC "shut the door" and the Secretary for Justice went so far as to say that the NPCSC, in "shutting the door", had cleared the obstacles for Hong Kong. It turns out that we have a Government like this.

President, for this reason, the Government has again tripped Hong Kong people up once again because before this Public Sentiments Report has been prepared, we could see another secret and furtive report, that is, LEUNG Chun-ying has submitted a report to XI Jinping, saying that Hong Kong has sufficient capability to deal with the present occupation movement, and it sounds
as though he only intended to use force. May I ask him if the report submitted by LEUNG Chun-ying is the Public Sentiments Report that they are talking about now? Has it been submitted? Is he deceiving Hong Kong people again, saying that a Public Sentiments Report will be submitted to the State Council, whereas LEUNG Chun-ying has submitted another report to XI Jinping? May I ask what is the relationship between these two reports? Are they continuing to play tricks on Hong Kong people …

PRESIDENT (in Cantonese): Mr LEE, you have already asked your supplementary question, please sit down.

MR LEE CHEUK-YAN (in Cantonese): … does he still lack the sincerity to resolve the present impasse in constitutional reform and only intends to use force to clear the sites, rather than truly resolving the present conflicts in constitutional reform?

PRESIDENT (in Cantonese): Mr LEE, you have already asked your supplementary question, please sit down. Secretary, please reply.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the Public Sentiments Report in question will really be prepared by us in the Task Force on Constitutional Development and the work is being carried out. As regards the other report mentioned by Mr LEE, it is not under our charge.

MR LEE CHEUK-YAN (in Cantonese): President, in that case, is there any relationship between them? LEUNG Chun-ying submitted a report … then he said that there would be another report on public sentiments in Hong Kong.

PRESIDENT (in Cantonese): Mr LEE, you have already asked your question. Please sit down. Secretary, the Member asked you if there is any relationship between the two reports.
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I have already replied. Basically, they are separate.

PRESIDENT (in Cantonese): We have spent more than 22 minutes on this question. There are still 10 Members waiting to ask questions but the time for this question is up. Last oral question.

Industrial Accidents at Hong Kong-Zhuhai-Macao Bridge Construction Sites

6. MR TANG KA-PIU (in Cantonese): President, it has been reported that industrial accidents occurred incessantly at the construction sites of the Hong Kong-Zhuhai-Macao Bridge related local projects (the HZMB projects) since their commencement in 2009, including cases occurring this year in which several workers died after falling into the sea and one in which several workers fell from a collapsed working platform. Some trade unions have expressed worries that the contractors may neglect industrial safety in a bid to catch up with works progress to meet the target of completing the HZMB in 2016. In this connection, will the Government inform this Council:

(1) in each year since 2009, of a breakdown of the number of industrial accidents related to the HZMB projects by accident type, the resultant casualties, the causes and injury rate of such accidents, and how such rate compares to that of the industrial accidents of the construction sector throughout Hong Kong; the respective numbers of regular and surprise inspections conducted at the construction sites of the HZMB projects, the respective numbers and a breakdown of suspension notices and improvement notices issued, and the number of prosecutions instituted against contractors under the Factories and Industrial Undertakings Ordinance, by the Labour Department (LD); and the total fines imposed on contractors;

(2) of the monitoring measures put in place by the LD to ensure the safety of the medium-risk and high-risk processes for the HZMB projects, such as work-at-height, lifting operations, operation of heavy plant and machinery and work-at-height above sea level;
whether the authorities will review the legislation governing the relevant work processes; if they will, of the timetable; if not, the reasons for that; and

(3) whether it knows if the current progress and costs of the HZMB projects are on target; if there are delays in the HZMB projects, whether contractors have required their workers to work overtime to catch up with the works progress; if they have, of the average duration of overtime work that workers (including imported labour) need to perform each week; what measures the authorities have put in place to ensure sufficient rest time for workers so as to prevent the occurrence of industrial accidents?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, the related local projects of the HZMB include the Hong Kong Boundary Crossing Facilities (HKBCF), the Hong Kong Link Road (HKLR) and the Tuen Mun-Chek Lap Kok Link (TM-CLKL) (thereafter referred to as "HZMB local projects"). The HKBCF, the HKLR and the TM-CLKL commenced construction in 2011, 2012 and 2013 respectively. The LD has been closely monitoring the occupational safety and health (OSH) performance of the projects. The LD will take immediate enforcement actions if the contractors concerned are found to have breached OSH legislation.

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

(1) Since the commencement of work on the HZMB local projects in Hong Kong from 2011 up to the first half of 2014, there were two fatalities and 44 injuries. The breakdown by year and type of accidents is set out at Table 2. The LD does not keep the accident rates of individual construction works projects. The statistics about inspections conducted and prosecutions taken by the LD related to the projects from their commencement to the present are set out at Table 2. My apology, President. I wanted to say "Table 1" just now, but I mistakenly said "Table 2". It should be "Table 1", not "Table 2". I wish to make a correction here.
(2) Contractors engaged in high-risk processes on construction sites, such as work-at-height, lifting operations and heavy plant operation, shall, in accordance with the requirements of OSH legislation, provide and maintain safe plant and system of work, including regular inspection of working platforms and machinery, arrangement for qualified persons to undertake these activities, and provision of the necessary information, instruction, training and supervision for workers. The LD will, through inspections and enforcement, scrutinize whether the contractors have complied with these occupational safety requirements, and from time to time launch special enforcement operations, targeting higher-risk processes. Through stepping up liaison with the project proponents, the LD urges the contractors concerned to strengthen site safety management systems, monitoring of work safety and safety audits, and so on, with a view to enhancing occupational safety. Besides, the Government attaches importance all along to enhancing the safety performance of public works projects through enhancing safety management systems at public works sites, effective monitoring of contractors' safety performance, and implementing a merit and demerit system as well as organizing site safety promotional activities in collaboration with the stakeholders of the construction industry.

As regards the work safety of marine construction works, the Marine Department (MD) advises that responsible persons of such works are required by the relevant legislation regulating local vessels to provide suitable protective clothing and equipment to workers working on vessels, and to ensure the provision of sufficient rescue equipment on board. Under the relevant OSH legislation, the LD requires employers to assess the risk of undertaking construction works adjacent to or over water, and make available necessary safety equipment and rescue equipment. Besides, the MD and the LD have formulated Code of Practice respectively in respect of the relevant regulations, and will check the compliance of employers during inspections.
The LD and other relevant government departments will continue to closely review from time to time the aforesaid regulatory system and enforcement mode and will seek to further enhance the work safety of high-risk processes through issuing guidelines, updating the Code of Practice or revising regulations as necessary.

(3) According to the Transport and Housing Bureau, the HZMB contains two parts. One is the HZMB Main Bridge and the other is the link roads and boundary crossing facilities constructed by the three sides separately. The Highways Department is responsible for implementing the HZMB-related local projects, which include the HKBCF, the HKLR and the TM-CLKL. At the moment, the HKLR and the HKBCF projects are being actively implemented to match with the targeted commissioning date of the HZMB Main Bridge. The TM-CLKL is also being implemented at full steam, with its Southern Connection targeted for commissioning in tandem with the HZMB Main Bridge. These various projects are facing different challenges during the construction stage. The contractors adopted different methods to overcome the challenges involved. The Government has been reviewing the implementation of the projects with a view to overcoming and tackling the concerned difficulties in a timely manner.

According to the records provided by the contractors to the Highways Department, at the moment, workers (including imported workers) of each project are required to work overtime for about four hours per week on average. The contractors will ensure adequate rest time at appropriate places for their workers during their work time, including overtime.

Regarding rest break arrangements for workers, employers shall, in accordance with the Occupational Safety and Health Ordinance, ensure so far as reasonably practicable the OSH of their employees at work. The LD issued the "Guide on Rest Breaks" to put across the importance of providing employees with suitable rest breaks.
Number of casualties related to the construction works of Hong Kong-Zhuhai-Macao Bridge Project in Hong Kong from 2011 to first half of 2014-Analysed by type of accident

<table>
<thead>
<tr>
<th>Type of Accident</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>First half of 2014</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number of injury</td>
<td>Number of fatality</td>
<td>Number of injury</td>
<td>Number of fatality</td>
<td>Number of injury</td>
</tr>
<tr>
<td>Fall of person from height</td>
<td>0</td>
<td>0</td>
<td>14</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Slip, trip or fall on same level</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>Striking against or struck by moving object</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Injured whilst lifting or carrying</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Contact with moving machinery or object being machined</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Trapped in or between objects</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Striking against fixed or stationary object</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>Struck by moving vehicle</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Drowning</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Others</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>0</td>
<td>14</td>
<td>1</td>
<td>17</td>
</tr>
</tbody>
</table>

Notes:

(1) In 2014 as at the end of October, there were three fatal accidents related to the construction works of the Hong Kong-Zhuhai-Macao Bridge project, of which two were related to drowning of workers and one involved the fall of a worker from a viaduct under construction.

(2) Accident statistics are compiled quarterly. The latest available statistics are up to the first half of 2014. The accident statistics of the first three quarters of 2014 will be published in January 2015.
Table 2

Figures related to inspections conducted and prosecutions taken by the LD in relation to the Hong Kong-Zhuhai-Macao Bridge projects in Hong Kong from 2011 to early November 2014

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014 (up to early November)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of inspections</td>
<td>0</td>
<td>42</td>
<td>86</td>
<td>134</td>
</tr>
<tr>
<td>Number of suspension notices</td>
<td>0</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>Number of improvement notices</td>
<td>0</td>
<td>4</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>Number of prosecutions</td>
<td>0</td>
<td>6</td>
<td>66</td>
<td>8</td>
</tr>
<tr>
<td>Total fines</td>
<td>-</td>
<td></td>
<td>$27,400</td>
<td>$549,000</td>
</tr>
</tbody>
</table>

Notes:

(1) In 2011, the LD officers from time to time participated in the project preparatory meetings to urge contractors, through involvement at the preparatory stages, to incorporate safety consideration in the work method statements and designs in a timely manner, with a view to preventing accidents.

(2) In 2012-2014, the legal notices issued and prosecutions initiated were mainly related to safe system of work, lifting operations and work-at-height, and so on.

MR TANG KA-PIU (in Cantonese): Much to my regret, the fact that the HZMB projects have incurred a cost overrun and are likely to experience delays was disclosed only after I had submitted this question. But it does not matter, as I asked the Government in part (3) of the question whether it knows if the current progress and costs of the HZMB projects are on target, or put in other words, whether there is any cost overrun and delay. However, it is regrettable that the
Transport and Housing Bureau is hiding behind scene, leaving Matthew CHEUNG to make a defence alone, though he did not answer the question in his reply. However, the Government must answer it anyway. In part (3) of the main reply, a very important figure is mentioned. While we thought that workers had to work against the clock because the construction works were compressed and were hence required to work overtime, it turns out that workers are required to work overtime for about four hours per week on average, which means less than one hour of overtime work a day. I think such small number of overtime hours is common in any type of job and so, it means that workers do not have to work against the clock but then why is there a cost overrun? Where has such money gone? If the Secretary does not know how to answer the question, I hope that he will, on behalf of the construction workers, tell Secretary for Transport and Housing Prof Anthony CHEUNG not to wrong the workers.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): The Transport and Housing Bureau has provided some information to me and perhaps let me briefly read it out. According to the information, in November 2011, the approved project estimate was $30.4339 billion and according to current preliminary estimate, the cost will increase by about $5 billion, and Secretary Prof Anthony CHEUNG also mentioned this last week. As for the main reasons, the wage levels are, of course, only one of the factors. The main reason is the upward adjustment in the prices of construction materials and machinery. When the amount is finalized, they will give a detailed account to the Panel on Transport at the first opportunity in December and then seek funding approval from the Public Works Subcommittee and the Finance Committee of the Legislative Council.

MR POON SIU-PING (in Cantonese): President, I am glad that Mr TANG Ka-piu raised a question on industrial accidents relating to the HZMB projects. I will propose a motion on "Ensuring occupational safety" for debate in this Council next week and I plan to ask for the Government's explanation on the fatal industrial accidents relating to HZMB projects. Today, through this supplementary question, I wish to ask the Government this: Since the commencement of HZMB works, Hong Kong workers have already sacrificed for the HZMB projects the lives of four workers, and some 40 workers have also suffered injuries. May I ask the Secretary whether the LD has, in view of
repeated occurrence of accidents in relation to the HZMB projects, conducted investigations into the accidents to identify the causes and formulate specific improvement measures to prevent the recurrence of serious industrial accidents relating to the HZMB projects?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I thank Mr POON for his supplementary question. We welcome the motion debate to be held next week. We are highly concerned about the accidents caused by the HZMB projects. In fact, I believe Members have noticed that shortly after the commencement of works in 2012, a massive industrial accident occurred, resulting in one fatality and 14 injuries. As Members can see from Table 2, it is clearly stated that we have stepped up inspection, prosecution, and so on.

However, the Honourable Member asked earlier whether we would convey to the contractors the causes of the accidents. We will certainly do this. It may not be appropriate for us to make public the details involved because these details may have to be explained in court or a death inquest and so, it may not be appropriate to release the details from a legal viewpoint. But in general, if it involves mistakes in the basic work or problems with the procedures, we will, through the work safety alert system of the LD, immediately send the information to all the sub-contractors and major contractors on our homepage and by mobile phone apps. This notification mechanism has been put in place, so that they will know what preventive measures need to be taken to pre-empt problems. We hope that improvement can be made to the situation through promotion, publicity and education.

MISS CHAN YUEN-HAN (in Cantonese): President, first of all, I agree with Mr TANG Ka-piu that the question should not be answered by the Secretary for Labour and Welfare alone. Secretary Prof Anthony CHEUNG should also attend the meeting because safety problems have occurred repeatedly in the projects and the trade unions have strong views about this. However, the Government said that the $5 billion cost overrun was mostly caused by workers’ wages, and would this not give contractors a stronger excuse to suppress workers even more greatly? President, some workers have complained to me against the Government because the Government has completely turned a blind eye to how
the contractors manage the working hours and rest time of workers, and more often than not, the workers are made scapegoats. Secretary Matthew CHEUNG said earlier that inspections are conducted in this and that way. Had inspections really been conducted, industrial accidents would not have occurred in such a large number. The Secretary then said that overspending was incurred in respect of wages. This will only give contractors an excuse not to employ more workers and increase manpower. This is the situation now, but how can this be acceptable? So, being the Secretary, he has another duty as he should consider from the angle of workers …

PRESIDENT (in Cantonese): Miss CHAN, please ask your supplementary question.

MISS CHAN YUEN-HAN (in Cantonese): … My question is: Should the Secretary not clarify that this $5 billion is not caused by workers' wages and that it is actually the Government's wrong estimate in the entire process that caused this problem? Do not just target workers' wages, though they fall short of suggesting that no more workers should be employed? Does the Secretary not agree that he should clarify this point by stating that concerning this cost overrun of $5 billion, wages have increased by only 6% over the past few years, and we have provided the relevant figures to the Government. Should he take up this role? As the Secretary for Labour and Welfare, he is duty-bound to tell Secretary Prof Anthony CHEUNG not to act rashly. He just cannot neglect the safety of the works. How can this be acceptable? I hope the Secretary can give me an answer.

PRESIDENT (in Cantonese): Miss CHAN, you have already asked your supplementary question. Please sit down.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, as I said clearly earlier when I cited the information provided by the Transport and Housing Bureau, we absolutely do not mean to put the blame on workers' wages. This is purely an objective analysis of the reasons why the cost seems to have increased now when compared to the prices in 2011. The rise in wages is only one of the reasons and there are also other reasons, such as an increase in the cost
of construction materials; and in respect of machinery, the cost of renting or acquiring heavy-duty machinery has also increased, and these are also the reasons indeed. Moreover, the environmentally-friendly practices adopted by contractors may also drive up the cost, and the procedures may involve greater difficulties, and so on. In this connection, Secretary Prof Anthony CHEUNG has undertaken to give a detailed account to the Panel on Transport next month.

(Miss CHAN Yuen-han stood up)

PRESIDENT (in Cantonese): Miss CHAN, has your supplementary question not been answered?

MISS CHAN YUEN-HAN (in Cantonese): Despite his reply, he still did not explain it clearly. I hope that in the next discussion on the cost overrun of railway projects, the Secretary will attend the meeting, so as to enable more Members to understand the situation …

PRESIDENT (in Cantonese): Miss CHAN, please do not express your views anymore. The Secretary has clearly answered your question.

MR WU CHI-WAI (in Cantonese): President, in fact, the HZMB projects involve an issue faced by all the three governments and that is, the Main Bridge project and of course, we also have to face the works relating to the Hong Kong section. My question is: Given that the entire HZMB Main Bridge project is carried out on high seas, with regard to the industrial safety standards adopted for the project, are they commensurate with or comparable to the current requirements of industrial safety under the laws of Hong Kong?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, Mr WU's supplementary question may be premised on some misunderstanding. If the Main Bridge works are carried out within Hong Kong waters, the OSH legislation of Hong Kong will definitely apply. Projects carried out over water are under the charge of the MD, whereas those adjacent to and in the vicinity of water are within the purview of the LD, but we will work with the MD together.
Given the recent spate of drowning incidents, we have stepped up inspections and issued a Code of Practice to ensure the provision of suitable rescue equipment by employers, especially lifejackets and protective gear. It is stipulated that such equipment must be provided on board or on the construction site.

MR WU CHI-WAI (in Cantonese): President, the Secretary has not answered my question. The HZMB Main Bridge is, in fact, located outside Hong Kong waters and of course, we also have a part to play in the HZMB project as a whole. My question is: With regard to the OSH requirements adopted for the HZMB Main Bridge project, are they comparable to the existing statutory requirements of Hong Kong?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): As far as I understand it, great importance is attached to workers' safety in every place. Certainly, on the question of whether the Mainland fully complies with the standards in the laws of Hong Kong, we cannot make such a request but there is mutual communication between us. It is most important that the laws and standards of Hong Kong are definitely adopted for works carried out within the jurisdiction of Hong Kong.

MR NG LEUNG-SING (in Cantonese): President, I would like to ask a question concerning overtime work mentioned in the second last paragraph of the main reply, because we have all along been concerned about the problem of cost overrun. My question is: The current situation is that workers work overtime for about four hours per week on average. Concerning the impact on the income of workers, is there any actual figure on the proportion of the wage cost in the total amount of increase in the construction cost? Besides, as the situation of cost overrun has not yet ended, has the Government made any projection of the future situation and can it provide the relevant figures?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank Mr NG for his question. Perhaps Members can pay attention to the fact that overall speaking, the entire HZMB projects require a daily average workforce of 2,100 workers. If four hours of overtime work as the basis for calculation — We cannot use a small group of workers as the basis of calculation
and we may need to look at it from an overall perspective — Members can roughly know the amount involved. Having said that, we certainly have to look into the situation in greater depth, in order to obtain more statistics before we can answer Mr NG's question. But overall speaking, the daily workforce is 2,100 workers.

IR DR LO WAI-KWOK (in Cantonese): President, in Table 2 of the main reply the Secretary set out the numbers of inspections conducted and prosecutions taken in relation to the HZMB projects. I have noticed that in 2012, the LD conducted 42 inspections and instituted prosecution for six times; in 2014, as at November, 134 inspections were conducted and prosecution was instituted for eight times. What is special is that between these two years and that is, in 2013, the LD conducted 86 inspections and instituted prosecution for 66 times, which means that every inspection was followed by prosecution on average. Are these numbers unusual or wrong? From the amounts of total fines, I can see that in 2013, it was only $27,400. In other words, a fine of some $400 was imposed for each prosecution on average. So, I have misgivings about these figures and I would like the Secretary to explain them.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I thank Dr LO for his detailed observation. Perhaps I should do some explaining. There is a time lag in the figures. Why? Members can refer to Table 2. The year 2012 is actually a crucial year. In 2012, six suspension notices and four improvement notices were issued. What happened in that year? In October 2012, there was an incident involving the collapse of a working platform, resulting in one fatality and 14 injuries. As the incident occurred in October, an investigation was carried out until the latter part of 2013 and prosecutions were instituted after sufficient evidence was collected. These 66 cases of prosecution were related to this incident. I mean these 66 cases of prosecution all resulted from that incident in which one worker was killed and 14 injured.

Subsequently, the Court made a ruling in 2014 after the conclusion of hearing on this case. Members can see that the total fines amounted to $549,000 in 2014 and this also resulted from that incident. In other words, the fines for these 66 cases of prosecution totalled $549,000. So, there is a time lag in the figures because judicial proceedings were conducted level by level.
MR TANG KA-PIU (in Cantonese): President, the question that I asked today concerns occupational safety, and I do believe that this certainly has an absolute relation with workers working against the clock. In fact, I think the Administration has intentionally suppressed the figures because actually five workers were killed, and this is stated in a note to Table 1. The fact is that five workers were killed on the construction site, and the cause of death of three workers was related to marine construction works or drowning.

In this connection, my question is: Some time ago the Hong Kong Construction Industry Employees General Union and I held a press conference to question the adequacy of the existing legislation which only requires the provision of suitable rescue equipment in the course of marine works. What does "suitable" mean? Can it be a harness or a life ring hung along the shore? Will you conduct a review and study the provision of more user-friendly life jackets for workers to put on, so as to ensure workers' safety in the event of workers unfortunately falling into the sea, because I understand that some workers do not know how to swim and some have to work during the night. If they fall into the water, their chance of being rescued is very slim.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Just now Mr TANG mentioned the number of deaths. One of the cases was not related to the HZMB projects but involved another government project and so, it should not be counted. But I agree that we are indeed highly concerned about the drowning incidents that happened recently.

In this connection, on 4 December, the LD, the MD and the Construction Industry Council will hold a major seminar to mainly discuss safety of marine works. We have also emphasized that employees are duty-bound to provide light and practical life jackets because life jackets that are not practical cannot serve their purpose at all. Particularly, employers are required to conduct risk assessment. If there is a chance to fall into the sea in the work environment of workers, employers must provide life jackets, or else they would be fined $50,000. Together with the MD, we will step up inspections in the hope of performing the gate-keeping role properly.
PRESIDENT (in Cantonese): Has your supplementary question not been answered?

MR TANG KA-PIU (in Cantonese): The Secretary has not answered whether the provisions in the legislation will be reviewed, including the fines.

PRESIDENT (in Cantonese): Secretary, will the legislation be reviewed?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, we are open-minded. If we found that the situation is not improved after joint operations with the MD, as I said in my reply earlier, we do not rule out the possibility of introducing legislative amendments or updating the relevant guidelines.

MR NG LEUNG-SING (in Cantonese): President, given that the HZMB is a major project of such importance and involves the question of occupational safety, may I ask the Government whether on-site records of the HZMB projects have been made, so as to provide information in respect of the conduct of works and current operation for the purpose of review or education in the future?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I thank the Honourable Member for his question. Yes, we will certainly do it. Before the commencement of the entire project, we had already activated the safety management system which actually means that we had "entered the site" with our colleagues studying the high-risk processes with the management of the projects. Our objective is that prevention is better than cure, and we hope to address the problem at root. But when an incident occurred, we will definitely learn from the experience and endeavour to prevent it from recurring. So, Members can note in Table 2 that the number of our inspections has increased by more than half. This is only the number as at November and it shows an increase of over 50% in the number of inspections. This is proof that we have really spared no effort, and we do not wish to see any industrial accident happen.
PRESIDENT (in Cantonese): We have spent nearly 23 minutes on this question. Oral questions end here.

WRITTEN ANSWERS TO QUESTIONS

Dispensing Tablets of Appropriate Dosage to Patients

7. PROF JOSEPH LEE (in Chinese): President, it is learnt that at present, some patients receiving public healthcare services are dispensed tablets in dosages which do not match those prescribed by doctors. As such, they need to cut the tablets to the required dosages by themselves before taking them. Some patients have relayed that patients' cutting the tablets by themselves often results in inconsistent dosages or even crumbling of the tablets, and elderly patients or patients with disabilities also lack the skills to cut the tablets by themselves. This has resulted in patients taking inaccurate dosages of medications. In this connection, will the Government inform this Council whether it knows:

(1) in each of the past five years, the number of patients receiving public healthcare services who were dispensed tablets that had to be cut by themselves as well as the types and quantities of the medications involved, broken down by hospital cluster and specialty;

(2) why the Hospital Authority (HA) and the Department of Health (DH) do not dispense tablets of appropriate dosages to all patients;

(3) given that administration of medications in insufficient dosages will reduce their efficacy while excessive dosages may lead to drug safety incidents, how the HA and the DH ensure that patients are able to cut tablets accurately to the appropriate dosages; and

(4) if the HA and the DH will review and improve the drug procurement system and procure tablets of different dosage levels according to the dosages generally prescribed by doctors to obviate the need for patients to cut the tablets themselves; if they will, of the details and the resources involved each year; if not, the reasons for that?
SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the HA and the DH have stringent mechanisms in place to procure from the market and provide patients with pharmaceutical products that meet quality requirements.

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

(1) and (2)

The HA and the DH procure drugs in appropriate dosages in accordance with existing mechanisms for patients' use. However, for reason of clinical needs, individual patients may require tablets in dosages that are not available in the market. Under such circumstances, for tablets that can be split, patients may need to split them before consumption. The HA and DH do not maintain any statistics in relation to tablet splitting by patients themselves.

(3) and (4)

At present, the HA has an established mechanism for drug procurement, and the primary considerations are quality, safety and efficacy. The HA will procure drugs registered with the DH through open tender. Drug manufacturers, pharmaceutical companies and the drugs need to meet stringent standards and regulations in order to ensure quality, safety and efficacy. While observing this long-established procurement mechanism, the HA also keeps in view the latest development in the pharmaceutical market so as to procure drugs in appropriate dosages required for patients' use. To ensure that appropriate dosage of drugs is taken by patients, for drugs that may require splitting before use, the HA will state it as a tender requirement that pharmaceutical companies should supply scored tablets such that patients may appropriately split the tablets along the score line with tools such as a tablet-splitter.

The Drug Monitoring Committee (DMC) comprising doctors of different specialties and pharmacists has been established under the DH to devise and update the Drug Formulary of the department. The Formulary is reviewed on a regular basis according to clinical needs. Pharmaceutical products of the required quality are
procured in accordance with the decisions of the DMC and the strict procedures set out in the Supplies and Procurement Regulations promulgated by the Government Logistics Department. When dispensing drugs to patients, the DH will explain to patients the appropriate use and dosage of drugs according to the guidelines on good dispensing practice. If splitting of tablets is required, the DH will provide patients with specific reminders and recommend the use of a tablet-splitter.

Teaching of Subjects of Chinese History and National Education in Secondary Schools

8. **DR LAM TAI-FAI** (in Chinese): President, on 8 September 2012, the Chief Executive announced changes to the policy on implementing the Moral and National Education (MNE) subject in secondary schools. Under the new policy, school sponsoring bodies (SSBs) may decide on their own whether the MNE subject should be taught and whether it should be taught as an independent subject in the curriculum of the secondary schools under their sponsorship. In view of the latest political situation in recent days, quite a number of members of the education sector have pointed out that young people in Hong Kong have inadequate understanding of our country and its situation, and they have therefore requested that the MNE subject be implemented again and the Chinese History subject be made compulsory in the secondary school curriculum. However, in reply to my question on the 29th of last month, the Secretary for Education did not directly respond to whether he would revoke the decision on shelving the implementation of the MNE subject and said that students could learn Chinese history through the subjects of Chinese Language, Liberal Studies and Geography. In this connection, will the Government inform this Council:

(1) whether it will consider afresh requiring various secondary schools to teach Chinese History as an independent subject in the curriculum of the junior secondary level; if it will, of the details; if not, the reasons for that;

(2) whether it will make the Chinese History subject compulsory in the curricula of the junior and senior secondary levels; if it will, of the respective details; if not, the reasons for that;
(3) whether it has compiled statistics on the number of secondary schools which currently teach Chinese History as a compulsory subject in the curriculum of the junior secondary level; if it has, of the details; if not, the reasons for that;

(4) whether it has compiled statistics on the number of secondary schools which currently teach Chinese History as a compulsory subject in the curriculum of the senior secondary level; if it has, of the details; if not, the reasons for that;

(5) whether it has gauged the effectiveness of students learning Chinese history through the subjects of Chinese Language, Liberal Studies and Geography; if it has, of the details and effectiveness; if not, the reasons for that;

(6) whether it knows the respective candidates who applied to sit for the examinations of the Chinese History subject in the Hong Kong Certificate of Education Examination (HKCEE), the Hong Kong Advanced Level Examination (HKALE) and the Hong Kong Diploma of Secondary Education Examination (HKDSE) in each year since 1997;

(7) whether it knows the number of local secondary school students admitted by each local university as undergraduates majoring in Chinese History and the total number of undergraduates majoring in Chinese History, in each year since 1997;

(8) given that following the decision of the Education Bureau in 2000 not to make the Chinese History subject compulsory, there has been a general downward trend in the number of students sitting for the examinations of the Chinese History subject in public examinations, whether it has reviewed if the decision made in that year was wrong; if it has conducted such a review, of the details; if not, the reasons for that;

(9) whether the authorities will revoke within the current term of the Government the decision to shelve the implementation of the MNE subject; if they will, of the timetable; if not, the reasons for that;
(10) whether it has regularly and comprehensively reviewed the feasibility of revoking the decision to shelve the implementation of the MNE subject; if it has, of the details; if not, the reasons for that;

(11) whether it knows the numbers of primary and secondary schools in Hong Kong which are currently implementing the MNE subject and the relevant details (including the mode of teaching, teaching hours and qualifications of the teachers concerned); and

(12) whether it has provided guidance or support for the primary and secondary schools which are implementing the MNE subject and monitored the effectiveness of teaching and learning of the subject; if it has, of the details; if not, the reasons for that?

SECRETARY FOR EDUCATION (in Chinese): President, the political situation in recent days was brought about by various factors, and it is observed that the participants come from different age groups, social strata, and with diverse backgrounds. Thus, what happens now cannot be attributed simplistically to the youngsters' inadequate understanding of our country and its situation. Since the "Curriculum Guide of the Moral and National Education subject" was shelved in early October 2012, we understand that, under the guidance of the SSBs and curriculum leaders, schools, as in the past, continue implementing moral, civic and national education in various degrees and formats, making references to previous curriculum guides and support materials. This policy will be continued. With regard to the question about Chinese history education, in the meeting on 29 October, I have stated that "Chinese History is not the only subject to help students understand the situation of our country, Chinese Language, Chinese Geography, and Liberal Studies, and so on, also comprise relevant knowledge, and students can also learn through various modes of learning. So there is not only one subject." The Education Bureau attaches great importance to national education, but opines that it can be promoted through various forms and methods, so it should not depend only on the Chinese History subject. Similarly, the Education Bureau attaches great importance to Chinese history education, which was stipulated as compulsory in junior secondary level in 2001, but opines that besides teaching Chinese history via an independent subject mode which is focusing on the rise and decline of dynastic regimes chronologically, schools should also be given flexibility to choose the most suitable and effective mode of curriculum organization.
With regard to the 12 questions raised by Dr LAM Tai-fai, the replies are as follows:

(1) Building on the Chinese history contents embedded in General Studies for Primary Schools, nearly 90% of secondary schools currently offer Chinese History as an independent subject at the junior secondary level. For the remaining schools, in order to further improve and develop Chinese History education, they adopt different curriculum modes other than the dynastic chronological approach to organize the contents of Chinese History in accordance with their schools' overall curriculum planning, the different learning needs of their students and the expertise of their teachers. For example, some adopt "the curriculum mode of linking two Histories", in which the development of Chinese history served as the backbone, making cross references to relevant topics in world history; some adopt an "integrated curriculum mode", which organizes the contents of Chinese history with reference to various themes and topics. The Education Bureau does not subscribe to the view that all schools in Hong Kong can only adopt the independent subject mode, which is focusing on the rise and decline of dynastic regimes to teach Chinese history.

(2), (3) and (4) At junior secondary level, Chinese history is taught in all secondary schools in Hong Kong, though schools may adopt different curriculum modes. In the curriculum guide "Learning to learn: The Way Forward in Curriculum Development" promulgated by the Curriculum Development Council in 2001, it is already stated that Chinese history and culture is the essential learning content at junior secondary level, and all junior secondary students must learn Chinese history. No matter what curriculum mode is adopted by schools to teach Chinese history, all schools must offer on average about two periods per week to teach its contents.
In the 2014-2015 school year\(^{(1)}\), 392 secondary schools representing 88.29% of all the secondary schools\(^{(2)}\) offer Chinese History as an independent subject (curriculum contents adopting the dynastic chronological approach, so as to help students understand the rise and decline of major dynastic regimes in history) in junior secondary level. This includes:

(i) 350 secondary schools teaching Chinese History as an independent subject throughout the junior secondary level (that is, Secondary One (S1) to Three (S3)), representing 78.83% of all the secondary schools, and

(ii) 42 secondary schools teaching Chinese History as an independent subject in any one or two years of the junior secondary level, representing 9.46% of all the secondary schools, for example,

- schools that offer Chinese History in S3 as an independent subject, but link world history with Chinese history in S1 to S2;

- schools, for improving teaching effectiveness, that offer Chinese History in either S1 or S2 with double lesson time to meet the minimum lesson time requirement set by the Education Bureau.

In this school year, 52 schools adopt other curriculum modes to offer Chinese history in junior secondary level, amounting to 11.71% of all secondary schools. Among them,

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\(^{(1)}\) In October every year, all schools are required to submit to the Education Bureau information on the subjects offered at each year of secondary education. The information submitted by the Education Bureau this time is the latest data of the 2014-2015 school year. Although there are slight differences from what was submitted on 29 October when replying to the enquiry from Mrs Regina IP, the statistics has in general remained steady for years.

\(^{(2)}\) In the 2014-2015 school year, there were 444 secondary schools (including Direct Subsidy Scheme Schools, but not including special schools, private independent schools, private independent schools [non-local curriculum], private schools, international schools, senior secondary schools) offering mainstream school curriculum.
(i) 18 schools (4.05%) offer Chinese history and Culture (linking world history with Chinese history) throughout S1 to S3. The development of Chinese history served as the backbone, making cross references to world history; and

(ii) 34 schools (7.66%) offer Integrated Humanities throughout S1 to S3. They adopt a topical approach to organize the contents of Chinese history and culture.

As for the senior secondary level, Chinese History has always been an independent elective subject before and after the reunification with the Mainland. It remains unchanged after the implementation of the New Senior Secondary curriculum. According to the information collected in the 2013-2014 school year, the majority of Hong Kong secondary schools (about 90%) offer Chinese History at senior secondary level.

(5) At present, students acquire knowledge of Chinese history, culture, and its current situation mainly through subjects such as Chinese Language, Chinese History, Chinese Literature, Geography, Liberal Studies, Life and Society, as well as Art and Physical Education (PE), and also via moral, civic and national education as well as life-wide learning activities, and so on. For example, the study of Chinese Language nurtures students' understanding of the Chinese culture; the study of Geography helps students understand China's agricultural, manufacturing and urban developments, and the problems faced; students can also study relevant issues about "Modern China" through the study of senior secondary Liberal Studies. For the details on the elements of Chinese history, culture, and current situation embedded in the primary and secondary curriculum, the teaching resources and the figures of teacher professional development provided by the Education Bureau, please refer to Annex 1.

There is not much research concerning the effectiveness of students learning in this area. In 2009, Hong Kong participated in the International Civic and Citizenship Education Study (ICCS) conducted by the International Association for the Evaluation of Educational Achievement (IEA). Among the 38 countries/places
surveyed, the 15-year-old Hong Kong students ranked fifth in knowledge on civic education and citizenship. In terms of national identity, Hong Kong students possess multiple identities (Chinese, Hong Kong Chinese, Hong Kong people, global citizens), which reflect the role of Hong Kong as a part of our nation and also as a metropolitan city in the world. The survey also revealed that Hong Kong students are proud of both Hong Kong and the nation. They are proud of both national and Hong Kong's icons such as the Great Wall, the national flag, the HKSAR flag, and so on. In 2011, the Education Bureau commissioned The Chinese University of Hong Kong to carry out a survey on "the Study on School Curriculum Reform". Over 90% of the surveyed Primary Six (P6) students agreed that "I identify with my national identity, and I care about Hong Kong and the nation."

As mentioned before, Chinese history is at present taught systematically in all secondary schools in Hong Kong at junior secondary level, though schools may adopt different curriculum modes. In fact, before the reunification with the Mainland, Chinese History at junior secondary level was only an elective subject among the humanities subject group in "grammar schools" and "technical schools", while it was not offered in the "prevocational schools". (Please refer to Annex 2 for the relevant document). After the reunification, the Education Bureau attaches great importance to Chinese history education. In the curriculum document "Learning to Learn: The Way Forward in Curriculum Development" promulgated by the Curriculum Development Council in 2001, it states that: "Students in all types of junior secondary schools will study Chinese history and culture."

As for the decline in the numbers of students taking Chinese History in public examinations, on the one hand, it is because the whole student population keeps decreasing in recent years; and on the other hand, it is also because in the new senior secondary academic structure, students usually take two to three electives only. As a result, the number of students enrolled for each elective subject drop, including those enrolled for Chinese History. In my written reply
to the question raised by Mrs Regina IP dated 29 October 2014, in order to enhance students' interest in learning Chinese history so that more students will choose Chinese History as their elective subject at senior secondary level, the Curriculum Development Council has set up an ad hoc Committee in May this year to review the junior secondary curricula of Chinese History and History. Moreover, the Education Bureau is collaborating with different stakeholders to organize more teacher training programmes to enliven the learning and teaching strategies in the Chinese History classrooms, and to provide more teaching resources to improve the learning and teaching of Chinese history. These aim to enhance students' knowledge and interest in Chinese history, so as to encourage more to choose Chinese History subject at the senior secondary level.

The number of candidates who applied to sit for the examinations of Chinese History subject in the HKCEE, the HKALE and the HKDSE in each year since 1997 are listed below (information provided by the Hong Kong Examinations and Assessment Authority):

<table>
<thead>
<tr>
<th>Year</th>
<th>HKCEE</th>
<th>HKALE</th>
<th>HKDSE</th>
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<td>1997</td>
<td>37 684</td>
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<td>1998</td>
<td>38 500</td>
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<td>2013</td>
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<td>2014</td>
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<td>7 459</td>
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</table>
Notes:

(3) The last HKCEE took place in 2011; the application was limited to private candidates.

(4) The last HKALE took place in 2013; the application was limited to private candidates.

(7) Many History Departments in local universities offer degree programmes in History, which cover various research areas including Hong Kong history, Chinese history and world history, and so on. Since no undergraduate programme is exclusively allocated for students majoring in Chinese history, the Education Bureau is not able to provide data concerning the number of students majoring in Chinese history. For the University of Hong Kong, other than the History Department in the Faculty of Arts, the School of Chinese also offers Chinese history and culture courses for the three/four year Bachelor Degree Programme. However, the School also has no data on the number of undergraduates majoring solely in Chinese history.

(9) and (10)

Although the Government has shelved the Moral and National Education Curriculum Guide, the element of moral, civic and national education in the MNE subject is not a complete novelty. Since the Curriculum Reform introduced in 2001, moral and civic education (including national education) has been made one of the four key tasks in the school curriculum. Based on the "Revised Moral and Civic Education Curriculum Framework" introduced in 2008, primary and secondary schools in Hong Kong systematically nurture students' positive values and attitudes in diversified school-based approaches, according to the school contexts and the needs of curriculum development, through various Key Learning Areas (KLAs)/subjects (for example, Chinese Language, PE General Studies, Life and Society, Liberal Studies, Chinese History, History, and so on), so as to achieve the curriculum aim. The importance of moral, civic and national education in school curriculum has not been varied though the "Moral and National Education Curriculum Guide" was shelved in 2012.

Moral, civic and national education is an important facet of school education, and should include knowledge about one's country,
understanding of one's national identity and awareness of such core values as inclusiveness and diversity in the wider society. Therefore, it is natural that students have moral, civic and national education in schools. The Education Bureau encourages, as in the past, SSBs and schools to design learning experiences/activities (for example, school assembly, period for personal growth education, class teacher period, project learning, service learning, visit, and so on) for values education (including moral, civic and national education) based on schools' mission, philosophy of education and the needs of curriculum development, to promote whole person development of students. In conclusion, school has made use of the related curriculum framework to promote moral, civic and national education through a school-based approach. In view of the professional discretion already given to schools, we deem that it is not necessary to review the implementation of the MNE subject.

