OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 13 December 2017

The Council met at Eleven o'clock

MEMBERS PRESENT:

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE LEUNG YIU-CHUNG

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

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

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

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

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

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

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

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

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

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

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

THE HONOURABLE CLAUDIA MO

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

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

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

THE HONOURABLE WU CHI-WAI, M.H.

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

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

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

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

THE HONOURABLE KENNETH LEUNG

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

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG, J.P.

THE HONOURABLE DENNIS KWOK WING-HANG

THE HONOURABLE CHRISTOPHER CHEUNG WAH-FUNG, S.B.S., J.P.
DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

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

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

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

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

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

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE ALVIN YEUNG

THE HONOURABLE ANDREW WAN SIU-KIN

THE HONOURABLE CHU HOI-DICK

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

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

THE HONOURABLE HO KAI-MING

THE HONOURABLE LAM CHEUK-TING

THE HONOURABLE HOLDEN CHOW HO-DING

THE HONOURABLE SHIU KA-FAI

THE HONOURABLE SHIU KA-CHUN
THE HONOURABLE WILSON OR CHONG-SHING, M.H.

THE HONOURABLE YUNG HOI-YAN

DR THE HONOURABLE PIERRE CHAN

THE HONOURABLE CHAN CHUN-YING

THE HONOURABLE TANYA CHAN

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE HUI CHI-FUNG

THE HONOURABLE LUK CHUNG-HUNG

THE HONOURABLE LAU KWOK-FAN, M.H.

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

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE KWONG CHUN-YU

THE HONOURABLE JEREMY TAM MAN-HO

PUBLIC OFFICERS ATTENDING:

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

DR RAYMOND SO WAI-MAN, B.B.S., J.P.
UNDER SECRETARY FOR TRANSPORT AND HOUSING, AND
SECRETARY FOR TRANSPORT AND HOUSING

PROF THE HONOURABLE SOPHIA CHAN SIU-CHEE, J.P.
SECRETARY FOR FOOD AND HEALTH
DR BERNARD CHAN PAK-LI, J.P.
UNDER SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT, AND
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

THE HONOURABLE MICHAEL WONG WAI-LUN, J.P.
SECRETARY FOR DEVELOPMENT

MR ANDY CHAN SHUI-FU, J.P.
UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS, AND
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

CLERKS IN ATTENDANCE:

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

MISS ODELIA LEUNG HING-YEE, DEPUTY SECRETARY GENERAL

MS ANITA SIT, ASSISTANT SECRETARY GENERAL

MS DORA WAI, ASSISTANT SECRETARY GENERAL

MR MATTHEW LOO, ASSISTANT SECRETARY GENERAL
PRESENTATION OF PETITIONS

PRESIDENT (in Cantonese): Presentation of petitions.

Two petitions to be presented to the Council in accordance with Rule 20 of the Rules of Procedure ("RoP").

First petition: Dr KWOK Ka-ki, with the other 23 Members, would present a petition to this Council. Under RoP 20(5), Dr KWOK Ka-ki may not make a speech beyond a summary statement of the number and description of the petitioners and the substance of the petition.

DR KWOK KA-KI (in Cantonese): President, the Transport and Housing Bureau announced on 21 November 2017 that there was a further cost overrun estimated at RMB10 billion in respect of the construction of the main bridge of the Hong Kong-Zhuhai Macao Bridge, about $5 billion of which was estimated to be borne by the Government of Hong Kong. Taking into account the supplementary provisions endorsed by the Finance Committee of the Legislative Council for the relevant projects of the Hong Kong-Zhuhai Macao Bridge in recent years, the overall construction costs borne by Hong Kong have jumped 20%, from about $100 billion initially to at least $120 billion. Yet the Special Administrative Region ("SAR") Government is unable to cap the costs of the relevant projects.

The SAR Government has hitherto failed to provide neither a definite and specific explanation for the cost overruns nor any suggestions to avoid them. And there are no other occasions in the Legislative Council for Members to investigate the cost overruns in a dedicated and meticulous manner. It is an important function of the Legislative Council to monitor public expenditure as well as to vet and approve the financial proposals put forth by the Government. It is therefore imperative for the Legislative Council to gain an understanding in depth of the causes of cost overruns and make suggestions, thereby ensuring the proper use of public funds by the public sector and preventing cost overruns of infrastructure projects from recurring.

For these reasons, we implore Members to support the establishment of a select committee under the Legislative Council to investigate the aforementioned matter.

(See Annex I for the content of the petition)
PRESIDENT (in Cantonese): I now call upon Members who support this request to rise in their places.

(The Clerk indicated to the President completion of recording after doing a headcount)

PRESIDENT (in Cantonese): Members will now please be seated. Members who support this request are: Mr KWONG Chun-yu, Mr James TO, Mr HUI Chi-fung, Mr SHIU Ka-chun, Mr LEUNG Yiu-chung, Mr LAM Cheuk-ting, Mr Andrew WAN, Dr Helena WONG, Mr IP Kin-yuen, Mr WU Chi-wai, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr Jeremy TAM, Dr KWOK Ka-ki, Ms Claudia MO, Ms Tanya CHAN, Mr Alvin YEUNG, Dr Fernando CHEUNG, Mr CHU Hoi-dick, Mr CHAN Chi-chuen, Dr CHENG Chung-tai and Dr Pierre CHAN. Did I miss any name of those Members who just stood up?

If not, we have 23 Members in total supporting this request. In accordance with RoP 20(6), the petition is referred to a select committee.

PRESIDENT (in Cantonese): Second petition: Mr Jeremy TAM, with the other 23 Members, would present a petition to this Council. Under RoP 20(5), Mr Jeremy TAM may not make a speech beyond a summary statement of the number and description of the petitioners and the substance of the petition.

MR JEREMY TAM (in Cantonese): President, The Link Real Estate Investment Trust ("Link REIT") announced on 28 November 2017 that it had signed an agreement to sell 17 shopping centres, most of which being properties previously divested by the Hong Kong Housing Authority ("HA"). According to section 4(1) of the Housing Ordinance and the Court of Final Appeal's judgment in the case of Lo Siu Lan v. Hong Kong Housing Authority, it is a responsibility of
HA to secure the provision of amenities ancillary to housing as HA thinks fit for different kinds of persons. Yet, there have been no mechanisms for the Special Administrative Region ("SAR") Government to regularly review the impact of the divestment to residents of subsidized housing, nor is there a mechanism to replenish facilities of housing estates that are lacking due to the divestment. Hence, the SAR Government has failed to discharge its responsibilities stipulated in the Housing Ordinance, having neither the measures to secure the provision of amenities nor the practice of regularly reviewing the fitness of those amenities.

As a real estate investment trust, Link REIT is also questioned by the public regarding its role and whether the oversight to which it is subjected is appropriate to the times.

The SAR Government has so far offered no specific explanations on the matter to the Legislative Council, nor has it established a mechanism and designated a department to address the issue. Moreover, there are no occasions in the Legislative Council for Members to investigate in a dedicated and meticulous manner the role of the Government, the government contracts and documents of the divestment at that time as well as the effectiveness of the Code on Real Estate Investment Trusts in the oversight of Link REIT. It is an important function of the Legislative Council to monitor the Government and to prevent the evasion of legal liabilities by the Administration that would jeopardize public interest. It is therefore imperative for the Legislative Council to investigate in depth the causes of the problem and make suggestions so as to ensure the proper discharge of responsibilities by the Government under section 4(1) of the Housing Ordinance to provide residents of subsidized housing with appropriate amenities.

For these reasons, we implore Members to support the establishment of a select committee under the Legislative Council to investigate the aforementioned matter.

(See Annex II for the content of the petition)

(Dr KWOK Ka-Ki rose in his place)

(The President had been informed that, in accordance with RoP 20(6), Dr KWOK Ka-Ki would rise and request that the petition be referred to a select committee)
PRESIDENT (in Cantonese): I now call upon Members who support this request to rise in their places.

(The Clerk indicated to the President completion of recording after doing a headcount)

PRESIDENT (in Cantonese): Members will now please be seated. Members who support this request are: Mr KWONG Chun-yu, Mr James TO, Mr HUI Chi-fung, Mr SHIU Ka-chun, Mr LEUNG Yiu-chung, Mr LAM Cheuk-ting, Mr Andrew WAN, Dr Helena WONG, Mr IP Kin-yuen, Mr WU Chi-wai, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr Jeremy TAM, Dr KWOK Ka-ki, Ms Claudia MO, Ms Tanya CHAN, Mr Alvin YEUNG, Dr Fernando CHEUNG, Mr CHU Hoi-dick, Mr CHAN Chi-chuen, Dr CHENG Chung-tai, Dr Pierre CHAN and Mrs Regina IP. Did I miss any name of those Members who just stood up?

If not, we have 24 Members in total supporting this request. In accordance with RoP 20(6), the petition is referred to a select committee.

(A number of Members tapped their benches)

TABLING OF PAPERS

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

No. 40 — Queen Elizabeth Foundation for the Mentally Handicapped Report and Accounts 2016-2017

No. 41 — Health Care and Promotion Fund 2016-17 Annual Report

No. 42 — The Prince Philip Dental Hospital 2016-17 Annual Report by the Board of Governors

No. 43 — Emergency Relief Fund Annual Report by the Trustee for the year ending 31 March 2017
<table>
<thead>
<tr>
<th>No.</th>
<th>No.</th>
<th>Title</th>
</tr>
</thead>
</table>
| 44  |  | Social Work Training Fund  
Fifty-sixth Annual Report by the Trustee for the year ending on 31 March 2017 |
| 45  |  | Communications Authority  
Annual Report 2016-17 |
| 46  |  | Lotteries Fund  
The Accounts of the Fund 2016-17 |
| 47  |  | Report of changes made to the approved Estimates of Expenditure during the second quarter of 2017-18  
Public Finance Ordinance : Section 8 |
| 48  |  | Supplementary Legal Aid Fund  
Annual Report 2015 |
| 49  |  | Samaritan Fund  
| 50  |  | Hospital Authority  
Annual Report 2016-2017 |
| 51  |  | Hong Kong Tourism Board  
Annual Report 2016/17 |
| 52  |  | The Hospital Authority Public-Private Partnership Fund  
Financial Statements and Independent Auditor's Report for the period from 31 March 2016 (Date of funding received from the Government) to 31 March 2017 |
| 53  |  | Police Welfare Fund  
Annual Report 2016/2017 |
| 54  |  | The Police Children's Education Trust and the Police Education and Welfare Trust  
Annual Report 2016/2017 |
No. 55 — Competition Commission
Annual Report 2016/2017

No. 56 — Brewin Trust Fund
Report of the Brewin Trust Fund Committee on the Administration of the Fund, Financial statements and Report of the Director of Audit for the year ended 30 June 2017

No. 57 — Grantham Scholarships Fund
Report of the Grantham Scholarships Fund Committee on the Administration of the Fund, Financial statements and Report of the Director of Audit for the year ended 31 August 2017

No. 58 — The Sir Murray MacLehose Trust Fund
Trustee’s Report on the administration of the Fund, Financial statements and Report of the Director of Audit for the year ended 31 March 2017

No. 59 — Chinese Temples Fund
Report of the Chinese Temples Committee on the Administration of the Fund, Financial statements and Report of the Director of Audit for the year ended 31 March 2017

No. 60 — General Chinese Charities Fund
Report of the Chinese Temples Committee on the Administration of the Fund, Financial statements and Report of the Director of Audit for the year ended 31 March 2017

No. 61 — Ocean Park Hong Kong
Annual Report 2016-2017
Coping with the forthcoming silver tsunami

1. **MR ALVIN YEUNG** (in Cantonese): According to the population projections released by the Census and Statistics Department in September this year, the number of elderly persons aged 65 and above will rise from over 1.16 million at present to 2.37 million by 2036 (accounting for about 30% of the total population across the territory at that time), and the number of elderly persons is projected to be over 2.3 million for at least 30 years afterwards. There are views that the existing manpower of medical practitioners in the elderly-related specialties has already been stretched to the limit, and the elderly population doubling in future will aggravate the situation. With regard to coping with the forthcoming silver tsunami, will the Government inform this Council:

   (1) given that there are only 21 and 160 locally registered medical practitioners specialized in palliative medicine and geriatric medicine respectively, of the details of the authorities' plan to train these two types of specialists in Hong Kong in the next five years, including the estimated expenditure and the manpower target;

   (2) whether it will discuss with the two faculties of medicine the designation of palliative treatment as a compulsory subject in the specialty of family medicine, and subsidize the existing 433 registered medical practitioners specialized in family medicine to attend courses on palliative medicine; if so, of the details; if not, the reasons for that; and

   (3) as the Government proposed in the Policy Agenda released in October this year that it would conduct public consultation on the implementation of the Law Reform Commission's recommendations on enacting legislation to extend the scope of an enduring power of attorney to include matters relating to the personal care of the donor, of the latest progress of such work, as well as the respective timetables for conducting public consultation and enacting legislation?
SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, my reply to the various parts of Mr Alvin YEUNG's question is as follows:

(1) The Hospital Authority ("HA") provides palliative care and elderly health care services through multi-disciplinary teams comprising doctors, nurses, allied health professionals and supporting grade staff. As at November 2017, there are more than 40 doctors, 300 nurses and 60 allied health professionals (on a full-time equivalent basis) providing palliative care service under HA. In order to plan and further enhance the quality and sustainability of its palliative care service as well as to cope with the increasing demand, HA developed the Strategic Service Framework for Palliative Care ("the Framework") this year, so as to guide the development of palliative care service for the coming five to 10 years. Strategies and directions for improving adult and paediatric palliative care were also formulated.

Geriatrics is a subspecialty under the specialty of medicine, of which elderly patients are the major service users. As at the end of 2016, there were 1,292 doctors working in the specialty of medicine under HA.

HA will regularly review the demand for various medical services (including palliative care and geriatric services) and plan for the development of such services according to factors such as population growth and changes, advancement of medical technology and health care manpower, and collaborate with community partners to better meet the needs of patients.

(2) Currently, there are two colleges in Hong Kong, that is, the Hong Kong College of Physicians and the Hong Kong College of Radiologists, that provide specialist training and award specialist qualification on palliative care to doctors who aspire to obtain such qualification. These two colleges are under the Hong Kong Academy of Medicine ("HKAM"). Operating under the principle of professional autonomy, the HKAM is an independent statutory body established under the Hong Kong Academy of Medicine Ordinance (Cap. 419). HKAM and its colleges have statutory power to organize, monitor, assess and accredit all medical specialist training and to oversee the provision of continuing medical education.
The specialist training of family medicine is currently provided by the Hong Kong College of Family Physicians (also one of the colleges under HKAM), featuring comprehensive, continuing, whole-person and preventive care for individuals and families so as to ensure their physical, psychological and social well-being. By providing continuing and comprehensive health care services with focus on individual- (or patient-) centred care, family doctors are well-positioned to tackle various acute and chronic diseases and provide appropriate palliative care for the needy patients in primary care settings. In addition, family doctors will, in accordance with clinical assessment, refer patients to palliative care service for treatment as and when appropriate. As for the designation of palliative medicine as a compulsory subject in the specialty of family medicine, it is the prerogative of the Hong Kong College of Family Physicians.

Under the new Strategic Service Framework for Palliative Care, HA will enhance training in three aspects to cover the staff of different specialties, settings and grades. Firstly, basic training on palliative care will be enhanced to give all health care colleagues an understanding of the concepts and principles of palliative care. Secondly, training will be arranged for non-palliative care teams working directly with patients who are suffering from life-threatening or life-limiting illnesses. Thirdly, apart from taking care of patients with complex palliative care needs, the palliative care team also offers consultative service and support to teams of other specialties. As such, the palliative care team needs continuous specialist training to consolidate the provision of specialist palliative care service. Meanwhile, they will also acquire knowledge of other specialties, such as nephrology, cardiology and pulmonary, in treating terminal diseases so as to strengthen cross-specialties cooperation and communication.

(3) The Law Reform Commission of Hong Kong ("LRC") published the Report on Enduring Powers of Attorney: Personal Care ("the Report") in July 2011. The Report recommended that the scope of an enduring power of attorney ("EPA") be extended to cover not only the decisions on a donor's property and financial affairs, but also decisions on the donor's personal care.
The Department of Justice ("DoJ") has convened an inter-departmental working group to examine the Report. Representatives from the Labour and Welfare Bureau, the Food and Health Bureau and the Social Welfare Department are members of the inter-departmental working group. After careful consideration of the views and recommendations of LRC and those provided by members of the inter-departmental working group, DoJ has prepared the proposed Continuing Powers of Attorney Bill with a view to implementing the recommendations made in the Report.

The Bill proposes to formulate a new piece of legislation titled the Continuing Powers of Attorney Ordinance. The purpose of the Bill is to replace the existing scheme of EPA with a new regime known as the continuing power of attorney ("CPA") so as to distinguish it from an EPA created under the existing Enduring Powers of Attorney Ordinance (Cap. 501). More specifically, the Bill aims to provide for a statutory framework for the creation of CPAs, under which the donor confers on the attorney authority to act for (including making decisions for) the donor in relation to the personal care\(^{(1)}\), property and financial affairs of the donor. As in the case of an EPA, a CPA will survive the subsequent mental incapacity of the donor. Whilst new EPAs may no longer be created after the commencement of the Continuing Powers of Attorney Ordinance, EPAs executed prior to that date would continue to be governed by the Enduring Powers of Attorney Ordinance.

The Government plans to launch a public consultation exercise on the above matters by the end of December 2017. Subject to the results of the public consultation, the Continuing Powers of Attorney Bill is expected to be introduced into the Legislative Council in the second quarter of 2018.

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\(^{(1)}\) Under the new CPA regime, (1) the Chinese rendition of "attorney" is "承權人", instead of "受權人" under the existing EPA regime; and (2) the Chinese rendition of "personal care" is "個人照護", instead of "個人照顧" used in the Report. "照護" has the meanings of "taking care of" and "providing nursing care", which can more accurately reflect the matters to be covered by this term in the draft Bill.
MR ALVIN YEUNG (in Cantonese): President, in contrast to the forthcoming "population tsunami", the manpower for palliative care and geriatrics, two specialties having a close bearing on an ageing society, is very stretched. In this regard, the Secretary only mentioned in the main reply that there are now about 1,300 doctors working in the specialty of medicine but her reply actually did not address the issue. What I want to know most of all is what specific strategies the present-term Government has to train the said specialists, so as to cope with the future "population tsunami"?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I thank Mr Alvin YEUNG for his supplementary question.

In my main reply, it is pointed that palliative care is provided not just by doctors but also by nurses and allied health professionals. The Framework was developed to guide the direction of development of palliative care service for the coming 5 to 10 years. Strategies and directions for improving adult and paediatric palliative care were also formulated. After formulating the strategies and directions, it is also necessary to arrange for training of various grades and specialties. Our overriding principle is for the palliative care team to take care of patients with complex palliative care needs and according to our proposal, all health care colleagues have to acquire a basic understanding of the concepts and principles of palliative care, so as to perform even better in this area in their daily work.

DR FERNANDO CHEUNG (in Cantonese): President, over 46,000 people died in Hong Kong last year and those who died in hospitals under HA accounted for over 90% of them. However, only 360 palliative care beds are provided by HA. The Joint Subcommittee on Long-term Care Policy recently discussed this subject and I am also grateful to HA for arranging for a visit to the palliative care ward of the Caritas Medical Centre for its members prior to the discussion. We found that the ward could accommodate 40 beds but during our visit, there were only 26 palliative care beds in the ward. It shows that what we lack now may not be space, rather, there is an even more urgent need for manpower and resources.

The main reply given by the Secretary to Mr Alvin YEUNG's question did not tell us how more workers in health care and social welfare will be trained in the future to provide appropriate palliative care service in health care and social
welfare settings. In particular, the Secretary only pointed out in her main reply that the number of training places or professional certificates in this regard were all determined and issued autonomously by independent colleges. I think the Secretary is shirking her responsibility completely.

In view of such terrible conditions at present, and although spaces are available in hospitals under HA where no beds are placed, what are the specific plans to provide more training, resources and manpower as quickly as possible, so as to meet the need for palliative care service?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I thank Dr Fernando CHEUNG for his supplementary question.

HA strives to strengthen palliative care service. As I said just now, we developed the comprehensive Framework and in recent years, HA has also allocated additional resources to improving the service model and strengthening multi-disciplinary service, so as to ease patients' physical and mental suffering and improve their quality of life before death.

For example, in 2018-2019, HA will strengthen palliative care service, including home care, joint consultations and the provision of care and support to terminal patients staying at homes for the elderly. HA will also strengthen paediatric palliative care service and improve training for professionals. Therefore, we will pay greater attention to manpower, in particular, strengthening the training of staff. The aforementioned measures will entail an additional 44 nurses and two doctors.

DR HELENA WONG (in Cantonese): President, of course, we are very much concerned about the problem of an ageing population and whether or not satisfactory palliative care service is provided to patients suffering from terminal or incurable illnesses. What they hope for is probably not getting a cure but leaving the world without suffering, in peace and with dignity in the final leg of their journey of life.

However, in the past, the resources of HA or the Government were allocated mainly to curative care (that is, saving lives) to the neglect of patients' needs at the final stage of their life. When elderly patients in public hospitals
are dying, there is not even any space for their family members to bid farewell or stand because there are beds all around them. Moreover, no special rooms are provided in hospitals for these patients in the final leg of their journey of life.

The Secretary said that the Framework had been developed. Concerning the phenomenon of an ageing population in the next 10 or 20 years, may I ask the Secretary if the Framework has looked at the amount of resources the Government should allocate to HA or other organizations to increase the manpower and resources of such integrated teams as doctors, social workers, counsellors and nursing staff, so as to promote the relevant palliative care service?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, I thank Dr WONG for the supplementary question.

In fact, in the Framework mentioned by me just now, HA has already outlined the direction of development for palliative care service in the next 5 to 10 years. This covers mainly several areas: First, increasing manpower; second, strengthening manpower training and third, apart from strengthening the professional palliative health care team, we also hope to enhance other health care workers in hospitals.

In addition, our emphasis is not solely on inpatient service. If Members go through some past statistics, for example, the statistics on palliative care service for 2016-2017, they will notice that 6 006 people made use of the inpatient service. In addition, we also provided specialist outpatient service and the attendance stood at close to 7 000. Moreover, 30 273 home visits were made. All this is very important. In addition, palliative care service also involves day care and the attendance stood at 9 560. As regards bereavement counselling service, the attendance was close to 3 000.

It can thus be seen that beds and wards are one of the aspects and they mainly involve more complex cases. We consider such services as day care or home visits equally important. Therefore, our strategy in the future is to strengthen the services in this regard in various settings. In fact, we have progressively expanded the service scope of palliative care service since 2010-2011 and of course, this also involves the issue of manpower and training.
For this reason, we have to take forward the measures step by step. Now, the Framework has been launched and we will surely work hard to implement the relevant measures.

MR LEUNG CHE-CHEUNG (in Cantonese): President, there can be no gainsaying it that an ageing population exerts pressure on health care, so the Government should have noted the problem and formulated measures. On palliative care service, the Government should approach this issue from three angles: First, whole-person care; second, whole-family care and third, whole-process care. These three areas require a lot of manpower. Apart from doctors and nurses, social workers and counsellors are also needed. Not only is it necessary for the relevant services to cater to patients, they also have to cater to their family members. Insofar as Hong Kong is concerned, I think the relevant services are quite satisfactory.

However, the problem is that the relevant services are provided by two centres only. Can these two centres actually provide counselling or assistance to all terminal patients in Hong Kong? According to the information on manpower provided by the Government, at present, there are only 40 doctors, 300 nurses and 60 allied health professionals, so I consider the manpower insufficient. Having regard to the Government's planning, will the Government provide additional day palliative care service and consider strengthening such service in the New Territories?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, concerning the day palliative care service mentioned by Mr LEUNG Che-cheung, we have all along provided it, and attendance in the past stood at close to 9,560. Apart from beds, it is also pointed out in the Framework that specifically, palliative care service for homes for the elderly and children will be strengthened in the future. We will focus on these two areas and of course, day care service is also included. HA will follow the overall service planning mechanism in assessing and launching services according to such factors as population growth and changes, advancement of medical technology and health care manpower and will review the staff establishment for various services and grades. We appreciate the importance of manpower and will make appropriate adjustments in this regard.
MR LEUNG CHE-CHEUNG (in Cantonese): President, the Secretary did not answer my supplementary question. The thrust of my question is: Will the authorities consider strengthening day palliative care service in the New Territories?

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

SECRETARY FOR FOOD AND HEALTH (in Cantonese): At present, we provide this service in all seven clusters and the New Territories is also covered.


Public charging facilities for electric vehicles

2. MR CHAN HAK-KAN (in Cantonese): President, at present, the ratio of electric vehicles ("EVs") to public charging facilities in Hong Kong is about 7:1. Quite a number of EV owners have indicated that it is often difficult for them to find public charging facilities to charge their EVs. Regarding public charging facilities for EVs, will the Government inform this Council:

   (1) as the Secretary for the Environment said at this Council last month that "public charging facilities are merely supplementary in nature, enabling EVs to top up their batteries to complete their journeys at times of occasional needs", whether, in planning for the provision of public charging facilities, the Government has all along adopted the guiding principle that such facilities are merely supplementary in nature; if so, of the parameters adopted for such guiding principle; if not, when and why the guiding principle was adopted;

   (2) given that although the Government has, by way of organizing seminars, encouraged the property management industry to provide charging facilities in housing estates, quite a number of members of the public who intend to buy EVs have indicated that the owners' corporations and the property management companies of the
housing estates in which they reside do not consent to the installation of charging facilities in their own private parking spaces, what measures the Government has put in place to help them; and

(3) given that the Government is conducting a pilot scheme at four open car parks to test the reliability of outdoor charging facilities, whether the Government will, after making reference to the review outcome of the pilot scheme available next year, consider introducing parking meters equipped with public charging facilities; if so, of the details; if not, the reasons for that; whether the Government will develop mobile applications to facilitate EV owners to find vacant public parking spaces in the vicinity that are equipped with charging facilities for EVs?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President,

(1) and (2)

Regarding the charging arrangements for electric private cars, it has always been the Government's policy objective that electric private cars' owners should perform daily charging of their electric private cars by using charging facilities at their home, workplace or other suitable places, including charging facilities provided by electric private car suppliers. Public charging facilities in Hong Kong are supplementary in nature, set up for electric vehicles ("EVs") to top up their batteries to complete their journeys at times of occasional needs. They do not serve as daily charging facilities nor their alternatives. Potential buyers of electric private cars should fully consider the daily charging arrangements required and should not rely on public charging facilities for daily charging of their electric private cars. The Government also sees insufficient justifications for spending large amount of public money to provide electric private cars' owners with public charging facilities for daily instead of supplementary use.
Given the above policy objective, the Government's priority is to facilitate and encourage the installation of charging facilities in private premises when planning for the development of charging facilities for electric private cars. On the development of public charging networks as supplementary facilities, the Government not only takes the lead in providing and enhancing governmental public charging facilities but also supports private establishments to set up and improve non-governmental public charging networks.

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

On facilitating the installation of charging facilities in private premises, concessions on gross floor area for private car parks in new buildings have been granted from as early as 2011 to encourage developers to put in place the necessary EV charging infrastructure, including provision of sufficient power supply, cables and ducts for all parking spaces in the buildings concerned. In the same year, the Hong Kong Planning Standards and Guidelines was amended to recommend 30% of private parking spaces in new buildings to be installed with charging facilities for electric private cars. According to the information of the Buildings Department, from April 2011 to the end of 2016, over 80% of private parking spaces, involving about 300 car parks and around 30 000 parking spaces, in newly approved developments were to be installed with EV charging infrastructure. By the end of 2016, a total of 6 000-odd parking spaces were completed with EV charging infrastructure in some 70 car parks. These measures will significantly increase the number of EV charging facilities to be installed in private premises in future.

For existing private premises, as the installation of charging facilities in their car parks will encounter certain challenges, the Environmental Protection Department ("EPD") established in 2011 a dedicated team and a hotline to provide information and technical support as necessary. Besides, EPD has appealed to owners' corporations for their support to install EV chargers at their premises upon request by EV users, and has shared successful experience with the property management sector. The two power companies also
render one-stop services to install charging facilities for EV owners. This includes site inspection, provision of technical advice and connection of power supply, etc.

In recent years, several private companies have been providing EV owners, housing estates or business establishments with one-stop EV charging services, including installation of charging facilities at EV owners' parking spaces and provision of charging services at other specified locations. As far as we know, these companies have installed charging facilities in around 30 housing estates. According to some EV charging service providers, they recently found owners' corporations to be more willing in approving residents' applications for installation of charging facilities.

The Government will closely monitor the development of EVs and explore ways to keep enhancing the relevant measures to facilitate the installation of charging facilities in existing premises.

Regarding public charging networks, the Government currently provides a total of 624 public chargers in government car parks, accounting for some 7% of the parking spaces available for public use. To enhance charging efficiency, we have upgraded 274 standard chargers to medium chargers, with another 96 to follow suit by next April, so that the charging time can be reduced by around 60%.

As for non-governmental public charging networks, we have all along encouraged the two power companies and both public and private establishments in various sectors to actively support the installation of EV charging facilities. Besides, concessions on gross floor area for car parks have been extended to cover underground public car parks since March 2017. There are currently about 1 150 public chargers available in non-governmental car parks, and the two power companies are upgrading their existing public standard chargers to medium or even quick chargers.

The number of public chargers territory-wide has increased from 1 036 in 2013 to 1 774 at present, with the number of medium or quick chargers increased from 66 to 880 across the 18 districts in Hong Kong.
Nowadays, the driving range of electric private cars is at least around 150 km, while the daily mileage of most private cars in Hong Kong is a few tens of kilometres. As such, an electric private car should be able to sustain a whole day's journey after a full charging at its owner's home or workplace. The need for electric private cars to top up their batteries by public chargers should be minimal. Meanwhile, utilization of public chargers in government car parks remains low. From January 2016 to September 2017, the average utilization rate of standard/medium chargers in government car parks was about 13 times per month per charger, which was less than half a time per day. Over the same period, the average utilization rate of standard/medium chargers installed by the two power companies in public car parks was around 38 times per month per charger, amounting to slightly more than once per day, which was also rather low. When considering the provision of more public chargers, the Government has to take account of not only the parking needs of drivers but also the utilization rate of existing public chargers to ensure cost-effectiveness.

(3) The Government is conducting a pilot scheme at four open government car parks to test the reliability of outdoor charging facilities, and the review of the findings is expected to be completed by the end of next year. We will then consider whether more outdoor charging facilities can be provided in other government premises. On the other hand, provision of on-street parking spaces by the Transport Department is to cater for temporary parking needs and such spaces are usually installed with parking meters to prevent prolonged occupation. The Government will continue to pay attention to the development of EVs and their charging infrastructure, and will study this suggestion when necessary.

Information on public chargers, including their locations, types and numbers, is currently available on EPD web pages. Certain EV charging service providers and EV suppliers have also developed mobile applications by which EV owners can check instant information of chargers available and make reservations accordingly. As regards public chargers in government car parks, equipment is being installed in these car parks for trials on sending instant electronic information of public chargers' utilization to government electronic platforms for public reference. The trials will be completed next year.
MR CHAN HAK-KAN (in Cantonese): Deputy President, after hearing the Secretary's reply to the three questions asked by me, I really doubt the determination and sincerity of the Government in promoting environmental protection policies. This diagram in my hand shows the timetables of a number of countries around the world for switching to EVs. Various countries have set the targets for switching to EVs at several millions of vehicles per year by 2020. Has Hong Kong implemented any such targets? Yes, in 2011, the Government said that 30% of the vehicles in Hong Kong would switch to new energy; in 2015, the Central Policy Unit of the Government said that Hong Kong was the most suitable place for using EVs in the world. However, this year, the Government cancelled the tax concession for EVs. In the six months since the cancellation of the tax concession, only 40 EVs were sold …

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

MR CHAN HAK-KAN (in Cantonese): Deputy President, the Government has spent over $10 billion on the replacement of diesel vehicles, yet it does not allow extending the tax concession for EVs. Does it mean that the Government's policy on EVs is inconsistent and merely nominal? Is the Secretary lacking perseverance in implementing the policy? Will the Secretary reinstate the tax concession for EVs available at present and adopt the "one for one" concession to incentivize the public to use EVs continuously?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Deputy President, I thank Mr CHAN for his supplementary question. I believe all Members will agree that we have to strike a balance among different aspects. On the one hand, we have to ensure the proper use of public funds, and on the other, we have to support environmental protection in Hong Kong. Mr CHAN mentioned just now that we had spent $10-odd billion on the phasing out of diesel commercial vehicles. I hope Members will understand that emissions from diesel private cars or commercial private cars account for 95% of the total air pollutant emission whereas emissions from private cars, despite their great numbers, only account for around 5% of air pollutant emission. Hence, to improve the air quality of Hong Kong, we have to implement proper policies with the right remedy to improve roadside air quality. Besides, we have to give regard to the local situation in Hong Kong and deal with the key aspects in a focused manner.
Certainly, we are aware of the relevant targets set by various cities in the international community. Yet, Members should note that some of the targets are to phase out diesel private cars while some are to phase out petroleum private cars, and the figures are not purely on EVs. Members must differentiate them from the actual figures.

Back to the Member's concern about the arrangement for first registration tax, the existing arrangement will expire by the end of 31 March next year. Various departments in the Government will review the latest situation properly and endeavour to strike a balance among various aspects.

MR FRANKIE YICK (in Cantonese): Deputy President, the Secretary mentioned in the main reply that the Hong Kong Planning Standards and Guidelines was amended in 2011 to recommend 30% of private parking spaces in new buildings to be installed with charging facilities. According to records, 80% of parking spaces in newly approved development plans are installed with charging facilities.

As pointed out by Mr CHAN Hak-kan in his main question, the public are facing the problem of unavailability of charging facilities in their housing estates upon their purchase of EVs. Moreover, we have learnt that major vehicle manufacturers around the world have announced ceasing the production of petroleum private cars in 2025. In view of these, may I ask the Secretary whether he will consider requesting other departments to make further amendments to the Hong Kong Planning Standards and Guidelines to increase the proposed percentage from 30% to 100%, so as to pre-empt the recurrence of the aforementioned problems?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Deputy President, I thank Mr YICK for his question. As I have pointed out in the main reply earlier, at present, the Government adopts two approaches to encourage developers to provide EV charging facilities in parking spaces in new buildings. On the one hand, as stated in the main reply, we grant concessions on gross floor area for private car parks in new buildings as an incentive for developers. In fact, most of the new buildings have participated in the concession scheme, and all the parking spaces in the relevant car parks are provided with charging facilities. I think this policy mainly seeks to promote the provision of EV charging facilities in new buildings.
On the other hand, it is proposed in the Hong Kong Planning Standards and Guidelines that 30% of private parking spaces in new buildings should be installed with charging facilities. Since it is a planning guideline, the former approach is the major policy in promoting the installation of charging facilities in new buildings in Hong Kong. Having said that, I agree with the proposal of Mr YICK and I will follow up with the relevant departments and examine ways to ensure that the relevant standards are kept abreast of the times.

MR HUI CHI-FUNG (in Cantonese): Deputy President, when we talk about promoting the development of EVs, we are speaking neither for the owners nor the manufacturers of EVs, but out of our concern for the air quality in Hong Kong …

(Ms Tanya CHAN stood up)

DEPUTY PRESIDENT (in Cantonese): Mr HUI, please pause for a while. Ms Tanya CHAN, what is your point of order?

MS TANYA CHAN (in Cantonese): Deputy President, I request a headcount.

DEPUTY PRESIDENT (in Cantonese): Ms Tanya CHAN has requested a headcount.

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): Council now continues. Mr HUI Chi-fung, please continue raising your supplementary question.
MR HUI CHI-FUNG (in Cantonese): Deputy President, just now, I was saying that I raised the issue of promoting the development of EVs for neither for vehicle owners nor manufacturers but out of the concern for the air quality of Hong Kong. Air quality objectives are set out in the Air Pollution Control Ordinance. Regarding the overall policy targets of these air quality objectives, the Government says that these targets will be achieved by reasonably practicable approaches as soon as possible to ensure that air quality attains an acceptable standard, thereby protecting the health of the public. However, in reality, we note that the Government has made no progress in promoting the development of EVs, where its measure of first registration tax runs contrary to this objective. Hence, my supplementary question for the Secretary specifically asks him to state clearly whether the Government's policy on EVs seeks to promote the popularization and universalness of EVs. In brief, is it the aim of the authorities to raise the proportion of EVs in the total number of private cars? In the long run, is it the target of the authorities to phase out petroleum vehicles? Will it set a target year for achieving this objective as a way to promote the further development of EVs?

DEPUTY PRESIDENT (in Cantonese): Mr HUI Chi-fung, you have clearly stated your supplementary question. Secretary, please give your answer.

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Thank you, Mr HUI. I think Mr HUI's point is correct. The Government has implemented a lot of measures to improve the air quality of Hong Kong. In recent years, the Government has laid down the requirement that air quality objectives of Hong Kong should be reviewed every five years, and we are now in the process of public participation and discussion with the relevant parties in such sectors as vehicles, ferries and power plants and cross-boundary units to examine ways to improve the air quality of Hong Kong, addressing the air pollution concerns of Hong Kong on a scientific basis.

Since the introduction of the relevant polices in the past few years, the roadside air quality of Hong Kong has improved by 30% in general. Our improvement measures focus mainly on the source of air pollutant emissions. Commercial vehicles are the major source of roadside air pollutant emissions in Hong Kong, accounting for over 90%, so we will continue to work on this front.
Take EVs now under discussion as an example, on the concession for first registration tax, commercial EVs will continue to be eligible for a 100% exemption. Hence, the policy of the Government is unequivocal. The authorities have adopted targeted promotion measures and incentives focused on major air pollutants in Hong Kong.

Despite that, the control of the overall number of private cars and the replacement of petroleum private cars with EVs will be conducive to the alleviation of air pollution in Hong Kong. Yet, we have to make good use of public money and decide the injection of resources into different areas, and this concern is reflected in the existing policies. In brief, we will focus on various domains affecting air pollutant emissions in Hong Kong and conduct proper reviews. As for controlling the number of vehicles as mentioned by the Honourable Member, this will be our second step.

DEPUTY PRESIDENT (in Cantonese): Secretary, Mr HUI asked whether the authorities would promote the popularization of EVs. In this connection, do you have anything to add?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Deputy President, as I said earlier, in dealing with roadside air pollutant emissions, commercial vehicles including trucks and buses are the major source of pollutants. Hence, in the formulation of policies, we encourage the use of environmentally-friendly devices by commercial vehicles, including commercial EVs. In respect of the concession for first registration tax, commercial EVs are eligible for a 100% exemption. This is the overall policy of the Government. As for private cars, we do not wish to encourage a constant increase in private cars. For existing private cars, we will encourage owners to switch to vehicles with zero emission. This is the main direction of our policies.

DEPUTY PRESIDENT (in Cantonese): There are now eight Members waiting to ask question. Mr HUI, I have followed up your question with the Secretary directly just now.

(Mr HUI Chi-fung stood up)
DEPUTY PRESIDENT (in Cantonese): Mr HUI, which part of your supplementary question has not been answered?

MR HUI CHI-FUNG (in Cantonese): The Secretary has just hummed and hawed about promoting the popularization of private EVs, yet failing to state what the policy of the Government is. He should at least …

DEPUTY PRESIDENT (in Cantonese): Mr HUI, you need only state which part of your supplementary question has not been answered.

MR HUI CHI-FUNG (in Cantonese): The Secretary has not answered my question. In the long run, will the authorities set a target date for replacing petroleum vehicles with EVs?

DEPUTY PRESIDENT (in Cantonese): Please be seated. Secretary, do you have anything to add in brief?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): Deputy President, Mr HUI, in brief, we will closely monitor the discussion and thinking in the international community in this connection, and we will decide the applicability according to the situation in Hong Kong. Members may have noted that for overseas countries making these declarations, there are usually manufacturers of these vehicles in those countries. Their ideas are linked in this way. However, since most of the vehicles in Hong Kong are imported, we have to examine the overall situation before forming a suitable view.

DEPUTY PRESIDENT (in Cantonese): Eight Members are waiting to ask questions, but since this Council has already spent 22 minutes on this question, will the Members concerned please follow it up on other occasions. Third question.
Introduction of a mechanism for class actions

3.  MR HOLDEN CHOW (in Cantonese): The Law Reform Commission of Hong Kong ("LRC") published a report in May 2012 proposing the introduction of a mechanism for class actions in Hong Kong. A cross-sector working group established by the Department of Justice commenced in February 2013 a study on the proposals of the report, but it has not published the results of the study so far. Furthermore, the report proposed phasing the implementation of a class action mechanism by starting with consumer cases, with funding made available through the Consumer Legal Action Fund ("the Fund") managed by the Consumer Council for class action proceedings arising from consumer claims and, upon experience accrued, making assessments on whether and when the class action mechanism should be extended to other types of cases. In this connection, will the Government inform this Council:

(1) whether it knows the number of proceedings subsidized by the Fund in the past three years and, among them, the number of class action proceedings;

(2) as there are comments that the vetting and approval procedure of the Fund is complicated, whether the Government knows if the Consumer Council has reviewed the existing vetting and approval procedure and made improvements; if the Consumer Council has, of the improvement measures; if not, the reasons for that; and

(3) given that the Government has not yet announced a timetable for the implementation of a class action mechanism, whether the authorities have assessed how this affects the rights of the general public to obtain judicial relief; if so, of the details?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Deputy President, my consolidated reply to the first two parts of the question is as follows:

The Consumer Legal Action Fund ("the Fund") is a trust fund set up to provide greater consumer access to legal remedies by providing financial support and legal assistance. The Consumer Council is the trustee of the Fund ("the Trustee"). The Board of Administrators of the Fund ("the Board") is responsible
for the overall administration of the Fund, and it approves or rejects an application based on the recommendation of the Management Committee of the Fund ("the Management Committee").

In considering applications to the Fund, factors for consideration include whether significant public interest and injustice are involved, the number of consumers affected, the chance of success in litigation, and whether there would be deterrent effect on unscrupulous business practices. Legal assistance may be in the form of advice, assistance and representation by a solicitor and counsel.

Consumers may apply directly to the Fund or through referral by the Consumer Council. An applicant may first lodge a complaint at one of the Complaints and Advice Centres of the Consumer Council in person, in writing or by telephone. The Consumer Council would ascertain the facts of the case, contact the party being complained against and try to resolve the dispute through conciliation. If the case could not be resolved, and the complaint is substantiated and meets the criteria of the Fund, the staff of the Consumer Council will assist the applicant to fill in the application, answer any enquiries, and refer the case to the Management Committee for consideration.

Since the Fund was established in 1994 and up to March 2017, the Fund processed 1329 applications, of which 175 cases were resolved during the application process, while assistance was granted by the Fund to 700 cases, and 210 of these cases resulted in compensation being granted. During the past three years (April 2014 to March 2017), the Fund received 46 applications and granted assistance to 13 cases. The average number of assisted cases being handled by the Fund in the past three years (including cases continued to be assisted and newly assisted cases) is 12 per year. Since there is no class action regime in Hong Kong at present, the cases assisted by the Fund are not class action cases. Nevertheless, from time to time the Fund receives cases with similar causes of action or claims. In the past three years there have been eight applications with similar causes of action and the Fund arranged for the cases to be heard at the same time.

The Fund is mainly funded by public money. Given the fact that resources are limited and based on the principle of prudent use of public money, the Fund must vet each application rigorously through robust procedures. To avoid overcomplicating vetting procedures, the Consumer Council and the Board have reviewed the procedures numerous times to ensure that each application would be considered thoroughly and comprehensively, so that they are processed appropriately in keeping with the objectives of the Fund's establishment. In the
past seven years, the Fund implemented many measures to expedite the vetting process. For example, before submitting the applications to the Management Committee for consideration and discussion, the staff of the Trustee would make preliminary screening and categorization in accordance with established standards, and simplify the processing of cases that obviously lack legal basis or when the applicants' demands are clearly unreasonable. The Management Committee could on this basis shorten the discussion time spent on these cases. This measure could concentrate resources on cases that merit assistance by the Fund. The Consumer Council and the Board will continue to review the operation of the Fund from time to time and make improvements when necessary.

My reply to the third part of the question, having consulted the Department of Justice ("DoJ"), is as follows:

Under our current legal system, people may seek judicial remedies through various avenues, with assistance provided by the Government and various organizations (such as the Hong Kong Bar Association and The Law Society of Hong Kong). Taking consumer cases as an example, as mentioned above, the Consumer Council and the Fund under it may provide financial and legal support to consumers who wish to seek judicial remedies. In addition, eligible persons may apply for legal aid from the Legal Aid Department, whose legal aid schemes cover types of legal disputes that may be encountered by consumers, such as breach of contract and professional negligence. The right to seek judicial remedies is adequately protected under our existing system. LRC's proposed class actions scheme only seeks to provide an additional avenue for potential claimants to bring their claims to the Court, and the class action scheme will not affect claimants' substantive legal rights. Besides, not every case involving consumers' right is suitable to be dealt with by class actions. Further, DoJ together with other government bureaux/departments and different organizations also encourage the use of channels other than litigation, such as mediation, to resolve disputes.

**MR HOLDEN CHOW** (in Cantonese): *Deputy President, as pointed out by the Secretary in the main reply, the purpose of the Fund is to protect consumers' rights while a class action mechanism provides an additional avenue for the protection of consumers. Given that the Consumer Council is also represented in LRC's Class Actions Sub-committee, may I ask the Secretary whether this Sub-committee understands the difficulties involved and whether it will consider striking a balance in order not to jeopardize the business environment in Hong Kong?*
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Mr CHOW for his supplementary question. Class actions are a set of legal procedures and as Mr CHOW has said, in this respect, a cross-sector working group has been established by DoJ to study the proposals of LRC and in this study, consideration will be given to the views of various stakeholders, including the Commerce and Economic Development Bureau and the Consumer Council. First of all, I wish to emphasize that LRC has proposed the implementation of a class action mechanism in phases by starting with consumer cases and establishing a comprehensive class action mechanism in the long term, which means that LRC's proposal is not limited to cases relating to consumers.

As for the Honourable Member's question about the problems and difficulties faced by the working group, as I mentioned in the main reply, this working group will study the LRC report in which policy and legal issues are mentioned, such as the criteria adopted by the Court for approving class action proceedings, the design of the related legal procedures, and whether class actions should be subsidized by public funds (including the criteria for approving subsidies) as well as other matching support. In the course of the study, the working group will explore this issue from different angles, such as promoting access to judicial remedies, the overall interest and economic benefits for society, and so on. As pointed out in the LRC report, class actions present potential risks, including the risk of promoting unnecessary litigation, the risk of bringing unmeritorious legal proceedings, and so on. If no precaution is taken against these risks, the business environment in Hong Kong or its competitive edges in the Asia Pacific Region may be affected. As to how we can prevent these risks without impeding class actions in promoting access to judicial justice, this is exactly a direction of the working group in its study. According to the information provided by DoJ, the working group has made good progress in its study but more time is needed in order to submit comprehensive proposals to the Government for public consultation. At present, we do not have a specific timetable, and I will convey the Member's views to DoJ.