(11) Under the school-based policy and its regulations, the Education Bureau respects schools' professional decisions on the choice of teaching guides and related learning and teaching resources to be adopted with reference to their schools' mission, aims of education, school contexts and students' needs, by adopting a school-based and student-centred approach when providing students with worthwhile learning experiences to develop desirable moral and civic qualities. On 30 April 2012, the Secretary for Education accepted the recommendations by the Curriculum Development Council on the refined Moral and National Education Curriculum Guide for primary and secondary schools. In consideration of the public's views, the "Moral and National Education Curriculum Guide" was shelved alongside the abolition of the initiation period in early October 2012. Schools and SSBs are given the latitude to decide whether to implement the MNE curriculum and if so, how. In view of the discretion given to SSBs and schools, the Government has not conducted and will not conduct any data collection exercise that aims specifically to gauge the number of schools and SSBs that have decided to implement the MNE initiative and the related information such as mode of implementation, length of class and teacher qualification.
As a matter of fact, schools and SSBs have made their own professional judgment to determine the pace and ways for values education (including moral, civic and national education). According to the curriculum implementation study in 2011\(^{(5)}\), all the interviewed schools adopted different modes of implementation to promote moral, civic and national education. Around 41% of schools scheduled the periods for moral and civic education at their junior secondary levels, around 31% of schools scheduled the related periods at their senior secondary levels; around 82% of schools at their junior secondary levels scheduled the periods for religious education/life education/personal growth education/life and society, 63% of schools scheduled the related periods at their senior secondary levels. Besides, the importance of nurturing students' values and attitudes is highlighted by the Other Learning Experiences in senior secondary education which include moral and civic education as well as community services. The "Basic Education Curriculum Guide (P.1 - P.6)" has been updated in 2014. The updated Guide continues to strengthen and deepen the implementation of moral, civic and national education in different KLAs and subjects of both primary and secondary schools, to match with the curriculum development of primary school education and to tie in with the secondary school curriculum. It also reinforces the learning goal of "understanding our national identity, to care for our community, our nation and our world, and become a responsible citizen."

\[(12)\] All along, schools have been adopting a school-based and student-centred approach when providing students with worthwhile learning experiences to develop desirable moral and civic qualities. In addition, schools are using their professional judgment choose teaching guides and related learning and teaching resources with reference to their own mission, aims of education, school contexts and students' needs.

The Education Bureau has continued to keep abreast of schools' development in different domains and the effectiveness of learning through a wide range of channels, such as seminars and focus group interviews. The Education Bureau will keep in contact with SSBs and schools, listen actively to their opinions and suggestions, and

\[(5)\] Based on the data of New Senior Secondary Curriculum Implementation Study (2011) collected by the Education Bureau.
respect their professional discretion in deciding whether and how they are to implement the MNE subject. The Education Bureau respects schools’ professional autonomy and, as an established practice, will continue to provide professional development programmes and school-based professional support when such needs arise.

Annex 1

Elements of Chinese history, culture and national conditions in the current curriculum
(Not including sections which are mainly about Hong Kong)

(I) Primary curriculum:

<table>
<thead>
<tr>
<th>Key Stage (KS)/Level</th>
<th>KLA/Subject</th>
<th>Related Element/Theme/Major Points/Key Information</th>
</tr>
</thead>
</table>
| KS1 (P1 to P3)       | Chinese Language Education/ Putonghua | - Reading strand: to enrich knowledge of Chinese culture and to know about:  
- traditional festivals' customs  
- folklore, fairy tales, idioms, fables, riddles  
- traditional culture and arts  
- sceneries and famous sites |
| Cross KLAs Studies/ General Studies | Strand: People and Environment  
- How natural and human environment in the neighbouring areas affect people's life.  
Strand: Science and Technology in Everyday Life  
- Famous scientists and inventors and their contributions  
Strand: National Identity and Chinese Culture  
- My home country — national flag and emblem, national capital, important cities and some important dates  
- The Chinese Nation — the characteristics of Chinese people and how they are similar to or different from people of other nations (for example, in colour of skin, facial features, language, costume and daily life practices) |
<table>
<thead>
<tr>
<th>Key Stage (KS)/Level</th>
<th>KLA/Subject</th>
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</thead>
</table>
| KS1-2 (P1 to P6)     | Chinese Language Education/Chinese Language | - Chinese Culture strand: to understand the following three aspects of cultural contents through learning materials:  
  - Material: Civilizations created by human, such as dining, implements, costume, architecture, science and technology, historic spots and monuments, and so on  
  - System: Systems and standard adopted in society, such as custom, etiquette, patriarchal system, surname and alias, transport, economy, politics and military, and so on |
|                      | Moral and Civic Education                  | - Respect the emblems of Hong Kong and our Motherland (such as the national flag, national emblem, national anthem, regional flag and regional emblem, and so on)  
  - Learn to appreciate the Chinese traditions and customs, Chinese history and culture, creative arts (in respect of celebrations and festivals, historical figures, Chinese music and paintings, and so on) |
|                      | KLA/Subject                               | - Characteristics of Chinese culture (for example, concept of "family", Chinese characters, customs, festivals)  
  - Historical figures who have had an important impact on Chinese history (for example, Confucius, YUE Fei and SUN Yat-sen)  
  - Historical events which have had an important impact on Chinese history (for example, construction of the Great Wall)  
  - Some significant and interest current affairs/incidents in the Mainland of China |

Strand: Global Understanding and the Information Era  
- Characteristics of people of different cultures  
- Cultural differences which affect the lives of different peoples  
- The ways we perceive other cultural grouping  
- Respecting cultural differences  
- Ways people interact with other cultural groups
<table>
<thead>
<tr>
<th>Key Stage (KS)/Level</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>- Spirit: Mental activities and results produced in the formation of substance, system and culture, such as philosophy, religion, morality, education, literature and art, and so on</td>
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<td>- Virtues and affection strand: categorized into the following three aspects to embody the traditional concept of human relationship (from intimate to remote) and the considerate attitude</td>
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<td>- Individual: Self-Control, Realistic and Practical, Determined and Diligent, Beautifying One's Soul, and so on</td>
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<td>- Relatives/Teachers &amp; Friends: Grateful to Other's Help, Caring for Others</td>
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<td>- Group/Country/World: Patriotic, Kind-hearted, and so on</td>
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<td>- Literature strand:</td>
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<td>- To feel and appreciate the Chinese masterpieces at all times by great writers</td>
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<td></td>
<td>Arts Education/Music</td>
<td>The Music curriculum is not a content-based curriculum, and develops students' knowledge and skills in music through music of different cultural contexts such as Chinese music, Cantonese opera and Cantonese operatic music, as well as local popular music.</td>
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<td></td>
<td>Arts Education/Visual Arts</td>
<td>The Visual Arts curriculum is not a content-based curriculum, and develops students' knowledge and skills in visual arts through art of different cultural contexts such as Chinese and local art.</td>
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<tr>
<td>KS2 (P4 to P6)</td>
<td>Cross KLAS Studies/General Studies</td>
<td>Strand: People and Environment</td>
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<tr>
<td></td>
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<td>- Some local and national environment issues</td>
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<td>Strand: Science and Technology in Everyday Life</td>
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<td>- The trends in scientific and technological advances</td>
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<td>- Awareness that the usage of technology might be different in other cultures</td>
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<td>Key Stage (KS)/Level</td>
<td>KLA/Subject</td>
<td>Related Element/Theme/Major Points/Key Information</td>
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<tr>
<td></td>
<td></td>
<td><strong>Strand: National Identity and Chinese Culture</strong></td>
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<tr>
<td></td>
<td></td>
<td>- Geographical position, physical characteristics and territory of China</td>
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<td>- The important historical periods and their sequence in Chinese history</td>
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<tr>
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<td>- Characteristics of ancient Chinese civilization as demonstrated by cultural heritage, such as the Great Wall and archaeological finds of daily life utensils excavated in different parts of China</td>
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<td>- The relationship between the Central Government and the HKSAR</td>
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<tr>
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<td>- Prominent historical figures and stories that have had an impact on Chinese history (for example, people with contributions in cultural exchange and foreign trade; or famous scholars, national heroes, writers, poets and scientists)</td>
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<td>- Differences between the daily life of today and that of the past in a selected period of Chinese history (for example, Han, Tang, Qing) in areas such as food, clothing, accommodation, schooling, games)</td>
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<td>- Some natural landscapes in China (for example, Guilin, Hainan) and Characteristics of people's life (for example, customs, music, art forms, food)</td>
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<td>- Some major historical events that have had an impact on today (for example, the Opium War, the 1911 Revolution, establishment of the People's Republic of China, Signing of the Sino-British Joint Declaration, establishment of HKSAR)</td>
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<td>- Recent Development of China (for example, economic and technological aspects)</td>
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<td>- The relationship between China and other parts of the world</td>
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<td><strong>Strand: Global Understanding and the Information Era</strong></td>
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<td>- How Hong Kong and the Mainland of China are connected to the regions around them</td>
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<td>- Common elements found in different cultures</td>
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<tr>
<td>Key Stage (KS)/Level</td>
<td>KLA/Subject</td>
<td>Related Element/Theme/Major Points/Key Information</td>
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|                      |             | - Influences of the physical environment and social conditions on cultural development in different parts of the world  
|                      |             | - Effects of cultural interaction on cultures and societies  
|                      |             | - The effects of major historical events that have an influence on the culture profile of the world  
|                      |             | - Major current international events and their meanings to us  
|                      |             | - The interdependence of different parts of the world (for example, trading, utilization of resources)  |
| Chinese Language Education/Putonghua |             | - Listening strand: to understand stories (idiom stories, historical stories, folklore) and grasp the main idea  
|                      |             | - Speaking strand: story telling (idiom stories, historical stories, folklore)  
|                      |             | - Reading strand: to enhance the knowledge of Chinese culture  
|                      |             |  - to grasp the expressions for addressing persons (relatives, society)  
|                      |             |  - to grasp the use of honorifics, euphemisms and taboo words  
|                      |             |  - to know about traditional festivals' customs  
|                      |             |  - to understand the allusions, common sayings, maxims, enigmatic folk similes  
|                      |             |  - to know about the traditional culture and arts  
|                      |             |  - to recognize sceneries and famous sites  |
| PE                   |             | Schools can develop their school-based PE curriculum according to school's tradition, environment, facilities and teacher experience, for example, Chinese Martial Arts and Chinese Dance can be included to the curriculum.  |
| Moral and Civic Education |             | Get to know the Basic Law and understand the crucial role it plays in the relationship between Hong Kong and our Motherland  |
### Secondary Curriculum:

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<tr>
<th>KS/Level</th>
<th>KLA/Subject</th>
<th>Related Element/Theme/Major Points/Key Information</th>
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</table>
| KS3 (S1 to S3)    | Personal, Social and Humanities Education (PSHE)/Chinese History | *Part A: Political History of China*  
  - Stability, unrest, rise and fall of the imperial dynasties  
  - The founding and political development of the Republic in the 20th century  

*Part B: History of Chinese Civilizations*  
- Civilizations in ancient times  
- The origins and development of "Han" characters  
- Science and technological inventions and important construction works  
- The development of communications between China and other countries  
- The development of Chinese thought and scholarship  
- Introduction to Chinese religions |
|                   | PSHE/History                                     | - Life in the main centres of early civilization: the Huanghe Valley  
  - East-West encounters  
  - The growth and development of Hong Kong in the 20th century: Relations with the Mainland of China |
|                   | PSHE/Geography                                   | - The physical environment of China: climate, topography, geomorphology, hydrology  
  - The human environment of China: city, agriculture, industry, population  
  - The natural hazards faced by China: desertification, sandstorm, drought, flooding  
  - The issues and challenges faced by China: city problem, climate change, pollution, population problem, energy problem, food problem, water problem, industrial shift, struggle for ocean resources |
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<tr>
<td>PSHE/ Life and Society</td>
<td></td>
<td>- An overview of the Chinese economy</td>
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<td>- Role of Chinese Government in the economy</td>
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<td>- Regional economic development of China</td>
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<td>- Sustainable development of the Chinese economy</td>
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<td>- The agricultural and rural development of China</td>
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<td>- Life of Chinese nationals</td>
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<td>- Chinese political system</td>
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<td>- China's step forward to the world</td>
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<tr>
<td>PSHE/ Integrated Curriculum Mode</td>
<td></td>
<td>- Significant historical periods in national history</td>
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<td>- The causes, consequences, and sequences of the major events and developments in national history</td>
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<td>- Characteristic features of the national community and how their developments are linked with that of the wider world</td>
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<td>- Places/events in which Chinese culture is reflected</td>
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<td></td>
<td>- Similarities and differences of customs and practices of people from different geographic, cultural, religious and ethnic backgrounds in China</td>
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<td>- Forms of new technology that affect the preservation and conservation of culture and heritage in China</td>
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<td>- The natural and human processes leading to the formation of the characteristics of places and regions in China</td>
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<td>- The reasons for the specific distribution patterns of major natural and human features in China</td>
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<td>- The impact of the interaction between natural and human systems on human activities in China</td>
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<td>- Types of resources available in China</td>
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<td>KS/Level</td>
<td>KLA/Subject</td>
<td>Related Element/Theme/Major Points/Key Information</td>
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<td>- A future perspective on trade development in Hong Kong and the Mainland</td>
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<td>- Importance of the National Constitution and the Basic Law to Hong Kong residents</td>
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<td>- Causes and effects of social and political issues at national level</td>
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<tr>
<td>Chinese Language Education/Chinese Language</td>
<td></td>
<td>- Chinese Culture strand: to understand the following three aspects of cultural contents through learning materials</td>
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<td>- Material: Civilizations created by human, such as dining, implements, costume, architecture, science and technology, historic spots and monuments, and so on</td>
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<td>- System: Systems and standard adopted in society, such as custom, etiquette, patriarchal system, surname and alias, transport, economy, politics and military, and so on</td>
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<td>- Spirit: Mental activities and results produced in the formation of substance, system and culture, such as philosophy, religion, morality, education, literature and art, and so on</td>
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<td>- Literature strand:</td>
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<td></td>
<td></td>
<td>- To appreciate and comment the Chinese masterpieces at all times by great writers</td>
</tr>
<tr>
<td>Chinese Language Education/Putonghua</td>
<td>- Listening strand:</td>
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<tr>
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<td>- to understand the content of drama when listening or watching</td>
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<td>- enjoying and appreciating Putonghua programmes</td>
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<td>- Speaking strand: to cultivate the interest in using Putonghua for communication</td>
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<td>- Reading strand: to increase the basic knowledge of language to enhance the knowledge of Chinese culture</td>
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<td>- to grasp the use of honorifics, euphemisms and taboo words</td>
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<td>- to recognize sceneries and famous sites</td>
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<td></td>
<td>Technology Education/Knowledge</td>
<td>- Computer Systems</td>
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<td></td>
<td>Context — Information and</td>
<td>- Basic ideas on Chinese character processing, such as characteristics of Chinese input methods, internal codes for Chinese characters, need for customized Chinese characters.</td>
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<tr>
<td></td>
<td>Communication Technology</td>
<td>- The use of Chinese input methods to input Chinese characters.</td>
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<td></td>
<td>Technology Education/Knowledge</td>
<td>- Food and Nutrition</td>
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<tr>
<td></td>
<td>Context — Technology and</td>
<td>- Chinese meal planning</td>
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<td></td>
<td>Living</td>
<td>- Types and specific features of Chinese festive foods</td>
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<td>- Fashion and Dress Sense</td>
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<td>- Specific features of Chinese costumes</td>
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<td>- Family Living</td>
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<td>- Family relationship, culture and values</td>
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<td>Arts Education/Music</td>
<td>The Music curriculum is not a content-based curriculum, and develops students' knowledge and skills in music through music of different cultural contexts such as Chinese music, Cantonese opera and Cantonese operatic music, as well as local popular music.</td>
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<td></td>
<td>Arts Education/Visual Arts</td>
<td>The Visual Arts curriculum is not a content-based curriculum, and develops students' knowledge and skills in visual arts through art of different cultural contexts such as Chinese and local art.</td>
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<td></td>
<td>Moral and Civic Education</td>
<td>Gain an understanding of the opportunities and challenges that may arise during the course of state development and think of the future role one may play in this regard</td>
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<td>PE/General PE</td>
<td>Schools can develop their school-based PE curriculum according to school's tradition, environment, facilities and teacher experience, for example, Chinese Martial Arts and Chinese Dance can be included to the curriculum.</td>
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| KS4 (S4 to S6) | PSHE/Chinese History | **Compulsory Part: Historical Development of China**  
- Part A: Ancient times to Mid-19th century  
- Part B: Mid-19th century to the late 20th century  

**Elective Part: Topical studies of Chinese history**  
- The development of traditional Chinese culture in the 20th century: Continuity and change  
- Regions and resources  
- Times and intellectuals  
- Institutions and political development  
- The propagation of religions and cultural interflow  
- Social status of women: Tradition and change |
| PSHE/History | **Theme A: Modernization and Transformation in 20th-Century Asia**  
- Modernization and transformation of China |
| PSHE/Geography | Adopting issue-enquiry approach to study the following geographical themes of China:  
**Compulsory Part**  
- The geology, geomorphology, topography and geological hazards of China: earthquake  
- The hydrology, fluvial environment and water problem of China  
- The industrial development of China, focusing on iron and steel industry  

**Elective Part**  
- The climate and climatic hazards of China  
- Zhujiang Delta regional study: agriculture, industry, environment, transport and logistics |
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<th>Related Element/Theme/Major Points/Key Information</th>
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</thead>
</table>
| PSHE/Ethics and Religious Studies | Module One, Elective Part One: Religious Traditions | - Development of Buddhism in other regions (China)  
- Contemporary Buddhism (Chinese Buddhism) |
| Cross KLAs/Studies/Liberal Studies | Module 3: Modern China | - Theme 1: China's reform and opening-up  
  - What impact has reform and opening-up had on the overall development of the country and on people's life?  
    - How have the changes in living standards and the way of life been viewed across the whole country?  
    - To what extent are sustainable development and cultural conservation feasible in such a rapidly developing country? What are the challenges and opportunities?  
  - In what ways has China's participation in international affairs affected the overall development of the country?  
  - How has the Central People's Government dealt with the effects of reform and opening-up?  
  - To what extent have the reform and opening-up affected the overall national strength of the country? |
<table>
<thead>
<tr>
<th>KS/Level</th>
<th>KLA/Subject</th>
<th>Related Element/Theme/Major Points/Key Information</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Theme 2: Chinese culture and modern life</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- With respect to the evolution of the concepts of the family, what kind of relationship between traditional culture and modern life has been manifested?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- How have the traditional concepts of the family been challenged in modern life?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- To what extent have the traditional concepts of the family been maintained in modern Chinese life? Why?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- To what extent are traditional customs compatible with modern Chinese society?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Why do some traditional customs sustain and flourish in modern Chinese society while others do not?</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- To what extent are these traditional customs of significance to modern Chinese society?</td>
</tr>
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<td></td>
<td></td>
<td><strong>Module 4: Globalization</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Theme: Impact of globalization and related responses</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Why do people from different parts of the world react differently to the opportunities and challenges brought by globalization?</td>
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<tr>
<td></td>
<td></td>
<td>- How should the Mainland and Hong Kong meet the opportunities and challenges of globalization? Why?</td>
</tr>
<tr>
<td>KS/Level</td>
<td>KLA/Subject</td>
<td>Related Element/Theme/Major Points/Key Information</td>
</tr>
<tr>
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<td>-------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
|         | Chinese Language Education/Chinese Language     | **Compulsory Part**<br>- Chinese Culture strand: to understand the following three aspects of cultural contents through learning materials:<br>  
  - Material: Civilizations created by human, such as dining, implements, costume, architecture, science and technology, historic spots and monuments, and so on<br>  
  - System: Systems and standard adopted in society, such as custom, etiquette, patriarchal system, surname and alias, transport, economy, politics and military, and so on<br>  
  - Spirit: Mental activities and results produced in the formation of substance, system and culture, such as philosophy, religion, morality, education, literature and art, and so on<br>  
- Virtues and affection strand: categorized into the following three aspects to embody the traditional concept of human relationship (from intimate to remote) and the considerate attitude<br>  
  - Individual: Self-Control, Realistic and Practical, Determined and Diligent, Beautifying One's Soul<br>  
  - Relatives/Teachers & Friends: Grateful to Other's Help, Caring for Others<br>  
  - Group/Country/World: Patriotic, Kind-hearted |
<table>
<thead>
<tr>
<th>KS/Level</th>
<th>KLA/Subject</th>
<th>Related Element/Theme/Major Points/Key Information</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td><strong>Literature strand:</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- To appreciate and comment the Chinese masterpieces at all times by great writers</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Elective Part</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Master Works and Audio-visual Adaptation</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Fiction and Culture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Cultural Issues</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Putonghua and Performing Arts</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Learning Targets</strong></td>
</tr>
<tr>
<td>Chinese</td>
<td>Language</td>
<td>- To increase the interest of reading literature and the exposure to a wide spectrum of literary works</td>
</tr>
<tr>
<td>Education</td>
<td>Chinese</td>
<td>- To enhance the capacity of feeling, reflecting, understanding and appreciating literature texts</td>
</tr>
<tr>
<td>Literature</td>
<td></td>
<td>- To promote the interest and the ability of creation through writing various forms of literary works</td>
</tr>
<tr>
<td>Technology</td>
<td>Education/ Business, Accounting and Financial Studies</td>
<td>- To provide a more systematic way to grasp the knowledge of Chinese literature</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- To cultivate the thinking, affections, and the dispositions for enlightenment; to enrich life and experiences; to heighten the sense of responsibility for family, country and the world, and to improve empathy for others</td>
</tr>
</tbody>
</table>

**Compulsory Part:**

- **1(a) Business Environment**
  - Topic: Hong Kong Business Environment
  - Analyse the recent development and characteristics of the Hong Kong Economy (closer economic and business relationships with the Mainland)
<table>
<thead>
<tr>
<th>KS/Level</th>
<th>KLA/Subject</th>
<th>Related Element/Theme/Major Points/Key Information</th>
</tr>
</thead>
</table>
| Technology Education/Design and Applied Technology | **Compulsory Part:**  
Strand 1 Design and Innovation  
- Topic: Design in practice  
  - Explain design practices relating to management, production teams, marketing and business, and so on, in the Hong Kong and Pearl River Delta industries (for example, case studies and on-site visits)  
Strand 3 Value and Impact  
- Topic: Historical and cultural influences  
  - Explain the relevance and influence of design in different cultures and societies (for example, local, Chinese, and Eastern and Western) |
| Technology Education/Information and Communication Technology | **Compulsory part**  
A. Information Processing  
- Topic c. Data Representation  
  - Know how characters are represented by using common international standards such as American Standard Code for Information Interchange (ASCII), the Big-5 code, the Guobiao (GB) code and the Unicode |
| Technology Education/Health Management and Social Care | **Compulsory Part**  
Topic 1: Personal Development, Social Care and Health Across the Lifespan  
- Cultural influences on social, mental and physical and spiritual aspects of human development  
- Different attitudes on health and care, for example, Health-seeking behaviour among Chinese |
<table>
<thead>
<tr>
<th>KS/Level</th>
<th>KLA/Subject</th>
<th>Related Element/Theme/Major Points/ Key Information</th>
</tr>
</thead>
</table>
|          |             | **Topic 3**: Responding to the Needs in the Areas of Health (care, promotion and maintenance) and Social Care  
- Contrasting Chinese and Western cultural understandings of health and illness: health consciousness, different attitudes towards seeking helps for health and social needs  

**Topic 4**: Promotion and Maintenance of Health and Social Care in the Community  
- Options for alternative healthcare practices and services, for example, traditional Chinese medicine (TCM) |
| Technology Education/ Technology and Living | "Food Science and Technology Strand"  
*Compulsory Part: Consumer Behaviour in Food Choices and Implications*  
- Factors affecting consumer choices of food (for example, environment, nationality, ethnicity, identity, customs, religion)  

*Elective Part: Food Culture*  
- Food Culture and Food Heritage  
  - Specific features and factors contributing to the development of food culture in different places in China (for example, health and eating habits)  
  - Chinese festive food (symbolic meaning, specific features and specialties)  
  - Religious foods (eating habits)  
  - Chinese nutraceuticals |
<table>
<thead>
<tr>
<th>KS/Level</th>
<th>KLA/Subject</th>
<th>Related Element/Theme/Major Points/ Key Information</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>&quot;Fashion, Clothing and Textiles Strand&quot;</td>
</tr>
<tr>
<td></td>
<td></td>
<td><strong>Compulsory Part: Consumer Behaviour in Clothing Choices and Implications</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Factors affecting consumer choices of clothing and textile products (for example, environment, nationality, ethnicity, identity, customs, religion)</td>
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<tr>
<td></td>
<td></td>
<td><strong>Elective Part: Culture and Fashion Design</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Cultural Value and Fashion</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Design concepts of Chinese culture, lifestyles and relation to fashion trends and styles</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Fashion styles in different eras and places around the world</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- National costumes of different countries</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Factors contributing to fashion trends in local and global contexts</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Geographical and environmental factors</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Historic and cultural developments</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Social influences</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Economic and political influences</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Scientific and technological development</td>
</tr>
<tr>
<td>PE/</td>
<td></td>
<td>Part VIII Social Aspects of PE, Sport and Recreation</td>
</tr>
<tr>
<td>PE Elective</td>
<td></td>
<td>- China's sporting culture</td>
</tr>
<tr>
<td>Arts Education/</td>
<td></td>
<td>Study Guidelines:</td>
</tr>
<tr>
<td>Music</td>
<td></td>
<td>- Listening to Chinese instrumental music, Cantonese operatic music and local popular music</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Playing or singing music of different styles, for example, Chinese instrumental music, Cantonese operatic music and local popular music</td>
</tr>
<tr>
<td>KS/Level</td>
<td>KLA/Subject</td>
<td>Related Element/Theme/Major Points/Key Information</td>
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<td>---------------------------------------------------</td>
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<tr>
<td></td>
<td>Creating music of different styles, for example, solo piece for Chinese instrument, Cantonese operatic music and local popular music; and writing reflective report</td>
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<tr>
<td></td>
<td>The Visual Arts curriculum is not a content-based curriculum, and develops students' knowledge and skills in visual arts through art of different cultural contexts such as Chinese and local art.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Applying rational, multi-perspective and critical thinking skills, one is able to understand the current challenges and opportunities faced by our Motherland</td>
<td></td>
</tr>
</tbody>
</table>

(III) Senior Secondary Applied Learning

<table>
<thead>
<tr>
<th>Year</th>
<th>Course Title</th>
<th>Related Module/Theme/Major Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004 to 2006</td>
<td>Fundamental Hotel Chinese Catering Operation</td>
<td>Exploration of Chinese Cuisine and Culture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Basic Chinese Food Production</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Basic Chinese Food and Beverage Service Operations</td>
</tr>
<tr>
<td>2005 to 2007</td>
<td>Fundamental Chinese Food Preparation</td>
<td>Exploration of Chinese Cuisine and Culture</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Basic Chinese Food Production</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Basic Chinese Food and Beverage Service Operations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Basic Diagnostics of Chinese Medicine</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Chinese Materia Medica</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Chinese Medicinal Formulae</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Integrated Application of Chinese Medicine</td>
</tr>
</tbody>
</table>
### Numbers of learning and teaching resources related to elements of Chinese history, culture and national conditions (Since 2009)

1. Produced by Curriculum Development Institute

   - 406 items (related to aspects of Chinese language, literature, culture, arts, sports, history, economy, political system, social life, technology, physical environment and human environment, and so on)

2. Quality Education Fund Projects

   - 21 projects

### Number and contact hours of teacher professional development programmes related to elements of Chinese history, culture and national conditions (Since 2009)

1. Organized by Curriculum Development Institute

<table>
<thead>
<tr>
<th>Total programme number</th>
<th>Total contact hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>375</td>
<td>2 349.5</td>
</tr>
</tbody>
</table>
Guide to the Secondary 1 to 5 Curriculum
(Education Department, 1993)

Table 1: Suggested Guidelines on Subject Selection and Time Allocation for Grammar Schools

<table>
<thead>
<tr>
<th>Subject Groups</th>
<th>Suggested Time Allocation</th>
<th>Subject Selection Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Languages</td>
<td>35-40%</td>
<td>Both Chinese and English Languages should be offered. For non-Chinese speaking students, they can take either French or German instead of Chinese. Putonghua can be offered as an optional subject.</td>
</tr>
<tr>
<td>Mathematics &amp; Science</td>
<td>20-25%</td>
<td>Both Mathematics and Science should be offered. Computer Literacy can be offered as an optional subject.</td>
</tr>
<tr>
<td>Humanities</td>
<td>15-20%</td>
<td>At least two subjects from: Social Studies, Economic And Public Affairs, Geography, History, Chinese History</td>
</tr>
</tbody>
</table>
Table 2: Suggested Guidelines on Subject Selection and Time Allocation for Technical Schools

<table>
<thead>
<tr>
<th>Subject Groups</th>
<th>Suggested Time Allocation</th>
<th>Subject Selection Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Languages</td>
<td>30-35%</td>
<td>Both Chinese and English Languages should be offered. For non-Chinese speaking students, they can take either French or German instead of Chinese. Putonghua can be offered as an optional subject.</td>
</tr>
<tr>
<td>Mathematics &amp; Science</td>
<td>20-25%</td>
<td>Both Mathematics and Science should be offered. Computer Literacy can be offered as an optional subject.</td>
</tr>
<tr>
<td>Humanities</td>
<td>15-20%</td>
<td>At least two subjects from: Social Studies, Economic And Public Affairs, Geography, History, Chinese History</td>
</tr>
</tbody>
</table>

Table 3: Suggested Guidelines on Subject Selection and Time Allocation for Prevocational Schools

<table>
<thead>
<tr>
<th>Subject Groups</th>
<th>Suggested Time Allocation</th>
<th>Subject Selection Guidelines</th>
</tr>
</thead>
<tbody>
<tr>
<td>Languages</td>
<td>25-35%</td>
<td>Both Chinese and English Languages should be offered. For non-Chinese speaking students, they can take either French or German instead of Chinese. Putonghua can be offered as an optional subject.</td>
</tr>
<tr>
<td>Mathematics &amp; Science</td>
<td>15-20%</td>
<td>Both Mathematics and Science should be offered. Computer Literacy can be offered as an optional subject.</td>
</tr>
<tr>
<td>Humanities</td>
<td>5%</td>
<td>One subject from: Social Studies, Economic And Public Affairs</td>
</tr>
</tbody>
</table>

Operation of Self-financing Post-secondary Institutions

9. DR KENNETH CHAN (in Chinese): President, it is learnt that quite a number of self-financing post-secondary institutions charge students applying for
admission to their study programmes application fees, and charge those admitted non-refundable enrolment deposits. On the other hand, some self-financing post-secondary institutions have relayed to me that given the rapidly changing demand for the places of the study programmes operated by them, their student intakes have become highly volatile, which is not conducive to the long-term development of the institutions. In this connection, will the Government inform this Council:

(1) whether it knows, in the past three academic years, the respective total amounts of application fees and enrolment deposits collected by various self-financing post-secondary institutions, as well as the total amount of non-refundable enrolment deposits paid by students who subsequently declined offers, with a breakdown by academic year and institution;

(2) whether it knows the respective numbers of places and actual student intakes of various self-financing post-secondary institutions in the past two academic years, with a breakdown by institution and programme type (for example, sub-degree, top-up degree and degree programmes);

(3) whether it has reviewed the supply of and demand for the places and operation of the study programmes of self-financing post-secondary institutions as well as the future development of such institutions; if it has, of the details and outcome of such review(s); if not, whether the authorities will embark on the reviews shortly; if they will, of the details of their work plans; if not, the reasons for that;

(4) given the comments that secondary student population will drop year by year in the coming few years, and the student enrolment and even viability of various self-financing post-secondary institutions will be directly affected, whether the authorities have formulated targeted measures to support self-financing post-secondary institutions in exploring new development directions; if they have, of the details of such measures; if not, the reasons for that; and

(5) as it was reported in June this year that the City University of Hong Kong (CityU) planned to sell the Community College of City University (CCCU), which was established by the CityU to provide
self-financing associate degree programmes, whether the authorities have received any notification from the CityU about the matter; if they have, of the details; whether the authorities will take any follow-up action; if they will, of the details; if they will not, the reasons for that; whether the authorities have received any request for assistance from the students or staff of the College?

SECRETARY FOR EDUCATION (in Chinese): President,

(1) and (2)

Post-secondary institutions in Hong Kong enjoy a high degree of autonomy in academic development and administration. Basically, post-secondary institutions not covered by the Joint University Programmes Admissions System (JUPAS) may, in the light of their own circumstances, devise their admission arrangements, including, among others, the collection of application fees and enrolment deposits, as well as setting fee level and refund conditions and procedures. However, we consider that the admission arrangements must have taken into consideration students' situations and needs in which the enrolment deposit should be set at a level affordable to students and the admission arrangements should be sensible and reasonable.

We understand that institutions have the genuine need to collect enrolment deposits so as to facilitate planning and arrangements for matters in relation to the enrolment capacity, academic staff, resource and supporting measures, and so on. Besides, it is a common practice for some students to pay enrolment deposits to more than one non-JUPAS institution for the sake of multiple assurance. Many of them may tend to keep more than one intake place, thus frustrating the timely allocation of intake places to students on waiting lists and upsetting institutions' plans.

To enhance support for students and assist institutions in processing applications and admissions in an orderly and efficient manner, all non-JUPAS post-secondary institutions have adopted common application and admission arrangements since 2012, including:
(i) a common deadline for payment of enrolment deposit is set at 12 noon four working days from the release of the Hong Kong Diploma in Secondary Education (HKDSE) Examination results, so as to enable institutions to publicize the first round of admission result by the deadline and students to make an informed choice of programme. Beyond this timeline, residual places will be appropriately allocated to applicants on waiting lists;

(ii) most of the institutions have agreed to set their enrolment deposits or registration fees at $5,000 or below;

(iii) most non-JUPAS institutions allow a refund of enrolment deposits to applicants who later accept an offer via JUPAS for full-time undergraduate programmes funded by the University Grants Committee (UGC); and

(iv) a summary of the arrangements has been uploaded onto the Information Portal for Accredited Post-Secondary Programmes (iPASS) <www.ipass.gov.hk> for easy access by teachers, students, parents and the general public.

In general, while the application fees collected are used to cover an institution's expenditure incurred in processing applications, the enrolment deposits will become part of the tuition fees. All existing post-secondary institutions are non-profit-making bodies. Any enrolment deposit forfeited by an applicant who has given up his/her reserved place will generally be used by the institution centrally for operation and development, such as enhancing the institution's facilities and teaching quality, as well as setting up scholarships, which will in turn benefit its students.

Based on the data provided by institutions offering full-time locally-accredited self-financing sub-degree and undergraduate programmes, the information on application fees and enrolment deposits collected by each of the institutions in the past three academic years is set out in Table 1.
The Government is committed to providing quality and diversified study pathways with multiple entry and exit points for our young people. A total of some 300 full-time locally-accredited undergraduate programmes are offered in the 2014-2015 academic year. Besides, local post-secondary institutions also offer some 400 sub-degree programmes covering a variety of academic and professional disciplines. Based on the data provided by the institutions, the estimated and actual intakes of self-financing sub-degree, top-up degree and undergraduate programmes by institution in the last two academic years are set out in Table 2.

With regard to monitoring the operation and development of the self-financing post-secondary institutions, the Government places the focus on enhancing transparency, strengthening quality assurance, promoting good governance and safeguarding the interest of students. To further enhance transparency, the Committee on Self-financing Post-secondary Education (CSPE) launched the Concourse website <www.cspe.edu.hk> in December last year to provide comprehensive information and statistics of the self-financing post-secondary education sector, which helps enhance transparency and accountability. In the meantime, the Education Bureau has been publicizing the estimated intake places of institutions offering self-financing sub-degree and undergraduate programmes in each academic year through iPASS and Concourse.

While self-financing post-secondary institutions are diverse in size, character and mission, good governance and quality assurance are of pivotal importance to the healthy and sustainable development and operation of the self-financing sector. To further promote the enhancement of governance and quality assurance for the sector, the CSPE has earlier engaged an external consultant to conduct a consultancy study for developing a code of good practices to further advance the development of the sector. The report of the consultancy study was published in August this year. The full report and the executive summary have been uploaded onto the
Concourse website for access by the public. The CSPE will continue to take forward the work on promoting good governance, including organizing a sharing session in the fourth quarter of this year with the self-financing post-secondary institutions with a view to sharing with them the findings and recommendations of the report; and working on the recommendations of the report to compile a code of good practices on governance and quality assurance for the self-financing post-secondary sector. The code is scheduled for release in the first half of next year for the institutions to adopt on a voluntary basis.

Furthermore, the Education Bureau has been communicating and discussing with institutions on a number of occasions the strategies and issues relating to the consolidation of the sub-degree sector in the light of declining secondary student population in the coming years. Meanwhile, institutions are reminded to remain prudent in launching new programmes taking into consideration the availability of similar programmes and the demand for programmes to be offered.

(5) The eight institutions (including the CityU) funded through the UGC are autonomous statutory bodies, each with its own ordinance. While enjoying a high degree of institutional autonomy in academic development and administration, each institution should be mindful of the interests of the students and the public and be held accountable for their decisions.

Generally speaking, the UGC-funded institutions may decide on the setting up of their self-financing operations and the future development of these establishments on their own without the need to seek the approval of the Education Bureau. That said, institutions should ensure that self-financing activities do not detract from their core work and have distinct separation of resources from publicly-funded programmes. As for matters involving staff and students, institutions should also ensure adequate consultation and communication, and that reasonable arrangements are put in place.
The CityU has informed the Education Bureau earlier of its initial ideas on the future development of its CCCU, but a decision has yet to be made. Given the possible impacts of the development on its staff and students, the Education Bureau has made it clear to the CityU that any arrangements have to take into account the interests of the existing staff and students, and to ensure that the quality and recognition of programmes will not be adversely affected.

The CityU announced in late June this year that its Council was exploring the possibility of working with an appropriately qualified higher education institution with a view to possibly forming a strategic partnership which adds value to the reputation of the CCCU and its current Associate Degree programmes, increases the opportunities for CCCU graduates to articulate to undergraduate programmes and facilitates overseas exchanges for both students and staff. Upon the Education Bureau's further enquiry, the CityU confirmed that the students and staff of the CCCU had been informed that the future development of the CCCU would not affect them adversely. In this connection, the CityU has undertaken to:

(i) ensure that for current students of the CCCU, there will be no changes to their programmes, awards of qualification and relevant tuition fees; and

(ii) require its future partner to provide assurance on the continued validity of CCCU staff's current terms of employment.

The CityU further expressed that the Chairman and the Deputy Chairman of its Council had met with representatives from the concern groups and students to exchange views on the future development of the CCCU. The Principal of the CCCU had also consulted the staff of various departments and communicated to them the Council's considerations in looking for an appropriate partner. We will continue to keep the future development of the CCCU in view.
# Table 1

Total of Application Fees and Enrolment Deposits Required by Institutions Offering Full-time Locally-accredited Self-financing Post-secondary Programmes (2012-2013 to 2014-2015 Academic Years)

<table>
<thead>
<tr>
<th>Institution</th>
<th>2012-2013 Academic Year</th>
<th>2013-2014 Academic Year</th>
<th>2014-2015 Academic Year</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Application Fees ($)</td>
<td>Enrolment Deposits ($)</td>
<td>Application Fees ($)</td>
</tr>
<tr>
<td>Caritas Bianchi College of Careers</td>
<td>44,600</td>
<td>430,000</td>
<td>36,900</td>
</tr>
<tr>
<td>Caritas Institute of Higher Education</td>
<td>70,250</td>
<td>1,160,000</td>
<td>92,600</td>
</tr>
<tr>
<td>Caritas Institute of Community Education</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Centennial College</td>
<td>45,000</td>
<td>1,185,000</td>
<td>86,250</td>
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Notes:

[1] The figures in brackets represent enrolment deposits that have not eventually become part of tuition fees.

“-“ indicates no such programme is offered or no such fee is charged by the institution.

“#” includes the application fees for UGC-funded or self-financed senior year places of Business Administration programmes.

“-“ excludes degree programmes provided by the institution.

“%” The institution does not have such figures.

“@” Application fees are only applicable for non-local applicants in this academic year.

“**” Application fees are applicable to both local and non-local applicants.

“+” As a common application arrangement is adopted for both its publicly-funded and self-financing programmes, the VTC cannot provide the figures for application fees for self-financing programmes separately.

“+” The VTC will automatically turn enrolment deposits into part of tuition fees at the beginning of the academic year regardless whether the applicants have taken up its offers.
Table 2

Estimated and Actual Intakes of Locally-accredited Self-financing Full-time Post-secondary Programmes (2012-2013 to 2014-2015 Academic Years)

<table>
<thead>
<tr>
<th>Institution</th>
<th>Sub-degree Programmes</th>
<th>Undergraduate Programmes</th>
<th>Top-up Degree Programmes</th>
<th>Estimated Intake (As at 1.10.2014)</th>
<th>Actual Intake</th>
<th>Sub-degree Programmes</th>
<th>Undergraduate Programmes</th>
<th>Top-up Degree Programmes</th>
<th>Estimated Intake (As at 1.10.2014)</th>
<th>Actual Intake</th>
<th>Sub-degree Programmes</th>
<th>Undergraduate Programmes</th>
<th>Top-up Degree Programmes</th>
<th>Estimated Intake (As at 1.10.2014)</th>
<th>Actual Intake</th>
<th>Sub-degree Programmes</th>
<th>Undergraduate Programmes</th>
<th>Top-up Degree Programmes</th>
<th>Estimated Intake (As at 1.10.2014)</th>
<th>Actual Intake</th>
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* Estimated Intake (As at 1.10.2014)
<table>
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<tr>
<th>Institution</th>
<th>2012-2013 Academic Year*</th>
<th>2013-2014 Academic Year*</th>
<th>2014-2015 Academic Year</th>
<th>Actual Intake (As at 1.10.2014)</th>
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|             | Estimated Intake | Actual Intake | Estimated Intake | Actual Intake | Estimated Intake | Top-up Degree Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate 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Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Programme | Sub-degree Programme | Undergraduate Program
### Offer of Discounts on Taxi Fares

10. **MR KWOK WAI-KEUNG** (in Chinese): President, at present, quite a number of developers of mobile applications for taxi-call services (Apps) offer, for the purpose of soliciting business, partial fare rebates to passengers using their Apps to call taxis by various means, for example, transferring cash to passengers’ bank accounts, providing cash coupons redeemable at gift redemption centres, or offering credit card spending credit rewards through partner banks. Some taxi associations have relayed to me that as the aforesaid practices employed by the developers are in effect offering fare discounts to taxi passengers, taxi drivers not using the relevant Apps are facing unfair competition. In this connection, will the Government inform this Council:

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<tr>
<th>Institution</th>
<th>2012-2013 Academic Year&lt;sup&gt;※&lt;/sup&gt;</th>
<th>2013-2014 Academic Year&lt;sup&gt;※&lt;/sup&gt;</th>
<th>2014-2015 Academic Year&lt;sup&gt;※&lt;/sup&gt;</th>
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<td>YMCA College of Careers</td>
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</table>

Notes:

- **“※”** denotes the updated figures of actual intake in the 2012-2013 and 2013-2014 academic years.
- **“-”** indicates no intake or no such programme offered.
- **“@”** no figure is provided by the institution.
(1) given that regulation 40 of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374 sub. leg. D)(the Regulations) provides that no taxi driver or person acting or purporting to act on behalf of a taxi driver shall in any manner attract or endeavour to attract any person in order to induce such person to make use of the vehicle, and regulation 57 provides that any person who without reasonable excuse contravene regulation 40 commits an offence (offence of soliciting), how the authorities define "a person acting on behalf of a taxi driver" as referred to in regulation 40, and of the criteria adopted for that; whether the aforesaid developers are persons acting on behalf of taxi drivers according to such a definition; if they are, whether the authorities have assessed if the developers have committed the offence of soliciting by offering fare rebates to taxi passengers; if the assessment outcome is in the affirmative, whether the authorities have issued warnings or instituted prosecutions against these developers; if warnings have been issued or prosecutions have been instituted, of the details; and

(2) whether it has assessed the impacts of the Apps on the operating environment of the taxi trade, and whether it will consider establishing a unified platform for taxi-call service, so as to ensure a level playing field for all taxi drivers?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, regulation 40 of the Regulations has provisions to regulate taxi "soliciting" behaviour. Under the Regulations, no taxi driver or person acting or purporting to act on behalf of a taxi driver shall in any manner attract any person in order to induce such person to make use of the vehicle. Any person convicted of such an offence is liable to a maximum fine of $10,000 and imprisonment for six months. The Police have all along been taking law-enforcement actions to combat taxi "soliciting". Meanwhile, the Transport Department (TD) seeks to raise the awareness among taxi drivers that they should abide by the law through communication with the trade and publicity and education.

The reply to the various parts of Mr KWOK Wai-keung's question is as follows:

(1) Under the Regulations, any taxi driver or person acting or purporting to act on behalf of a taxi driver who offers a fare discount on his/her own initiative to induce passengers to make use of his/her vehicle is
engaging in "soliciting" activities, irrespective of whether such arrangements are made through mobile phone applications (apps), telephone calls or other means. He/she commits an offence if there is no reasonable excuse.

The Road Traffic Ordinance (Cap. 374) and its subsidiary legislation do not provide for any express definition of the phrase "person acting or purporting to act on behalf of a taxi driver" referred to in the Regulations. According to legal advice, the brief description of the circumstances of app developers in the question alone is not sufficient to determine if they can be regarded as "persons acting on behalf of a taxi driver" under the Regulations. In handling each case of alleged contravention of regulation 40 of the Regulations, law-enforcement officers have to take into account all the evidence, including the exact arrangements between the taxi driver and the app developer and/or operator concerned, the extent of knowledge and participation of various parties involved in arranging taxi service through the use of the app concerned, and other details of the case. Whether prosecution on grounds of "soliciting" can be instituted would depend on whether there is sufficient evidence to prove that the app developer/operator or the taxi driver involved has deliberately offered a fare discount through the app to attract passengers to use taxi service. Given that the facts of individual cases may vary, consideration has to be made on a case-by-case basis. The law-enforcement authority would decide how a case is to be handled having regard to the particular facts of each case.

The TD and Police will keep a close watch on the use of taxi-hailing apps. So far, the Police have not issued any warning or instituted any prosecution on grounds of alleged use of such apps for taxi "soliciting" activities.

(2) Members of the public have all along been able to hire taxi service by phoning taxi-call stations. With the increasing popularity of smart phones and apps, the use of taxi-hailing apps is becoming more common. It is our understanding that some conventional taxi-call stations have teamed up with app developers to launch their own taxi-hailing apps. This kind of apps brings convenience to passengers and is by nature no different from the conventional way of hiring taxi service through taxi-call stations. Using taxi-hailing apps solely for hiring taxi service is not illegal in itself.
Taxi-call service has been available for years, and there are different platforms providing such service in operation. As it is purely a commercial arrangement driven by the market, the Government considers it inappropriate and has no intention to intervene. It is noted that the taxi trade have explored the possibility of establishing a unified platform for taxi-call service, but no consensus has been reached.

The TD will continue to closely monitor taxi operation, and maintain close communication with the trade to keep abreast of their operational needs and offer advice.

**Assistance Programme for Low-income Elderly People Waiting for Integrated Home Care Services**

11. **MR TANG KA-PIU** (in Chinese): President, in October 2011, the Community Care Fund (CCF) launched an assistance programme to provide low-income elderly people on the waiting list for the Integrated Home Care Services (Ordinary Cases) (ordinary case service) with a subsidy for household cleaning and escorting services for medical consultations, with a view to enabling the elderly people to maintain household hygiene and attend medical consultations as scheduled. In February last year, the authorities submitted an evaluation report on the assistance programme to the relevant committee of this Council, in which it was confirmed that the assistance programme could help the elderly beneficiaries but it needed not be incorporated into the regular subsidized services of the Government due to the low utilization of the subsidies. The CCF plans to discontinue the assistance programme at the end of this year. Some non-governmental organizations worry that the elderly people currently receiving such subsidies will suddenly lose financial support upon the discontinuation of the assistance programme. In this connection, will the Government inform this Council:

(1) of the respective numbers of elderly people who applied for and were granted the subsidies each year since the assistance programme was launched; the annual numbers of elderly people who ceased to receive the subsidies upon being provided with the ordinary case service, and the average duration for which the elderly people received the subsidies;
(2) whether the Social Welfare Department (SWD) will increase the places for the ordinary case service after the discontinuation of the assistance programme in order to cater for the needs of the elderly people currently receiving the subsidies; if it will, of the details; if not, the reasons for that; and

(3) whether the authorities will review afresh the efficacy of the assistance programme and consider continuing with the programme?

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, my reply to the question raised by Mr TANG Ka-piu is as follows:

(1) The "Subsidy for Elders who are on the Waiting List of Integrated Home Care Services (Ordinary Cases) for Household Cleaning and Escorting Services for Medical Consultations" programme (the assistance services) has been implemented since October 2011 and subsequently extended in December 2012. It aimed to provide assistance services to eligible elderly persons till December 2014 the latest. The SWD invited three rounds of applications in October 2011, May 2012 and December 2012 respectively. The respective numbers of applicants and elderly beneficiaries are set out below:

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<thead>
<tr>
<th></th>
<th>Number of applicants</th>
<th>Number of beneficiaries</th>
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<tr>
<td>October 2011</td>
<td>681</td>
<td>660</td>
</tr>
<tr>
<td>May 2012</td>
<td>430</td>
<td>416</td>
</tr>
<tr>
<td>December 2012</td>
<td>284</td>
<td>265</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>1 395</strong></td>
<td><strong>1 341</strong></td>
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As at end-October 2014, of the 1 341 elderly beneficiaries, 459 had ceased receiving the assistance services upon provision of subsidized community care services (including Integrated Home Care Services (IHCS)) after an average service period of 18 months, while 289 had ceased receiving the assistance services owing to other reasons (including withdrawal from the programme, admission to residential care service, not reapplying upon programme extension, and so on).
(2) As at end-October 2014, there were still 593 elderly beneficiaries receiving the assistance services. These beneficiaries' service needs were being reviewed by the relevant IHCS Teams (teams). If they were assessed to have priority service needs, the teams would make arrangements for their admission to the waitlisted subvented services before the end of the assistance services by the end of this year. For elderly beneficiaries with no priority service needs and choosing to continue to wait for IHCS (Ordinary Cases), the teams would arrange for them other community support services according to their individual circumstances and needs.

(3) The SWD has conducted an evaluation on the assistance services and found the application rate relatively low (less than 40% of the invited elderly persons applied). The average amount of subsidy used by each elderly beneficiary per month was only about 60% of the monthly cap, which was on the low side. Also, the operating and administrative costs of the programme were comparatively high and might cause overlapping in resources with the existing IHCS (Ordinary Cases). In the light of the above, the Government has decided not to continue this programme.

Application of Radio Frequency Identification Technology in Monitoring Food Safety

12. **MR CHARLES PETER MOK** (in Chinese): *President, the Food Safety Ordinance (Cap. 612)(the Ordinance) came into full operation in 2012. The Ordinance introduces a food tracing mechanism enabling the authorities to identify the sources of food more effectively and take prompt actions when dealing with food incidents. The food tracing mechanism includes the setting up of a registration scheme for food importers and food distributors (food traders) and a requirement for food traders to maintain food transaction records. However, some members of the public have pointed out that the recent incident of substandard edible lard from Taiwan revealed that the food tracing mechanism currently in place has failed to trace the sources and distribution of substandard lard expeditiously. In this connection, will the Government inform this Council:*
(1) whether it will consider amending the relevant legislation to require food traders to make public their records on the acquisitions and supplies of food, raw materials or ingredients, as well as establishing an electronic database on food safety, so that the authorities and consumers will have better access to information on food manufacturers or suppliers, thereby enhancing the management of food safety information in Hong Kong; if it will consider, of the details; if not, the reasons for that;

(2) given that the radio frequency identification (RFID) technology has been in use in Hong Kong for years, which government departments are currently applying the RFID technology in their provision of services; whether it has conducted any study on the application of RFID technology to enhance the efficiency of the food tracing mechanism; if it has conducted such a study, of the details; if not, the reasons for that; and

(3) whether it will allocate additional resources to assist food traders in applying the RFID technology in such areas as food testing and maintenance of transaction records?

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the Ordinance came into full operation on 1 February 2012. The Ordinance introduces a food tracing mechanism to enable the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department (FEHD) to identify the source of food effectively and take prompt action when dealing with food incidents in order to safeguard public health. The mechanism consists mainly of the following components:

(i) a registration scheme for food importers and food distributors; and

(ii) a requirement for food traders to maintain proper transaction records to enhance food traceability.

The Ordinance also empowers the Director of Food and Environmental Hygiene (DFEH) to request traders which may be affected by food incidents to submit information on the trading and use of the relevant products within the time limits set.
My reply to the question is as follows:

(1) Under sections 21 to 24 of the Ordinance, a person who, in the course of business, imports or acquires food in Hong Kong must keep records of transactions with businesses from which the food was acquired. A person who, in the course of business, supplies food by wholesale must also keep records of transactions with businesses to which the food was supplied. Those who fail to do so commit an offence and are liable to a maximum fine of $10,000 and imprisonment for three months. According to the Ordinance, food also includes articles and substances used as ingredients in the preparation of food. Food manufacturers are therefore also required to keep records of the relevant transactions when they acquire raw materials.

Under section 27 of the Ordinance, the DFEH may, for the purpose of exercising powers or performing functions under the Ordinance, require to inspect, make a copy of or take an extract from a record kept by these food traders. Section 28 of the Ordinance stipulates that the DFEH may disclose to the public any information contained in such a record if the DFEH is satisfied that public disclosure of the information is necessary for the protection of public health.

While the Ordinance does not specify a time limit for submission of such information, section 40(1) of the Interpretation and General Clauses Ordinance (Cap. 1) stipulates that "where any Ordinance confers upon any person power to do or enforce the doing of any act or thing, all such powers shall be deemed to be also conferred as are reasonably necessary to enable the person to do or enforce the doing of the act or thing". As such, the DFEH may, in requiring the person concerned to submit the information required under section 27 of the Ordinance, stipulate a reasonable time limit, which may be as short as 24 hours where necessary, having regard to different urgencies of individual cases. Thus, the DFEH is currently vested with sufficient power to require food importers or food distributors to provide transaction records within a reasonable time limit. Those who fail to submit the information to the DFEH within the specified time commit an offence and are liable to a maximum fine of $10,000 and imprisonment for three months.
In response to the substandard lard incident in Taiwan, the CFS has organized three dedicated briefing sessions. In those sessions, the CFS reminded the food trade to arrange their transaction records systematically to ensure that the relevant information may be submitted within the time frame specified by DFEH as necessary. The CFS also reminded the trade that depending on the urgency of the matter, the DEFH may require food traders to submit the records and information within a minimum of 24 hours. In addition, the CFS has liaised with the trade on enhancing the communication mechanism by requiring food importers and distributors to provide information of at least one contact person, and 24-hour contact telephone number and a mobile phone number for getting in touch with the contact person(s) during office/non-office hours in case of emergency food incidents. This will enable the CFS to make immediate contact with the relevant traders when necessary to obtain the required information, in order to safeguard food safety.

As such, the current food tracing mechanism established under the Ordinance has already enabled the CFS to trace the source and distribution of food products effectively, to assess the scale of food incidents and the movement of the food products in question accurately, as well as to trace, mark and seal the food products which may be affected, so as to prevent further sale of problem food products which may pose risk to public health. Therefore, we consider that the suggestion of requiring food traders to make public their records on the acquisition and supply of food, raw materials or ingredients will have little effect on further enhancing food safety.

As for the suggestion of establishing an electronic database on food safety, the Government, the trade and consumers can effectively obtain information on food traders at present through the Ordinance. Sections 4 and 5 of the Ordinance require any food importer/distributor to register with the DFEH as food importer/food distributor. Those who fail to do so commit an offence and are liable to a maximum fine of $50,000 and imprisonment for six months. Under section 15 of the Ordinance, for the purpose of enabling members of the public to ascertain whether a person is registered under the Ordinance as a food importer/distributor, the DFEH must make the register of registered food importers and
registered food distributors available for public inspection. To facilitate the trade and consumers to acquire information on the traders concerned, the register has been uploaded to a dedicated webpage set up by the CFS for the Ordinance <http://www.foodsafetyord.gov.hk>. It is also available for inspection at two offices managed by the CFS.

(2) and (3)

Regarding the application of RFID technology, various government departments have adopted the technology in providing services, for example the Electrical and Mechanical Services Department, the FEHD, the Department of Health, the Housing Department, the Immigration Department, the Leisure and Cultural Services Department, the Hongkong Post and the Transport Department.

On the application of RFID technology in source traceability of agricultural products, the FEHD and the Guangdong Entry-Exit Inspection and Quarantine Bureau has since 2006 launched a trial programme on identification of live pigs supplied to Hong Kong from Guangdong by means of electronic ear tags with RFID functions, with a view to strengthening the tracking of Mainland live pigs supplied to Hong Kong from source to slaughtering. After discussion, the two sides subsequently decided to explore the feasibility of extending the application of RFID technology to the tracking of live cattle supplied to Hong Kong from Guangdong and the pilot programme was launched in April 2013. The two sides will sum up the experience and then decide on the way forward for the application of RFID technology on live cattle and live pigs supplied to Hong Kong.

The Hong Kong R&D Centre for Logistics and Supply Chain Management Enabling Technologies (LSCM) established by the Innovation and Technology Commission is responsible for driving and co-ordinating applied research and development efforts and promoting commercialization in the scope of the logistics and supply chain management enabling technology areas, including RFID technology. LSCM has assisted local and the Mainland trades (including the food trade) to use RFID technology for enhancing
their competitiveness. Food traders who are interested in applying RFID technology in food testing and maintenance of transaction records may contact LSCM. LSCM will provide tailor-made research and consultative services to meet their needs.

Agreement for Supply of Dongjiang Water to Hong Kong

13. MR KENNETH LEUNG (in Chinese): President, recently, the Government reached an agreement with the Guangdong authorities for supply of Dongjiang water to Hong Kong in the next three years. While the agreement has specified an annual supply ceiling, the quantity of Dongjiang water to be imported to Hong Kong may be adjusted flexibly according to the actual need. The agreement also retains the "package deal lump sum" approach for calculating water prices adopted since 2006, under which the Government pays the annual lump sum water prices regardless of the actual quantities of Dongjiang water imported to Hong Kong. There have been comments that as the quantities of Dongjiang water imported to Hong Kong over the past years were lower than the supply ceiling specified in the agreement, it will help save public money if the calculation of water prices is based on the actual quantity of water imported. In this connection, will the Government inform this Council:

(1) of the annual quantity of Dongjiang water imported to Hong Kong and its percentage in the agreed supply ceiling since the adoption in 2006 of the package deal lump sum approach for calculating water prices;

(2) whether the authorities will reconsider discussing with the Guangdong authorities the adoption of an alternative approach for calculating water prices under which payment is based on actual supply quantity; and

(3) whether the Guangdong Investment Limited, which is responsible for water supply operation, participated in the discussion process in respect of the aforesaid agreement; if it did, of the role of the company?
SECRETARY FOR DEVELOPMENT (in Chinese): President, Hong Kong lacks natural fresh water resources. Our fresh water resources mainly come from rainfall. But the yield collected from local catchment is inadequate to meet our needs. Besides, the rainfall is unstable leading to significant fluctuation in the yield collected from catchment each year. According to the records for past 30 years, the local yield per annum ranged between 100 mcm to 360 mcm\(^{(1)}\), differing by over 200%. Dongjiang water, which now provides about 70% to 80% of our fresh water supply, is able to fill the gap arising from the inadequate local yield. Therefore, a reliable and stable Dongjiang water supply arrangement is essential to Hong Kong.

We have adopted the "package deal lump sum" approach in the Dongjiang water supply agreements since 2006, which guarantees an annual supply of Dongjiang water up to the ceiling in the supply agreements. The actual quantity of Dongjiang water imported can also be flexibly adjusted in accordance with the local yield of the year to meet our needs. Under this approach, Hong Kong is assured of an adequate fresh water supply even under drought condition with a return period of one in 100 years. We can also avoid importing Dongjiang water more than necessary in years of high yield, thereby avoiding wastage of water resources and saving pumping cost. Therefore, the "package deal lump sum" approach is well-suited to the actual situation of Hong Kong.

My reply to the three parts of the question raised by Mr Kenneth LEUNG is as follows:

(1) Since the adoption of "package deal lump sum" approach in 2006, we have been importing Dongjiang water as needed in accordance with the local yield of the year. The quantities of Dongjiang water imported to Hong Kong and their respective percentages as compared with the agreed annual supply ceiling for the period between 2006 and 2013 are shown in the table below:

<table>
<thead>
<tr>
<th>Year</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual supply ceiling in the supply agreements (in mcm)</td>
<td>820</td>
<td>820</td>
<td>820</td>
<td>820</td>
<td>820</td>
<td>820</td>
<td>820</td>
<td>820</td>
</tr>
</tbody>
</table>

(1) The average annual fresh water consumption of Hong Kong over the past 10 years (2004 to 2013) is about 950 mcm.
(2) During our discussion with the Guangdong authorities on the new water supply agreement for the next three years, we have explored the adoption of "payment on actual supply quantity" with the Guangdong side. As no annual supply quantity will be specified under this payment approach and given the keen competition for Dongjiang water from Shenzhen and some cities in Guangdong Province, the Guangdong side considers that they will have difficulty to guarantee that the water supply quantity requested by Hong Kong can be met. In particular during the drought years, as Hong Kong and Guangdong Province are under the same climatic setting (in terms of rainfall pattern, temperature, and so on), both the local yield and the quantity of Dongjiang water available for distribution will dwindle. The Guangdong side might not be able to provide adequate Dongjiang water to meet our demand. This would affect the security of the water supply of Hong Kong.

With the "payment on actual supply quantity" approach, a unit water price will need to be determined. Since there is no specified supply quantity, the Guangdong side may have to make due allowance for the uncertainty in the actual supply quantity in fixing the unit water price to ensure a reasonable income for their operation expenses and investment return. As such, Hong Kong may end up paying more under the "payment on actual supply quantity" approach than the current "package deal lump sum" approach when the demand for Dongjiang water increases during drought years.

In view of the above, we propose to retain the "package deal lump sum" approach in the new agreement.
(3) The Development Bureau and Water Supplies Department of the Government of Hong Kong Special Administrative Region are responsible for discussing the Dongjiang water supply agreement with the Department of Water Resources of the People's Government of the Guangdong Province. The Guangdong Investment Limited was not involved in the discussion.

Low Emission Zones

14. MR LEUNG YIU-CHUNG (in Chinese): President, in 2011, the Government set up pilot low emission zones (LEZs) in Causeway Bay, Central and Mong Kok and encouraged franchised bus companies to deploy, as far as possible, buses meeting Euro IV or higher emission standards (low emission buses) to ply those routes passing the pilot LEZs. According to "A Clean Air Plan for Hong Kong" issued in 2013, the authorities will set up in 2015 LEZs in the aforesaid districts that ban the entry of non-low emission buses. In this connection, will the Government inform this Council:

(1) whether it knows, among the fleets of the three major franchised bus companies (that is, Kowloon Motor Bus Company (1933) Limited (KMB), Citybus Limited (CTB) and New World First Bus Services Limited (NWFB)), the current numbers of low emission buses and their percentages in the total numbers; if it does not, of the reasons for that; whether it knows the timetables of these companies for replacing all their buses with low emission ones;

(2) whether it knows, among the buses currently deployed to ply the routes passing the pilot LEZs, the number of low emission buses and its percentage in the total number; if it does not, of the reasons for that; whether it has assessed the effectiveness of the setting up of pilot LEZs in reducing air pollution; and

(3) given that only non-low emission franchised buses will be banned from entering the LEZs which the authorities have planned to set up next year, whether the authorities will consider banning non-low emission vehicles of other categories (such as highly polluting commercial diesel vehicles) from entering the LEZs; if they will, of the implementation timetable; if not, the reasons for that?
SECRETARY FOR THE ENVIRONMENT (in Chinese): President, franchised buses account for up to 40% of the traffic volume on the busy roads in Central, Causeway Bay and Mong Kok. Therefore, the establishment of LEZs for buses can help improve roadside air quality and protect public health.

In the 2010-2011 Policy Address, the Government announced the setting up of pilot LEZs in Causeway Bay, Central and Mong Kok and encouraged franchised bus companies to deploy, as far as possible, low emission buses (meeting Euro IV or higher emission standards or Euro II and III buses retrofitted with selective catalytic reduction devices (SCRs) and diesel particulates filters (DPFs)) to ply those routes passing the pilot LEZs. Our target is to have, by the end of 2015, only low emission buses travelling on LEZs.

With respect to the questions raised by Mr LEUNG Yiu-chung, our reply is as follows:

(1) As at end of September 2014, the bus fleet of the KMB, CTB and NWFB had a total of 5 529 buses, 1 705 of them were low emission buses, accounting for about 30% of the total. The details are as follows:

<table>
<thead>
<tr>
<th>Bus company</th>
<th>Number of buses in the fleet</th>
<th>Number of low emission buses</th>
<th>Percentage of low emission buses in the fleet (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>KMB</td>
<td>3 855</td>
<td>956</td>
<td>25</td>
</tr>
<tr>
<td>CTB</td>
<td>960</td>
<td>552</td>
<td>58</td>
</tr>
<tr>
<td>NWFB</td>
<td>714</td>
<td>197</td>
<td>28</td>
</tr>
<tr>
<td>Total</td>
<td>5 529</td>
<td>1 705</td>
<td>31</td>
</tr>
</tbody>
</table>

The franchised bus companies have to use buses of less than 18 years old to provide franchised bus services. All pre-Euro buses have already been retired and all Euro I buses will be retired by 2015. Franchised bus companies are replacing these buses by new ones. For Euro II and III buses, the franchised bus companies are expediting the work on retrofitting them with SCRs and DPFs such
that it can be completed by end of 2016 to upgrade their emission performance to that of Euro IV or above level. By then, there will only be about 440 Euro II and 470 Euro III buses which do not meet the retrofitting criteria and they will also be retired before 2019 and 2026 respectively.

(2) As at end of August 2014, there were about 1 100 low emission buses running past the three LEZs which was about 46% of the total. If all the franchised buses that ply the routes passing the LEZs were low emission buses, the amount of respirable suspended particulates and nitrogen oxides emitted from vehicles within the zones could be reduced by about 20% and 35% respectively.

The KMB has estimated that it can complete deployment of its low emission buses within the LEZs before end of 2015. According to the latest estimate by the CTB and the NWFB, due to the possible delay of the new rail lines on Hong Kong Island, the slower than expected implementation of bus route rationalization and the increase in demand for low emission buses in other districts, only about 87% of the buses in LEZs will be low emission buses by end 2015 and they will be able to meet the target by the third quarter of 2016. We are examining with the CTB and the NWFB all possible alternatives for achieving the LEZ target the soonest possible.

(3) We do not have any plan to ban non-low emission vehicles of other categories from entering the LEZs. The franchised buses account for up to 40% of the traffic volume on the busy roads in Central, Causeway Bay and Mong Kok. As the Government has rolled out in March this year an ex-gratia payment scheme for phasing out pre-Euro IV diesel commercial vehicles that include lorries, light buses and non-franchised buses, all these vehicles will also be phased out progressively before 2020.
Independent Police Complaints Council

15. PROF JOSEPH LEE (in Chinese): President, the Independent Police Complaints Council Ordinance (Cap. 604) (the Ordinance) came into operation on 1 June 2009 and the then existing Independent Police Complaints Council (IPCC) was also incorporated into a statutory body on the same day, with its Chinese name changed. The functions of the IPCC are to ensure that complaints against the Police are handled in a fair, impartial, effective and transparent manner, and to advise on improvement to police procedures to enhance service quality and public accountability. In this connection, will the Government inform this Council:

(1) given that section 8(1)(c) of the Ordinance provides that the IPCC may identify any fault or deficiency in any practice or procedure adopted by the Police Force that has led to or might lead to reportable complaints, and make recommendations (as the IPCC considers appropriate) to the Commissioner of Police (Commissioner) or the Chief Executive or both of them in respect of such practice or procedure, whether it knows, since the establishment of the statutory IPCC, the situations under which the aforesaid provision was invoked to identify the related faults or deficiencies, as well as the number of times in which recommendations were made to the Commissioner or the Chief Executive under that provision and the details of such recommendations; whether there were recommendations not accepted by the Commissioner; if so, of the reasons for the recommendations not being accepted;

(2) if it knows (i) the procedures adopted by the IPCC for examining the practice or procedure of the Police Force in accordance with the aforesaid provision (for example, site inspections and interviews with the officers concerned, and so on) and the number of times for which each of these procedures was adopted, and (ii) whether the IPCC has encountered difficulties in adopting such procedures; if the IPCC has encountered difficulties, of the details and the reasons for that;
(3) given that section 20 of the Ordinance provides that the IPCC may, at any time after an investigation report has been submitted by the Commissioner under section 17 of the Ordinance, interview the person(s) concerned for the purpose of considering the report, whether it knows, since the establishment of the statutory IPCC, if any police officer (including complainees or witnesses, and so on) has refused to be interviewed by the IPCC; if so, of the relevant figures and reasons for refusal, and whether the authorities will consider relaying such situations to the Commissioner and requesting improvement; if they will, the details; if they will not, the reasons for that; and

(4) given an upward trend in the number of complaints against the Police recently, whether the authorities have plans to enhance the image of the IPCC and promote public awareness of the IPCC in order to enhance its recognition, so that the IPCC can monitor the Police more effectively; if they have such plans, of the details?

SECRETARY FOR SECURITY (in Chinese): President, with the enactment of the Ordinance on 1 June 2009, the IPCC came into operation as an independent statutory body on the same day. Its daily operation, manpower arrangement and financial management are totally independent of the Government. There is a separate head of expenditure for the IPCC (Head 121) in the Government's Estimates, with the Secretary-General of the IPCC as the Controlling Officer. Since 2009, the Government has provided the IPCC with additional annual resources and additional posts for the IPCC's better discharge of its statutory function of monitoring the Police in their handling of complaints.

The Ordinance provides expressly a legal basis for a two-tier police complaints handling system. While specifying the functions, power and operation of the IPCC under the above system, the Ordinance stipulates that the Police shall provide necessary assistance to the IPCC and comply with the requirements set by the IPCC under the Ordinance.

The Administration's reply to Prof Joseph LEE's question is as follows:
(1) and (2)

The Complaints Against Police Office (CAPO) has submitted over 15,000 investigation reports on reportable complaints to the IPCC for examination since the latter's inception as a statutory body in June 2009. In the process of examining and endorsing investigations into reportable complaints, the IPCC has from time to time, made recommendations on deficiency in practice or procedure adopted by the Police that, in its view, has led to or might lead to reportable complaints. For the purpose of complaint prevention and continuous enhancement of police service quality, the CAPO studies and follows up all advice provided by the IPCC, and accepts recommendations that may help improve the Force's practice, procedures and service quality, such as procedures for issuing illegal parking tickets and handling found property containing personal data, modification of procedures in notifying victims of traffic accidents for progress of the case and court hearing, installation of telephones with recording system in report rooms, and upgrading of close circuit television systems at police stations. For certain recommendations involving greater complexity or different police units, other departments or organizations, for example, cases concerning notification and investigation of cash missing from ATM and arrangements for Police to interview persons still under their custody in hospital, the CAPO needs a longer time for in-depth deliberation with the IPCC, relevant police units and other departments or organizations. Advice of the Department of Justice may also be sought where necessary. The CAPO does not have any statistics on the number of recommendations made by the IPCC under section 8(1)(c) of the Ordinance, nor does it have any statistical data relating to the particulars of such recommendations.

(3) According to the CAPO, a total of 32 police officers were invited by the IPCC for interviews from June 2009 to October 2014 during its examination of the investigation reports on reportable complaints submitted by the CAPO. Among them, 27 attended the interviews, whereas five were not subsequently interviewed by the IPCC. Of those five officers, two were complainees whom the IPCC, after interviewing the complainants of the cases concerned, had decided that no further interviews were necessary. The other three were
invited to be witnesses, of whom two had left the Force before the IPCC extended its invitations. As regards the remaining officer, since his testimony was similar to that of another officer who the IPCC had intended to interview, the IPCC eventually decided to meet with the latter only.

(4) Annual figures of reportable complaint cases received by the CAPO between 2009 and 2013 were as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases</td>
<td>4,231</td>
<td>3,271</td>
<td>2,762</td>
<td>2,373</td>
<td>2,421</td>
</tr>
</tbody>
</table>

We understand that, the IPCC, since its inception, has been deploying resources to enhance public awareness of its functions and public confidence in the two-tier police complaints handling system. A Publicity and Survey Committee was set up under the IPCC to examine and advise on the IPCC's publicity programmes. We note that in recent years the IPCC has been committed to strengthening liaison with various stakeholders and augmenting public awareness of its role through videos and mini television series, the IPCC Quarterly Newsletters, and media conferences.

**Police's Purchase and Use etc. of Arms**

16. **DR KWOK KA-KI** (in Chinese): President, it was reported in the press on 28 October this year that the Police had purchased arms totalling £1.4 billion from the United Kingdom since 2008. Regarding the Police's purchase and use etc. of arms, will the Government inform this Council:

(1) of the countries other than the United Kingdom from which the Police purchased arms in the past five years, and the criteria for choosing suppliers of arms;
(2) of the quantity, expenditure involved, closing inventory and usage of the various types of arms purchased by the Police each year from 2010 till the end of October this year, and set out such information in tables of the same format as Table 1;

Table 1

<table>
<thead>
<tr>
<th>Year</th>
<th>Type of arms</th>
<th>Quantity purchased</th>
<th>Expenditure involved</th>
<th>Closing inventory</th>
<th>Usage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sniper rifle</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Assault rifle</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Machine gun</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rifle</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Semi-automatic pistol</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>General purpose machine gun</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Submachine gun</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Tear gas round</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(3) of the respective specific criteria adopted by the Police for deciding the purchase quantity and inventory level of the arms mentioned in part (2);

(4) of the guidelines issued by the Police to police officers on the use of the arms mentioned in part (2), and the lowest ranks of the police officers who are authorized to approve the use of such arms respectively, and set out such information in Table 2;

Table 2

<table>
<thead>
<tr>
<th>Type of arms</th>
<th>Guidelines on the use of arms</th>
<th>Lowest rank of police officers authorized to approve the use of arms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sniper rifle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault rifle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Machine gun</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rifle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semi-automatic pistol</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
of the specific occasions on which police officers used the arms mentioned in part (2) in the past five years and the respective casualties inflicted by the use of such arms, and set out such information in Table 3;

Table 3

<table>
<thead>
<tr>
<th>Type of arms</th>
<th>Specific occasions on which arms were used</th>
<th>Casualties inflicted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sniper rifle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault rifle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Machine gun</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rifle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semi-automatic pistol</td>
<td></td>
<td></td>
</tr>
<tr>
<td>General purpose machine gun</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Submachine gun</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tear gas round</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

of the details of the complaints received by the Police in the past five years about police officers' use of the arms mentioned in part (2), including (i) the number of complaints, (ii) the number of cases substantiated among these complaints, (iii) the number of police officers involved, and (iv) the number of police officers who were disciplined for misuse of arms, and set out such information in Table 4; and
Table 4

<table>
<thead>
<tr>
<th>Type of arms</th>
<th>(i)</th>
<th>(ii)</th>
<th>(iii)</th>
<th>(iv)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sniper rifle</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assault rifle</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Machine gun</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rifle</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Semi-automatic pistol</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General purpose machine gun</td>
<td></td>
<td></td>
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<tr>
<td>Submachine gun</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tear gas round</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(7) whether the Police will review the guidelines or codes on the use of arms to ensure that the arms mentioned in part (2) will not be abused as well as to reduce the casualties inflicted by the use of such arms; if they will, of the timetable?

SECRETARY FOR SECURITY (in Chinese): President, the Administration's reply to Dr KWOK Ka-ki's question is as follows:

(1) to (3)

The Police procure suitable equipment for operational needs. In accordance with the established government procurement procedures, the Police invite tenders through appropriate tender process. All tenders are subject to detailed assessment against a marking scheme, under which the one meeting all the requirements with the highest mark will be accepted.

Details, expenditure breakdown, purchase quantity, inventory level and utilization rate with respect to the Police's procurement of various types of weapon are not to be disclosed as such data are part of particulars of their operational deployment.

(4) According to section 10 of the Police Force Ordinance (Cap. 232), the Police have the responsibility to adopt lawful measures to maintain public safety and public order, as well as to safeguard life and property. On occasions where an act causing danger to others is occurring or is about to occur, the Police shall assess the circumstances on the scene and exercise professional judgment for appropriate actions, which include using the minimum force required.
There are strict police guidelines for the use of force in that the force to be used shall be the minimum force necessary for achieving a lawful purpose. The equipment issued to police officers of different posts, including different types of arms, varies with operational needs. Field commanders shall, having made a professional assessment and judgment of the force that should be used, decide on the appropriate force to be used in the light of the overall circumstances and operational needs at the material time. Before using force, police officers shall, when circumstances permit, give warning of their intention to use force. The person(s) involved shall be given every opportunity, whenever practicable, to obey police orders. Police officers exercise a high level of restraint at all times in the use of force, which shall cease once the purpose has been achieved.

(5) According to Police records, in the past five years, some of the arms mentioned in Table 3 of the question were used by the Police in two operations, namely an arrest operation in Kai Ching Estate, Kowloon Bay on 1 June 2014 and an anti-theft-of-vehicle operation in Tuen Mun on 10 July 2010. No casualties were inflicted by the firing of bullets from the arms used in these two operations.

When handling the violent and organized charging launched by a large number of protesters on Hong Kong Island on 28 September 2014, the Police used oleoresin capsicum (OC) foam to stop the protesters' violent acts as Police's repeated advice and warnings were given in vain. On that day, quite a number of protesters were equipped with such gear as goggles, face masks, umbrellas and cling film for eye and body protection, rendering the use of OC foam not being able to achieve the effect of counteracting the charging of the crowd. To prevent the situation from getting further out of control, the Police had no alternative but to use tear gas to put an immediate halt to the violent charging acts staged by the protesters, to create a safe distance from the protesters and to stop any acts that might threaten public safety and public order.

(6) The Police do not maintain statistics on complaint cases about the use of arms by police officers.
As at 10 November, Complaints Against Police Office (CAPO) received complaints from a total of 1,362 members of the public about Police's handling of "Occupy Central". These complaints are now being processed. CAPO shall handle the allegations in a fair and impartial manner under the established procedures, and shall submit investigation reports on reportable complaints to the Independent Police Complaints Council (IPCC) for examination in accordance with the statutory requirements under the IPCC Ordinance.

(7) The Police shall review in a timely manner their training and guidelines on the use of force to ensure police officers' safe and effective discharge of duties.

Installation of Onshore Power Supply Facilities at Kai Tak Cruise Terminal

17. **MR LEUNG YIU-CHUNG** (in Chinese): President, according to the 2012 Air Pollutant Emission Inventory compiled by the Environmental Protection Department (EPD), navigation is one of the major sources of air pollutants in Hong Kong. Following the commissioning of the Kai Tak Cruise Terminal (the Terminal) in June last year, some environmental groups and members of the public are concerned that the pollutants emitted by cruise vessels at berth will affect air quality and pose health hazards to the public. At four different meetings held by the Panel on Economic Development of this Council last year, various members expressed concern about the need for the Government to promptly install onshore power supply (OPS) facilities at the Terminal to reduce the air pollution generated by berthing cruise vessels. In this connection, will the Government inform this Council:

(1) as the EPD indicated last year that it had commissioned the Electrical and Mechanical Services Department (EMSD) to undertake a technical feasibility study on the installation of OPS facilities at the Terminal and the study is expected to be completed by the middle of this year, of the latest progress of the study, and whether the EMSD can publish the study report by the end of this year; if it can, of the follow-up actions the authorities will take; if not, the reasons for that; and

(2) whether it has set a timetable for the installation of OPS facilities at the Terminal; if it has, of the details; if not, the reasons for that?
SECRETARY FOR THE ENVIRONMENT (in Chinese): President, the EPD entrusted the EMSD to engage a consultant to study the technical feasibility of installing OPS facilities at the Terminal in November 2013. The consultant submitted the draft report to the EPD in July 2014. The EPD and the relevant departments are examining the findings of the study and considering the relevant factors for installing OPS so as to formulate the work plan. These relevant factors include the technical details and preliminary design of OPS installation, capital and operating costs, implementation programme and time frame, environmental benefits, the latest worldwide development of OPS including in Asian Pacific region, cruise liners' position on using OPS, and the development of other marine emission control technologies, and so on. We expect to report to the relevant panels of the Legislative Council on the findings and recommendations in the first half of 2015.