MR DENNIS KWOK: Secretary, you would know that the working group on class action has commenced work a number of years ago and we have yet to see the recommendation or work product of this working group. And no doubt, the officials sitting next to you from the Department of Justice would tell you that every time we have an opportunity, we would ask for the timetable of the working group and any legislative timetable in relation to class action. Recently, you
would know that the Stock Exchange of Hong Kong is proposing to introduce a weighted voting rights regime for listed companies, which makes the topic of the class action ever more pertinent. So Secretary, I am asking, when will you have a timetable in relation to the work of the working group, and do you have any legislative timetable to introduce class action to Hong Kong?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Mr KWOK for his supplementary question. First of all, according to the information provided by DoJ, the scope of the study of the working group is deep and extensive, involving complicated policy and legal issues. As I said in reply to Mr CHOW's question earlier, we do not have a specific timetable at the moment.

Just now Mr KWOK asked about the concept paper on weighted voting rights published by the Stock Exchange of Hong Kong ("HKEX") in 2015. In its conclusions it is said that HKEX does not believe that a class action regime is a necessary prerequisite for the acceptability of weighted voting rights structures. The issue of weighted voting rights is under the charge of the Financial Services and the Treasury Bureau. I will convey the Honourable Member's views to the colleagues concerned.

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

MR DENNIS KWOK: Deputy President, the Secretary has not answered my question in relation to whether he will introduce class action for the weighted voting rights regime. Yes or No?

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

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Deputy President, as I have said, this issue is followed up by colleagues of the Financial Services and the Treasury Bureau. I will convey the Honourable Member's views to the colleagues concerned.
MR WONG TING-KWONG (in Cantonese): Deputy President, there is an old Chinese saying which goes like this: The court opens for the rich, people who have reasons but not the money are not welcome. In Hong Kong, the litigation costs are definitely exorbitant for anyone involved in a court case. My question is: Does the Fund have sufficient resources? How much is the balance of the Fund now? Will the Administration consider providing additional resources for the Fund to assist more consumers in initiating legal proceedings against unreasonable transactions?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Mr WONG for his supplementary question. First of all, on the question of exorbitant litigation costs mentioned by the Honourable Member just now, the Fund does not impose a cap on the amount of funds sought in each application. The Government injected $10 million into the Fund upon its inception in 1994 and made another provision of $10 million to it in 2010-2011. In March this year, the Fund recorded a balance of $8.94 million. We consider that the Fund is sufficient for providing appropriate legal assistance to consumers in need. We will keep in view the financial position of the Fund and make appropriate arrangements where necessary.

MS YUNG HOI-YAN (in Cantonese): Deputy President, I have noted that the Fund has granted assistance to 700 applications, of which 465 cases have not been pursued further for they are cases with no recovery prospect. May I ask the authorities whether they have looked into why there have been such a large number of cases with no recovery prospect and whether these cases will be referred to relevant authorities for policy consideration?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Ms YUNG for her views. First of all, the Consumer Council handles disputes between consumers and shops mainly by acting as a mediator to assist the shops and the complainants in resolving their disputes in a flexible manner. As a matter of fact, most of the complaints received every year can be resolved by this means. For instance, of the 16 000-odd complaints with pursuable grounds received by the Consumer Council in 2016-2017, about 74% were resolved by the Consumer Council through conciliation. Other ways of handling complaints include referring the cases to the Customs and Excise Department or other law enforcement agencies and regulators as appropriate for
follow-up, and actually not many of the cases were suitable for resolution by way of litigation. As for those cases with no recovery prospect mentioned by Ms YUNG earlier, in most cases it was because the shops in question had closed down.

Moreover, as I said in the main reply earlier, even for cases with no recovery prospect, before the closure of the shops, the Fund will not only assist consumers in initiating legal proceedings but also provide various kinds of legal assistance, which can be in the form of legal advice and assistance for representation by a solicitor or counsel. Over the years, the Fund has assisted many applicants in claiming compensation for harsh or unscrupulous practices of shops and provided assistance to consumers in incidents involving significant consumer interest. There have been successful examples of obtaining compensation from various sectors, including the banking and real estate sectors, which have produced a certain deterrent effect against unscrupulous practices.

MR CHEUNG KWOK-KWAN (in Cantonese): Deputy President, in his reply earlier the Secretary admitted that it is indeed possible for class actions, if implemented in Hong Kong, to bring potential risks to the business environment of Hong Kong and undermine its competitive edges, and this is also included in the scope of the study being conducted by the working group.

I would like to ask the Secretary about the terms of reference of the working group which is now conducting the study. If its future discussion will touch on the impact on the business environment and competitiveness and if these two factors are considered reasons against the introduction of class actions in Hong Kong, can this be one of the conclusions to be drawn by the working group insofar as its terms of reference is concerned?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Mr CHEUNG for his supplementary question. According to the information provided by DoJ, when studying whether class actions should be implemented in Hong Kong, the Government must take into account various factors and the overall interest of society, and also consult all sectors of the community in due course, rather than considering only the views of a certain party or placing undue emphasis on the interest of a certain sector.
Even though the objective of a class action mechanism is to promote access to judicial remedies, it is also necessary to prevent possible abuse of the mechanism by claimants which will otherwise result in a culture of resorting to litigation easily, for this will not be conducive to the overall interest of Hong Kong and worse still, it may jeopardize the overall business environment in Hong Kong.

It is a complicated question as to how appropriate safeguards can be put in place to prevent abuse of the mechanism without impeding the mechanism to the extent that its intended purpose cannot be served. This is what we need to consider and address in order to achieve a subtle balance.

On the other hand, we very much encourage the industries to adopt an alternative dispute resolution process to settle disputes by means outside of the courtroom, such as arbitration and conciliation. This is also an issue that will be studied by the working group. Of course, no conclusion has yet been reached at this stage, and the Government is open on this issue.

IR DR LO WAI-KWOK (in Cantonese): Deputy President, I recall that a few years ago various professional institutes organized a seminar on class actions. At that time, an expert from the United States said that quite a small percentage of cases eventually resorted to class actions after this mechanism was introduced in the United States. Over 90% of the cases were settled through conciliation because even large corporations could hardly cope with the far-reaching impact to be brought on them by a successful case of class action and so, they would prefer to settle the disputes through conciliation but this is actually not healthy.

In this connection, may I ask the Secretary, with regard to this study which is underway now, whether DoJ has obtained sufficient information and drawn reference from overseas experiences of successes and failures? It is because we believe the business sector and professionals in Hong Kong are greatly concerned about the grave consequences of class actions once they are really implemented in Hong Kong.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Ir Dr LO for his views, and I have taken note of them. The working group has drawn reference from overseas examples and as I pointed out in my main reply and when I answered Members' supplementary questions
earlier, the introduction of a class action mechanism involves very complicated issues, which include not only technical issues in law, but also those relating to policy positions, and these issues to be studied are interrelated.

As I said earlier on, more time is needed for the working party to complete its study. After considering the recommendations of the working group, the Government will determine the way forward as soon as possible.

DEPUTY PRESIDENT (in Cantonese): Fourth question.

Traffic congestion in the North District

4. MR LAU KWOK-FAN (in Cantonese): Deputy President, on the 23rd of last month, several traffic accidents happened successively at Fanling Highway near Kai Leng Roundabout and Tai Tau Leng Roundabout, leading to severe congestion on the relevant sections of Fanling Highway, So Kwun Po Road, San Wan Road, Po Shek Wu Road, Jockey Club Road and Lung Sum Avenue during afternoon rush hours from 4:00 pm to 8:00 pm, which in turn caused serious inconvenience to members of the public commuting to and from the North District. Regarding the traffic congestion in the North District, will the Government inform this Council:

(1) whether, in the past three years, the Police and the Transport Department studied the causes for the rise in the number of traffic accidents which happened at Fanling Highway from 83 in 2012 to 146 in 2016, and reviewed the follow-up actions taken and temporary traffic arrangements made after traffic accidents had happened in the North District, including whether sufficient manpower and resources had been deployed, whether the duration of traffic congestion could be shortened, and what improvement measures could be implemented; if they conducted such a study and review, of the details; if not, the reasons for that;

(2) of the progress of the various ongoing traffic improvement works in the North District (including works to add a southbound lane in the section of carriageway of Sha Tau Kok Road between Ma Sik Road and Sui Wan Road, widen and improve several busy junctions along Sha Tau Kok Road near Fanling Centre, and add southbound lanes in Po Shek Wu Road and So Kwun Po Road); and
given the serious problem of illegal parking in the vicinity of Shek Wu Hui, which has given rise to severe traffic congestion on Kai Leng Roundabout and other trunk roads within the district whenever traffic accidents happen in the district, of the authorities' measures to improve the situation?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Deputy President, my reply to the various parts of Mr LAU Kwok-fan's question is as follows.

(1) The traffic accident rate on Fanling Highway between 2012 and 2016 ranges from 0.30 to 0.46 cases per million vehicle—kilometre, which is lower than that of the territorial average of 1.18 to 1.26 in the corresponding periods. According to records, these accidents on Fanling Highway were mostly of minor nature and the contributory factors were largely driver-related, including driving inattentively and driving too close to vehicle in front etc.

Although the traffic accident rate is not high, the Transport Department ("TD") has noted that whenever a traffic accident occurred in the vicinity of Kai Leng Roundabout or Tai Tau Leng Roundabout, resulting in the obstruction of major road junctions, and that there was no swift clearance at the site of the accident, there would be severe traffic congestion in the North District.

In view of the traffic situation in the North District in the past few years, TD has, since last year, implemented a host of measures, including prohibiting construction vehicles from using district roads during morning and afternoon peak periods on weekdays. Meanwhile, TD has been paying particular attention to planning applications for developments in the area. If the Traffic Impact Assessment Study of the relevant application indicated that the concerned development might cause significant impact on local traffic, TD would propose to the Town Planning Board to consider amending or rejecting the application unless the applicant could come up with and implement the necessary traffic improvement measures. In addition, TD, the Police and franchised bus companies have drawn up contingency measures and diversion schemes for implementation in the event of traffic accidents on roads near Tai Tau Leng Roundabout and Kai Leng Roundabout.
Police's information indicates that a total of 11 traffic accidents or incidents happened successively at roads including Tai Tau Leng Roundabout, Jockey Club Road, Fan Kam Road, Po Shek Wu Road and San Wan Road, within four hours or so during the evening peak period on 23 November this year (locations at Annex). The rather unusual situation posed serious challenges to the Police in their deployment of manpower on that day, resulting in difficulties in implementing traffic diversion schemes in a timely manner to divert vehicles. As traffic congestion can be effectively relieved if site clearance and traffic diversion are done swiftly after traffic accidents or incidents, the Police will enhance the training of frontline staff on handling traffic accidents to improve efficiency. In addition, the Police will implement interim measures shortly to monitor the road situation at roundabouts in nearby areas with a view to speeding up actions to tackle unforeseen incidents.

On traffic management measures, TD will improve the road markings at So Kwun Po Road where vehicles enter Kai Leng Roundabout so as to improve drivers' visibility, thus reducing the occurrence of traffic accidents. Besides, to avoid congestion at road junctions, TD proposes to add yellow boxes at various locations in the district (including the junction at Pak Wo Road/Wo Hing Road, the junction at San Wan Road/Jockey Club Road and the junction at Sha Tau Kok Road/Fanling Station Road). TD is consulting the local community through the North District Office. If feedbacks are positive, TD will implement the measures promptly.

Furthermore, TD and the Police will further enhance the contingency measures to be taken in case multiple traffic accidents happen concurrently on the roads near Tai Tau Leng Roundabout and Kai Leng Roundabout.

As always, the Emergency Transport Co-ordination Centre ("ETCC") of TD will maintain close communication with the Police and public transport operators, as well as contacting relevant operators immediately to make appropriate arrangements, including route diversions, etc. The ETCC will also release the latest traffic news and give appropriate advice to the public through the media and mobile applications so as to enable passengers to arrange their journeys accordingly and minimize the impact on passengers.
(2) Various traffic improvement works in the North District are progressively underway. According to information from the Civil Engineering and Development Department, the works to add a southbound lane on So Kwun Po Road (i.e. Kai Leng Roundabout) and Po Shek Wu Road (i.e. Tai Tau Leng Roundabout) are expected to be completed in mid-2018 and the first quarter of 2019 respectively. As for the works to add a southbound lane on Sha Tau Kok Road between Ma Sik Road and Sui Wan Road, as well as the improvement works at several junctions along Sha Tau Kok Road near Fanling Centre (the junctions at Jockey Club Road and Lok Yip Road), the expected completion dates fall in the first quarter of 2019.

Besides, upon completion of both the construction works of connecting road for Liantang/Heung Yuen Wai Boundary Control Point, and the widening of Fanling Highway in the fourth quarter of 2018 and the fourth quarter of 2019 respectively, the traffic congestion in the North District will be further alleviated.

In the long run, the traffic congestion in North District can only be effectively relieved by the development of new roads in an effort to divert traffic flow. The Government is now proactively following up on a number of new road projects. Feasibility studies or detailed designs of such projects may commence progressively within the next few years to tie in with the long-term development of the North District.

(3) To combat illegal parking in the vicinity of Shek Wu Hui, TD proposes related traffic management measures, including designating a section of San Wan Road outside North District Town Hall as a 24-hour restricted zone which prohibits loading and unloading activities for vehicles; and extending the duration for the restricted zone at Lung Sum Avenue (the section outside Landmark North). TD is now consulting the local community through the North District Office. It is expected that the measures, once implemented, together with strengthened enforcement actions of the Police, will effectively improve the traffic situation on the concerned roads.
Locations of 11 traffic accidents or incidents happened in North District during the evening peak period on 23 November 2017

1. 寶石湖路迴旋處
   Po Shek Wu Road Roundabout

2. 馬道路馬會道交界
   Junction of Ma Sik Road and Jockey Club Road

3. 馬會道中石化油站對出
   Jockey Club Road outside Sinopec Station

4. 一橋路近壹暉閣
   Yat Ming Road near Dawing Views

5. 粉嶺公路香港高爾夫球會對出
   Fan Kam Road outside Hong Kong Golf Club

6. 上水東慶路
   Sheung Shui Tung Hing Road

7. 粉嶺公路向維揚支路
   Fanling Highway Slip Road to Kai Leng

8. 寶石湖路近大嶺嶺迴旋處
   Po Shek Wu Road (Tai Tau Leng Roundabout)

9. 新運路粉嶺游泳池對出
   San Wan Road outside Fanling Swimming Pool

10. 大嶺嶺迴旋處
    Tai Tau Leng Roundabout

11. 彩園路彩園邨停車場內
    Choi Yuen Road inside Choi Yuen Estate Carpark
MR LAU KWOK-FAN (in Cantonese): Although the Secretary has indicated in the main reply that long-term solutions include the construction of new additional roads, he has merely said that studies will be undertaken in the next several years. Does the Secretary have a timetable for the construction of new roads? Can the Government make the undertaking that works to be carried out in the North District can be slowed down a bit before the completion of new roads? The existing roads are unable to cope with such high-speed development. Will the Secretary please give a response.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): I thank Mr LAU Kwok-fan for his question and suggestion. In taking forward developments, the Government will conduct Traffic Impact Assessment Studies on local traffic and public transport. As pointed out in the main reply just now, if the Traffic Impact Assessment Study indicated that the concerned development might cause significant impact on local traffic, TD would consider amending or rejecting the application unless the applicant could come up with and implement the necessary traffic improvement measures. Members should note that the applicant must come up with a proposal for implementation. Hence, the impact of the new developments on local traffic has already been considered in detail.

As regards some relatively specific traffic-related construction works, the Government is considering some proposals. For instance, roads linking up the North and South of Fanling will be constructed in the vicinity of Kai Leng Roundabout to divert traffic flows; works to bypass Po Shek Wu Road via the flyover will be expedited to tie in with the future development of the Northeast New Territories while alleviating traffic congestion at Tai Tau Leng Roundabout, so that vehicles travelling from Man Kam To to Fanling Highway do not necessarily have to use Tai Tau Leng Roundabout; and detailed design for Fanling Bypass Eastern Section will be expedited. Besides tying in the future development of the Northeast New Territories, these works can divert the vehicles of Kai Leng Roundabout and Tai Tau Leng Roundabout as well. The authorities are also studying the feasibility of constructing an additional carriageway at Tai Tau Leng Roundabout to link up Fan Kam Road northbound to Fanling Highway westbound to Yuen Long. We have already got a series of design proposals and the relevant consideration and studies are underway. We will consult the local community and hear their opinions in due course.
DEPUTY PRESIDENT (in Cantonese): Mr LAU, which part of your supplementary question has not been answered?

MR LAU KWOK-FAN (in Cantonese): I would like to clarify one point. When I asked the Secretary just now "if development works can be slowed down", I was referring to development works undertaken by the Government, not government development works applied by the private sector …

DEPUTY PRESIDENT (in Cantonese): Mr LAU, you need only point out the part not answered. Secretary, do you have anything to add?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): We actually treat government projects and other projects equally by undertaking the relevant assessments to avoid the emergence of adverse consequences.

MR LAM CHEUK-TING (in Cantonese): Deputy President, residents in the North District are now in great distress as their daily lives are adversely affected by traffic congestion. I have been told by many of these residents car trips that originally took just five minutes will now take half an hour, one hour or even one and a half hours due to traffic congestion. Although the North District Council has relayed this situation to the Government repeatedly, the latter has yet to address this problem seriously. We are very angry.

Deputy President, just now, the Secretary indicated that the Government had already put in place corresponding measures, such as adding yellow boxes, drawing double yellow lines, and other minor patch-ups. After all, the authorities have to tie in with the law enforcement actions taken by the Police. Nevertheless, police resources in the North District are now seriously inadequate, for the Police have to deal with not only parallel imports, but also numerous traffic problems. Has the Secretary discussed with the Security Bureau increasing manpower in the North District to maintain community and traffic order? Insofar as the North District is concerned, it is most important to have trunk roads or public transport systems providing direct access to the urban areas. Can the Secretary commence studies expeditiously with a view to
ameliorating the problems in the long run? It is because the Northeast New Territories ("NENT") development project will be launched later on, and more than 200 000 people will soon be relocated to the North District.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): I thank Mr LAM Cheuk-ting for his suggestions and question. To begin with, I wish to answer the question about police manpower. The Government is aware of the need for the Police to take law enforcement actions and make arrangements in the North District. We also note the serious illegal parking problems in Sheung Shui. The Government will review the number of frontline law enforcement officers and deployment of resources from time to time and tie in with traffic enforcement work when appropriate and if the circumstances so warranted.

Insofar as the long-term studies on the linking of the North District with the new trunk roads in urban areas are concerned, TD will conduct "Strategic Studies on Railways and Major Roads beyond 2030" in collaboration with the Highways Department to review the overall transport needs after 2031. I must emphasize that we will not wait until after 2031 to address our transport needs in 2031. The long-term transport needs will be reviewed from long-term and macroscopic perspectives. We hope to study strategic infrastructure and improve the performance of existing transport corridors through the transport infrastructure networks.

The relevant funding application was submitted to the Panel on Transport of the Legislative Council in June 2017, that is, the last legislative session, for discussion. We hope the Studies can commence expeditiously after the funding is granted. If everything goes well, the Studies are expected to commence in 2018 and hopefully complete in 2021. We hope to review the territory-wide transport needs from a relatively microscopic angle to, in particular, alleviate congestion currently faced by residents in the North District.

MR CHAN HAK-KAN (in Cantonese): Deputy President, the Secretary pointed out earlier in the reply that the occurrence of traffic accidents in the North District on 23 November had resulted in serious traffic congestion. The Secretary's reply is basically no different from saying that "mum is a woman". Actually, serious traffic congestion occurs in the North District every day, day or night, regardless of whether or not traffic accidents have occurred. Basically,
the road networks in the North District are unable to cope with present developments, not to mention that 300,000 people will move into the North District upon the completion of the NENT development.

Although the Secretary indicated that road improvement measures would be taken, the congestion problems have not yet been addressed. Given that Kai Leng Roundabout and Tai Tau Leng Roundabout are now facing the worst problems, can the Secretary immediately study and implement measures to alleviate traffic congestion at these two Roundabouts by, for instance, constructing bypasses to divert traffic flows?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): I thank Mr CHAN Hak-kan for his suggestion and question. On short-term measures, TD has adjusted the traffic lights at that road section to tie in with vehicular flow. On Sha Tau Kok Road, we have widened certain sections of the road as well as its junction to improve vehicular flow. As regards our medium- and long-term efforts, the new connecting road for Liantang/Heung Yuen Wai Boundary Control Point will be commissioned in the fourth quarter of 2018. Upon the commissioning of this connecting road and the Lung Shan Tunnel, the pressure faced by Kai Leng Roundabout and Tai Tau Leng Roundabout will be alleviated.

In the long run, we have heard some views on new roads and traffic improvement proposals. We will also examine the feasibility of these proposals and study if these proposals will have any impacts on nearby structures or facilities. Moreover, members of the community will be consulted in an appropriate manner.

MR PAUL TSE (in Cantonese): Deputy President, traffic congestion and illegal parking are actually very serious problems in various districts of Hong Kong, including Kwun Tong, our familiar district, and Wan Chai. So far, the problems remain unresolved.

I would like to consult the Secretary for advice. As regards truly effective methods to step up law enforcement to pinpoint, particularly major roads or places where there is serious traffic congestion, will the Secretary adopt a more effective method by towing vehicles away within several minutes to deter owners
from parking their vehicles in these places, in addition to imposing penalties for illegal parking. In my opinion, a more lax approach may be adopted in law enforcement in residential areas, but strict law enforcement actions must be carried out on major roads.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): I thank Mr Paul TSE for his suggestions and question. The Government will review the distribution of frontline law enforcement officers from time to time and step up law enforcement on this front when serious problems emerge. As I pointed out earlier, in order to ameliorate Hong Kong's traffic congestion in the long run, a multi-pronged approach should be adopted actually. Hence, the Government is planning to take on board the proposal of diverting the traffic flow of tunnels and, having regard to the study report on commercial vehicles parking spaces, adopt some short- and medium-term measures to alleviate traffic congestion in various districts. Furthermore, the Government is conducting a feasibility study on the implementation of the Electronic Road Pricing Pilot Scheme ("Pilot Scheme") in Central and adjoining areas by capitalizing on technology to help make preparations for the implementation of the Pilot Scheme in certain areas in Hong Kong, with a view to ameliorating traffic problems.

As I mentioned earlier on, TD will conduct "Strategic Studies on Railways and Major Roads beyond 2030" in collaboration with the Highways Department to review Hong Kong's transport infrastructure from a macroscopic perspective and examine the present performance of major corridors and trunk roads, in the hope of addressing traffic problems currently faced by Hong Kong in a forward-looking manner and long term. The relevant funding application was submitted to the Panel on Transport in the previous financial year for discussion. We hope to launch this scheme expeditiously to confront and address Hong Kong's traffic congestion and long-term transport problems in a radical and forward-looking manner.

MR PAUL TSE (in Cantonese): Although towing of vehicles on major roads is probably not mentioned in his script, I hope the Secretary can answer the question about the towing of vehicles.
DEPUTY PRESIDENT (in Cantonese): Mr TSE, you have clearly pointed out the part of your supplementary question not answered already.

Secretary, regarding the question asked by Mr TSE about whether vehicles will be towed away from major roads, will you give a positive response or do you have anything to add?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): If towing of vehicles is required, law enforcement officers will make such arrangements. We have arranged some contractors to provide such service.

IR DR LO WAI-KWOK (in Cantonese): Deputy President, the Secretary has mentioned in the main reply many traffic improvement measures to be taken in the North District. In particular, he pointed out in part (2) of the main reply that, upon completion of both the construction works of connecting road for Liantang/Heung Yuen Wai Boundary Control Point and the widening of Fanling Highway, the traffic congestion in the North District can be further alleviated. Nevertheless, should we go south in the North District towards Tai Po, Sha Tin or Kowloon, we will see that the problems caused by the bottleneck have not been ameliorated actually. These works will only push the bottleneck to somewhere else.

Although the traffic conditions on Tolo Highway and the bridge deck of Hong Lok Yuen have been ameliorated, the traffic congestion in the area stretching from the racecourse to New Town Plaza and its vicinity has yet to be alleviated. As such, the Secretary indicated in the main reply that new roads had to be developed to divert traffic in order to alleviate traffic in the North District. Do the authorities have any concrete plans and when will they be submitted to the Legislative Council for examination?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): I thank Ir Dr LO Wai-kwok for his question. In order to cope with Hong Kong society's economic development and transport needs, as I mentioned earlier, long-term planning for the "Strategic Studies on Railways and Major Roads beyond 2030" has been undertaken.
The present traffic conditions will be examined from a macroscopic perspective having regard to the long-term planning. Specifically, there is a footnote in the main reply indicating that some projects on hand, including the road improvement projects carried out in various places, in particular Kai Leng Roundabout, are being reviewed. We are studying the feasibility of constructing connecting roads in the North and South to alleviate the pressure on Kai Leng Roundabout. Nevertheless, we must examine in detail the feasibility of the scheme as well as studying the construction of a new connecting road to Yuen Long in the hope that the traffic pressure actually borne by these two Roundabouts can be alleviated.

DEPUTY PRESIDENT (in Cantonese): Fifth question. Mr Wilson OR, please ask your question.

(Mr LAM Cheuk-ting stood up)

DEPUTY PRESIDENT (in Cantonese): Mr OR, please hold on. Mr LAM Cheuk-ting, what is your point?


DEPUTY PRESIDENT (in Cantonese): Mr LAM Cheuk-ting has requested a headcount.

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 Wilson OR, please ask the main question.
Construction of footbridges and pedestrian subways in Kowloon East

5. MR WILSON OR (in Cantonese): Deputy President, the Government announced by notice published in the Gazette in March 2011 that the Chief Executive in Council had authorized under the law the construction works of an elevated walkway system in Kowloon Bay. The elevated walkway system aims to link up several buildings in the Kowloon Bay Industrial Area, Telford Gardens and the existing footbridge to the MTR Kowloon Bay Station. It has been reported that as the Government and the relevant developers failed to reach a consensus on the management and maintenance of the elevated walkway system after its completion, the works project, which was originally scheduled for completion in 2014, has not yet commenced to date. On the other hand, the Government indicated in the 2016 Policy Address that it would implement new policies for Kowloon East, including the introduction of a pilot scheme of waiving the land premium for lease modification to encourage landowners to construct footbridges or subways at their own cost in accordance with the planned pedestrian network. The pilot scheme was open to applications on 2 February this year. In this connection, will the Government inform this Council:

(1) of the number of applications received to date by the authorities under the pilot scheme; the latest progress of such applications, and the number of applications which have been approved;

(2) whether the pilot scheme has now ceased to accept applications; if so, whether the authorities have plans to resume accepting applications; and

(3) whether it has plans to construct footbridges or subways by using public funds to link up the Kowloon Bay Business Area and the MTR Kowloon Bay Station?

SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, to cater for the transformation of Kowloon East into Hong Kong's second core business district, the Energizing Kowloon East Office ("EKEO") of the Development Bureau has been striving to create a walkable environment in the district. We carried out two feasibility studies on pedestrian environment improvement separately for the Kowloon Bay Business Area ("KBBA") and the Kwun Tong Business Area ("KTBA"). The studies reviewed the existing pedestrian environment and traffic conditions, forecasted the future increase in
traffic volume, and proposed a comprehensive improvement framework that includes improvement proposals in the short, medium and long term. The feasibility study for pedestrian environment improvement in KBBA was completed in August 2016, and the pedestrian link network proposed under the study has been incorporated into the Kowloon Bay Outline Development Plan ("ODP"). The study for KTBA will be completed within this year.

The 2016 Policy Address announced an incentive policy, with Kowloon East as a pilot area, to encourage the private sector to construct planned pedestrian links by way of waiving the land premium payable for lease modification for the provision of the pedestrian links. Private landowners may refer to the planned pedestrian link network shown on ODP and submit applications to the District Lands Office/Kowloon East for lease modification to construct pedestrian links at their own costs and for waiving of the relevant land premium.

On the various parts of the question from Mr Wilson OR, the reply is as follows:

(1) Currently, six developers have submitted a joint application for lease modifications to construct an elevated walkway system, connecting seven commercial buildings in KBBA to make pedestrian movements between the MTR Kowloon Bay Station and KBBA more convenient. The application was submitted in September this year, and is under processing by the District Lands Office/Kowloon East. Besides, two other developers in Kowloon Bay have submitted preliminary proposals for constructing three footbridges.

(2) The pilot scheme in Kowloon East covers KBBA and KTBA. The Planning Department promulgated the latest Kowloon Bay ODP on 2 February this year. Relevant applications for lease modification should be submitted within three years after the promulgation of the ODP incorporating the pedestrian link network (i.e. on or before 2 February 2020). The pedestrian environment improvement study for KTBA will be completed within this year, and the planned pedestrian link network will also be incorporated into the relevant ODP. We plan to conduct a mid-term review of the policy in 2018 to assess its effectiveness.
Apart from facilitating provision of pedestrian links by the private sector, the Government has plans to construct additional footbridges in KBBA and its vicinity. To relieve the congestion at the existing footbridge near MTR Kowloon Bay Station Exit B and to enhance connectivity with the future East Kowloon Cultural Centre, EKEO has engaged the Highways Department to study the provision of an additional footbridge. The project was gazetted under the Roads (Works, Use and Compensation) Ordinance in November this year. We have also planned to provide an additional footbridge across Kwun Tong Road near MTR Kowloon Bay Station Exit A. In tandem, we have engaged the Highways Department to study the construction of another footbridge across Wai Yip Street near Siu Yip Street. The investigation study is in progress. The construction of the above three works projects is anticipated to commence progressively starting from the next two to three years, subject to the completion of the planning, investigation, design and relevant statutory procedures separately and obtaining funding approval smoothly from the Finance Committee of the Legislative Council.

MR WILSON OR (in Cantonese): Deputy President, while the Government is slow in its response, it is still better than not responding at all. In fact, this problem has been troubling the entire Kowloon East, especially KBBA. From this picture in my left hand here, we can see that every day the pedestrians go there via the walkway system connecting the industrial and business areas in Kowloon Bay, and in my right hand, it is the community's proposal on how the pedestrians can be effectively taken to the area around Sheung Yuet Road or Zero Carbon Building. The Government has failed to listen to the aspirations of the people and misjudged the situation, thus resulting in a decade's delay. Secretary, the existing walkway system linking up Kowloon Bay and the industrial and business areas is jam-packed every day with an hourly pedestrian flow of close to 8,000 during the peak hours.

Deputy President, may I ask the Government why did the construction of an elevated walkway system in Kowloon Bay proposed by the private sector, despite having been twice approved by the Executive Council and gazetted, not come to fruition in the end? Can the authorities explain the technical problems or those in terms of management, ownership and the law that could not be resolved in the process?
SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, I thank Mr OR for his supplementary question. We agree to some of the observations raised by Mr OR just now about certain crowded pedestrian links between Kowloon Bay and KBBA. I would like to share with Members some history here.

In 2011, several developers put forward a proposal on the construction of an elevated walkway system by themselves, but why has it not completed after all these years? The reason is that there were adjustments in the number of developers, the number of participating buildings as well as the alignment. This is perhaps understandable, for these adjustments were necessary in the light of the development in the district. In 2016, as the new policy had not yet been introduced, the requirement of land premium payment by developers still applied, and at that time, the Government actually had not yet come to the stage of discussing with the developers payment of land premium. In view of the crowdedness in Kowloon Bay, a new measure was announced in the 2016 Policy Address, proposing a waiver of the land premium if the footbridge concerned is truly helpful to the connectivity in the district. In fact, EKEO has already incorporated the relevant planning into the Kowloon Bay ODP and we are confident about its implementation in future.

Mr OR asked earlier whether the question of ownership is involved. It is necessary to handle the relevant situation because some parts of the walkway system are situated on Government land whereas some other parts of it will be constructed inside private buildings, but we have confidence that this issue can be addressed properly. As this application was submitted to the Government only a few months ago, we will proceed to its gazettal after we completed processing the application. As I said earlier, we consider that the construction works can commence subject to the smooth completion of the procedures.

MR JIMMY NG (in Cantonese): Deputy President, we certainly welcome this pilot scheme introduced by the Government of waiving the land premium for applicants for the construction of footbridges. As it may be easier to link up the newly completed buildings, will the Government consider adopting some policies, such as providing interest-free loans or "one-to-one matching", as incentives to enable the existing completed building to be linked up with one another?
SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, I thank Mr NG for his supplementary question. With regard to the new situations, basically they are handled in the following ways: In the case of a New Development Area ("NDA"), actually at the initial planning stage we would already make plans on the pedestrian links and it is often the case that if these facilities are not developed at the cost of the Government, the Government would set out this requirement in land sale and so, the owners would be able to carry out such works.

In the case of developed districts, as Members can see from some current examples, the applicants are normally developers and their buildings are usually commercial or industrial buildings because if the ownership of a building is too fragmented, the owners may not be willing to construct these facilities at their own costs. Under our plan now, insofar as Kowloon Bay and Kwun Tong are concerned, when there are applications from developers for constructing walkway systems that are already planned in ODP, we can discuss with them the arrangements for the land premium payment.

As for other districts in the territory, we also have plans in this regard and these plans are handled by the Development Bureau. An applicant has to meet some basic requirements, which include proving that the walkway system proposed to be constructed will benefit not only the building of the applicant, and if, say, the shopping arcade of the applicant would be the only beneficiary, then usually the application would not be approved by us. Besides, whether or not the walkway system will indeed produce a positive effect on the overall pedestrian accessibility or the overall network in the district is another requirement that has to be met. As commercial enterprises will, after all, have their business considerations, we consider that the existing arrangement of waving the land premium is appropriate. The suggestion made by Mr NG just now is currently not in the plan of the Government.

MR HO KAI-MING (in Cantonese): Deputy President, first of all, Secretary, I wish to give recognition to colleagues of EKEO who have really exerted their utmost to identify suitable places because private ownership really abounds in the developed districts. But streets are living, too. The construction of too many footbridges would actually strangle the street culture.

Yesterday during our site visit to the Tsui Ping Nullah, some members of the public said that they hope to have ramps provided at some places, instead of only footbridges linking up and passing through commercial buildings, which
require pedestrians to use an elevator to access the footbridges. May I ask the Development Bureau, apart from providing waiver of land premium as an incentive, whether it will adopt more proactive and positive measures to ensure that the developers' views are consistent with those of the Government or the community at large and then develop footbridges in this direction, rather than waiving the land premium and giving the developers a free hand to continuously construct footbridges not in line with the wish of the people? Apart from the land premium waiver, will the Government proactively adopt some measures?

SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, I thank Mr HO for his supplementary question. Perhaps let me answer the question in two respects. With regard to NDAs that I mentioned in reply to Mr NG's supplementary question earlier on, if we do see a need for a pedestrian link, we will often include it in the Conditions of Sale in order for the private sector, the business sector and the market to provide these facilities on their own initiative. But in respect of old districts, we may not be able to include the provision of these facilities in the Conditions of Sale.

I share the views expressed by Mr HO earlier, and footbridges are not the one and only one measure taken by the Development Bureau. In fact, in the development of many districts, such as Tsuen Wan, when we expanded the network of footbridges in the district, we also noted the view that the footbridges may sometimes separate the local residents from the shops. If a shop happens to be situated at an exit of a footbridge, the shop operator certainly feels happy about it, but if the footbridge is constructed across the shops on the street, will this affect the healthy development of the community itself? Therefore, in respect of urban design, we need to have regard to the situation in various aspects.

Take Kowloon Bay as an example. As I also said in my main reply earlier, the study on Kowloon Bay was completed last year whereas the study on the future connectivity of KTBA will be completed at the end of the year. If my memory has not failed me, the report has proposed as many as 89 improvement measures in the short and medium term which include not only the construction of footbridges but also facilities at grade or on the street level, such as whether improvement can be made at certain road junctions, whether facilities like traffic lights can be provided, and whether the pedestrian environment in the back alleys can be beautified, so that the people can have greater comfort when walking there. In this connection, we agree to the observations put forward by Mr HO earlier.
DEPUTY PRESIDENT (in Cantonese): Mr CHAN Kin-por, please ask your question.

MR CHAN KIN-POR (in Cantonese): Deputy President, I did not press the "Request to speak" button.

IR DR LO WAI-KWOK (in Cantonese): Deputy President, the title of this question is "Construction of footbridges and pedestrian subways in Kowloon East". I certainly consider pedestrian accessibility in KBBA and KTBA important but some NDAs mentioned by Honourable colleagues earlier warrant greater concern. For example, in the Kai Tak Development Area, some people have already moved in as "pioneers" and I understand that the residents of Tak Long Estate also have some views on pedestrian accessibility. Although the Secretary said that these facilities will be included in the planning, what will the Government do to address the problems currently faced by these "pioneers" in their daily living? This is worthy of concern.

In this connection, may I ask the Secretary whether, in respect of NDAs, the Government will consider pedestrian accessibility in these areas from the perspectives of the overall layout and arrangement on a transitional basis respectively, and whether there is a dedicated department tasked to resolve the actual problems faced by the people in their daily living?

SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, I thank Ir Dr LO for his supplementary question. In fact, the Government is greatly concerned about the situation in NDAs. The example cited by Ir Dr LO just now is not unique because even in many places in the New Territories, when we are developing a new district, the question of how we can enable residents newly moved into the district to enjoy suitable facilities is indeed a big challenge. I believe Ir Dr LO will also understand that when residents have just moved into an NDA, their number may not reach the so-called critical mass, which is the lowest threshold for the provision of certain facilities. This is also the problem often faced by the Government in developing many NDAs, including new housing estates.

The Development Bureau will work with other Policy Bureaux (particularly the Transport and Housing Bureau in many cases) because when residents moved into the area, certainly they will have needs in various aspects,
such as social welfare, but transport is often among services that are sorely needed. How can we provide suitable public transport services expeditiously and as early as possible? Ir Dr LO, there is no denying that this is a big challenge and the Government is not doing an excellent job in each and every district, but the current-term Government is aware of the situation and we will work hard on it.

The Honourable Member asked what mechanism is in place to address the situation. When such a situation arises in different districts, there is feedback given to the relevant government departments through the system of the Home Affairs Department. We will look into the nature of the problem and if it relates to the provision of transport services, we will discuss it with the Transport and Housing Bureau, and if it concerns the provision of facilities at the stage of planning, it will be our duty in the Development Bureau. We will make an effort to deal with this area of work, and we admit that it is necessary to do so.

MR PAUL TSE (in Cantonese): Deputy President, the elevated walkway system in Kowloon Bay gazetted in 2011 has not yet been completed. Of course, it is better late than never, and at least a new policy was announced in the 2016 Policy Address. But even though so much time has been given and the Government, despite possible allegation of collusion between the Government and business, has proposed a waiver of the land premium which I certainly consider to be an incentive, it seems that the number of applications has remained grossly unsatisfactory. If my guess is correct, the application jointly submitted by six developers should be the same application that we have talked about for so many years. Have the authorities assessed whether the incentives provided or the initiatives taken by the Government are adequate to encourage participation in these projects by developers who are really related?

SECRETARY FOR DEVELOPMENT (in Cantonese): Deputy President, I thank Mr TSE for his supplementary question. Earlier in my main reply I said that this measure will be reviewed in the middle of 2018. In reply to Mr Wilson OR earlier on, I might have forgotten one point. With regard to the direction of the review, apart from considering whether the existing measure can be improved, studies will also be carried out on further extension of the measure, and I think this will depend on its effectiveness.
In reply to Mr TSE's supplementary question, I wish to add two points. First, what Mr TSE said about the current situation in Kowloon Bay is correct. This proposal was put forward in 2011 and in the past few years, the number of participating developers has changed because of changes in the plans of the private enterprises concerned, and we consider that the measure announced in the 2016 Policy Address is indeed helpful.

Let me also give a brief report on the situation in other districts. The Executive Council approved some time ago waiver of the land premium for a footbridge to be constructed in Admiralty. Besides, other than applications concerning Kowloon Bay and Kwun Tong, we are currently processing three applications for places in other districts. As to whether this measure will be effective, we consider that it will yield certain results. As to whether it can be improved, we will carry out a review next year.

DEPUTY PRESIDENT (in Cantonese): If no Member wishes to ask a question, we now proceed to the last question.

Facilitating Hong Kong people to start businesses and take up employment in Mainland cities within the Guangdong-Hong Kong-Macao Bay Area

6. MR MICHAEL TIEN (in Cantonese): Deputy President, it is learnt that the Development Plan for a City Cluster in the Guangdong-Hong Kong-Macao Bay Area has basically been finalized and will be submitted to the State Council for vetting and approval, with a view to its promulgation by the end of this year. Quite a number of members of the public have relayed to me that the implementation of the Plan will provide Hong Kong people with more opportunities for starting businesses and taking up employment in various Mainland cities within the Guangdong-Hong Kong-Macao Bay Area ("Mainland cities in the Bay Area"). In this connection, will the Government inform this Council:

(1) given that at present, Hong Kong people who have stayed continuously or in aggregate for over 183 days on the Mainland in an assessment year are required to pay personal income tax of the Mainland, whether the Government has plans to discuss with the Central Authorities the offering of tax concessions to Hong Kong people working in Mainland cities in the Bay Area, e.g. those who
return to Hong Kong on the same day will be deemed to have stayed on the Mainland for only half a day; if so, of the details; if not, the reasons for that;

(2) as it is anticipated that upon the commissioning of the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL"), more Hong Kong people will take up employment in Mainland cities in the Bay Area, whether the Government has plans to discuss with the Mainland authorities the offering of transport fare concessions to such Hong Kong people, e.g. concessionary monthly passes for trips to and from the West Kowloon Station and the Shenzhen North Station of XRL; if so, of the details; if not, the reasons for that; and

(3) whether it has plans to discuss with the Central Authorities the offering of rent and tax concessions, etc. for start-up enterprises set up in Mainland cities in the Bay Area, so as to encourage Hong Kong people to start their businesses there; if so, of the details; if not, the reasons for that?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, upon consulting relevant Policy Bureaux, our overall reply to Mr Michael TIEN's question is as follows:

The Guangdong-Hong Kong-Macao Bay Area ("the Bay Area") includes nine municipalities in Guangdong (Guangzhou, Shenzhen, Zhuhai, Foshan, Huizhou, Dongguan, Zhongshan, Jiangmen and Zhaoqing) and two Special Administrative Regions ("SARs") (Hong Kong and Macao). The rail, high-speed rail, expressway, aviation and maritime networks within the Bay Area are improving. In particular, cross-boundary infrastructure facilities, such as the Hong Kong-Zhuhai-Macao Bridge, the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link ("XRL") and the Liantang/Heung Yuen Wai Boundary Control Point, will soon be completed. This will help foster the smooth flow of people, capital, technology, and so forth within the Bay Area. Further, the Bay Area cities have a population of over 66 million and the size of their economies is over US$1.4 trillion. As such, the Bay Area has much potential to become a bay area city cluster of the highest competitiveness, and has the ability to enhance its liveability and development sustainability.
The development of the Bay Area is a key national development strategy. In his report delivered at the 19th National Congress, President XI Jinping made clear that they would continue to support Hong Kong and Macao in integrating their own development into the overall development of the country, give priority to the development of the Bay Area, cooperation between Guangdong, Hong Kong, and Macao, and regional cooperation in the Pan-Pearl River Delta ("Pan-PRD"), thus fully advancing mutually beneficial cooperation between the Mainland and the two regions, and formulate and improve policies and measures to make it more convenient for people from Hong Kong and Macao to develop careers in the Mainland. The development of the Bay Area is oriented to manifest the key strategies above.

(The PRESIDENT resumed the Chair)

The HKSAR Government has all along been working closely with the Guangdong Provincial Government and the Macao SAR Government in drawing up the Development Plan for the Guangdong-Hong Kong-Macao Bay Area ("the Development Plan") jointly with the National Development and Reform Commission ("NDRC"). In the process of Hong Kong's participation in drawing up the Development Plan, the HKSAR Government has consulted industry sectors and relevant committees, and the views received included improving tax arrangements, introducing measures to facilitate the entry of Hong Kong people and vehicles to the Mainland, and lowering the threshold for various professional sectors wishing to practise or provide professional services in the Bay Area. The HKSAR Government has already reflected such proposals to NDRC in full.

On the current arrangement of Hong Kong people working in the Mainland for over 183 days having to pay Mainland personal income tax, the HKSAR Government will, under the framework of the development of the Bay Area, strive for the provision of more measures that would increase the level of convenience for Hong Kong people working, starting businesses and doing business in the Bay Area, including discussion with relevant Mainland authorities on tax arrangements for Hong Kong people working in the Mainland. As for the fare levels and ticketing arrangements (including whether fare concession schemes will be introduced) for XRL, together with the MTR Corporation Limited, the HKSAR Government is actively discussing with the China Railway Corporation and will announce the arrangement at an appropriate time. Moreover, the HKSAR Government has all along been seeking to secure further
liberalization measures from Mainland authorities for the people and enterprises of Hong Kong, so as to encourage them to start and develop businesses and careers in the Mainland. To use Qianhai in Shenzhen as an example, the HKSAR Government has been supportive of the policies and measures introduced by Qianhai benefiting the people and enterprises of Hong Kong, including tax concessions. The HKSAR Government also supports advancing the development of Qianhai Shenzhen-Hong Kong Youth Innovation and Entrepreneur Hub and Hong Kong-Shenzhen Design Innovation Hub, bringing more development opportunities for start-ups and youth entrepreneurship.

One of the major breakthroughs brought about by the development of the Bay Area is taking forward policy innovation under the principle of "one country, two systems", whereby policy obstacles arising from the practice of different systems in the two places will be reduced as far as possible, thus fostering the flow of people, goods, capital and information between Hong Kong and other cities in the Bay Area and offering greater business opportunities to Hong Kong businesses and industries operating in the Bay Area. We shall also strive for the implementation of facilitation measures that will help Hong Kong people study, work and live in the Bay Area, providing them with greater incentives to take up employment and start and run businesses in the Bay Area, and expanding their scope for development.

The work on drawing up the Development Plan has essentially been completed. The current estimate is that the Development Plan will be promulgated in the first quarter of 2018. In order to more effectively coordinate and take forward the development amongst cities, the implementation of the Development Plan will be coordinated at the national level, including the establishment of a coordination mechanism that includes not only the Governments of Guangdong, Hong Kong and Macao, but also NDRC, the Hong Kong and Macao Affairs Office of the State Council and relevant central ministries. According to the policies and measures devised in the Development Plan, the HKSAR Government will discuss and draw up concrete work plans with relevant central ministries and the Governments of Guangdong and the Macao SAR to implement the Development Plan. The HKSAR Government will also continue to keep in close contact with industries, chambers of commerce, professional bodies and relevant stakeholders to listen to their views on how to effectively implement the Development Plan.
MR MICHAEL TIEN (in Cantonese): The Secretary is really something. My question is so specific, but he has given such a general reply without answering anything. The Under Secretary might find it strange why I suggested that Hongkongers who go to the Bay Area to work and return to Hong Kong on the same day should be deemed to have stayed on the Mainland for only half a day. Actually, this is not a new suggestion. I wonder if the Secretary knows that in 1995, the State Administration of Taxation issued a circular, stating that if the same enterprise has set up offices in both China and Hong Kong, its Hong Kong staff who concurrently have duties in both places will be deemed to have stayed on the Mainland for only half a day if they go to work on the Mainland for a day. However, actually many people only have duties on the Mainland. Such will be the case for many young people working in Mainland enterprises in the future. They can hardly meet this original requirement. Now I only request on this basis removal of the requirement of concurrently having duties in both places. Taking the opportunities brought forth by the completion of the Bay Area and XRL, so long as they go to work on the Mainland and return to Hong Kong on the same day, they should be deemed to have stayed for half a day. May I ask why such a simple matter has taken so long to be accomplished? Or perhaps given this piece of background information, will the Secretary feel much more confident? Because this is not any new condition. It is simply the removal of a past restriction.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I thank Mr TIEN for his supplementary question. Mr TIEN's question consists of three parts, all of which involve whether there have been discussions with the Central Authorities. Regarding these three parts, our main reply has directly responded that the HKSAR Government will strive for the provision of more convenience to Hongkongers and actively engage in discussions. Moreover, it has all along been seeking to secure more measures. I believe these are positive responses.

We have grasped the Mainland requirement mentioned by Mr TIEN. What Mr TIEN referred to is that the Mainland has put in place a rule on the number of working days in respect of its tax arrangements. Hongkongers shall pay the tax in full based on the number of days they have worked on the Mainland. Basically, Mr TIEN requests the relaxation of this taxation arrangement. We will actively follow up Mr TIEN's proposal. As I have mentioned in the main reply, after the promulgation of the Development Plan in
the first quarter of 2018, the HKSAR Government will devise concrete work plans on specific policies and measures. We will then carefully study the several suggestions made by Mr TIEN.

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

MR MICHAEL TIEN (in Cantonese): My question to the Secretary is whether he feels more confident in acceding to my present request for the mere removal of a past condition after learning about the past requirement.

PRESIDENT (in Cantonese): Mr TIEN, the Secretary has already answered your supplementary question.

MR JEFFREY LAM (in Cantonese): President, I thank Mr Michael TIEN for raising this question because years ago, the Business and Professionals Alliance for Hong Kong already raised the issue about Hongkongers having to pay tax if they have lived or worked on the Mainland for over 183 days. We have also made different proposals, including drawing reference from the legislation on border city tax implemented in Europe, exempting a person from tax payment in other countries or regions provided that he has paid the tax in his place of residence. In fact, the Government did reply that it had communicated with the Central Authorities. I hope the Secretary will maintain the proactive communication.

May I ask, given the good development opportunities provided by the Bay Area, whether the authorities will consider accepting our proposal under the early and pilot implementation approach—certainly, this requires discussion with the Central Authorities—requiring Hongkongers who have worked in the Bay Area for over 183 days to pay tax only in Hong Kong but not on the Mainland? Using the Bay Area as a test point, in my view, is conducive to the career development of Hongkongers, especially Hong Kong professionals, in the Bay Area. I believe if same-day return is not counted, it will attract more professionals to come to Hong Kong. How will the Secretary address this matter?
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I thank Mr LAM for his suggestion and supplementary question. Let me respond to the supplementary question about tax concessions. Many industries have indeed raised this suggestion to us. Mr LAM can rest assured. As I have pointed out in the main reply, after the promulgation of the Development Plan, we will follow it up actively with the Mainland central ministries during the implementation of the work plans. Please do not worry.

MRS REGINA IP (in Cantonese): Secretary, regarding the taxation arrangements, I would like to ask a slightly different question. Certainly, I have received a lot of views which prefer exemption for Hongkongers working in the Bay Area from the 183-day rule, but I have also received many suggestions on Hongkongers investing and working in the Bay Area being granted the same treatment as that enjoyed by Chinese nationals, that means being on par with Mainlanders in terms of housing, employment, welfare and other aspects of life. On the one hand, they wish to enjoy national treatment in everyday life and at work like Mainlanders, but on the other, they do not want to pay tax like our compatriots on the Mainland. Does the Secretary find this a bit contradictory? How will he explain it to the officials of the Central Authorities? Has he ever heard them grumble about such an attitude, in that Hongkongers only wish to gain as many benefits as possible?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I thank Mrs IP for her supplementary question. There are several salient points in the development of the Bay Area. Our past cooperation with PRD was dealings between regional governments. This time the development of the Bay Area has a major characteristic, that is, we hope the whole Bay Area can give play to its combined strength. The role played by Hong Kong is to fully capitalize on its edge under "one country, two systems". Hence, as I mentioned in the main reply just now, policy innovation is greatly important in taking forward the development. The nine municipalities and two SARs each have their respective strengths. With healthy interaction and complementary efforts, the potential of the Bay Area can be developed to the fullest.
When devising our work plans, we will explore in depth how individual measures can be brought into full play in the course of implementation. We certainly understand that such plans must be mutually beneficial in order to be sustainable. If we always only do cherry-picking, such cooperation is unhealthy. We must bear this point in mind.

MS STARRY LEE (in Cantonese): President, actually I believe it is a general trend to encourage more members of the public to pursue development and spend their twilight years in the Bay Area. Before all else, however, it is necessary to work out the facilitation arrangements so that people will be willing to go to the Bay Area. Many members of the public have told me that now they cannot buy any train ticket or even use the smart bikes or open any WeChat account on the Mainland because the serial numbers of our Home Visit Permits are not convenient for all this. Earlier on, the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") has requested the Government to strive for a Mainland identity card number for Hongkongers. We have proposed the concept of "one card with two numbers", under which a Home Visit Permit can carry both a Home Visit Permit number and a Mainland identity card number, thereby enabling us to conveniently use various types of payment or facilitation services on the Mainland just like Mainland citizens.

May I ask the Secretary the progress of the follow-up in this aspect? Can he tell us about it?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I thank Ms LEE for her supplementary question. Regarding the formulation of various measures providing convenience to Hong Kong people living on the Mainland, President XI Jinping announced during his visit to Hong Kong a national strategy which was mentioned again in the report of the 19th National Congress. Hence, each central ministry is actively implementing the measures in this aspect. Measures which have currently been launched include allowing Hongkongers to use Home Visit Permits to buy XRL tickets at XRL stations in some major cities. The effect is similar to the national treatment mentioned by Ms LEE just now. This is a very good example.

Will there be more similar examples in future? Definitely. Basically, the present arrangement of various ministries is to implement the measures one by one once they are ready. As regards whether WeChat and bicycle-sharing services can also be made convenient to Hongkongers, let us wait and see.
MS YUNG HOI-YAN (in Cantonese): President, as the Secretary said just now, the Government is duty-bound to strive for the provision of more measures that would increase the level of convenience for Hong Kong people working, starting businesses and doing business in the Bay Area. It was also mentioned in the report of the 19th National Congress that policies and measures would be formulated and perfected to facilitate the career development of Hong Kong residents on the Mainland. As stated by WANG Zhimin, the Director of the Liaison Office of the Central People's Government in HKSAR, this remark refers to the national treatment requested by us. Just now the Chairperson of my party enquired about this, and I would like to ask in further detail. Has the Government actually explored ways and means of striving for national treatment at a higher level, including such measures as mutual recognition of professional qualifications and applications for civil service posts?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): I thank Ms YUNG for her supplementary question. Regarding the ways and means of striving for national treatment, we have relayed to the Mainland the suggestions made by various trades and industries in various aspects. We have also referred these suggestions to NDRC. As I have mentioned in the main reply, now the work on drawing up the Development Plan has reached the final stage. After the promulgation of the Development Plan, we will devise the work plans at the policy level. During this process, we will refine each job item.

MR HOLDEN CHOW (in Cantonese): President, in the past, DAB has presented its proposal on the development of the Bay Area. In our view, the requirement for Hongkongers who have worked on the Mainland for over 183 days to pay the Mainland tax should be relaxed. Could the Secretary tell us here whether he will consider the following suggestion: these people still have to pay the Mainland tax, but can they pay it at the tax rate in Hong Kong? In this way, while the requirement is relaxed, there is also an incentive. Will the Secretary consider striving for such a measure?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): I thank Mr CHOW for his supplementary question. The Bay Area promotes innovation and technology as well as creativity, and Mr CHOW has taken the lead in proposing a creative arrangement for tax concessions. We will explore various kinds of tax concession proposals. In fact, we have been
presented various specific proposals which we have fully relayed to NDRC. As I said just now, after the launch of the Development Plan, the work in the next step will be more specific and precise. We will then carefully implement each proposal which is worth taking forward.

MR PAUL TSE (in Cantonese): President, the policy for the Bay Area consisting of nine municipalities and two SARs is certainly the latest national strategy. Before that, however, we had also got the policy for PRD, and there has already been a lot of cooperation between Hong Kong and Shenzhen, including the 183-day taxation arrangement mentioned by Mr Michael TIEN. No matter whether we adopt the principle of 80:20 or the one known as "catching the ringleader first", it seems there is a more pressing need for this kind of concession between Hong Kong and Shenzhen. Such being the case, instead of waiting for a long period for all the municipalities and SARs to complete the discussion on the framework of the Bay Area before starting to work, will the authorities consider adopting the early and pilot implementation approach for Hong Kong and Shenzhen to commence certain work first, so that more members of the public can be benefited?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): I thank Mr TSE for his supplementary question. Early and pilot implementation is indeed the basic strategy for promoting the development of the Bay Area. In other words, measures not yet available in other domains or regions can be taken forward under this new national strategy for the Bay Area. Mr TSE asked whether more measures can be launched on an early and pilot implementation basis, given our favourable location and close proximity to Shenzhen. Actually, my main reply tallies with Mr TSE's view. The two examples cited by me, Qianhai Shenzhen-Hong Kong Youth Innovation and Entrepreneur Hub and Hong Kong-Shenzhen Design Innovation Hub, are both situated at Shenzhen, thus evident that we have put early and pilot implementation into practice. They are good examples of faster achievement as a result of close proximity.

Surrendering public rental housing units under the Green Form Subsidized Home Ownership Scheme

7. MR JEREMY TAM (in Chinese): President, in October last year, the Hong Kong Housing Authority ("HA") put up King Tai Court in San Po Kong, a pilot project under the Green Form Subsidized Home Ownership Scheme ("GSH"), for sale. In respect of King Tai Court, HA has adopted the same definition of "Green Form applicants" as that for the Home Ownership Scheme ("HOS"), i.e. Green Form applicants include public rental housing ("PRH") tenants and PRH applicants who have passed the detailed eligibility vetting and obtained a Green Form Certificate ("GF Certificate"). Moreover, the Chief Executive indicated in the Policy Address she delivered in October this year that future public housing developments should include more GSH units instead of PRH units, and she had already requested HA to complete the relevant review as soon as possible, with a view to regularizing GSH. She has also pointed out that as the general PRH tenants are required, upon purchasing GSH units, to vacate and surrender the units in which they have been residing, the waiting time for applicants on the PRH Waiting List will not be affected. In this connection, will the Government inform this Council of:

(1) the number of PRH units surrendered by PRH tenants in each of the past five years, with a breakdown by the reason for surrendering the units (e.g. the tenants concerned had purchased (i) the HOS units put up for sale by HA, (ii) the second-hand premium-unpaid units in HOS estates, (iii) the second-hand premium-unpaid units in Tenants Purchase Scheme estates, and (iv) GSH units);

(2) the top 10 PRH estates with the largest number of tenants who have surrendered their PRH units after purchase of the units of King Tai Court, and the number of units involved in each estate; the respective numbers of such PRH tenants who, at the time when they subscribed for the units of King Tai Court, were required to pay (i) 1.5 times net rent plus rates and (ii) double net rent plus rates under the "Well-off Tenants Policies" of HA; and
(3) the respective numbers of owners of King Tai Court who are (i) GF Certificate holders on the PRH Waiting List, (ii) those GF Certificate holders who resided in PRH units previously but whose names have been deleted from the PRH tenancies due to divorce/splitting, and (iii) junior civil servants who meet the eligibility criteria for applying for Civil Service Public Housing Quota?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the Hong Kong Housing Authority ("HA") launched the Green Form Subsidised Home Ownership Scheme ("GSH") pilot project King Tai Court in San Po Kong in October 2016. All 857 flats of the project were sold. Buyers have been taking over the flats from June 2017 onwards. HA is conducting a comprehensive review on the GSH pilot, which is expected to be completed in early 2018.

My consolidated reply to the question raised by Mr Jeremy TAM is as follows:

A breakdown of the number of public rental housing ("PRH") units recovered by HA from 2012-2013 to 2016-2017 is set out at Annex.

Among the 857 buyers of King Tai Court, 800 were HA's sitting PRH tenants. The PRH units surrendered distributed throughout Hong Kong in more than 160 public housing estates. The distribution by region is as below:

<table>
<thead>
<tr>
<th>Region</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>468</td>
</tr>
<tr>
<td>Extended Urban</td>
<td>220</td>
</tr>
<tr>
<td>New Territories</td>
<td>109</td>
</tr>
<tr>
<td>Islands</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>800</strong></td>
</tr>
</tbody>
</table>

Among them, 71 and 27 households were paying 1.5 times and double net rent plus rates respectively under the "Well-off Tenants Policies" at the time of purchase.
The remaining 57 buyers of King Tai Court are as below:

<table>
<thead>
<tr>
<th>Buyers’ category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenants of the Hong Kong Housing Society's rental estates</td>
<td>28</td>
</tr>
<tr>
<td>PRH applicants who have passed the detailed eligibility vetting</td>
<td>16</td>
</tr>
<tr>
<td>Junior civil servants whose eligibility under the Civil Service Public Housing Quota Scheme has been established</td>
<td>12</td>
</tr>
<tr>
<td>PRH residents eligible for PRH allocation due to divorce/splitting</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>57</strong></td>
</tr>
</tbody>
</table>

**Annex**

**Number of PRH Units Recovered by HA**

<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Voluntary surrender by tenants</td>
<td>4 700</td>
<td>4 700</td>
<td>5 000</td>
<td>4 900</td>
<td>5 400</td>
<td></td>
</tr>
<tr>
<td>(b) Issuance of Notice-to-quit</td>
<td>1 200</td>
<td>1 400</td>
<td>1 500</td>
<td>1 500</td>
<td>1 400</td>
<td></td>
</tr>
<tr>
<td>(c) Purchase of subsidized sale flats offered by HA</td>
<td>1 300</td>
<td>1 200</td>
<td>1 100</td>
<td>1 200</td>
<td>900</td>
<td></td>
</tr>
<tr>
<td>Purchase of newly-built Home Ownership Scheme (&quot;HOS&quot;)/GSH flats</td>
<td>0</td>
<td>300</td>
<td>#</td>
<td>#</td>
<td>#</td>
<td></td>
</tr>
<tr>
<td>Purchase of HOS flats from the HOS Secondary Market (i.e. with premium unpaid)</td>
<td>1 200</td>
<td>800</td>
<td>800</td>
<td>1 000</td>
<td>700</td>
<td></td>
</tr>
<tr>
<td>Purchase of Tenants Purchase Scheme flats from the HOS Secondary Market (i.e. with premium unpaid)</td>
<td>200</td>
<td>100</td>
<td>200</td>
<td>200</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>(d) Transfer(^{(1)}) and other reasons</td>
<td>5 700</td>
<td>5 700</td>
<td>6 100</td>
<td>4 700</td>
<td>4 200</td>
<td></td>
</tr>
<tr>
<td>(e) Total(^{(2)}) = (a) + (b) + (c) + (d)</td>
<td>13 000</td>
<td>13 100</td>
<td>13 600</td>
<td>12 400</td>
<td>12 000</td>
<td></td>
</tr>
<tr>
<td>(f) Net Recovery(^{(2)}) (deducting flats recovered from transfer and other reasons) ([(e) – (d)]</td>
<td>7 300</td>
<td>7 400</td>
<td>7 500</td>
<td>7 600</td>
<td>7 700</td>
<td></td>
</tr>
</tbody>
</table>
Notes:

Figures are rounded to the nearest hundred. Figures may not add up to the total due to rounding.

# Denoting figures less than 50.

(1) In various situations such as under different transfer schemes, sitting PRH tenants are required to surrender their existing units upon re-allocation of another PRH unit. In this regard, PRH units are exchanged on a "one-for-one" basis. No additional housing resources are involved.

(2) Excluding units recovered due to redevelopment.

**Grasping an accurate number of persons with intellectual disabilities**

8. **MR KWONG CHUN-YU** (in Chinese): President, in a Special Topics Report on persons with disabilities and chronic diseases published in December 2014, the Census and Statistics Department ("C&SD") pointed out that difficulties had been encountered when collecting information on persons with intellectual disabilities ("PIDs") under the setting of a statistical survey, and hence the survey findings pertaining to PIDs were considered to be subject to a certain degree of under-estimation. With reference to various relevant administrative records and some broad findings of a special topic enquiry and an institutions survey, and on the basis of different assumptions, C&SD arrived at two statistical assessment scenarios, the results of which indicated that the total number of PIDs in Hong Kong was about 71,000 to 101,000, which had a difference as big as 40% between them. In this connection, will the Government inform this Council:

(1) how the Government, in the absence of an accurate grasp of the number of PIDs in Hong Kong, conducts the relevant service planning to ensure that PIDs are provided with adequate and appropriate services;

(2) whether C&SD will include the number of PIDs as a survey item in the population censuses it conducts once every 10 years; if so, whether this will be implemented in the next population census; if not, of the reasons for that; and
(3) whether the Government will consider allocating additional resources for the Labour and Welfare Bureau to take the lead to (i) commission C&SD or (ii) work in collaboration with C&SD, the Labour Department, the Social Welfare Department, the Hospital Authority and the Education Bureau, to conduct a comprehensive statistical survey on PIDs, so as to grasp an accurate number of PIDs and improve the relevant service planning; if so, of the details and the implementation timetable; if not, the reasons for that?

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, the Census and Statistics Department ("C&SD") conducted special topic enquiries on persons with disabilities and chronic diseases, including collection of information on persons with intellectual disabilities in 2000, 2006 to 2007 and 2013 respectively. Based on the experience of various rounds of territory-wide surveys, we consider it not possible to make a precise estimate on the number of persons with intellectual disabilities by means of such surveys since some families might regard intellectual disabilities as a sensitive topic. Accordingly, C&SD supplemented the survey findings by making reference to various relevant administrative records to make an assessment on the total number of persons with intellectual disabilities. The results of the assessment showed that the total number of persons with intellectual disabilities in Hong Kong was about 71 000 to 101 000 in 2013, representing a prevalence rate of some 1.0% to 1.4% for persons with intellectual disabilities in Hong Kong. This figure was comparable to the prevalence rate of persons with intellectual disabilities in other economies.

My replies to the Member's sub-questions are as follows:

(1) To ensure that rehabilitation and support services can meet the needs of persons with disabilities (including persons with intellectual disabilities), relevant Policy Bureaux/departments will formulate their service strategies at district/territory-wide level having regard to the relevant factors such as service nature, service demand and cost effectiveness.

Regarding rehabilitation services, the Social Welfare Department will conduct analysis by making reference to the number of applicants of respective services, their waiting time and location
preference as recorded in the Central Referral System for Rehabilitation Services, as well as the current supply and demand of rehabilitation services in the districts when planning the capacity and nature of various rehabilitation services, and the location for service provision.

Regarding education, the Government adopts a "dual-track mode" to implement special education, under which students with more severe or multiple disabilities are referred to special schools by the Education Bureau for intensive support services subject to the assessment and recommendation of specialists and their parents' consent. Other students with special educational needs will attend ordinary schools. The Education Bureau takes into consideration a number of factors when planning special education services. For example, when planning schools for children with intellectual disabilities, the Education Bureau will take into account past admission trend, the existing enrolment, the number of applicants on the waiting list, the population projections by district and age as well as the related education policies (such as implementation of the New Senior Secondary Academic Structure and adjustment of class sizes of special schools), etc. The Education Bureau has all along assessed the service needs and provided appropriate services for students in accordance with the above practices. At present, the supply of aided special school places is generally adequate.

In planning the public health care services, manpower and number of beds in public hospitals, apart from the projected service demand and possible changes of utilization pattern of health care service with regard to population growth and demographic change in various districts as worked out by C&SD and the Planning Department, the Hospital Authority ("HA") will take into account a number of factors, including health care manpower in various clusters and hospitals as well as service arrangement. HA will regularly monitor the utilization and the trend of service demand for various health care services. Through service model revamp, implementation of hospital development programmes as well as
other appropriate measures, HA will ensure that its service are capable of meeting the needs of citizens (including those with intellectual disability).

(2) and (3)

Since the collection of persons with intellectual disabilities' information involves the need to address certain sensitive, technical and complicated issues, including ascertaining whether the respondents understand the questions and whether they are willing and able to provide the required information, C&SD has no plan to collect such information in population censuses/by-censuses, for which a large number of enumerators are required. In particular, as most of these enumerators are students who have no work experience in this aspect, it will be difficult for them to acquire and master the necessary interviewing skills from basic training to discharge their duties. The Labour and Welfare Bureau is, in collaboration with C&SD and relevant government departments, exploring the feasibility of allowing C&SD to collate the administrative records of service users with intellectual disabilities maintained by relevant departments to provide extra reference materials for service planning, provided that the requirements of the Personal Data (Privacy) Ordinance (Cap. 486) can be complied with.

Measures to promote exercise and health

9. MR CHAN KIN-POR (in Chinese): President, a survey has revealed that in recent years, members of the public generally lack exercise and their problem of overweight or obesity is worsening. In this connection, will the Government inform this Council:

(1) whether the Leisure and Cultural Services Department ("LCSD") conducted, in the past three years, analysis on the utilization (e.g. frequency of use and duration) of the fitness rooms and other recreation and sports facilities under its management by members of the public of various ages; if so, set out the outcome of the analysis by age groups (each group covering five years); if not, of the reasons for that;
(2) apart from the existing Fitness Room Monthly Ticket Scheme, whether LCSD will consider launching other concession or incentive schemes to encourage members of the public to use the fitness rooms under its management more frequently; if so, of the details; if not, the reasons for that;

(3) whether it formulated measures in the past three years to encourage members of the public of various ages to develop a habit of exercising regularly; if so, of the details; if not, the reasons for that;

(4) whether it will implement a universal health assessment programme, including blood tests on blood glucose, blood lipids, etc., to let members of the public understand their own health conditions and enhance their health awareness; and

(5) whether it conducted promotional activities in the past three years to let members of the public understand the health risks posed by overweight or obesity; if so, of the details; if not, the reasons for that?

SECRETARY FOR HOME AFFAIRS (in Chinese): President, having consulted the Food and Health Bureau and the Leisure and Cultural Services Department ("LCSD"), my reply to the five parts of question is as follows:

(1) and (2)

The Government has all along been committed to promoting sports in the community so as to achieve the policy objective of "Sport for All". To encourage the public to do more physical exercises and lead a healthy lifestyle, LCSD provides a wide range of sports and recreational programmes and facilities for people of different ages and physical ability. LCSD monitors the usage of various facilities, which forms the basis for improvements to services. According to the statistics of LCSD in 2016, the overall average usage rate of the 75 fitness rooms under its management was 51% and the attendance stood at 5.1 million, 16% above that in 2015.
LCSD introduced the Fitness Room Monthly Ticket Scheme ("the Scheme") in 2001. Holders of fitness room monthly tickets are entitled to unlimited use of the facilities during the opening hours of fitness rooms. At present, peak and non-peak fees for using fitness room per person hour are $14 and $13 respectively, and $180 for monthly tickets. Full-time students, senior citizens aged 60 or above as well as persons with disabilities and one minder each enjoy half-rate concession (including monthly tickets). The Scheme has been well received by the public since its launch and 220,000 tickets were sold in 2016, 15% more than that in 2015. Since holders of fitness room monthly tickets are entitled to unlimited use of the facilities, under the limitation of the existing Leisure Link system LCSD is unable to analyse the frequency and amount of time individual members of public use the fitness rooms, or any other sports and recreational facilities.

LCSD is planning to develop a new intelligent system to allow more efficient, convenient and user-friendly booking of the sports and recreational facilities (including fitness rooms), thereby facilitating and encouraging the public to exercise regularly. The data analysis function of the planned new system will be enhanced, which will assist LCSD to understand the habits and usage pattern of the community in a more comprehensive way. LCSD will seek funding from the Finance Committee of the Legislative Council for the development of the information system in the current legislative year. In addition, we will also take forward the Five-Year Plan for Sports and Recreation Facilities to implement 26 projects within five years to increase district sports and recreational facilities for the use of the public, schools and sports organizations.

(3) To promote "Sport for All" and encourage the public to exercise regularly, LCSD organizes a wide range of recreational and sports programmes for different target groups every year. In 2016-2017, around 38,000 recreational and sports activities were organized for a total of around 2.2 million participants. These programmes include district-based sports training courses, competitions and recreational activities for people of different ages and physical ability, including parent-child programmes on park orienteering, badminton, social dance and ultimate, etc.; programmes targeting at young people such
as long-distance run, cycling and water sports activities, etc.; and relatively less physically demanding activities such as fitness walking, gateball, lawn bowls, hydro-fitness, physical relaxation and stretching, etc. Major events and territory-wide projects are also organized, including the Hong Kong Games, Sport For All Day and the Healthy Exercise for All Campaign. LCSD will continue to actively promote to the public various recreational and sports activities and encourage them to do more physical exercises.

(4) The Food and Health Bureau advised that the Hong Kong Reference Frameworks for the care of major chronic diseases and different population groups in primary care settings have been developed to provide common reference to health care professionals to facilitate the provision of continuing, comprehensive and evidence-based care in the community. In particular, it is hoped that the Reference Frameworks would support primary care doctors in their daily patient care. Recommendations in the Reference Frameworks regarding screening of hypertension, diabetes and hyperlipidaemia in primary care settings are as follows:

(i) Screening for hypertension is recommended for individuals starting from age 18 years. Screening should be conducted at least once every two years and annual screening is recommended for older adults of age 65 years and above.

(ii) Periodic screening of diabetes is recommended for individuals starting from age 45 years. If the results are normal, screening should be conducted again every three years. Persons of any age who have other risk factors of diabetes, such as overweight, obesity, family history of diabetes etc should have more frequent screening (e.g. yearly).

(iii) Periodic screening of hyperlipidaemia is recommended for individuals of age 50 to 75 years. If the results are within optimal range, screening should be conducted again every three years. Persons with risk factors of cardiovascular diseases, such as smoking, obesity, diabetes, hypertension etc should have more frequent screening (e.g. yearly).
The Primary Care Office of the Department of Health ("DH") will continue to promulgate the Reference Frameworks to primary care doctors and encourage their adoption of the recommendations in their daily patient care.

In addition, the Steering Committee on Primary Healthcare Development has been established by the Food and Health Bureau to develop a blueprint for the sustainable development of primary health care services for Hong Kong. The Committee will comprehensively review the existing planning of primary health care services and devise service models to provide primary health care services via district-based medical-social collaboration in the community.

(5) For the promotion of healthy lifestyle, such as healthy eating and regular physical activity, DH has been adopting a life-course and setting-based approach and paid emphasis on alliance building, creating a conducive environment, education and support, publicity and advocacy, as well as research and evaluation. The programmes implemented by DH include:

(i) the StartSmart@school.hk Campaign was launched in January 2012 to promote healthy eating and physical activity among preschoolers across the territory to prevent childhood obesity through a pre-primary institution-based setting approach. For the school year of 2017-2018, over 570 kindergartens and child care centres participated in the Campaign;

(ii) the "EatSmart@school.hk" ("ESS") Campaign was launched in the school year 2006-2007 to make the primary school environment more favourable and sustainable for the practice of healthy eating, bringing real improvements to school lunch and snacks. As of October 2017, over 260 primary schools have enrolled in the EatSmart School Accreditation Scheme and over 120 schools have achieved various levels of accreditation; and
(iii) the EatSmart@restaurant.hk Campaign was launched in April 2008 to encourage and assist restaurants to provide dishes with more fruit and vegetables and less oil, salt and sugar, so as to allow more healthier food choices for the general public when eating out. As at October 2017, there are over 660 EatSmart restaurants.

Regarding working population, the "Joyful@Healthy Workplace Programme", jointly organized by DH and the Occupational Safety and Health Council, also commenced in August 2016. "Healthy eating" and "Physical activity" are two action areas of the Programme. As at October 2017, the Programme has drawn about 700 participating organizations benefiting more than 260,000 employees.

The Observers Scheme of the Independent Police Complaints Council

10. PROF JOSEPH LEE (in Chinese): President, the Observers Scheme is one of the means whereby the Independent Police Complaints Council ("IPCC") performs its monitoring function. Under the Scheme, observers appointed by the Secretary for Security may, on a pre-arranged or surprise basis, attend the interviews conducted by the Complaints Against Police Office ("CAPO") of the Hong Kong Police Force in connection with investigation of reportable complaints by CAPO and observe the collection of evidence conducted by CAPO in respect of such investigations (collectively referred to as "observations"). In this connection, will the Government inform this Council if it knows:

(1) the number of observations carried out by the observers and the number of complaints they involved, in each of the past three years, with a breakdown by whether such observations were carried out on (i) a pre-arranged basis or (ii) surprise basis;

(2) in respect of the observations carried out on (i) a pre-arranged basis and (ii) surprise basis respectively, the largest, smallest and average numbers of observations carried out by the observers in each of the past three years; and
(3) given that the findings of a public opinion survey conducted by IPCC in 2017 showed that only 45% of the respondents expressed confidence in IPCC, whether IPCC will (i) review the effectiveness of its work, (ii) propose amending the relevant legislation to enable the authorities to appoint more observers and engage full-time observers, and (iii) adopt other measures with an aim to strengthen its monitoring function, so as to boost public confidence in both IPCC and the entire police complaints system; if IPCC will, of the details; if not, the reasons for that?

SECRETARY FOR SECURITY (in Chinese): President, the Independent Police Complaints Council ("IPCC") is a statutory body established according to the IPCC Ordinance. It shoulders important roles in the existing two-tier police complaints handling system, including the review of investigation reports of Reportable Complaints and the relevant information, in order to ensure that the relevant complaints would be handled in a fair and impartial manner.

The Observers Scheme of IPCC aims at strengthening the monitoring function of IPCC and assisting in observing the way the Complaints Against Police Office ("CAPO") handles and investigates Reportable Complaints. Under the Observers Scheme, observers appointed by the Secretary for Security may attend interviews and observe collection of evidence in connection with CAPO's investigation of Reportable Complaints. As far as practicable, CAPO will notify IPCC in advance any impending interview or collection of evidence to facilitate the IPCC Secretariat in notifying the observers the relevant arrangements. Apart from prearranged observations, observers can also attend and observe investigations without prior appointment. The role of an observer is primarily to observe and report. Based on fair and impartial principles and to avoid affecting the process of an interview or collection of evidence, an observer would not interfere or offer any personal opinions while observing. After each observation, the observer will submit to IPCC a report stating whether the interview or collection of evidence was conducted in a fair and impartial manner. Should any irregularities be reported, IPCC will follow up with CAPO. All persons who are to be interviewed by CAPO in connection with a Reportable Complaint can request an observer to be present during the interview. Upon receipt of such a request, IPCC will endeavour to make relevant arrangements.
The various parts of the question are replied as follow:

(1) In the past three years (2014-2015, 2015-2016 and 2016-2017), the observers of IPCC conducted 2,259 (including 1,764 interviews and 495 collection of evidence), 1,704 (including 1,403 interviews and 301 collection of evidence) and 1,817 (including 1,570 interviews and 247 collection of evidence) times of observations respectively. Among which, 17, 15 and 18 times were surprise observations while the remaining ones were scheduled.

(2) The IPCC Ordinance has not specified the upper limits of the number of IPCC observers nor observations to be conducted. Currently, there are 109 observers in IPCC. All of them noted, when they were appointed, that they would have to conduct at least four observations every year during their two-year tenure. In the past three years, each observer on average conducted 21, 15 and 17 observations respectively on an annual basis. They covered 88% of the notifications on interviews or collection of evidence issued by CAPO to IPCC.

(3) IPCC has all along been striving to enhance its efficiency in reviewing complaints, making recommendations on improving Police's services proactively, enhancing the Observers Scheme, stepping up governance and administrative efforts, and enhancing legal support and research, application of information technology, analysis of complaint statistics, etc. To discharge its relevant statutory functions in a more effective manner, IPCC also endeavoured to increase the transparency of its work by disseminating information through different channels as well as communicating with different stakeholders proactively, with a view to enabling public understanding on IPCC's role, functions as well as the principles and prudent attitude it adopts when reviewing cases. According to the result of the IPCC 2017 Public Opinion Survey, improvements were seen in the areas of public confidence in, perception of and satisfaction with IPCC as compared with the previous year. Fifty-five percent of the respondents felt positive about IPCC's image and the satisfaction rate on IPCC rose to 60.5. According to the Government's understanding, IPCC will in future continue to optimize the procedures and efficiency for reviewing complaints, and enhance the depth and quality of vetting through
deepening the research work. Externally, IPCC will enhance exchanges with stakeholders from different sectors and release more information through online platforms, with a view to increasing the transparency of its work, strengthening public confidence in the work of IPCC and the police complaints system, and upholding the fairness and impartiality of the police complaints system.

Promoting the development of new sports

11. **MR LEUNG CHE-CHEUNG** (in Chinese): President, it has been reported that push bikes (also known as "balance bikes"), a kind of pedal-less and brake-less bicycle for small children which are quite popular in Europe and America, have been introduced into Hong Kong in recent years. Quite a number of parents consider it safer to ride balance bikes than ordinary bicycles due to their slower travelling speeds and are therefore happy to accompany their children in riding balance bikes. However, a number of residents have recently relayed to me that small children riding balance bikes in recreation and sports venues where cycling is allowed, which are under the management of government departments such as the Home Affairs Department, the Leisure and Cultural Services Department and the Housing Department, are often stopped by venue attendants, but after intervention by District Council members, such activity is allowed in some of the venues. In this connection, will the Government inform this Council:

(1) of the rules or guidelines made by the authorities on riding balance bikes and using other wheeled sports equipment in various public recreation and sports venues; if riding balance bikes is forbidden in such venues, of the reasons for that;

(2) whether the authorities will study the provision of dedicated venues for balance bike riding; if not, of the reasons for that;

(3) as some members of the public have relayed that the utilization rates of the existing public roller skating rinks are low because roller skating is no longer popular, whether the authorities regularly reviewed in the past three years the utilization of the various public recreation and sports venues and the rules on their use, and provide suitable recreation and sports venues in tandem with the rise and decline of various types of sports;
(4) as some members of the public have relayed that since balance bike riding is a new sport, they can hardly take out third party risks insurance as required by the terms and conditions of hire of public recreation and sports venues, whether the authorities will provide assistance in this respect to encourage the development of balance bike riding and other new sports; if so, of the details; and

(5) whether the authorities will consider launching a trial/pilot scheme to open up the recreation and sports venues of public schools outside school hours for public use so as to help solve the problem of insufficient recreation and sports venues in local districts, thereby promoting the development of new sports?

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

(1) and (2)

Most of the venues of the Leisure and Cultural Services Department ("LCSD") can be used for various purposes to accommodate different sports and activities. Currently, different types of cycling facilities are provided for various cycling activities in 24 leisure venues of LCSD. Among the venues, 16 are available for balance bike riding. As the remaining 8 cycling facilities require users to possess a certain level of skills, they are not suitable for balance bike riding.

At present, LCSD has not established rules or guidelines specially for riding balance bikes, nor has any plan to provide dedicated venues for balance bike riding.

(3) To dovetail with sports development and meet the needs of the public, LCSD reviews from time to time the usage and the relevant conditions for use of its facilities and closely monitors the needs of the public. The roller skating rinks of LCSD are non-fee-charging leisure venues used by the public for roller skating from time to time. LCSD will, taking into account the actual situation, consider making individual venues with lower utilization available for booking by the public for other activities or altering the use of facilities for other sports and recreational purposes as and when required.
(4) Members of the public who ride balance bikes in venues available for balance bike riding under the management of LCSD are not required to take out third party liability insurance. Organizations which book other leisure venues of LCSD for balance bike riding are required to take out third party liability insurance in accordance with LCSD's requirements for application for non-designated use of leisure venues so as to offer basic protection to the organizers.

(5) It has been the Government's policy to encourage schools to open up their school facilities and hire out their school premises to social organizations as a means to foster collaboration between schools and the community. Starting from the 2017-2018 school year, the Education Bureau and the Home Affairs Bureau jointly launched the Opening up School Facilities for Promotion of Sports Development Scheme ("the Scheme"), to further encourage public sector schools to open up their school facilities during leisure time to sports associations for organizing sports activities, with a view to promoting a sporting culture in schools, encouraging students to develop a healthy sporting habit, and helping promote sports development. These sports activities are generally open for members of the public.

Since the implementation of the Scheme in the 2017-2018 school year, about 30 squad training programmes, young athletes training programmes and district sports activities have been conducted in 11 schools. The Education Bureau is currently inviting schools to submit the second round applications for this school year to encourage more schools to participate in the Scheme. Besides, the Education Bureau and the Home Affairs Bureau will collect views from participating schools and sports associations to further enhance the Scheme.

Protection of animal rights and welfare

12. **MS CLAUDIA MO** (in Chinese): *President, regarding the protection of animal rights and welfare, will the Government inform this Council:*
(1) as the Chief Executive has pledged on her official webpage of social media earlier on that she and her colleagues concerned will show more care about animal rights in future, how the Chief Executive and the relevant policy bureaux will honour the pledge;

(2) whether the Government will allocate additional resources to the relevant policy bureaux and government departments in next year's Budget for enhanced efforts to protect animal rights and welfare; if so, of the details; if not, the reasons for that;

(3) given that I have repeatedly suggested in the past the transfer of the policy area of protecting animal rights and welfare from the Food and Health Bureau to the Environment Bureau ("ENB"), so that ENB will take up the responsibility of drawing up all relevant policies on protecting animal rights and welfare, with a view to safeguarding biological diversity, as well as stepping up environmental conservation and sustainable development, whether discussions or studies in this regard have been undertaken within the Government; if so, of the details; if not, the reasons for that;

(4) of the number of measures on the protection of animal rights and welfare implemented by the authorities at present, and the details of such measures and the annual public expenditure involved;

(5) whether the authorities will examine expanding the scale of their current cooperation with community groups, in order to step up the efforts to protect animal rights and welfare; whether the authorities will invite and subsidize community groups to conduct studies and tests so as to make use of folk wisdom and adopt a bottom-up approach to put forward suggestions on protecting animal rights and welfare; if so, of the details; if not, the reasons for that;

(6) whether the authorities will consider specifying animal abandonment as an act of animal cruelty and raising the relevant penalties under the Prevention of Cruelty to Animals Ordinance (Cap. 169), with a view to curbing such acts; if so, of the details; if not, the reasons for that;
(7) given that in the reply to a question raised by a Member of this Council on the 22nd of last month, the authorities indicated that the review of covering cats and dogs in section 56 of the Road Traffic Ordinance (Cap. 374) was expected to be completed within next year, whether the authorities will expeditiously make public the proposed provisions, and when the relevant bill is expected to be introduced into this Council;

(8) whether the Agriculture, Fisheries and Conservation Department will consider allowing members of the public to adopt animals directly from its four animal management centres; if so, of the details; if not, the reasons for that; and

(9) given that under the existing "Temporary Permission Rule", public rental housing ("PRH") tenants may, upon obtaining the approval from the Housing Department ("HD"), continue to keep small dogs (i.e. of less than 20 kg in weight) which have already been kept in PRH units before 1 August 2003, whether HD will consider relaxing such requirement to allow other tenants to keep dogs; if so, of the details; if not, the reasons for that?

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, having consulted the relevant bureaux, my reply to the various parts of the question is as follows:

(1), (2) and (4)

The Government attaches great importance to animal welfare, and has been adopting a multi-pronged approach towards animal welfare and management, which includes:

(i) Strengthening public education: Public education is of utmost importance in safeguarding and promoting animal welfare. To this end, the Agriculture, Fisheries and Conservation Department ("AFCD") has established a dedicated team to devise and implement enhanced public education and publicity programmes to promote responsible pet ownership and proper
care for animals, advise against abandonment and needless surrendering of pets, and emphasize the need for dog licensing and rabies vaccination, as well as the benefits of neutering;

(ii) Handling and preventing acts of animal cruelty: AFCD, in conjunction with the Hong Kong Police Force ("the Police"), other relevant government departments and the Society for the Prevention of Cruelty to Animals ("SPCA"), have set up an inter-departmental special working group since 2011. The working group is committed to forging close cooperation and mutual support in handling animal cruelty cases, and improving the handling of reports or complaints on animal cruelty;

(iii) Proper control on animal trading: To further enhance animal health and welfare, the Government amended the Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139B) last year to better regulate animal trading, as well as dog breeding and trading activities. AFCD has been implementing the new licensing regime under the amended Regulations and taking enforcement actions against pet owners and traders in contravention of the relevant legislation;

(iv) Proper management of stray animals: The Government's policy objective is to ensure that animals and people co-exist in a harmonious way in Hong Kong. While safeguarding animal welfare, we also take appropriate measures to properly deal with the possible nuisance and public health problems caused by animals, especially the stray ones, with a view to safeguarding public hygiene and safety in Hong Kong. In this regard, AFCD has been assisting the animal welfare organizations concerned in implementing the trap-neuter-return trial scheme for stray dogs, as well as implementing a long term strategy for the management of stray cattle in collaboration with relevant animal welfare organizations and local communities, which includes trapping, neutering, returning or relocating stray cattle;
(v) Preventing and monitoring rabies: As rabies is a fatal disease that may be transmitted to humans from pets, AFCD has been implementing a comprehensive anti-rabies programme, with rabies vaccination for dogs being one of the key measures. Under the Rabies Regulations (Cap. 421A), the Animal Management Centres ("AMCs") of AFCD also provide dog keepers with licensing and microchipping services for dogs in order to monitor the population and health of dogs;

(vi) Fostering close partnership with animal welfare organizations: AFCD has been working in close collaboration with various animal welfare organizations, as well as providing them with technical and financial support for enhancing services on promoting animal welfare. Such collaborations include providing animal re-homing services; free neutering services for animals re-homed through the relevant animal welfare organizations; carrying out activities, seminars and exhibitions etc. relating to animal welfare and management; inviting representatives of animal welfare organizations to join the Animal Welfare Advisory Group of AFCD to offer views on animal welfare issues, such as management of stray animals, public education and drafting of guidelines, etc.; and

(vii) Implementing other relevant measures to enhance the promotion of animal welfare: AFCD commissioned a study in October this year to test the safety of pet food sold in the Hong Kong market, with a view to gaining better knowledge of the pet food available in the market and subsequently assessing whether the safety of pet food is a concern. The study is expected to be completed in three years.

To further enhance the protection of animal welfare, the Government has a new initiative in the Policy Agenda announced in October this year to study the existing legislation related to animal welfare and explore introducing a concept of positive duty of care on animal keepers into the legislation. In addition, AFCD will compile codes of practice on keeping different animals, such as dogs, cats, reptiles and small mammals, etc., to enhance public's knowledge on animal
keeping for the sake of safeguarding animal welfare. In the meantime, AFCD and the Police will join hands with SPCA and other animal welfare organizations concerned to investigate into and initiate prosecution against suspected animal cruelty cases.

In 2017-2018, AFCD has earmarked about $55 million for the said work, whilst the Budget for the next financial year is under preparation.

(3) In Hong Kong, matters related to animal welfare, conservation and biodiversity, etc. are governed by different ordinances. The Prevention of Cruelty to Animals Ordinance (Cap. 169) is the primary legislation for safeguarding animal welfare, which mainly relates to prohibiting and punishing acts of cruelty to animals, and imposing a duty of animal owners or keepers. On the other hand, the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) gives effect to the implementation of Convention on International Trade in Endangered Species of Wild Fauna and Flora in Hong Kong, which aims to ensure that, by means of effective inter-governmental efforts among the contracting parties, international trade would not affect the sustainable use of wild fauna and flora or render them becoming endangered or extinct. Animal welfare and the maintenance of biodiversity and conservation entail different considerations, and are under the purviews of the Food and Health Bureau and the Environment Bureau respectively. Currently, there is no plan to change the above policy division.

(5) AFCD has been collaborating with animal welfare organizations for years to enhance animal welfare and promote better animal management. Recognizing that most animal welfare organizations are non-profit making with limited resources, the Government has been providing subvention to animal welfare organizations in supporting their work. Since the inception of the subvention scheme in 2011, a total of 56 applications from 17 animal welfare organizations have been received by AFCD. AFCD welcomes and accepts suggestions from animal welfare organizations as appropriate. AFCD will continue to strengthen the collaboration with animal welfare organizations, and closely monitor the implementation of the subvention scheme.
(6) The Government last amended in 2006 the penalty level provided in the Prevention of Cruelty to Animals Ordinance ("the Ordinance") to substantially increase the maximum fine for offences against the prohibited acts under the Ordinance from $5,000 to $200,000 and the maximum imprisonment from six months to three years. We have made reference to the legislation related to animal cruelty in other countries/places and confirmed that the maximum penalty set out in the Ordinance is heavier than that in most of those places. Among the convicted cases under the Ordinance, depending on their circumstances and severity, the heaviest sentence handed down by the Court is imprisonment for 16 months. In a recent convicted case, the offender was sentenced to imprisonment for 12 months. Separately, according to the existing Rabies Ordinance (Cap. 421), a keeper of any animal who, without reasonable excuse, abandons that animal commits an offence and is liable to a maximum fine of $10,000 and maximum imprisonment for six months. When studying the existing legislation related to animal welfare, we will also review aspects of abandoned animals.

(7) The Government expects to complete the review on the suggestion to cover cats and dogs in section 56 of the Road Traffic Ordinance (Cap. 374) within 2018. We will, upon conclusion of the review, consider amending the relevant legislation and consult the Legislative Council in due course.

(8) Animal re-homing service involves the assessment of the suitability of a prospective adopter and the living environment for animal adoption, and the following up on whether the adopter has taken proper care of the animal. It is therefore more appropriate for non-profit-making animal welfare organizations which are armed with the relevant experience and adopter network to provide such service. At present, AFCD partners with a total of 19 animal welfare organizations in arranging re-homing for animals abandoned or surrendered. They are distributed in different districts of Hong Kong which provide people interested in adopting animals with a convenient way to do so. The four AMCs of AFCD are responsible for rabies control, animal quarantine and related law enforcement. The existing accommodation and supporting facilities of the AMCs have not catered for providing animal re-homing service.
(9) Dog keeping may affect environmental hygiene and create nuisance to tenants in densely populated public rental housing ("PRH") estates. Therefore, dog keeping is prohibited in PRH estates under the Hong Kong Housing Authority ("HA") except for (i) permitted dogs under the Temporary Permission Rule\(^{(1)}\) and (ii) service dogs\(^{(2)}\). HA's 2016 Public Housing Recurrent Survey collected opinions of about 5,000 public housing households on dog keeping in PRH estates. Findings of the survey revealed that the majority of the interviewees disagreed about relaxing the arrangements of dog keeping. Therefore, HA has no plan to relax the arrangement to allow normal tenants to keep dogs, so as to maintain a quiet and clean living environment in PRH estates.

\(^{(1)}\) The Subsidised Housing Committee of the Hong Kong Housing Authority endorsed the implementation of the one-off Temporary Permission Rule in 2003, allowing tenants to continue keeping small dogs which were already kept in PRH units before 1 August 2003 until the dogs' natural death.