At present, there is no cruise terminal providing OPS in Asian Pacific region. Only a small number of cruise vessels are equipped with OPS facilities worldwide, which mainly operate in routes in the North America. To reduce air pollution from ocean-going vessels (OGVs), besides studying the feasibility of installing OPS in Kai Tak Cruise Terminal, we are drafting a regulation to require OGVs (including cruise vessels) to switch to low sulphur fuel (with sulphur content not exceeding 0.5%) while at berth in Hong Kong. We expect to table the relevant regulation to the Legislative Council for vetting in 2015.

Impact of Road Occupation on Securities Markets

18. MR JAMES TIEN (in Chinese): President, it has been reported that since the occurrence of the road occupation movement (the occupation movement) on 28 September this year, there were some unusual fluctuations in the securities market of Hong Kong, including a significant drop in the Hang Seng Index (HSI) and the more active trading activities to build stock index futures positions, and so on. The reports have further pointed out that foreign hedge funds and local individuals participating in the occupation movement had seized the opportunity to make profit by block sale of index futures contracts. In this connection, will the Government inform this Council:
(1) whether the authorities concerned have conducted an investigation into the aforesaid fluctuations in the securities market; if they have, of the methods and outcome of such investigation; if not, the reasons for that;

(2) in the light of the involvement of foreign-funded institutions or local individuals participating in the occupation movement in the aforesaid profit-making acts, how the authorities prevent market manipulation and avoid the recurrence of substantial fluctuations in the securities market due to such acts;

(3) given that the Financial Secretary remarked in his blog in August this year that "the multitude of complicated and entangled risk factors (which by themselves cannot be tackled easily), if combined with political instability locally, may trigger a perfect financial and economic storm and open up the opportunities for international speculators, with consequences too ghastly to contemplate", whether the authorities have assessed the likelihood of Hong Kong being attacked by international speculators at present; if they have, of the details; if not, the reasons for that; and

(4) whether it has assessed the impact of the occupation movement on the launch time and specific arrangements of the Shanghai-Hong Kong Stock Connect as well as the credit ratings of Hong Kong; if it has, of the details; if not, the reasons for that?

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

(1) and (2)

Hong Kong has a robust regulatory framework for short selling. Aside from prohibiting naked short selling and imposing an uptick requirement to prevent short sales of securities at successively lower prices, a statutory short position reporting regime was also introduced in June 2012 to enhance the Securities and Futures Commission (SFC)'s monitoring of short selling activities in the market.
The SFC has been monitoring closely trading activities of the cash market, particularly short selling activities, as well as trading activities and open interests of the derivatives market, so as to assess the potential systemic risks and detect any market misconduct.

The SFC is not aware of any significant abnormalities so far. According to the SFC's analysis, in October, the average daily open interests of the HSI and Hang Seng China Enterprises Index futures were 122 400 and 212 766 contracts respectively, which were comparable with the average daily open interest levels during the period between January and September (that is, 124 420 and 231 113 contracts respectively). The SFC is not aware of any signs of concentration or build-up of large positions in the futures markets.

(3) In the past month or so, together with the financial regulators, we have been monitoring closely the financial market situation and taken relevant measures to minimize the impact of the protests on the financial system. Generally speaking, Hong Kong's financial system, including the banking system, stock market and foreign exchange market, and so on, have been functioning in a normal and orderly manner. The linked exchange rate system is robust, interest rates remain steady. However, any prolonged protests would give rise to more evident impact on Hong Kong, and social instability may affect the confidence of local and overseas investors. We will, together with the financial regulators, continue to monitor closely the financial market situation, and take appropriate measures as and when necessary.

(4) On 10 November 2014, the China Securities Regulatory Commission and the SFC issued a joint announcement on their approval of the official launch of the Shanghai-Hong Kong Stock Connect on 17 November 2014. The Shanghai-Hong Kong Stock Connect is a mutually beneficial collaboration project. Through enhancing mutual stock market access between Hong Kong and Shanghai, the programme promotes the gradual opening up of the Mainland's capital accounts as well as the internationalization of Renminbi (RMB). The collaboration project will reinforce Hong Kong's position as a premier international financial centre and also strengthen Hong Kong's role as an offshore RMB business centre.
Regarding whether the protests will affect Hong Kong's credit ratings, we note that the credit rating agencies generally consider that the immediate impact of the protests on Hong Kong's economic and financial systems to be minimal. However, any prolonged protests would inevitably affect the confidence of local and overseas investors, which would in turn cause negative impact on Hong Kong's economic prospects, thereby creating downward pressure on the ratings of Hong Kong over the longer term.

The credit rating agencies maintained the credit ratings of Hong Kong in their reports published in October. Together with the financial regulators, we will continue to maintain close dialogues with credit rating agencies to ensure that they maintain a balanced and objective assessment on Hong Kong's credit ratings.

Provision of Basic Living Facilities to Residents in Remote Areas

19. **DR ELIZABETH QUAT** (in Chinese): President, some residents of villages have relayed to me that some villages located in remote areas are not provided with basic living facilities at present. For example, since Wo Liu Village in Sai Kung is not provided with emergency vehicular access (EVA), residents of that village have to carry sick elderly on their back and walk out of the village to seek medical treatment; also, since there is no treated water supply in Mui Tsz Lam in Sha Tin, residents of that village have to fetch water from nearby streams every day during dry seasons for domestic consumption. The residents of such villages hold the view that the Government is duty bound to provide members of the public with basic living facilities such as emergency rescue service and treated water supply, and so on, and that it should not refuse to provide such facilities on grounds of cost effectiveness issues. In this connection, will the Government inform this Council:

  (1) of the respective current numbers of villages not provided with EVA and those without treated water supply, as well as the names of these villages;

  (2) whether it has plans to construct EVAs and provide treated water for the villages mentioned in part (1); if it does, of the details; if not, the reasons for that; and
(3) **as some villages are currently located within country parks or conservation areas, and certain works relating to rural basic living facilities (such as the construction of vehicular access) are prohibited by law, whether the Government will amend the relevant legislation so that the residents of such villages may be provided with basic living facilities on the premise that no ecological impact will be caused; if it will, of the details; if not, the reasons for that?**

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, my consolidated response, in consultation with the relevant bureau and departments including the Environment Bureau, the Home Affairs Department (HAD), the Lands Department (LandsD) and the Planning Department (PlanD), is as follows:

According to the Building (Planning) Regulations (Cap. 123F) ("B(P)R"), every building shall be provided with an EVA, the design and construction of which shall be compatible with the relevant requirements. Notwithstanding this, according to the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) ("BO(ANT)O"), New Territories Exempted Houses (NTEHs) are not subject to the control of certain provisions of the Buildings Ordinance (Cap. 123) ("BO") as well as the regulations enacted under BO (including the EVA requirements as stipulated in B(P)R as mentioned above). According to BO(ANT)O, NTEHs generally shall not exceed 65.03 sq m (700 sq ft) in roofed-over area, three storeys and 8.23 m (27 feet) in height.

Under the abovementioned legal framework, the Government sets out the administrative arrangements pertaining to the EVA and other fire safety facilities requirements through the "New Territories Exempted Houses — A Guide to Fire Safety Requirements". These arrangements were introduced in 1997 and modified in 2001 and 2006 having consulted the Heung Yee Kuk as well as relevant departments including the LandsD, the PlanD, the HAD and the Fire Services Department (FSD). The relevant existing arrangements are as follows:

(a) If an NTEH application site is located less than 30 m away from an existing EVA, or if a cluster of fewer than 10 houses (including the application site) is located within a radius of 30 m from the application site, provision of an EVA is not required;
(b) If a cluster of 10 or more houses (including the application site) are located within a radius of 30 m from an NTEH application site, the applicant should consider ways to provide an EVA to the application site;

(c) Where an EVA cannot be provided because of geographical constraints or problems with private land ownership, the applicant must implement one of the following fire safety alternatives:

(i) Automatic sprinkler installation; or

(ii) Fire detection system and hose reel system (applicable if there is no fire separation between floors of the three-storey NTEH); or

(iii) Fire detection system and fire extinguisher on each floor of the NTEH (applicable if there is fire separation between floors of the three-storey NTEH).

If the applicant opts for fire safety alternatives (ii) or (iii) above, he or his representative is required to attend a fire safety training course arranged by the FSD.

On the planning side, when formulating area layout plans, the PlanD would consult relevant Government departments and include in the plans suitable village supporting facilities, including EVAs, so as to tie in with the development of individual rural areas.

As regards the aspect of the provision of village roads, the HAD would consider initiating a project under its minor works programme if the department has received a suggestion, and if situation permits and the suggestion is technically feasible.

On the provision of treated water asked by the Honourable Member, remote villages without supply of treated water at present make use of water from streams or wells for daily use. These raw water supply systems have been in use for many years, and the quality of raw water is being regularly monitored by the Food and Environmental Hygiene Department. If necessary, the department would erect appropriate warning signs to remind villagers to boil the water before drinking. In the event of a dry out of such water sources, the Government would render suitable assistance to help villagers meet their water usage needs.
I reply to the various parts of the question as follows:

(1) Villages within the territory of Hong Kong can be recognized villages under the New Territories Small House Policy; they can also be villages by gradual settlement of communities over a period of time. Given that some of the villages are located in remote and sparsely populated areas or have geographical constraints, not every village is reached by vehicular access. The Government does not keep statistics on the number of villages not provided with EVAs or village roads.

There are at present 24 villages without treated water supply. Amongst them, the treated water supply works for four villages in the Southern District of Hong Kong Island commenced in September this year, and are expected to complete in 2016. The number of remote villages without treated water supply would then be reduced to 20, as tabulated at Annex.

(2) As previously mentioned, if a building is required under B(P)R to provide an EVA, the relevant building owners shall comply with the relevant requirements. Where exemption is given under BO(ANT)O, according to the existing administrative arrangements, if the NTEH application is more than 30 m away from an existing EVA, and if a cluster of 10 or more houses (including the house under application) is located within a radius of 30 m from the application site, the applicant should take steps to provide the site with an EVA. Where an EVA cannot be provided due to constraints arising from matters such as geographical or private land ownership issues, the applicant will have to implement fire safety alternatives.

Regarding supply of treated water, some of the remote villages without treated water supply are sparsely populated and are far away from the existing water supply network. If treated water supply system were to be provided for these remote villages, the low water consumption will cause stagnant water inside the water mains, leading to the deterioration of water quality. Moreover, the high per-capita capital cost for the provision of treated water supply facilities for these remote villages will need to be considered.
The Government always concerns about and keeps under regular review the water supply in the remote villages. In the past 10 years, the Government completed treated water supply systems for 18 remote villages. We will continue to conduct the review on a regular basis. Should the Government decide to provide treated water supply for these remote villages in future, we will submit funding applications in accordance with the prevailing procedures for the implementation of the treated water supply systems.

(3) From time to time, the Government or relevant organizations would construct infrastructural facilities relevant to peoples' livelihood, such as footpaths, water pipes, electricity cables, telephone lines, and so on. If these construction works require land-related approvals, the relevant government departments or organizations shall apply to District Lands Offices (DLOs) for the related licence or land allocation approvals. If these works are to take place within Country Parks, then the consent of the Country and Marine Parks Authority must first be sought. In processing the relevant applications, DLOs would consult the Agriculture, Fisheries and Conservation Department (AFCD) as well as other relevant departments. The AFCD would consider the necessity of the projects and the possible impact on the natural environment and put forward suggestions on measures mitigating such impact with a view to catering for the considerations of the needs for the people's livelihood and nature conservation. We consider that the present application procedure and approval process is working effectively.

As regards areas zoned "Conservation Area" on statutory plans prepared under the Town Planning Ordinance (Cap. 131), according to the Notes of the statutory plans, geotechnical works, local public works, road works, sewerage works, drainage works, environmental improvement works, waterworks and such other public works co-ordinated or implemented by the Government in areas covered by statutory plans are always permitted and do not require any planning permission. Relevant works departments can provide the required supporting facilities serving local needs.
Remote villages without treated water supply

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<tr>
<th>District Council</th>
<th>Name of Village</th>
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<td>Tai Po</td>
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<td>Tsuen Wan</td>
<td>Luk Keng (Lantau)</td>
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<td>Tai Chuen (Northeast Lantau)</td>
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<td>Islands</td>
<td>Tso Wan (Northeast Lantau)</td>
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<td></td>
<td>Tai Long (South Lantau)</td>
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<td>Po Toi Island</td>
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<td>Fan Lau (West Lantau)</td>
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<td>Yi O (West Lantau)</td>
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<td>Upper Wong Lung Hang</td>
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<td>Mui Tsz Lam</td>
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<td>Tuen Mun</td>
<td>Tin Fu Tsai</td>
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<td>Sai Kung</td>
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<td>Southern</td>
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<td>Ngan Hang*</td>
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<td>Lan Nai Wan*</td>
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Note:

* Construction works for the treated water supply system for these villages commenced in September this year, and are expected to complete in 2016.
Shortage of Healthcare Personnel in North Lantau Hospital

20. MS EMILY LAU (in Chinese): President, some Tung Chung residents have relayed to me that since the commissioning of the North Lantau Hospital (NLH) last year, there has all along been a shortage of healthcare personnel in NLH. One of the causes is that NLH is located far away from other residential areas, and the Hospital Authority (HA) has not provided travel allowances to those staff members who have to travel long distance to work at NLH, resulting in healthcare personnel unwilling to work at NLH. In this connection, will the executive authorities inform this Council whether they know:

(1) the shortage of healthcare personnel in various specialties since the commissioning of NLH, and if there have been occasions where service demand cannot be met or new services cannot be launched as scheduled due to a shortage of healthcare personnel; if so, of the details; and

(2) if the HA will consider providing travel allowances or other incentives to its staff members who are not residing in Tung Chung district, so as to attract them to work at NLH; if the HA will, of the details; if it will not, the reasons for that?

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the North Lantau Hospital (NLTH) has come into operation in phases since September 2013. My reply to the various parts of the question is as follows:

(1) At present, the NLTH provides 24-hour Accident and Emergency service, in-patient service, day procedures, day rehabilitation service, specialist out-patient service (including medicine, surgery, orthopaedics and traumatology, and psychiatry), a community health centre, allied health service, community nursing service, geriatric outreach service and psychiatric outreach service. Pharmacy, diagnostic radiology and pathology services are also provided. These services have been launched as planned.

To cope with the service development of the NLTH, the HA is carrying out its recruitment plan and good progress has been made. As at September 2014, the HA has employed 327 staff members for
the NLTH, including 31 doctors and 79 nurses. Various measures have also been implemented to attract healthcare personnel to join the hospital. For example, briefing sessions were held at hospitals in the cluster to enhance staff’s understanding of the NLTH. A number of job fairs targeting local residents were organized, and recruitment advertisements were posted in nearby housing estates to attract more residents of the district to join the NLTH team. Moreover, the HA has an established mechanism to review the remuneration and benefits of staff. Training and development opportunities are also provided to attract and retain staff.

(2) The NLTH is about 1.3 km (approximately 15-minute walk) from the Tung Chung MTR Station. It is easily accessible by buses from different districts of Hong Kong and Kowloon. Currently, some staff members of the NLTH are residing in Tung Chung, Tsing Yi and other nearby areas.

The HA is maintaining close liaison with the Transport Department and the Islands District Council to explore the feasibility for setting up minibus service for directly reaching the hospital. This will facilitate access to the hospital by staff members living in other districts and attract more interested citizens to join the NLTH team.

The HA will continue to keep in view the service demand of the district and maintain close contact with relevant stakeholders for continuous expansion of services in phases after considering such factors as service demand, resources and manpower supply.

**Combatting Parallel Trading Activities**

21. **MR CHAN HAK-KAN** (in Chinese): *President, in recent years, it has often been reported that parallel trading activities have caused nuisance to residents in the North District. Recently, some residents in the North District have relayed to me that parallel traders use public transport (such as taxis, public light buses (PLBs) and cross-boundary coaches) to carry goods, causing inconvenience to other passengers. Regarding operations to combat parallel trading activities, will the Government inform this Council:*
(1) as section 41(1) of the Road Traffic (Public Service Vehicles) Regulations (Cap. 374, sub. leg. D) (the Regulations) stipulate that no goods other than personal hand baggage shall be carried on a public bus, PLB or taxi, whether the authorities took law-enforcement actions under this provision in the past three years; if they did, of the number of prosecutions made for each class of vehicles;

(2) given that the Regulations do not impose a limit on the size of baggage that may be carried by a PLB passenger, whether the authorities will examine amending the Regulations in this respect, so as to prevent parallel traders from using PLBs to carry goods;

(3) whether it has carried out inter-departmental joint operations to combat parallel trading activities which are carried out with the use of public transport;

(4) given that many people carry out parallel trading activities via the Lok Ma Chau Control Point and the Lok Ma Chau Spur Line Control Point at present, whether the authorities have stepped up, in collaboration with the law-enforcement agencies (LEAs) on the Mainland, efforts in combating parallel trading activities carried out via those control points (such as requesting the Mainland authorities to strengthen the deployment of the "flashing system", which was introduced earlier, for the examination of frequent travellers);

(5) of the details of the anti-illegal employment operations jointly mounted by the Immigration Department and the Hong Kong Police Force last year, (that is, the operations codenamed "Windsand"), including (i) the number of operations conducted; (ii) the number of persons arrested for suspected involvement in parallel trading activities (with a breakdown by whether the arrested persons were foreigners, Hong Kong residents or Mainlanders); (iii) the relevant number of prosecutions made; and (iv) the highest/lowest penalties imposed on the convicted persons; and

(6) given that parallel trading activities have caused problems such as obstruction and nuisance, whether the authorities have stepped up patrol and enforcement actions at black spots of parallel trading
activities under the relevant ordinances (including the Public Health and Municipal Services Ordinance (Cap. 132), the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) and the Summary Offences Ordinance (Cap. 228))?

SECRETARY FOR SECURITY (in Chinese): President, Mr CHAN’s question involves the policy purview of the Security Bureau, the Food and Health Bureau and the Transport and Housing Bureau. The Administration's consolidated reply is as follows:

(1) If the Transport Department receives complaints on alleged illegal carriage of goods on public buses, PLBs or taxis, it will refer such cases to the Police for follow-up actions. In the past three years, the Police prosecuted one driver under the Regulations for carriage of goods using a taxi. No prosecution was initiated against any driver of public buses or PLBs.

(2) The Regulations has already stipulated that no goods other than personal hand baggage shall be carried on PLBs. Offenders are liable on conviction to a fine of $2,000. The Regulations also provides that PLB passengers shall not bring any article onto the PLB without the permission of the driver. If necessary, PLB drivers and operators may contact the Police for assistance. Offenders are liable on conviction to a fine of $3,000 and imprisonment for six months.

Given that the carriage of articles by PLB passengers is already regulated under the Regulations, and that PLB drivers have the power to refuse boarding by PLB passengers carrying articles that may affect others or to order such passengers to leave their vehicles, the Government considers legislative amendment not necessary.

(3) to (6)

The Government is very concerned about the nuisance caused by parallel trading activities to the daily lives of residents. The LEAs have been implementing a series of countermeasures.
In 2013, the Immigration Department and the Police jointly mounted a total of 55 operations in North District (including Sheung Shui and Lok Ma Chau), and arrested 594 Mainland visitors who were suspected of breaching their conditions of stay by involving in parallel trading activities and four Hong Kong residents. Among the arrested Mainland visitors, 68 were prosecuted for breach of conditions of stay, 67 of whom were sentenced to imprisonment of four weeks to two months and one was acquitted. The remaining 526 Mainland residents were repatriated to the Mainland. The charges on the four Hong Kong residents were withdrawn after investigation due to insufficient evidence.

The Customs and Excise Department mounts joint operations with the Shenzhen Customs on a regular basis at boundary control points where parallel trading activities are frequent. In 2014 (as at end October), 37 joint operations were mounted with a total of 176 cases involving a seizure value of HK$3.14 million.

Further, relevant departments have also stepped up enforcement actions against obstruction, litter offenders, and so on, to ensure smooth passenger flow. In 2014 (as at end October), in accordance with section 4A of the Summary Offences Ordinance (Cap. 228), the Police issued summonses to 62 offenders for distributing goods and causing obstruction in public places.

The Food and Environmental Hygiene Department (FEHD) has been taking stringent enforcement actions against litter offenders, on top of providing enhanced street cleansing and waste removal services at locations where parallel trading activities are rampant. The FEHD issues Fixed Penalty Notice under the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) to any person for littering or spitting on the street. For articles which cause obstruction to scavenging operations, the FEHD issues "Notice to Remove Obstruction" under the Public Health and Municipal Services Ordinance (Cap. 132), requiring the owner to remove the articles within the specified period, failing which the FEHD may seize the articles without further notice. In 2014 (as at end October), the FEHD issued 293 Fixed Penalty Notices to persons littering or spitting on the street, affixed 245 "Notice to Remove
Obstruction” on articles which cause obstruction to scavenging operations, and seized 524 items at parallel trading blackspots in North District.

As regards the MTR, the MTR Corporation Limited (MTRCL) provides full support to the Government in carrying out enforcement actions within the railway premises. A series of measures to discourage parallel trading activities have been put in place, such as setting the size and weight limits on passenger baggage, displaying signage at some stations along the East Rail Line to remind passengers of the restrictions on baggage size and weight, and prohibiting passengers with bulky baggage from using escalators. It is observed that passenger flow in MTR stations has been smooth in general since the introduction of these measures. The MTRCL will exchange views and experiences with enforcement departments of the Government regarding matters such as manpower arrangement and operational deployment, with a view to strengthening mutual communication and co-operation for more effective enforcement efforts.

Ferry Service Plying Kai Tak Cruise Terminal

22. MR PAUL TSE (in Chinese): President, it has been reported that the management company of Kai Tak Cruise Terminal (the Terminal) and a ferry company have jointly applied to the Government for the operation of a ferry route plying the Terminal, with a view to providing point-to-point ferry service plying the Terminal during the period when large-scale events are held there. A trial run of the service is expected to be conducted within this year. In this connection, will the Government inform this Council:

(1) of the progress of the authorities' vetting and approval of the ferry route application and the expected time for the completion of the relevant procedure;

(2) of the details of the ferry service, including the events during which such ferry service will be provided and whether a minimum estimated visitor flow will be set for the events concerned; as well as the origin, destination, en-route stops, frequencies, sailing time, service hours and fares of the ferry route;
(3) whether it has studied routing the ferry service through sightseeing and shopping hotspots, such as Lei Yue Mun, Tsim Sha Tsui and Central; and

(4) given that the "Wine and Dine Festival" recently held in the vicinity of the Terminal attracted as many as 180,000 visitors, and caused traffic congestion in the area, whether the authorities have, in the light of the experience gained in organizing this event, assessed if ferry service is capable of mitigating the road traffic congestion during the period when large-scale events are held at the Terminal; if they have, whether they will amend the ferry route under scrutiny or consider introducing more ferry routes that stop the Terminal en route; if they have not, the reasons for that?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, my reply to the four parts of the question is as follows:

(1) The operator of the Kai Tak Cruise Terminal (KTCT) is planning to make use of a pontoon to be moored to the apron of the KTCT for providing special ferry service on days of ship calls or events. The service would provide an alternative to land transport for bringing cruise passengers and event participants to and from the KTCT. Relevant departments have conducted on-site inspections, and observed trial mooring with the terminal operator and the ferry company to ensure passenger safety and that the facilities and security of the KTCT are not affected by the ferry operation. The trial mooring went smoothly in early November. We will draw on the observations and experience from the trial mooring and endeavour to launch soon, as a trial, the special ferry service for the coming event to be held at the KTCT.

(2) and (3)

For the service details and routes of the special ferry service, the event organizers and the shore excursion operators will devise the appropriate arrangements having regard to the nature of the events and demand of the cruise passengers. It is not possible to set out the details exhaustively.
(4) The special ferry service can enhance the connectivity of the KTCT by providing sea access to the terminal, which in turn will improve the attractiveness of the KTCT and its adjacent areas as an event venue. If the abovementioned pontoon and special ferry service prove to be successful, we will encourage the terminal operator, event organizers and shore excursion operators to make good use of them to support the different events and ship calls.

BILLS

Second Reading of Bills

Resumption of Second Reading Debate on Bills

PRESIDENT (in Cantonese): Bills. We now resume the Second Reading debate on the Competition (Amendment) Bill 2014.

COMPETITION (AMENDMENT) BILL 2014

Resumption of debate on Second Reading which was moved on 14 May 2014

PRESIDENT (in Cantonese): Mr Andrew LEUNG, Chairman of the Bills Committee on the above Bill, will address the Council on the Committee's Report.

MR ANDREW LEUNG (in Cantonese): President, in my capacity as Chairman of the Bills Committee on the Competition (Amendment) Bill 2014 (the Bill), I would like to submit the Bills Committee Report to the Legislative Council and report on the results of the deliberations made by the Bills Committee.

The Bill seeks to amend the Competition Ordinance (CO) to give the Competition Tribunal (Tribunal) certain specific powers to ensure the proper functioning of the Tribunal, to provide for certain matters to ensure the proper functioning of the Tribunal, and to make miscellaneous amendments to other Ordinances.
The Bills Committee has held two meetings to deliberate on the Bill with the Administration. Members of the Bills Committee support the Bill so as to ensure the proper functioning of the Tribunal upon the full commencement of the CO.

During the course of scrutiny, the Bills Committee has examined whether by conferring some specific powers on the Tribunal under the Bill, the general powers of the Tribunal which are already provided under the CO would be affected. The response of the Administration is that there are several areas in the CO where it is not entirely clear as to whether the Tribunal would have the specific powers of the Court of First Instance (CFI) in discharging its functions. For the sake of certainty and clarity, the proposed provisions in the Bill are introduced into the CO to specifically provide for the Tribunal's powers to be exercised in particular circumstances. The proposed provisions should be interpreted as to supplement the existing provisions which set out the general powers of the Tribunal, rather than to limit their generality, and hence they would not affect the existing scope of the general powers of the Tribunal.

According to the proposed new section 151A, the Tribunal can make an order prohibiting a person from leaving Hong Kong (prohibition order). The Bills Committee notes some views that procedural safeguards should be afforded to a person affected by a prohibition order. Members have also asked whether there will be an appeal mechanism for those affected to make applications for discharge of the prohibition order. The Administration has responded that the power to make prohibition orders is currently available to the CFI and the District Court. The proposal to confer certain powers on the Tribunal is to ensure that the Tribunal can effectively enforce its judgment or order for the payment of penalties, damages, costs or other amounts of money made under the CO, and to enable the Tribunal to make pre-judgment prohibition orders in a like manner as the CFI. The Administration has proposed that the same procedural safeguards currently available under the High Court Ordinance should be afforded to a person affected by a prohibition order. Also, in accordance with section 154 of the CO, any decision, determination or order of the Tribunal, including prohibition orders, is subject to appeal to the Court of Appeal as of right.

Members have also expressed concern about whether the judicial manpower is sufficient because insufficient manpower may lead to a long waiting and hearing time for competition cases brought before the Tribunal. As advised by the Administration, the implementation of the CO may result in considerable
additional workload for the Judiciary. Hence, following the approval of the Legislative Council in early 2015, two additional judicial posts, among others, have been created to support the establishment and operation of the Tribunal. In addition, the President and Deputy President of the Tribunal will prioritize the handling of competition cases depending on factors such as the urgency of individual cases. Depending on the actual caseload, other CFI judges may also be deployed to hear competition cases brought before the Tribunal. The Judiciary Administration would also keep the workload and staffing situation of the Tribunal under review and request additional manpower from the Administration as and when necessary.

The Bills Committee has also examined the drafting of the provisions of the Bill and made some recommendations. Upon members' requests, the Administration will move a number of Committee stage amendments (CSAs), which are mainly technical amendments to achieve clarity and consistency.

The Bills Committee has also agreed to the CSAs to be moved by the Administration and will not move separate CSAs to the Bill. The Bills Committee also raises no objection to the resumption of the Second Reading debate on the Bill.

President, I will express my personal views on the Bill as follows.

The amendment is basically a technical amendment which does not directly involve the competition rules and related penalty provisions in the primary legislation. In the course of scrutiny, I was glad to hear the Secretary for Justice make the clarification that the functions of the Tribunal are close to civil litigations. Any criminal case, unless it is contempt of court, will not be accepted. The standards adopted by the Tribunal are, on the other hand, close to criminal proceedings, that is, the threshold for conviction is fairly high.

Small and medium enterprises (SME) have all along been concerned about enforcement and the litigation proceedings. Therefore, I welcome the reiteration made by the representatives of the Judiciary at the meetings that the Tribunal will conduct its proceedings with as much informality as possible. For example, both parties to a lawsuit will use simple forms instead of pleadings, in the hope to lower the technical requirements to facilitate various large and small companies in coping. The operation of the Tribunal is modelled on the High Court, that is, in a litigation, the Tribunal will try to offer help as much as possible but both
parties may have to appoint their own legal representation. This may most probably create pressure on SMEs with weaker financial strength, such that they may give up filing the complaints, or they cannot find suitable representation. I hope after the Tribunal has officially started functioning and heard cases, the Administration will come up with more different ways to help them.

As regards mediation, I believe it is appropriate to follow the current CFI mechanism, that is, mediation between both parties is encouraged as and when necessary and appropriate. However, officials have predicted at the meetings that in future operation, it is very likely that a case has undergone once or several times of discussion and study at the Competition Commission (Commission), but to no avail, rendering the room for mediation when the case is submitted to the Tribunal smaller than common civil cases. It means that most cases submitted to the Tribunal probably do not allow any leeway for reconciliation. We hope the Commission can exert great efforts in examining the cases to seek bigger room for mediation for both parties so as to reduce the chance of litigation.

Since the Government commenced the consultation on a competition law, the business sector has been worry-ridden that not only will the legislation fail to target the big fish but will give business conglomerates the opportunity to avail themselves of loopholes in the law to oppress SMEs by litigation. They are worried that another law will be put in place to cause their business costs to rise. As a member of the Commission, I know that they are making efforts to do publicity and educational work in the business sector, especially SMEs in different trades and industries. I hope such work can further enhance a detailed understanding of the law so as to alleviate the operational and psychological burdens. I also hope the future Tribunal will adhere to the discreet, fair and impartial principles of the Hong Kong judicial system when issuing prohibition orders or making judgments or orders for the payment of penalties, damages, costs or other amounts of money; and when the Tribunal deals with cases relating to local SMEs, it will exercise caution and make an impartial judgment after gaining a clear understanding of the actual operation of the local enterprises and industries.

President, I so submit.

MR WONG TING-KWONG (in Cantonese): President, I speak in support of the passage of Competition (Amendment) Bill 2014 (the Bill) and the amendments proposed by the Government.
I still remember that the SAR Government's proposal of the introduction of the Competition Ordinance (CO) caused immense controversies in society. Soon, the Chairperson and members of the Competition Commission (the Commission) were appointed, and the Commission has moved from the initial establishment work to the preparation of various documents foreseen under the CO.

When the Administration introduced the Bill relating to the CO into the Legislative Council this May, it did not arouse much controversy. The Bills Committee supports conferring on the Tribunal as well as its members and judicial officers specific powers similar to those exercised by the Judges and judicial officers of the Court of First Instance (CFI) in respect of civil proceedings, so as to ensure the proper functioning of the Tribunal upon the full commencement of the CO.

As the CO has a greater impact on small and medium enterprises (SMEs) and there has been concern that the costs of legal proceedings before the Tribunal may impose a huge financial burden on SMEs involved in competition cases, the Bills Committee has sought elaboration during the discussion on the operation of the Tribunal and whether legal representation is required in the proceedings before the Tribunal.

The Administration has advised that the Tribunal will conduct its proceedings with as much informality as is consistent with attaining justice, considering that this will help save the efforts and legal costs of the parties concerned (including SMEs as appropriate) and achieve expediency in the resolution of disputes. Meanwhile, President, I welcome the arrangement similar to the CFI under which legal representation is not a requirement in the conduct of legal proceedings before the Tribunal.

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

Moreover, members have also expressed concern that some SMEs may be caught inadvertently by the CO as the general prohibition against anti-competitive conduct is difficult to understand and comply with. The Administration has remarked that the Commission is drafting guidelines to elaborate on the key elements of the general prohibitions of the CO and will reach out to the general public and the business sector to enhance their understanding of how the CO will be interpreted and applied.
Besides, the Judiciary may give directions or assistance in procedures, and so on, to individuals or undertakings involved in competition cases without legal representation as appropriate. However, given the impartiality of the Judiciary, litigants may need to seek legal advice on their own cases as necessary.

Deputy President, no information is available for the time being as to specifically how much the Administration has done on reaching out to the general public and the business sector in drafting guidelines to elaborate on the general prohibitions. However, as far as I understand it, many from the business and industrial sectors are worried that upon the actual commencement of the CO, even though they are the ones involved, they will still be clueless as to whether their ongoing business practice is compliant with the law. For this reason, they are still at a loss now. Hence, I expect the Administration to truly listen to the views and concerns of various parties, so as to give members of the industry a clear picture of the relevant requirements and prevent them from being caught in a lawsuit innocently, and I hope that the Administration could regularly brief the Legislative Council of the latest development.

Deputy President, I so submit.

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

(No Member indicated a wish to speak)

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

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Deputy President, I must first express my heartfelt gratitude to the Chairman, Mr Andrew LEUNG, and members of the Bills Committee on Competition (Amendment) Bill 2014 (the Bills Committee) for their efforts in scrutinizing the Competition (Amendment) Bill 2014 (the Bill), so that the scrutiny of the Bill can be completed smoothly. The Bills Committee has held two meetings in which detailed and in-depth discussions were conducted on the provisions of the Bill. I hereby thank the Bills Committee for its work, and the views on the Bill expressed to the Bills Committee by stakeholders and interested parties.
The Bill proposed by the Government seeks to give the Competition Tribunal (the Tribunal) certain specific powers by amending the Competition Ordinance (CO), and provide for certain operational matters to ensure the proper functioning of the Tribunal when the CO comes into full effect.

The CO, which was enacted in June 2012, provides a legal framework to tackle anti-competitive conduct across different sectors. Since the enactment of the CO, the Administration has been working closely with the Competition Commission (the Commission) and the Judiciary on the full implementation of the CO. One of the major tasks is to prepare for the full operation of the Tribunal, which is a superior court of record established under the CO having primary jurisdiction to hear and adjudicate competition-related cases. The Judiciary is formulating the rules for the operation and proceedings of the Tribunal and making other necessary administrative arrangements.

During the preparation for the full operation of the Tribunal, the Government and the Judiciary have after careful examination come to the view that amendments to certain provisions of the Ordinance are necessary, and they have also made consequential amendments to other pieces of legislation. These amendments seek to clarify the specific powers of the Tribunal in several areas, with a view to providing enhanced legal clarity and certainty for the proper functioning of the Tribunal. We therefore introduce the relevant amendments through the Bill.

The CO as amended will set out more clearly the specific powers exercisable by the Tribunal in exercising its civil jurisdiction (including granting remedies and relief). These powers include the power to enforce the orders of the Tribunal, the power to award interest on debts and damages and judgment debts, the power to reimburse a witness for expenses incurred, and so on. These powers amount to the powers exercisable by the Court of First Instance (CFI) under relevant circumstances. On the other hand, the CO as amended also provides clearly that the Tribunal's registrars and judicial officers holding other related positions may perform judicial work under the CO similar to that performed by their counterparts in the High Court and be given the same privileges and immunities. Besides, temporary registrars in the High Court may automatically hold the corresponding positions in the Tribunal and be given similar powers and duties, and so on, of their permanent counterparts in the Tribunal. These arrangements mainly serve to share the workload of members of the Tribunal, so as to enhance the flexibility for the Tribunal in handling cases in the future.
As to the consequential amendments to other pieces of legislation including the High Court Ordinance, the Legal Practitioners Ordinance, the Higher Rights of Audience Rules, the Evidence Ordinance, the Electronic Transactions Ordinance and the Shenzhen Bay Port Hong Kong Port Area Ordinance, they will facilitate the future operation of the Tribunal and ensure consistency with the arrangements currently applicable to the CFI and other courts or tribunals in general under these Ordinances.

In the light of the comments of the Bills Committee, the Government has proposed several amendments to the Bill. The amendments proposed by the Government are mainly some textual amendments related to the drafting of provisions for the purpose of enhancing the clarity and comprehensibility of the Bill. The relevant amendments have been submitted to the Bills Committee for consideration and discussion, and will be moved by me at the Committee stage.

Deputy President, the amendments proposed by the Bill are essential to the proper functioning of the Tribunal in future. To ensure the operational readiness of the Tribunal in discharging its functions, it is essential to introduce these amendments before the full implementation of the CO. The Government, the Commission and the Judiciary are now proactively doing the necessary preparatory work in all aspects. When all our preparatory work is completed, the CO will come into full operation.

I implore Members to support the Bill and the amendments to be moved by us later. Thank you, Deputy President.

DEPUTY PRESIDENT (in Cantonese): I now put the question to you and that is: That the Competition (Amendment) Bill 2014 be read the Second time. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)
DEPUTY PRESIDENT (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the motion passed.


Council went into Committee.

Committee Stage

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

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

COMPETITION (AMENDMENT) BILL 2014

DEPUTY CHAIRMAN (in Cantonese): I will first deal with the clauses with no amendment. I now propose the question to you and that is: That the following clauses stand part of the Competition (Amendment) Bill 2014.

CLERK (in Cantonese): Clauses 1, 2, 3, 6, 7, 9 to 14, 16 and 17.

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

(No Member indicated a wish to speak)

DEPUTY CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 1, 2, 3, 6, 7, 9 to 14, 16 and 17 stand part of the Bill. Will those in favour please raise their hands?

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

(No hands raised)

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

CLERK (in Cantonese): Clauses 4, 5, 8 and 15.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Deputy Chairman, I move that clauses 4, 5, 8 and 15 be amended as set out in the paper circularized to Members.

During the scrutiny of the Competition (Amendment) Bill 2014 (the Bill), the Bills Committee has made many valuable suggestions. Therefore, in response to the views expressed by Members, we propose several amendments which are mainly textual and technical in nature. In the following part of my speech, I will briefly explain these proposed amendments.

As regards clauses 4 and 8, we have accepted the recommendation of the Bills Committee that references to the terms "senior deputy registrar and/or deputy registrar" in these two provisions could be removed. Our main consideration is that by virtue of new sections 156B(2) and (4) in clause 8 of the Bill, a senior deputy registrar and a deputy registrar would have the jurisdiction and privileges, as well as exercise the powers and perform the duties of the Registrar of the Competition Tribunal (the Tribunal). Therefore, it is unnecessary to repeat the aforementioned references in clauses 4 and 8 of the Bill. These amendments would provide greater clarity and consistency in the references to the relevant titles in the Bill.

Regarding clause 5 of the Bill, new section 153A proposed in the original clause provides that the Tribunal is empowered to award interest on debts, damages and judgment debts. Considering that the Tribunal may make arrangements to formulate rules on relevant interest rates in future, we propose to amend section 153A so that such provision can dovetail with the relevant arrangements.
As for clause 15 of the Bill, in order to improve the clarity of this provision, we have also accepted the recommendation of the Bills Committee to amend the definition for "higher court of Hong Kong" in the Chinese text of Rule 2 of the Higher Rights of Audience Rules (Cap. 159AK) and to include in the lead-in a reference to "the Tribunal".