\(^{(2)}\) Service dogs include guide dogs for visually impaired tenants and companion dogs for tenants who have strong special needs for mental support.

Funding for the Hospital Authority and its resource allocation for various hospital clusters

13. MR WU CHI-WAI (in Chinese): President, in the Policy Address she delivered in October this year, the Chief Executive indicated that the Government would adopt a new funding model to increase the recurrent funding for the Hospital Authority ("HA") progressively on a triennium basis, having regard to population growth rates and demographic changes. Regarding funding for HA and its allocation of resources to various hospital clusters ("clusters"), will the Government inform this Council:

(1) of the factors, apart from population growth rates and demographic changes, that the Government will consider in determining the amount of recurrent funding for HA in future; whether such factors include patient attendances, and the weightings of various factors; whether the aforesaid new funding model has fully considered the non-linear relationship between medical and health expenditure and age, so as to ensure that the amount of funding is sufficient in meeting the demand for medical services;
(2) as the Government indicated in the 2007-2008 Policy Address that it would increase the percentage of Government recurrent expenditure on medical and health services from the then 15% to 17% in 2011-2012, whether it has currently set an upper/lower limit or a target for such percentage; if so, of the details; if an upper limit has been set, whether it has plans to review such limit, and the measures to ensure that the recurrent funding for HA will still increase progressively even when the Government needs to formulate a deficit budget due to an economic downturn;

(3) whether it will set up a mechanism (such as establishing a stabilization fund for medical and health expenditure) so that medical and health expenditure need not decrease in tandem with reductions in Government recurrent expenditure, and may even increase at such times;

(4) whether it knows (i) the funding for, (ii) the population covered by, and (iii) the per capita medical expenditure of patients in, the various clusters in each of the past five years;

(5) whether it has studied if the new funding model can ameliorate the problem of uneven distribution of resources among the various clusters; of the measures put in place to ensure that HA will allocate resources based on the population growth rates and demographic changes in the clusters; and

(6) whether it has estimated the changes in (i) population and (ii) population aged 65 or above in various clusters in the coming decade; if so, of the details, and whether it knows how HA will adjust its resource allocation work in response to such changes?

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, my reply to the various parts of the question raised by Mr WU Chi-wai is as follows:

(1) The model adopted by the Government and the Hospital Authority ("HA") in estimating the overall operating expenditure of public hospitals and the funding required is based on the population of Hong Kong, taking into account factors such as the overall demographic and age distribution, the burden of chronic diseases on
different population groups, and the increase in service costs as a result of changes in modes of service delivery with the introduction of advanced medical technology.

(2) and (3)

The Government has devoted substantial resources to medical and health services. In determining the level of funding for public health care services, the Government will take into account a number of factors including the population growth and ageing of population in Hong Kong, the demand for public health care services, the need for service enhancement and the Government’s overall fiscal position. The Government will continue to maintain close liaison with stakeholders including HA in its overall consideration of the funding for medical and health services.

(4) Internal resources allocation within HA are generally determined by HA. The table below sets out the recurrent budget allocation for each cluster of HA in the past five years:

<table>
<thead>
<tr>
<th>Year</th>
<th>HKEC</th>
<th>HKWC</th>
<th>KCC</th>
<th>KEC</th>
<th>KWC</th>
<th>NTEC</th>
<th>NTWC</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012-2013</td>
<td>4.39</td>
<td>4.53</td>
<td>5.47</td>
<td>4.12</td>
<td>9.00</td>
<td>6.49</td>
<td>5.20</td>
</tr>
<tr>
<td>2013-2014</td>
<td>4.63</td>
<td>4.80</td>
<td>5.84</td>
<td>4.49</td>
<td>9.72</td>
<td>6.91</td>
<td>5.56</td>
</tr>
<tr>
<td>2014-2015</td>
<td>5.01</td>
<td>5.17</td>
<td>6.25</td>
<td>4.94</td>
<td>10.65</td>
<td>7.44</td>
<td>6.08</td>
</tr>
<tr>
<td>2015-2016</td>
<td>5.37</td>
<td>5.56</td>
<td>6.65</td>
<td>5.28</td>
<td>11.46</td>
<td>8.13</td>
<td>6.71</td>
</tr>
<tr>
<td>2016-2017</td>
<td>5.63</td>
<td>5.89</td>
<td>7.10</td>
<td>5.66</td>
<td>12.06</td>
<td>8.62</td>
<td>7.27</td>
</tr>
</tbody>
</table>

Abbreviations:

HKEC—Hong Kong East Cluster
HKWC—Hong Kong West Cluster
KCC—Kowloon Central Cluster
KEC—Kowloon East Cluster
KWC—Kowloon West Cluster
NTEC—New Territories East Cluster
NTWC—New Territories West Cluster

The recurrent budget allocation as shown in the table above represents the funding allocated to clusters for supporting their daily operational needs, such as staff costs, drug expenditure, medical supplies, utilities charges, etc. On top of the recurrent budget allocation, each cluster has other incomes, such as fees and charges.
collected from patients for health care services rendered, which will also contribute to supporting the cluster's day-to-day operation. Capital budget allocation such as those for capital works projects, major equipment acquisition, and corporate-wide information technology development projects is not included in the above table.

"Per capita medical expenditure" is calculated by dividing the total health care expenditure (including the expenditure for the public and private sectors) of an economy (a country or a region) by its overall population. It is used to compare the overall medical expenditure of different economies, and is not directly comparable at the cluster level.

(5) The model mentioned in part (1) of this reply, hereinafter referred as the basic model, is applicable to the global recurrent allocation of the Government's funding to HA. Regarding the resource allocation exercise within HA, HA followed the recommendation of the Steering Committee on Review of HA in 2015 and commissioned the School of Public Health and Primary Care of the Chinese University of Hong Kong to help develop a refined population-based model ("refined model"). Building on the basic model which is used to assess the overall changes in public health care needs of the Hong Kong population, the refined model takes into account additional factors affecting the health care service utilization pattern of the public so as to analyse the health care needs of the local population and project the service demand in various clusters, and therefore provide reference information for resource allocation exercise in HA.

The refined model was built using local population data. Apart from demographic and age distribution figures, the refined model also takes into account other factors affecting health care service utilization (such as the socio-economic situation, distance to the facilities and service supply in the locality) and cross-cluster flow of patients, with a view to projecting the service utilization and loading in different clusters. To assure a like-with-like comparison between the resources available to and the core services provided by different clusters, the refined model also takes into consideration the impacts of 13 designated services to individual clusters. For example, most organ transplantation services are provided by the Queen Mary Hospital. Starting with the 2018-2019 planning cycle,
the refined model along with other relevant factors (such as the strategic priorities, service directions and implementation timetable of HA) would be considered comprehensively for service and capacity in short and longer terms, which would in turn inform resource allocation to clusters.

In response to the concern as to whether the resources allocated to the clusters are commensurate with their workloads, HA has analysed the resources and scale of utilization of each cluster in the four years from 2012-2013 to 2015-2016. The results show that, with the exclusion of the designated services and after adjustment for case mix differences among the clusters, each cluster's resources are fairly commensurate with its scale of services, with a deviation gap not exceeding ±0.5%. It indicates that under the current service planning and budgeting mechanism, the clusters' expenditures are broadly comparable with respect to their scale of services.

(6) The projected population by hospital clusters in 2017 and 2024 is set out in the following tables.

Projected population in 2017 (as at mid-2017)

<table>
<thead>
<tr>
<th>District</th>
<th>Corresponding hospital cluster</th>
<th>Total population</th>
<th>Population aged 65 or above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern, Wan Chai, Islands (excluding Lantau Island)</td>
<td>Hong Kong East</td>
<td>762 900</td>
<td>153 400</td>
</tr>
<tr>
<td>Central and Western, Southern</td>
<td>Hong Kong West</td>
<td>521 200</td>
<td>94 800</td>
</tr>
<tr>
<td>Kowloon City, Wong Tai Sin, Yau Tsim Mong</td>
<td>Kowloon Central</td>
<td>1 159 700</td>
<td>220 000</td>
</tr>
<tr>
<td>Kwun Tong, Sai Kung</td>
<td>Kowloon East</td>
<td>1 138 100</td>
<td>177 600</td>
</tr>
<tr>
<td>Sham Shui Po, Kwai Tsing, Tsuen Wan, Lantau Island</td>
<td>Kowloon West</td>
<td>1 350 400</td>
<td>234 400</td>
</tr>
<tr>
<td>Sha Tin, Tai Po, North</td>
<td>New Territories East</td>
<td>1 328 000</td>
<td>194 400</td>
</tr>
<tr>
<td>Tuen Mun, Yuen Long</td>
<td>New Territories West</td>
<td>1 150 300</td>
<td>148 600</td>
</tr>
<tr>
<td>Overall Hong Kong</td>
<td></td>
<td>7 411 300</td>
<td>1 223 400</td>
</tr>
</tbody>
</table>
Projected population in 2024 (as at mid-2024)

<table>
<thead>
<tr>
<th>District</th>
<th>Corresponding hospital cluster</th>
<th>Total population</th>
<th>Population aged 65 or above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern, Wan Chai, Islands (excluding Lantau Island)</td>
<td>Hong Kong East</td>
<td>708 600</td>
<td>198 200</td>
</tr>
<tr>
<td>Central and Western, Southern</td>
<td>Hong Kong West</td>
<td>515 400</td>
<td>125 300</td>
</tr>
<tr>
<td>Kowloon City, Wong Tai Sin, Yau Tsim Mong</td>
<td>Kowloon Central</td>
<td>1 180 700</td>
<td>279 500</td>
</tr>
<tr>
<td>Kwun Tong, Sai Kung</td>
<td>Kowloon East</td>
<td>1 221 500</td>
<td>239 900</td>
</tr>
<tr>
<td>Sham Shui Po, Kwai Tsing, Tsuen Wan, Lantau Island</td>
<td>Kowloon West</td>
<td>1 406 900</td>
<td>309 600</td>
</tr>
<tr>
<td>Sha Tin, Tai Po, North</td>
<td>New Territories East</td>
<td>1 480 600</td>
<td>300 100</td>
</tr>
<tr>
<td>Tuen Mun, Yuen Long</td>
<td>New Territories West</td>
<td>1 241 300</td>
<td>230 800</td>
</tr>
<tr>
<td>Overall Hong Kong</td>
<td></td>
<td>7 755 800</td>
<td>1 683 400</td>
</tr>
</tbody>
</table>

Notes:

(1) The projected population figures are calculated based on the data of the Projections of Population Distribution 2015-2024 of the Planning Department. Individual figures may not add up to the total due to rounding and inclusion of marine population.

(2) Wong Tai Sin District and Mong Kok areas have been re-delineated from Kowloon West Cluster ("KWC") to Kowloon Central Cluster ("KCC") since 1 December 2016. The service units in the concerned communities have therefore been re-delineated from KWC to KCC to support the new KCC catchment districts with effect from the same date. As a transitional arrangement, reports on services/manpower statistics and financial information will continue to be based on the previous clustering arrangement (i.e. concerned service units still under KWC) until 31 March 2017. Reports in accordance with the new clustering arrangement (i.e. concerned service units grouped under KCC) will start from 1 April 2017.

In the course of planning hospital services and facilities, HA has taken into account a number of factors including the projected demand for health care services having regard to population growth and demographic changes in all districts, the increased incidence of
chronic diseases, possible changes in health care service utilization pattern, and organization of services of the clusters and hospitals. HA will continue to regularly monitor the utilization rate and demand trend of each health care service, re-organize the delivery mode of hospital services, and undertake hospital development projects and other suitable measures to ensure that the services provided can meet the public needs.

Protection for Hong Kong people buying overseas properties

14. **MR JAMES TO** (in Chinese): President, since 2015, I have received requests for assistance from quite a number of members of the public who said that they had, at the property fairs held in Hong Kong or on referrals of friends, purchased uncompleted housing units in more than 25 development projects located in countries such as the United Kingdom, the United States, Thailand, etc. through Hong Kong's licensed estate agents or unlicensed salespersons, but all the projects concerned had subsequently gone "failed". As the developers concerned had also been ordered to be wound up, they were not only unable to recover their monetary losses, but might even have to bear further financial obligations in respect of such property transactions. In this connection, will the Government inform this Council:

(1) of the respective numbers of requests for assistance or complaints, received since January 2015 by (i) the Commercial Crime Bureau of the Hong Kong Police Force, (ii) the police stations in various police districts, (iii) the Securities and Futures Commission ("SFC"), (iv) the Customs and Excise Department ("C&ED"), and (v) the Estate Agents Authority ("EAA"), about Hong Kong people suffering losses from the purchase of overseas properties in Hong Kong; the respective numbers of Hong Kong people, countries, development projects, licensed estate agents and unlicensed salespersons involved in such cases;

(2) whether the Police have passed on the requests for assistance or complaints they received to the Commercial Crime Bureau for centralized handling and for investigating whether the persons concerned committed, in the course of the sale of properties, the relevant offences of fraud or provision of false information, etc.; if not, whether the Police will make such an arrangement in future;
(3) whether it knows if SFC has investigated whether the requests for assistance or complaints it received involved sales arrangements inviting members of the public to participate in collective investment schemes that are subject to regulation by the Securities and Futures Ordinance ("SFO") (Cap. 571) and related unlawful acts; if SFC has, of the number of such cases uncovered and the relevant law enforcement actions taken by SFC, and whether SFC has punished the persons concerned (e.g. revoking licences issued to them under Cap. 571);

(4) whether the act of selling overseas properties in Hong Kong is subject to regulation by the Trade Descriptions Ordinance (Cap. 362); if so, whether C&ED will proactively send staff to conduct inspections at overseas property fairs held in Hong Kong to see if the unfair trade practices caught by Cap. 362 are employed in the sale of properties;

(5) whether it knows if EAA has carried out any investigation to ascertain if the requests for assistance or complaints it received involved estate agent licensees' failure to observe or comply with the Code of Ethics and practice circulars issued by EAA; if such investigation has been conducted and the results show that such situation does exist, of the number of the licensees concerned and the punishments imposed on them for that;

(6) given that EAA is preparing the issue of a set of guidelines by the end of this year on the sale of non-local residential properties in Hong Kong, whether it knows if salespersons who are not estate agent licensees will be subject to regulation by the guidelines; if not, whether the authorities will consider regulating the sale of overseas properties in Hong Kong by such type of persons through other means (e.g. enacting legislation); if so, when such legislation will be enacted; if such legislation will not be enacted, of the means that will be employed to regulate the sale of overseas properties in Hong Kong by such type of persons; and

(7) whether it knows if the overseas Hong Kong Economic and Trade Offices and the Chinese Diplomatic and Consular Missions abroad have received complaints lodged by members of the public in Hong
Kong concerning the development projects in the countries concerned that have gone "failed" after they have purchased in Hong Kong the properties of such projects; if they have, of the follow-up work and the outcome?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, having consulted the Security Bureau, the Financial Services and the Treasury Bureau, the Commerce and Economic Development Bureau, the Constitutional and Mainland Affairs Bureau and the Estate Agents Authority ("EAA"), I set out my consolidated reply to various parts of the question raised by Mr James TO as follows:

(1) From January 2015 to November 2017, the Police handled a total of three cases involving 156 complainants who alleged to have been cheated when purchasing overseas properties through property sale agents or intermediaries. The three cases involved 19 property development projects in Japan, the United Kingdom and the United States; and a property agent and two real estate intermediaries.

During the above mentioned period, the Customs and Excise Department ("C&ED") received 15 complaints (involving 15 complainants) that relate to purchase of overseas properties, and most complaints involved allegations of false trade description practices. The complaints involved 15 residential property development projects located in Australia, Japan, Malaysia, Thailand, the United Kingdom and the United States; and four licensed estate agents and 11 non-licensed salespersons.

During the same period, EAA received 32 complaints (involving 34 complainants) against licensed estate agents in handling the sale of overseas properties. The complaints involved 19 residential property development projects in Australia, Japan, the United Kingdom and the United States; and 17 licensed estate agents and 15 non-licensed salespersons.

The Securities and Futures Commission ("SFC") does not maintain the statistics described in the question.
(2) In general, the Police will, after taking into account factors such as the location, nature, complexity and severity of the cases, consider referring a case to an appropriate investigation unit for handling. For cases involving the same suspect or agency, the Police will, in light of the relevant circumstances, consider making consolidated investigation. Should the case involve cross-boundary elements, the Police will exchange intelligence with and seek assistance from relevant overseas law enforcement agencies.

For the cases mentioned in part (1) above, the case involving the property development project in Japan has been assigned to the criminal investigation unit of the relevant police district for handling, while the remaining two cases involving the property development projects in the United Kingdom and the United States have been assigned to the Commercial Crime Bureau for handling.

(3) SFC has in place a set of established procedures for processing requests for assistance and complaints, including those involving sales arrangements of collective investment schemes ("CIS"); and will carefully assess cases that it has received. To determine whether an investment constitutes a CIS, it is necessary to consider the facts and circumstances of each case carefully. Whilst SFC does not comment on its investigations in public, it will publish an announcement if enforcement action is taken and/or penalties are imposed (if any) following its investigations.

(4) According to the section (2) of the Trade Descriptions Ordinance (Cap. 362) ("the Ordinance"), immovable property is itself not a product (because it is not goods) and therefore the Ordinance does not apply to it. However, a service supplied in relation to immovable property may be a product which may be regulated under the Ordinance. As far as service is concerned, the Ordinance does not apply to commercial practices engaged by an exempt person acting in the capacity of a professional listed in Schedule 3 to the Ordinance, including licensed estate agents/salespersons defined by section 2(1) of the Estate Agents Ordinance (Cap. 511). The Ordinance, which covers services provided by traders in general, prohibits unfair trade practices such as "false trade descriptions" (including a false trade description made by whatever means and in whatever form, e.g. paper, verbal and advertisement), and
"misleading omissions" (including omitting or hiding material information, or providing material information in a manner that is unclear, unintelligible, ambiguous or untimely). Referring to the 15 complaints received by C&ED as mentioned in part (1) above, C&ED has completed investigation of 11 cases with no offence under the Ordinance detected, and referred the remaining 4 cases to relevant regulatory bodies for follow-up. C&ED have all along been proactively handling complaints concerning alleged incompliance with the Ordinance, reviewing the complaints received and taking appropriate follow-up actions. C&ED also conducts patrols when necessary and promotes compliance among traders.

(5) and (6)

In pursuant to the Estate Agents (Exemption and Licensing) Order (Cap. 511B), a person shall be exempted from the requirement for obtaining an estate agent's licence if he handles exclusively properties outside Hong Kong; and states in all his documents (including pamphlets and brochures, etc.) and advertisement that he is not licensed to deal with any property situated in Hong Kong. However, if the concerned company or individual performs estate agency work for properties both within Hong Kong and outside Hong Kong, one should have obtained licence issued by EAA and should be regulated by EAA.

If a licensed estate agent/salesperson is suspected of breaching the Code of Ethics ("the Code") and practice circulars issued by EAA in the course of the sale of properties, regardless of whether the properties concerned are Hong Kong properties or not, EAA will investigate the matter. Regarding the complaints received by EAA as mentioned in part (1) above, 17 licensed estate agents were involved and some of the cases are still under investigation. As of now, there is no case that is found to be incompliance with the Code and practice circulars.

EAA is in the course of preparing a set of guidelines for issue later this year to remind estate agent licensees of the matters they need to comply with and pay attention to in handling the sale of uncompleted properties situated outside Hong Kong. If the licensees breach the guidelines, they may be subject to disciplinary action.
Regulation of sale of non-local properties in Hong Kong involves complicated issues and requires careful deliberation. Indeed, there may be substantial difference between the sale of properties situated outside Hong Kong and those located in Hong Kong from both the perspectives of market operation and conduct regulation. Besides, as sale of non-local properties involves laws and regulations and tax regimes of different jurisdictions, as well as various stakeholders (e.g. non-local developers, intermediaries and agents), the issues concerned are rather complicated and extensive. In addition, with the advancement of information technology, vendors of non-local properties can now carry out sale and promotional activities easily through the Internet, thereby increasing difficulties in law enforcement.

In light of the above, the Government considers that enhancing public education, with a view to reminding investors and the public alike the risks involved and the issues that they need to pay attention to in purchasing non-local properties (especially uncompleted properties), should be a more effective way. The Government will pay close attention to the situation and take appropriate measures as and when necessary.

(7) Since 2015, among the 12 overseas Economic and Trade Offices ("ETO") of the Hong Kong Special Administrative Region ("HKSAR") Government, only the London ETO received a total of two enquiries about the purchase of uncompleted properties in the United Kingdom by Hong Kong people. ETO provided to the enquirers relevant information of the organizations which may be of assistance. It does not have information about the follow-up.

The HKSAR Government does not possess information on cases which may be received by Chinese Embassies or Consulates in foreign countries on Hong Kong residents after purchasing properties in those foreign countries encountering problems arising from those properties.
Information on housing sites

15. MR ANDREW WAN (in Chinese): President, regarding information on housing sites, will the Government inform this Council:

(1) in respect of the 215 sites with housing development potential in the short to medium term identified by the Government in the past several years, of the area of each site and the respective numbers of public and/or private housing flats that can be constructed on each site, and mark the location of each site on the map of the District Council district to which it belongs; and

(2) in respect of each of the housing sites for which the resumption procedure undertaken by the authorities under the Lands Resumption Ordinance (Cap. 124) was completed last year or is in progress, whether it knows (i) its location, (ii) the current number of residents in it and (iii) which of the following describes its present situation (and provide the relevant information):

(a) the freezing survey has not yet conducted;

(b) the freezing survey is in progress;

(c) the freezing survey has been completed;

(d) the households concerned have been rehoused and compensated (and the total amount of compensation involved for each site); and

(e) others (please specify)?

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

(1) The location maps of the over 210 potential housing sites in the short to medium term identified through the land use review, by District Councils, are at Annex 1. Among them, 103 sites are already allocated or rezoned for housing development and their relevant
information including land area and flat number are set out at Annex 2. As for the remaining sites, subject to completion of technical studies, we will consult the District Councils and relevant stakeholders on the rezoning proposals, setting out the relevant development details including land area and flat number, in accordance with the established procedures prior to submitting the proposals for the Town Planning Board's consideration.

(2) In 2016, there were three projects for which land resumption and clearance under the Lands Resumption Ordinance (Cap. 124) had been completed for public housing development, namely, (i) "Public Housing Development at Fo Tan in Area 16 and Area 58D, Sha Tin—Phase 2"; (ii) "Public Housing Development near Po Tong Ha in Area 54, Tuen Mun"; and (iii) "Public Housing and Community Facilities Development near Siu Hang Tsuen in Area 54, Tuen Mun".

The freezing surveys for those three projects had been conducted before the completion of land resumption and clearance. The situation of concerned households and the total amount of compensation paid as of now are tabulated below:

<table>
<thead>
<tr>
<th>Project</th>
<th>Number of households affected (Number of household members)</th>
<th>Number of households rehoused (Number of household members)</th>
<th>Number of households receiving ex-gratia allowance (Number of household members)</th>
<th>Number of the remaining households moving out (Number of household members)</th>
<th>Total amount of compensation paid (million) (about)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Housing Development at Fo Tan in Area 16 and Area 58D, Sha Tin—Phase 2</td>
<td>7 (14)</td>
<td>5 (11)</td>
<td>2 (3)</td>
<td>Not applicable</td>
<td>$13.794</td>
</tr>
<tr>
<td>Project</td>
<td>Number of households affected (Number of household members)</td>
<td>Number of households rehoused (Number of household members)</td>
<td>Number of households receiving ex-gratia allowance (Number of household members)</td>
<td>Number of the remaining households moving out (Number of household members)</td>
<td>Total amount of compensation paid (million) (about)</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------</td>
<td>-------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>Public Housing Development near Po Tong Ha in Area 54, Tuen Mun</td>
<td>72 (138)</td>
<td>45 (84)</td>
<td>2 (3)</td>
<td>25 (51)</td>
<td>$59.122</td>
</tr>
<tr>
<td>Public Housing and Community Facilities Development near Siu Hang Tsuen in Area 54, Tuen Mun</td>
<td>174 (297)</td>
<td>86 (141)</td>
<td>17 (29)</td>
<td>71 (127)</td>
<td>$576.305</td>
</tr>
</tbody>
</table>

Notes:

(1) Including households ineligible for rehousing or compensation and households whose eligibility is to be ascertained

(2) Including any cash compensation paid for land resumption and clearance and not limited to ex-gratia allowance for households in the fourth column

Separately, "Wang Chau Phase 1 Public Housing Development" is a current ongoing project involving land resumption and clearance under the Lands Resumption Ordinance (Cap. 124) for public housing development. The freezing survey for this project was conducted in 2015 and about 180 households (some 400 persons) were registered. The eligibility of individual households for rehousing and claims of ex-gratia allowance is pending vetting. As of now, eight households have already been allocated with public housing units, while another four households, after vetting, are found eligible for public housing and flat allocation by the Housing Department is underway.
### Annex 2

103 potential housing sites completed with rezoning/allocated for residential use

<table>
<thead>
<tr>
<th>District</th>
<th>Location</th>
<th>Original Zoning</th>
<th>Housing Type</th>
<th>Site Area (in hectare)(1)</th>
<th>Flat Number (1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern</td>
<td>Junction of Chai Wan Road, Wing Ping Street and San Ha Street, Chai Wan</td>
<td>O</td>
<td>Public</td>
<td>0.33</td>
<td>800</td>
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<td>Java Road, North Point</td>
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<td><strong>Total:</strong> 2 sites (Total Number of Flats: about 1 040)</td>
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<tr>
<td>Southern</td>
<td>Junction of Shouson Hill Road West and Wong Chuk Hang Path, Shouson Hill</td>
<td>G/IC</td>
<td>Private</td>
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<td>West of Wong Ma Kok Road (near Regalia Bay), Stanley</td>
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<td>Lee Nam Road, Ap Lei Chau</td>
<td>OU</td>
<td>Private</td>
<td>1.18</td>
<td>1 416</td>
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<td><strong>Total:</strong> 3 sites (Total Number of Flats: about 1 660)</td>
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<tr>
<td>Kowloon City</td>
<td>Sheung Shing Street, Ho Man Tin</td>
<td>O</td>
<td>Private</td>
<td>0.91</td>
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<tr>
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<td>Mok Cheong Street, Ma Tau Kok</td>
<td>CDA</td>
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<td><strong>Total:</strong> 2 sites (Total Number of Flats: about 1 510)</td>
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<tr>
<td>Kwun Tong</td>
<td>Junction of Ko Chiu Road and Pik Wan Road, Yau Tong</td>
<td>G/IC</td>
<td>Public</td>
<td>0.72</td>
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<td>Lei Yue Mun Path, Lei Yue Mun</td>
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<td>Sau Ming Road, Kwun Tong</td>
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### District Location

<table>
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<tr>
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<th>Zoning</th>
<th>Housing Type</th>
<th>Site Area (in hectare)</th>
<th>Flat Number</th>
</tr>
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<tbody>
<tr>
<td>Junction of Shung Shun Street and Yan Yue Wai, Yau Tong</td>
<td>CDA</td>
<td>Private</td>
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<tr>
<td>Hiu Ming Street/Hiu Kwong Street, Kwun Tong</td>
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<td>1 080</td>
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<tr>
<td>Ko Chiu Road, Yau Tong</td>
<td>G/IC</td>
<td>Private</td>
<td>0.37</td>
<td>500</td>
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<td>Yan Wing Street (near Lei Yue Mun Estate), Yau Tong</td>
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<td>2 400</td>
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<tr>
<td>Ex-Cha Kwo Ling Kaoline Mine Site (private housing)</td>
<td>R(A)4, G/IC, O</td>
<td>Private</td>
<td>2.91</td>
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<td>Ex-Cha Kwo Ling Kaoline Mine Site (public housing)</td>
<td>R(A)4</td>
<td>Public</td>
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<td>300</td>
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<tr>
<td>Public Transport Interchange near Kwong Tin Estate, Lam Tin (2)</td>
<td>R(A)</td>
<td>To be Confirmed</td>
<td>To be Confirmed</td>
<td>To be Confirmed</td>
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<tr>
<td>Public Transport Interchange near Lam Tin Estate, Lam Tin (2)</td>
<td>R(A)</td>
<td>To be Confirmed</td>
<td>To be Confirmed</td>
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<tr>
<td>Total: 11 sites (Total Number of Flats: about 8 270)</td>
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### Sham Shui Po

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<th>Site Area (in hectare)</th>
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<tbody>
<tr>
<td>Junction of Fuk Wa Street/Fuk Wing Street (East of Camp Street), Sham Shui Po</td>
<td>G/IC, R(A)7</td>
<td>Private</td>
<td>0.31</td>
<td>475</td>
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<tr>
<td>Junction of Fat Tseung Street West and Sham Mong Road, Sham Shui Po</td>
<td>G/IC, O</td>
<td>Public</td>
<td>0.62</td>
<td>800</td>
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<tr>
<td>North of Yin Ping Road, Tai Wo Ping</td>
<td>GB</td>
<td>Private</td>
<td>2.04</td>
<td>980</td>
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<tr>
<td>Total: 3 sites (Total Number of Flats: about 2 260)</td>
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<td></td>
<td></td>
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<td>District</td>
<td>Location</td>
<td>Original Zoning</td>
<td>Housing Type</td>
<td>Site Area (in hectare)(1)</td>
</tr>
<tr>
<td>----------</td>
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<td>--------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td>Kwai Tsing</td>
<td>Sai Shan Road, Tsing Yi (previously known as Near Mayfair Garden)</td>
<td>GB</td>
<td>Private</td>
<td>0.62</td>
</tr>
<tr>
<td></td>
<td>Near Cheung Wang Estate, Tsing Yi</td>
<td>GB, R(A)</td>
<td>Private</td>
<td>0.14</td>
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<tr>
<td></td>
<td>Junction of Tsing Yi Road and Tsing Hung Road, Area 22B, Tsing Yi</td>
<td>O</td>
<td>Public</td>
<td>2.29</td>
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<tr>
<td></td>
<td>Public Transport Interchange near Lai Yiu Estate, Kwai Chung(2)</td>
<td>R(A)</td>
<td>To be confirmed</td>
<td>To be confirmed</td>
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<tr>
<td></td>
<td>Public Transport Interchange near Cheung Ching Estate, Tsing Yi (situated within Ching Hong Road North project Phase 3)(2)</td>
<td>R(A)</td>
<td>Public</td>
<td>0.35 (Ching Hong Road North Phase 3)</td>
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<tr>
<td>Tsuen Wan</td>
<td>Tsing Lung Tau, Sham Tseng, Tsuen Wan</td>
<td>U</td>
<td>Private</td>
<td>0.49</td>
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<tr>
<td></td>
<td>Sha Tsui Road, Tsuen Wan</td>
<td>I</td>
<td>Public</td>
<td>1.02</td>
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<tr>
<td></td>
<td>Four &quot;CDA&quot; sites between Sha Tsui Road and Yueng Uk Road, Tsuen Wan</td>
<td>I</td>
<td>Private</td>
<td>3.61</td>
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<tr>
<td>Islands</td>
<td>Ex-Peng Chau Chi Yan Public School (northern portion), Peng Chau</td>
<td>G/IC</td>
<td>Private</td>
<td>0.16</td>
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</table>

Total: 5 sites (Total Number of Flats: about 5 370)

Total: 6 sites (Total Number of Flats: about 4 700)
<table>
<thead>
<tr>
<th>District</th>
<th>Location</th>
<th>Original Zoning</th>
<th>Housing Type</th>
<th>Site Area (in hectare)</th>
<th>Flat Number</th>
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</thead>
<tbody>
<tr>
<td></td>
<td><em>Ngan Kwong Wan Road West, Mui Wo</em></td>
<td>G/IC</td>
<td>Public</td>
<td>0.77</td>
<td>500</td>
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<tr>
<td></td>
<td><em>Near Shan Ha, Tung Chung Road, Area 27, Tung Chung</em></td>
<td>G/IC</td>
<td>Public</td>
<td>0.92</td>
<td>1200</td>
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<td><strong>Total: 3 sites (Total Number of Flats: about 1720)</strong></td>
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<tr>
<td>Sai Kung</td>
<td><em>Junction of Pik Sha Road &amp; Clear Water Bay Road</em></td>
<td>GB</td>
<td>Private</td>
<td>0.13</td>
<td>4</td>
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<tr>
<td></td>
<td><em>Tui Min Hoi, Hong Kin Road, Sai Kung</em></td>
<td>G/IC</td>
<td>Private</td>
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<tr>
<td></td>
<td><em>Hong Tsuen Road, Sai Kung Tuk</em></td>
<td>G/IC(4)</td>
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<td></td>
<td><em>Anderson Road Quarry</em></td>
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<td>Private</td>
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<td></td>
<td><em>Anderson Road Quarry (upper quarry site)</em></td>
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<td><strong>Total: 5 sites (Total Number of Flats: about 9790)</strong></td>
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<tr>
<td>Sha Tin</td>
<td><em>Pik Tin Street, Area 4D, Sha Tin</em></td>
<td>R(B)</td>
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<tr>
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<td><em>Mei Tin Estate, Area 4C, Sha Tin</em></td>
<td>R(A)</td>
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<td><em>Whitehead, Ma On Shan</em></td>
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<tr>
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<td><em>Shui Chuen O, Shatin</em></td>
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<td>11123</td>
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<td></td>
<td><em>&quot;R(B)3&quot; site at Hang Kwong Street, Ma On Shan</em></td>
<td>G/IC</td>
<td>Private</td>
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<td>178</td>
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<tr>
<td></td>
<td><em>Ma Kam Street, Ma On Shan</em></td>
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<td>Private</td>
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<tr>
<td>District</td>
<td>Location</td>
<td>Original Zoning</td>
<td>Housing Type</td>
<td>Site Area (in hectare)(^{(1)})</td>
<td>Flat Number(^{(1)})</td>
</tr>
<tr>
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<td>----------</td>
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<td>--------------</td>
<td>-------------------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>Kwei Tei Street, Fo Tan</td>
<td>I, GB, River Channel</td>
<td>Public</td>
<td>4.09</td>
<td>4 850</td>
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<tr>
<td>Wo Sheung Tun Street, Fo Tan</td>
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<td>Public</td>
<td>0.86</td>
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<td>Lok Wo Sha Lane, Area 111, Ma On Shan</td>
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<td>Au Pui Wan Street, Area 16B, Fo Tan</td>
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<td>North of Tai Po Road near Garden Villa, Tai Wai</td>
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<tr>
<td>North of To Shek Service Reservoir, Sha Tin</td>
<td>GB</td>
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<td>680</td>
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<td>Junction of Hang Kin Street and Hang Ming Street, Area 90B, Ma On Shan</td>
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<td>Ma On Shan Road (Northern Portion)</td>
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<tr>
<td>Ma On Shan Road (Southern Portion)</td>
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<td>North of Lai Ping Road near Yung Ping Path, Kau To</td>
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<td>Hang Tai Road, Area 86B, Ma On Shan</td>
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Total: 18 sites (Total Number of Flats: about 26 170)
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<th>Housing Type</th>
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<th>Flat Number(^{(1)})</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tai Po</td>
<td>Pak Shek Kok, Tai Po</td>
<td>REC</td>
<td>Private</td>
<td>3.80</td>
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<tr>
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<td>Site 1A, Junction of Fo Chun Road and Pok Yin Road, Pak Shek Kok, Tai Po</td>
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<td>3 380</td>
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<td>Site 1B, Fo Chun Road, Pak Shek Kok, Tai Po</td>
<td>OU (Science Park)</td>
<td>Private</td>
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<td>Site 1C, Chong San Road, Pak Shek Kok, Tai Po</td>
<td>OU (Science Park)</td>
<td>Private</td>
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<td>Site 1D, Fo Yin Road, Pak Shek Kok, Tai Po</td>
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<td>Lo Fai Road (Eastern Portion)</td>
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<td>4.13</td>
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<tr>
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<td>Lo Fai Road (Western Portion)</td>
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<td>R(C)</td>
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Total: 13 sites (Total Number of Flats: about 15 640)
<table>
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<th>Original Zoning</th>
<th>Housing Type</th>
<th>Site Area (in hectare)</th>
<th>Flat Number</th>
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</thead>
<tbody>
<tr>
<td>North</td>
<td>Ex-Kin Tak Public School, Kwu Tung South</td>
<td>G/IC, AGR</td>
<td>Private</td>
<td>0.64</td>
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<td></td>
<td>Choi Yuen Road, Fanling Area 27</td>
<td>G/IC, O</td>
<td>Public</td>
<td>1.24</td>
<td>1 160</td>
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<tr>
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<td>South of Yung Shing Court, Fanling Area 49</td>
<td>G/IC, GB</td>
<td>Public</td>
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<td>780</td>
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<td>Queen's Hill (public housing), Lung Yeuk Tau</td>
<td>G/IC(2)</td>
<td>Public</td>
<td>13.77</td>
<td>12 000</td>
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<td>Queen's Hill (private housing), Lung Yeuk Tau</td>
<td>G/IC</td>
<td>Private</td>
<td>3.97</td>
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<td>G/IC</td>
<td>Public</td>
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<td>Area 48, Fanling/Sheung Shui</td>
<td>I, GB</td>
<td>Public</td>
<td>4</td>
<td>4 000</td>
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<td><strong>Total: 7 sites (Total Number of Flats: about 21 350)</strong></td>
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<tr>
<td>Tuen Mun</td>
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<td>R(A)</td>
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<td>0.22</td>
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<td>East of So Kwun Wat Road, Area 56, Tuen Mun</td>
<td>G/IC, O</td>
<td>Private</td>
<td>2.68</td>
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<td>West of So Kwun Wat Road, Area 56, Tuen Mun</td>
<td>G/IC</td>
<td>Private</td>
<td>0.75</td>
<td>390</td>
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<tr>
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<td>Tsun Wen Road, Tuen Mun</td>
<td>I</td>
<td>Private</td>
<td>1.56</td>
<td>1 900</td>
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<tr>
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<td>Ex-Gordon Hard Camp Site, Area 48, Tuen Mun</td>
<td>G/IC, O</td>
<td>Private</td>
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<tr>
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<td>Tsing Ha Lane, Area 20, Tuen Mun</td>
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<td>Private</td>
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<td>District</td>
<td>Location</td>
<td>Original Zoning</td>
<td>Housing Type</td>
<td>Site Area (in hectare) (^{(1)})</td>
<td>Flat Number (^{(1)})</td>
</tr>
<tr>
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<td>----------</td>
<td>-----------------</td>
<td>--------------</td>
<td>-------------------------------</td>
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<tr>
<td>Ex-Perwon Barracks (near Kwun Tsing Road), Castle Peak Road—Castle Peak Bay Section, Area 48, Tuen Mun (Western Portion)</td>
<td>G/IC</td>
<td>Private</td>
<td>2.40</td>
<td>1 160</td>
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<tr>
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<td>Private</td>
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<td>530</td>
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<tr>
<td>Hin Fat Lane, Castle Peak Road, Castle Peak Bay, Tuen Mun (Phase 1) (previously known as Ex-Hong Kong Christian Service Pui Oi School (Phase 1), Area 39, Tuen Mun)</td>
<td>G/IC, GB</td>
<td>Public</td>
<td>0.48</td>
<td>380</td>
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<tr>
<td>Area 29 West, Tuen Mun</td>
<td>G/IC, R(A)</td>
<td>Public</td>
<td>1.32</td>
<td>830</td>
<td></td>
</tr>
<tr>
<td>Area 2, Tuen Mun</td>
<td>G/IC</td>
<td>Public</td>
<td>0.25</td>
<td>290</td>
<td></td>
</tr>
<tr>
<td>Ex-Perowne Barracks (near Kwun Tsing Road), Castle Peak Road—Castle Peak Bay Section, Area 48, Tuen Mun (Eastern Portion)</td>
<td>G/IC</td>
<td>Private</td>
<td>2.78</td>
<td>1 586</td>
<td></td>
</tr>
<tr>
<td>North of Jade Cove, So Kwun Wat, Tuen Mun</td>
<td>GB</td>
<td>Private</td>
<td>6.03</td>
<td>2 000</td>
<td></td>
</tr>
<tr>
<td>North of The Aegean, So Kwun Wat, Tuen Mun</td>
<td>GB</td>
<td>Private</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District</td>
<td>Location</td>
<td>Original Zoning</td>
<td>Housing Type</td>
<td>Site Area (in hectare)(1)</td>
<td>Flat Number(1)</td>
</tr>
<tr>
<td>----------</td>
<td>----------</td>
<td>-----------------</td>
<td>--------------</td>
<td>---------------------------</td>
<td>----------------</td>
</tr>
<tr>
<td>North of Fiona Garden, So Kwun Wat, Tuen Mun</td>
<td>GB</td>
<td>Private</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area 54 Site 5, Tuen Mun</td>
<td>G/IC, GB, Road</td>
<td>Public</td>
<td>0.77</td>
<td>700</td>
<td></td>
</tr>
<tr>
<td>Kei Lun Wei, Area 54, Tuen Mun</td>
<td>G/IC</td>
<td>Public</td>
<td>1</td>
<td>1 000</td>
<td></td>
</tr>
<tr>
<td>South of Kwun Chui Road, Area 56, Tuen Mun</td>
<td>GB, R(B)</td>
<td>Private</td>
<td>1.22</td>
<td>720</td>
<td></td>
</tr>
<tr>
<td><strong>Total:</strong> 18 sites (Total Number of Flats: about 13 480)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yuen Long</td>
<td>Ex-Au Tau Departmental Quarters at Yau Shin Street, Yuen Long</td>
<td>G/IC, GB</td>
<td>Public</td>
<td>3.71</td>
<td>1 240</td>
</tr>
<tr>
<td>Tak Yip Street, Tung Tau, Yuen Long</td>
<td>OU</td>
<td>Private</td>
<td>3.87</td>
<td>430</td>
<td></td>
</tr>
<tr>
<td>Junction of Fu Yip Street and Wang Yip Street West, Yuen Long</td>
<td>OU(B)1</td>
<td>Public</td>
<td></td>
<td>230</td>
<td></td>
</tr>
<tr>
<td>Two &quot;R(E)1&quot; sites at Wang Yip Street West, Yuen Long</td>
<td>OU, OU(B)1</td>
<td>Private</td>
<td></td>
<td>2 820</td>
<td></td>
</tr>
<tr>
<td>Au Tau, Yuen Long (previously known as Ha Ko Po Tsuen, Kam Tin North)</td>
<td>U</td>
<td>Private</td>
<td>3.22</td>
<td>551</td>
<td></td>
</tr>
<tr>
<td>Wang Chau Phase 1, Yuen Long</td>
<td>GB</td>
<td>Public</td>
<td>5.67</td>
<td>4 000</td>
<td></td>
</tr>
<tr>
<td><strong>Total:</strong> 7 sites (Total Number of Flats: about 9 270)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>103 sites (Total Number of Flats: about 122 230)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Abbreviation:
AGR  Agriculture
CDA  Comprehensive Development Area
GB  Green Belt
G/IC  Government, Institution or Community
I  Industrial
O  Open Space
OS  Open Storage
OU  Other Specified Uses
OU (Bus Depot)  Other Specified Uses annotated Bus Depot
OU (Container Related Uses)  Other Specified Uses annotated Container Related Uses
OU (Rural Use)  Other Specified Uses annotated Rural Use
OU (Mining & Quarrying)  Other Specified Uses annotated Mining & Quarrying
OU (Recreation & Tourism Related Uses)  Other Specified Uses annotated Recreation & Tourism Related Uses
OU (Science Park)  Other Specified Uses annotated Science Park
R(A)/R(B)/R(C)/R(D)/R(E)  Residential (Group A)/Residential (Group B)/Residential (Group C)/Residential (Group D)/Residential (Group E)
REC  Recreation
Road  Area shown as "Road" on the OZP
U  Undetermined
V  Village Type Development

Notes:
(1) The estimated site area and flat numbers are for reference only and may be subject to changes at the design stage.
(2) The housing type and development parameters are subject to studies.
(3) A planning application (No. A/FSS/254) was submitted to the TPB for the site zoned "G/IC" at Pak Wo Road, Fanling, under section 16 of the Town Planning Ordinance, for residential development with elderly flat and residential care home for the elderly. The application was approved with conditions by the Rural and New Town Planning Committee of TPB on 3 February 2017.

Policy of the Hong Kong Monetary Authority on virtual banks

16. MR CHAN CHUN-YING (in Chinese): President, in 2000, the Hong Kong Monetary Authority ("HKMA") issued a Guideline on the Authorization of Virtual Banks ("the Guideline (2000 edition)"), stating that HKMA would "not object to the establishment of virtual banks in Hong Kong" provided that such virtual banks could satisfy the same prudential criteria applicable to conventional banks. However, HKMA announced in September this year the initiatives for preparing Hong Kong to move into a new era of smart banking, one of which was the "promotion of virtual banking" in which HKMA clearly stated that it "welcomes the introduction of virtual banks in Hong Kong" and it would consult the banking industry to review and amend the Guideline (2000 edition). In this connection, will the Government inform this Council:
(1) of the respective numbers of applications for operating virtual banks received and approved by HKMA in the 17 years since the Guideline (2000 edition) was issued; the business scale, service categories and cost-effectiveness of the virtual banks permitted to operate and, among such banks, the number of those which are still operating at present;

(2) of the considerations based on which HKMA changed its stance on the establishment of virtual banks in Hong Kong from no-objection in 2000 to welcoming it in September this year; whether HKMA had consulted members of the banking industry before changing its stance; if HKMA had, of the details and the views received; if not, the reasons for that;

(3) given that a webpage on "Guide to Authorization" (last revised on 18 November 2016) on HKMA's website can be hyperlinked to a document entitled Guideline on Authorization of Virtual Banks ("the Guideline (newer edition)"), and paragraph 2 of that document states that the Guideline (newer edition) supersedes the Guideline (2000 edition), of the reasons why HKMA still indicated in September this year that it would consult the banking industry to review and amend the Guideline (2000 edition); and

(4) given that one of the conditions for institutions incorporated overseas to apply for the establishment of virtual banks, as prescribed in Guideline (2000 edition), was that such institutions had to have a total assets of more than US$16 billion, whereas the Guideline (newer edition) only requires such institutions to maintain a minimum level of share capital of HK$300 million, whether HKMA had consulted members of the banking industry before it decided to significantly reduce the capital requirement for virtual banks; if so, of the details and the views received; if not, the reasons for that?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, there is only one type of banking licence under the Banking Ordinance ("the Ordinance"). In other words, the authorization criteria for
virtual banks and conventional banks are the same. Institutions that meet the financial and prudential requirements as stipulated in the Ordinance may apply for a banking licence from the Hong Kong Monetary Authority ("HKMA"), irrespective of whether they plan to operate as a virtual bank or a conventional bank. Nevertheless, HKMA issued the "Guideline on Authorization of Virtual Banks" ("the Guideline") in 2000, in view of the different operating models of virtual banks and conventional banks. The Guideline aimed at clarifying how the authorization criteria under the Ordinance would be applied in the context of virtual banks. Subsequently, the Guideline was included as a chapter in the "Guide to Authorization" ("the Guide"), which sets out the HKMA's policies on authorization regarding the banking sector as a whole.

Following consultation with the banking industry, HKMA modified in 2012 the market entry criteria of the banking sector, including removing the relevant requirements relating to the size of customer deposits and total assets. After the Legislative Council's approval of the relevant amendments to the Ordinance, HKMA amended the Guide and made corresponding changes to the Guideline. However, no change was made to the Guideline with respect to how the authorization criteria would be applied in the context of virtual banks. HKMA continues to refer to the principles stipulated in the Guideline when processing applications of banking licences for carrying out virtual banking business.

Since the issuance of the Guideline in 2000, a number of institutions authorized under the Banking Ordinance (authorized institutions) have approached HKMA to explore the transformation of their original business models to business models similar to virtual banks, focusing on the provision of retail banking services. One licensed bank did implement such transformation although the bank later ceased adopting such a business model subsequently, due to commercial considerations. As regards other institutions that have applied for new banking licences from HKMA, none of them involve the operation of virtual banking business.

When the Guideline was issued in 2000 during the dot-com euphoria, many companies raised the idea of establishing virtual banks. As operating the business model of virtual banks was a relatively new concept, HKMA took a more prudent stance at that time by not objecting to the establishment of virtual
banks in Hong Kong as long as the banks would be able to meet the prevailing authorization criteria. With the rapid development of fintech in recent years, overseas experiences indicate that it has become commercially and technically more sophisticated for virtual banks to operate without any physical branch. As virtual banks would be conducive to fintech development and would enhance customer experience and financial inclusion, HKMA announced in September this year that it would review the principles stipulated in the Guideline regarding the processing of virtual banking authorization applications, with a view to introducing virtual banks in Hong Kong. This will offer more choices to the public and facilitate Hong Kong to embrace the technological innovations in the financial sector.

As both virtual banks and conventional banks involve solicitation of deposits from the public, institutions that intend to set up virtual banks must be financially sound and have put in place adequate risk management systems in order to protect the interests of depositors. HKMA does not intend to amend the existing authorization criteria under the Ordinance. However, the Guideline will be amended in the light of the characteristics and risks specific to virtual banks so that applicants of banking licences for operating virtual banks would better understand how the authorization criteria will be applied in the context of virtual banks. The banking and technology sectors would be consulted during the review process.

Income declaration for application for public rental housing

17. **MS ALICE MAK** (in Chinese): President, a member of the public omitted, when applying for public rental housing ("PRH") seven years ago, to declare the wage he earned by working as a casual worker for two days, and was subsequently prosecuted for and convicted of "knowingly making a false statement". Earlier on, he lodged an appeal to the Court of First Instance of the High Court, and the appeal was allowed. Some PRH tenants and PRH applicants have relayed that as the existing forms for income declaration are unclear, they are prone to omit declaration of one-off or irregular income, or wages paid afterwards. In this connection, will the Government inform this Council:
(1) of the number of prosecutions instituted in each of the past five years by the authorities against PRH tenants and PRH applicants for making false statements in income declarations; among them, the number of convicted cases and the respective resultant numbers of (i) PRH tenants being ordered to vacate their PRH flats and (ii) PRH applicants being disqualified from applying for PRH;

(2) among the convicted cases mentioned in (1), of the respective numbers of cases involving under reporting of (i) one-off income, (ii) irregular income and (iii) wages paid afterwards; whether the authorities will, in the light of the aforesaid ruling, take the initiative to review such cases;

(3) as the High Court judge has recommended in the judgement on the aforesaid appeal that the Department of Justice should provide legal advice to the Hong Kong Housing Authority to clarify the definition of declarable income for PRH tenants and PRH applicants, whether the Department has followed up on such recommendation; if so, of the details; if not, the reasons for that; and

(4) whether it has assessed the impact of the aforesaid ruling on the income declaration system for PRH tenants and PRH applicants; whether it will step up publicity efforts to clarify to frontline staff of the Housing Department, PRH tenants and PRH applicants the definition and method for calculation of declarable income?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, I set out my consolidated reply to various parts of the question raised by Ms Alice MAK as follows:

In the past five years, the Hong Kong Housing Authority ("HA") issued about 970 summonses against public rental housing ("PRH") tenants and applicants for charges on "knowingly making false statements" on the ground of furnishing false information. Among these issued summonses, about 880 had been convicted. The conviction rate was over 90%. Among the issued summonses, about 360 were relating to false information of job income. We do not have further breakdown on the different types of cases.
The background and evidence of each convicted prosecution case varies, and may involve different types and periods of income declaration forms. HA believes that the Court had considered all factors sufficiently and carefully before arriving at the verdict.

HA does not keep statistics on the number of PRH units recovered from PRH tenants served with notices to quit due to false declaration. As for PRH applications, in the past five years, about 1 100 applications were cancelled for providing false information.

Regarding the High Court's ruling as mentioned in the question, as of now, HA has yet to receive the formal judgment. Upon receiving the judgment, HA and the Department of Justice will examine it in detail and take appropriate actions.

HA has all along been providing information to PRH tenants on income items which are required to be declared through various channels, including posters, leaflets, website, Housing Channel at public rental estates, meetings of Estate Management Advisory Committee, Estate Newsletter, and so on. In addition, HA recently distributed the "Housing Subsidy Policy and Policy on Safeguarding Rational Allocation of Public Housing Resources (commonly referred to as the "Well-off Tenants Policies") Declaration Form" ("DF") which contains detailed calculation formulas for declaring income and notes for completing the DF, supplemented by "Simplified Guidelines" and "Pictorial Guidelines" to facilitate easy understanding by PRH households, and assist them in filling in the DF.

To assist PRH applicants in completing the application form, HA attaches a copy of the "Application Guide" to the application form for their reference. When the applicants are due for detailed vetting, HA will also send appointment letters inviting them for interview. A copy of the "Notes on Declaration on Income and Assets for completion of Applicant's Declaration" will be enclosed with the letter, listing the income to be declared and details of the calculation methods. At the same time, PRH applicants would know more about how to complete the application form through a short clip "Tips for Filling Out the PRH Application Form" which is uploaded onto the website of HA/Housing Department ("HD"). The video clip is also broadcasted at the HA Customer Service Centre. If applicants have any questions, they may call the HA's hotline or contact HD's staff.
HA will update the above information from time to time in light of circumstances in order to ensure that PRH tenants and applicants have access to the latest information on income declaration.

Using unmanned aircraft systems to conduct aerial photography

18. **MR PAUL TSE** (in Chinese): President, some members of the public have relayed that in recent years, the craze for using unmanned aircraft systems ("UASs"), particularly for aerial photography, has been in the ascendant. It has been reported that it has become increasingly common for both public and private organizations to make use of UASs in their operations. For example, The Hong Kong and China Gas Company Limited makes use of UASs to inspect gas pipes, and some logistics companies are also exploring the use of UASs to deliver parcels. With the continued increase in size and travelling speed of UASs, and the great variance in the skills in operating UASs, there are reports from time to time that accidents involving UASs used for aerial photography have resulted in injuries and damages to property (e.g. during the Formula E Hong Kong e-Prix held early this month, a UAS fell within the precincts of the venue and a person was injured when dodging to avoid the falling UAS). That situation, coupled with reports of intrusion on privacy by aerial photography, has resulted in an incessant rise in the number of relevant complaints. As such, some members of the public consider that the Government should step up the regulation on the use of UASs for aerial photography and on the procurement of third party risks insurance for related activities. In this connection, will the Government inform this Council:

(1) of the details of the use of UASs for aerial photography by various government departments and public organizations (including the number and models of UASs, as well as the qualifications possessed and the techniques employed by the UAS operators);

(2) of the number of cases received by the authorities since 2015 in which accidents involving UASs used for aerial photography resulted in injuries or damages to property; whether the number of such cases has shown an upward trend;
(3) of the existing policy and legislation that regulate the use of UASs for aerial photography, such as the safety and privacy protection measures required to be taken by UAS operators and issues relating to the third party risks insurance for aerial photography underwritten by insurance companies (including the coverage, the items that are not covered and the minimum amount of compensation); whether the Government will review the relevant policy and legislation to make them stay abreast of the latest developments;

(4) whether it knows the number of cases of third party risks insurance for aerial photography underwritten by insurance companies in the past two years; whether it knows the respective numbers of complaints about insurance for aerial photography received by the Consumer Council, the Insurance Authority (or formerly the Office of the Commissioner of Insurance) and the Hong Kong Federation of Insurers since 2015; and

(5) whether it knows the channels through which the person who sustained injuries in the aforesaid incident concerning a UAS fallen during the prix may seek compensation?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, in Hong Kong, unmanned aircraft system ("UAS") are classified as aircraft and are governed, as far as aviation safety is concerned, by the civil aviation legislation. The Civil Aviation Department ("CAD") is committed to ensuring aviation safety, including UAS operations, such that these operations are performed in compliance with flight safety rules.

According to the prevailing laws, any operator of UAS, regardless of the weight of aircraft, must observe Article 48 of the Air Navigation (Hong Kong) Order (Cap. 448C). Under this provision, a person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property. Articles 3, 7 and 100 of Cap. 448C also provide that an aircraft weighing above 7 kg (without fuel) can only fly if it has a Certificate of Registration and a Certificate of Airworthiness issued by CAD. Furthermore, regulation 22 of the Air Transport (Licensing of Air Services) Regulations (Cap. 448A) requires that any person using an UAS of any weight for hire or reward must lodge an
application with CAD before operations, and he/she must abide by the conditions of issue of the permit granted by CAD. Apart from operating in a safe manner in accordance with the applicable civil aviation legislation, operators must also observe other relevant laws of Hong Kong, such as the Telecommunications Ordinance (Cap. 106) and the Personal Data (Privacy) Ordinance (Cap. 486).

To assist the Government in reviewing the appropriateness and effectiveness of the existing statutory requirements, and in exploring ways to refine the prevailing regulatory regime with a view to accommodating the technological development and diversified uses of UAS while further safeguarding public safety, CAD commissioned an overseas consultant in March this year to conduct a study on the regulation of UAS. The objectives of the consultancy study are: to comprehend the regulatory requirements of overseas civil aviation authorities and the International Civil Aviation Organization; and to provide feasible recommendations to CAD on the requirements and approach to the regulation of UAS, in consideration of the local circumstances, technological development of UAS, and views of operators holding UAS permits issued by CAD, UAS manufacturers, unmanned or model aircraft associations, airlines representatives and government bureaux/departments, etc. CAD also requested the consultant to provide recommendations that can strike a reasonable balance between facilitating the use of UAS by the public and protecting public safety.

The consultant commissioned by CAD has largely completed the study and planned to finalize the report at the end of this year. CAD will, together with the Transport and Housing Bureau and other relevant Policy Bureaux and departments, study the recommendations of the consultant in-depth, and put forward a regulatory proposal for UAS operations that suits local environment and circumstances well with due regard to the unique circumstances of Hong Kong and relevant policies and resources involved. CAD will consult the public on the key directions recommended by the consultant. CAD's current plan is to commence public consultation in the first quarter of 2018 which shall be completed by mid-2018.

At the same time, CAD will continue to strengthen its publicity and educational efforts through different channels, including its website, other relevant websites and publications, so as to raise the safety awareness of the relevant sectors and organizations, as well as the general public, about the operations of UAS. From May 2017 onwards, CAD made use of the television and radio to promote safety guidelines on UAS.
My reply to the specific parts of Mr Paul TSE's question is as follows:

(1) According to the prevailing laws, if a person uses an UAS weighing less than 7 kg (without fuel) and not for hire or reward, he/she is not required to lodge an application with CAD before operations. At present, UASs have been used by various government departments to perform their duties, and their operations must also observe the applicable statutory requirements. Some of these departments may seek CAD for advice from the aviation safety perspective, which includes vetting of their operations manual, pilot competency, operational procedures, and making safety recommendations. Besides, government departments should also observe CAD's safety guidelines on UAS when conducting their UAS operations <http://www.cad.gov.hk/english/Unmanned_Aircraft_Systems.html>.

(2) CAD has not received any case of UAS activities that resulted in injuries or damages to property. The Police also does not maintain relevant figures.

(3) As mentioned above, apart from operating in accordance with the applicable civil aviation legislation and CAD's safety guidelines, UAS operators must also observe other relevant laws of Hong Kong, such as the Personal Data (Privacy) Ordinance (Cap. 486).

With regard to the third party risks insurance for aerial photography underwritten by insurance companies, UAS operators currently applying for permits to use UAS for commercial purposes are required by CAD to purchase third-party insurance for every single operation.

During the study, CAD's consultant noted the feedback from the public that it is not easy to purchase insurance for UAS operations in Hong Kong, as well as the diverging views on requirements of insurance coverage among different types of UAS operators. In view of the fact that potential risks may be posed to the public or other airspace users (e.g. manned aircraft for civil aviation purpose) by certain UAS operations, the consultant proposed that UAS operations of higher risk, whether for commercial or non-commercial use, must be covered by insurance. As for UAS
operations of lower risk, the consultant does not see any practical need for mandating operators to purchase third-party insurance. It is expected that, with the increasing use of UAS, operators may purchase insurance on a voluntary basis in order to secure insurance coverage. After the public consultation, CAD and relevant Policy Bureaux/departments will consider the proposal.

(4) The Insurance Authority (or its predecessor, the Office of the Commissioner of Insurance) does not have the number of third party risks insurance for aerial photography underwritten by insurance companies in the past three years, and does not maintain the relevant complaints statistics.

The Consumer Council and the Hong Kong Federation of Insurers have not received any complaint on insurance for aerial photography in the past three years.

(5) CAD does not have information about the aforesaid incident. The channels for seeking compensations depend on circumstances. Generally speaking, the injured should seek legal advice with regard to the specific circumstances of the case to consider the actions to be taken.

Financial inclusion

19. **MR KENNETH LEUNG** (in Chinese): President, the Chief Executive of the Hong Kong Monetary Authority ("HKMA") has stated that HKMA has all along been encouraging the banking industry to put the spirit of financial inclusion into practice, so that the general public and small and micro enterprises can open and maintain bank accounts and have access to basic banking services to meet their basic needs in daily lives or in fund transfers for business operations. HKMA also encourages banks to employ new technologies and new solutions (e.g. mobile branches) to provide banking services for residents in remote areas where the coverage of such services is insufficient. In this connection, will the Government inform this Council:
(1) whether HKMA has drawn up a specific strategy and work plan for the coming three years to encourage the banking industry to put the spirit of financial inclusion into practice; if so, of the details; if not, the reasons for that;

(2) whether HKMA has, according to the population and actual circumstances of various districts, formulated specific indicators on the coverage of banking services in various districts, so as to facilitate the identification of those districts where banking services are insufficient; if so, of the details; if not, whether HKMA will formulate such indicators expeditiously;

(3) whether HKMA knows the latest situation of mobile branches launched by the banking industry, including the number of such branches, service locations and the development plan for the coming year;

(4) as the Hong Kong Association of Banks ("HKAB") announced last month that in collaboration with EPS Company (Hong Kong) Limited and a chain convenience store, the banking industry would launch early next year, as a pilot scheme, a service for the elderly to withdraw cash, without making purchases, at 34 convenience stores in areas such as Cheung Chau, Lantau Island and Tin Shui Wai, whether HKMA will urge HKAB to expeditiously extend the service to other districts and other types of stores; if so, of the details and the implementation timetable; if not, the reasons for that; and

(5) whether HKMA will launch public education to encourage the public to use more e-banking and electronic payment services, including Internet bank account management, electronic wallets and mobile payment services, so as to reduce the public's reliance on physical bank branches; if so, of the details; if not, the reasons for that?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President,
(1) The Hong Kong Monetary Authority ("HKMA") has been encouraging the banking industry to put the spirit of financial inclusion into practice when developing their banking networks to ensure accessibility of banking services by the general public. As of the end of 2016, 1,151 branches and 3,315 automatic teller machines ("ATMs") were distributed all over Hong Kong Island, Kowloon and New Territories, an increase of 2.4% and 34.6% respectively as compared with 2006. In view of the unavailability of traditional banking services within walking distances at individual public housing estates ("PHEs"), HKMA's future work plan is to address the relatively pressing needs of these PHEs for banking services as a matter of priority.

Apart from monitoring the coverage of banking networks in PHEs of different districts in Hong Kong, HKMA has also been following up and coordinating with retail banks, reminding them to take into account the community's needs for physical branches when planning their banking networks. Besides providing physical branches, banks may consider applying new technologies and operation modes, such as mobile branches and video teller machines ("VTMs"), to supplement the existing banking services. The banking industry has responded positively to these suggestions, with around 10 branches and 3 mobile branches being planned to further enhance the coverage of banking networks in remote areas and PHEs.

HKMA will continue to monitor the overall coverage of banking networks and closely communicate with the banking industry, with a view to implementing corresponding measures to further enhance the provision of basic banking services in PHEs.

(2) Banks have to consider a whole host of factors when developing banking networks, with some involving complex technical aspects, such as the level of existing banking services in the districts, the relative needs for banking services of different districts, whether there are suitable sites for setting up a branch (including security consideration, supply and stability of information technology networks, etc.), supply of rental spaces (including whether landlords are willing to lease the spaces to banks), and the operational considerations of banks. The coverage of banking network in
different districts cannot be generalized for comparison, and it is also inappropriate to lay down some rigid indicators in this aspect. HKMA considers that a more pragmatic approach is to identify areas where the coverage of banking networks is relatively low while the public need for banking services is relatively more imperative, and to coordinate with the banking industry to prioritize the allocation of resources to further enhance the coverage of banking services in these areas.

(3) To address the issue of traditional banking services not being found within walking distances in individual PHEs, the two local note-issuing banks have in turn launched four mobile branches which go around 21 locations and PHEs (including Yan On Estate, Shek Mun Estate, Hoi Lai Estate, Tin Ching Estate, Tin Heng Estate, Kwai Luen Estate, Shin Ming Estate, Mei Tung Estate, Lei Yue Mun Estate, Cheung Shan Estate, Tai Hang Tung Estate, Tung Wui Estate, Lam Tin Estate, Wing Cheong Estate, Ching Ho Estate, Lai Yiu Estate, Hing Wah Estate, Shatin Pass Estate, Cheung Ching Estate, Shek Pai Wan Estate and Science Park) to provide banking services to the neighbourhood. Another retail bank will launch the fifth mobile branch in Hong Kong soon.

In addition, more than 200 VTMs have been set up in Hong Kong. Through the video cameras at these VTMs, bank staff stationed at customer service centres engage in real-time conversations with customers, provide interactive banking services, advise customers on the use VTMs and answer their enquiries on banking services. This has proved particularly useful for the elderly and other people in need.

HKMA will continue to monitor the operation of mobile branches and VTMs, and explore with banks the feasibility of further enhancing the relevant services.

(4) HKMA has been encouraging the banking industry to enhance banking services for the elderly and residents living in remote areas through various means. This includes requesting the Hong Kong Association of Banks ("HKAB") to consider the proposal of allowing elders to withdraw cash at convenience stores without the
need to make purchases. The banking industry, the EPS Company and a convenience store chain successfully worked out the relevant arrangements last month, and will launch in March 2018 a pilot initiative that allows elders to withdraw cash via EPS service without the need to make purchases at 34 convenience stores in the more remote areas such as Cheung Chau, Lantau Island and Tin Shui Wai. HKAB will review the effectiveness of the pilot scheme and consider extension of the service to more areas. The target is to expand the service to most of the shops of the convenience store chain in question by the end of 2018. HKMA will continue to follow up with HKAB, and encourage HKAB to recruit more merchants to join the programme.

(5) Currently, around 70% of the banking transactions of the public are conducted through channels other than physical bank branches, such as ATMs, Internet and mobile banking services. HKMA has been reminding banks to take special care of people in need, including the elderly or grass roots who are not familiar with computer operation. To this end, the banking industry has introduced simplified ATM cards since 2007 to streamline the operation of ATMs and provide bigger font display on the screen, so as to facilitate the elderly and other customers in need to use ATMs. HKAB also organizes more than 10 ATM education talks every year to illustrate to the elderly the use of simplified ATM cards for basic banking services. Besides, some banks also arrange for staff to be stationed at certain self-service banking centres to provide assistance to customers, and teach the elderly and people in need to use the self-service banking facilities.

HKMA also endeavours to raise public awareness of financial services through the "Consumer Education Programme". Through different promotional activities and channels, such as television programmes, radio broadcasting, printed media and the Internet, the programme issues "smart tips" on using different banking services, with a view to enhancing the public's knowledge about Internet banking and their understanding about their rights and responsibilities.
Renewal of vehicle licences

20. **MR CHARLES PETER MOK** (in Chinese): President, at present, a vehicle licence (commonly known as "vehicle licence disc") has a validity period of either one year or four months. A vehicle owner who applies for renewal of his vehicle licence disc ("licence renewal") after the expiry of the original vehicle licence disc shall pay an additional fee for the period during which the vehicle was unlicensed unless the Commissioner for Transport is satisfied that the vehicle concerned has not been used on a road during such period. On the other hand, some vehicle owners have alleged that the procedure for renewing licence online is complicated. For example, (i) the applicant must be a holder of a valid personal or organizational digital certificate, (ii) applications for late licence renewal are not accepted online and the Government even advises that late licence renewal should be done in person, and (iii) the renewal must be processed through the GovHK website and the applicant's computer must have been installed with Java software before the website's services can be accessed, but a number of commonly used browsers (e.g. Edge, Firefox (version 52 or later) and Chrome) have ceased to support Java plug-ins. In this connection, will the Government inform this Council:

(1) of (i) the number of applications for late licence renewal, (ii) the average number of days for which licence renewal was late in those applications, and (iii) the number of fixed penalty notices issued by the Police for failure to display valid vehicle licence discs on windscreens of vehicles, in each of the past five years;

(2) of the number of (i) applications for late licence renewal on which additional fees were levied by the Government and the total amount of money received, and (ii) applications for which additional fees were waived by the Government and the total amount of revenue foregone, in the past five years;

(3) whether it will consider introducing short message service to remind vehicle owners that their vehicle licence discs will soon expire so that they may apply for licence renewal in time;
of the number of page views of the web pages for online licence renewal, and the number of cases of licence renewal completed through such web pages, in the past five years; given that a number of browsers no longer support Java plug-ins, whether the Government will add maintenance and upgrade clauses in the tender document when inviting public tenders for the new electronic service system to ensure that the new system stays abreast of the times;

given that under the requirements of the existing legislation, private cars which are six years old or above are required to pass an annual vehicle examination conducted by a car testing centre authorized by the Government before the licences for them may be renewed, and there is no such requirement for those below six years old, whether the authorities will allow owners of private cars of all ages to opt for vehicle licence discs with a validity period of two years during licence renewal (and owners of private cars which are below six years old may even opt for vehicle licence discs with a validity period of three years) so as to reduce the trouble created for those vehicle owners; and

whether it will adopt the following measures to improve the procedure for online licence renewal: (i) abolishing the requirement for applicants to hold valid digital certificates, (ii) accepting applications for licence renewal made after the expiry of the original vehicle licence discs (especially those applications made in respect of private cars below six years old for which annual vehicle examination is not required), (iii) adding to the online licence renewal system the function of automatic calculation of the amount of the additional fees payable for late licence renewal, and (iv) reducing the documents required to be submitted (e.g. proof is not required to be submitted for the same address the proof for which has already been submitted by the vehicle owner when applying for a driving licence)?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my reply to the various parts of Mr Charles Peter MOK's question is as follows:
(1) The number of applications for late renewal of vehicle licence, the average number of days for which licence renewal was late in those applications, and the number of fixed penalty notices issued by the Police for failure to display a valid vehicle licence in each of the past five years are tabulated below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of applications for late renewal of vehicle licence (Rounded to the nearest hundred)</th>
<th>Average number of days for which licence renewal was late in those applications</th>
<th>Number of fixed penalty notices issued by the Police for failure to display a valid vehicle licence (Rounded to the nearest hundred)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>127 400</td>
<td>56</td>
<td>18 700</td>
</tr>
<tr>
<td>2014</td>
<td>142 300</td>
<td>57</td>
<td>18 500</td>
</tr>
<tr>
<td>2015</td>
<td>138 200</td>
<td>48</td>
<td>23 000</td>
</tr>
<tr>
<td>2016</td>
<td>125 500</td>
<td>50</td>
<td>27 600</td>
</tr>
<tr>
<td>2017 (as at the end of October)</td>
<td>104 900</td>
<td>52</td>
<td>26 500</td>
</tr>
</tbody>
</table>

(2) The number of applications for late renewal of vehicle licence for which additional fees were payable, the total amount of additional fees the Transport Department ("TD") received, and the number of applications for renewal of vehicle licence for which additional fees were waived in each of the past five years are tabulated below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of applications for late renewal of vehicle licence for which additional fees were payable (Figures are rounded to the nearest hundred)</th>
<th>Total amount of additional fees TD received ($)</th>
<th>Number of applications for renewal of vehicle licence for which additional fees were waived&lt;sup&gt;(1)&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>22 100</td>
<td>7 811 500</td>
<td>105 300</td>
</tr>
<tr>
<td>2014</td>
<td>23 100</td>
<td>8 111 800</td>
<td>119 200</td>
</tr>
<tr>
<td>2015</td>
<td>22 700</td>
<td>8 939 700</td>
<td>115 500</td>
</tr>
<tr>
<td>Year</td>
<td>Number of applications for late renewal of vehicle licence for which additional fees were payable</td>
<td>Total amount of additional fees TD received ($)</td>
<td>Number of applications for renewal of vehicle licence for which additional fees were waived&lt;sup&gt;(1)&lt;/sup&gt;</td>
</tr>
<tr>
<td>----------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------</td>
<td>---------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2016</td>
<td>20,800</td>
<td>7,867,900</td>
<td>104,700</td>
</tr>
<tr>
<td>2017</td>
<td>17,300</td>
<td>6,583,100</td>
<td>87,600</td>
</tr>
<tr>
<td>(as at the end of October)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(Figures are rounded to the nearest hundred)

Note:

(1) A vehicle owner who has not used the vehicle on a road after expiry of the vehicle licence may apply for waiving the additional fee. The vehicle owner shall complete the "Declaration on Application for Waiving Additional Fees Incurred from Usage of Vehicle During the Unlicensed Period" on page 2 of the application form for renewal of vehicle licence (Form TD558), and indicate the period during which the vehicle has been put off the road.

TD does not maintain data on the amount of additional fees payable but waived for late applications for renewal of vehicle licence in each of the past five years. Since the amount of additional fee waived in respect of a vehicle varies with vehicle class and the number of days for which licence renewal is late, TD is unable to work out the total amount of additional fees waived using the number of applications for vehicle licence renewal for which additional fees were waived.

(3) Since 26 April 2012, TD has, in conjunction with the Office of the Government Chief Information Officer, launched an e-service, "Reminder for Vehicle Licence Renewal", on the "MyGovHK" platform. The service has the following features:

(a) A reminder message can be sent via the "MyGovHK" platform to vehicle owners four months and two weeks before the expiry of the vehicle licence respectively, as well as on the day when the vehicle licence expires;
(b) A vehicle owner may choose the email reminder service, or download the "GovHK Notification" mobile application to receive short reminder message; and

(c) A vehicle owner can check the vehicle licence expiry date through the service.

A vehicle owner can learn about the registration method and details in respect of "Reminder for Vehicle Licence Renewal" on the first page of "Transport Motoring" on the Gov.HK website.

It is against the law to drive a vehicle on a road during the unlicensed period. For the sake of road safety and law observance, TD will issue a letter to vehicle owners within 21 days after the expiry of their vehicle licences, reminding them to apply for vehicle licence renewal as soon as possible.

(4) The number of page views of the web pages for online vehicle licence renewal and the number of cases of vehicle licence renewal completed through such web pages in each of the past five years are tabulated below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of page views of web pages for online vehicle licence renewal(2)</th>
<th>Number of cases of vehicle licence renewal completed through such web pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>23 599</td>
<td>750</td>
</tr>
<tr>
<td>2014</td>
<td>117 088</td>
<td>890</td>
</tr>
<tr>
<td>2015</td>
<td>123 890</td>
<td>1 124</td>
</tr>
<tr>
<td>2016</td>
<td>89 394</td>
<td>1 284</td>
</tr>
<tr>
<td>2017 (as at the end of October)</td>
<td>17 251</td>
<td>1 202</td>
</tr>
</tbody>
</table>

Note:

(2) Those who have viewed the website may not necessarily formally submit application for renewal of vehicle licences through that website thereafter.
Since a number of existing browsers no longer support Java plug-ins, TD is studying the use of an alternative software programme, Java Web Start, as a replacement for relevant technology, which is expected to be implemented within 2018. Moreover, the Government will include relevant maintenance and upgrade clauses in the tender document for the electronic service systems to ensure the provision of the necessary system maintenance and software upgrading services for the systems during the contract period.

(5) According to section 21 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E), a registered owner may apply for a vehicle licence with a validity period of 4 or 12 months. Due to road safety considerations, private cars aged six years or more must receive vehicle examination before the annual licence renewal. When handling applications for vehicle licence renewal, TD will also, in accordance with the law, verify if relevant vehicles have been covered by third party risks insurance, and request the vehicle owners to update their addresses and related record registered in TD.

If vehicle licences with a longer validity period (e.g. two or three years) are issued, it will be difficult to ensure that owners of vehicles aged six years or more have received annual vehicle examination and have procured valid annual third party risks insurance plan for the vehicles. In addition, TD will be unable to verify relevant personal information (including addresses) of the vehicle owners through the annual renewal of vehicle licences. This may affect the accuracy of the vehicle owners' addresses kept in TD's register of vehicles, hence hindering the Government's enforcement actions (including the service of summons and notices of payment of fines).

The existing arrangement of issuing vehicle licences valid for 4 or 12 months has been adopted for many years and widely received by vehicle owners and the public. In view of the considerations above, TD has no intention of extending the validity of the vehicle licences at this stage.

(6) In accordance with section 21 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap. 374E), an application form specified by the Commissioner for Transport must be used when
applying for a vehicle licence, and the form must be signed by the registered owner of the vehicle or by some person duly authorized by him/her in writing. According to Gazette Notice No. 8522 issued pursuant to section 11(2) of the Electronic Transactions Ordinance (Cap. 533), if the provision expressly requires the signature of the person; or the provision requires the submission to be made in a specified form and the specified form has a signature requirement, then an electronic record given, presented or served under a statutory provision must be signed with a digital signature. In accordance to section 6(1A) of Electronic Transactions Ordinance, digital signature is only supported by digital certificate currently.

The Chief Executive announced in "the Chief Executive's 2017 Policy Address" that an "eID" would be provided for all Hong Kong residents so that they could use a single digital identity and authentication to conduct transactions online. TD will keep close track of the progress of the scheme so as to enhance the methods of identity authentication and provide convenience to vehicle owners using online application for vehicle licence renewal.

At present, owners of vehicles with valid registration can use the online system for vehicle licence renewal application. The online system will automatically calculate the amount of the additional fee payable basing on the number of outstanding days since the expiry of the licence. Vehicle owners may also settle the payment by electronic means.

TD will review the documents required to be submitted for the application of vehicle licence renewal from time to time according to the statutory requirements for the convenience of applicants. As to the documents the registered vehicle owners are currently required by TD to submit for online application for vehicle licence renewal, they are determined having regard to the requirements of the law. Regarding the address proof, in accordance to section 59(A) of the Road Traffic (Registration and Licensing of Vehicles) Regulations, TD may, in processing an application for vehicle licence renewal submitted under regulation 21, require the applicant to produce proof of his address; and may suspend the processing of the application until the production of such proof.
Problem of elderly poverty and measures to improve the situation of poor elderly persons

21. DR ELIZABETH QUAT (in Chinese): President, the Hong Kong Poverty Situation Report 2016 published by the Government last month has shown that the pre-intervention poverty rate of elderly persons (i.e. persons aged 65 and above) in 2016 was over 30%. Regarding the problem of elderly poverty and measures to improve the situation of poor elderly persons, will the Government inform this Council:

(1) given that the current poverty line framework takes into account only the income but not the assets of households, whether the authorities will improve the approach for drawing the poverty line, to avoid retired elderly persons who are asset-rich but with low/no income being classified as poor persons, with a view to reflecting the elderly poverty situation more accurately and formulating appropriate measures for poverty alleviation and prevention to help those elderly persons with genuine needs; if so, of the details; if not, the reasons for that;

(2) as the Secretary for Labour and Welfare has recently indicated that the authorities are considering subsidizing, in the form of cash vouchers, needy elderly singletons who are tenants of public rental housing ("PRH") for hiring foreign domestic helpers, of the proposed eligibility criteria and the estimated number of beneficiaries; the justifications for stipulating that such scheme is only applicable to PRH tenants, and whether they will consider extending the scheme to cover those needy elderly singletons who are not PRH tenants; if so, of the details; if not, the reasons for that;

(3) whether it will lower the age threshold for receiving the non-means-tested Old Age Allowance (commonly known as "fruit grant") from 70 to 65 so that the welfare initiative can benefit all elderly persons; if so, of the details; if not, the reasons for that;

(4) given that the Hong Kong Mortgage Corporation Limited will launch a life annuity scheme next year to enable elderly persons to convert part of their savings into a fixed monthly income, of the
details and work schedule of the scheme and whether, according to the authorities' assessment, the implementation of the scheme can alleviate the elderly poverty problem; and

(5) as employment is one of the means of getting rid of poverty, whether the Government will consider introducing new measures, such as (i) prescribing a lower salaries tax rate for elderly employees, (ii) encouraging the insurance sector to offer labour insurance products for elderly employees and (iii) providing tax concessions to employers who have hired elderly persons, to assist elderly persons in taking up employment again if they wish and are able to do so; if so, of the details; if not, the reasons for that?

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, poverty alleviation and elderly care are at the top of the Government's agenda. The Government has been stepping up efforts in recent years to provide appropriate assistance to meet the various needs of elderly persons. Having consulted the relevant Policy Bureaux and departments, my reply to the Member's question is as follows:

(1) The Commission on Poverty announced the first official poverty line in 2013. At that time, the Commission agreed to adopt the concept of "relative poverty", setting the poverty line at 50% of the median monthly household income before policy intervention (i.e. before taxation and welfare transfers) by household size. The poverty line analysis takes only household income into consideration, providing a single and simple quantitative indicator to facilitate the Government and society to keep track of the poverty situation in Hong Kong and its trend. It also offers a common and objective basis for monitoring the poverty situation and discussing relevant issues. In fact, it is an international practice to adopt the concept of "relative poverty" for quantitative measurement of poverty situation. Also, different frameworks of data analysis have limitations in data collection. Based on the Census and Statistics Department's experience in conducting surveys, many households are reluctant in disclosing information about their assets. Therefore, household assets cannot be taken into account in the analysis.
In view of this limitation, we have introduced additional objective analysis on top of the poverty line framework. For instance, the Hong Kong Poverty Situation Reports feature a thematic analysis on the poverty situation of elderly persons, which further analyses the data acquired from the General Household Survey conducted by the Census and Statistics Department, to provide more information for understanding the poverty situation of elderly persons in Hong Kong. Analysis in 2016 shows that about 0.30 million out of 0.34 million of poor elderly persons resided in non-Comprehensive Social Security Assistance ("CSSA") households. Among them, about 0.21 million (over 70%) persons were estimated to have no financial needs, in which about 0.13 million (over 60%) of them resided in owner-occupied housing without mortgages. This reflects that some of these elderly persons who were defined as poor may have considerable assets. On the other hand, about 42 000 (14.3%) poor elderly persons who resided in non-CSSA households were estimated to have financial needs, among which about 24 000 persons received Old Age Living Allowance ("OALA").

The existing mechanism of formulating the poverty line and conducting additional analysis is, to a certain extent, effective in helping the Government to identify the elderly persons with financial needs as well as to evaluate and enhance the relatively targeted poverty alleviation measures. We will continue to listen to views, and are willing to explore feasible options and recommendations to enhance the analytical framework of the poverty line for better formulation and evaluation of poverty alleviation and prevention policies.

(2) To consider the possibility of subsidizing elderly persons with long term care needs to employ foreign domestic helpers to provide home care is one of the recommendations of the Elderly Services Programme Plan and is still at a preliminary exploration stage. No specific details are available for the time being. The Government will seriously consider the views recently expressed by the different sectors in society before making a decision.
(3) The social security system, including the CSSA Scheme, OALA, Old Age Allowance ("OAA"), etc., does not require applicants' contribution and is funded by the Government's general revenue, which involves substantial public funds. In view of an ageing population, the Government has to ensure prudent use of public funds in order to provide appropriate support for needy elderly persons.

To strengthen the support of the social security for elderly persons, the Government relaxed the asset limits of the existing OALA\(^{(1)}\) on 1 May this year, so as to benefit more elderly persons with financial needs. To further support elderly persons with more financial needs, the Government will also introduce the Higher OALA\(^{(2)}\) in mid-2018.

The non-means-tested OAA provides monthly allowance\(^{(3)}\) to eligible elderly persons aged 70 or above. The number of beneficiaries and public funds involved would continue to increase in the face of growing elderly population. The Government has no plan to lower the age requirement of OAA. Elderly persons with financial needs may consider applying for OALA, Higher OALA or CSSA Scheme having regard to their circumstances and wish.

(4) The Life Annuity Scheme aims to provide retired elderly persons with some savings with an additional financial option, allowing them to turn some of their savings into lifelong stream of stable and fixed income.

The Hong Kong Mortgage Corporation Limited ("HKMC") has set up a wholly owned subsidiary, The HKMC Annuity Limited, and is seeking authorization for long term insurance business from the Insurance Authority ("IA") for operating the Life Annuity Scheme. The Scheme will be provided in the form of an immediate, lifetime

\(^{(1)}\) OALA, currently at $2,565 per month, is to provide assistance to elderly persons aged 65 or above with financial needs.

\(^{(2)}\) The Higher OALA is at $3,435 per month at the 2017 price level. It will take retrospective effect from 1 May 2017.

\(^{(3)}\) OAA is currently at $1,325 per month.
guaranteed, fixed-payout annuity, whereby eligible annuitants will receive monthly payouts for a lifetime immediately after making a lump-sum premium payment. The Scheme can help retirees mitigate the risks of outliving their savings and ensure the availability of a steady stream of future cashflows to facilitate better retirement planning.

HKMC is working towards the target of launching the Life Annuity Scheme in mid-2018. The HKMC Annuity Limited is proceeding full steam ahead with the preparatory work. In addition to seeking the authorization from IA, it is also working on the operational details of the Scheme, including developing an effective sales and distribution network and allocation mechanism, as well as organizing relevant public education and promotion activities to enhance public awareness of annuity products.

(5) The Government has been adopting a multi-pronged strategy to provide appropriate employment services for mature persons, promote their employment among employers, and build a friendly working environment for mature persons.

The Labour Department ("LD") stages large-scale thematic job fairs for mature persons at suitable intervals. District-based job fairs on part-time employment are also held at the job centres to meet the needs of those mature persons who are more interested in taking up part-time jobs. Meanwhile, to foster mature persons to re-join the labour market, LD implements a series of measures such as setting up special counters at the job centres, organizing tailor-made employment briefings for mature job seekers, establishing a dedicated web page for them under the "Interactive Employment Service" website, enhancing the functions of the vacancy search terminals, etc. to facilitate their access to employment information and search for suitable vacancies.

To encourage employers to engage mature persons, LD's job centres organize experience sharing sessions on employing mature persons. Representatives of the Hong Kong Federation of Insurers are invited to brief employers on matters relating to employees' compensation insurance ("EC insurance") taken out for mature employees to allay
their concerns in this regard. Under the Employees' Compensation Ordinance, employers are required to take out EC insurance for their employees to cover their liabilities under the laws. The insurance industry has already put in place the Employees' Compensation Insurance Residual Scheme to provide last-resort insurance cover to employers encountering difficulties in taking out EC insurance.

In addition, LD implements the Employment Programme for the Middle-aged ("EPM") to encourage employers, through the provision of on-the-job training allowance of up to $3,000 per month for a period of three to six months, to engage job seekers aged 40 or above and provide them with on-the-job training. LD has extended EPM to part-time jobs since September 2015.

Furthermore, LD has all along been encouraging employers, having regard to the individual circumstances of their enterprises, to adopt friendly employment practices for mature persons and extend the working life of their employees so that mature persons may continue to stay in employment. Employers may also adopt more flexible modes of employment for mature persons with a view to establishing working conditions and environment suitable for attracting mature persons to retain in or return to employment. LD will also continue to promote public awareness of mature persons as a potential labour supply and encourage employers to adopt friendly employment practices for mature persons through various publicity activities.

Similar to persons of other age groups, mature persons may enrol in courses provided by the Employees Retraining Board ("ERB") in accordance with their aspirations, interests and training needs. In 2017-2018, ERB offers some 700 training courses straddling 28 industry categories and generic skills training. Besides, based on the findings of the "Study on the Training Needs of Mature Persons" completed in 2015, ERB developed training courses geared towards the needs of mature persons aged 50 or above, including organizing the "Workplace Re-entry" course series and the "Foundation Certificate in Survey Interviewer Training" course, for mature persons who wish to engage in employment. ERB also provides placement follow-up services for trainees (including mature persons) who have completed full-time placement-tied courses. ERB
provides other support services, including the "Workplace Re-entry" activity series, "Workshop on Enhancing the Awareness towards Mature Persons", "Recruitment Sharing Sessions" and "Work Experience Days" in order to promote the employment of mature persons.

The Government will continue to monitor the situation of the employment of mature persons, and consider providing further assistance in due course.

Application of artificial intelligence and opening up government data

22. MR ALVIN YEUNG (in Chinese): President, regarding the application of artificial intelligence ("AI") and opening up government data through the data.gov.hk website ("data.gov.hk") (web address: data.gov.hk) by the Government, will the Government inform this Council:

(1) of the following details of the AI projects that will be launched by various government departments from January to December next year: project names, departments, services to be provided, launch dates, annual estimates of expenditure, and names of the departments or service contractors responsible for their implementation;

(2) among the data currently opened up through data.gov.hk, of the quantity and percentage of data that are available in (i) JSON digital format (including GeoJSON), (ii) Application Programming Interface ("API") and (iii) Batch API format; the departments providing such data and the areas to which such data relate;

(3) whether the Transport Department ("TD") and the Highways Department have plans to uniformly adopt the General Transit Feed Specification ("GTFS") and Unified API format, which are applied globally, for opening up their data, so as to facilitate public access to the real-time information provided by them; if so, of the details; if not, the reasons for that;
(4) as some motorists have pointed out that they could hardly rely on the real-time parking vacancy data currently provided by TD as the data often suffer time lags ranging from hours to even months, of the Government's improvement measures;

(5) as some members of the public have relayed that the data on data.gov.hk are not displayed in a format familiar to ordinary people and the website is poorly designed, such as the absence of an interactive map to enable preview of information containing data with latitude and longitude coordinates, whether the Government has regularly reviewed if the forms and formats in which the data opened up through data.gov.hk are being displayed suit users' needs; if it has, of the details; if not, the reasons and the improvement measures for that; and

(6) as there are views that data.gov.hk neither provides guide and technical support for the development of applications nor provides a platform for developers and users of applications to exchange views on the use of the data available on the website, whether the Government will draw reference from the relevant approach adopted by the Taipei City Government in its open data platform (web address: data.taipei), and provide the relevant support and exchange platform within next year, so as to improve users' experience with data.gov.hk; if so, of the details; if not, the reasons for that?

SECRETARY FOR INNOVATION AND TECHNOLOGY (in Chinese): President, having consulted the Transport and Housing Bureau and other departments concerned, our reply to the various parts of the question is as follows:

(1) Details of the artificial intelligence ("AI") projects implemented by the Government and funded by the Capital Works Reserve Fund Head 710 or the TechConnect (Block Vote) of the Innovation and Technology Bureau from January to December 2018 are at Annex 1.

(2) As at November 2017, 97 datasets released in JSON format and approximately 1 000 Application Programming Interfaces ("APIs") are provided on the data.gov.hk portal, representing about 21% of
the total number of datasets on the portal. The bureaux and departments ("B/Ds") providing such datasets and the contents of the relevant datasets are at Annex 2.(1)

Apart from releasing data in JSON format or providing access through APIs, the data.gov.hk portal also releases datasets in common machine-readable formats such as XML and CSV. Moreover, other formats, such as image data (e.g. GIF/JPG/TIF/PNG formats), are also commonly used in application development. Amongst them, the traffic snapshot images provided by the Transport Department ("TD") have been widely used in many mobile apps. As of October 2017, the number of downloads of traffic snapshot images exceeded 1.6 billion.

(3) At present, General Transit Feed Specification ("GTFS") is mainly used as the format for storing service frequencies of public transport and data on route stops. TD is currently upgrading its Transport Information System and the Hong Kong eTransport system. Upon the expected completion in the second half of 2018, public transport data supporting GTFS or API formats will be opened for public use. TD also disseminates certain real-time information in common machine-readable formats (e.g. JSON, XML and CSV) on the Government's data.gov.hk portal. Such information includes journey time indicators, traffic speed map, parking vacancy data and special traffic news. TD will proactively monitor and study the more widely used formats so as to facilitate the work of application developers.

(4) The access control system and vehicle recognition system for the car parks managed by TD have been in use for over 10 years. As these systems could not support the function of automatic feeding of real-time parking space information, the car park operators have to update manually the car park information for Hong Kong eRouting on an hourly basis.

To promote "Smart Mobility" and to disseminate traffic information more efficiently, TD plans to replace the above systems in phases from 2018. The system supplier will be required to provide parking

(1) The data.gov.hk portal does not provide Batch API at the moment.
space information in prescribed format to facilitate automatic update of relevant information on the data.gov.hk portal, so that real-time car park information will be made available to members of the public (including motorists and those who intend to develop innovative products) for reference and use. Moreover, as set out in the Chief Executive's 2017 Policy Address, a new generation on-street parking meters, which accept payment of parking fees through multiple means including remote payment via mobile applications, will be installed progressively from 2019-2020. These parking meters will also be equipped with sensors to detect whether a parking space is occupied. The relevant real-time information will be disseminated to motorists through TD's "Hong Kong eRouting" mobile application and website to assist them in finding parking spaces, thereby reducing the traffic generated by vehicles circulating in search of vacant parking spaces. In addition, TD will upload the data collected to data.gov.hk and will review the detailed data dissemination arrangement in a timely manner.

(5) The Office of the Government Chief Information Officer ("OGCIO") has issued guidelines to assist B/Ds in releasing data in the most suitable formats and ways (e.g. through APIs) based on the nature of different data, in order to make it convenient for public use. In addition, OGCIO reviews with B/Ds concerned the ways and formats of releasing data from time to time, offering them with technical support and assistance in improving data usability. Furthermore, the revamped data.gov.hk portal will soon be rolled out, providing new functionality for the public to preview open data that bears geographical location on a map. The new functionality will also enable developers to search data by specifying a geographical area on the map and to download the open data in machine-readable format (JSON), thus further facilitating their development of innovative applications and services.