The Bills Committee has noted and supported the aforementioned amendments. I implore Members to pass these amendments. Thank you, Deputy Chairman.

Proposed amendments

Clause 4 (see Annex I)

Clause 5 (see Annex I)

Clause 8 (see Annex I)

Clause 15 (see Annex I)

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

DEPUTY CHAIRMAN (in Cantonese): I think the question is agreed by a majority of the Members present. I declare the amendment passed.
CLERK (in Cantonese): Clauses 4, 5, 8 and 15 as amended.

DEPUTY CHAIRMAN (in Cantonese): I now put the question to you and that is: That clauses 4, 5, 8 and 15 as amended stand part of the Bill. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

DEPUTY CHAIRMAN (in Cantonese): Council will now resume.

Council then resumed.

Third Reading of Bills

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

COMPETITION (AMENDMENT) BILL 2014

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

Competition (Amendment) Bill 2014

has passed through Committee with amendments. I move that this Bill be read the Third time and do pass.
DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Competition (Amendment) Bill 2014 be read the Third time and do pass.

Does any Member wish to speak?

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)

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


MEMBERS' MOTIONS

DEPUTY PRESIDENT (in Cantonese): Members' motions.

Two proposed resolutions under the Interpretation and General Clauses Ordinance in relation to the extension of the period for amending subsidiary legislation.

(Mr James TO, mover of the first motion, was not present)
DEPUTY PRESIDENT (in Cantonese): Second motion: To extend the period for amending the Overseas Lawyers (Qualification for Admission) (Amendment) Rules 2014 (Commencement) Notice, which was laid on the table of this Council on 22 October 2014.

I now call upon Mr Dennis KWOK to speak and move the motion.

PROPOSED RESOLUTION UNDER SECTION 34(4) OF THE INTERPRETATION AND GENERAL CLAUSES ORDINANCE

MR DENNIS KWOK: Deputy President, in my capacity as Chairman of the Subcommittee to study the Overseas Lawyers (Qualification for Admission) (Amendment) Rules 2014 (Commencement) Notice gazetted on 17 October 2014, I move the motion standing in my name on the Agenda to extend the scrutiny period of the Commencement Notice to the Council meeting on 10 December 2014 so as to allow more time for the Subcommittee to complete its work.

With these remarks, I urge Members to support the motion. Thank you, Deputy President.

Mr Dennis KWOK moved the following motion:

"RESOLVED that in relation to the Overseas Lawyers (Qualification for Admission) (Amendment) Rules 2014 (Commencement) Notice, published in the Gazette as Legal Notice No. 122 of 2014, and laid on the table of the Legislative Council on 22 October 2014, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 10 December 2014."

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

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

(No Member indicated a wish to speak)
DEPUTY PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Mr Dennis KWOK be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

DEPUTY 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 passed.

DEPUTY PRESIDENT (in Cantonese): Proposed resolution under the Air Pollution Control Ordinance to extend the period for amending the Fourth Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences, which was laid on the table of this Council on 22 October 2014.

I now call upon Ms Cyd HO to speak and move the motion.

PROPOSED RESOLUTION UNDER SECTION 37B(4) OF THE AIR POLLUTION CONTROL ORDINANCE

MS CYD HO (in Cantonese): Deputy President, I move that the motion, as printed on the Agenda, be passed.

At the House Committee meeting on 24 October 2014, Members decided to form a subcommittee to study the Fourth Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences.
The Subcommittee held a meeting on 5 November 2014. In order to allow sufficient time for the Subcommittee to report the result of its deliberations to the House Committee, on behalf of the Subcommittee, I move that the scrutiny period of the aforesaid instrument be extended to 10 December 2014.

I urge Members to support the motion.

**Ms Cyd HO moved the following motion:**

"RESOLVED that in relation to the Fourth Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences, published in Special Supplement No. 5 to the Gazette on 17 October 2014 and laid on the table of the Legislative Council on 22 October 2014, the period for amending the technical memorandum referred to in section 37B(2) of the Air Pollution Control Ordinance (Cap. 311) be extended under section 37B(4) of that Ordinance to the meeting of 10 December 2014."

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

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

(No Member indicated a wish to speak)

**DEPUTY PRESIDENT** (in Cantonese): I now put the question to you and that is: That the motion moved by Ms Cyd HO be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)
DEPUTY 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 passed.

DEPUTY PRESIDENT (in Cantonese): Debate on motion with no legislative effect. I have accepted the recommendations of the House Committee: that is, the mover of the motion may speak, including making a reply, for up to 15 minutes, and another five minutes to speak on the amendment; the mover of the amendment 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.

DEPUTY PRESIDENT (in Cantonese): The motion debate on Devising the constitution by all people, making a new covenant, and realizing genuine "Hong Kong people ruling Hong Kong".

Members who wish to speak in the motion debate will please press the "Request to speak" button.

I now call upon Mr WONG Yuk-man to speak and move the motion.

MR WONG YUK-MAN (in Cantonese): Deputy President, will you please summon Members back to the Chamber for the meeting.

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

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

DEPUTY PRESIDENT (in Cantonese): Mr WONG Yuk-man, please speak.
DEVISING THE CONSTITUTION BY ALL PEOPLE, MAKING A NEW COVENANT, AND REALIZING GENUINE "HONG KONG PEOPLE RULING HONG KONG"

MR WONG YUK-MAN (in Cantonese): Secretary, I am glad that you have arrived in time, or else we can expect a spectacle.

Setting things right and restoring order, rebuilding Hong Kong. Deputy President, at first when the Communist Party of China (CPC) took over Hong Kong, both the drafting of the Basic Law and the transition of the legislature did not get any mandate from the people. During the period the people of Hong Kong were deprived of their dignity and their right to make autonomous decisions. The CPC has broken its promise and when there can be no more delay to the pledge to effect universal suffrage, a bogus kind of universal suffrage is churned out to confuse and deceive the people. All through these 17 years, things like "one country, two systems" and "a high degree of autonomy" are no more than empty words on paper. To break the present impasse in constitutional reform, we can only "devise another constitution by the people and make a new covenant". We should also manifest the mandate of the people and genuine "Hong Kong people ruling Hong Kong" through a referendum. It is only with these actions that there can be lasting peace and stability in Hong Kong.

(1) Breach of trust and breaking of promise, distortion of constitutional system

The Sino-British Joint Declaration is a formal bilateral diplomatic document and Article 3(5) in it and Article 4 of the Basic Law make it clear in black and white that the way of life of the residents of Hong Kong shall remain unchanged. These two instruments have become the first express social contract in Hong Kong. Over the past 17 years, the conditions in Hong Kong have in general been better than those in mainland China and so many people have chosen to make Hong Kong their home.

After the 1 July march in 2003, the demand for dual universal suffrage in 2007 and 2008 among the people of Hong Kong is ardent. Annexes I and II of the Basic Law stipulate that if there is a need to amend the method for selecting the Chief Executive for the terms subsequent to the year 2007 and returning Members to the Legislative Council after 2008, such amendments must be made with the endorsement of a two-thirds majority of all the Members of the Legislative Council and the consent of the Chief Executive, and they shall be
reported to the Standing Committee of the National People's Congress (NPCSC) for approval, and record. This is the so-called "Three-part Process". During the 1990s, the CPC had made it clear on a number of occasions that reforms to the constitutional system of Hong Kong fell within the scope of the territory's autonomy.

On 6 April 2004 with the interpretation of the Basic Law by the NPC, this "Three-part Process" became a "Five-part Process". What were added are these two steps, that is, the Chief Executive shall submit a report to the NPCSC and the NPCSC shall confirm the report. Then on 26 April the NPCSC decided to reject dual universal suffrage for 2007 and 2008. On 29 December 2007 the NPCSC decided to reject dual universal suffrage in 2012. It stated in ambiguous terms that in 2017, the Chief Executive "may" be selected by universal suffrage and in 2020, Members of the Legislative Council "may" be returned by universal suffrage.

As for the devil details regarding the adoption of a simple majority vote system to nominate candidates for the Chief Executive election, we had to wait for more than seven and a half years, that is, starting from 29 October 2007, before they were exposed in the 31 August 2014 Decision by the NPC. As for the claim that Members of the Legislative Council "may" be returned by universal suffrage in 2020, I am afraid this promise will be fulfilled by an expansion of the electoral base of the functional constituencies or the adoption of a bicameral system passing off as universal suffrage. The arrangement of separate voting will remain unchanged.

The two Decisions made by the NPC in 2004 and 2007 respectively serve to reinforce the principle that the proportion between direct elections in geographical constituencies and elections in the functional constituencies which is not found in Annex II of the Basic Law shall remain unchanged. This is in contradiction with the principle of orderly and gradual progress in constitutional development as enshrined in the Basic Law. The Decision made by the NPCSC on 31 August this year is even more absurd. The former member of the Chinese People's Political Consultative Conference, Mr LAU Mong-hung, made the following criticism to this effect: The obligation of the NPCSC in the second part of the constitutional reform process is only limited to confirming "whether or not any change should be made" in the report on constitutional reform submitted by the Chief Executive in the first part of the process. But the 31 August Decision by the NPCSC has gone beyond this confirmation and instead, three clear-cut, concrete and quantifiable hurdles are imposed on how changes can be made.
This is clearly a usurpation without any backing in law. In the Fourth Plenary Session of the 18th Central Committee of the Communist Party of China which was concluded not long ago, a "Decision on Certain Major Issues in Comprehensively Promoting Governing the Country in Accordance with Law" was made, and a slogan devised for governing the country according to the Constitution. The document frankly admits that in China, the legal system is not given proper emphasis and it is fraught with problems, including ills like the failure to comply with the law and leading cadres substituting their words for the law. The way Beijing handles the issue of constitutional reform in Hong Kong and the Decision made by the NPCSC on 31 August bear testimony to this non-compliance with the law and substituting words for the law.

A country without the trust of its people will not survive. The interpretation of the Basic Law by the NPC in 2004 resulted in the disillusionment of the reasonable expectation of Hong Kong people for dual universal suffrage and it is clearly a breach of the social contract.

The CPC has made use of the interpretation of the Basic Law and its decisions on a number of occasions to amend in disguise Annexes I and II of the Basic Law and change the arrangements for the methods of selecting the Chief Executive and returning Members of the Legislative Council after 2007. Moreover, the NPC only has 2,987 Deputies and they are appointed *de facto* by the CPC. There are only 36 NPC Deputies from Hong Kong. Members of the NPCSC who are the core members only consist of some 10 persons. These Deputies to the NPC and members of the NPCSC do not have any popular mandate and they do not understand the demands of Hong Kong people. It is outrageous that they can decide wilfully the fate of Hong Kong people. With the recent 31 August Decision, these people have contravened the very procedures they set down themselves. How can the people be convinced?

If there are no extensive revisions to the Basic Law, constitutional crises will come on the heels of one another and there is no way Hong Kong can be governed!

(2) *Devising the Constitution by All People and Making a New Covenant*

Under Article 159 of the Basic Law, "The power of amendment of this Law shall be vested in the National People's Congress. The power to propose bills for amendments to this Law shall be vested in the Standing Committee of the National People's Congress, the State Council and the Hong Kong Special Administrative Region. Amendment bills from the Hong Kong Special
Administrative Region shall be submitted to the National People's Congress by the delegation of the Region to the National People's Congress after obtaining the consent of two-thirds of the deputies of the Region to the National People's Congress, two-thirds of all the members of the Legislative Council of the Region, and the Chief Executive of the Region. Before a bill for amendment to this Law is put on the agenda of the National People's Congress, the Committee for the Basic Law of the Hong Kong Special Administrative Region shall study it and submit its views. No amendment to this Law shall contravene the established basic policies of the People's Republic of China regarding Hong Kong." This mechanism for making amendments to the constitution is characterized by a very high threshold and there is no room for the people of Hong Kong to voice any say. The so-called "Hong Kong people ruling Hong Kong and a high degree of autonomy" will certainly become no more than a shell without any substantive meaning. We therefore propose that a constitution be devised by all people and Hong Kong people should be allowed to amend the Basic Law.

There is a saying which goes like this: Stones from other hills may serve to polish the jade of this hill. We may as well take a look at the history of amending the constitution of Taiwan, that is, the Republic of China. On 25 December 1946, the National Constituent Assembly adopted the Constitution of the Republic of China. Article 174 prescribes the process of amending the Constitution as follows (this can be compared to the process of amending the Basic Law): "1. Upon the proposal of one-fifth of the total number of delegates to the National Assembly" (these are elected directly at the district level by trade organizations) "and by a resolution of three-fourths of the delegates present at a meeting having a quorum of two-thirds of the entire Assembly, the Constitution may be amended. 2. Upon the proposal of one-fourth of the Members of the Legislative Yuan and by a resolution of three-fourths of the Members present at a meeting having a quorum of three-fourths of the Members of the Yuan, an amendment may be drawn up and submitted to the National Assembly by way of referendum. Such a proposed amendment to the Constitution shall be publicly published half a year before the National Assembly convenes." If an attempt to effect a constitutional reform were made during the era of LEE Teng-hui and according to the procedures of amending the Constitution of the Republic of China of 1946, there would be no "one person, one vote" in Taiwan to elect the President and it would not be possible to turn the National Assembly into an unicameral parliament with only the Legislative Yuan and with delegates to it elected by the people of Taiwan using the method of "one person, one vote". This accounts for the emergence of the student movement which was known as the Wild Lily student movement.
In March 1990 the Wild Lily student movement broke out in Taiwan. Students demanded that the National Assembly be dissolved, that the Temporary Provisions be repealed and that a timetable be drawn up for economic and political reforms, including direct elections for the President. If these demands were raised by these student leaders who staged a sit-in in the CHIANG Kai-shek Memorial Hall — they were also occupying the venue, it was absolutely impossible to invoke the 1946 Constitution of the Republic of China. Hence the Constitution had to be amended and a national affairs conference emerged in which all the people of Taiwan took part in amending the Constitution.

Amendments to the Constitution made by the national affairs conference solved constitutional deadlocks like "everlasting delegates to the National Assembly" and paved the way for the full realization of democracy in Taiwan.

My proposal in the motion on devising the constitution by all people is as follows:

1. a resignation *en masse* by the SAR Government and a watchdog government to be formed by the Permanent Secretaries in the offices of the three Secretaries of Departments and the 12 Bureaux to maintain the daily operation of the Government. This is a transitional arrangement that enables the Government to continue its operation and also highlights the deplorable state of the so-called Accountability System for Principal Officials;

2. calling a constitutional amendments convention on Hong Kong affairs to amend the Basic Law with the 35 Members of the original Legislative Council returned by direct election as backbone members plus scholars and experts in constitutional law and political science;

3. determining precisely the scope of Hong Kong's right of autonomy and the definition of defence and foreign affairs; and

4. enacting a referendum law to give Hong Kong people the right of initiative and referendum of laws.
Today is the 148th anniversary of the birth of the Father of the Republic of China, Dr SUN Yat-sen. It was a school holiday during the times of British rule. As we remember our founding father, I have to point out in particular that the political thoughts of Dr SUN are essentially a direct form of democracy, not an indirect form. He advocates that powers should go to the people and functions should go to a government. This is a clear delineation of political rights and the right to rule. The five powers of Executive, Legislative, Judicial, Examination and Control belong to the part of the right to rule, whereas political powers are vested in the hands of the people and to be exercised by the four rights of the people in election, recall, initiative and referendum.

In 2009-2010 I launched the "resignation of Members from five constituencies and de facto referendum" and I advocated that the people should be given the right to determine constitutional development. It was a reluctant move made in the absence of popular election under a direct democratic constitutional system. Therefore, in the present proposal to amend the constitution, there must be a referendum law.

(5) enacting a political party law to regulate the operation of political parties, and a political donations law to require political parties to disclose their received political donations; candidates for the office of the Chief Executive should be permitted to have political party background, and Legislative Council Members should be allowed to introduce bills relating to government policies without the written consent of the Chief Executive. These form the legal basis for the normalization of political parties and parliamentary politics before the implementation of dual universal suffrage. The law on political donations should be stringent rather than loose in order to prevent democratic politics in future from degenerating into money politics;

(6) after the passage of the new Basic Law by the people of Hong Kong, dual universal suffrage for the Chief Executive and the Legislative Council elections should be conducted with nominations jointly endorsed by citizens, so as to manifest "direct democracy" and realize genuine "Hong Kong people ruling Hong Kong".
The amendment by Mr LEE Cheuk-yan has deleted the key words "This Council requests the Chief Executive and all accountability officials to resign en masse with civil servants maintaining the daily operation of the SAR Government." Instead, they are substituted by the following: "this Council urges the SAR Government to establish a constitutional amendments convention to extensively solicit public opinions". I am immensely shocked to see that Mr LEE Cheuk-yan still places trust in LEUNG Chun-ying and his so-called team of accountable officials and refrains from demanding that they should resign en masse.

The amendment by Mr LEE Cheuk-yan points out that "as there was no extensive consultation with Hong Kong people during the enactment of the Basic Law", but in fact an advisory committee was formed when the Basic Law was drafted and LEUNG Chun-ying was the Secretary General. The CPC is good at superficial work like this and all the procedures were observed. It is only that while opinions are received, the policies remain the same.

I am very disappointed with Mr LEE Cheuk-yan for the paucity in his knowledge of the political history of Hong Kong and his failure to face up to the fact that there is no mandate from the Hong Kong people with respect to the recovery of sovereignty over Hong Kong by China and the enactment of the Basic Law. I will therefore not support his amendment.

(3) Self-awakening and waking up the masses

Back in those days Dr SUN Yat-sen wrote a book entitled to the effect of 《孫文學說》(SUN Wen Theory) and it was collected in Constructive Scheme for Our Country I: Psychological Reconstruction. We studied that book during our childhood and the part which has left a lasting impression on me and for which I can still recite today is the Preface. One paragraph from it reads to this effect: "A nation is the amalgamation of its people and the most important thing about mankind is the heart. The affairs of a nation are what is seen in the minds of its people. Therefore, the prosperity or wickedness of politics depends on the revival or degeneration of the people's heart. If we have the confidence that something can be done, a difficult task like removing a mountain or reclaiming the sea can be accomplished someday. If we do not believe that something can be done, a task as simple as turning your palm over or breaking a branch from a tree can never be done."
My motion today is not an impossible task that I seek to accomplish but an attempt that stems from my own awakening and a call to wake up the people. Development in politics rests in the hands of the people and this is not to be tampered by people who manipulate politics without the mandate of the people.

Deputy President, I so submit.

DEPUTY PRESIDENT (in Cantonese): Mr WONG Yuk-man, please move your motion.

MR WONG YUK-MAN (in Cantonese): I move the motion under my name.

Mr WONG Yuk-man moved the following motion: (Translation)

"That this Council requests the Chief Executive and all accountability officials to resign en masse with civil servants maintaining the daily operation of the SAR Government, to be followed by immediately establishing a constitutional amendments convention on Hong Kong Affairs to amend the Basic Law; based on the Universal Declaration of Human Rights and the Hong Kong Bill of Rights Ordinance, the new constitution should precisely determine the scope of Hong Kong's right of autonomy and the definition of defence and foreign affairs; a referendum law should be enacted to give Hong Kong people the right of initiative and referendum of laws; a political party law to regulate the operation of political parties and a political donations law to require political parties to disclose their received political donations should also be enacted; candidates for the office of the Chief Executive should be permitted to have political party background, and Legislative Council Members should be allowed to introduce bills relating to government policies without the written consent of the Chief Executive; and after the passage of a new constitution by referendum of Hong Kong people, dual universal suffrage for the Chief Executive and the Legislative Council elections should be conducted with nominations jointly endorsed by citizens, so as to manifest 'direct democracy' and realize genuine 'Hong Kong people ruling Hong Kong'."
DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr WONG Yuk-man be passed.

DEPUTY PRESIDENT (in Cantonese): Mr LEE Cheuk-yan wishes to move an amendment to this motion. This Council will now proceed to a joint debate on the motion and the amendment.

I now call upon Mr LEE Cheuk-yan to speak and move an amendment to the motion.

(Mr LEUNG Kwok-hung stood up)

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

MR LEUNG KWOK-HUNG (in Cantonese): Deputy President, point of order. I think a quorum is not present in this Chamber. Will the Deputy President please do a headcount according to Rule 17(2) of the Rules of Procedure?

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

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

DEPUTY PRESIDENT (in Cantonese): Mr LEE Cheuk-yan, please speak.

MR LEE CHEUK-YAN (in Cantonese): Deputy President, the Labour Party supports devising the constitution by all people and the people of Hong Kong amending the Basic Law by themselves, so as to return a future to them. Let us think about why do we have to do this? Because the enactment process of the Basic Law was entirely devoid of any democratic element and the people of Hong Kong were rudely "represented". After them being "represented", in more than 10 years of implementation, it has been rudely intervened many times by the
Standing Committee of the National People's Congress (NPCSC) through its interpretation of the Basic Law. The future is at stake too, because the State Council has published the "White Paper", which almost declared the death of "Hong Kong people ruling Hong Kong" and "a high degree of autonomy". In the final analysis, the problem lies in the Basic Law. The political predicament of constitutional reform we are talking about now is also a problem of the Basic Law. Therefore, we support devising the constitution by all people to truly manifest "Hong Kong people ruling Hong Kong" and "a high degree of autonomy".

I have just said that in history the people of Hong Kong have been rudely "represented". Let us take a look at the history. In the entire negotiation over Hong Kong's future or the enactment of the Basic Law, the people of Hong Kong have been excluded from the entire decision-making process from the very beginning. We all remember the "three-legged stool" saying. The Sino-British negotiations did not allow a "three-legged stool", meaning the people of Hong Kong had no part to play, completely shut off from it. We could only yell and shout outside but the entire Sino-British … Sorry the microphone. Lucky that I have a loud voice. Here it is. Sorry. It is better now. I do not need to start again? We remember the "three-legged stool" that was proposed during the Sino-British negotiations; it meant the people of Hong Kong should have a part to play and join the discussion. But the "three-legged stool" was rejected at the time.

After the "three-legged stool" had been rejected, the Basic Law was enacted. And for the enactment of the Basic Law, please remember that in the Basic Law Drafting Committee (BLDC), two thirds of the members were from the Mainland and one third was from Hong Kong. But were those people of Hong Kong elected? No, they were appointed. Of course, we can say "Uncle Wah" and Martin LEE were among them and they were the "vases" — certainly I cannot deny the use of "vases" and the "vases" did do their job. But the entire decision-making process and the BLDC itself were dominated by mainlanders and those Hong Kong representatives were mainly the rich and powerful elites — common people were completely excluded.

Coming back to the consultation of the Basic Law, Mr WONG Yuk-man has just said that we should remember that there was a Basic Law Consultative Committee (BLCC); that it was not done without consultation. However, I absolutely do not consider that consultation to be genuine; it was a bogus consultation. That is why I am saying it here, straight and clear, that the entire
enactment process of the Basic Law was conducted without any consultation and that was bogus. Who was the Secretary General for the BLCC? CY LEUNG. I have to recap some history. At that time Mr TAM Yiu-chung asked Mr LAU Chin-shek not to run for the BLCC — this episode in history has been forgotten by everyone — it caused the independent trade unions to eventually completely boycott the selection of the labour sector representative to the BLCC. This history is evident. There was exclusion in the BLCC, not to speak of the BLDC. What role did the people of Hong Kong play in the entire enactment process? We could at most say we offered opinions, but the mere offer of opinions is meaningless. Who made the final decision? The people of Hong Kong could not make any decision; it was the CPC making the decision. This is history.

After the recovery of sovereignty, how has the implementation turned out? The implementation has made us shed tears. We have seen that all the provisions in the entire Basic Law are already utterly defensive. The Basic Law stipulates that our constitutional development is totally under the control of the CPC. But even the open declaration of it being under the CPC's complete control is not enough, the NPCSC has repeatedly made rude interventions. The first time, if Members should still remember it, was the 2007-2008 dual universal suffrage being vetoed in 2004, forcing 500 000 people to take to the streets. Then Mr TUNG claimed to suffer from a leg pain, but that was no use because the 2007-2008 dual universal suffrage was already vetoed. At the time the "Three-part Process" was made into a "Five-part Process", sowing the seeds of the current "Five-part Process" calamity.

The second time was in 2010 when the dual universal suffrage for 2012 was rejected — another rejection of the dual universal suffrage again. At that time it was said the nominating committee must contain four sectors as well as a certain number of candidates. The decision made in 2010 also sowed the seeds of the 31 August Decision which shut the door.

Then the most appalling incident was of course the 31 August Decision which "shut the door". There are three "doors": the first one is the requirement of the endorsement of more than half of all the members of the nominating committee; the second is it must contain the four sectors; the third is there shall be two to three candidates. There is simply no room left for genuine universal suffrage in Hong Kong. This is history and the history is crystal clear that the people of Hong Kong are deprived of a possibility of genuine universal suffrage because it is held in, the iron grip of the CPC which has laid down defensive guards everywhere. There is another incident which we all remember, that is the
"167 Tragedy". What is the "167 Tragedy"? It is the first NPCSC interpretation of the Basic Law after it had been claimed that 1.67 million mainlanders would come to Hong Kong for family reunion — and it was very clear — causing the legal sector to take to the streets in protest. That was also an NPCSC interpretation of the Basic Law which undermined the rule of law in Hong Kong. Therefore, in terms of implementation, Members can see that the rule of law and constitutional reform in Hong Kong have never spared rude intervention by the CPC. The future is at stake. Let us note the key points in the White Paper, one of which is that the implementation of the "one country, two systems" policy must be based on safeguarding China's sovereignty, security and development interests. It is up to the CPC to define all this as it wishes. If there is a neurotic regime — right now the CPC is really neurotic — which regards everything as national security, Hong Kong is caught in a cul-de-sac.

Moreover, "the high degree of autonomy" "comes solely from the authorization by the central leadership", and "is subject to the level of the central leadership's authorization". "There is no such thing called 'residual power'". Wow, it means Hong Kong will have however much power it would like to give Hong Kong — Hong Kong has no power. What is more, "the Hong Kong people who govern Hong Kong should above all be patriotic". Here it is so horrible that it requires judicial officers to be patriotic. If judicial officers are patriotic, the rule of law in Hong Kong is done. And what is left of Hong Kong? The entire State Council White Paper is in effect telling the people of Hong Kong that "remaining unchanged for 50 years" is a lie; they want changes right now. Even judges have to be patriotic — definitely no room is allowed for genuine universal suffrage. The CPC decides the future and fate of Hong Kong, completely belittling the "high degree of autonomy" in Hong Kong. Under these circumstances, what hope do we have for the future of Hong Kong?

Hence, Hong Kong is really miserable. Historically, we were deprived of the right to participate. In implementation we have been suffering from aggressive treatment and rude intervention. And the future has already been foretold with further tightening of such control. What do we still have for our future? Thus this occupation movement is not just about a democratic political system, it is indeed about the future of Hong Kong and our values — the core values that the people of Hong Kong have always embraced and recognized have been eroded by the CPC. This is one of the most profound conflicts in the occupation movement. It involves not only the constitutional reform, which is the most prominent part in the entire conflict between China and Hong Kong.
Therefore, Deputy President, we support devising a constitution by the people. But we also want to make it clear that such a right to devise our own constitution must carry a basis for amendment, which draws reference from the International Covenant on Civil and Political Rights, the International Covenant on Economics, Social and Cultural Rights and international labour conventions under the Universal Declaration of Human Rights. It is because the current problem is, for example, the international labour conventions set out that labour enjoys collective bargaining but as there is no relevant law in Hong Kong, such right has no way to be put into practice. We hope that the constitution itself can implement our basic human rights, including all provisions in the international labour conventions and the International Covenant on Economics, Social and Cultural Rights, which will be recognized in the constitution.

Lastly I would like to do some explaining. Mr WONG Yuk-man said just now I do not ask CY LEUNG and the all accountability officials to resign en masse. But I need to first declare that I have countless reasons to ask them to resign and I absolutely think they should do so. But I do not agree with asking them to resign due to devising the constitution and then placing civil servants in charge of the transitional government. I believe this transitional government should be taken charge of by political parties.

Deputy President, thank you.

**DEPUTY PRESIDENT** (in Cantonese): Mr LEE Cheuk-yan, please move your amendment.

**MR LEE CHEUK-YAN** (in Cantonese): Deputy President, I move that Mr WONG Yuk-man's motion be amended.

Mr LEE Cheuk-yan moved the following amendment: (Translation)

"To delete "this Council requests the Chief Executive and all accountability officials to resign en masse with civil servants maintaining the daily operation of the SAR Government, to be followed by immediately establishing a constitutional amendments convention on Hong Kong Affairs to amend the Basic Law; based on" after "That" and substitute with ", as there was no extensive consultation with Hong Kong people during the enactment of the Basic Law, and, since its implementation, the
Basic Law neither effectively protects the basic rights of Hong Kong people nor affirms the monitoring by people of the operation and power of the Government through universal and equal suffrage and the system of representative government, this Council urges the SAR Government to establish a constitutional amendments convention to extensively solicit public opinions, and to adopt”; to delete "and the Hong Kong Bill of Rights Ordinance, the new constitution should" after "Human Rights" and substitute with ", the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, international labour conventions and other international conventions on human rights protection as the basis for proposing bills to comprehensively amend the Basic Law, and calls on the Central Government to respect Hong Kong people's aspiration and give consent to the relevant amendments; the new constitution shall”; and to add "or made by political parties" after "citizens".

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the amendment, moved by Mr LEE Cheuk-yan to Mr WONG Yuk-man's motion, be passed.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, according to Article 31 of the Constitution of the People's Republic of China, the "State may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by law enacted by the National People's Congress in the light of specific conditions". Clause 13 of Article 62 of the Constitution clearly stipulates that the functions and powers exercised by the NPC include "to decide on the establishment of special administrative regions and the systems to be instituted there".

The Preamble to the Basic Law clearly stipulates that "upholding national unity and territorial integrity, maintaining the prosperity and stability of Hong Kong, and taking account of its history and realities, the People's Republic of China has decided that upon China's resumption of the exercise of sovereignty over Hong Kong, a Hong Kong Special Administrative Region will be established in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China, and that under the principle of 'one country, two systems', the socialist system and policies will not be practised in Hong Kong." The
Preamble also stipulates that "in accordance with the Constitution of the People's Republic of China, the National People's Congress hereby enacts the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, prescribing the systems to be practised in the Hong Kong Special Administrative Region, in order to ensure the implementation of the basic policies of the People's Republic of China regarding Hong Kong.". Hence, the right to enact the Basic Law belongs to the NPC.

Promulgated 24 years ago, the Basic Law is the constitutional foundation for Hong Kong. Prior to its enactment, extensive and thorough consultations had been conducted in Hong Kong on the political structure, universal suffrage, and so on for nearly five years. Models, provisions and development principles on the political structure that were consistent with Hong Kong's legal status as well as its overall and long-term interests, including meeting the interests of different sectors of society, facilitating the development of the capitalist economy, gradual and orderly progress as well as being appropriate to the actual situation in Hong Kong, were eventually devised.

As the constitutional document for the HKSAR, the Basic Law is the foundation for implementing the principles and policies of "one country, two systems", "Hong Kong people governing Hong Kong" and "a high degree of autonomy" as well as maintaining the long-term prosperity and stability of Hong Kong, and should not be amended lightly. In fact, Article 158 of the Basic Law clearly stipulates that the power of interpretation of the Basic Law shall be vested in the Standing Committee of the National People's Congress (NPCSC), whereas Article 159 stipulates that the power of amendment of the Basic Law shall be vested in the NPC.

Since the establishment of the HKSAR, the Central Government has been acting in strict accordance with the fundamental principles and policies of "one country, two systems", "Hong Kong people governing Hong Kong" and "a high degree of autonomy" as well as the provisions of the Basic Law to support the Chief Executive and the SAR Government in governing Hong Kong in accordance with the law. By the same token, the SAR Government has also been administering the affairs of Hong Kong in strict accordance with the "one country, two systems" principle and the Basic Law.

Article 1 of the Basic Law stipulates that the "Hong Kong Special Administrative Region" is an inalienable part of the People's Republic of China";
Article 2 of the Basic Law stipulates that "[T]he National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of this Law"; Chapter II of the Basic Law also stipulates the "Relationship between the Central Authorities and the Hong Kong Special Administrative Region", including the powers directly exercised by the Central Authorities in accordance with the Basic Law, and also the powers delegated by the NPC to the HKSAR to exercise a high degree of autonomy in accordance with the provisions of the Basic Law.

Article 43 of the Basic Law stipulates that the "Chief Executive … shall be the head of the HKSAR and shall represent the Region", and "shall be accountable to the Central People's Government and the Hong Kong Special Administrative Region in accordance with the provisions of this Law". Article 48 of the Basic Law also authorizes the Chief Executive to "lead the government of the Region"; to be responsible for the implementation of the Basic Law; to nominate and to report to the Central People's Government for appointment of principal officials; to decide on government policies; to sign bills passed by the Legislative Council and to promulgate laws; to appoint or remove Judges of the Courts at all levels in accordance with legal procedures; to implement the directives issued by the Central People's Government in respect of the relevant matters provided for in the Basic Law; and to conduct, on behalf of the Government of the Hong Kong Special Administrative Region, external affairs as authorized by the Central Authorities, and so on.

Chapter III of the Basic Law clearly stipulates the fundamental rights and duties of Hong Kong residents. The fundamental rights and freedoms enjoyed by Hong Kong residents in accordance with law are protected by the Basic Law and related local legislation. At the same time, Article 42 of the Basic Law points out that "Hong Kong residents and other persons in Hong Kong shall have the obligation to abide by the laws in force in the Hong Kong Special Administrative Region".

In addition, the constitutional development of Hong Kong has to conform to the Basic Law as well as the relevant Interpretation and Decisions of the NPCSC. Articles 45 and 68 as well as Annexes I and II of the Basic Law stipulate that the methods for selecting the Chief Executive and forming the Legislative Council shall be specified in the light of the actual situation in the
HKSAR and in accordance with the principle of gradual and orderly progress, with the ultimate aims of selecting the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures and electing all the Members of the Legislative Council by universal suffrage.

In the decade since 2004, there have been extensive and detailed discussions in the Hong Kong community on how to amend the methods for selecting the Chief Executive and forming the Legislative Council in accordance with the Basic Law and on issues relating to universal suffrage, including the open platform set up through the Commission on Strategic Development in 2005 for thorough discussion among different sectors of the community; in 2007, the third-term SAR Government also published the Green Paper on Constitutional Development to extensively consult the public on the options, roadmap and timetable for implementing universal suffrage for the Chief Executive and the Legislative Council.

In December 2007, after the conclusion of the public consultation period for the Green Paper, the then Chief Executive submitted to the NPCSC a report that faithfully conveyed the views expressed by different sectors of the community regarding universal suffrage. Subsequently, the NPCSC adopted the "Decision on Issues Relating to the Methods for Selecting the Chief Executive of the HKSAR and for Forming the Legislative Council of the HKSAR in the Year 2012 and on Issues Relating to Universal Suffrage" on 29 December 2007. Since then, Hong Kong has a clear timetable for universal suffrage.

In 2010, the package of proposals for the methods for selecting the Chief Executive and for forming the Legislative Council in 2012 put forth by the SAR Government was passed by a two-thirds majority of all Members of the Legislative Council, received the consent of the Chief Executive and was approved and recorded by the NPCSC. The successful implementation of the package of proposals in 2012 has greatly enhanced the democratic element of the two electoral methods, including, as regards the Legislative Council election, where the five new functional constituency seats returned Members through election, on the basis of "one person, one vote", by some 3.2 million registered voters who previously did not have any vote in the traditional functional constituencies, thus giving nearly 60% of the seats of the Legislative Council an electorate base of more than 3 million voters.
In December 2013, the SAR Government commenced an extensive, systematic public consultation spanning five months on the methods for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2016. In July this year, the SAR Government released the "Report on the Public Consultation on the Methods for Selecting the Chief Executive in 2017 and for Forming the Legislative Council in 2020", duly conveying the views of different groups and individuals from various sectors of the community collected during the public consultation period. On the same day, the Chief Executive submitted a report to the NPCSC and invited it to determine if there is a need to amend the methods for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2016.

After examining the report submitted by the Chief Executive and extensively consulting different sectors of the Hong Kong community, the NPCSC adopted the "Decision on Issues Relating to the Selection of the Chief Executive of the HKSAR by Universal Suffrage and on the Method for Forming the Legislative Council of the HKSAR in the Year 2016" on 31 August. This signified the conclusion of the second step in the "Five-step Process" of constitutional development, and is an official confirmation that the HKSAR may implement universal suffrage for the selection of the Chief Executive on the basis of "one person, one vote" starting 2017.

Hence, since the SAR's establishment, its political structure has been on a gradual and orderly development track towards the ultimate goal of universal suffrage in strict accordance with the Basic Law as well as the relevant Interpretation and Decisions of the NPCSC in the light of the actual situation in Hong Kong.

The successful implementation of universal suffrage for the selection of the Chief Executive is the common aspiration of the Central Authorities, the SAR Government and the people of Hong Kong. During the discussion over a period of time in the past, various sectors in Hong Kong have presented different views and suggestions towards the actual implementation of universal suffrage for the selection of the Chief Executive, which is understandable for a society as diversified as Hong Kong. In the days to come, the SAR Government will continue to spare no effort in forging a consensus in society in the most determined and sincere manner, with a concerted effort to achieve the goal of universal suffrage for the selection of the Chief Executive as scheduled and in accordance with the law.
Deputy President, both Mr WONG Yuk-man's original motion and Mr LEE Cheuk-yan's amendment advocate the idea of "devising the constitution by all people", which disregards the historical background behind the Basic Law and the constitutional status of the HKSAR, and is a deliberate attempt to neglect the prosperity and stability brought by the Basic Law to various aspects of the HKSAR throughout the years. The HKSAR Government is of the view that the Basic Law should remain the foundation for addressing the various challenges facing the HKSAR, including constitutional development, economic development, people's livelihood, and so on. Therefore, the SAR Government objects to both Mr WONG Yuk-man's original motion and Mr LEE Cheuk-yan's amendment, and urges Members to do likewise.

Deputy President, I so submit.

MR WONG KWOK-HING (in Cantonese): Deputy President, I speak in opposition to Mr WONG Yuk-man's original motion and Mr LEE Cheuk-yan's amendment, for I consider the two motions utterly ridiculous and wrong, violating both the Constitution and the Basic Law. I think the original motion and the amendment have put forth wrong advocacy at the wrong time and in the wrong place.

Why did I say it is at the wrong time? Perhaps the two Members have wrongly referred to the almanac calendar. This is the day Hong Kong has reunited with the Motherland for 17 years. I think it is inappropriate to propose a motion in violation of the Constitution and the law at this historical moment. Why did I say it is in the wrong place? They should know full well that Hong Kong is a special administrative region of the People's Republic of China, an inalienable part of the sacred territory of the People's Republic of China.

Thirdly, why did I say that their advocacy is wrong? The reason is that the original motion and the amendment are brandishing the banner of independence of Hong Kong. They brandish the banner of and advocate the independence of Hong Kong, they create public opinions on the independence of Hong Kong, and they incite an ill passion for striving for the independence of Hong Kong. For these reasons, I consider the original motion and the amendment proposed by the two Members utterly ridiculous and wrong, and they warrant strong criticisms and opposition.
Deputy President, I now come to the content of the original motion and the amendment. The motion is titled "Devising the constitution by all people, making a new covenant", and constitutional amendments and the new constitution are mentioned in it. Deputy President, everyone knows that the authority to amend or devise constitution is vested in the National People's Congress (NPC) and the Standing Committee of the NPC. The authority to amend and scrutinize the Constitution is stipulated unequivocally in Article 62 and Article 67 of the Constitution. If the two Members do not know this point clearly, they should check the relevant information.

The usage of the phrase "all people" makes a major political error by implying that the some 7 million people in Hong Kong are the "all people", which is an utterly wrong interpretation. Both the Constitution and the Basic Law must be scrutinized, proposed and decided by the NPC, for this is an issue concerning the people of the nation as a whole. So, be it about the Constitution or the Basic Law, this is absolutely not an issue concerning only the 7 million people here. From this point of view, the proposal of the so-called "devising the constitution by all people" put forth by them here is seeking to advocate the independence of Hong Kong. This is about the ideology of independence of Hong Kong, and I must expose this point.