(6) The data.gov.hk portal provides a development guide <https://data.gov.hk/tc/developer/ckan-api> for developers' reference. We will continue to enrich the guide to further facilitate and support developers in using open data on the portal. The public can also make suggestions on open data through the portal.
### Annex 1

AI-related projects implemented by the Government in 2018\(^{(1)}\)

<table>
<thead>
<tr>
<th>Project Name/Service Description</th>
<th>Department</th>
<th>Start Date (Tentative)</th>
<th>Rollout Date (Tentative)</th>
<th>Responsible Department or Service Provider</th>
<th>Estimated Expenditure ($M)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pilot Partnership Programme for Cyber Security Information Sharing, to analyse cyber security information with AI and big data technologies and to share with various sectors cyber security threats so as to enhance the overall capability of Hong Kong in defending against and recovering from cyber attacks</td>
<td>OGCIO</td>
<td>Q4 2017</td>
<td>Q3 2018</td>
<td>To be implemented through outsourcing</td>
<td>8.5</td>
</tr>
<tr>
<td>2. Illegal parking monitoring system, to study the feasibility of monitoring illegal parking by applying image analysis technology for trial run in Kowloon East</td>
<td>Development Bureau—Energizing Kowloon East Office</td>
<td>Q2 2018</td>
<td>To commence the field test in Q3 2018 and to complete the project in Q1 2020</td>
<td>To be implemented through outsourcing</td>
<td>8.0</td>
</tr>
<tr>
<td>Project Name/ Service Description</td>
<td>Department</td>
<td>Start Date (Tentative)</td>
<td>Rollout Date (Tentative)</td>
<td>Responsible Department or Service Provider</td>
<td>Estimated Expenditure ($M)</td>
</tr>
<tr>
<td>-----------------------------------</td>
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</tr>
<tr>
<td>3. Revamp of 1823 Website and Implementation of Chatbot Service, to facilitate the public to use 1823 service conveniently, to access government information more directly and to answer simple enquiries</td>
<td>Efficiency Unit</td>
<td>Q2 2018</td>
<td>Q4 2019</td>
<td>To be implemented through outsourcing</td>
<td>7.3</td>
</tr>
<tr>
<td>4. Implementation of the second phase of the Cyber Risk Information Sharing Platform, in which real-time information from different sources is collected and potential cyber attacks against government IT systems are identified with a dynamic threat data analysis model so as to issue early security advice to the departments concerned</td>
<td>OGCIO</td>
<td>Q3 2018</td>
<td>Q4 2019</td>
<td>Part of the project to be implemented through outsourcing and the remaining part to be undertaken by OGCIO staff</td>
<td>5.5</td>
</tr>
<tr>
<td>Project Name/ Service Description</td>
<td>Department</td>
<td>Start Date (Tentative)</td>
<td>Rollout Date (Tentative)</td>
<td>Responsible Department or Service Provider</td>
<td>Estimated Expenditure (SM)</td>
</tr>
<tr>
<td>----------------------------------</td>
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</tr>
<tr>
<td>5. Study on the development of a &quot;Cargo Big Data System&quot; to enhance the risk management capability of the Customs and Excise Department in cargo clearance</td>
<td>Hong Kong Customs and Excise Department</td>
<td>Q4 2017</td>
<td>Q1 2020</td>
<td>To be implemented through outsourcing</td>
<td>9.8</td>
</tr>
<tr>
<td>6. Feasibility study on an automation system for the collection, classification and association of cyber crime data</td>
<td>Hong Kong Police Force</td>
<td>Q4 2017</td>
<td>Q1 2020</td>
<td>To be implemented through outsourcing</td>
<td>6.8</td>
</tr>
</tbody>
</table>

Note:

(1) Only projects that are funded by the Capital Works Reserve Fund Head 710 or the TechConnect (Block Vote) of the Innovation and Technology Bureau are included.

Annex 2

Datasets released in JSON format or accessed through API on the data.gov.hk portal Bureaux/departments and contents to which the datasets relate

<table>
<thead>
<tr>
<th>Bureau/Department</th>
<th>Content of Dataset</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Engineering and Development Department</td>
<td>Disposal records of construction and demolition materials</td>
</tr>
<tr>
<td>Land Registry</td>
<td>Land Registry yearly and monthly statistics</td>
</tr>
<tr>
<td>Bureau/Department</td>
<td>Content of Dataset</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>University Grants Committee Secretariat</td>
<td>Lists of UGC-funded programmes and academic programme categories</td>
</tr>
<tr>
<td>Trade and Industry Department</td>
<td>Hong Kong's principal trading partners</td>
</tr>
<tr>
<td>Companies Registry</td>
<td>Licensing of money lenders</td>
</tr>
<tr>
<td></td>
<td>Statistical data on local companies incorporated and registered non-Hong Kong</td>
</tr>
<tr>
<td></td>
<td>companies</td>
</tr>
<tr>
<td></td>
<td>Statistical data on liquidations and dissolutions</td>
</tr>
<tr>
<td></td>
<td>Statistical data on prosecution</td>
</tr>
<tr>
<td>Civil Aviation Department</td>
<td>Total number of flights handled</td>
</tr>
<tr>
<td></td>
<td>Total number of telecom messages relayed by the Aeronautical Fixed Telecommunication</td>
</tr>
<tr>
<td></td>
<td>Network</td>
</tr>
<tr>
<td>Working Family and Student Financial</td>
<td>Deadlines for submission of post-secondary schemes applications</td>
</tr>
<tr>
<td>Assistance Agency</td>
<td></td>
</tr>
<tr>
<td>Lands Department</td>
<td>Consents to sell, consents to assign and approvals of deeds of mutual covenant</td>
</tr>
<tr>
<td></td>
<td>issued since 1 January 1994</td>
</tr>
<tr>
<td></td>
<td>Consents to sell, consents to assign and approvals of deeds of mutual covenant</td>
</tr>
<tr>
<td></td>
<td>issued before 1 January 1994</td>
</tr>
<tr>
<td></td>
<td>Land exchange transactions, lease extension, lease modification transactions,</td>
</tr>
<tr>
<td></td>
<td>private treaty grant, etc.</td>
</tr>
<tr>
<td></td>
<td>Redevelopment and conversion of industrial buildings</td>
</tr>
<tr>
<td>Intellectual Property Department</td>
<td>Statistics of trade marks, patents, designs and copyright—applications and</td>
</tr>
<tr>
<td></td>
<td>registrations/grants</td>
</tr>
<tr>
<td>Bureau/Department</td>
<td>Content of Dataset</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| Buildings Department              | - Registers of buildings department  
|                                   | - Monthly digests of Buildings Department                                                                                                         |
| Government Laboratory             | - Tar and nicotine reports                                                                                                                         |
| Government Property Agency        | - Annual reports  
|                                   | - Press releases of Government Property Agency  
|                                   | - Tenancy of government properties―tender                                                                                                          |
| Census and Statistics Department  | - 2006 population by-census―statistical tables  
|                                   | - 2011 population census―main tables  
|                                   | - 2016 population by-census―main tables                                                                                                          |
| Office of the Government Chief Information Officer | - Address lookup service  
|                                                   | - Real-time parking vacancy data (One-Stop version)                                                                                               |
|                                                   | - EventHK and GovHK Notifications: List and details of information                                                                                   |
|                                                   | - Approved fund-raising activities                                                                                                                   |
|                                                   | - IT services suppliers                                                                                                                              |
|                                                   | - GovWiFi premises                                                                                                                                  |
| Correctional Services Department   | - Correctional institutions information  
|                                   | - Population under Correctional Services Department management/supervision                                                                        |
| Hong Kong Police Force            | - Traffic annual report  
|                                   | - Rewards and special services                                                                                                                      |
| Rating and Valuation Department   | - Property market statistics  
|                                   | - Summary statistics on valuation list and government rent roll                                                                                     |
| Official Receiver's Office        | - Statistics on directors' disqualification                                                                                                         |
| Leisure and Cultural Services Department | - Locations and information of leisure facilities  
<p>|                                                   | - Cultural programmes                                                                                                                              |
| Education Bureau                 | - School location and information                                                                                                                   |
|                                   | - List of study room                                                                                                                                  |</p>
<table>
<thead>
<tr>
<th>Bureau/Department</th>
<th>Content of Dataset</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Communications Authority</td>
<td>List of licensees such as experimental station, carrier licences, Internet service providers, radio dealer (unrestricted) licensees, etc.</td>
</tr>
<tr>
<td></td>
<td>Statistics on capacity of Hong Kong external telecommunications facilities</td>
</tr>
<tr>
<td></td>
<td>Statistics on customer access via public switched telephone and broadband networks</td>
</tr>
<tr>
<td></td>
<td>Statistics on satellite master antenna television</td>
</tr>
<tr>
<td>Development Bureau</td>
<td>Parking vacancy data in Kowloon East</td>
</tr>
<tr>
<td>Inland Revenue Department</td>
<td>Analysis of allowances by income group</td>
</tr>
<tr>
<td>Transport Department</td>
<td>Traffic snapshot images</td>
</tr>
<tr>
<td></td>
<td>Distribution of metered parking spaces using Octopus at different districts in Hong Kong</td>
</tr>
<tr>
<td></td>
<td>Parking vacancy data</td>
</tr>
<tr>
<td>Office for Film, Newspaper and Article Administration</td>
<td>List of registered newspapers and periodicals</td>
</tr>
<tr>
<td>Agriculture, Fisheries and Conservation Department</td>
<td>Update of red tide situation</td>
</tr>
<tr>
<td></td>
<td>List of registered pesticides</td>
</tr>
<tr>
<td>Electrical and Mechanical Services Department</td>
<td>Registers of various registered engineers, workers, contractors, competent persons</td>
</tr>
<tr>
<td>Department of Health</td>
<td>Statistical data such as birth rate, death rate, average life expectancy</td>
</tr>
<tr>
<td></td>
<td>Lists of Chinese medicine practitioners/lists of licensed Chinese medicines traders</td>
</tr>
<tr>
<td></td>
<td>Lists of clinics/centres of the Department of Health</td>
</tr>
<tr>
<td></td>
<td>Number of notifiable infectious diseases by month</td>
</tr>
<tr>
<td>Registration and Electoral Office</td>
<td>Voter registration statistics</td>
</tr>
<tr>
<td>Environmental Protection Department</td>
<td>Past records of air quality health index</td>
</tr>
<tr>
<td></td>
<td>Waste less—recyclable collection points data</td>
</tr>
</tbody>
</table>
(Mr WU Chi-wai stood up)

**PRESIDENT** (in Cantonese): Mr WU Chi-wai, what is your point?

**MR WU CHI-WAI** (in Cantonese): Point of order. President, I now move a motion for the adjournment of the Council under Rules 16(1) and (2) of the Rules of Procedure ("RoP") between the two items of business on the Agenda, namely questions and the adjournment motion under RoP 40(1). The wording is as follows: "That the Council do now adjourn ...". President, perhaps I should read it out again. Now I move a motion for the adjournment of the Council under RoP 16(1) and RoP 16(2) between the two items of business on the Agenda, namely questions and the adjournment motion under RoP 40(1). The wording of the motion is as follows: "That the Council do now adjourn for the purpose of debating the following matters: matters relating to the examination by the Committee on Rules of Procedure of the Legislative Council anew of the proposed resolutions under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China to amend the Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region and the amending motions thereon". I implore the President to grant permission.

**PRESIDENT** (in Cantonese): Does any other Member wish to propose an adjournment motion?

**MR WU CHI-WAI** (in Cantonese): President, I wish to briefly explain the reasons for proposing the motion.

**PRESIDENT** (in Cantonese): You need only read out the wording of your adjournment motion.

Does any other Member wish to propose a motion for the adjournment of the Council? It is the only opportunity to propose such a motion.

(Mr CHAN Chi-chuen stood up)
PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, please speak.

MR CHAN CHI-CHUEN (in Cantonese): President, this is not the only opportunity. Under RoP 16(2), Members may move a motion for adjournment without notice between two items of business. It is just one of the opportunities now.

President, today is the 80th anniversary of the Nanjing Massacre. This morning, President XI Jinping …

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, you need only read out the wording of the adjournment motion you wish to propose. After I have given you permission to propose the motion, you may explain the reasons.

MR CHAN CHI-CHUEN (in Cantonese): President, I understand it, for I am afraid Honourable colleagues probably do not even know it is the 80th anniversary of the Nanjing Massacre today. You can see that we are attired for mourning. If Honourable colleagues wear bright coloured clothes, I hope they can withdraw from the meeting or change their clothes.

President, I move the motion that the Council do now adjourn under RoP 16(2) for the purpose of debating the following matters: Today is the 80th anniversary of the Nanjing Massacre and the Japanese Government has not yet issued a formal apology for the Nanjing Massacre. I hope that the President will grant me permission to move the motion in accordance with RoP to facilitate Members' discussion on a specific issue of urgent public importance. President, if you do not wish to allow me to briefly explain the reasons here, I have actually prepared a letter in a hurry just now. I wish to submit this letter which explains the motion …

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, please sit down. I will deal with the motion for the adjournment of the Council proposed by you under RoP 16(2).
Does any other Member wish to propose a motion for the adjournment of the Council under RoP 16(2)?

(Mr CHU Hoi-dick stood up)

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, please speak.

MR CHU HOI-DICK (in Cantonese): President, I also move a motion that the Council do now adjourn under RoP 16(2). The wording is: "That the Council do now adjourn for the purpose of discussing the following matter: the constitutional crisis of judicial reviews being lodged as a result of permission by the President of the Legislative Council for the Rules of Procedure to possibly violate the Basic Law."

President, I have a point to add. As the adjournment motion I have proposed involves your decision as the President to rule Mr Martin LIAO's proposed amendment to lower the quorum of a committee of the whole Council admissible, I hope you will refrain from taking part in determining whether or not I should be permitted to move the adjournment motion.

Moreover, the Deputy President, Ms Starry LEE, and 37 other Members jointly obtained a legal opinion from Lord PANNICK, Queen's Counsel, and Jimmy MA, Counsel, and take a definite position on the proposed amendment to lower the quorum of a committee of the whole Council by Mr Martin LIAO. Therefore, I also hope that Ms Starry LEE will refrain from taking part in determining whether or not I should be permitted to move the adjournment motion.

Thank you.

PRESIDENT (in Cantonese): I now suspend the meeting to consider the motions for the adjournment of the Council proposed by three Members under RoP 16(2).
1:49 pm

Meeting suspended.

3:10 pm

Council then resumed.

**PRESIDENT** (in Cantonese): I have to remind Members that when a Member proposes a motion for the adjournment of the Council under RoP 16(2), it shall only be proposed between two items of business, that is, between the Agenda items of Questions and the amendment to RoP.

Regarding the motions proposed by the three Members earlier under the above rule respectively, I will now rule as follows:

(1) For the motion of Mr CHAN Chi-chuen, I note that today is the 80th anniversary of the Nanjing Massacre, a day of historical value. Yet, I do not see any urgency that the relevant incident must be discussed at the meeting today. In fact, even if the issue is not discussed at the meeting today, Members will not lose the opportunity to express their views on the incident. If Members consider it necessary, they may conduct the relevant commemorative activities on other occasions;

(2) For the two motions moved by Mr WU Chi-wai and Mr CHU Hoi-dick, as I pointed out clearly in my written ruling, the proposed resolutions and amendments to amend RoP are in compliance with the "three-step process". In deciding whether or not to include the motions concerned in the Agenda, I had considered all the relevant factors, and my decision was made in accordance with Article 72(2) of the Basic Law and RoP 19. The earlier requests of the Members concerned on the discussion of certain issues are tantamount to requesting a debate of my ruling at the meeting today. According to RoP 44, the decision of the President shall be final and not subject to debate. Hence, the motions proposed by Mr WU Chi-wai and Mr CHU Hoi-dick are not in order.
For these reasons, I do not allow the requests of the three Members.

(A Member indicated a wish to speak)

PRESIDENT (in Cantonese): Will Members please wait till I have finished before making their requests to speak.

Moreover, I would like to point out that there is no provision in RoP on the role conflict of Members and the President of the Legislative Council in presiding over a meeting.

In actuality, on the motions on amending RoP this Council is handling now, I do not consider there will be role conflicts of any kind for me to preside over the meeting in handling this Agenda item. Besides, according to Article 72(1) of the Basic Law, I have the constitutional obligation to preside over meetings of the Legislative Council in accordance with the Basic Law.

Mr CHU Hoi-dick, what is your point?

MR CHU HOI-DICK (in Cantonese): President, you mentioned just now that you considered the wording of my motion for the adjournment of the Council an attempt to challenge your ruling, for it is stipulated in RoP 44 that the ruling of the President shall not be debated. Yet, I have no intention to challenge your ruling. I hope the President would note that in my explanation on proposing the motion, I stressed that we had no intention to challenge the ruling of the President. In a letter dated 27 November, the President pointed out that he considered it appropriate to let the Council decide whether to adopt Mr Martin LIAO's proposal, that is, to lower the quorum of a committee of the whole Council. However, the present voting arrangement will in fact prevent Members from voting separately on the specific issue of lowering the quorum of a committee of the whole Council proposed by Mr Martin LIAO. In view of this, I consider it necessary to propose the motion for the adjournment of the Council to single out this issue. Now, the issue has aroused widespread public concern, and the Legal Adviser of the Legislative Council and the legal opinion sought from external source with resources of the Legislative Council both consider the
proposal may contravene the Basic Law. President, I am not saying that it contravenes the Basic Law. Hence, I am not challenging the ruling of the President. I hope the President may consider my view. Thank you.

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, thank you for bringing up this issue. Some time ago, I gave my ruling on this amendment of Mr Martin LIAO. Since this amendment of Mr Martin LIAO is included in the single proposed resolution submitted by him, this amendment will not be put to the vote separately. According to RoP and the established practice of this Council, I will not allow items included in the content of a single proposed resolution be put to the vote one by one.

(Mr CHU Hoi-dick remained standing and spoke)

PRESIDENT (in Cantonese): As for whether the arrangement is in order, I already made a ruling some time ago. If this motion proposed under RoP 40(1) that the debate be now adjourned is agreed to, the debate shall stand adjourned and the question will not be discussed; and if the motion that the debate be now adjourned is negatived, the debate shall be continued, and Members will have time to discuss the issue further by then.

(Mr CHU Hoi-dick remained standing and spoke)

PRESIDENT (in Cantonese): I understand that Members have different views on this issue, yet my ruling was made in accordance with the provision in RoP 16(2) and practices in the past. For the aforementioned reasons, I will not allow the three Members to propose their motions for the adjournment of the Council under RoP 16(2).

(Mr CHAN Chi-chuen stood up)

MR CHAN CHI-CHUEN (in Cantonese): President, under RoP 16(2), one of the essential criteria determining whether or not permission for a motion for the adjournment of the Council will be granted by the President is whether there is
urgency and importance. Just now, you did not give me time to state my reasons, so I submitted the reasons to you in writing. I thank you for printing the reasons and distributed them to Members. I hope Member will read that.

President, you said just now that Members might express their views and debate the issue some other time. If that is the case, you might as well tell XI Jinping not to attend the state memorial ceremony today but wait till tomorrow, next week or next month to pay tribute. It is unreasonable, is it not? Moreover, President, on the Agenda today, the present item is followed by a joint debate on Members' motions, that is, 12 proposed resolutions under Article 75 of the Basic Law and 23 motions under RoP. Are you telling the people of Hong Kong, Chinese people and the State that it is more urgent and more important to debate the amendments to RoP than the 80th anniversary of the Nanjing Massacre? Even if a debate on the motion for the adjournment of the Council is conducted in this Council, it will not stop the amendment of RoP. You may say that the amendment of RoP is very important, yet the former debate will at most last for several hours. Hence, I think the President should reconsider …

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, please pause for a while.

MR CHAN CHI-CHUEN (in Cantonese): Why did I not propose such a motion at the 40th anniversary, because I was only five at that time; and by the 60th anniversary, it was the time of the Provisional Legislative Council, so I have to propose it now …

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, I understand that you have profound feelings about this incident. In fact, Honourable Members, this morning, I attended the memorial ceremony of the 80th anniversary of Nanjing Massacre to pay tribute to the deceased on behalf of Members of the Legislative Council.

MR CHAN CHI-CHUEN (in Cantonese): President, do you think that a public memorial ceremony is comparable to a debate?
PRESIDENT (in Cantonese): I have already ruled on that, and my ruling is based on the criterion of urgency stipulated in RoP 16(2). As I said earlier, Members may have many different views on this issue, yet the Legislative Council is not the only venue for Members to express their relevant views.

(Mr Paul TSE stood up)

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

MR PAUL TSE (in Cantonese): President, pardon me. Now, you are explaining your ruling every time and allowing Members to speak on your decisions, which is evident that Members are blatantly violating RoP 44. I think the President needs not allow Members to debate your decisions or make unnecessary comments. This is a waste of time.

PRESIDENT (in Cantonese): You have stated your views.

(Mr WU Chi-wai stood up)

PRESIDENT (in Cantonese): Mr WU Chi-wai, what is your point?

MR WU CHI-WAI (in Cantonese): Mr Paul TSE's remarks suggest that there is no need for you as the President to ensure fair play in the Council.

PRESIDENT (in Cantonese): Members' motions. In 2017, the Council already …

(Mr WU Chi-wai remained standing and indicated a wish to speak)

PRESIDENT (in Cantonese): Mr WU Chi-wai, what further point do you have?
MR WU CHI-WAI (in Cantonese): President, Honourable colleagues presented different views on your ruling and wished you would reconsider them. Is it not a normal practice in the Council? However, as Mr Paul TSE has been saying, the President already holds supreme authority simply by virtue of RoP 44. If the President conducts the meeting only in accordance with RoP 44(1), there is absolutely no need for us to propose amending RoP, for he can then arbitrarily decide how to conduct the meeting.

PRESIDENT (in Cantonese): I have already dealt with the point of order raised by Mr Paul TSE.

MR WU CHI-WAI (in Cantonese): I wish to return to the adjournment motion proposed by me. I consider the motion urgent and important. In fact, before the meeting today, President of the former Legislative Council Andrew WONG and former President of this Council Jasper TSANG had pointed out one after another that the amendment of RoP evidently involves violation of the constitution. Former President Jasper TSANG also added that Members may express views in the Council through filibusters, which is indeed an important component of "one country, two systems". Therefore, we just hope that you, President, can grant permission to moving of the adjournment motion so that we can all pause and think exactly how we should deal with the matter as a whole.

Moreover, as Mr CHU Hoi-dick said, given the opportunity and time to rethink, among the many proposed amendments, probably some should not be moved as a single proposed resolution, but separately, so that we can respectively express our views and opinions on various proposed amendments. This is the true function of the adjournment motion that serves the issue. Failing this, the debate will lack a focus. Given the arrangement of a joint debate, a proposed resolution encompasses multiple proposed amendments. We find some of the proposed amendments worthy of support but cannot do so due to the bundling arrangement. For those we want to oppose, it is therefore also impossible to rally the support of other Honourable colleagues from the pro-establishment camp. For example, currently the request to refer a petition to a select committee must be made by at least 20 Members, and the number is proposed to increase to at least 35. Some Members from the pro-establishment camp may not agree with such an undue amendment but owing to the arrangement of a joint debate, our preferences are all bundled up. For this reason, we wish to propose
the adjournment motion so that Mr Martin LIAO can examine anew whether this group of proposed resolutions made collectively by him can be separated. After they are separated, several proposed amendments can still be put together under one joint debate using the same method, but the entire debate will be free from constraints. At least all Members can vote separately and make personal judgment on individual proposed amendments when they are put to the vote.

PRESIDENT (in Cantonese): Mr WU Chi-wai, I have suspended the meeting for more than an hour to consider in detail the items you had raised under RoP 16(2). During the course of it, I had met with you to listen to your views, then made a ruling based on past practices. I understand that different Members, including the two former Presidents, probably hold different views on the issue of amending RoP. But they would also respect my ruling as the incumbent President of the Legislative Council. I also hope that you respect my ruling. I understand that you have many different views and I have appealed to Members from the non-establishment and pro-establishment camps to discuss again if there is still room for handling the matter. When I met Mr Dennis KWOK yesterday, I raised such an idea again. Be it the debate on the adjournment motion under RoP 40(1) or the subsequent debate on the proposed resolutions, I hope Members can not only debate them in the Chamber, but also maintain communication outside of it. Since the proposed resolutions have been included in the Agenda, Council should deal with them practically.

(Mr CHU Hoi-dick stood up)

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

MR CHU HOI-DICK (in Cantonese): President, I have been hoping to seek your enlightenment about a term. Just now you referred to us as the "non-establishment camp". And then you said … I think what you meant is that Mr Dennis KWOK is part of the non-establishment camp, but I have never heard Mr Dennis KWOK claim himself as one of the "non-establishment camp". I hope you can clarify this.
**PRESIDENT** (in Cantonese): Mr CHU Hoi-dick, it is not a point of order. I would be happy to discuss with you if you hope so after the Deputy President has taken the Chair later.

(Mr Charles Peter MOK stood up)

**PRESIDENT** (in Cantonese): Mr Charles Peter MOK, what is your point?

**MR CHARLES PETER MOK** (in Cantonese): At the Legislative Council meeting of 29 February 2012, former Member, Ms Cyd HO, proposed a motion for the adjournment of the Council under Rule 16(2) of the Rules of Procedure ("RoP") on her question, that was "the integrity and probity of the Chief Executive and his responsibility for upholding the fairness and impartiality of the next Chief Executive Election to be held on 25 March". The then President of the Legislative Council, Mr Jasper TSANG, stated that, given his open declaration of his serious consideration to stand in the Chief Executive Election, he deemed it inappropriate for him to make a ruling on the motion. As a result, he asked the then Deputy President of the Legislative Council—if my understanding is correct, it should be you, President—to exercise the power of the President of the Legislative Council back then … pardon me, the then Deputy President should be Ms Miriam LAU. She gave former Member, Ms Cyd HO, permission to propose the motion under RoP 16(2) at the meeting of the Legislative Council.

President, in other words, while in response to Mr CHU Hoi-dick's question, you explained the reasons for considering that no problem arose from you chairing the meeting to deal with such an item on the Agenda, precedents indeed prove that the President and even the Deputy President could refrain from making a ruling should they consider a conflict of their interest or roles was present. There are precedents to be invoked, unlike the President's claim just now that there was no question of such. Will the President please reconsider this point?
PRESIDENT (in Cantonese): Mr Charles Peter MOK, I am well aware of the example you have cited. As the then President had declared his intention to stand in the Chief Executive Election, he considered a conflict of interest was present. However, I do not consider there is any conflict of my roles and thus there is no need for me to ask the Deputy President to make a ruling for me. There is a huge difference in nature between the two matters.

MR CHARLES PETER MOK (in Cantonese): President, last Sunday, it seemed that the Deputy President still expressed personal opinions on a public occasion, and she also had signed the amendment proposed by Mr Martin LIAO and supported it. It is obviously a conflict of roles.

PRESIDENT (in Cantonese): The ruling on the matter was not made by the Deputy President, but by me. Therefore, there is no conflict of roles involving the Deputy President.

(Dr KWOK Ka-ki stood up)

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

DR KWOK KA-KI (in Cantonese): President, Article 1 of the Basic Law clearly stipulates that "[t]he Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China". I noted that the Chinese President has flown to Nanjing to attend a memorial ceremony for the 80th anniversary of the Nanjing Massacre today. Is the discussion on amending RoP to remove the power of Members and the Legislative Council more important than the 80th anniversary of the Nanjing Massacre? Are here not many patriotic "godsons" and "goddaughters" right now? Should Mr Paul TSE and his like support us and take part in the debate together on the motion for the adjournment of the Council in respect of the 80th anniversary of the Nanjing Massacre? Did they not say they are patriotic? How could they acquit themselves like that?
PRESIDENT (in Cantonese): I have explained my ruling in detail already.

(Mr CHAN Chi-chuen stood up)

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

MR CHAN CHI-CHUEN (in Cantonese): President, now I am not asking a question about RoP 16(2). President, as you mentioned the issue relating to the Deputy President, does it mean that you have made a ruling just now that, during the debate on the proposed resolutions under Article 75 of the Basic Law to amend RoP in the Council, the Deputy President cannot take the Chair? If the President withdraws from the meeting, does the Council need to select another Member to take the Chair, or you will never withdraw?

PRESIDENT (in Cantonese): The Deputy President takes the Chair in accordance with RoP. Under general circumstances, she is not required to make many rulings. The rulings she makes during her presidency do not involve substantive matters but procedural issues of meetings, thus there is no conflict of roles. In the past, many times I had assumed the role of the President's Deputy and took the Chair during meetings, and likewise, in dealing with procedural matters, there was no conflict of roles.

(Ms Claudia MO stood up)

PRESIDENT (in Cantonese): Ms Claudia MO, what is your point?

MS CLAUDIA MO (in Cantonese): Everyone, including the people of Hong Kong, all understand that whoever sits in that Chair, be it the President of the Legislative Council or his Deputy, should be totally fair and impartial.

President, whether or not there is a conflict of your roles, I am not going to get entangled with you further, because you are not conscious of it. However, there is a blatant conflict of roles involving Ms Starry LEE. I hope the Secretary General and the Legal Adviser can explain to us whether there is any conflict of roles involving the Deputy President. President, you said she did not make any ruling, but in fact she did. I can cite many examples if you want me to. How

could you say she did not make rulings?  Your remark just now was obviously a slip of tongue.  I still hope the Secretary General and the Legal Adviser of the Legislative Council Secretariat can advise us on this matter.

Thank you.

PRESIDENT (in Cantonese): As I have stated, the Deputy President only chairs the meeting for the President.  Regarding substantive matters, such as whether to include amendments in the Agenda, are ruled by me in my capacity as the President.  As regards the roles of the Deputy President, RoP carries clear provisions and also I do not notice any conflict of roles involving the Deputy President on the relevant issues.  Moreover, RoP does not provide for matters concerning conflicts of roles when the President presides over meetings.

MS CLAUDIA MO (in Cantonese): President, your presiding over meetings and us attending them to discuss business both concern some fundamental ideals and political reasoning.  You said it did not seem to be a problem and so did not consider it a problem.  You really have to ask yourself whether Ms Starry LEE's role does not conflict with other roles.  I request you say it once again.  President, you say it again.

(Ms Starry LEE stood up)

PRESIDENT (in Cantonese): Ms Starry LEE, what is your point?

MS STARRY LEE (in Cantonese): President, Ms Claudia MO or other Members have repeatedly mentioned the conflict of my roles.  I do not consider it a point of order.  First, according to RoP, I have no direct pecuniary interest in the matter in question.  Every Member present has a clear position on RoP. Therefore, I hope Honourable colleagues will not procrastinate by raising these matters …

(Some Members talked aloud in their seats)

PRESIDENT (in Cantonese): Will Members please keep quiet.
MS STARRY LEE (in Cantonese): … President, I consider that the point of order has been abused because a point of order should only concern specific items of order during the course of proceedings, but should not be a means for expression of opinions. I hold that the Council should proceed to the debate.

(Mr LAM Cheuk-ting stood up)

PRESIDENT (in Cantonese): Mr LAM Cheuk-ting, what is your point?

MR LAM CHEUK-TING (in Cantonese): President, you pointed out just now that RoP carries no provision that Members or the President must withdraw from a meeting in case of a conflict of interest. I hope you can clarify this point. In fact, it is a matter of natural justice. Politically, the President ought to withdraw if there is a serious conflict of roles with regard to a certain matter. Can you clarify that it is your principle and approach to deal with meetings from now on? If it is really the case, it is appalling. In other words, regardless of any future conflict of roles, you can still take the Chair and justify that because the law and RoP do not bar you from doing so. I hope you can clarify this point, President.

PRESIDENT (in Cantonese): As regards the provisions of RoP, I have given clear explanations just now. If Members still have questions about RoP, they can discuss with the Legal Adviser of the Council or their own counsel.

MEMBERS' MOTIONS

PRESIDENT (in Cantonese): Members' motions.

At the meeting of 6 December 2017, Council already commenced the joint debate on the 12 proposed resolutions under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the 23 amending motions.

During the debate, Mr Alvin YEUNG moved a motion under Rule 40(1) of the Rules of Procedure ("RoP") that "the debate be now adjourned".

Council now continues the debate on the adjournment motion.
Stand-over items: Twelve proposed resolutions under Article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the 23 amending motions (since the meeting of 6 December 2017)

PROPOSED RESOLUTIONS UNDER ARTICLE 75 OF THE BASIC LAW OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION OF THE PEOPLE'S REPUBLIC OF CHINA

Continuation of debate on motion which was moved on 7 December 2017 under Rule 40(1) of the Rules of Procedure that the debate be now adjourned

DR FERNANDO CHEUNG (in Cantonese): President, I wish first of all to make a point of order. We discussed for some time just now whether or not there was a conflict of roles in respect of you and Ms Starry LEE. There is thus one point I wish you to first clarify. Every Member here more or less have a political stance but it is the principle of this Council for whoever assuming the Chair to act impartially and in accordance with RoP regardless of his or her own political stance. I wish you to state clearly whether or not you and Ms Starry LEE will act according to this principle.

PRESIDENT (in Cantonese): As the President, I have all along made rulings and chaired meetings in accordance with the Basic Law, RoP and the past practices of the Legislative Council. As the Deputy President, Ms Starry LEE too will be presiding over meetings according to the same principle.

Dr Fernando CHEUNG, you may now speak.

DR FERNANDO CHEUNG (in Cantonese): President, I speak in support of the adjournment motion moved by Mr Alvin YEUNG under RoP 40(1).

By proposing the adjournment motion, Mr Alvin YEUNG hopes our debate on amending RoP under Article 75 of the Basic Law could now be adjourned. In view of the unprecedented arrangements of this meeting, the adjournment motion is both urgent and necessary. President, in order to have the proposed resolutions on amending RoP passed before the Christmas holidays, you decided to have this Council sitting today, tomorrow, the next day as well as the day after,
meaning basically meeting full-day on Wednesday, Thursday, Friday and Saturday. The meeting will resume next Monday if the proposed resolutions have yet been voted on by then. President, if the Council meeting resumes next Monday, the meetings of four panels or subcommittees will be affected, including that of the Subcommittee on Children's Rights, which is chaired by myself. Our Subcommittee has arranged for a public hearing at the meeting next Monday, having invited over 40 members of the public and bodies to participate and express their views on issues related to child care services that are of concern to them. Why is this public hearing both necessary and urgent? Because the Government will, in the first quarter of 2018, publish a consultancy report on child care services planning by the University of Hong Kong. A failure on our part to reflect these opinions to the Government and the relevant consultants could compromise the integrity of the overall planning and review of services. I therefore find it completely unnecessary, President, for us to conduct the debate on amending RoP this way. You said you did not see any urgency for us to conduct a debate commemorating the 80th anniversary of the Nanking Massacre. I too fail to see the urgency for amending RoP and the difference between doing so before and after the Christmas holidays.

(Ms Claudia MO stood up)

PRESIDENT (in Cantonese): Ms Claudia MO, what is your point?

MS CLAUDIA MO (in Cantonese): I request an elucidation by Dr Fernando CHEUNG. As far as I know, Members' speaking time precludes elucidation. The point I wish Dr Fernando CHEUNG to elucidate as soon as possible is that, while stressing the extreme urgency of this adjournment motion at the outset, he then said the meeting of the Subcommittee on Children's Rights was equally urgent. I wish him to state clearly, without going into the details, that between the anniversary of the Nanking Massacre and this adjournment motion, which one to him is more urgent? Thank you.

PRESIDENT (in Cantonese): Ms Claudia MO, you are abusing the procedure of requesting elucidations by other Members.

Dr Fernando CHEUNG, please continue.
DR FERNANDO CHEUNG (in Cantonese): President, I will give a brief elucidation. What Ms Claudia Mo referred to just now is a different motion. I said just now that I found the adjournment motion moved by Mr Alvin YEUNG under RoP 40(1) a matter of urgency, for if we did not adjourn the debate on amending RoP, the meeting chaired by myself at which the urgent issue of child care services would be discussed would be affected. As I explained just now, the meeting is urgent because, according to the Government's timetable, the review of those services must be completed by the first quarter of 2018. A failure to provide input as soon as possible on our part could lead to deficiencies in child care services in future. My logic is very clear.

If this debate on amending RoP is not stopped as soon as possible, we will have to follow the arrangements set out by you, President, and this will affect a discussion on an urgent issue concerning people's livelihood and render our Council unable to improve child care services through the process of discussion and policy formulation. For this reason, President, I really do not understand why you should make such arrangements. Even if you mandate four consecutive days of meeting, it should go no further than Saturday. Why convene a meeting next Monday as well? Four panels or subcommittees already have meetings scheduled on that day. And among the members of public attending the public hearing of our Subcommittee on Children's Rights, some of them have taken leave from work especially for the occasion, while others have arranged for someone to look after their kids in order to make themselves available for the hearing. How can you, for the sake of dealing with the proposed resolutions to amend RoP, upset the general operation of committees?

Moreover, President, a number of Members raised just now the question of whether or not the amendments to RoP contravene the Basic Law. It is an issue which is both important and fundamental. If the amendments contravene the Basic Law, a constitutional crisis could indeed be triggered by our debate here today. We have no intention to challenge your decision. You certainly must have considered a multitude of factors before deciding on a vote after the debate. However, we should bear in mind that, when Members of the pro-establishment camp initially proposed to lower the quorum of the Council from one half, you actually consulted two external senior counsel, who both formed the opinion that those amendments would indeed contravene the Basic Law.

In face of such important legal opinions, the pro-establishment settled for the next best thing, proposing the lowering of the quorum of a committee of the whole Council to 20 members while leaving the quorum of the Council intact.
Will this proposal contravene the Basic Law? We need to seek further legal opinions. But the President has failed to do so. Is it not an oversight on your part? Have you ever considered the possibility that, if some of the amendments to RoP proposed by this Council really contravene the Basic Law, a constitutional crisis can be resulted when the amendments are subjected to judicial review and ultimately being ruled as unconstitutional by the Court? So, what is so urgent that we have to pass as soon as possible a number amendments to RoP that are controversial in law and may contravene the Basic Law today, before the Christmas holidays?

The amendment of RoP is indeed premature and there is no urgency whatsoever to do so at this stage. To Members of the pro-establishment camp, there is certainly the urgency of exploiting our precarious position, striking at a time when the disqualification of six pro-democracy Members has relegated us from being the majority to the minority in the geographical constituencies and stripped us of our checking power. This is where, to them, the urgency lies.

Your goodself, President, said to me just now that it was evitable that each Member would have his or her own views, political affiliation and position, which was fine. However, the President of this Council must act impartially and in accordance with RoP. He must not, out of his own political stance, lean towards a certain party. Much to my regret, however, this seems not to be the case, from what I have seen. That is why, on this count, if the decisions or arrangements of this meeting ultimately—I hope it will not happen but is highly likely—lead someone to take the case to court, I have no idea how the Court and the legal system will handle this issue of amending RoP. The Court will also be placed in a difficult position, having to hand down an ultimate ruling in the event of a legal challenge.

There were at least two cases of judicial review in the past, both of which being directed at the President of the Council or the Chairman of the Finance Committee for their suspected violations of the Basic Law when presiding over meetings. This time with the amendment of RoP, however, the case for legal challenge is probably even stronger. If the Court really has the final say on the matter, reversing the amendments to RoP, I really do not know what we should do. How embarrassing it will be for your goodself and Members of the pro-establishment camp. You insist on holding a joint debate that encompasses every issue concerning the amendments. If the most fundamental and important one among them is ultimately ruled as actually unconstitutional, will you not
agree that the amendments had been handled too hastily and prematurely? Is it not too opportunistic and vile for you to seize on this once-in-a-century opportunity and amend the basic rules of the game?

As a result of the development of the Council to date, President, a bill now has to go through the First, Second and Third Readings, being subjected to detailed scrutiny at different stages after submission, first by the relevant panel and then by a Bills Committee, before making its way to the Council and being voted upon after a debate by Members. Backed by wisdom born out of centuries of experience accumulated by our predecessors, these proceedings are no simple matters.

President, I notice that a quorum seems to be lacking in the Chamber. Please do a headcount.

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)

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, please continue your speech.

DR FERNANDO CHEUNG (in Cantonese): President, I pointed out just now that many procedures of RoP are the fruits of years of experience accumulated by our predecessors, with the underlying meaning that the Council needs procedures as well as checks and balances. It is also necessary for the Council to provide opportunities for different quarters to make their voices heard and to consider matters in various perspectives. "Power tends to corrupt", as the old saying goes. It is indeed necessary to check powers. And there are times when we need to consider issues more than just efficiency. If absolute power corrupts absolutely, it is necessary to exercise checks and balances with these procedures.

If efficiency is all that matters in everything, the most efficient political systems of the whole world would be autocracy and monarchy. These systems are indeed most efficient as the words of an emperor equate laws and his imperial
decrees necessitate immediate enforcement, leaving no room for discussion on all matters. However, these systems, though efficient, are not the same as those that are superior, fair and command the trust and respect of everyone and different stakeholders, and will ultimately lead only to conflicts and chaos. That is why most autocracies in the world often collapse in wars. And the cycle of conflicts continues if an autocracy is replaced by another. After years of accumulated wisdom, we have come to appreciate the fact that political structures need checks and balances, democracy, multi-channels and procedures. Now, you are casually amending these procedures which are the fruits of centuries of experience.

In a joint letter opposing the amendments of RoP, a number of academics, including the initiator, Chair Professor Alvin SO and the recently-retired Associate Professor Dixon SING of The Hong Kong University of Science and Technology, Mr TO Yiu-ming of Hong Kong Baptist University, Prof CHOW Po-chung and Prof MA Ngok of the Department of Government and Public Administration of The Chinese University of Hong Kong as well as Dr FU King-wa of the Journalism and Media Studies Centre of the University of Hong Kong, pointed out that this amendment of RoP goes beyond a mere effort at stopping filibusters and can lead to a weakening of the power to monitor the Government of the Legislative Council at worst. How is this monitoring power being weakened? They cited the example of the minimum number of supporting Members needed, which will increase from 20 to 35 under the new rules, before a petition can be referred to a select committee. For what purposes did we petition on the last three occasions? For carrying out investigations into the affair of Timothy TONG, the cost overruns and delays of the Express Rail Link and the agreement between LEUNG Chun-ying and UGL Limited of Australia. The petitions we presented today, on the other hand, take aim at the cost overruns of the Hong Kong-Zhuhai-Macao Bridge and the Link Real Estate Investment Trust. Petitions will never be referred to a select committee if your agreement is required.

Raising the threshold of petition to 35 Members means placing a veto into your hands and making it difficult for the Legislative Council to, through the formation of select committees, investigate corrupt officials, cost overruns and institutional flaws. Is it the ultimate mission for the pro-Government Members to strip this Council of its power to monitor the Government through the amendment of RoP? Is this your solution to the problems of Hong Kong, by
pushing through the passage of every government proposal without discussion, allowing no investigations and placing tyrannical powers in the hands of the President?

MR KENNETH LEUNG (in Cantonese): I speak on the adjournment motion proposed by Mr Alvin YEUNG under RoP 40(1) on the debate on the proposed resolutions under Article 75 of the Basic Law. I support Mr YEUNG's motion.

I will not present detailed views on the proposed resolutions to amend RoP, for I will do so later on. In support of the adjournment motion, I put forth the following two matters of principle: the first one is that, among the 26 different proposed amendments moved by Mr Martin LIAO in the proposed resolution, many jeopardize the general interest of the Council and upset its ethics. This is the first argument.

I can point out most fundamental concepts to explain what this Council or parliaments all over the world are doing exactly. The English word "parliament" is a derivation of "parler" in French. President, "parler" means to speak, discuss business and debate politics. Members can talk freely, criticize the Government and discuss policies. I will not spell out the proposed amendments in the proposed resolutions, but taking a quick look at Mr Martin LIAO's proposed amendments, especially those to RoP 30 and RoP 57, one would find that these proposed amendments precisely infringe upon Members' basic right to speak. It is a most fundamental right, which is not only a right under the Basic Law but also the most fundamental one in all civilized parliaments and cultures in the world.

President, I can tell you a story. What is happening today in the Hong Kong Special Administrative Region indeed happened 2 400 years ago. It is common knowledge that one of the birthplaces of modern democracy is Athens, Greece. Around the 5th century BC, Greece already had a parliamentary system. What happened 2 400 years ago? It was related to what we are doing—the President has been saying we will continuously hold meetings until the end of time.

I believe Honourable colleagues all know a notable philosopher called SOCRATES. He was the founder of Western philosophy and loved to debate politics, criticize the government and discuss thoughts of life. Precisely because of his talkative nature, he vexed the then Greek Government, which arrested and
prosecuted him and sent him to court. In fact, he just talked too much and did not commit any mistake. His trial was even more preposterous. The trial took place in 399 BC and was not chaired by judges, but 501 citizens who tried SOCRATES to determine if he was guilty, if he talked too much and if he needed to shut up. The verdict was just over half of the 501 citizens considered SOCRATES guilty and should be sentenced to death. The reason for the death penalty was he had talked too much.

Similarly, as regards making amendments to RoP, I also deeply feel like being sentenced to death. Perhaps some Honourable colleagues really like to talk, criticize the Government and debate politics. The aforementioned story is an example I found that took place 2400 years ago. Today, the tragedy of history is befalling us again.

I certainly know that Members from the pro-democracy camp will give the President many reasons in their speeches later to explain why we should not amend RoP at this very moment. However, I wish to put forth another fundamental matter of principle, that is, procedural justice. I remember that the Committee on Rules of Procedure ("CRoP") of the last Legislative Council met once every two months. In the last Legislative Council, I was not a member of CRoP. Also, I do not resist making amendments to RoP but we should understand procedures that are relatively normal and fair.

President, in the last Legislative Council, I took part in a parliamentary course organized by the House of Commons of the United Kingdom, previously so did many Honourable colleagues who are now present. After coming back, I proposed a substantive amendment to RoP. I think Honourable colleagues of the last term may remember that on the moving of Members' motions not intended to have legislative effect at meetings of the Legislative Council, in addition to proposing amendments, there was another way of making amendments, that was the President could exercise discretion to permit amendments to amendments proposed by Members. Having come across such a situation and drawing reference to the study report of the House of Commons, I found that such amendments to amendments not only incessantly increased the workload of the Secretariat, but also caused Members to lose their focus when debating the amendments to amendments and members of the public attending the meeting to probably feel ever more puzzled. To amend a Member's motion, the intended objective can be achieved simply by proposing amendments at the appropriate time, meaning by the deadline.
Such a proposal I made had to first undergo discussion at a meeting of CRoP, which took place only after several months of waiting, followed by a month of consultation. Afterwards, the proposal had to be discussed in the House Committee where all members agreed to put it to the vote therein. I still remember that the proposal gained the support of 57 Honourable colleagues when it was debated and put to the vote in the House Committee. Of course, some Honourable colleagues held that such a proposal undermined Members' right to speak.

Nevertheless, President, I must point out that I support the motion proposed by Mr Alvin YEUNG under RoP 40(1) exactly because the proposed amendments—all the proposed amendments—lack procedural justice. Procedural justice is not served by holding one or two CRoP meetings and conducting a one-week consultation. It is widely known that some people want to make use of the current idle time slot to force the passage of these proposed amendments before 11 March, so one or two meetings and a one-week consultation are regarded as "completing the rituals" and fulfilling of all appropriate procedures.

In the last Legislative Council, I proposed only one amendment, the process for which took about six months—six full months. Members all arrived at a basic consensus on my proposed amendment to RoP. This time, Mr Martin LIAO's 26 proposed amendments, in addition to the dozens proposed by us Members from the pro-democracy camp—altogether some 50 proposed amendments—were tabled at the Legislative Council meeting after the conclusion of a three-month brief discussion and a consultation exercise lasting more than a week.

Of course, some Honourable colleagues from the pro-establishment camp may say it is the political reality that they are intent on dealing a mortal blow to us at our feeble moment. If it is the case, I deeply feel that the Council will be reduced to an even more dissented battlefield. It is a situation I do not wish to see and, I believe, neither do many Honourable colleagues.

Moreover, President, I wish to mention the issue of the quorum of a committee of the whole Council, which is a practical legal problem. Actually a few years ago I deliberated on it and discussed it with the Secretariat. We all gave it consideration in one of the directions, that was the efficiency of the Council. However, the efficiency of the Council is not absolute. The quality of debate and examination of motions in the Council is also crucial.
Therefore, President, you received two opinions from a Queen's Counsel and a Senior Counsel which pointed out the risk of violating the Basic Law incurred in lowering the quorum of a committee of the whole Council from half of the Council to 20 Members. At such a bearable risk, you made the decision that no president of a civilized parliament should or can make. You should have adopted Dr Fernando CHEUNG's or other Members' proposals to seek anew more unequivocal legal opinions. Though Honourable colleagues from the pro-establishment camp had already submitted to you a different legal opinion, you should have at least obtained another one before considering whether to approve the tabling of the proposed amendment at the Legislative Council meeting. It is the normal procedure. Of course, Honourable colleagues all think it is an abnormal condition as there are only three months. If death sentence is meted out because of the abnormal condition, because of the greater number of Members and because of the intuitive judgment that a person warrants a death sentence, then you would really sentence the Council to death.

I find this most unfortunate because various rules of RoP are indeed interlocked. Though a very senior barrister, Mr Martin LIAO introduced proposed amendments that are somewhat legally flawed and lack coherence throughout. I know he spent the entire summer break reading the proposed amendments to RoP, but he should listen to other views because, notwithstanding his view that such amendments are conducive to enhancement of efficiency—I repeat—efficiency and quality are equally important.

Furthermore, we all know that as all the rules of RoP are interlocked, just one or a few people may not be able to accomplish the task of amending various rules while avoiding scenarios of incoherence. Over the past two or three months, I have found out that some proposed amendments are rather sloppy. I put it on record here that, President, even with great misfortune and sadness, all the proposed amendments to RoP are passed this time, as Deputy Chairman of CRoP, I wish to carry on the efforts to propose some amendments to the provisions that have been amended to become unreasonable, sloppy, inconsistent and improper through the established procedures and after discussion with Members from different parties and groupings. I hope all Members will consider the amendments to be proposed by me in an open and calm manner. These amendments will not be too many because I know we lack confidence and trust over many issues. I hope all Honourable colleagues can set aside the time to look at such improvements. I hope that even if the Council is dead, I can still bring it back to life. I support Mr Alvin YEUNG's motion.

I so submit.
MR JEREMY TAM (in Cantonese): President, I support the motion moved by Mr Alvin YEUNG under RoP 40(1) that the debate on the proposed resolutions under article 75 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China be now adjourned.

Given that Members have expended a lot of energy on this subject, should we pause for a while to think about it again? Following the incident involving the presentation of petitions this morning, some Members might have to reflect on whether such amendments should be made to RoP.

President, allow me to explain the views expressed by me this morning and why Members might still need to reconsider whether the debate on this motion should continue even though the presentation of the petition this morning was permitted by the President, and the petition was supported by an adequate number of Members rising in their places.

We saw a very interesting scene this morning. When I proposed that a select committee be set up to monitor the Link Real Estate Investment Trust ("the Link"), pro-democracy Members, as expected, rose to express support. But unexpectedly, Mrs Regina IP rose from her seat, and even more unexpectedly, when she requested Ms YUNG Hoi-yan, who was sitting beside her, to rise, Ms YUNG remained seated. I wish to point out that even such a huge divide could emerge within a political party. Like a fledgling bird which is now covered with feathers, the Honourable Member was running like mad on the runway before taking off. Given that such a huge divide could emerge within a political party, I find it really hard to make Members of the pro-establishment camp as well as those of the pro-democracy camp to take on board my views, in addition to rising in their places. President, how can support from various parties and groupings be obtained should we fail to secure support from even a single political party?

President, this is not totally irrelevant to my support for the adjournment motion. Let us imagine what will happen when it comes to the voting eventually. By then, this Council will have to vote on the resolution proposed by Mr Martin LIAO, which can be described as all-embracing, including increasing the number of Members required for presentation of a petition for the establishment of a select committee from 20 to 35. Based on logical reasoning, Mrs Regina IP might hint that she did not wish to see what happened this
morning, as she could no longer follow up on that issue, which is of great concern to her, including the war of words with the Link, or at a higher level, a matter of great concern to Hong Kong people.

Having made a little effort in data collection, I realize that many people are really concerned about this matter. For instance, Mr LAU Kwok-fan described the Link as bureaucratic and said that several futile attempts had been made to liaise with its Chief Executive Officer, hinting that his political party hoped to follow up on this matter. Ms Alice MAK from the Hong Kong Federation of Trade Unions ("FTU") even alleged to have been victimized, saying one of the committees under FTU staged protests and petitions in 2009 over the problem faced by an outsourced security guard over restructuring, and a lawyer's letter was issued to it subsequently. Mr LAM Cheuk-ting appeared to hint that the public relations personnel of the Link were so deplorable that they cheated him and others blatantly and even refused to have any discussion with him in future. Mr Andrew WAN also said that the public relations personnel of the Link intended to divide and even threatened to fix him and his fellow party members. Some of its managers once said to his party members, "Are you going to hold a meeting today? Your party is infiltrated with members of the Link, so you must not talk nonsense. You should discuss with us before doing anything."

Actually, not only Members from a certain political party or grouping were threatened or intimidated. But only Mrs Regina IP rose in her place this morning, whereas other Members remained seated. What happened this morning would not have occurred if the threshold proposed today had already been increased from 20 to 35.

As pointed out earlier, this all-embracing resolution proposed by Mr Martin LIAO includes a proposal to amend the threshold. I believe Mrs Regina IP will definitely not vote against this resolution. That will definitely not happen, though Mrs IP might, deep inside her heart, wish to see this particular amendment withdrawn after witnessing the merit of this RoP this morning. Nevertheless, Members cannot withdraw this amendment alone as they have to vote for or against it as a bundle. Why do I strongly support the adjournment motion proposed by Mr Alvin YEUNG to allow all parties and people from various parties and groupings to consider whether certain laws and RoP should be amended?
I would like to say a few words about the proposed amendment to Rule 20, that is, the provision about presentation of petitions. Members’ focus of attention is now on increasing the number of Members from 20 to one half of all Members of the Council, that is, from 20 to 35. However, the other half of Members of the Council may have a different consideration. I have no idea how many Members have noticed this point because there are simply too many proposed amendments to RoP. I am actually referring to RoP 20(6). Should the relevant amendment be passed, "a select committee" will be replaced by "the House Committee". In other words, even if 35 Members rise in their places after the presentation of a petition, no select committee can be formed because the matter has to be dealt with by the House Committee. Do Members realize the impact caused by this amendment? Should the resolution to amend RoP be passed, the presentation of a petition by a Member this morning for the establishment of a select committee will become history because a select committee cannot be formed even if 35 Members rise in their places.

Such being the case, President, I think this provision should be reconsidered independently as to whether it should be amended. This amendment will not only result in, as mentioned just now, a different number of Members. Even if an adequate number of Members rise in their places, the petition will still be referred to the House Committee instead of a select committee.

Colleagues who are interested may look up RoP 20 regarding the amended provision on presentation of petitions. Members may examine the wording therein clearly. President, we must pause for a while and think. Now it appears that the President will, at any cost, wait until a goal has been scored before blowing the whistle to stop the soccer match. In other words, the Council will not be adjourned until the vote is taken. Even though some Members proposed earlier that other business items should be discussed today and that the debate be adjourned, the President still considered it more important to complete the voting than dealing with other matters. Although today marks the 80th anniversary of the massacre in Nanjing, the President still believes that it is already adequate for him to go to the ceremony and bow on behalf of the Legislative Council. We certainly understand that the President has gone there to bow on behalf of this Council, but we hope to hold a debate in this Council and demand Japan through a resolution to apologize for its invasions of China, including its invasion of Nanjing. This is what we hope to do.
Even if the President does not wish to spend such a long time on debating this matter, has he considered giving each Member one minute, instead of 15 minutes, to express their views and then at least completing the voting procedure? Although this Council might be delayed for an hour as a result, Members can at least make their position known on this day of remembrance—actually I do not consider it worthwhile to mark the occasion as such a day of remembrance should not have occurred.

Of course, President, your ruling is final, and you have repeated this again and again. I only wish to point out that the priorities and proportion of the businesses transacted by this Council are not directly proportional. Is amending RoP a matter of top priority? President, will a delay of one or two hours prevent the voting from being conducted? I believe the President knows in his mind whether Members must vote on amending RoP next Monday. Actually, your ruling has determined everything as you made it clear that the meeting would not be concluded so long as the voting is not conducted. If Members were workers, the President might contravene labour laws if, for instance, he told his employees they could go off duty only after washing all the dishes. Although members of the catering industry might be very pleased on hearing the President's comments, it is not going to happen because they must abide by the laws. It is unreasonable for them to expect the workers to work till they die of fatigue. I believe colleagues in the catering industry will not think in this way, either. However, this is precisely the ruling of the President. Like cleaning workers, we cannot expect to go off duty unless we have finished washing all the dishes. This is the ruling made by the President on the meeting arrangement next Monday. Hence, everything is out of proportion. Does it mean that the Legislative Council can deal with everything in an unreasonable manner and its sole purpose of doing everything is to accomplish the only mission of pressing the button to vote on the passage of the motion? Is this the goal of the Legislative Council? Should it behave in such a target-oriented manner? Members have absolutely no time for discussion.

The amendments made to RoP this time around can really be described as "voluminous", but the President has allowed each Member only 15 minutes to speak. I am planning to do this when it is my turn to speak. I really wish to read out the contents of each amendment and then indicate whether I am for or against it. Hence, the President cannot stop me from doing so. I only wish to indicate clearly whether I am for or against each amendment after reading it out. I really hope to find out whether 15 minutes are enough should I do so. President, if there is not enough time, is the arrangement for the entire meeting not very ridiculous? I merely wish to indicate whether I am for or against each
amendment. If I cannot do so within 15 minutes, would you, President, still consider the meeting arrangement reasonable? This is the reason why I oppose the continuation of the debate and support this adjournment motion.

(The President's Deputy, Ms Starry Lee, took the Chair)

Meanwhile, I am also acting in the interest of Honourable colleagues because the intrinsic original characters of many Members have been completely exposed because we can see them behave in an unusual manner as a result of fighting this battle to amend RoP. Deputy President, you might think that a certain Member is a modest gentleman and has great respect for women. When I saw Mr Paul Tse suddenly turn violent and charge forward, saying he knew how to speak foul language and even pressing his body towards Dr Helena Wong, I asked myself what was going on in this Council. I have never expected this Member dressed in tie and suit to behave in such a way. In our opinion, the debate should be adjourned because many Honourable colleagues are behaving totally different from their usual selves. The beautiful image they have managed to build up after many years of hard work and efforts has now been shattered in a blink of an eye, and our dispute has come to this pass as a result of these amendments to RoP.

Deputy President, I support this adjournment motion that seeks to allow Members to pause for a while and think. Having working so hard for many years, the image or popularity of Members should not be shattered in one go like this.

If possible, I earnestly hope to make an appeal to the President and Honourable Members. Given such a large number of amendments, it is impossible for each Member to be given only 15 minutes to speak. These amendments will affect not only the current Legislative Council, but also the next Council. As we all know, once RoP is amended, it can hardly be reversed to the original state, particularly as the present atmosphere of the Legislative Council is so tense. In our opinion, minority Members' right to voice their views must be protected by RoP. If everything has to be submitted to …

(Dr Elizabeth Quat stood up)

Deputy President (in Cantonese): Mr Jeremy TAM, please hold on. Dr Elizabeth Quat, what is your point of order?
DR ELIZABETH QUAT (in Cantonese): Deputy President, the remark made by Mr Jeremy TAM just now that Mr Paul TSE had used his body to overpower or pressed his body against another Member is actually very offensive. I saw everything clearly as I was on the scene at that time, and that was not the case. Hence, I find the remark very problematic …

DEPUTY PRESIDENT (in Cantonese): Dr Elizabeth QUAT, if you take exception to Mr TAM's remark, you may express your views when you speak later on. Mr TAM, Members should not make offensive remarks against other Members.

(Mr Paul TSE raised his hand in indication)

DEPUTY PRESIDENT (in Cantonese): Mr Paul TSE, what is your point?

MR PAUL TSE (in Cantonese): I thank Dr Elizabeth QUAT for raising this point for me. Although not every single word of Mr Jeremy TAM's remark was offensive, in general, it was obvious that he wanted to make use of this incident to accuse me of offending Dr Helena WONG. It is even worse than offending others with words. I would ask him to withdraw his remark or apologize and stop such a hypocritical act.

DEPUTY PRESIDENT (in Cantonese): Mr Paul TSE, if you wish to respond to the speech of Mr TAM, please do so in your speech later on …

(Mr Paul TSE talked aloud in his seat)

DEPUTY PRESIDENT (in Cantonese): Mr TSE, please let me finish it first. I understand the point of order you have raised, so please sit down. Members who wish to respond to the speech of another Member will please press the "Request to speak" button and do so when it comes to their turn to speak.

As regards Mr Paul TSE's view that the remark made by Mr Jeremy TAM just now was offensive …

DEPUTY PRESIDENT (in Cantonese): Mr Jeremy TAM, I noticed your mention of an incident that happened during the last meeting of this Council, for which both Mr TSE and Dr QUAT have indicated that they felt offended. Please be mindful of the choice of words in your speech later.

I noticed that the account given by Mr TAM was a part of his speech in which I was not aware of any offensive language. However, Mr TAM, I must remind you to be mindful of the content of your speech. I hope Members will not speak for the purpose of offending other Members, otherwise, it would be difficult for the debate to continue.

MR JEREMY TAM (in Cantonese): The Deputy President is wise.

(Mr Paul TSE stood up)

DEPUTY PRESIDENT (in Cantonese): Mr Paul TSE, what is your point of order?

MR PAUL TSE (in Cantonese): Offensive language is of course part of Members' speeches. According to this logic, no speech by any Member will constitute any offence. Deputy President, he is now using the so-called less rude or indirectly offensive language to narrate an extremely offensive and accusatory matter. He is using the freedom of speech in the Council as an excuse to make an unfounded allegation, or even an accusation in order to exonerate Dr Helena WONG from the blame. Such behaviour is more shameless than "wearing a suit" as he said. He is "wearing a suit". He is really a shameless "dog-wolf".

DEPUTY PRESIDENT (in Cantonese): Mr Paul TSE, your view on my ruling is noted.
MR PAUL TSE (in Cantonese): Deputy President, excuse me. I withdraw the term "dog-wolf". I should not insult "dog-wolves".

MR JEREMY TAM (in Cantonese): Deputy President, I seek your ruling.

DEPUTY PRESIDENT (in Cantonese): Mr TAM, on which term do you seek my ruling?

MR JEREMY TAM (in Cantonese): Deputy President, you had better ask Mr Paul TSE to repeat that.

DEPUTY PRESIDENT (in Cantonese): Mr TSE, please clarify it.

MR PAUL TSE (in Cantonese): Deputy President, I withdraw the term "dog-wolf" because it was an insult to "dog-wolves". Excuse me.

DEPUTY PRESIDENT (in Cantonese): Mr TSE has withdrawn the term in question. Mr TAM, please continue your speech.

MR JEREMY TAM (in Cantonese): I wish to make a clarification first. Please do not start the timer yet …

DEPUTY PRESIDENT (in Cantonese): Mr Jeremy TAM, which point do you wish to clarify?

MR JEREMY TAM (in Cantonese): First, Mr Paul TSE withdrew his remark immediately after making it. Is that not just shameless? "Bravo" to him …
DEPUTY PRESIDENT (in Cantonese): Mr TAM, please speak on the subject.

MR JEREMY TAM (in Cantonese): Deputy President, you can see his primitive character fully exposed. What I said was actually not offensive, Deputy President. I simply gave an objective account of the scenario at the time. The objective reality was that Mr Paul TSE did approach Dr Helena WONG and force her to leave with his body. Video clips capturing the incident are available online which I have watched many times before making this allegation, Deputy President.

(Mr Paul TSE stood up and talked aloud)

DEPUTY PRESIDENT (in Cantonese): Mr TAM, please hold on.

MR PAUL TSE (in Cantonese): I would say "bravo" to him if he makes the same remark outside the Council.

DEPUTY PRESIDENT (in Cantonese): Mr TSE, I must also remind you that if you wish to make a comment, please press the "Request to speak" button and make the comment when it comes to your turn to speak. Mr TAM, please continue your speech.

MR JEREMY TAM (in Cantonese): This is precisely an abuse of the Rules of Procedure. It is the same each and every time …

(Dr Helena WONG stood up)

DEPUTY PRESIDENT (in Cantonese): Dr Helena WONG, what is your point of order?

DR HELENA WONG (in Cantonese): I very much agree with Mr Paul TSE that the Deputy President must make a ruling and clarify whether what Mr Jeremy TAM said was true. As an involved party, I shouted at Mr Paul TSE at the time
to stop him from touching my object, while he pushed away by hand the placard that I was holding and bumped and pressed against me with his body, so the description made by Mr Jeremy TAM was very accurate …

**DEPUTY PRESIDENT** (in Cantonese): Dr Helena WONG, this is not the time for you to clarify this incident. What you have mentioned is not a point of order. Please sit down.

**DR HELENA WONG** (in Cantonese): If his body did not bump against me, I would not shout "sexual harassment". If Mr Paul TSE thinks what I have said is not true, the Deputy President may suspend the meeting and review the video recording. I will be glad to find out the truth with everyone.

**DEPUTY PRESIDENT** (in Cantonese): Dr WONG, I have already made my ruling just now.

**DR HELENA WONG** (in Cantonese): Some Members put the incident the other way around and accused others of making slanderous remarks. The Council will not tolerate any sexual assault or sexual harassment. I support suspension of the meeting so that we can review the video recording together.

**DEPUTY PRESIDENT** (in Cantonese): I have already made my ruling. Mr Jeremy TAM, please continue your speech.

**MR JEREMY TAM** (in Cantonese): Deputy President, it was agreed just now that my remark was not offensive. I was just recounting the circumstances surrounding the incident and the Deputy President has already made a ruling. I do not understand why Mr Paul TSE is yelling in Chamber. If he wishes to express his opinion, he can do so in his own speaking time. Deputy President, I suggest that the meeting be suspended as some Members are running out of control.
MR JAMES TO (in Cantonese): Deputy President, on the surface, we are discussing the Rules of Procedure ("RoP"), but I believe we are actually discussing "one country, two systems". I have been deeply distressed the past 10-odd days when this subject was discussed. The Legislative Council is at a critical moment right now. First of all, I support this adjournment motion for the following reasons.

At about this time last year, on a certain day in December, we were informed of LEUNG Chun-ying's decision to not seek re-election as the Chief Executive for reasons that are no longer important. The general belief was that the Central Government did not want him to continue to hold the Chief Executive office. Why? It was hoped at the time that Hong Kong society will at least have the opportunity to get back onto the right track and the dissension of the past few years would be mended gradually. In a while at 5:00 pm, I will give an interview to talk about the situation in the past year and it will give me the opportunity to calm down and review the past: Carrie LAM won the Chief Executive Election, then XI Jinping delivered his speech on 1 July which basically said people who hold different views or even at odds with each other could open communication, too. The situation was actually not bad. The article by ZHANG Xiaoming published in October also stated that overall jurisdiction is only exercised over a small group of people instead of the majority, which was vastly different from the aggressive discourses made by him in the past few years. We were originally waiting for a turning point. Certainly, after the 19th National Congress of the Communist Party of China, XI Jinping has assumed full power and members of the Central Coordination Group for Hong Kong and Macau Affairs have been replaced, so an opportunity was occasioned for a review of whether the policy on the ruling over Hong Kong in the past 20 years should be continued.

Recently, Jasper TSANG has assumed a high profile. He has written several articles, and one of them specifically responded to the remarks made by the incumbent President on RoP. Jasper TSANG held that the essence of "one country, two systems" is threefold: first, the existence of an opposition camp; second, the opposition camp's right to veto Government bills, which is impossible in the Mainland; and third, the opposition camp's right to delay, hold back or even veto any funding requests or bills submitted by the Government by all possible means conferred by RoP. He believed that these formed the essence of "one country, two systems", of which I have not heard any denial from the pro-establishment camp, in particular by any big wigs of the pro-establishment
camp. I have quoted this view of Jasper TSANG seven to eight times and have not heard him disapprove of my understanding in public. So, if the essence of "one country, two systems" includes allowing the minority in terms of the number of Legislative Council seats—which is in fact the majority in terms of public opinion and will be so under a direct election, but rendered the minority due to twisted election rules—to oppose, delay or even veto bills, motions or funding requests that we find unreasonable, then I must state solemnly that any amendment to RoP is equivalent to cancelling "one country, two systems", violating "one country, two systems" and contravening DENG Xiaoping's original intention of introducing "one country, two systems".

Perhaps Carrie LAM wanted to speed up the passage of bills and funding requests or promote a smoother administration. Perhaps some Honourable colleagues in the pro-establishment camp really feel miserable having to sit here and listen to what they consider nonsense from pro-democracy Members, making it impossible for them to attend to other businesses or watch horse racing. But these reasons should not divert people's attention because it would be a very serious matter if the original intention of "one country, two systems" is defeated.

Deputy President, we should carefully think about the role of "one country, two systems". The principle of "one country, two systems" serves to convince Hong Kong people, to make them proud of being Chinese Hong Kong citizens, to pursue development under "one country, two systems" and even to hold a "Chinese dream" in the future. The original intention of "one country, two systems" is to tell Taiwan compatriots that Hong Kong is under the protection of "one country, two systems", that the opposition camp has the right to oppose and resist draconian laws through filibustering. The Basic Law is very important as it faces up to the world and makes the world believe that Hong Kong is practising a different system. Unfortunately, not only was the fast knot tied by LEUNG Chun-ying in the past five years not gradually undone, this amendment of RoP is making it even tighter. I wonder whether …

(Mr HUI Chi-fung stood up)

**DEPUTY PRESIDENT** (in Cantonese): Mr HUI Chi-fung, what is your point?
MR HUI CHI-FUNG (in Cantonese): Deputy President, point of order. I request a headcount.

DEPUTY PRESIDENT (in Cantonese): Mr HUI Chi-fung has requested a headcount.

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, but some Members did not return to their seats)

DEPUTY PRESIDENT (in Cantonese): Will Members please return to their seats. Council will now continue. Mr James TO, please continue your speech.

MR JAMES TO (in Cantonese): Deputy President, I was saying that the amendment of RoP contravenes the original intention of "one country, two systems" in that they take away the power of minority Members, who actually represent the majority public, to resist draconian laws under RoP. Under these circumstances, I believe the debate should be adjourned so that all, including Members of the pro-establishment camp, can give it thorough thinking as society may seldom reflect from this strategic perspective on why RoP must confer on the minority the power to resist bills or funding requests which many people find questionable.

As a matter of fact, the amendments to RoP are not only about the so-called anti-filibustering. One of the amendments proposed by Mr Martin LIAO is indeed in breach of the Basic Law, and thus, unconstitutional. The two external counsel engaged by the President have both indicated that the amendment was in breach of the Basic Law. It is not up to the President to decide whether unconstitutionality is a serious issue or leave it to Members' decision since the amendment was found constitutional by the two counsel engaged by the pro-establishment camp. I believe a serious study on the constitutionality of the amendment is a must. The Government also has a role to play because according to my understanding—I will not adopt the "superiority theory" proposed by ZHANG Xiaoming some time ago, even though he is a
representative of the Central Government, which suggested that the Chief Executive is superior to the executive authorities, the legislature and the Judiciary—the Chief Executive is duty-bound to ensure that there is no contravention of the Basic Law in society.

(THE PRESIDENT resumed the Chair)

I do not believe or advocate that the Chief Executive can request or threaten Members to cast what votes. That is absolutely not right. However, the Chief Executive should at least avoid adopting an evasive attitude. The Secretary for Justice or the Chief Executive herself should state whether this amendment or others proposed by Honourable colleagues in the pro-establishment camp are unconstitutional. The Chief Executive recently stated that it was inappropriate for her to show her stand as the issue was complex with diverse views from two camps. President, certainly, nobody can force her to take a stand if she does not want to, but there are political consequences and responsibility for that. If the Chief Executive decides not to take a stand on the issue and the amendments passed are eventually found unconstitutional by the Court, I believe the Chief Executive should be held accountable, and not only to Hong Kong society.

President, we hold that if the amendment is unconstitutional, the implementation of the Basic Law will then contradict constitution-based governance and the rule of law, the latter of which was repeated emphasized by XI Jinping. Certainly, his perception of the rule of law may greatly differ from mine, but insofar as constitution-based governance and the rule of law are concerned, the constitution referred to was obviously the Constitution of the People's Republic of China and the Basic Law of Hong Kong. We should take his statement seriously, and that is, constitution-based governance in Hong Kong. Hence, I am making a last-ditch appeal to Members of the pro-establishment camp: does the amendment to the quorum of the Committee stage matter so much to you as a whole? If the amendment does not matter so much and may contravene the constitution, the Basic Law and constitution-based governance or the rule of law mentioned by XI Jinping, I believe Honourable colleagues in the pro-establishment camp must give careful consideration to it, in particular Mr Martin LIAO of the pro-establishment camp who proposed the amendment as I think he should assume a greater responsibility than the others.
President, we hold that the amendments to RoP really involve major problems of violating "one country, two systems" or unconstitutionality. From the political perspective, why should this debate be adjourned? Because people's confidence in "one country, two systems" has significantly weakened after LEUNG Chun-ying's governance in the past years. We, the traditional democrats or the moderate democrats, have no hesitation in believing that "one country, two systems" is the best way out for Hong Kong. We do not believe "Hong Kong independence" is the right path. Nevertheless, more and more Hong Kong people, and not limited to young people, have become less confident in "one country, two systems". If the pro-democracy Members elected by a majority of votes who represent public opinion are stripped of the power under RoP to veto draconian laws that in our view will seriously affect the public, we believe this act of the pro-establishment camp will only foster the air of "Hong Kong independence" and the disloyalty of Hong Kong people towards the Central Government, making the knot more difficult to untie in the future. I hope Honourable colleagues in the pro-establishment camp will think twice.

DR CHENG CHUNG-TAI (in Cantonese): I rise to speak in support of the adjournment motion proposed by Mr Alvin YEUNG.

In my view, given such extensive amendments to the Rules of Procedure ("RoP") involving such a grave and serious subject, the arrangement for each Member to speak for only 15 minutes before making the decision is an insult to each and every Member, to this Council of ours, to every Hongkonger and the entire Hong Kong society.

To my rough understanding, the amendments to RoP which we are now discussing or going to discuss concern this book called RoP in our hand, comprising 93 rules and two schedules, and these 49 amendments may cover more than one third of the whole RoP. This small book containing the so-called standing orders affects not only the existing 7 million Hongkongers. It may affect each and every generation of Hongkongers in future. Therefore, given the profound impact, it may lead to unfathomable severe consequences which cannot be made clear through our present debate in which each Member can speak for just 15 minutes.

This is such a simple truth. Let me draw an analogy. If the student union of a university holds a discussion about amending its so-called constitution and only allows each member to speak for 15 minutes before making such
amendments, even the university students will find this ridiculous, not to mention that this is the Legislative Council affecting 7 million Hongkongers. It is our legislature in Hong Kong. At the same time, I wish to point out why the 49 amendments in our following discussion are unreasonable according to the rules of order, and why we should make consideration with such a grave attitude.

First of all, individual amendments or proposed provisions, as repeatedly pointed out by some Members just now, may involve the constitutional issue of being in contravention of the Basic Law. From Hongkongers' perspective, I do not think the question of whether the amendments contravene the Basic Law cannot be discussed at all. However, under the existing mechanism, how can we determine whether a provision is unconstitutional? We cannot touch on this question rashly because at present, there are only two mechanisms in Hong Kong to determine unconstitutionality, so to speak. The first one is interpretation of the Basic Law by the National People's Congress ("NPC"), and the second one, reliance on the Hong Kong Court of Final Appeal ("CFA"). I do not think we should pass the political dispute in the Legislative Council arising from the RoP amendment exercise onto CFA, which may thus have to address some judicial reviews later. The Court in Hong Kong should not deal with any political issue. I believe we all agree with this point. Apart from making consideration from the angle of the Judiciary in Hong Kong, why did I say that these individual provisions are inconsistent with our constitutional principle?

Let me give a simple example. Just now some Members mentioned, amongst others, that the amendment proposed by Mr Martin LIAO involves the interpretation of "committee of the whole Council" ("the Committee"). In this book about our standing orders, this English phrase or term refers to the Committee in its entirety. Come to think about it. If it is merely interpreted as a subcommittee under the Legislative Council, why would the Government need to follow the step of submitting a bill to the Committee during the course of processing the bill? Regarding it as a subcommittee is, in other words, actually relegating the status of the Legislative Council. We will be merely regarded as one of the advisory bodies of the Government, functioning like some of our existing subcommittees. There is no way we can clarify this issue of function in today's constitutional debate in which each person can speak for just 15 minutes.

Considered from this perspective, the Committee refers to the Legislative Council as a whole. Its status is comparable to that of the executive, that means the whole Government, for performing the functions of scrutiny, monitoring and
supervision. President, after consulting the counsel, if you ignore their opinions and make your own interpretation, we will be unable to clarify the constitutional issue involved through our 15-minute speeches in the debate.

Besides, I thank Mr Martin LIAO for his reminder. Just now he tabled a document, saying that Article 75 of the Basic Law concerns "the meeting of the Legislative Council", that means the so-called Council meeting. But now we are talking about RoP. I believe we all know that RoP originated from the Standing Orders of the House of Commons of the United Kingdom, whereas the Basic Law was drafted in the 1980s, during which there was the historical problem of having no participation by the people of Hong Kong, or "three-legged stool", so to speak. From the historical angle or the angle of what we call "falsification", the experience of falsification by the Basic Law will not be richer than that of the British House of Commons. For this reason, I consider this the very book about Council proceedings which we should really address. This is also the basic attitude for upholding procedural justice.

The discussion about constitutionality aside—because this point is more complicated—the focus of our discussion on individual provisions, in my view, is not how to strike a balance of power among various political parties and groupings in the Council, or how to make the standing orders favourable for the minority or the weaker side to debate or perform their functions as Members. In fact, the individual provisions involve expansion of the existing powers of the President which are not subject to any control, monitoring or restriction. Certainly, the President will say that he is monitored by the people of Hong Kong, but he does not bear any cost. Not bearing any cost means that even though there may be queries about his background, his nationality or his assumption of the President's seat despite being a Member returned by a functional constituency, the people of Hong Kong are unable to censure him or practically monitor him in any way. Nevertheless, I will leave this point aside for the moment and focus the discussion on the problem of the system itself. That is, these 49 amendments will further expand the President's functions and powers. Insofar as the President's position is concerned, I do not think the conflict of roles mentioned by the pan-democratic Members just now is a reasonable proposition. However, since the provisions are related to the expansion of the President's powers, the President should consider arranging the Agenda more carefully. He cannot put all the amendments together in a single basket, let each Member speak for 15 minutes and consider it done. Expansion of the President's powers will definitely be involved.
Your powers have not yet been expanded, but today I have personally experienced being accused by you of straying from the question when all I did was breathing. Such a feeling can never be banished. I will talk about this for four whole years. Hence, from this angle, if you are relatively neutral, you should properly examine which provisions are related to your powers. If there are any, they should be singled out for our separate debate and scrutiny. This problem about the individual provisions is my second reason for supporting the adjournment motion proposed by Mr Alvin YEUNG.

Now coming to the most crucial part, these 49 amendments involve a very important element in our whole set of standing orders, that means our code of practice in the Council. It is the matter of coherence or consistency of our RoP. In fact, these 49 amendments will definitely touch on some procedural rules in the Council, and these procedures are not merely ritual. The underlying spirit they demonstrate is "check and balance" which we should not simply interpret as monitoring between the legislature and the executive. As a matter of fact, the element of "check and balance" is already embedded into our proceedings.

Take the procedure for the passage of a bill as an example. Do we indeed have too much time to spare? We listen to the proposition for First and Second Readings of a bill by the government officials in the Chamber, then set up a Bills Committee, and the bill will be submitted to a committee of the whole Council and then passed after Third Reading. Each step at each stage serves its respective function. In respect of each decision from the provision of information, raising questions, debate, scrutiny to vote, each link has a function. Now these 49 amendments straddle the functions of various steps. Without any clear and detailed scrutiny of these 49 amendments, how can the function at each stage and the underlying concepts be clarified in just 15 minutes?

Simply take the example given by me just now as an illustration. There should be different criteria for defining the President's powers in these several steps. If we understand what is meant by rules of procedures or proceedings as prescribed in RoP, we will understand this point. The President of the Council has the power to order someone to leave the Chamber. In the past, the Chairmen of other committees did not have such power. Why? Because the President's functions are at a different level from those of the Chairmen of committees. That means powers vary in degree. However, in the past, we did not pay close attention to this point, so a rule was passed with ignorance, vesting the Chairmen of committees with the power to order the withdrawal of Members. We belong
to the same Council, but why can those elected as Chairmen of individual committees order my withdrawal with their advantageous position under the system? This is unreasonable. The power of each Member should be equal, but we have passed such a rule stupidly. Why? Because we are not up to standard.

Regarding this point, the 49 amendments which we are going to discuss in a while should not be simply divided into such groups as one involving the President's powers, one reducing Members' power of proposing adjournment motions, one enabling a meeting to be resumed indefinitely after abortion, so on and so forth. We may interpret and discuss them in such a rough manner, but this is not the fundamental reason why we should seriously examine these 49 amendments.

If we really conduct our discussion through this 15-minute speaking time and pass the amendments after everyone has finished his speech, strictly speaking, it makes no difference from my angle or that of my supporters (i.e. our political party) because when we proposed the movement of "devising the constitution by all people and sustaining the Basic Law forever" last year, we already held the premise that the Council has failed. That is why we need to reform the system. That is to say, sitting in the Council, we may just be fancying when to go out for fun, daydreaming, mulling over the bets to be placed in the Jockey Club tonight, etc. However, why do I need to reiterate at this very moment what I said just now? Because if these 49 amendments are passed—I actually believe the amendments will be passed smoothly—it is not our Council that they will destroy. It is also not as simple as what Members interpret, that they will destroy "one country, two systems". What they will actually destroy is the system of representative government trusted by the people of Hong Kong. As a matter of fact, in the past, we had neither democracy nor genuine elections, but the people of Hong Kong still believed that being a Member, I would serve as their representative and speak for them. However, later on, when I even lose my right to speak for the people, which is my only remaining function in the Council, what will be the situation like? What I foresee is not like the scene in the National People's Congress. Rather, we must prepare more funding. Incidents of assault may happen in the Court, problems may arise between doctors and patients in hospitals, etc. Why? Because we cannot represent members of the public and relay their views. Subsequently, members of the public will approach the civil servants or frontline staff direct to express their views, i.e. their grievances.
Perhaps today we still have not seen such circumstances, but they have actually taken place. Why did incidents of assault happen at certain places? Because we had failed to relay their views. If RoP is indeed tightened in such a way later, stripping the Council of its only remaining power of monitoring, President, really sorry, even if it may offend you, I must say that we have got to spend more time doing exercise. Why? Because we need to run faster. Suppose I had promised members of the public that in respect of the Lehman Brothers incident, I would vote in such and such a way and fight for such and such a thing for them after joining the Council. Then they discover that under the system of the Council, it turns out that I am not even allowed to act as their representative. In that case, what will they do? If I were a victim in the Lehman Brothers incident, I would come to slash at you, right? I am just making an analogy to describe such a situation.

Hence, President and Honourable Members, I hope you will understand that this is not an easy question. The consequences will be borne by us. I believe I will not be the first victim among the 70 Members because I am sure I can run faster than them. Seriously, if someone comes to me with a chopper, I will be able to run away. It does not seem appropriate at all to put it this way. It seems slightly exaggerated. Members of the public will not act in this way. Hence, (The buzzer sounded) … I hope Members will look into the matter seriously. I so submit.

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

PROF JOSEPH LEE (in Cantonese): President, I rise to speak in support of the adjournment motion proposed by Mr Alvin YEUNG. Before I rose, my colleague reminded me not to do any more "stand-up comedy", saying this debate was no filibuster. Rather, it was the thrust. He also reminded me that last week, I conducted a tour of the Legislative Council for pupils in upper kindergarten (K3) classes—I would act as a guide for the guided tours from time to time—and asked me if I remembered explaining the functions of the Legislative Council to the children. I said I did. Having worked in the Council for more than a decade, I know them by heart. I said the Legislative Council had three main functions, namely making laws, approving public expenditure and monitoring the Government. He then asked me to talk about it on this occasion. After reading the relevant information, I do not know how to do so. Why?
First of all, President, I need to explain why I support the adjournment motion proposed by Mr Alvin YEUNG. The whole file comprising tens of proposed amendments to the Rules of Procedure ("RoP") is rather thick. My colleague was very kind by condensing them into a few pages for me. President, I really cannot finish reading all of them. First, even if I have read some of them, I cannot understand them because after reading only Mr Paul TSE's proposed amendment in this "little red book" concerning the correct form of the Chinese character "舉", coupled with the article shown to me by "Headmaster IP" about how this character is written, I really got a big headache. Searching for this character among the provisions alone will already take a long time. Can we finish talking about so many things in 15 minutes? Certainly not. However, I have heard Honourable colleagues speak for the whole morning. Some said this is a very urgent matter which has to be passed before Christmas. So this meeting will go on until Monday. President, actually I am among the victims because a meeting of the Panel on Health Services was originally scheduled for Monday, but now it has been cancelled and the meeting time has to be arranged anew. But never mind. Let us give way to a more important matter.

However, having listened to Members' speeches and read the relevant paper, I wish to discuss whether the amendment of RoP is in fact so urgent. This morning I hosted a graduation ceremony. I clapped my hands so much that they ache and cannot flip through the book dexterously, but still I have turned over a few pages to see how urgent it is. If it is necessary to amend RoP in such a hurry now, I guess that after the passage of the proposed amendments, the Legislative Council will of course operate more smoothly in 2018, thereby enabling Members to give better play to their roles and functions and benefiting Hong Kong society. Will that be the case? If we oppose Mr Alvin YEUNG's adjournment motion instantly and vote on it promptly, we can wish each other Merry Christmas and Happy New Year. When we sit again after the holidays, the Council will operate more efficiently. Will that really be the case?

President, I have to admit that I have not read the whole paper. I have only read some of the amendments proposed by Members. I wish to see whether it is really so urgent in the first place. I asked myself one question: Can the amended RoP really make our Council operate more smoothly and enable Members to give better play to their roles and functions? These are my prime considerations. Mr Paul TSE, I do not mean to challenge you. Please do not ever accuse me of bringing up that offensive incident again. I am not talking about that. I am only looking at the question in this aspect. Mr Paul TSE has
changed all the "擧" written with the radical "hand" ("手") in the existing RoP to another version of the character ("舉"). After such a change, what will happen to the order of our proceedings? Is it so urgent that it must be passed by Monday? I do not know.

Certainly, President, I wonder if you have the power to withhold those proposed amendments with no urgency for discussion again thousands of years later, and first pass those which are urgent now. I really wonder if the President wishes to do so. However, after reading the paper on the proposed amendments, I was at a loss. I looked at the amendments proposed by Mr WU Chi-wai, who is my ally, again. One of his proposed amendments prescribes that meetings of the Council shall continue to be held during the annual plenary sessions of the National People's Congress and the Chinese People's Political Consultative Conference. Actually, the Legislative Council has all along held meetings during that period, but for some unknown reasons, it does not do so at certain times. Will it be better if it does? This is justifiable, but is this proposed amendment so urgent? Judging on the principle of urgency, I do not quite understand it.

After reading the several amendments proposed by Mr CHAN Chi-chuen, I found some of them baffling. His second amendment proposes allowing Members to chair a meeting in either Putonghua, the "Hong Kong language"—I dare not say it is Cantonese—or the English language. But this has always been allowed. So is this proposed amendment very urgent? After reading another amendment proposed by him, I did not get it either. It amends RoP 24. President, I do not intend to talk about the contents of the proposed amendments. I only wish to discuss their urgency. If they are of no urgency, there is no reason to discuss them right now. For this reason, I support Mr Alvin YEUNG's adjournment motion. The amendment proposed by Mr CHAN Chi-chuen in respect of RoP 24(4) allows a Member to ask not more than two questions without notice at any one meeting of the Legislative Council, and ask not more than one question without notice in a session. Are such changes very urgent? We have already discussed this issue for a long time. If a question is urgent, the President will approve it. Why is it necessary to amend RoP?

The many amendments proposed by Mr Martin LIAO, such as those proposed in respect of RoP 14 and RoP 20, are extremely controversial. I will talk about them later. Some other proposed amendments, however, are not controversial. Yet after reading them, I did not understand them at all. Even
though I had checked this "little red book", I still did not get it. For example, he proposes amending RoP 45 to the effect that it can apply to any committee rather than being only applicable to standing or select committees. For this reason, I have looked at RoP 45, but having read it, I wonder how urgent such an amendment is. Even if the proposed amendments are reasonable, are such amendments to RoP really so urgent that they must be passed in their entirety by Monday? I really doubt it enormously, President. I do not quite get it.

Let us then look at the amendment proposed by our ally, Dr Fernando CHEUNG, which allows Members to speak in the Council with sign language. I know that it is very nice of the Legislative Council to provide sign language interpretation service after its relocation to the new complex. This service is in fact very expensive. But how urgent is this? The amendments proposed by Mr Dennis KWOK involve technical operations in law which I do not understand. If even I do not understand them, members of the public will not understand them either. After such hasty passage, can these proposed amendments indeed quickly enable us to give better play to our roles and functions and facilitate smoother operation of the Legislative Council? I really have a lot of doubts.

Mr Alvin YEUNG has also proposed several amendments, one of which amends RoP 92 to stipulate that the President of the Legislative Council may consult the Committee on Rules of Procedure on procedures not provided for in RoP. This is a technical issue, too. As mentioned by a Member just now, these proposed amendments concern such matters as the usual practices of operation of the Legislative Council. I am not a very hard-working Member. In fact, I have participated in causing abortions of meetings. But having sat here for such a long time and listened to a lot of Members' speeches, I could not help asking myself this question: Can the amendments to these rules really facilitate effective operation of the Council? Again, I have some doubts.

Mr Charles Peter MOK has proposed two amendments. To my surprise, the first one amends RoP 6(5) to require the Clerk of the Legislative Council to be responsible for the custody of video recordings of meetings. I think these records have always been kept. What does it have to do with the Council? Is it for facilitating convenient access to the video recordings of past meetings? How urgent is it? President, I am still talking about urgency. I have spent more than seven minutes on talking about urgency. Why? Because if next Monday is the deadline for passing all these proposed amendments, I would expect the Legislative Council to operate smoothly thereafter. However, having spoken
thus far, I still do not understand how smooth the operation of the Legislative Council will become after the passage of these proposed amendments. Can our roles and functions really turn for the better? Can the three functions of the Legislative Council which I told the K3 pupils be genuinely achieved? I really have no idea.

Similarly, after Ms Tanya CHAN had spoken on her proposed amendments, I did not find … I will not read out their contents, less the President will rebuke me. Can her proposed amendments really enable the Council to operate more smoothly? Moreover, several other Honourable colleagues have made similar points. For example, just now Mr Jeremy TAM threw down the gauntlet, questioning whether we can read out all the proposed amendments one by one and express our support for or objection to each of them in 15 minutes. Anyway, one of his proposed amendments adds RoP 11A to provide that all meetings of the Council shall be conducted in an open manner, subject to RoP 88 or otherwise as required by RoP or by law. If my memory has not failed me, a Member once requested withdrawal of members of the public and the press under RoP 88 before, causing much commotion and arousing strong reactions. After the passage of this proposed amendment, will the Council be able to operate very smoothly?

The last proposed amendment I saw on my "cue card" is the one proposed by Dr KWOK Ka-ki. He proposed raising the quorum of the Finance Committee and that of the House Committee to one third of the number of members to replace the existing one which is eight members.

President, after speaking for such a long time, the question remains: How many of the 40-odd proposed amendments to RoP can, upon passage, genuinely enable the Council to operate smoothly and enhance Members' performance in monitoring the Government's legislation as well as vetting and approving budgets? I really do not understand it. Given this lack of understanding, why should we spend time on discussing these things while all other items have to give way? For this reason, Mr Alvin YEUNG hereby requests Members to consider and discuss it further. Actually some proposed amendments to RoP have not undergone any detailed discussion. Is there such an urgent need to pass all of them at this stage? President, I am absolutely doubtful about it.

Apart from this, if anyone suggests that we should not consider urgency alone because after RoP is amended, no Member will filibuster, thus reducing the possibility of abortion of meetings, then I would like to raise one question. When we sit here, be it those who are stuck with filibustering or those who
filibuster—certainly including me—actually why do we need to filibuster? It is precisely because the current representation of public opinion in the Legislative Council is abnormal. We account for 55% while the other side accounts for 45%, but many bills or motions were negatived because they were not accepted by the Government. As such, how can the Government be held in check? It is because of the uneven representation of public opinion in the Legislative Council that we wish to do better, using filibusters as the means to keep the Government in check and oppose draconian laws, is it not?

Certainly, I have to admit that at a certain point, filibustering has become tiresome. It has even been criticized as preposterous or abuse of procedures. President, it is a means, not an end or an objective by itself. I do not believe it is our wish to filibuster when we serve as Members. Rather, our wish is to give play to Members' roles and functions. That being the case, I do not see that the passage of various proposed amendments to RoP mentioned just now can prevent or reduce filibusters or abortion of meetings. Why hurry to do it now? If it cannot be achieved, will there be any problem? Yes, of course. Some Members will feel that they have failed the mission. So filibusters will go on.

I do not like to comment on this at all. Yet there is this view that the passage of the dozens of proposed amendments to RoP by Monday can prevent filibusters and abortion of meetings, and the Government can also operate smoothly. If the argument advanced by me just now applies, it seems untenable and irrelevant. What is the actual picture then?

President, after my further observation, I found that amending some of the rules in RoP would lead to enormous impacts. Why? As I said just now, the amendment to RoP 20(6) will lower the threshold required for the referral of a presented petition to a select committee from 20 to 35 Members. Having joined the Legislative Council for more than 10 years, I have presented different petitions before. This is a very good mechanism of checks and balances. When we need not invoke in the House Committee or other situations the imperial sword of the Legislative Council (Powers and Privileges) Ordinance to set up a committee, there is still a mechanism which enables us to investigate internal problems of the Government. Despite the lack of statutory powers under this mechanism, the relevant departments will still have to give an open account to the public after the petition has been referred to a select committee. We are worried that if the threshold is raised, our role as ombudsmen will be greatly undermined. Why should we do so? Passing this proposed amendment which has nothing to do with filibusters or the smooth operation of the Council is
tantamount to weakening the Legislative Council and stripping it of the power to check the Government and redress public grievances. How urgent is this? Can we or the Special Administrative Region Government possibly hold that Members' power should be undermined right now so that the Government can just do anything? I do not think so. LEUNG Chun-ying's era is already over. The Carrie LAM Administration has demonstrated goodwill to us, handing out so much money, including even red minibuses in the Public Transport Fare Subsidy Scheme and disallowing excessive hikes in electricity tariffs. Why is there the need to undermine Members' power at this moment? I do not think the Government wishes to do so.