Deputy President, about the next point, I think the original motion and amendment proposed by them reveal to us that the spectre of independence of Hong Kong is hovering over Hong Kong. What have they proposed in the motions that has revealed to us the hovering of the spectre of independence of Hong Kong over the territory? I will raise five points about this.

First, they propose establishing a constitutional amendments convention on Hong Kong Affairs. What are they doing? Does Hong Kong have the authority to establish a constitutional amendments convention on Hong Kong Affairs? Second, it is about the scope of Hong Kong's right of autonomy. Do they think that Hong Kong can determine the so-called right of autonomy on our own? If this is not advocating the independence of Hong Kong, what is the point of doing so? Third, they mention the definition of defence and foreign affairs. It is utterly ludicrous. How can we define the definition of defence and foreign affairs on our own? The motive is obviously malevolent. Fourth, they propose the enactment of a referendum law. We all know that the so-called referendum law is in violation of the Constitution and the law, which should not and cannot exist. Even if work in this respect is to be carried out, it should be
undertaken by the NPC. It would not be an issue that can be confirmed by the
discussion of the 7 million people in Hong Kong. They cannot do that.

(Some Members spoke in their seats)

DEPUTY PRESIDENT (in Cantonese): Members, please keep quiet.

MR WONG KWOK-HING (in Cantonese): Fifth, they propose that Hong Kong
people have the right of initiative and referendum of laws. It is evident in these
five points that the true motive of the original motion and the amendment is to
promote self-determination and autonomy in Hong Kong, an attempt to sever
Hong Kong from the Motherland. What a malevolent motive! I thus consider
the original motion and the amendment utterly ridiculous and wrong. We
absolutely cannot accept this.

Moreover, they point out that if this approach is to be adopted, the Chief
Executive and the accountability officials will have to resign *en masse*. I think
they must be daydreaming, and they must have taken too much garlic. It will
never happen. Besides, this is acting against the interest of the people of Hong
Kong. I think they are dreaming. We can all see that the work of the
current-term Government, the incumbent Chief Executive and accountability
officials has won the support of the public. The some 1.8 million signatures
collected in nine days reflect the support commanded by them, and the leader of
the State, President XI Jinping, has expressed commendation of the Chief
Executive.

Thus, I think the original motion and the amendment will not win the
support of the public at heart, and they will be spurned by ... *(The buzzer
sounded)* history.

(Mr CHAN Chi-chuen stood up)

MR CHAN CHI-CHUEN (in Cantonese): Deputy President, I request a
headcount according to Rule 17(2) of the Rules of Procedure.
DEPUTY PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

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

DEPUTY PRESIDENT (in Cantonese): Dr Priscilla LEUNG, please speak.

DR PRISCILLA LEUNG (in Cantonese): Deputy President, with regard to this motion today, it is, in the final analysis, a question of whether we accept that Hong Kong is part of China and whether we accept that China is the Motherland of Hong Kong and exercises sovereignty in Hong Kong. Had there not been the three unequal treaties, the 1997 question would not have existed; had there not been the 1997 question, there would not have been "one country, two systems"; nor would there had been the Basic Law.

Deputy President, that Hong Kong was turned from a colony into a special administrative region actually did not come by easily. I remember that in 1982 when the constitutional law experts in China had to consider how Hong Kong should be recovered in line with the national policy, they had given consideration to a diversity of proposals: first, to incorporate Hong Kong into Guangdong Province; second, to turn Hong Kong into an autonomous region like Xinjiang, Tibet, and so on; or to turn Hong Kong into a municipality directly under the Central Government. They had also considered making Hong Kong a special economic zone or a coastal city, similar to cities in southern China. In the end, they reasonably came to the view that all these options were not suitable for Hong Kong.

At that time, Hong Kong was a very beautiful Pearl of the Orient. After visiting Hong Kong, many members of the Basic Law Drafting Committee (BLDC) reported on their return to China that Hong Kong was indeed a wonderful place. They liked Hong Kong very much, and they liked the people and place of Hong Kong very much. So, when they were tasked to design a model for Hong Kong to be returned to China peacefully without bloodshed while maintaining prosperity and stability in the territory, what should they do? In the end, a group of think-tank members proposed "one country, two systems".
Back then, "one country, two systems" was not definitely given a go, because some people considered that according to the international standard, it should be "one country, one system". How could it be "one country, two systems"? China is a socialist country and so, many people opposed the reunification of Hong Kong with China by way of "one country, two systems". In fact, had it not been the Central Government throwing great weight behind this concept, holding that it would do good to the whole nation for Hong Kong to maintain a capitalist system from the angles of the national policy and the development of China, Hong Kong would not have become a special administrative region as it is today and this issue under discussion today probably would not have been raised.

Moreover, on the proposal of making Hong Kong a special administrative region, they had considered a lot of options. Should it be a federation or confederation? Why did they adopt the "one country, two systems" which was not found anywhere in the world? Hong Kong is unique indeed. Since Hong Kong was different from the Mainland in terms of the economic, political, legal and cultural systems, they proposed that "one country, two systems" should be adopted. "One country, two systems" allows greater room for autonomy than a federation. For example, our Court of Final Appeal has the power of final adjudication but in countries where a federal system is adopted, such as the United States, their federal courts do not have the power of final adjudication and people of foreign nationality cannot hold office as a legislator or a judge. In fact, they had made tremendous efforts to design a model which is in line with "one country, two systems". The formulation of the Basic Law must uphold China's sovereignty over Hong Kong, provide a high degree of autonomy and maintain the status quo, and the Basic Law should be made the highest law of Hong Kong but not to be taken as the Constitution because China adopts the unitary state structure. They had racked their brains to think of a solution and finally came up with the current model whereby the Basic Law is the highest law of Hong Kong and the mini constitution of Hong Kong and yet, it is a special law amongst the national laws. This is why the Basic Law was not passed by the Legislative Council of Hong Kong, but adopted by the National People's Congress.

We must accept that the "high degree of autonomy" enjoyed by Hong Kong after the reunification is not absolute autonomy. We must also accept that many articles in it are not solely common law or Chinese law. The Basic Law can be
compared to a half-breed and over the last 17 years, this half-breed has kept growing up and managed to become what it is today amidst many conflicts, contradictions and understanding between its father and mother. Under the Basic Law, the parts concerning the interpretation and amendment of the Basic Law are obviously not common law because reference is made to the sovereignty of the Central Authorities. However, Article 8 of the Basic Law is clearly meant to protect the characteristics of common law in Hong Kong as it even stipulates that the entire common law system and the origins of laws currently in force in Hong Kong shall be maintained. One is a capitalist society and the other is a socialist society. In the formulation of the Basic Law back then, some articles which I consider to be quite audacious were included, namely, Articles 50 and 52 which mention the relationship among the executive, legislature and Judiciary, and which even allow the Chief Executive to dissolve the Legislative Council and the Legislative Council to force the Chief Executive to resign when they really cannot co-operate with the Chief Executive. This is, in fact, a western system which absolutely could not be found before the reunification.

It is very difficult for us to force people who dislike their own country to like it or love it. But we very much hope that they can accept "one country, two systems" for the sake of Hong Kong, because if the people of a place do not accept their own constitutional system, the situation would be like that of Thailand where the government elected in accordance with the constitutional system can be toppled easily. A great majority of Hong Kong people love our country as we are people of the same blood and hence naturally bound together. We are willing to reunify with the Motherland peacefully and solve problems of greater significance by legal means. Therefore, we must cherish the Basic Law.

Today's Hong Kong is very different from what it was back in 1984. In 1987 I was in Beijing watching from a close distance the Beijing members of the BLDC and Hong Kong members of the BLDC "wrestling" with each other. What was Beijing like at that time? One could take a bath only every seven days, and I believe we Hong Kong people would never have dreamt of this, and there was no air-conditioner in the library. I had this big wish after a day's work of giving an air-conditioner to the university where I studied then. The people were very poor at that time, and a three-member family relied only on a bicycle as the means of transport.

Today's China is different. Back then there was a gap between Hong Kong and China, but under many articles of the Basic Law, a high degree of
autonomy for Hong Kong could still be assured and many characteristics of Hong Kong were maintained. I very much hope that we can put ourselves in each other's shoes because if we fight with each other over this half-breed every day and refuse to accept it every day, and if we even want to cut out a certain part of it, this is indeed unachievable. We must care for it as if we cherish life. We must put ourselves in each other's shoes and at least we can prove that "one country, two systems" has been implemented very well in Hong Kong. I also hope that we can have more understanding of the limitations of China because the eyebrows of this half-breed look like those of its father whereas its eyeballs look like those of its mother. But we must be neither haughty nor humble, and we must cherish the rule of law, freedoms and the economic system that we now possess while fighting for the realization of the kind of democracy for which we aspire, a quality kind of democracy. We must move on step by step, following the tracks of the Basic Law. Let us cherish it, appreciate differences, be tolerant of divergent views (The buzzer sounded), understand the limitations and give play to our advantages …

DEPUTY PRESIDENT (in Cantonese): Speaking time is up.

DR PRISCILLA LEUNG (in Cantonese): … Deputy President, I so submit.

DR HELENA WONG (in Cantonese): Deputy President, I speak in support of the amendment proposed by Mr LEE Cheuk-yan in the hope that the SAR Government can establish a constitutional amendments convention to review the Basic Law and propose relevant amendments to the Central Authorities.

Deputy President, the design of the entire political system as enshrined in the Basic Law is actually a handover from the so-called executive-led model adopted by the colonial Government. Many provisions specifically included during the drafting process are aimed at further undermining the power of the legislature to enable the executive-led model to gradually transform into "executive hegemony". Therefore, it is imperative for the Basic Law to be reviewed.

Let us look at how the executive manifests "executive hegemony", so to speak. Actually, Members have already experienced it. For instance, it is
hoped that the Finance Committee can postpone certain extremely controversial agenda items. Other agenda items related to the people's livelihood, be they concerned with allowances for low-income households, education funding or pay adjustments for civil servants, are of great concern to many citizens. Despite the proposal put forward by pan-democratic Members to the Government to advance the relevant motions for dealing, the Government remains reluctant to do so. Why should the finance committee of a legislature be dictated or controlled by the executive? The Government is even reluctant to rearrange priorities for the public's convenience by opening a "humane access".

Do we consider "executive hegemony" or undermining the power of the legislature a desirable political system as well as a sound system that can achieve the objective of effective governance and mutual monitoring? We do not deem it necessary to kick away the Basic Law and disregard it completely. Not only is it disrespectful to do so, but we have never said anything like that either. Nevertheless, does the Basic Law still have room for improvement and review?

Furthermore, there are some unreasonable provisions in the Basic Law, including those related to the separate voting mechanism, the retention of functional constituency Members in the Legislative Council, and so on. The power of Members to propose private bills is also subject to tremendous restrictions, which are even greater than those imposed during the colonial era. Members seeking to amend motions proposed by the Government will also be subject to a lot of unnecessary restrictions, thereby preventing the effects of mutual monitoring and checks and balances between the executive and the legislature from being manifested effectively.

Hence, Deputy President, I support the proposal put forward by Mr LEE Cheuk-yan to review and amend the Basic Law. As regards the motion proposed by Mr WONG Yuk-man, Members certainly have some opinions, wondering whether it is unrealistic and can be implemented because it seems like hyperbole. The Democratic Party does not approve of the first half of the motion because we cannot see any possibility of it being implemented. Certainly, I do not want to see Mr WONG Kwok-hing smear me again, saying that the objective of my speech is to call for "independence of Hong Kong". The Democratic Party has never ever mentioned calls for such independence. We hope Members can refrain from making such interpretations.
I think that some proposals put forward by Mr WONG Yuk-man in the second half of the motion can be considered. Even the Democratic Party supports some of his views, including the enactment of a political party law and a referendum law. Deputy President, if we hope to see Hong Kong move towards a democratic political system and implement dual universal suffrage, sound party politics must be established under the democratic system. We must not adopt an evasive attitude. A political party law is absolutely helpful to promoting the healthy development of party politics, including regulation of the disclosure of the membership lists of political parties in tandem with the donations received by them. All this information should be disclosed and remain transparent. Such proposals have actually been put forward by the Democratic Party numerous times before.

Deputy President, insofar as the issue of referendum is concerned, there is no provision for a referendum law in the Basic Law. The democratic political system we have been discussing refers to the system of representative government in the '80s, whereby people's representatives returned through democratic elections were allowed to discuss politics in the Legislative Council. In recent years, however, we have actually seen some members of the public question the failure of the parliamentary assembly because it has failed to move towards full universal suffrage. Moreover, more and more citizens consider it necessary to establish a direct democratic mechanism. In other words, no one can tell clearly which views are mainstream or command less support when there are major controversies or serious divisions in society. When one party claims itself to represent the mainstream opinion, the other party will also say so. In short, both parties claim themselves to be representatives of the mainstream opinion.

When society is plunged into such a situation and if a lawful referendum mechanism is in place, we might be able to conduct a referendum to resolve problems, including the call for genuine universal suffrage which is being discussed at the moment, the request for the withdrawal of the 31 August Decision by the Standing Committee of the National People's Congress (NPCSC), and the issue of whether or not the public support "pocketing it first" or disapprove of bogus universal suffrage. If controversies of such a serious nature arise, disputes can be resolved through a lawful referendum if a referendum law is in place.
Therefore, I think that these issues still have room for discussion. I certainly very much hope that the Government can clearly convey the public's insistence on genuine universal suffrage in the Umbrella Movement over the past two months in its report to be submitted shortly to the Hong Kong and Macao Affairs Office of the State Council and reflect it to the Central Authorities faithfully, and convey Hong Kong people's call for the withdrawal of the 31 August Decision by the NPCSC, the resignation of LEUNG Chun-ying and so on, to enable Hong Kong people to participate in genuine universal suffrage.

Deputy President, I so submit.

MR JAMES TIEN (in Cantonese): Deputy President, the question proposed for discussion in the original motion of Mr WONG Yuk-man is an issue of concern to me since the 1980s when I worked on the BLCC. In the 1980s, Hong Kong people worried about possible changes after the reunification, not sure if Hong Kong would be turned from a colony of the United Kingdom to a place where Hong Kong people would have autonomy in ruling Hong Kong, or if authority over Hong Kong would be returned to the Central Government and then be delegated by the Central Government. According to the understanding at the time, people welcomed the design of "one country, two systems", which was not found in any other place of the world. Certainly, no specific explanation on the "high degree of autonomy" has ever been made. I understand that Hong Kong people naturally desire to have a high degree of autonomy, and the higher the better. We have our own currency, passport and the Court of Final Appeal, and the budget is made completely on our own. In what way is this ultimate scenario differs from independence? In our view, sovereignty must be vested in the Central Authorities, while the authority of governance should be vested in Hong Kong.

(THE PRESIDENT resumed the Chair)

Mr WONG Yuk-man has put forth too many proposals in the original motion, yet I consider that parts of the content merit reasonable examination, and they include the political party law, the political donations law and the application of the political party background requirement to the Chief Executive. However,
the Liberal Party disagrees with the other proposals concerning referendum and amendment of the Basic Law. The prevailing problems, including my recent criticisms of the Chief Executive, are in fact related to the overall constitutional design enshrined in the Basic Law. At issue is the sustainability between the incumbent Chief Executive and the next Chief Executive, and I would say there is no continuity between the Chief Executives of different terms. Why would this happen? Although candidates standing in the Chief Executive election of each term have put forth their manifesto, they do not have their own team. There is no clue as to who will be the three Secretaries of Department and the 12 Directors of Bureaux, and all this will be made known only when the candidate is successfully elected the Chief Executive. When the Chief Executive elect forms his team after the election, will all the Secretaries of Departments and Directors of Bureaux appointed be willing to support all the items he has proposed in his election manifesto? It may not necessarily be the case. And then, after listening to the views of the public, will he be willing to heed their views? This is another matter. All along, we consider it necessary to deal with this situation.

The Liberal Party and a number of political parties have made a point about developing the idea of "coalition government". We think that the Central Authorities should now consider developing this idea after the Chief Executive is elected, no matter the Chief Executive is elected by the Election Committee or returned by universal suffrage — if it is hoped that the Chief Executive can be returned by universal suffrage, it is necessary to secure the support of four to five Members from the pan-democratic camp before it can be implemented. Be it the Secretaries of Departments, the Directors of Bureaux or Members of the Executive Council, they should strive to work together from the left, middle and right perspectives for the good of Hong Kong. Otherwise, when the Chief Executive is elected, he may not be able to secure even one vote in the Legislative Council, and he may not find people willing to take the offices of the Secretaries of Departments and the Directors of Bureaux. Within the short tenure of only a few years, it is impossible to conduct studies and implement the policies. Besides, even if the Chief Executive has completed the five-year tenure or 10-year tenure, the overall directions of various policy areas may change completely when the next Chief Executive takes office. Take the housing policy as an example. The target of building 85,000 flats a year had been changed to a moratorium on land sale, and it was then changed to resuming construction of some 60,000 flats. When the next Chief Executive takes office, these targets for housing construction may be cancelled again. It is evident that the system lacks continuity.
Many people have pointed out that in the area of people's livelihood, no university or hospital was built in Hong Kong in the past decade. Ten years later, the existing landfills may be full, and the operation period of landfills will be extended for another 10 years. It is true that the public are discontented with this lack of continuity in administration by the Government, yet I consider the proposal to amend the Basic Law and to scrap everything and start anew as mentioned in the motion unrealistic. This is not a question of whether or not this is in compliance with the international human rights law, for the only constitution Hong Kong needs to comply with now is the Basic Law. The Basic Law has provided much leeway. For instance, under the existing process of election, we may think about how the nomination system may be enhanced to increase the participation of the public, so that the Chief Executive elect will attach more importance to the views of the public to make Hong Kong better. I think this approach is much more practical. Nonetheless, I think the proposal of the present motion will prompt the Central Authorities to get increasingly worried, suspecting why legislators in Hong Kong will propose this kind of motion.

Mr WONG Yuk-man is not in the Chamber now. He has put forth this motion naturally because he is a very special Member. However, I hope other mainstream Members of the pan-democratic camp or political parties will not support this motion. We consider that the decision to support or oppose the motion should not be determined by how much of the content is right and how much of it is wrong. In other words, we cannot support the motion because 60% of the proposals therein is correct and ignore the rest 40% which is wrong. Earlier on, some Members from the Democratic Party have briefly mentioned some of the proposals which are unacceptable, for we also consider those proposals impossible to support. If the Central Authorities or the international community get the message that this kind of motions will also receive great support, no wonder the Central Authorities or people in other Mainland provinces will query what have happened to the people of Hong Kong. They may think that if all the proposals in the motion were implemented and that some 20 Members voted for the motion, Hong Kong would not be far from independence. In my view, the Central Authorities are worried about the colour revolution and Occupy Central participants and regard them as the opposition camp all together in one go, yet this is not the actual situation in Hong Kong. I believe if the incident is escalated further, the so-called "hawks" in the Central Government will act more "hawk-like", which is definitely unfavourable to Hong Kong.
Therefore, I think Members from the pan-democratic camp should keep calm and examine the content of the motion carefully. On the whole, we consider the motion unacceptable. Regarding the original motion of Mr WONG Yuk-man and the amendment of Mr LEE Cheuk-yan, I hope some of the Members from the pan-democratic camp will consider not rendering their support to them. The Liberal Party will vote against this motion. Thank you, President.

DR KWOK KA-KI (in Cantonese): President, the Sino-British Joint Declaration was signed and the Basic Law enacted in the 1980s in Hong Kong and initially, they both came into existence by dint of the secret negotiations between China and the United Kingdom. Subsequently, the Central Authorities appointed the Basic Law Drafting Committee to draft the Basic Law, which was then enacted and promulgated by the Standing Committee of the National People's Congress (NPCSC). In the whole process, how much consultation was carried out in Hong Kong and how much input of public opinion was there? This is very much questionable.

Of course, we believe in "one country, two systems", "Hong Kong people ruling Hong Kong", "a high degree of autonomy" and remaining unchanged for 50 years, as promised by the Basic Law, and also hope that these promises can be truly implemented and guaranteed. However, 17 years after the reunification, nowadays, is the situation one of "having laws to go by"? The Central Authorities have interfered with affairs in Hong Kong and this is not confined to national defence and foreign affairs; rather, in respect of politics, the economy, the rule of law, public living and human rights, all of them are being undermined day after day.

Let us not talk about distant issues. Just now, Mr James TIEN said that of course, it was not possible to have the constitution devised by all people but I believe that, as the saying goes, "none but the wearer knows where the shoe pinches". Since Mr James TIEN has been subjected to some unfair treatment, he is actually not immune to interference either, including that from the Liaison Office of the Central People's Government in the Hong Kong SAR (LOCPG). Is this upholding "one country, two systems" and "Hong Kong people ruling Hong Kong", as spelt out clearly in the Sino-British Joint Declaration and the Basic Law? Be it something as important as the Chief Executive election and the Legislative Council election, or something as minor as the District Council elections — and President, something even as minor as the voting in the
Legislative Council — we can find interference by the Central Authorities or the LOCPG everywhere. What kind of "a high degree of autonomy" and "Hong Kong people ruling Hong Kong" is this?

Certainly, Mr WONG Yuk -man has different views and ultimately, this motion may not win the support of a great majority of Members in the Legislative Council. However, I believe that his proposal of "devising the constitution by all people" is based on his observation of Hong Kong's situation in the past 17 years. We can see that human rights and freedoms in Hong Kong are being gradually compromised, undermined and infringed.

President, the enactment of the Basic Law was originally intended to give the minimum protection to human rights in Hong Kong but now, it has degenerated into a political tool of the Central Authorities in controlling the SAR. We are also concerned that Hong Kong would only gradually become a hub for capital — and to put it more bluntly, "dark money" — that some senior officials of the Central Authorities would be interested in. Do we really want Hong Kong to become that?

In fact, Article 45 of the Basic Law also stipulates clearly that the Chief Executive will ultimately be selected by universal suffrage and Article 68 also stipulates clearly that all seats in the Legislative Council will ultimately be returned by universal suffrage. As regards the functional constituencies, of course, they will be abolished. However, this original plan under the Basic Law, that is, the method for selecting the Chief Executive in 2017 and for forming the Legislative Council in 2018, was destroyed by no other "black hand" than that of the Central Authorities. Originally, universal suffrage could have been achieved long ago, in 2007 and 2008 — this is the consensus among Hong Kong people but it no longer exists.

At the same time, of course, we hope that judicial independence and the rule of law, which we have always taken pride in, could be defended but now, we can see that quite a number of inroads have been made into the rule of law. Why am I saying this? Since the reunification, interpretations of the Basic Law have been made on four occasions.

I think the second interpretation made in 2004 to Annex I and Annex II of the Basic Law was the most fatal because the procedure for selecting the Chief Executive and forming the Legislative Council was amended, such that two more steps were added to the original three steps. They include: (1) the Chief Executive shall make a report to the NPCSC as regards whether there is a need to
make an amendment and (2) the NPCSC shall, in accordance with the provisions of Articles 45 and 68 of the Basic Law, make a determination in the light of the actual situation in Hong Kong. The Three-part Process was changed to a Five-part Process, so the goalposts can be moved in whatever way one likes.

Some people queried how the Basic Law could possibly be amended. Had no one undermined the rule of law in the first place and had there not been any interpretation of the Basic Law at will — in particular, the original solemn promise of paramount importance stated clearly in Articles 45 and 68 of the Basic Law about the election of the Chief Executive and the Legislative Council — had these matters not arisen in the first place, of course, we must defend, and we should not amend at will, the Basic Law but the present situation is not like this. Now, the Basic Law, which we regard as the golden law, can be interpreted at will whenever the NPCSC wants to and what can be found in it can be reduced to being non-existent. How can it explain this to Hong Kong people? Back then, it was precisely because many Hong Kong people trusted the Basic Law, "one country, two systems" and the Sino-British Joint Declaration that they remained in Hong Kong and continued to maintain this society of Hong Kong.

For many years, we have spent our time and effort on building our society but it is now being undermined. This explains why so many people have come out now. We cannot meet all of them in the "Umbrella Square" but nowadays, all Hong Kong people can see that the original spirit of the Basic Law has been reduced to such a state, that "one country, two systems" has actually been gradually reduced to "one country, one system" and that the so-called universal suffrage has been skinned and its skeleton removed, so how possibly can we refrain from speaking up?

Certainly, we may not agree with all the proposals on devising the constitution by all people found in Mr WONG Yuk-man's motion but it is obvious that, as stated clearly in Mr LEE Cheuk-yan's amendment, we agree with the need to put in place a mechanism for examining this matter. If all Hong Kong people agree with devising the constitution by all people, there is a public mandate, so why does this not deserve our respect? Does anyone mean that the NPCSC can represent the wishes of Hong Kong people? If it could, we would not have seen hundreds of thousands of people rallying in the "Umbrella Square" nowadays.
President, of course, this is not a simple task that can be achieved easily, nor do I believe that the motion will be passed today. However, if we believe simplistically that by opposing this motion, denying its passage, we do not have to make any change, and the shambles in Hong Kong can be rectified, we will not have fulfilled our responsibilities.

With these remarks, I support Mr LEE Cheuk-yans amendment. Thank you, President.

**MS CLAUDIA MO:** Hong Kong is in the doldrums, mainly on the political front, of course, but then bad politics has a spillover effect to many other fronts. We need impetus, fresh ideas, even innovative ideas to enforce our development on the political reform front. But then it has been very obvious to all that those in the Government — those who are on very high payrolls — are mere puppets. They behave like lackeys or, to use Mainland Chinese terminology, they are mere "running dogs" of the Beijing "Big Brother". They are letting Hong Kong people down. Beijing is practically saying direct elections are allowed only if the "Big Brother" up there — up north — vets the candidates. They have the screening power and the authority to say who is allowed to run. And you call that true democracy? You look at the Government — the Executive Branch — is so full of yesmen. They are here. What for? To read from scripts. "Sir, may I repeat again? May I read again?" They keep repeating. This legislature, President, has become such a zoo. You knew that everyone knows that is the image this legislature is giving, not just to Hong Kong but to the outside world.

This particular T-shirt of mine is not just a souvenir. I was given this by the woman who was in charge of this T-shirt campaign right downstairs. It is a freebie. I do not need to pay for it. They are a group of designers who get together. I think they gathered up altogether HK$150,000 to get this done and they got the endorsement and consent of the original designer, some guy called Vasco LAM, a very brilliant designer. You can tell what this is about. We need to talk about motions of the kind and I strongly disagree with James TIEN saying, "Whoa, this is so far-fetched. This is so scary to Beijing. It would make them … or these motions or the motion and its amendment would just make Beijing even more nervous about Hong Kong." Oh, dear me, so are we
supposed to exercise thought control in Hong Kong? Look at this: the umbrella for the Umbrella Movement; the Lion Rock spirit for the can-do spirit; and then this particular line saying, "We want, we need true democracy". Is that just a dream? But even if it were just a dream, can we not just dream on? Can we not even just talk about things? For the young generation, it is something called "imagineering" — "imagination" plus "engineering".

It is so obvious by now that the whole movement is so organic and so spontaneous that it is a people's movement and it is so timely to have this kind of discussion, if not, an exact debate at this Chamber. Too dreamy? Too far-fetched? Too completely out-of-the-world, or something? We cannot even think about the impossible apparently in this Chamber. With the referendum law suggestion, of course, I fully agree with that because you hear what the CY LEUNG Government people or, again, his lackeys keep saying, "Oh, there is no point to conduct any referendum because whatever the outcome or the result, they are not legally binding because we have no laws to make them binding. So what is the point? Don't do it." So, let us have the law first. What about having some proper opinion poll? They would say, "Oh, you can do whatever you want, but they are not legally binding. Full stop." What kind of argument is this? What kind of society is this? Chris PATTEN, back in London, was saying, "Hong Kong politics is actually going backwards." Instead of going forward, he could see how Hong Kong people's interests have been sold out. To quote PATTEN, he actually said that he perfectly understood how our younger generation felt, that this generation, they feel they are having their future stolen.

To the Chinese communists, the number one weapon, probably these days, is ideology control. So, we need to have thought control in Hong Kong, apparently, according to some of our colleagues' expressions. As far as Beijing is concerned, they need to control, if not brainwash, what we think and what we have between our ears. But Dr JOHNSON said, "Patriotism is the last refuge of a scoundrel" and they have nothing else to clamp down on Hong Kong's speech freedom or our thought freedom, and so they keep talking about nationalism and patriotism.

President, we need change. (The buzzer sounded) Thank you.
MR NG LEUNG-SING (in Cantonese): President, this Member's motion is a "political mirage" or "completely detached from reality". If the motion is defined in a more solemn manner, it will then be regarded as a violation of political ethics. Put in a vulgar way, the motion may even smack of an attempt to launch a rebellion. Personally, I consider that the discussion of such a motion in this Chamber is actually staging a "big political show" because Mr WONG Yuk-man's proposal of "devising the constitution by all people", which means devising the constitution by referendum, is an act of an independent state. In fact, for example, the new Constitution was passed in France by a nationwide referendum in 1958 to affirm the political foundation of the Fifth Republic. However, the reality of Hong Kong is definitely different. Hong Kong is a special administrative region of China directly under the Central Authorities rather than an independent city-state. How can it devise its own constitution? Therefore, since Mr WONG has mentioned the Basic Law and, if Members of the Legislative Council are truly law-abiding, we may just as well review Article 1 of the Basic Law: "The Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China"; and it is also stipulated in Article 2 that, "The National People's Congress authorizes the Hong Kong Special Administrative Region to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of this Law".

As stated by Prof LAU Siu-kai, to this effect, "Although Hong Kong enjoys 'a high degree of autonomy', it is not an independent political entity and therefore no comparison should be drawn with the democratic development of independent countries". Prof LAU also stated that the autonomy enjoyed by Hong Kong under the "one country, two systems" principle is conferred by the Central Authorities. There is only a "high degree" of autonomy instead of "absolute" autonomy. This is the political reality of Hong Kong. The principle of "one country, two systems" shall be interpreted in a comprehensive way, with "one country" being the premise while "two systems" cannot be construed individually. As China is a unitary country, it completely determines that the right of decision over the constitutional system of Hong Kong is vested in the Central Government.

Prof Albert CHEN, an academic in law, has also pointed out to the effect that, "The Basic Law is a law enacted by the supreme legislature of the People's Republic of China. It is certainly not only a law of Hong Kong (as well as a constitutional paper of the Hong Kong Special Administrative Region) but also a
'national law". Therefore, it cannot be amended by Hong Kong unilaterally. In accordance with Article 159 of Chapter VIII of the Basic Law, the power of making amendments to the Basic Law shall be vested in the National People's Congress (NPC). Amendment bills shall be submitted to the NPC by the delegation of the Region to the NPC after obtaining the consent of two-thirds of the Deputies of the Region to the NPC as well as two-thirds of the Members of this Council and the Chief Executive of the Region. Mr WONG's motion does not follow the proper legal procedures. He proposes to "establish a constitutional amendments convention on Hong Kong Affairs", making no mention of the role of the Central Government at all. Inevitably, it gives an impression that he has contracted the "political delusional disorder" or perhaps there are other motives behind this?

Even in countries where the system of representative government is adopted, it does not appear that they will allow districts at the county and city levels to devise the constitution by referendum. How will the United Kingdom ever allow the people of London to devise the constitution on their own by referendum? Even in the western democratic countries, the prior approval from the central government is necessary for a local government to carry out any valid referendum. The recent referendum of Scotland is one of the examples. As for the referendum held lately in Catalonia, Spain, it was ruled as illegal and non-binding as no consent had been given by the central government. It is therefore legally unfounded for Mr WONG to propose "devising the constitution by all people" which is basically a "political show" that neither has legal effect nor any practical results. This sort of act will only create political chaos or you may even get burned after playing with fire, eventually injuring yourself as well as the others. Worse still, it may encumber Hong Kong and destroy the pillars propping up its long-term prosperity and stability.

President, instead of having this discussion in an unrealistic and imaginative manner, we may as well let you, the President, resume the Chair so that we can adopt a pragmatic approach and propose practical improvements within the existing legal framework. For example, with regard to the problem of political donations, in particular the recent "dark money incident" exposed by the media, we should target at the loopholes that affect the impartiality and fairness of election to optimize the existing statutes continuously. We should, on the premise of "one country, two systems", achieve proper implementation of various specific policies under the "two systems" step by step and make concrete contribution to the people of Hong Kong.
In connection with the content mentioned by Mr WONG in his speech at the beginning, I wish to recap some history. It is true that the Joint Declaration did state as a guarantee that the original way of life shall remain unchanged. However, let us not forget that there was no universal suffrage, be it genuine or bogus, in our political life back then. What we had were simply appointed Governors to Hong Kong. Yet, our political life is about to change right now. There will be election of the Chief Executive by universal suffrage, regardless of whether it is genuine or bogus, who will at least be elected on a one-person-one-vote basis. Moreover, the Central Authorities will not appoint a Chief Executive to Hong Kong. These changes exactly prove that Hong Kong is, on the premise of the Basic Law, actually making improvements to the constitutional system.

With these remarks, I oppose the original motion and amendment.

MRS REGINA IP (in Cantonese): President, I rise to speak against both Mr WONG Yuk-man's original motion and Mr LEE Cheuk-yan's amendment. I totally agree with Mr NG Leung-sing's earlier remark about this motion being fictitious as a mirage and is completely detached from the political reality. It would be fun to view Mr WONG Yuk-man's speech purely as a kind of academic rhetoric that is fictitious in nature and full of imagination, yet its feasibility is out of the question.

Mr WONG talked about numerous concepts in his passionate speech earlier. They sound appealing to the ear, yet it does not match the historical facts. A case in point is his remark about the concept of direct democracy, which actually existed in human history for a very short time only, specifically in Athens, a city-state of Greece; and the type of direct democracy that existed was not universal, as it included only men but not women. As for the concept of "devising the constitution by all people", it does not live up to its name. In the Taiwanese model he mentioned earlier, representatives are returned through the National Assembly on the basis of indirect elections. In the most successful countries, such as the United Kingdom, an old-brand democratic country, there is essentially no expressly written constitution. Its democratic system stands as it does today after 800 to 1 000 years of evolution, yet its constitution is not devised by all people, as is the case of the United States. The United States constitution was devised by the crème de la crème in leadership positions who were well read, including such big landlords as George WASHINGTON, the wealthiest President
in American history, on behalf of the people through several rounds of constitutional meetings. This is in stark contrast to the current Occupy Central, which seeks to introduce changes to the political system through occupation of the streets.

The concept of self-determination by the people is even more controversial. According to the history of international law, the concept was put forward by the then United States President Woodrow Wilson after the First World War, when countries came up with the idea of forming the League of Nations, the predecessor of the United Nations. However, as the idea did not win the support of countries, it was not included in the constitution of the League of Nations. After the Second World War, the United Nations decided to discuss self-determination by the people genuinely, but the discussion was carried out mainly under the topic of decolonization. At that time, the United Nations set up a Subcommittee on Decolonization, and passed Resolution 1514 in 1960 for discussions on the topic. Nevertheless, right after the passage of the Resolution, our country made a declaration that decolonization was not applicable to Hong Kong because Hong Kong was an inalienable part of Chinese territory.

In addition, self-determination by the people also involves many other issues, including national sovereignty, territorial integrity as well as the definition of people, that is, whether "people" refers to some of the people, or also includes ethnic minorities, women, aboriginals, and so on. Hence, from the study I have done about international law, self-determination by the people is essentially not an internationally accepted concept.

President, let me also read out in passing a commentary on the concept of self-determination by the people by Emerson, an academic on international law, "The right of self-determination has as yet found no stable place in the international legal structure nor has it been accepted by states as a policy to be applied consistently and across the board." In other words, self-determination by the people is very often just a fantasy of the ethnic minorities or some of the people. Its implementation requires the consent of the sovereign state as well as that of other countries, since it may affect the territorial integrity of other countries and lead to the formation of a new country. Therefore, self-determination by the people is not predicated on some casual remarks by a few people. There is actually a need to take various political realities into account, including the possibility of self-determination economically.
I completely subscribe to Mr NG Leung-sing's remark that Hong Kong is essentially part of China, just as what our country put in the declaration made by the time the United Nations conducted a study on decolonization. Hong Kong belongs to China, and in terms of sovereignty, it is not an independent political entity. We also have no conditions for either independence or self-determination. Hence, to ensure the long-term stability and prosperity of Hong Kong, the most practical way is to implement "one country, two systems" in accordance with the Basic Law, maintain the "two systems" and our way of life in the past under "one country".

Actually, since the reunification, our human rights and freedoms have compared much more favourably than that in the era under British rule as well as many Western democratic countries. A lot of foreigners wonder to me, which Western democratic country would allow the major trunk roads to be occupied for 40 days or so with no enforcement action taken by a government in order that its people are granted such large room to fight for their rights?

Therefore, President, in my opinion, both Mr WONG Yuk-man's original motion and Mr LEE Cheuk-yan's amendment disregard our political reality as well as disrespect the country's sovereignty and territorial integrity. The New People's Party will object to them.

MR JEFFREY LAM (in Cantonese): President, from the message "fate in one's own hand" stuck on the back of the lectern outside the Chamber, to the motion on "devising the constitution by all people" proposed by a Member in the Chamber today, I cannot help shaking my head and sighing with deep worries, wondering if such remarks mean to take Hong Kong to a path of no return. The content of today's motion has utterly no regard for Hong Kong's history of yesterday, its reality of today and its future development, a perilous proposition in itself.

Hong Kong has all along been an inalienable part of China. Due to historical reasons, Hong Kong was once under colonial rule. Since the 1980s, the State has made a series of efforts regarding Hong Kong's future and worked towards the eventual reunification of Hong Kong. The Central Government also understood the differences between Hong Kong's way of living and that of the Mainland, so the Basic Law as a constitutional document was enacted to provide for the principles and social system of "one country, two systems", "Hong Kong people governing Hong Kong", "a high degree of autonomy", and so on.
President, the Basic Law was not enacted behind closed doors. Given the age of most Honourable colleagues, they should be able to recall that many Hong Kong journalists visited Beijing in the 1980s and 1990s to cover and report on the drafting of the Basic Law. Many of the Basic Law Drafting Committee members were from Hong Kong, including "Uncle Fat", who sits beside me, personalities like Dr LI Ka-shing, Dr David LI and Dr Louis CHA, those who passed away like shipping magnate PAO Yue-kong and Mr Henry FOK, as well as democrats like Martin LEE, Mr SZETO Wah, and so on.

In addition, the Basic Law Consultative Committee, which fully consisted of Hong Kong people, was also set up at the time to gather views from different sectors. Its membership spanned across different sectors of the Hong Kong community, including Elsie TU, Edward CHEN, YANG Ti-liang and LEONG Che-hung, incumbent Members of this Council, namely Mr Frederick FUNG and Mr James TIEN, and even Benny TAI, who is making his presence outside this Chamber. These members came from different sectors of the community and boasted broad representation. Hence, be it in the consultative or drafting work, the needs and sentiments of Hong Kong were well taken care of. Coupled with the judicious and comprehensive enactment process, the authority and importance of the Basic Law were thus established.

President, let me point out unequivocally once again that Hong Kong is not an independent country, but a special administrative region of the People's Republic of China which implements the Basic Law according to the Constitution. The proposition of today's motion totally runs against the Constitution and the Basic Law. Hong Kong is a society where the rule of law prevails. Neither the Government nor any person may act in contravention of the provisions in the Basic Law. To act in accordance with the Basic Law is the political reality of today as well as the best way forward for both Hong Kong and the country. Be it amending the Basic Law or constitutional development, there are clear provisions in the Basic Law. If those who are disgruntled occupy the roads with no regard of others' views and feeling, call for the resignation of all public officers en masse, or initiate a so-called "convention on Hong Kong Affairs" with any group of people for making amendments to the Basic Law, it is not strange that the community will end up in terrible chaos. As for international covenants, I do not see any country in the world which would act in accordance with such covenants with no regard of their own realities and needs.
The Basic Law is not just Hong Kong people's matter but is also that of the country. Any changes made to it will affect the interests of not just Hong Kong but also the country. Furthermore, given the closeness and dependency between China and Hong Kong, how can an isolated, fragmented approach be taken? It is absolutely not for the good of Hong Kong people to blindly advocate changes of such a magnitude. Moreover, today's motion makes no mention of the relationship between Hong Kong and the Central Authorities, testifying that it departs from the reality and disregards the opportunities and directions for Hong Kong's development in the future. Hence, in my opinion, all Members should object to the motion in order not to wreak havoc on Hong Kong.

President, regarding the amendment, it is obvious that someone is taking a free ride, so to speak, to take advantage of the situation. It also reflects how unrealistic Mr LEE Cheuk-yan's idea is, with him thinking that there are only workers but no employers in the world. If no one commits to investment and offering jobs, where will workers get their jobs? In fact, the relationship between the two is close and important, so we cannot cater to one side but not the other. In a business society, companies are required to come up with reasonable remuneration packages based on the employees' ability and talent, and this is what a positive employment relationship is all about. Mr LEE Cheuk-yan intends to incorporate into the new constitution the idea of class struggle, which he very often advocates. This is utterly an attempt to cast a death spell on the hundreds of thousand small and medium enterprises in the business society of Hong Kong and take Hong Kong to a state of no redemption.

President, the Business and Professionals Alliance for Hong Kong will object to both the original motion and the amendment. I so submit.

MR ALAN LEONG (in Cantonese): President, although the motion proposed by Mr WONG Yuk-man and the amendment proposed by Mr LEE Cheuk-yan today might not be agreed by everyone, it is indeed necessary for us to deal with the crisis of losing the next two generations of young people, right before us. President, even if we disagree with Mr WONG's motion and Mr LEE's amendment, will Members not agree that they serve the purpose of a wake-up call or an alarm bell? Let us consider this seriously. With the emergence of the occupation movement and the Umbrella Movement, which way should Hong Kong go in the "post-Occupy" and "post-Umbrella" era? If handled improperly, we might risk losing the occupiers, who are innovative, committed, high-quality
and outstanding young people aged between 15 and 25 on average. Can we rely on the Our Hong Kong Foundation established by TUNG Chee-hwa and Antony LEUNG to mend Hong Kong which is confronted by serious polarization and division as well as the extremely detached, confrontational and accusatory interpersonal relations?

A couple of days ago, TUNG Chee-hwa indicated his intention to establish the Our Hong Kong Foundation with resolving problems arising from the occupation movement as one of its top priorities. Then, he was followed by the last speaker, Antony LEUNG. I believe Antony LEUNG was only six or seven years older than me, but why is there such a serious gap between his angle of looking at things and philosophy and that of the students participating in the occupation movement outside? Does he have any empathy at all? Can he put himself in the students' shoes and see for himself the plights facing them? Does he have any sympathy and understand that, unlike him, young people nowadays can no longer acquire wealth through education? Has it occurred to him that the circumstances faced by young people nowadays are vastly different from the condition of people under the Lion Rock three decades ago? Has it occurred to him what Alex CHOW, Lester SHUM, Agnes CHOW or Joshua WONG would think when they heard the comments made by these "elders", the Chief Secretary for Administration or the Chief Executive that abiding by the law is tantamount to the rule of law and violating the law is tantamount to damaging the rule of law, thereby rendering the rule of law non-existent? Where can we find public powers restricted by the law or justice done in accordance with the law? When these students heard Antony LEUNG say that Hong Kong had come to this pass because of the Government's failure in 2003 to enact legislation on Article 23 of the Basic Law, thereby allowing those people to receive money from overseas countries, they as representatives of the next two generations might really laugh their heads off. Perhaps it is not entirely correct for me to say that because they might be unable to laugh. Perhaps I should say that they felt like crying but had no tears.

Antony LEUNG considered himself to be most awesome, saying that the problems could be solved by building flats in the future and selling them at a relatively low price to young people. Is he looking down on the next two generations of young people? What these young people want are opportunities of giving play to their potentials. How can they have opportunities should these opportunities continue to be hoarded by people who are past the age of 60, such as Antony LEUNG and TUNG Chee-hwa? Hence, even if we cannot agree
entirely with the wordings of the motion and amendment proposed by the two Members, Hong Kong is doomed to sink deeper and deeper should the aforesaid people continue to look at things occurring in Hong Kong with the mindset of the past and without any empathy and sympathy. The present occupation movement actually represents a struggle between the past and the future. People of the past, such as TUNG Chee-hwa and Antony LEUNG, are now saying that they will resolve problems of the future. How disheartening it is.

President, I very much hope that Mr WONG Yuk-man's motion can enable this Council and society to understand that we are facing a turning point in history, a critical moment that affects the future of Hong Kong and China. Even if it is impossible to achieve the goal of devising the constitution by all people, we must think for Hong Kong's next two generations with empathy and sympathy. I also hope that the debate today can at least achieve this result.

MR FREDERICK FUNG (in Cantonese): President, I will discuss Mr WONG Yuk-man's motion from two areas.

First, on some of the political aspirations he mentions in the motion. As a matter of principle, the Hong Kong Association for Democracy and People's Livelihood (ADPL) agrees with these political aspirations because ordinary members of the public will also hope that they can pursue and achieve such a political system in the place or country where they live. Under such a system, citizens of a country are all equal and they can formulate certain policies or enact certain laws or even decide who is to be the decision-maker. What is more, when a policy, law or a decision-maker infringes on the rights of the people, they will have the right to through lawful channels urge that these policies be changed or amended and that the decision-maker in question shall step down as a result of citizens casting their votes to oppose him.

I will now try to understand the five principles put forward by Mr WONG Yuk-man. I would think that the principles put forward by him are political aspirations. These are: First, amend the Basic Law based on the Universal Declaration of Human Rights and the Hong Kong Bill of Rights Ordinance, precisely determine the scope of Hong Kong's right of autonomy and the definition of defence and foreign affairs, especially the move taken by the State Council to issue a white paper on "one country, two systems" to expound unilaterally the full power of the Central Authorities to govern Hong Kong to the
neglect of a "high degree of autonomy" of the Hong Kong people and the issue of judicial independence; second, enact a referendum law to give Hong Kong people the right of initiative and referendum of laws; third, enact a political party law to regulate the operation of political parties and also to enact a political donations law to require political parties to disclose the political donations they receive; fourth, permit candidates for the office of the Chief Executive to have political party background, and allow Legislative Council Members to introduce bills relating to government policies without the written consent of the Chief Executive; and fifth, after the passage of a new constitution by referendum of Hong Kong people, dual universal suffrage for the Chief Executive and the Legislative Council elections should be conducted with nominations jointly endorsed by citizens.

In our opinion, with respect to items one, two and three or other items, there are actual examples found in political science or in other countries, such as certain states of the United States. It can be seen that these political ideals are not castles in the air. Of course, there has to be a process before these political ideals can be realized. In the case of Hong Kong, this includes discussion among Hong Kong people, a process of the fermenting of ideas and a step whereby these aspirations are compared with the laws of Hong Kong and the Basic Law to see if they are compatible. Then these aspirations can hopefully become laws of Hong Kong and a part of the Basic Law for actual implementation in the SAR.

Aspirations remain aspirations. Another part of Mr WONG Yuk-man's motion is on how these five political aspirations can be turned into reality. The approach suggested by him is to require the Chief Executive and all accountable officials to resign en masse. Such a request on all accountable officials to resign will lead to constitutional problems. As I have said, on these five political aspirations put forth by Mr WONG Yuk-man, how can they be accepted and passed by the people, in law, in the Basic Law and in the constitution? If the Chief Executive and the accountable officials all resign, two problems will emerge. First, with respect to the daily operation of the Government, since matters related to the laws of Hong Kong and the Basic Law are all decided by the Chief Executive or the Secretaries, that is, accountable officials, if these problems appear in our society after their resignation en masse, the situation will be very bad indeed. For example, on issues related to food, healthcare or operation of hospitals, the relevant departments will operate as usual and it does not matter if the Chief Executive or the Secretaries are not there. However, if
certain epidemics such as dengue fever break out, will problems emerge? On the question of an epidemic outbreak, often we have to rely on the Secretary concerned to exercise his powers. If the Chief Executive or the Secretaries all resigned, a vacuum period would appear. This may put public health at risk or even poses a threat to human lives. This is the first point I wish to make.

The second point is, without a Chief Executive, how are we to propose that the Basic Law be amended? On the above five political aspirations, if one or all of them become part of the laws of Hong Kong or even part of the constitution, then we need to amend the local legislation and also the Basic Law. Even when certain positions are taken or views expressed, provided that they are not related to the Basic Law, they will never become the laws of Hong Kong or part of our system. And one important requirement found in the Basic Law is the need to obtain the consent of the Chief Executive. If there is no consent from the Chief Executive, there is no way at all for such proposals to be submitted to the Standing Committee of the National People's Congress. If there is such a resignation *en masse* by the Chief Executive and the accountable officials, this important hurdle will disappear and there is no way that an amendment can be made to the laws of Hong Kong or the Basic Law. I am not going to read out all the relevant provisions in the Basic Law, but I would just want to point out Article 159 of the Basic Law which stipulates all the procedures required to amend the Basic Law. I am sure Mr WONG Yuk-man can refer to the relevant arrangements therein and decide how the matter can be handled.

Basically I would agree with the amendment by Mr LEE Cheuk-yan for the reason that his amendment does not require the Chief Executive and the accountable officials to resign *en masse*. This can solve the first problem pointed out by me just now. Then in his amendment, he calls on the Central Government to respect Hong Kong people's aspiration and give consent to the relevant amendments. In other words, that is to enable the amendments to be accomplished with the endorsement of the Central Government.

For all of these reasons, I will abstain on Mr WONG Yuk-man's original motion, and as for the amendment by Mr LEE Cheuk-yan, I will lend it my support.

**MR MARTIN LIAO** (in Cantonese): President, in regard to the recent controversy over the issue of constitutional development, some blamed the failure of the approach of "democratic reunification", some advocated devising the
constitution by all people while some radical forces even initiated chaos of unlawful occupation with the political slogan of "Self-determination of our Future" which has lasted for more than a month. It is completely detached from history and the political reality as well as totally ignoring the constitutional status of Hong Kong. I wish to take the opportunity of this motion debate to reflect on with Members all the in-depth meaning of the current chaos in Hong Kong, and have a serious reflection on and understanding of the true facts about the issue of devising the constitution by all people.

The idea of devising the constitution by all people, as proposed by the Civic Passion, advocates denigrating the Basic Law (and I quote from the website of the Civic Passion), "The solution and way out that can truly save Hong Kong are renouncing the restrictions imposed by the framework of the Basic Law, direct confrontation with the Central Authorities, demanding autonomy of Hong Kong and devising the constitution by all people." President, the general public of Hong Kong may find this concept rather unfamiliar but its implication is crystal clear and that is, daring not to initiate a revolution, they try to make Hong Kong become an independent political entity. First of all, I have to make it clear that I absolutely disagree with such advocacy which, I firmly believe, is doomed to fail.

In Hong Kong, the idea of devising the constitution by all people first emerged in 1996. The reunification had yet taken place then but The Frontier, a political group, had already made advance criticisms of the Basic Law for being undemocratic. They even urged the public not to regard it as sacred and proposed to formulate anew the content of the constitution. However, The Frontier which was re-established after dissolution deleted the advocacy of devising the constitution by all people from its political platform.

In 1999, the People Constitutionalist Society submitted the "Proposal for amending Article 159 of the Basic Law" to the Panel on Constitutional Affairs of the Legislative Council. The proposal supplemented the specific operation and technical details of the concept of devising the constitution by all people. It recommended setting up a constitutional assembly with members all elected by direct elections. Bills passed by the constitutional assembly must be endorsed by people of Hong Kong through referendum while the SAR Government must obey and enforce such bills. No objection and intervention can be made by the Central Government and the National People's Congress Standing Committee (NPCSC).
President, let me explain clearly the constitutional status of Hong Kong. Since ancient times, China has all along been a unitary country which has evolved from an imperial country to a republic and Hong Kong has been part of its territory all along. The establishment of the Hong Kong Special Administrative Region (HKSAR) and its constitutional system are based on the Constitution of China and the Basic Law of Hong Kong. The National People's Congress decided to establish the HKSAR in accordance with Article 31 and Article 62(13) of the Constitution and enacted the Basic Law, prescribing the systems to be practised in the HKSAR.

It is obvious that Hong Kong is neither an independent country nor an independent political entity but a special administrative region under the sovereignty of China. Under the unitary state structure, there is no autonomy for Hong Kong and its right of governance is vested in the Central Government. However, under the principles and policies of "one country, two systems", "Hong Kong people governing Hong Kong" and "a high degree of autonomy" as well as the parameters of the Basic Law, the Central Government authorizes the power organ of the HKSAR to exercise the executive, legislative and judicial powers conferred by the Basic Law. With such a constitutional arrangement, Hong Kong does not, as a special administrative region of China, have the so-called autonomy, let alone devising the constitution by all people.

In fact, Hong Kong practically does not have the conditions to move towards independence. Hong Kong owes its success today not only to the competitive edges such as its several generations of people who are hardworking and flexible, the rule of law, a low tax system and clean government but also the help of the easterly wind of rapid economic growth in mainland China over the past 30 years.

President, the United Kingdom ended its governance over Hong Kong in 1997 and handed Hong Kong over to the Chinese Government. Hong Kong was reunified with China instead of moving towards independence. This is entirely different from the situation where the United States, after gaining independence from the United Kingdom, established a constitutional republic with a presidential system by adopting the Constitution in 1776. After the two World Wars, dozens of countries and regions gained independence from the colonial sovereigns and became independent countries. They respectively developed and established various political systems according to different country's state of affairs and historical factors. Such situations cannot be compared with that of Hong Kong.
Any advocacy of devising the constitution by all people and denigrating the Basic Law is tantamount to advocating Hong Kong to move towards independence or become an independent political entity within the territory of China. It is basically unrealistic and not in line with the constitutional reality of Hong Kong. The constitutional development of Hong Kong is also a matter that relates to the national security and interests of China. It should scrupulously abide by the Basic Law and the relevant decision made by the NPCSC while its implementation should be carried out orderly in accordance with the reality of Hong Kong. These fundamental principles shall in no way allow any muddling through.

President, democratic development is a long and complicated journey with ever-changing circumstances. It simply cannot be alienated from space and time, public sentiments and historical factors, establishing something out of imagination. Any attempt of scrapping the Basic Law and starting afresh, advocating the independence or de facto independence of Hong Kong and challenging the constitutional status of Hong Kong is tantamount to sowing the seeds of its own destruction and it is also doomed to total failure. I so submit.

**MR IP KWOK-HIM** (in Cantonese): President, Mr WONG Yuk-man's motion today is entirely about advocating the independence of Hong Kong to the neglect of the rule of law and the powers of the Central Authorities. I have listened to Mr WONG Yuk-man's earlier speech which consisted of two key points. First, to hurl fierce criticisms at the Central Government and negate "one country, two systems" and the Basic Law; and second, to vigorously advocate and beautify the political system of Taiwan.

As a matter of fact, the "one country, two systems" of Hong Kong is unprecedented. Hong Kong, though being a local government, can have its own constitutional document — the Basic Law. Through the Basic Law, Hong Kong enjoys a high degree of autonomy that other local governments do not possess. Regrettably, some people mistakenly think that the autonomy of the Hong Kong Special Administrative Region (SAR) can be expanded infinitely only by making simple amendments to the Basic Law. People who hold this view must have an axe to grind if they are not naïve. The powers of the Basic Law are conferred by the Central Authorities, and Hong Kong enjoys whatever powers the Central Authorities grant it. There is no question of residual power, and there is no question of sharing powers.
However, Mr WONG Yuk-man's motion has gone so far as to demand that a local government should convene on its own a constitutional amendments convention and determine afresh the scope of the right of autonomy and the definition of defence and foreign affairs, in a bid to seize powers that are not granted by the Central Authorities. Does Mr WONG think that nobody would see through this confidence trick and know that it is but a scam?

Some people consider that the topic under discussion is no more than the establishment of a constitutional amendments convention and it is unnecessary to elevate the issue to the political plane by equating it to subversion against the Central People's Government and advocacy for independence. What is most wicked about this motion is exactly this point. Establishing a constitutional amendments convention to discuss how the Basic Law should be amended is only a pretence used to conceal a huge conspiracy of adopting Western standards as the basis for amending the Basic Law and hence giving foreign forces an opportunity to meddle with Hong Kong affairs, thereby turning Hong Kong into an independent political entity. This is the real purpose and plot of Mr WONG.

To Hong Kong and even to the Basic Law, the Constitution of China has the highest legal status and legal effect. Now that Mr WONG has gone so far as to propose that the Universal Declaration of Human Rights and the Bill of Rights meant to give effect to the two human rights covenants should replace the Constitution and be made the highest legal basis of the Basic Law. The biggest effect of this proposal, if implemented, would be dismissing the sovereignty and the power of governance of the Central Authorities over the SAR and enabling any country or organization with involvement in the discussion or formulation of the Universal Declaration of Human Rights and the human rights covenants to pose themselves as stakeholders and justifiably claim say in the interpretation of the Basic Law, the implementation of the Basic Law and even the operation of the SAR Government in the future, just as people like Martin LEE saying all the time that the United Kingdom, being a signatory to the Sino-British Joint Declaration, should make irresponsible comments on the affairs of the SAR Government. The so-called "Hong Kong people ruling Hong Kong" suggested by Mr WONG actually means, to put it plainly, "an independent Hong Kong ruling Hong Kong", refusing to recognize the sovereignty of the Central Authorities, the constitutional relationship between the Central Authorities and Hong Kong, and the fact that the Central Authorities exercise overall jurisdiction over Hong Kong.
President, the many twists and turns in the constitutional reform since the reunification of Hong Kong are, in the final analysis, due to the lack of full understanding of "one country, two systems" in the community of Hong Kong, especially in the opposition camp for they have emphasized only "two systems" and belittled "one country". This is the reason for the publication of the White Paper on "one country, two systems" by the State Council with the aim of stating expressly that the Central Authorities exercise full jurisdiction over the SAR. Hong Kong enjoys "a high degree of autonomy" but not full autonomy. Given that the many issues relating to the constitutional reform involve the principle of "one country, two systems", how can the constitutional reform make any progress if we neglect this core principle? The opposition has blamed the Basic Law for the deadlock in the constitutional reform and proposed that the constitution be devised by all people. Their focus is entirely wrong.

The advocacy of devising the constitution by all people is not new in Hong Kong. As early as in 1996 when The Frontier was set up, they advocated in their political platform that the constitution be made by the people, holding that the formulation process of the Basic Law was undemocratic. At the same time, NG Kung-sui and LAU Shan-ching set up the People's Constitutional Society, putting forward similar ideas. From the middle of the 1980s in the last century, the Central Authorities had worked on the formulation of the Basic Law and conducted consultations in Hong Kong. Mr Benny TAI, an organizer of Occupy Central, was a student representative in the Basic Law Consultative Committee back then. In his book entitled《香港的憲政之路》(The Road of Constitutionalism in Hong Kong), he also admitted that participation by Hong Kong people in the formulation of the Basic Law was far higher than that in other constitutional documents during the Hong Kong-British colonial era. This has reflected that the formulation of the Basic Law has absorbed as many views of Hong Kong people as possible.

In recent years, political rows in Hong Kong have caused serious internal attrition. This has not only distorted the development of democracy but also slowed down economic and social development. Tormented by extensive politicization and populism which promotes confrontation, the entire society is dying. In fact, the pace of democratization in Hong Kong rests in the hands of the opposition camp. Why am I saying this? Because so long as they can be more rational and pragmatic and progressively take democracy forward in accordance with the Basic Law and the relevant stipulations of the Standing Committee of the National People's Congress (NPCSC), the democratization and
reform of the political system in Hong Kong could definitely achieve results. In fact, the Decision of the NPCSC has provided for a clear framework and the election of the Chief Executive by universal suffrage in 2017, and this also marks a most important milestone.

With these remarks, President, I oppose the motion. Thank you, President.

MR CHAN CHI-CHUEN (in Cantonese): Today, a bulletin on the Legislative Council in an online newspaper reads "WONG Yuk-man to propose motion asking the Chief Executive, three Secretaries of Departments and 12 Directors of Bureaux to resign en masse". It is exciting just to see this headline. It is a motion that we should support and many people would echo.

Coming back to the motion today, the motion on "Devising the constitution by all people, making a new covenant, and realizing genuine 'Hong Kong people ruling Hong Kong'" proposed by Mr WONG Yuk-man has also provided a direction of thinking and a way out for the participants of the Umbrella Movement: Do the people of Hong Kong actually want to take it upon themselves to devise and amend the constitution? When Mr WONG proposed this motion back then, the Umbrella Movement had not yet emerged. Moreover, it may not be the case that he supported the Occupy Central action proposed at that time, as no one could have imagined the subsequent developments. Some Members regarded this motion as a fantasy just now. Of course, it is a fantasy, as it is both creative and bold. You can say that this motion is bold, but is it "far-fetched" and just a "mirage"? I do not agree with this. The Umbrella Movement has occupied those sites for more than 40 days. In the past, could anyone imagine this and did anyone have the guts to speak up? No one at all had the guts to speak up. What is difficult is not necessarily impossible. In addition, some Members have described this motion as "subversive, putting on a show and separatist". President, they have just stopped short of blaming you but could barely hold back this comment, "How could the President approve such a motion? It is illegal, unlawful and involves separatism. Have you ever consulted the higher authorities about whether or not they allow the Council to discuss this motion?"

At present, we are campaigning for "a high degree of autonomy", meaning true autonomy. But they labelled us as "Hong Kong separatists" regardless. In
fact, this motion is quite far removed from "Hong Kong independence". However, the Communist Party of China (CPC) loves to use this trick. I will give an example, that of Tibet. I once met with Dalai Lama, as well as the Central Tibetan Administration, which is also referred to as the Tibetan Government in Exile. Nowadays, they do not talk about independence for Tibet anymore. Instead, they call it "the third way", that is, if things there are not going well and independence for Tibet cannot be achieved, "the third way" refers to genuine autonomy. Of course, the CPC or local communists would discredit it as Tibetan independence. In fact, they have stopped talking about Tibetan independence but when I went there to meet them, I was described as supporting Tibetan independence and wanting to advance separatism in Hong Kong.

I ask you all not to label others arbitrarily or even disallow any room for discussion. We knew there would be difficulties. We knew very well that it would be very difficult to amend the Basic Law, even just a word or a punctuation, let alone devising the constitution by all people. According to Article 159 of the Basic Law, the power to propose bills for amendments to the Basic Law shall be vested in the Standing Committee of the National People's Congress (NPCSC), the State Council and the SAR; and these three entities can propose such bills separately. However, if the SAR proposes bills for amendments, the procedure will be extremely complicated. As a matter of fact, no matter which of these three entities proposes bills for amendments, the ultimate right of amendment rests with the NPCSC, not the people of Hong Kong. If the bills for amendments to the Basic Law are proposed by the State Council or the NPCSC, the procedures will completely follow the Mainland mechanism. Can the "magical restraining crown" of this mini-constitution, which is tailor-made by the CPC for Hong Kong people, really give them "a high degree of autonomy"?

On 21 October, five students from the Hong Kong Federation of Students and government officials, including Carrie LAM, held the so-called meeting on constitutional reform. At the meeting, the students requested the NPCSC to review, change or withdraw the 31 August Decision. However, the Secretary for Justice, Mr Rimsky YUEN, responded that the NPCSC was the highest power structure in China, pointing out that the 31 August Decision could not be changed and there is not any room whatsoever for discussion. Nevertheless, does Mr YUEN know that even the Constitution of the People's Republic of China has undergone several revisions? In the course of more than 60 years after the establishment of the Republic, four constitutions were enacted and implemented
in 1954, 1975, 1978 and 1982 respectively. After the 1982 Constitution had been promulgated, it was amended on four occasions, in 1988, 1993, 1999 and 2004. This being so, why can a single word of the Decision made by the NPCSC not be changed?

Political issues should be resolved by political means. The decision of the CPC to implement "one country, two systems" and "Hong Kong people ruling Hong Kong" back then was a political one. As the rule of law and the level of civilization in Hong Kong enjoy special international status, the direction of "one country, two systems" and "Hong Kong people ruling Hong Kong" was formulated. If Hong Kong's officials are so determined to only follow the letter of the Basic Law, they do not understand the spirit behind it, that is, on the premise of not violating the sovereignty of "one country", the people of Hong Kong have the right to decide their own way of life. Therefore, Hong Kong people should justly regain their right to make and amend the Basic Law. This is actually beneficial to both parties.

This morning, when we asked the Constitutional and Mainland Affairs Bureau an oral question, we pointed out that the United Nations Human Rights Committee was of the view that Hong Kong should take all necessary measures to implement the rights of universal suffrage in conformity with the International Covenant on Civil and Political Rights (ICCPR), but the Acting Secretary, Mr LAU Kong-wah, was equivocal in his response. Part of the main question asks him if the Government has an obligation to ensure that the method for selecting the Chief Executive by universal suffrage in 2017 complies with the relevant requirements of the ICCPR; if the assessment outcome is in the affirmative, how the authorities will honour such obligation; if the assessment outcome is in the negative, what the justifications are. But he never mentioned the word "obligation" in his entire reply. He just said, "... the basis for the ultimate aim of universal suffrage for Hong Kong's constitutional development lies in the Basic Law and the relevant interpretation and decisions of the NPCSC, but not the ICCPR."

It means that the electoral system of Hong Kong does not need to comply with the international covenant signed by Hong Kong. As such, the way to bring order out of chaos is to help return the power to all Hong Kong people, so that they can deliberate together. We are not going to put the pressure on the Secretary. Please go home, Secretary. The three Secretaries of Departments and 12 Directors of Bureaux as well as the Under Secretaries under LEUNG
Chun-ying can all take a rest. Just return the power to Hong Kong people. Of course, we know that such a thing is very unlikely to happen, but it is not entirely impossible.

**MR TONY TSE** (in Cantonese): President, I will vote against the original motion of Mr WONG Yuk-man and the amendment of Mr LEE Cheuk-yan. The reason is simple. The motion as a whole, from its title to its content, shows contempt of the constitutional status of the Hong Kong Special Administrative Region (SAR) enshrined in the Basic Law, as well as the relationship between the Constitution of the People's Republic of China and the Basic Law of Hong Kong. It has deviated completely from the principle of "one country, two systems". Hence, I will not support the relevant motion and amendment.

President, Hong Kong is an inalienable part of China. As pointed out by Prof XIAO Weiyun, a member of the Basic Law Drafting Committee, since the Basic Law was enacted according to the Constitution, which is the fundamental law of the nation, the Constitution is in general applicable to the SAR, or else, this will not conform to the common understanding of the Constitution of the international society. Prof Albert CHENG of the University of Hong Kong, who is also a member of the Hong Kong Basic Law Committee, has pointed out that although certain provisions of the Constitution are not implemented directly in the Hong Kong and Macao SARs as socialism adopted by the Mainland is not implemented in these two places, it does not mean that the Constitution is not applicable to both SAR Governments. As such, we must know clearly that the Constitution is an expression of sovereignty of the country, which is also the ultimate foundation of the legal system of the SAR. Therefore, according to the requirement to uphold the principle of "one country", the Constitution is in general applicable to Hong Kong. We must know this clearly. As of the responsibility to devise the Constitution and the relevant authority are vested with the institution with the highest authority under the laws of China, that is, the National People's Congress (NPC), so, the demand for "devising the Constitution by all the people" has no legal foundation at all and it is merely an unrealistic idea disregarding the law. It has inevitably prompted queries about the hidden motives for making such a demand.

The SAR is conferred a special status under the Basic Law. It has been 17 years since Hong Kong's reunification with the Motherland, and during the
interim, the principles of "one country, two systems", "Hong Kong people governing Hong Kong" and "a high degree of autonomy" have been adequately implemented and fully realized. This is beyond dispute. Hong Kong's geographical position of having the backing of the Motherland has given Hong Kong a natural competitive edge. In the past decade or so, Hong Kong has experienced a number of financial crises and economic difficulties of various scales, including the Asian financial crisis, the bursting of the Dot-com bubble, the global financial tsunami and the outbreak of SARS which Members may still remember. Hong Kong eventually overcame these crises one after another. One of the major reasons is the full support and assistance rendered by the Central Government. For instance, in 2003, a series of measures including the Individual Visit Scheme and CEPA were introduced. Then, in 2011, the Central Government allowed local enterprises to make direct investments on the Mainland with their RMB capital and supported Hong Kong in developing into an offshore RMB business centre, and so on, which were conducive to consolidating and upgrading Hong Kong's status as an international financial centre.

President, today, the continuous development of the economy of Hong Kong should be greatly attributed to the series of "support-Hong Kong" measures introduced by the Central Government in the past. Certainly, I will not dismiss the efforts made by Hong Kong people. But regrettably, a small number of people are now recklessly damaging the hard-earned economic achievements of Hong Kong. They are now deliberately defying the law and disregarding the law, seriously damaging Hong Kong's cornerstone to success. I think this is lamentable.

President, it is stipulated unequivocally in the Basic Law that the Chief Executive and the Legislative Council of Hong Kong will ultimately be elected by universal suffrage. In comparison with the appointment of Governors during the British-Hong Kong Government era, substantive progress has been made in the democratic development of Hong Kong, and the constitutional system is approaching universal suffrage step by step. In terms of economic development, the people's livelihood and constitutional development, Hong Kong has made significant achievements under the framework of the Basic Law since the reunification, thus maintaining the prosperity and stability of society. However, the motions put forth by Mr WONG Yuk-man and Mr LEE Cheuk-yan advocate or propose "devising the constitution by all the people" and amending the Basic Law. Such an act shows disregard for the Basic Law, as well as the historical background of the Basic Law and the constitutional status of the SAR, which is
tantamount to undermining the firm foundation of Hong Kong. Besides, the authority to amend the Basic Law is vested with the NPC. Therefore, I consider their motions unacceptable.

Moreover, Mr LEE Cheuk-yan points out in his amendment that there was no extensive consultation with Hong Kong people during the enactment of the Basic Law, but this remark is wrong. Before the Basic Law was promulgated 24 years ago, extensive and in-depth consultations had been conducted in Hong Kong for as long as five years. The political structure model and the relevant provisions, as well as the principles for constitutional development, finally laid down in the Basic Law are in line with Hong Kong's legal status and the overall long-term interest of Hong Kong. Therefore, I will also oppose the amendment.

President, I so submit.

MR LEUNG YIU-CHUNG (in Cantonese): President, the principle of "one country, two systems" and "Hong Kong people ruling Hong Kong" with "a high degree of autonomy" is an important objective devised by the Chinese Government to stabilize public sentiments in Hong Kong during the discussion on the return of sovereignty, so that under the governance of the Government of the Hong Kong Special Administrative Region (SAR) after the reunification, our way of living can be maintained and Hong Kong people are allowed to rule Hong Kong by themselves and more importantly, manage the society of Hong Kong with a high degree of autonomy.

Certainly, we understand that "a high degree of autonomy" does not mean full autonomy and this, we all know. It is because if it means full autonomy, "full autonomy" instead of "a high degree of autonomy" would have been written, right? So, we understand that "a high degree of autonomy" is not equal to full autonomy. But if it is not equal to full autonomy, does it mean that we cannot have "a high degree of autonomy"? Certainly not. It is because the Basic Law has made provisions for this and also provided supplementary information to explain what is within the scope of "a high degree of autonomy" and what is not within the scope of "a high degree of autonomy" as the provisions have clearly stated that defence and foreign affairs must not be dealt with by Hong Kong on its own but must be handled by the Central Government. Therefore, this has to a certain extent explained what is within the scope of "a high degree of autonomy"
and what is not. In other words, we cannot deal with matters relating to defence and foreign affairs whereas other issues should be dealt with by ourselves. Therefore, this is a very important guideline.

However, the point is that in spite of this guideline, the details are actually of very important. Judging from many details, we can see that the Basic Law has imposed great restrictions on Hong Kong people and particularly, there is a sea of difference when compared to the era of the colonial government. Let us not talk about many other situations as we can see the picture clearly by looking at private Members' bills alone. In the past, a Member who wished to introduce a private Member's bill would be allowed to table it before this Council for discussion and vote so long as the contents of the bill had no charging effect on public coffers. But much to our regret, under the governance of the current SAR Government, the Basic Law has imposed restrictions on us in that apart from having no charging effect, a bill also must not have any implication on the existing system and operation. The inclusion of these two conditions is actually like "tying up the hands and feet" of Members. It means that in this Council, we can do nothing except giving speeches. This is entirely different from the past when we could introduce private Members' bills on our own initiative. To the Government, Members simply have no clout at all.

Worse still, it has also introduced an unreasonable voting system and that is, the voting system of this Council. How could there be this system which is rarely found in the world, namely, the separate voting system? Under separate voting, the minority can outrageously override the majority. How unfair, unreasonable and undemocratic this is! Why are there these provisions? It is mainly because the Basic Law, or the so-called mini constitution, was not formulated in accordance with democratic procedures; nor was it formulated after extensive consultations that Members talked about earlier on.

Back then, the Basic Law was formulated by the Consultative Committee and the Drafting Committee. Needless to say, President, members of the Drafting Committee were all appointed by the Government. Given that the then Sino-British relationship was still a factor, two democrats, including SZETO Wah and Martin LEE, were appointed as an embellishment. But they resigned after taking up office for some time because of the 4 June incident in 1989. Finally, the Drafting Committee was thus purely comprised of members from the pro-establishment camp. Moreover, although the membership of the so-called Consultative Committee included some democrats or representatives of
organizations in the democratic camp, they were still appointed as an embellishment and the role played by the Consultative Committee was not at all significant. As a result, this Basic Law, or so-called "constitution", was born in these circumstances.

In view of such composition, however much time was spent on conducting the so-called consultations or however much time was spent on drawing up the Basic Law, there was actually no participation from representatives of Hong Kong people in the drafting process and in making final decisions. How could this meet the demands of the general public in Hong Kong?

Therefore, as I have just said, there are these huge restrictions on the political system, which have made it impossible for us to perform in this Council the function expected of Members returned by the people. The situation during the Hong Kong-British era was, on the contrary, a bit better because when Members asked the Government to formulate policies and if the Government did not agree, we could still introduce private Members' bills. I remember that before 1997, several colleagues introduced several private Members' bills which were all passed by this Council. I also introduced a private Member's bill to restrict rental increase for public housing. Not only could the bill be tabled before this Council, but it was also eventually passed. Apart from myself, Mr LEE Cheuk-yan also introduced a private Member's bill on the right to collective bargaining which was tabled before this Council and also eventually passed.

These are the functions that Members returned by the people can perform. They can bring public opinions into this Council and if the Government refused to take actions, Members could make legislation of their own accord. But regrettably, the Basic Law has even deprived us of this right. It is because we did not participate in drafting and endorsing the Basic Law. Therefore, the Basic Law does not meet public aspirations and must therefore be amended. Regrettably, President, in 1996, I put a question to the Government twice, asking it about the procedures for amending the Basic law but the Government all along has not given me a clear reply. Therefore, there is not a mechanism or system in place to clearly allow us to activate the mechanism for amending the Basic Law. This has yet been a clear account for this.

Therefore, in view of this, I think as society is precisely undergoing changes, if the Basic Law can no longer cope with the current situation, it is all
the more necessary for us to devise a constitution by all people and formulate anew the Basic Law in line with the current social developments and aspirations, so that we can truly achieve "one country, two systems" and "Hong Kong people ruling Hong Kong" with "a high degree of autonomy" as I emphasized earlier, especially the important principle and guideline of "a high degree of autonomy".

**MS CYD HO (in Cantonese):** President, will Members please take a closer look at Mr LEE Cheuk-yan's amendment, which contains the wording of "calls on the Central Government to respect Hong Kong people's aspiration and give consent to the relevant amendments". This means that under the framework of "one country, two systems", the Central Government has a role to play, and relevant amendments can well be made in accordance with the procedures stipulated in the Basic Law. As our amendment carries the idea that the Central Government will be asked to give consent to the relevant amendments, will Members please stop thinking too much, and stop saying that the amendment seeks to pursue independence of Hong Kong.

However, President, members of the public should have the right to devise the constitution, because it is a covenant made between a government and them, or a social contract, so to speak. The Basic Law stipulates the obligations of the Hong Kong Government, the governance systems and procedures through which the civil rights to which Hong Kong people are entitled upheld; it should also stipulate the kind of protection available to the freedoms and rights of Hong Kong people as members of the civil society. Nevertheless, in the 1980s or early 1990s, when the Basic Law was enacted after the so-called "three-up-three-down" consultation, the general public of Hong Kong was actually not consulted at all. At that time, the Basic Law Drafting Committee and the Basic Law Consultative Committee were formed, as some Members mentioned, and there were also Hong Kong Affairs Advisers and Hong Kong District Affairs Advisers, but who picked them? There was no voting at all. They were simply not returned through elections, so they were devoid of representativeness.

Of course, 17 years after the establishment of the SAR Government, we have moved this motion today to debate amending the Basic Law, which everyone knows is an impossible task. In the current political situation, Hong Kong people will not be allowed to take the initiative to propose amending the Basic Law, even if it is done in accordance with the procedures stipulated in the Basic Law. However, we have put forward this motion with a view to telling
the public how justice can be done for the necessary procedures and protection of
the safeguards granted to them under the constitution *per se*. Therefore, it is our
wish that the discussion will allow members of the public to gain better
understanding of the civil rights to which we are entitled.

The HKSAR Government is inherently deficient in the sense that it has
never been granted the right to govern by Hong Kong people through any election
as of this moment. The Basic Law is not a covenant made between the SAR
Government and Hong Kong people, but one made between the SAR
Government and the Central Government. It is also not one made between
Hong Kong people and the Central Government. Hence, it should be put
forward for discussion right now, because over these 17 years, we can see the
inadequacy of the provisions in the Basic Law in terms of protecting Hong Kong
people's rights and freedoms. We also see that if Hong Kong people neither
succumb to the governance of the incumbent Government nor wish to grant it the
right to govern, like the younger generation in the Umbrella Movement taking
place outside the Chamber, who think that its governance is unreasonable, only
that it enjoys protection under the law, how can the Government maintain its
governance?

Some of the provisions in the Basic Law are well written, like Article 25,
which stipulates that "all Hong Kong residents shall be equal before the law", as
the Secretary mentioned today. Nevertheless, how should it be implemented?
There is just no way to do so. Earlier, a Member raised a supplementary
question pointing out that the nomination right enjoyed by ordinary members of
the public is unequal to that enjoyed by members of the nominating committee
who are the most privileged among the privileged. The Secretary merely cited
"broadly representative" in his reply but evaded the question of equality. The
inequality between the nomination rights of the public and of nominating
committee members contravenes Article 25 of the Basic Law, which provides that
"all Hong Kong residents shall be equal before the law". We should seek to
clarify such kind of contradiction in the convention dedicated to devising the
constitution by all people, so as to bring into light the inadequacy of the Basic
Law.

Legislative provisions are one thing, yet how such provisions are
implemented and enforced is an even more critical question. Since the
establishment of the SAR Government, there have been occasions on which the
Basic Law is interpreted, giving rise to unnecessary and distorted interpretations
by the National People's Congress. For example, children born to Hong Kong people in the Mainland as stipulated in Article 24 was interpreted as children born in the Mainland to Hong Kong people who have already obtained the "three-star" identity cards. This is utterly the reason why people have no confidence in the Basic Law. In addition, the recently released White Paper on "one country, two systems" is essentially a bid to rewrite the Basic Law afresh in any way favoured by the Central Authorities. In this way, even an interpretation is now rendered unnecessary. Therefore, President, what we need is members of the civil society getting together to look into ways to amend the Basic Law through discussions, in order to recognize the facts again as well as recognize what a covenant between a government and its people should be.

I would also like to respond to Mr WONG Kwok-hing, who said that it is unnecessary to define defence and foreign affairs. However, since the establishment of the SAR, we have experienced at least two incidents where the line is extremely blurred. One is the Philippine hostage incident, where former Chief Executive Donald TSANG, in all swiftness, made a call to Philippine President AQUINOS III as an attempt to resolve the matter. He was then criticized by those from the pro-establishment camp for acting ultra vires by exercising the authority in respect of foreign affairs, and was forced out of the scene. The matter was then passed to the Ministry of Foreign Affairs, which dealt with it slowly, and it was definitely not the speediest route to take. The second incident involves Edward SNOWDEN's stay in Hong Kong to seek asylum in other countries. It was obviously a foreign affair, a matter relating to the national security network, but it was reduced to an SAR affair. If we have no clear definition, should the line remain as blurred as this in the future, to the effect that we are not allowed to do what we should, and do what should not?

President, the key actually lies in whether the Central Government, the holder of power, can down from its high horse and discharge its obligations as a public servant to protect its people, instead of staying high and above to maintain the rights granted by the law with the attitude of "those who comply prosper while those who oppose perish", with a view to undermining the due protection of Hong Kong people.

President, I support Mr LEE Cheuk-yan's amendment.
PRESIDENT (in Cantonese): Does any other Member wish to speak?

DR KENNETH CHAN (in Cantonese): President, I do not know how you feel about this debate. But I believe if you find it familiar, it would not be surprising. This is because the view or concept proposed by Mr WONG Yuk-man today on devising a constitution by all people or holding a constitutional amendments convention, and so on, has actually been discussed in this Council on a number of occasions since the reunification and it is also mentioned in the meetings of various panels. On one occasion it was mentioned in a Council meeting and if I have not been wrong in checking the records, it should be on 15 July 1998. In the Council meeting on that day, Mr Andrew CHENG of the Democratic Party proposed a motion on full-scale direct elections and with respect to this motion, a Member proposed an amendment. She suggested that a constitutional amendments convention should be called in Hong Kong to see if Hong Kong is to achieve a genuine full-scale direct election under the Basic Law, how the executive and legislative authorities in Hong Kong can handle a number of important constitutional issues such as the relationship between the executive and legislative authorities or the relationship between political assemblies at different levels. The Member who proposed the amendment was Miss Christine LOH. She is now the Under Secretary for the Environment in the LEUNG Chun-ying Administration.

At that time Miss LOH put forth a most creative idea and she hoped that with respect to constitutional issues like the future development of democracy in Hong Kong, universal suffrage, and so on, they could be handled properly by a constitutional amendments convention led by the then Chief Executive TUNG Chee-hwa. She also hoped that an approach characterized by tolerance, diversification and different ideas coming out of brainstorming could be adopted to see what could be done to achieve "Hong Kong people ruling Hong Kong" in a genuine manner and with democracy.

Later on, Christine LOH left the front line and as the person in charge of the think-tank Civic Exchange … In books published under the auspices of the Civic Exchange or in the relevant articles written, different scholars or commentators have said many times that Hong Kong should have a certain process so that there can be enough time and space for various social classes, political parties, groups, civilian groups, pressure groups, chambers of commerce or trade unions to ferment the formation of a constitutional amendments
convention, such that certain important constitutional issues can be clarified and the findings obtained will be submitted to the Chief Executive. I think this is a very rational, healthy and normal suggestion. It can really gauge the practical situation of Hong Kong and it is a far cry from the practice often adopted by the royalists and people from the pro-establishment camp who use a top-down and self-righteous approach. They may even try to fathom the preference of the Mainland, guess what the Central Authorities like or dislike. Then a decision is made and a death blow is dealt to dissenting views.

Today the same debate appears in this Chamber and a Member has brought up this idea of devising a constitution by all people. When there are people who say that Hong Kong should hold a convention or meeting to devise a constitution, we can also hear people say that we are aiming for the independence of Hong Kong, that we contravene the Basic Law, that we are sinners down the course of history and that we are vicious fellows, infatuated by our dreams and pursuing mirages. All these views are no more than an attempt to show loyalty. In fact, if Members pay attention to certain opinion polls, they will find that a few days ago, there was this survey which asked people the question whether they admitted subjectively that they are Chinese, and they will find that among the young people, the percentage of people admitting this identity has dropped to a deplorable single digit.

The Secretary or the Under Secretary, these officials on constitutional affairs who were tasked to give a reply or response in the debate in those days, they held a very open-minded attitude. They even took the initiative to describe what the situation was like in Australia or certain European countries. But the conclusion drawn was of course that the Government thought that we should implement dual elections by universal suffrage in 2007 and 2008 according to the Basic Law. And things would be fine. Honourable colleagues, it was 1998 back then and today is November 2014. And we are still debating this topic. As we go back and forth, will history repeat itself? Does history have to recur this way? Does history have to mock Hong Kong people this way or let their hopes fall flat repeatedly, making them cease to trust the pro-establishment camp, the Government or Beijing, or anyone who claims that he or she is working to bring about elections in Hong Kong which are truly popular and equal?

President, a Member said suddenly just now that people may say what they like about those international covenants because China has its own way to go by and it has its own methods. Sorry, I have to tell the Member that one of the
signatories to the Universal Declaration of Human Rights of the United Nations is the People's Republic of China. If it does not recognize this Declaration, why did it become a signatory in the first place? If it is not sincere about putting it into practice, why did it sign it? Well, the case may be that it does not matter for it to sign and discuss papers like this. Because one can say one thing and do quite another. This applies to communism and socialism alike. They can say one thing and do another. They will become dictatorships. If this is the case, then you should be honest about it and do not sign the covenant on the one hand and do not comply with it on the other.

The case is like the second oral question today, which was also replied by Under Secretary LAU Kong-wah who sits opposite to me. First, he got the date wrong. The note given by the Central Government to the United Nations was in June 1997. But he said in his reply that it was June 1996. When a government which is so big can have got the dates wrong, how can we expect its report on public opinion be accurate? Second, on Article 25(b) of the International Covenant on Civil and Political Rights, the United Nations has already said a number of times — at least three times and it is four times including the last one — that the provision is applicable to Hong Kong. If he has the guts, he should say that the provision does not apply and he wants to contravene it. Hong Kong is an example of "birdcage politics" and a dictatorship rules over Hong Kong. When you label us, we will resist you and fight to the end. When you want to sink Hong Kong into depravity, we will never let you have your way.

I so submit.

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

MR LEUNG KWOK-HUNG (in Cantonese): President, I speak in support of Mr WONG Yuk-man's motion. Many people point out that the convention on devising the constitution is "a scam", which is an approach adopted overseas merely to achieve independence. On 21 August, I wrote to ZHANG Dejiang to discuss this issue.

I will now read out this letter. I wrote that, to this effect, "What I just said (the theory of devising the constitution by all the people) is not groundless but wholly justified. The Communist Party of China (CPC) made the solemn
promise 70 years ago, which was acknowledged by the Chinese People's Political Consultative Conference (CPPCC) 65 years ago. To give the issue its fair deal, I will quote as follow: 'The civil rights of people should be more extensive and more direct for people in the lower strata of society. As for election right, there should be no restriction in the exercise of this right, even to the Central Authorities (it specifically refers to the Central Authorities). This is particularly so for the so-called representative bodies representing the people, be it a parliament or a national people's congress; they must be formed by representatives elected by the people. Otherwise, these bodies are not people's representative bodies. The thorough, complete and effective exercise of election right has an inseparable and close relationship with the presence of unreasonable restrictions on and deprivation of the right to be elected. Basically, in a macroscopic perspective, election right already includes the right to be elected. To exercise the right to elect, there must be a target for the exercise of the right to be elected. Hence, the right to elect and the right to be elected should exist at the same time. If the right to be elected is restricted, it means the exercise of the right to be elected is also restricted. To be specific, if certain people are deprived of the right to be elected, people with the right to elect cannot elect these people and thus their right to elect is restricted. Hence, under a system of genuine universal suffrage, universality and equality are applied not only to election but also to the right to be elected. People are entitled not only to an equal right to elect but also an equal right to be elected … If certain qualifications are prescribed for the right to be elected, or if certain candidates are specified by the authorities, voters will be reduced to a tool to vote even though their right to elect is not subject to any restriction.' (quoted from the editorial titled 'On election right' of Xinhua Daily dated 2 February 1944).

President, what happened then? I continued in my letter that: "Five years later, on 20 September 1949, when Kuomintang was defeated, the CPC signed the Common Programme of the Chinese People's Political Consultative Conference ("the Common Programme") with other democratic parties" — it was indeed an enactment of constitution and it had been completed. "It is stipulated in Article 4 that: 'The people of the People's Republic of China shall have the right to elect and to be elected according to law.' As for the realization of these rights, Article 12 stipulates explicitly that: 'The state power of the People's Republic of China … are the people's congresses and the people's governments of all levels. The people's congresses of all levels shall be popularly elected by universal suffrage. The people's congresses of all levels shall elect the people's governments of their respective levels …' What was the definition for the
universal suffrage mentioned in the provision? Certainly, this should not go against the detailed comments made in the article "On election right" in Xinhua Daily five years ago, for Xinhua Daily was the mouthpiece of the CPC, whereas the CPC was a major party which had drafted the Common Programme and on which it led and established the People's Republic of China. The promise made 70 years ago should have been honoured 65 years ago. Regrettably, that provision disappeared from the Constitution in 1954. Now when the CPC Government fulfills its promise on the selection of the Chief Executive of Hong Kong by universal suffrage, should the implementation be effected in accordance with the article "On election right" in Xinhua Daily in 1944? Should this be implemented in accordance with Article 12 of the Common Programme?"

When ZHANG Xiaoming said that this would pose a threat to national security, I argued that: "This is invalid. In February 1944, when the article 'On election right' was published in Xinhua Daily, our nation was still under the invasion of the imperialist regime of Japan, fighting bitterly in the relentless battle. In other words, the nation was experiencing seizure of territory and the citizens had lost their safety. In comparison with the threat to national security mentioned today, the present situation is insignificant! In times of war, the CPC still advocated universal and equal election right, denouncing the ruling regime that, 'If certain qualifications are prescribed for the right to be elected, or if certain candidates are specified by the authorities, voters will be reduced to a tool to vote even though their right to elect is not subject to any restriction.' In implementing universal suffrage in Hong Kong today, why would it repeat the mistake condemned in writings then?"

I went on to explain the reasons for the public having gone on protest, and I said: "My thought goes back to 25 years ago, when the patriotic democratic movement took place between spring and summer, and the bloody suppression on 4 June. As the implementation of universal suffrage had yet to be realized in the nation so far, in May 1989, students and citizens in Beijing staged hunger strikes and sit-ins in Tiananmen Square to voice their demand for democratic reform. But the authorities imposed martial law. In the face of the troops in the city, the protesters remained rational and insisted on peaceful protest. Not a single incident of violence occurred in the big city of Beijing. The only violence was the killing and casualties caused by the troops who followed the clearance order! To date, on 4 June every year, tens of thousands of people in Hong Kong will attend the candlelight vigil to mourn in commemoration of this national trauma to express their remembrance of this bloody episode of history of the 4 June
incident. I must reiterate that the peaceful occupation of Central and the occupation of Beijing back then are peaceful protests and movements of the people to strive for democracy and civil rights but not violent actions threatening national security. I strongly believe that history is made by the people and historical facts are written by the people. The implementation of universal suffrage in Hong Kong is its righteous duty, which will open a new path for our country to head towards democracy! Return the right to universal suffrage to the people, and they will be masters of their own house! It is the time to honour this promise!"

DR CHIANG LAI-WAN (in Cantonese): President, I have heard Mr LEUNG Kwok-hung deliver speeches many times before, but the one delivered by him this time around sounded particularly unpleasant, for it reminded me of a scene of a runner in the ancient times shouting outside the gate of an ancient Yamen (official court of law in ancient China) with a public decree in his hands.

President, I oppose the proposal put forward by Mr WONG Yuk-man today on devising the constitution by all people and amending the Basic Law. Members should understand that the design of the Basic Law was based mainly on the major systems implemented during the British Hong Kong era. Members should also know that when the Basic Law was enacted, the vast majority of Hong Kong citizens had doubts about whether or not their way of life could remain unchanged after the reunification. I recall that some prominent citizens at that time had even come up with the idea of a safety exit, that is, buying an island in the Pacific Ocean and then relocating all Hong Kong people there. It is evident that the preservation of the way of life of Hong Kong people was taken very seriously by the Basic Law Drafting Committee at that time. Members may refer to Article 2 of the Basic Law, which stipulates clearly that Hong Kong shall "exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication". All these are the rights enjoyed by Hong Kong people. Article 4 of the Basic Law assures the rights and freedoms of Hong Kong people. President, Article 5 of the Basic Law is a very important provision. I recall some people at that time thought that the Basic Law should be enacted to guarantee that the prevailing socialist system and policies on the Mainland shall not be practised in Hong Kong on the ground that the Mainland's economic development was far from satisfactory and society as a whole was relatively backward. Hence, Article 5 of the Basic Law provides that "the previous capitalist system and way of life shall remain unchanged for 50
years" in Hong Kong. Article 6 is very important, too. It was enacted to protect the right of private ownership of property by Hong Kong people because some people believed that the Motherland was led by the CPC and thus questioned the possibility of private properties being forfeited in the wake of the handover of sovereignty over Hong Kong. As regards Article 8 which is related to the laws in Hong Kong, except for the laws that contravene the Basic Law, the remaining laws shall be preserved.

Regarding the proposal on amending the Basic Law, honestly, everything can be changed, even including Mr WONG Yuk-man's personality and appearance. However, under no circumstances can the Basic Law be amended lightly. As Members should be aware, many obstacles have to be overcome before the Basic Law can be amended. Moreover, the Legislative Council does not have the power to propose amendment to the Basic Law, only that the powers of the Legislative Council will become one of the hurdles should any amendment be made to the Basic Law one day.

I would like to say a few words about several major points in Mr WONG Yuk-man's motion. The first point concerns a referendum law. Actually, it is not impossible for a referendum law to be enacted in Hong Kong. However, I believe a referendum law can hardly be enacted before the realization of one-person-one-vote universal suffrage. As Members are aware, in many countries, one-person-one-vote universal suffrage must be introduced before the enactment of a referendum law. Hence, I hope Members can support the endorsement of the one-person-one-vote constitutional reform proposal in 2017 to enable universal suffrage to be implemented.

Actually, I consider the proposal put forward by Mr WONG Yuk-man to enact a political donations law desirable. Recently, we have seen the occurrence of many incidents related to overseas political funds. I think that consideration can be given to whether or not some effort should be made on this front.

As regards the issue of requiring candidates to have political party background, such a requirement is not only in violation of human rights, but also in complete breach of the right of certain people to stand for election in Hong Kong. According to the existing design of the nominating committee, people aspiring to stand in the election have the opportunities to do so provided that they manage to obtain a certain number of nominations. It is, however, difficult for
them to meet the requirement of having political party background. Members may look at the Chief Executives of the previous terms. None of them had any political party background. Furthermore, it can be said that the nominating committee is designed to prevent monopolization by political parties. Hence, I believe the design of the nominating committee can hardly be changed.

I would like to quote the judgment of Lord HOFFMANN in Department of Transport v Lush, as cited by Mr Justice AU in the judgment handed down by him in respect of the extension of an injunction order on Monday. It said, to the effect, that "the law does not allow an individual to choose whether or not to abide by a court order, even if such choice is made according to his conscience". Occupy Central is an unlawful act that defies the injunction orders issued by the Court. The claim that one will turn himself in to manifest the rule of law is distorting the concept of the rule of law. It is tantamount to a person killing people and setting places on fire before turning himself in. By the same token, in a society where the rule of law prevails, the Constitution must be amended in accordance with the Basic Law. Hong Kong people are also Chinese people. One must abide by the provisions of the Basic Law unless he or she is not Chinese. I (The buzzer sounded) …

PRESIDENT (in Cantonese): Dr CHIANG, speaking time is up.

DR CHIANG LAI-WAN (in Cantonese): … object to, not support Mr WONG Yuk-man's motion.

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

MR ALBERT CHAN (in Cantonese): President, it is interesting to hear "Yuen Chow" (Dr CHIANG Lai-wan) criticize "Long Hair", saying that he got an unpleasant voice. I think if citizens in Hong Kong are asked to name which ones among the Members of this Council are the ugliest, I am sure not many people will disagree that Yuen Chow will rank among the top three.

President, on the question of amending the constitution and "Hong Kong people ruling Hong Kong", we can take a look at history. As a matter of fact,
over more than two decades in the past, there were two important periods with respect to this division among Hong Kong people. The first time was in the aftermath of the 4 June Incident in 1989. At that time, many people who supported the student movement all changed their position in the end. These include Mr TAM Yiu-chung and LEUNG Chun-ying. Previously they issued statements saying how they supported the student movement. In the end they all changed their position and now they are part of the ruling elite. The second division is the Umbrella Movement. We can see what the causes of these two divisions in our society are. They are related to the autocratic rule of the CPC.

Ever since the signing of the Sino-British Joint Declaration in 1984, many people from the democratic camp now sitting here supported democratic reunification. For some of these so-called rambunctious of the British Hong Kong Government — including a certain person who was the President of this Council — at that time some people supported the idea of exchanging sovereignty for the right to rule. But I was firmly opposed to this approach. Those of us who supported reunification at that time are now branded as "Greater China morons". This is how history has developed and the support lent to the resumption of sovereignty at that time can be said to have stemmed from a sentimental attachment to the country. And as to question of whether this is right or wrong, I think history can pass a judgment on it.

During the six years from 1984 to 1989, as a general rule, most people from the democratic camp in Hong Kong were prepared to take part in the formulation of the Basic Law. But after the 4 June Incident of 1989, there appeared dissent and division among social groups over political issues. One of the causes of this division was the proposal of the "two CHAs". This "two CHAs" proposal appeared all of a sudden at the latter stage of the drafting of the Basic Law, that is, the proposal was raised in November 1988. The result was there emerged a confrontation in matters related to constitutional development. Even when after the Basic Law was drafted, many citizens did not accept it. We had burnt the part of the Basic Law on the constitutional system. However, people still had a bit of confidence in the Sino-British Joint Declaration and the pledges made by the Central Authorities. I think Members will recall that the DAB also supported dual elections by universal suffrage in 2007 and 2008. Then the demand was deferred to dual elections by universal suffrage in 2012. After 1 July 2003 when 700 000 ... 500 000 people had taken to the streets, the Central Authorities began to lose confidence in Hong Kong. This principle of a "high degree of autonomy" was shattered all of a sudden unilaterally. And after the Hong Kong-Macao Committee was formed, matters related to the internal
administration of Hong Kong were taken over by it. Then principles like "one country, two systems" and "a high degree of autonomy" can well be said to exist only in name but never in reality.

Then there were the interpretations of the Basic Law. Apart from the interpretation of the Basic Law by the NPC for the first time in 1999, there was the second occasion of interpreting the Basic Law in 2004 which stated explicitly that there would be no universal suffrage in 2007 to select the Chief Executive and the Legislative Council would remain as it was in 2008 and the functional constituencies would not be abolished. The interpretation made of the Basic Law on the third occasion was on the term of office of the Chief Executive, and in 2004, the "Three-part Process" in constitutional reform was changed to a "Five-part Process". All this is proof that the government of the People's Republic of China has unilaterally changed the pledge it made and brutally broken its promise to grant "a high degree of autonomy" to the people of Hong Kong. Then the Liaison Office of the People's Republic of China (LOCPG) becomes the second centre of power. Right? Around the year 1997 the LOCPG had done much liaison work. But after 2003, the LOCPG engaged in an open and high-profile intervention of the governance of Hong Kong and became a formal second centre of power. This centre of power has gradually shifted from Central to the Western District. Right? This is especially true after LEUNG Chun-ying has assumed office. Central has become even less than a second centre of power. It has turned into a subsidiary and subordinate organization. The new Government Offices Complex under the rule of LEUNG Chun-ying is actually a lame duck centre of power. The real centre of power has shifted to the Western District.

It is the unilateral changes made by the Central Government that have eroded public confidence in Hong Kong. The people have lost their confidence in how the territory is governed — not just by the Government of the Hong Kong SAR but also the Beijing government. There has been a drastic change in people's recognition of their identity. Previously more than half of the people of Hong Kong thought of themselves as Chinese, but now it is less than 9%. This applies especially to the overwhelming majority of young people. They do not recognize their identity as Chinese. Are we to blame the young people for this change? Do we say that they are not mature enough? Of course, the young people are not as mature and as utilitarian as these people and they are not as rich. But the question is that this is the political reality. If groups in society are divided and the citizens have lost their confidence in the Central Authorities and
the nation and they have problems in identity recognition, then the authorities should face up to these problems. The authorities may continue with the use of high-handed tactics to suppress opposition. But can they all be killed and exterminated, sent to Hainan Island and the rural areas and can another great purge be carried out? Many places overseas have experienced this kind of ethnic cleansing. The authorities may engage in a great purge of all Hong Kong people who do not identify themselves as Chinese. But that is not a civilized approach to take, though it is a very common practice among communists.

I would think that there should be opportunities of discussion and consultation among the social groups if these problems are to be solved. These are the best approaches to take. It would be best if they can arrive at an agreement and enter into a social contract again, then rewrite the constitution. This will make the people think that they belong to this society and place and take this administration as part of their life. This is different from what is often done now, that is, the Government will do things on behalf of the people and make decisions for them, hence depriving them of the basic rights. The best way to forestall the crisis is to enter into a social contract again. But this Government refuses to use it and instead it employs high-handed tactics of suppression. This will only serve to tear society further apart.

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

MR PAUL TSE (in Cantonese): President, two nights ago I heard Mr WONG Yuk-man tell some of his stories in his usual spectacular way of expression and narration in an online radio programme. He said that his father had a first wife and since his father left his hometown some 40 years ago, his father had never returned to visit her. This woman had all along depended on herself to support her living in the Mainland and her story also revealed many tragedies brought about by the existing ruling regime.

True enough, both Hong Kong and the Mainland are full of these tragedies caused by historical factors. In Hong Kong, due to special political reasons, many Hong Kong residents came to Hong Kong for resettlement, bringing with them tragedies experienced by themselves or by their parents' generation or their grandparents' generation. Under such circumstances, their DNA, their thinking and their culture are, in one way or another, strongly resistant to communism.
President, an official of the Hong Kong and Macao Affairs Office, namely, Director CHEN Zuoer, had once compared Hong Kong to a book which is difficult to read. Also, some people who are well-versed in politics often say that Hong Kong, being such a small place though, its governance is as difficult as in certain places where governance is difficult in the world, such as the Middle East, and places vulnerable to terrorist activities. In Hong Kong, we do not see great differences or divisions among ethnic groups, and on the religion front, there is not the case that people do not care about what other people have got to say and treat people who do not have the same faith as enemies and refuse to talk to them. There is no such huge difference or gap in Hong Kong. In spite of this, as to the question of whether one is against communism or whether one can accept communist rule ideologically, this huge gap is very serious in Hong Kong. Under such circumstances, all you have to do is to hoist high the banner, telling people opposed or resisting communism to stand on this side whereas those who are less opposing or resistant to communism to stand on the other side, and in this way, the two sides would naturally be diametrically opposed to each other on whatever issues and there would be no room for further discussion. In the past, we did not see such a serious situation in Hong Kong, and compared to Taiwan, Hong Kong people may have a lower fertility rate. But in Taiwan, people support either the blue camp or the green camp, and even family members will quarrel with each other ever so often. Unfortunately, we have seen this happening in Hong Kong recently and the situation is becoming increasingly serious.

President, is it that the Basic Law cannot be amended, just as Mr LEUNG Yiu-chung said earlier? Certainly not. As we all know, Article 79 of the Basic Law has provided for a clear mechanism, stipulating how amendments can be made, though it is very difficult to do so. But we all know this very well, and it is not necessary for me to make any repetition. Of course, we have never made any amendment before, but as it is stipulated in Rule 20 of the Rules of Procedure, as long as 20 Members of this Council support a petition, a committee can be set up to inquire into certain matters. We did not do so in the past but this practice has been adopted once or twice by Members recently. So, there has to be the first time for every procedure to be invoked. Of course, the Basic Law has yet to see its first amendment to date.

However, is the Basic Law a perfect document? Certainly, it is impossible for any document to be considered perfect because even the Constitution of the United States has been amended for more than 10 times.
With regard to the drafting of the Basic Law back then, we must admit that there was not much public participation and even the Drafting Committee and the Consultative Committee were basically comprised of successful people from the local gentry and business sector. Their duty was basically to serve and give back to society. They all hoped to complete their task rashly, thinking only to get the job done, and there was no experts with sufficient knowledge of constitutional law to thoroughly examine the details of each article.

President, the simplest example is that many of the most complicated and important provisions of the Basic Law, including those articles concerning the executive, legislature and Judiciary are, in one way or another, copied from the Letters Patent in the past. It seemed that their mission was completed by only replacing the Crown with the five-star flag. In short, they only aimed to get their job done. They did not consider thoroughly how Hong Kong, in the wake of decolonization, should move forward after the reunification. Therefore, amendments are warranted in many provisions.

In fact, I am afraid that many constitutional provisions in it are sloppily drafted. That is, they provide only the skeleton as we call it. There is only the body frame, and it is necessary to add flesh and skin to it. This is a process to be enriched continuously as time passes, as precedents accumulate and as court judgments are made. Or perhaps it is more appropriate for organizations in various sectors of the community, especially non-government organizations, to pay more attention to and understand more about the Basic Law, instead of only placing advertisements to explain which article of the Basic Law is about what. These introductions are all too shallow and entirely cannot achieve results in terms of public understanding of the Basic Law and the culture of the Basic Law. Whether in respect of national education, public education or civic education required for us to move forward politically, nothing has been achieved either.

Some organizations which operate under the banner of a "one country, two systems" research organization or whatever may actually be "one country, two systems" organizations under the charge of one person, and there is no way to find out how many academics or experts there are behind them. However, with regard to commentaries available in the market that can provide true insights on the complexity of the Basic Law or the leeway, vital points, or the areas that warrant improvement, apart from the line of reasoning that you, President, have shared with us in your column once in a while, I am afraid there are not many
All in all, President, is it necessary for us to amend the Basic Law? I am afraid, in present-day society, and considering the economic gap and the conflicts in public sentiments between Hong Kong and the Mainland nowadays, the making of any amendment to the Basic Law at this point in time must obligate careful consideration.

To Hong Kong, instead of saying that many articles of the Basic Law are meant to control Hong Kong, we might as well say that they are meant to protect Hong Kong from pressure that the Mainland or the State or the Central Government may bring to bear on Hong Kong. In this connection, I think the way out for us is perhaps to more expeditiously seize the opportunity of Occupy Central or capitalize on the post-Occupy Central developments, in order to step up improvement and monitoring and to put in greater efforts to refine the articles of the Basic Law, rather than adopting on a full scale the practice in the mind of Mr WONG Yuk-man. Even though that may be a bold assumption that merits appreciation, I am afraid it is only an impractical proposition.

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

(No Member indicated a wish to speak)

PRESIDENT (in Cantonese): Mr WONG Yuk-man, you may now speak on Mr LEE Cheuk-yan's amendment. The speaking time limit is five minutes.

MR WONG YUK-MAN (in Cantonese): President, a political organization named The Frontier was set up in Hong Kong in 1996 with many prominent people as its members, including several Members in this Chamber today, namely Ms Emily LAU, Ms Cyd HO, Mr LEE Cheuk-yan and Mr LEUNG Yiu-chung. At that time, they made a request for "devising the constitution by all people", which was highly appreciated by me as a newspaper publisher and columnist. The approach taken by the pan-democratic Members today, however, amounts to opposing this motion of mine, which calls for "devising the constitution by all people", because they said they would abstain on it.
President, men cannot live without ideals, or else they will lack the drive for progress or even lose the meaning of existence. Should these Members abstain on the ideal of "devising the constitution by all people", they might as well abstain on their own existence. What sort of democrats are they?

Therefore, in responding to Mr LEE Cheuk-yan's amendment, I thought to myself that it would be 100 times more difficult for a person to give up than hold on to prejudice. The prejudice harboured by these Members is: Given that the Basic Law cannot be amended lightly, would a call for government officials to resign *en masse* not result in immense chaos? Buddy, let us look at other parts of the world. Whenever a constitutional convention is formed to devise the constitution by all people, or when people call for a change in the government system, government officials are very often required to resign *en masse*, to be followed by the establishment of an interim or caretaker government. Buddy, all this is based on historical evidence, right?

My premise is for the officials of the SAR Government to resign *en masse* before a constitutional amendments committee is set up to undertake constitutional amendments tasks. However, the wordings of the amendment as a whole basically aim to "castrate" my original motion, as well as the Member himself. I mean "self-castration". Hence, I cannot support his amendment. Has he mentioned anything about "devising the constitution by all people"? No, he has not. He has merely mentioned amending the Basic Law.

I have put forward many specific proposals in the original motion. As everyone knows, it is certainly very difficult to put them into implementation. While some people criticize me for running wild with imagination and absurd, some being true to their communist traits are good at scolding people for behaving like "demons" or being cast away by history. I would like to appeal to these Members to make more frequent use of new expressions instead of those used during the Cultural Revolution. Having been Legislative Council Members for such a long time, why do they not know how to use new expressions? Why does the CPC not have new expressions? I found their comments really laughable after hearing them.

It was right for NG Leung-sing to accuse me of staging a rebellion. Am I not supposed to stage a mental rebellion? Taking negation as affirmation is the basic principle adopted by advocates of freedom in free thinking. If the existing system is not negated, how can a new system be established? If the CPC did not
repudiate the rule by the Kuomintang (KMT) back then, how could the former overthrow the latter and establish a new republic? If the Democratic Progressive Party did not take negation as affirmation and repudiate the rule by the KMT and the Constitution of the Republic of China, how could the former amend the Constitution several times and then have the opportunities to rule? This way of …

MR LEUNG KWOK-HUNG (in Cantonese): President, point of order. I would like to seek an elucidation from Mr WONG Yuk-man. Was he implying that the CPC …

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please wait a minute. Mr WONG, are you prepared to give way and listen to the contents of the part for which Mr LEUNG Kwok-hung seeks an elucidation?

MR WONG YUK-MAN (in Cantonese): President, I will leave it to you.

MR LEUNG KWOK-HUNG (in Cantonese): He said that he was willing to clarify. Did he mean to compare the autocracy of the CPC to the refusal of Ah Q to allow other people to stage a revolution? Did he mean to say that the CPC did not allow other people to stage a revolution, like what Ah Q did in The Story of Ah Q? Is that what he thought? Mr WONG Yuk-man, I am telling you …

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, as you have stated clearly the part on which you seek an elucidation, please sit down. Mr WONG, please continue with your speech.

MR WONG YUK-MAN (in Cantonese): I recall a saying by LU Xun, which the President should also be familiar with. It says, "Chinese people can turn into slaves very easily and feel overjoyed then". Thank you, President.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, regarding the motion proposed by Mr WONG Yuk-man and the amendment proposed by Mr LEE Cheuk-yan, the SAR Government
considers their basic advocacy to be in disagreement with the constitutional position of the HKSAR Government and not in the overall interest of Hong Kong. The Government appeals to all Members to vote against them.

Also, many Members have spoken on the SAR's constitutional development. I will make some succinct responses.

The community is eagerly looking forward to implementing universal suffrage in accordance with the Basic Law. Just as I pointed out in my opening speech, it is the common aspiration of the Central Authorities, HKSAR Government and the general public of Hong Kong to implement universal suffrage for the Chief Executive election in 2017 according to the law and to finalize the electoral method for the Legislative Council in 2016 in strict accordance with the Basic Law and the relevant interpretation and decision made by the Standing Committee of the National People's Congress (NPCSC). It is also an important policy objective of the current-term HKSAR Government.

The Decision of the NPCSC on Issues Relating to the Selection of the Chief Executive of the Hong Kong Special Administrative Region by Universal Suffrage and on the Method for Forming the Legislative Council of the Hong Kong Special Administrative Region in the Year 2016 (Decision) made on 31 August signifies that we have completed the Second Step of constitutional procedures in the Five-step Process of Constitutional Development. It formally determined that universal suffrage for the Chief Executive election by "one person, one vote" could be implemented starting from 2017. The SAR Government will consult the public on the specific method for the Chief Executive election by universal suffrage in due course.

Constitutional development is a very complicated issue. Hong Kong is a pluralistic society, so the Government understands that people from different groups and sectors of the community and different stakeholders may have different views and opinions on the subject. To handle complicated issues in an effective and orderly manner, different sectors of the community should hold discussions in a pragmatic, rational and patient manner so as to take forward the constitutional development of Hong Kong.

It is the people's common wish to elect the Chief Executive by universal suffrage in 2017. But I must point out that to successfully implement universal suffrage, we must base our discussion on the Basic Law and the relevant
interpretation and decision of the NPCSC. Otherwise we will go down the wrong path and miss the opportunity to take forward the constitutional development and implement universal suffrage for the Chief Executive election by "one person, one vote" in 2017.

The SAR Government sincerely hopes that different sectors of the community will accept the implementation of the universal suffrage for the Chief Executive election in 2017 in accordance with the law and within the framework of the Basic Law and the Decision of the NPCSC. We appeal to all sectors to continue to discuss the matter in a rational, peaceful and pragmatic manner with an accommodating and inclusive mind. Only in this way can we narrow the differences and reach a consensus to make our common wish a reality.

Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the amendment, moved by Mr LEE Cheuk-yan to Mr WONG Yuk-man's motion, be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

PRESIDENT (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for five minutes.

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

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

Mr Albert HO, Mr James TO, Mr Frederick FUNG, Prof Joseph LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG and Mr IP Kin-yuen voted for the amendment.

Dr LAU Wong-fat, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr IP Kwok-him, Mr NG Leung-sing, Mr Steven HO, Mr YIU Si-wing, Mr MA Fung-kwok, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Mr TANG Ka-piu, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan and Mr Tony TSE voted against the amendment.

Geographical Constituencies:

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms Cyd HO, Mr LEUNG Kwok-hung, Mr WU Chi-wai, Mr Gary FAN, Dr Kenneth CHAN, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr SIN Chung-kai and Dr Helena WONG voted for the amendment.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Albert CHAN, Mr Michael TIEN, Mr James TIEN, Mr CHAN Chi-chuen, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Christopher CHUNG voted against the amendment.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 28 were present, seven were in favour of the amendment and 21 against it; while among the Members returned by geographical constituencies through direct elections, 31 were present, 12 were in favour of the amendment and 18 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.
MR ANDREW LEUNG (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Devising the constitution by all people, making a new covenant, and realizing genuine 'Hong Kong people ruling Hong Kong'" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

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

MR WONG YUK-MAN (in Cantonese): President, is there one minute … is it my turn to speak now?

PRESIDENT (in Cantonese): No, we are handling the motion of Mr Andrew LEUNG now.

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

(No Member indicated a wish to speak)

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

(Members raised their hands)

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

(No hands raised)
PRESIDENT (in Cantonese): I think the question is agreed by a majority 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 passed.

I order that in the event of further divisions being claimed in respect of the motion on "Devising the constitution by all people, making a new covenant, and realizing genuine 'Hong Kong people ruling Hong Kong'", this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): Mr WONG Yuk-man, you may now speak in reply. You have one minute and one second.

MR WONG YUK-MAN (in Cantonese): President, first of all, I would like to thank the 23 Members for speaking in the debate. Although most of the Members do not agree with my views, it is actually fine as I also wish to accentuate the standards of Members in a debate. However, the results are very much disappointing to me. I have been feeling disappointed for many years. There are only 23 Members speaking on such an important subject while most of the speeches … regarding the speeches of the pro-establishment camp, there is simply no need for me to reply so as not to waste our time, for they certainly regard the Central Authorities as the supreme power.

I only wish to ask them one single question: what is the source of power of the NPC? They simply cannot answer me, right? It is the CPC. What is the source of power of the CPC? It originates from the 3 000-odd Deputies to the NPC which sends the power upwards to the Central Committee which has 200-odd members; the Central Committee sends the power upwards to 24 members of the Politburo; those 24 members of the Politburo further send the power upwards to the seven Standing Committee members of the Politburo. This is an autocratic oligarchy with a pyramid structure. What else can they say? It will be wasting my energy to reply them (The buzzer sounded) … but my greatest disappointment is with the pan-democrats who abstained on my motion. They might just as well give up the right to live, right?
PRESIDENT (in Cantonese): Mr WONG, speaking time is up.

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

(Members raised their hands)

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

(Members raised their hands)

Mr WONG Yuk-man rose to claim a division.

PRESIDENT (in Cantonese): Mr WONG Yuk-man has claimed a division. The division bell will ring for one minute.

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

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

Functional Constituencies:

Dr LAU Wong-fat, Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr Andrew LEUNG, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr IP Kwok-him, Mr NG Leung-sing, Mr Steven HO, Mr YIU Si-wing, Mr MA Fung-kwok, Mr KWOK Wai-keung, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Mr TANG Ka-piu, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan and Mr Tony TSE voted against the motion.
Mr Albert HO, Mr James TO, Mr Frederick FUNG, Prof Joseph LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG and Mr IP Kin-yuen abstained.

Geographical Constituencies:

Mr LEUNG Kwok-hung, Mr Albert CHAN, Mr WONG Yuk-man, Mr Gary FAN and Mr CHAN Chi-chuen voted for the motion.

Mr CHAN Kam-lam, Mr TAM Yiu-chung, Mr WONG Kwok-hing, Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr James TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK, Dr Elizabeth QUAT, Dr CHIANG Lai-wan and Mr Christopher CHUNG voted against the motion.

Mr LEE Cheuk-yan, Mr LEUNG Yiu-chung, Ms Emily LAU, Ms Cyd HO, Mr WU Chi-wai, Dr Kenneth CHAN, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Mr SIN Chung-kai and Dr Helena WONG abstained.

THE PRESIDENT, Mr Jasper TSANG, did not cast any vote.

THE PRESIDENT announced that among the Members returned by functional constituencies, 28 were present, 21 were against the motion and seven abstained; while among the Members returned by geographical constituencies through direct elections, 32 were present, five were in favour of the motion, 16 against it and 10 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourn the Council until 11 am on Wednesday, 19 November 2014.

Adjourned accordingly at 6.01 pm.
## Annex I

**Committee Stage**

Amendments moved by the Secretary for Commerce and Economic Development

<table>
<thead>
<tr>
<th>Clause</th>
<th>Amendment Proposed</th>
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</thead>
<tbody>
<tr>
<td>4 (a)</td>
<td>In the proposed section 151A(6), in the definition of <em>Tribunal</em>, by deleting “, a senior deputy registrar and a deputy registrar”.</td>
</tr>
<tr>
<td>(b)</td>
<td>In the proposed section 151B(9), in the definition of <em>Tribunal</em>, by deleting “, a senior deputy registrar and a deputy registrar”.</td>
</tr>
<tr>
<td>(c)</td>
<td>In the proposed section 151C(5), in the definition of <em>Tribunal</em>, by deleting “, a senior deputy registrar and a deputy registrar”.</td>
</tr>
<tr>
<td>5</td>
<td>In the proposed section 153A, by adding—</td>
</tr>
<tr>
<td></td>
<td>“(7) Subsections (1), (2) and (3) are subject to the rules of the Tribunal made under section 158.”.</td>
</tr>
<tr>
<td>8 (a)</td>
<td>In the proposed section 156D—</td>
</tr>
<tr>
<td>(i)</td>
<td>in the heading, by deleting “etc.”;</td>
</tr>
<tr>
<td>(ii)</td>
<td>in subsection (1), by deleting “, a senior deputy registrar or a deputy registrar”;</td>
</tr>
<tr>
<td>(iii)</td>
<td>in subsection (1), by deleting “, the senior deputy registrar or the deputy registrar”;</td>
</tr>
<tr>
<td>(iv)</td>
<td>in subsection (2), by deleting “, a senior deputy registrar or a deputy registrar”;</td>
</tr>
</tbody>
</table>
(v) in subsection (2)(b), by deleting “, the senior
deputy registrar or deputy registrar”.

(b) In the proposed section 156E—

(i) in the heading, by deleting “etc.”;

(ii) in subsection (1), by deleting “, a senior deputy
registrar or a deputy registrar”.

(a) By renumbering the clause as clause 15(2).

(b) By adding—

“(1) Rule 2, Chinese text, definition of 較高級法院
after “任何”—

Add

“審裁處、”.”.
REQUEST FOR POST-MEETING AMENDMENT

The Secretary for Transport and Housing requested the following post-meeting amendment in respect of a supplementary question to Question 1

Line 3, fifth paragraph, page 17 of the Confirmed version

To amend "… agreement of the Government as the owner must be obtained." as "then they must be disposed of as a whole" (Translation)

(Please refer to line 5, fourth paragraph, page 1874 of this Translated version)