Besides, the proposed amendment to RoP 38 restricts Members' right to speak, obliging us to shut up and sit down. Not every Member will speak just occasionally, like me. Every one of them likes speaking. If Members are obligated not to speak, then for what do they serve as Members? President, I actually do not see why RoP must be amended at this moment.

I also wish to speak on the President's excessive powers. As pointed out by Members, can one person alone has all the say in the Council? Another point is about reducing the quorum of a committee of the whole Council to 20 Members. This proposed amendment is extremely controversial. Someone says it is unconstitutional. As I am not a lawyer, I do not have such knowledge. But given the numerous voices, what will happen if it is passed after our continued discussion? And what will happen if someone really files a judicial review? I really do not quite understand it.

After making all these efforts, I cannot see how the amendment exercise can genuinely enable the Legislative Council to give better play to its functions and roles. On the contrary, we have unwittingly—in Mr James TO's words—making consideration from the political angle, turned the whole matter into a political struggle like the past during the times of "689". Is this necessary? I am full of doubts about it.

Eventually, the vote will definitely be taken on Monday. I will see if all the Honourable colleagues in the pro-establishment camp will support the amendments proposed by pan-democratic Members. Certainly, we do not support some of their proposed amendments either. What will we do then? President, I am not sure (The buzzer sounded) … Thank you.
MR WU CHI-WAI (in Cantonese): President, earlier on when I moved the adjournment motion under Rule 16(2) of the Rules of Procedure ("RoP"), the President said that I could still seize this opportunity to persuade Honourable colleagues in the pro-establishment or pro-Government camp to seriously think about whether this arrangement for Members to cast only one vote on the amendments proposed by Mr Martin LIAO to RoP is reasonable. Will it leave Members with no choice in considering this package of amendments and even make it impossible for Members to take a different position towards proposals that they consider overdone?

Of course, I understand that it is not easy for Members to be convinced. But I wish to point out that with regard to these amendments to RoP, two former Presidents of the Legislative Council have said separately that such major changes to RoP are very likely to involve the question of unconstitutionality. Even the independent legal opinion obtained by you, President, also pointed out that these amendments may run high risks of being unconstitutional. Of course, Mr Martin LIAO has sought opinions from other counsel who provided a balancing view and so, the President eventually decided that the motion be tabled to this Council for discussion by Members.

But clearly enough, the question is whether we, being Members of the Legislative Council, should or need to run this risk, or face the risk of unconstitutionality in doing this thing. Obviously, what we must consider is that if we take such a step, what changes will be made to the ecology of this Council? The biggest change probably has to do with the Committee stage which requires the presence of 35 Members in the Chamber and so, this may be a bit hard to Members but that is all. Such being case, it seems that this amendment is not a question of fundamental principle but one about the presence of 35 Members or 20 Members. If so, should we seriously think about this: If the presence of 35 Members can be spared the risk of contravening the Basic Law whereas the presence of 20 Members will or may contravene the Basic Law and hence cause us to face the risk of unconstitutionality, should we not think about it carefully before taking such a step?

In fact, the most important duty of the Legislative Council as a parliamentary assembly is to discuss and deliberate on issues. Of course, Members are stressed out by attendance at meetings because of the challenges
that they have been facing, which seem to be entirely challenges from us in the pro-democracy camp to the pro-Government camp, and they think that it is all because of us that they have to remain seated all the time in this Chamber. However, we never know if the Liberal Party may face the same situation one day where they need this means or tool to put forward views in the interest of their sectors, hoping to exert pressure on the Government. I recall most clearly that colleagues of the Liberal Party took great aversion to the stamp duty and they pointed out at various meetings and on various occasions that the "curb" measures concerning the stamp duty had distorted the entire real estate market and that they were even a chief culprit causing property prices to soar nowadays. Try to think about this. If they persevered till the end to truly uphold the interest of their sectors or be accountable to their constituents, I believe they would rack their brains to come up with a way that can make the Government accept the proposals or the changes suggested by them.

Therefore, RoP will suit the respective ends of all parties, and the amendments would only cause the entire Council … The President already has great powers as RoP 44 provides that the President's decision shall be final, meaning that it shall not be subject to challenge. But these amendments to RoP will further place even more powers into the hands of the President. For instance, the consent of the President is required for a Member to move a motion without notice. Think about this: When these powers are conferred on the President, what would happen to the minority parties in this Council— Compared to the pro-Government or pro-establishment camp, the pro-democracy camp now is the minority, but there are also some smaller parties or groupings in the pro-Government or pro-establishment camp. Could it be that the Business and Professionals Alliance for Hong Kong ("BPA") or the Liberal Party is the same as the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") or the Hong Kong Federation of Trade Unions ("FTU")? Could it be that your interests are exactly the same as theirs? If your interests were exactly the same, it would have been unnecessary for you to be divided into two or three parties, for a merger would already do. Therefore, I think this warrants our consideration. Today, they are going to take away the right to speak of the pro-democracy camp or minority parties like us who are comparatively at a disadvantage in this Council, or they are going to remove some of the practices and rights available for us to challenge the Government or the pro-Government camp. The majority in this Council certainly can ensure the passage of motions but there should also be room for the minority to discuss issues and raise questions and what is more, make the Government change through this process. If we give up even these
powers, then the Legislative Council could only degenerate into a rubber stamp. If a Legislative Council can do nothing except to act as a rubber stamp, could that be the objective of Members?

In fact, it was often the case before that when a government proposal was tabled before this Council, the questions and challenges from Members were directed at the Government's failure to carry out consultation properly. If the Government failed to conduct consultation properly but still tabled its proposal before the Legislative Council, trying to bulldoze it through, and when Members are unconvinced, what can we do? Must we throw ourselves into the lap of the majority parties in order to make the Government change its mind? No, this should not be the case. Moreover, it is a duty required of us as Members to conduct long debates or ask questions in detail in this Council. Is it that we do not even need to discharge these duties? Are we taken as posing obstacles when we are just providing a different angle for consideration? In fact, with regard to the "curb" measures cited by me as an example just now, colleagues in the Liberal Party had repeatedly pointed out at the time that the "curb" measures were introduced without adequate consultation and in haste and so, they would be set to distort the market. What they had said eventually came true because after the "curb" measures were brought into effect, property prices continued to rise indeed, proving their prophecy to be correct. But despite such correct prediction made by them, the Government did not take on board their views, and they did not make good use of the tools available to block these measures. This actually shows that they had not exerted their utmost in fulfilling their responsibility.

President, this happens not only to us in the pro-democracy camp because the small parties or groupings in the pro-establishment camp, such as BPA, may also meet the situation where the Government tabled motions not to their satisfaction and if that happens, they will then discover that there is no tool at their disposal. Of course, they could perhaps behave like Mr Stephen HO of DAB whose strongest reaction was no more than withdrawing from the relevant committee even when the Government put forth proposals detrimental to the interest of his industry, though he would, at most, hurl some abuses at the Government afterwards, but what for? We, being Members, are duty-bound to do our part in voicing the views of the people, all the more so for Members of functional constituencies who should voice the views of their industries. If they give up even this power, the sequel would naturally be that you people could only act as a decorative vase, yes-men of the Government.
On 29 October 1998, the Provisional Legislative Council examined the Employment and Labour Relations (Miscellaneous Amendments) Bill 1997, the purpose of which was to abolish the right to collective bargaining. Only eight Members had spoken in the Second Reading debate of the Bill and the examination of the Bill was completed in a few hours. May I ask if FTU was very supportive of this Bill? Of course, what FTU said subsequently goes to show that their line changed with the passage of time as they said that they still maintained that the right to collective bargaining is their "bread and butter" and that it is a most important issue. But objectively speaking, when the Bill was passed after a few hours of examination, did they duly fulfil their responsibility and make the best of their effort? Certainly, efficiency has to be cherished in this Council but could they represent labour interest in what they did? If efficiency can override labour interest, why do colleagues in FTU still have to shout themselves hoarse to fight for the right to collective bargaining now? They should actually give up the cause, should they not? Because right from the outset they did not duly fulfil their responsibility and so, on what ground they are telling us today that they have reasons to strive for the right to collective bargaining and exert themselves for this cause? If the same should happen again today and the Government is going to bulldoze its proposal through this Council, telling us that there is definitely no way for workers to have the right to collective bargaining, I believe FTU would join us in the pro-democracy camp and work with us to resist this attitude and this draconian law of the Government, would they not? Because FTU is the representative of workers, and only in this way can it protect workers and only in this way can it echo the voices of the people. However, they have given it up for efficiency in this Council, shoving aside at all costs the mandate and support of voters represented by and entrusted to us. Is this reasonable?

Of course, the Government will legislate on Article 23 of the Basic Law in the future and if it again intends to get it passed hastily, I can reckon that the bill would probably be passed after brief examination by this Council, and society might not have a chance to make any reactions. But what will be the outcome? Can the legislation on Article 23 of the Basic Law really assure integrity of our freedoms? Is it that no public discontent would be aroused, no large-scale demonstration would be triggered, and the freedom of speech would remain unaffected after the enactment of the legislation? If a bill cannot be debated in detail to allow a process of fermentation before its acceptance in society, does it not mean a return to autocracy? And, regarding the many Basic Law provisions setting out the duties and functions of the Legislative Council, would they not be rendered useless and virtually non-existent? In fact, apart from lawmaking, the
role of this Council is, simply put, to deal with different political positions and different positions on the people's livelihood and through dialogues, seek consensuses and identify proposals that are acceptable to society, with a view to forcing the Government to change. This is especially important in this Council nowadays because we are faced with the system of separate voting and in the event that the Government refused to change, under separate voting we often see results that are sheer absurdities in that motions supported by a majority of colleagues in this Council are eventually negatived. Regarding the imbalance in this Council, can it be addressed through these amendments to RoP? If this Council has become completely ineffective and degenerated to the extent that it is likened to the Provisional Legislative Council or the National People's Congress, and when this Council no longer serves as a platform for resolution of social conflicts and confrontations, the different positions on political issues and the people's livelihood would only be reflected through various kinds of social movements and in that eventuality, social conflicts and problems could likewise be expressed and vented only through social movements. So how could this bring forth good governance to Hong Kong society?

Therefore, I seriously and solemnly appeal to Honourable colleagues here to carefully think about whether the amendment of RoP would bring forth better governance for our Government and society. We are representatives of public opinions and if we aspire to achieving efficiency in this Council by getting proposals passed hastily as we are doing now, should we not reconsider whether we have duly fulfilled the duties expected of this Council?

Lastly, of the many rules in RoP to which amendments have been proposed, RoP 20, "Presentation of Petitions", has the least effect on the efficiency of this Council. This morning, we spent only five minutes on requesting the setting up of a select committee on two issues respectively. Some people may think that we are posing obstacles but if we look at it objectively, this is meant to empower the minority in this Council to refer certain issues of public concern to a select committee with only 20 Members sponsoring the request. Otherwise, if these issues can be dealt with only by the majority parties or the sector that is in the majority, this is absolutely not fair parliamentary conduct. (The buzzer sounded) … Thank you, President.

PRESIDENT (in Cantonese): Mr WU Chi-wai, please stop speaking.
MR HUI CHI-FUNG (in Cantonese): Mr LEUNG, I rise to speak in support of the adjournment motion moved by Mr Alvin YEUNG.

As Mr Alvin YEUNG and some Members said, should we take the opportunity of this adjournment motion to pause and think? Just as Mr WU Chi-wai asked, are the amendments to the Rules of Procedure ("RoP") really beneficial to the Legislative Council, to Hong Kong people and to our constitutional role under the Basic Law? Will the amendments yield any positive outcomes at all?

In the last several months since some Members were disqualified, the Legislative Council has been caught in a fierce struggle. This is an extremely unusual situation which the public would not wish to see. As far as craziness goes, I believe Mr Paul TSE can be regarded as a sublime example. His is agitated both in his tongue and limbs. The public can see that the Government has not tabled any livelihood-related legislation or subsidiary legislation to the Legislation Council for discussion. The Legislation Council is bogged down in fights and arguments. Such an atmosphere and operation in the Council will do no good to society. Of course, I know the pro-establishment camp will simplify the issue by accusing us of filibustering.

Through the amendments to RoP and this adjournment motion, I want the public to rethink the source of this fierce struggle. Has the pro-democracy camp's filibustering and rising to speak incessantly happened for no reason? They accused the pro-democracy camp of filibustering, but why did the pro-democracy camp have to do so? Looking back at the beginning of this legislative term when a number of Members were disqualified, the Government as the very culprit was alone to blame. Under the confrontational culture of the LEUNG Chun-ying Administration, the business of the Legislative Council was brought to the Court, directly or indirectly leading to the "moving of goalposts" through the interpretation of the Basic Law by the National People's Congress ("NPC"), and resulted in the disqualification of several Members. Let us not forget where it all started.

Some pro-establishment Members or people in society may say that the disqualified Members have only themselves to blame, but I would like to point out that they moved the goalposts because the Court was forced to make such a decision after the interpretation of the Basic Law by NPC. Even if we do not
agree with the political style of the disqualified Members, they were still representatives elected by the people to express their political views in the Council. Can society not respect that? Must society disqualify them in a confrontational manner? This is where all the problems began, and so it was certainly the Government's fault.

A confrontational culture, the interpretation of the Basic Law by NPC and, of course, a "corrupt referee" in the President, worked in collaboration. Now everyone knows that the President is a "corrupt referee" who has the final say on everything. The President always says he is also a victim of the judicial review, but the incident was caused by his wrong decision. The same is true of the amendments to RoP this time. Counsel has strongly suggested to the President that lowering the quorum of the Committee to 20 Members was in breach of the Basic Law, but he is forcing it through anyway. Mr LEUNG, you can certainly find a lawyer who can draw a conclusion to your liking. At the end of the day, you are a "corrupt referee" who only listens to legal opinions to your liking. How will you, Mr LEUNG your goodself, be held accountable politically, if your decision to allow the tabling of a motion which may be in breach of the Basic Law is challenged by judicial review and ruled unconstitutional by the Court in the future? Will you have to step down? Or bow in apologies?

The confrontational situation today was the fault of the Government, then the fault of the President. But more importantly, it was the fault of the pro-establishment camp who exploited our precarious position to amend RoP. They are bound to be accountable for this. Members of the pro-establishment camp—it is extremely polite to call them the pro-establishment camp—pro-Government Members willingly become slaves by castrating the powers of the Legislative Council voluntarily by proposing amendments to RoP. Struggles between pro-democracy and pro-Government Members in the Legislative Council have always existed in many previous terms of the Legislative Council. It should not be called a balance because, as already said repeatedly, the Council has always been distorted with the coterie election of functional constituencies under which the pro-democracy camp is always the minority in terms of seats while it actually won the majority of public votes. Despite heated debates and political struggles, a fierce confrontational culture has never appeared in the past. I think the present pro-establishment camp has no political integrity whatsoever by acting in cahoots with the Government. The executive and the legislature are highly collaborative in that the Government
disqualified Members through the Court and refrained from tabling any bill to the Legislative Council for scrutiny before pro-Government Members exploited our precarious position …

(Mr Dennis KWOK stood up)

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

MR DENNIS KWOK (in Cantonese): President, I request a headcount.

PRESIDENT (in Cantonese): A quorum is present in the Chamber now. Mr HUI Chi-fung, please continue.

MR HUI CHI-FUNG (in Cantonese): Therefore, I believe the pro-establishment camp have acquitted themselves most badly in this legislative session. They have no political integrity whatsoever, for by amending RoP, they exploit our precarious position for their own political interests, even if that means constant struggles in the Legislative Council. The pro-establishment and the pro-Government camps have always blamed filibustering for hampering livelihood-related motions, so why did they not blame the Government for failing to table livelihood-related motions to the Legislative Council?

The Chief Secretary for Administration said that the Government did not table any motion to the Legislative Council for scrutiny as it had judged the hour and sized up the situation. "Judging the hour" means when some Members of the pro-democracy camp were disqualified under the unreasonable and distorted system, while "sizing up the situation" means the pro-establishment camp exploiting our precarious position to amend RoP. With the Government's help, the pro-establishment camp is exploiting our precarious position. Hence, the pro-democracy camp must make every effort to fight and protect the existing RoP and the constitutional role of the Legislative Council in monitoring the Government, whether by means of procedures, tactics or struggles.
In a recent interview, Mr Paul TSE said young Members of the non-establishment camp (or the pro-democracy camp) were serious about this. I can tell Mr Paul TSE and pro-establishment Members that we are indeed serious about this. In the face of pro-establishment Members' exploiting our precarious position through the amendments to RoP, we are indeed seriously determined to fight to the very end.

The Legislative Council Commission controlled by the pro-establishment camp can, of course, say whatever it wants. It can say that I hit someone or even that I attempted to kill someone. Today, they can say that I assaulted a security officer and tomorrow, they can say that I attempted to kill one. The public could clearly see what has happened.

Some people said there is nothing we can do as the pro-establishment camp has enough votes. This is exactly the attitude adopted by the pro-establishment camp. I want to ask: is having enough votes in the Council all that matters? I have heard some people say that having enough votes is all that matters, but why
does the establishment camp have enough votes in the Council in the first place? First, it is because they were returned by a coterie election. Many of them received zero vote, so in what position can they claim representation of Hong Kong people? Second, it is because the pro-Government camp and the Government worked in collaboration to disqualify Members returned by direction elections, rendering enough votes to the pro-establishment camp.

I should tell Hong Kong people that having enough votes in the Council is not all that matters in a true democracy. There must also be political ethics and political integrity. Without ethics and integrity, do you think they will do any good to society simply by strength of the enough votes? Do you think constant struggles in the Legislative Council in future will do any good to Hong Kong? This is one of the arguments raised by many Members just now in support of Mr Alvin YEUNG's adjournment motion.

Everyone should pause and think. The public do not want to see constant struggles in the Council. Let the one who tied the knot untie it. Can the Government be wise enough and can the pro-establishment camp give Hong Kong people a way out? Can they stop exploiting our precarious position and avoid distorting this already distorted system even more and aggravate the struggles?

By "judging the hour and sizing up the situation", according to Chief Secretary Matthew CHEUNG, struggles in the Council will continue, which will then lead to incessant amendments to RoP. Does that mean livelihood-related bills affecting people's interests will never be tabled to the Legislative Council for scrutiny? I really want to ask the Chief Secretary, although no government official is present today, until when will this "judging the hour and sizing up the situation" stop? Until when will the struggles in the Legislative Council stop? Can the pro-establishment camp, the pro-Government camp, put aside their own interests for the interests of the general public?

In any event, the public can see that the amendments to RoP are meant to serve the interests of the pro-establishment camp and the Government. Under the pretext of smooth operation, the amendments will render the Council unable to monitor the Government which will then run out of control. Members will thus no longer be able to raise questions on "white elephant" projects, and pro-democracy Members will no longer be able to investigate cases involving abuse of power, dereliction of duty and making personal gains by means of any procedure, including the setting up of select committees.
Since the reunification, we have constantly seen news of government officials being arrested for corruption. Perhaps it is just the tip of the iceberg and many corrupt people are still not yet brought to justice. Hence, the Legislative Council's power to monitor and investigate, as well as its constitutional role to oversee the Government is extremely important. I urge the pro-establishment camp to rethink and stop.

DR HELENA WONG (in Cantonese): Deputy President, I rise to speak in support of the motion that the debate be now adjourned moved by Mr Alvin YEUNG under Rule 40(1) of the Rules of Procedure ("RoP"). The debate to be adjourned is of course the one on the proposed resolutions to amend RoP moved by a number of Members from the pro-establishment camp. I speak in support of the adjournment motion because we ought to seriously consider why we must pass all the proposed amendments in such a hurry by working overtime, burning the midnight oil and continuing the meeting without end until next Monday.

I believe the situation cannot be clearer. Members from the pro-establishment camp first proposed amendments to RoP and then some Members from the pro-democracy camp, myself included, did the same. However, is the ongoing debate so urgent that it must not be adjourned so that we can hold further discussions to resolve the conflict? I think the matter is not that urgent. Therefore, if Members from the pro-establishment camp agree, I believe Members from the pro-democracy camp, myself included, are most willing to shelve the proposed amendments. The question is: why are Members from the pro-establishment camp unwilling to compromise and why must they rush to pass all the proposed amendments within these few days? As a matter of fact, obviously the reason is that six Members from the pro-democracy camp have been disqualified, giving the pro-establishment camp an opportunity to exploit our precarious position now. It would be stupid of them not to seize this opportunity.

The Basic Law stipulates that motions introduced by individual Members shall require a simple majority vote of each of the two groups of Members present: Members returned by functional constituencies and those returned by geographical constituencies through direct elections. Now the pro-establishment camp has evidently taken note of the political opportunity structure—a concept I would introduce in teaching—which would justify the urgency of them doing so. They consider that, after the by-elections on 11 March next year, if some
pro-democracy Members return to the Council, they may be unable to secure a majority in the group of Members returned by geographical constituencies to accomplish their "master plan of 100 centuries"—amending RoP.

Of course, what is the reason behind the pro-establishment camp's move to definitely amend RoP through exploiting our precarious position and dealing a fatal blow to us when we are weak? Members from the pro-establishment camp have been engaging in promotion for their cause, including a number of them touring for publicity around districts on coaches to underline the objective of anti-filibuster. However, packaging their attempt to amend RoP simply as "anti-filibuster" is indeed misleading and obscurant. Members have just stated that the amendments proposed by the pro-establishment camp include raising the threshold for requesting that a petition be referred to a select committee. According to RoP 20, currently the request that a petition be referred to a select committee only requires 20 Members to rise in support. This threshold is already adequate. At the meeting today, we had requested that two petitions be referred to a select committee. For one of the requests, 24 Members rose in their places to show support; for the other one, 25 Members rose in support. However, the pro-establishment camp is now demanding to raise the threshold to 35 Members.

Of course, we have to ask if it is reasonable to raise the threshold to 35 Members. Putting aside the question of whether it is reasonable. Let us talk about exactly how such a proposed amendment to RoP to raise the threshold is related to anti-filibuster. Indeed, it is not related at all. Why did I say Members from the pro-establishment camp are deceiving the people? How much time does the procedure of requesting that a petition be referred to a select committee take? In the past, I had a part in requesting that some petitions be referred to select committees. Be it the petition on matters relating to Mr Timothy TONG's duty visits, entertainment, and bestowing and receipt of gifts during his tenure as the Commissioner of the Independent Commission Against Corruption, the petition on an investigation into the delays and cost overruns of the Express Rail Link project, or the one on an investigation into the "LEUNG Chun-ying UGL incident", it only took at most five minutes at meetings to request that the petitions be referred to select committees.

I think all Honourable colleagues still have fresh memories of the two petitions presented this morning. The first petition was presented by Dr KWOK Ka-ki on behalf of pan-democratic Members in relation to the investigation of the
cost overrun of 20% of the Hong Kong-Zhuhai-Macao Bridge project. Now we may have to pay $120 billion. I checked the video recordings just now and found out that the procedure for referring the petition to a select committee took less than four minutes—only three minutes and some 50 seconds. Next, the second petition on the Link's sale of its assets, such as shopping centres of public rental housing estates, was presented by Mr Jeremy TAM on behalf of other Members. Taking into account the procedure for referring the petition to a select committee, it only took about four minutes. Therefore, Members from the pro-establishment camp are deceiving the people as raising the threshold from 20 Members to 35 Members is absolutely not related to filibusters and cutting off filibusters. How much time does such an item of proceedings need? Three minutes and some 50 seconds, or four minutes. Relevant records in Hong Kong suggested that it was at most five minutes; even so, it is still not allowed. Therefore, we really need to ask Members from the pro-establishment camp: what is their intention? They are actually deceiving the people. I also hope that we can all understand what is happening in the Council now.

Returning to the question of whether the threshold is reasonable, of course, it is utterly unreasonable to raise the threshold for requesting that a petition be referred to a select committee. First, under the political system in Hong Kong, though the separation of executive, legislative and judicial powers is not expressly set out in the Basic Law, clear definitions of the powers of the executive, legislative and judicial authorities are evidently provided for in the Basic Law. Under Article 64 of the Basic Law, the executive must be accountable to the legislature. For this reason, it is our function as Members to monitor the executive. Under Article 73(8) of the Basic Law, the powers and functions of the Legislative Council include "to receive and handle complaints from Hong Kong residents".

To handle complaints from the public, we can sit duty at the Public Complaints Office of the Legislative Council Secretariat or redress their grievances at Members' Offices. However, in presenting petitions and requesting that the petition be referred to a select committee, we are also fulfilling our function as Members of the Legislative Council. The Basic Law has conferred on us the function to present petitions and request that the petition be referred to a select committee. Raising the threshold for requesting that a petition be referred to a select committee from 20 Members to 35 Members, as proposed by the pro-establishment Members, will result in the fact that the power to request that a petition be referred to a select committee becomes exclusive to
the pro-establishment camp, as there are not enough pro-democracy Members in this term to do so. The practice will indirectly strip Legislative Council Members, both pro-democracy and pro-establishment Members included, of their powers conferred by the Basic Law to fulfil their functions, which indeed violates the spirit of the Basic Law.

I have not yet mentioned the proposed amendment seeking to substantially lower the quorum for a committee of the whole Council from 35 Members to 20 Members. Why would the pro-establishment camp want to raise the quorum here and lower it there? Their political intention is crystal clear. They are so obsessed with being pro-Government that they have lost their sanity. In order to cover up for the Government, they want the exclusive power to redress complaints which they will never exercise because they will never present a petition given their friendly relationship with the Government. They thought they would not exercise this power, or even when they have to do so, they will meet the threshold.

The Council is filled with pro-Government Members and the rules of the game have been changed. Pro-democracy Members are unable to fulfil the constitutional responsibility entrusted to us by the Basic Law. This is in breach of the Basic Law and creates an imbalance in Hong Kong's political system. Under an executive-led administration, all the powers are vested in the hands of the Government, while the Legislative Council has only the power to monitor. Now that our powers to monitor, investigate and handle complaints are also undermined—not the powers of the pro-establishment camp but that of us—then are we still Legislative Council Members according to the Basic Law? We exercise the same set of powers under the Basic Law, hence it is a breach of the Basic Law if the threshold in RoP is raised to the extent that the pro-establishment camp will have the exclusive power to request that a petition be referred to a select committee. The Basic Law does not distinguish between Members returned by functional constituencies and those returned by geographical constituencies through direct elections, nor does it distinguish between pro-establishment and pro-democracy camps. The powers conferred on us by the constitution are equal. However, they have cheated by proposing amendments which violate the spirit of the Basic Law.

Article 75 of the Basic Law provides that the quorum for the meeting of the Legislative Council shall be not less than one half of all its members. The proposed amendment by the pro-establishment camp does not seek to lower the
quorum of Council meetings but that of a committee of the whole Council, which is presently equivalent to the quorum of Council meetings, to 20 Members. The two external counsel engaged by the President have indicated that this proposed amendment is in breach of the Basic Law. Regrettably, the President did not heed the opinions of the counsel engaged by himself. Instead, he accepted the opinion of the counsel engaged by the pro-establishment camp without giving any reasonable explanation. As a result, even if this proposed amendment is passed, we cannot rule out the possibility that the Legislative Council will be challenged by judicial review or confronted by other issues. Will we have to seek an interpretation of the Basic Law by the Standing Committee of the National People's Congress again? I find the pro-establishment most annoying, causing the Central Government troubles.

Let us put aside whether their proposed amendment is in breach of the Basic Law. Their wishful attempt may be that, after tailoring the filibusters, we will no longer be able to stand in their way, so they will have more time to go to the Hong Kong Jockey Club to place bets or do other things instead of sitting in the Chamber. Or perhaps the Carrie LAM Administration believes that, by remaining silent and smiling on the side, seemingly not interfering with the business of the Legislative Council, amending RoP is a quick and sound solution to improve the executive-legislature relationship, mend the rifts in the Council and accelerate the legislative process. The judgment of Carrie LAM and pro-establishment Members is absolutely wrong. In my opinion, their attempt to forcibly amend RoP will only intensify the division and opposition in the Council and in society. I believe the Government will encounter much greater difficulties during the scrutiny of bills in the Council, when the Public Works Subcommittee seeks funding allocation from the Finance Committee, or when the Establishment Subcommittee handles the Government's applications for creation of posts of senior officials after the amendments to RoP. They are simply courting troubles as haste will only make waste.

In the past, pro-democracy Members have seldom requested the establishment of Bills Committees or subcommittees to scrutinize uncontroversial amendments to bills and subsidiary legislation. However, if the pro-establishment camp succeeds in forcing through the amendments to RoP this time, I believe there will be political consequences in that all Government bills and public works funding applications will not be passed as quickly and easily as they expected. I believe the car will only run slower, not faster, so what is the point?
At the end of the day, I think everyone wants a win-win outcome. For the benefit of Hong Kong, for a truly functioning Council and for the fulfilment of our functions conferred by the Basic Law to monitor the executive, we can all take a step back and withdraw the proposed resolutions for further detailed discussions. I am not a member of the Committee on Rules of Procedure, so I have not had the opportunity to witness whether the amendments to RoP have gone through a due process and have been sufficiently debated. However, my colleagues have told me that their experience in the Committee on Rules of Procedure could only be described as disappointing and infuriating. This forcing through of the proposed amendments to RoP by the pro-establishment camp without sufficient debate and the consensus of all parties will by no means serve the interest of Hong Kong.

MR KWONG CHUN-YU (in Cantonese): Deputy President, I can see that many Honourable colleagues from the pro-establishment camp have been working so hard in this adjournment debate that they have even cancelled taking a break at a quarter to every hour in disregard of the consequences, like us, as voting will soon be conducted. This is why they dare not leave the Chamber.

Why are they so anxious this time around? Many Honourable colleagues have dwelt on the relevant background in detail, so I am not going to repeat it in detail. Nevertheless, I find one Honourable colleague has behaved in a very interesting manner in the Chamber today. Last week, he touched Dr Helena WONG after "giving me a treat". Today, he scolded Mr Jeremy TAM, describing him as a "shameless dog wolf". The "Western District" appears to have handed down a hard task to Mr Paul TSE, requiring him to behave in this manner repeatedly. Should the democratic camp lose patience and refuse to argue with him, he will appear to gain the upper hand. Why should this debate be opened today …

(Mr Jeremy TAM stood up)

DEPUTY PRESIDENT (in Cantonese): Mr Jeremy TAM, what is your point of order?
MR JEREMY TAM (in Cantonese): Deputy President, just now Mr KWONG Chun-yu quoted the offensive remark made by Mr Paul TSE against me, but the remark was retracted by Mr Paul TSE immediately afterwards. Will Mr KWONG Chun-yu please refrain from quoting the relevant remark again.

DEPUTY PRESIDENT (in Cantonese): Mr TAM, this is not a point of order. Mr Paul TSE has indeed retracted the relevant remark. I would like to remind Members not to make offensive remarks against other Members during debates. I have striven to adopt a lax approach to allow Members to express their views. Although the views presented will inevitably be different, Members should not make offensive remarks.

MR KWONG CHUN-YU (in Cantonese): Thanks, Deputy President, and also Mr Jeremy TAM for his additional remarks. He has retracted the relevant remark, has he not? That is fine. If Members can retract remarks considered by themselves to be wrong or withdraw amendments mistakenly proposed by them to RoP, they can actually bring the Legislative Council back to conducting normal parliamentary debates.

Actually, sometimes we are helpless in such a situation. At this point, Members should know that remarks made cannot be retracted at will. That is the style of Mr Paul TSE only. Now, a war will begin soon. I only hope that Members can think twice again at this juncture. Should these amendments that are considered by us to be reducing, narrowing and exploiting Members' dignity in debates in this Chamber be passed eventually, will only one of the parties be victimized in the end? Or will we find that the amendments proposed this time around are tantamount to opening Pandora's box which cannot be closed once opened, when we look back at this after more than a decade?

Before all else, let me say a few words about the quorum. As Members are aware, the quorum is already stipulated clearly in the Basic Law. However, they are now interpreting the quorum out of context in a slyly manner, arguing that there is no big problem with changing the quorum of the committee of the whole Council. Actually, this is a very serious matter. How should the quorum be interpreted in the event of challenges, such as judicial reviews, in future? Or should the committee of the whole Council be regarded as not being part of the Council meeting? But actually, as a number of more experienced
Honourable colleagues know, how can the Committee stage be regarded as not part of the Council meeting? Although the proposal for lowering the quorum is simple and direct, how do the public react? They will ask: Why should the quorum be lowered? Why should the original number of 35 be lowered to 20? Does it mean that Members can then call it a day and go home earlier? Like a company with 70 employees, it used to be operated by 35 employees. Can it continue to operate if it has only 20 employees? Are there really adequate manpower and Members to scrutinize significant motions closely related to people's livelihood and democratic development?

We also note the fact that the amendments proposed this time around seek to restrict the proposing of motions by Members for adjournment of debate or adjournment of proceedings. As we all know, Members would conduct fierce debates whenever motions for adjournment of debate or adjournment of the Council were proposed. This is also the power initially conferred by RoP on Honourable colleagues. The debate should be adjourned should any impropriety be identified. Like the adjournment motion we are now dealing with, Members might as well pause for a while and consider if the situation is really so bad or should this confrontational atmosphere be accepted. Members might thus have a chance to withdraw the relevant amendments. Will the Council be allowed to resume immediately after adjournment? According to one of these amendments, the Council can be resumed any time after it is adjourned. The President originally has enormous powers. If all the powers are now transferred to the President but if he performs unsatisfactorily, a major obstacle will be posed to our parliamentary work in the future.

Normally, as we all know, quite many Members may be fortunate enough to be allocated debate slots during the first year of their tenure. Moreover, Members, irrespective of which political party or grouping they come from, could express their views during motion debates. For instance, I have once proposed a motion on legislation for animal protection. During the subsequent discussion among Members on animal rights, the motion was eventually passed with no objection. This is what we all hope to see, but it is no longer the case now. They now think that they have a once-in-a-lifetime opportunity to propose amendments following the DQ (disqualification) of some of our numbers in the pro-democratic camp. Do they really think there is no price to pay for proposing amendments during this period? It is actually not the case. They can still not "trim the toes to fit the shoes" after proposing amendments. In the past,
Members from different political parties or groupings might strive to get the job done properly. Now, after this battle, they will find that such an atmosphere has disappeared.

Simply put, this motion will probably be passed in a hurry before Christmas. However, if the motion is passed, how will debates be conducted in this Council after Christmas or in 2018? The consequences will be inconceivable. I can really not imagine how Members can get the job done properly after RoP is amended, because the relevant amendments concern some of their most fundamental powers. For instance, the issue of petitions has already been discussed numerous times. A petition shall now be referred to a select committee provided that at least 20 Members show their support by rising in their places. A case in point can be found this morning. However, it is now proposed that the threshold be increased to 35 Members, meaning the goalposts will be controlled by them and the decision to conduct an inquiry will be decided by them, too. But things are unpredictable; they may suffer one day. What will they do should the situation reverse one day, which means that we have more seats instead?

Such a situation has occurred repeatedly since the 1990s. Do they really have to leave us no leeway? Is it really necessary to tighten the requirements for presentation of petitions? Actually, we seldom exercise this right. It is only because something considered to be improper has happened, such as the Link Real Estate Investment Trust ("Link REIT") we mentioned today, that we make a request to follow up on this matter. We have also made a request to follow up on, for instance, the incident involving LEUNG Chun-ying. After all, members of the public will make an assessment should there be an abuse of power, and public opinion will be reflected in the election result. Why does the Legislative Council today …

(A phone rang inside the Chamber)

(Mr Jeremy TAM stood up)

DEPUTY PRESIDENT (in Cantonese): Mr KWONG, please hold on. Mr Jeremy TAM, what is your point of order?
MR JEREMY TAM (in Cantonese): Deputy President, a phone rang inside the Chamber.

DEPUTY PRESIDENT (in Cantonese): Will Members please pay attention to this. Mobile phones should not be adjusted to the sound-emitting mode inside the Chamber. Mr KWONG, please continue.

MR KWONG CHUN-YU (in Cantonese): Deputy President, just now I said that if we could still abide by RoP, we would then act according to the rules. The provisions therein also give us some leeway. But it is not the case now. Instead, we are compelled to take a risk as the room has been narrowed with a view to having RoP amended before the by-election to be held next year. It will then be meaningless even if several of our numbers are elected and return to the Legislative Council because RoP has been trampled upon indiscriminately and rewritten. The power conferred on us by the Basic Law is very much limited already. The situation now is so deplorable that even the threshold of presenting petitions must be amended. This is really infuriating. Not only do we seldom exercise the power of having 20 Members rise in their places to present petitions, but the petitions thus presented can actually achieve certain effects. But still, they seek to propose an amendment to the threshold in a high-handed manner.

For the time being, I will examine other amendments instead of arguing over the proposal for shortening the duration of the division bell. I can understand the repeated disputes among Members on the shortening of the division bell from five minutes to one minute. Certainly, their arguments must be tenable. But how can they explain to the public should the simplest and most fundamental provisions on the quorum and petitions be involved? Furthermore, why should we argue with them over the shortening of the division bell from five minutes to one minute? Deputy President, it is because we are confronted with draconian laws very often. In the face of such laws, we have no alternative but to use all of our speaking time. We just wish to wage a warfare of words by considering ways to conduct a most reasonable debate in a fair, legitimate and reasonable manner by all means, given that the room conferred on us by RoP is limited. Should Members seek to pass draconian laws forcibly, a delaying tactic must simply be employed. Now they are showing off their petty cleverness, hoping to end all troubles by proposing amendments when we do not have enough Members.
How will so many conflicts occur if political issues can really be resolved in such a simple manner? Sometimes when we reflect on the entire process of this debate, from Members speaking proactively in the beginning to their direct confrontations today, the remarks made by many Members are extremely aggressive. But after all, do we really have to behave in this manner? We are defending the right of audience not only for ourselves. Actually, they have to make deliberations and there are social issues which must be dealt with in a serious and solemn manner, as well as people receiving their assistance. Moreover, they must face their electors. Why should they deprive themselves of the last remaining scope?

Deputy President, it is actually not easy to make the public understand what is going on in the Legislative Council. I only know that should this matter be taken lightly today at the end of 2017 without putting up any resistance and leaving RoP to their arbitrary amendment, there is no way we can resist draconian laws should they be introduced into Hong Kong in future. Actually, Jasper TSANG, the former President of the Legislative Council, once criticized Members, saying they should act with prudence. Should Members come to such a pass? This is not what we wish to see, either. In the past, we have repeatedly indicated that the purpose of proposing an adjournment motion is to invoke the Legislative Council (Powers and Privileges) Ordinance to summon government officials to explain to us social issues of concern to us, so that we can buy time to come up with solutions and gasp for breath. But we cannot do so now, as the vote must be taken before Christmas. The circumstances this time around are quite interesting. Meetings are now scheduled for Wednesday, Thursday, Friday, Saturday and Monday, with a view to ensuring the passage of the amendments to RoP, thereby giving all of the colleagues a hard time. Members do hope that the matter can come to an end earlier because it is already Wednesday today. So long as Members can fritter away today or a few more days by remaining seated here till Monday or Tuesday, then they will no longer have to listen to the nonsense of Members. I am now describing my impression of these Members in case Mr Paul TSE might criticize me later for saying nonsense is acceptable. Buddy, I will certainly not speak nonsense.

In the past, we joined the Legislative Council with different aspirations. In this Council, besides engaging in political struggles, Members should do some soul-searching as they should really do something for society. Members should be able to cite at least one thing they wish to do for their trade or sector, as well as their electors. In the past, the Legislative Council was a venue for Members to
force the Government to do something, but it is not the case now. Given its strong position, the pro-establishment camp is doing everything it can to drive us to the corner of the wall. They think that they will never have another chance to amend RoP should they fail to do so on this very occasion. As a result, they are pulling out all the stops to amend RoP. What I wish to say is even though they seek to speed things up before Christmas in a bid to pass the motion on amending RoP quickly, the grievances of Hong Kong people can still not be relieved. After RoP is amended, should a bad bill be tabled before this Council one day and we are unable to block it, there will be no way for public grievances to be eased. These Members even shamelessly visit various districts to publicize that this Council can return to the right track after this amendment of RoP. Should they do some soul-searching, however, they will find that RoP has always been like this. Instead of preventing us from violating RoP, they are merely proposing amendments to the most fundamental requirements on the quorum, the presentation of petitions, and so on. They cannot even allow these provisions and are determined to propose amendments. Failing to make any allowance, they will surely make themselves suffer one day. The world is round. While they are scolding others today, they will be scolded by others tomorrow. As Legislative Council Members, they do not wish to conduct business in this Chamber and just hope that a quorum is present in the Chamber, so that the meeting can continue and they can then go home earlier to take a rest. Sometimes, Members must reflect on themselves: Do they themselves or their electors expect Members to behave in this manner?

Throughout the past month, Members on our side took turns to speak 15 minutes each. Some of their speeches were quite laughable since, as we all know, their purpose was to procrastinate, but some speeches were otherwise. Most Honourable colleagues have great respect for their speeches. They will really make adequate preparations for the debates, with a view to optimizing the utilization of time in this Council. Moreover, they will not hold others in contempt. If the speech delivered by a Member is no good, he or she may conduct a self-review. We should not hold him or her in contempt. But this is not the case now. Instead, Members hold a "life-and-death" mindset. Since we seek to prevent them from amending RoP, they treat us like villains and consider themselves as angels. Sometimes, this is not actually the case. Very often, when Members think it over, they may ask if there was something wrong with themselves, too. Given their present position, there is probably nothing they can do. When they leave their position years later and look at this in retrospect, perhaps they will find it not at all advisable to amend RoP, and they have really
gone over the top. They will probably find the substantial tightening of requirements on the presentation of petitions really over board. But things are unpredictable. No one can tell who is right or wrong until the last minute (*The buzzer sounded*) … Deputy President, I so submit.

**MR LAM CHEUK-TING** (in Cantonese): Deputy President, I rise to speak in support of the adjournment motion moved by Mr Alvin YEUNG under Rule 40(1) of the Rules of Procedure (*"RoP"*).

Deputy President, we must move an adjournment motion this time around because the pro-establishment camp wants to amend RoP, and the most important amendment is related to the quorum for the meeting of the Legislative Council. It is stipulated clearly in Article 75 of the Basic Law that "The quorum for the meeting of the Legislative Council of the Hong Kong Special Administrative Region shall be not less than one half of all its members." Furthermore, it is clearly pointed out in the legal opinions given by the two counsel, Mr Ambrose HO and Jonathan CHANG, commissioned by the Legislative Council Secretariat that (and I quote) "In our view, the quorum requirement under the Article 75 of the Basic Law applies throughout a Council meeting and there is no room to argue that the quorum requirement could be limited to particular junctures or stages of a Council meeting." (End of quote) According to the legal opinions, the quorum of the Council and of a committee of the whole Council shall be not less than one half of all its Members. But regrettably, the President of the Legislative Council has considered the aforesaid legal opinion in an alternative manner.

Generally speaking, President Andrew LEUNG will usually say the Legislative Council must heed legal advice. Given that the legal opinions given by the two counsel are the same, what can he do? The President said there was no cause for fear as the pro-establishment camp had also sought advice from their counsel, and he had to take into account the views of other Members as well. Was he actually handing his power of making rulings to the majority pro-establishment Members, so that they could make rulings in favour of the pro-establishment camp on behalf of the President, rather than making rulings independently after taking into account the legal opinions given by counsel? Was he not playing bad loser? Like tossing a coin, he will win and we will lose, no matter whether it will come up head or tail. Is this approach convincing? I
advise the President to stop seeking legal advice in future as doing so will undoubtedly waste the resources and money of the Legislative Council. He might as well request the pro-establishment camp to provide legal advice and then make rulings having regard to the legal advice given or the opinion of the majority of the pro-establishment Members. Should he do so, there is no need for him to act as the President in future. He can just sit in the Chamber, acting like a puppet pulled by the pro-establishment camp. Actually, there is no need for him to work painstakingly, right?

Deputy President, the amendments to RoP this time around obviously will undermine the checking power of the Legislative Council, particularly that of the pan-democratic Members like us in monitoring the Government. One of the petitions presented by the two pan-democratic Members today pinpoints the problems with the Link Real Estate Investment Trust ("Link REIT"). In an unusual move, Mrs Regina IP from the New People's Party rose in her place today in support of the establishment of a select committee as proposed in one of the petitions. But regrettably, Ms YUNG Hoi-yan, also a member of the New People's Party, did not rise in her place. I would like to tell Mrs IP that this incident precisely highlights the fact that, once the threshold of presenting a petition is raised, even if she has strong views on Link REIT and hopes a select committee can be set up to conduct an in-depth inquiry or question the relevant government officials or organizations, sorry, she will never have a chance to do so because the pro-establishment Members are the majority. If she cannot even succeed in lobbying Ms YUNG Hoi-yan, who is sitting beside her, it will be impossible for her to succeed in securing votes from the 30-odd pro-establishment Members to support the inquiry advocated by her into Link REIT. Mrs IP, who also suffered in the previous Chief Executive Election, should be aware of the harms of coterie elections. I would now like to make another appeal to her to vote against amending RoP because should she give her consent but wish to make the voices of the people heard and set up select committees in future to inquire into issues involving major public interest, she will find that the relevant avenue is no longer available. Hence, I hope Mrs IP can rein in at the precipice and consider my humble views.

Meanwhile, this question was raised by a number of Honourable colleagues just now: What does the presentation of petitions have to do with filibustering? Members should know it all too well that they are totally unrelated. An inquiry
is now being conducted by a Select Committee set up by the Legislative Council in response to a petition in respect of the UGL incident involving LEUNG Chun-ying. The involvement of Hong Kong’s highest-ranking government official in a major corruption incident has caused enormous concern among the general public as Hong Kong’s clean reputation is at stake. The Legislative Council should have conferred powers on the Select Committee under the Legislative Council (Powers and Privileges) Ordinance ("P&P Ordinance") to summon witnesses and relevant persons to submit documents, but the pro-establishment camp, which is in the majority, had exploited its edge and voted against conducting an inquiry into the incident under the P&P Ordinance. As a result, the pro-democracy camp could only assemble 20 Members to rise in their places to demand the setting up of a select committee to follow up on this matter. Despite the many difficulties, we must continue to pursue until the end. As representatives of public opinion, we must shoulder this responsibility. Even if we might not succeed in the end, at least we have tried our very best. Furthermore, we did not expect to find out the friendly relationship between Mr Holden CHOW and LEUNG Chun-ying, as well as their collusion to intervene in the work of the Select Committee, had the Select Committee meeting not been convened. As the henchman of LEUNG Chun-ying, Mr CHOW even revised the documents prepared by the Select Committee and submitted them to the Committee. As Mr Stanley NG from the Hong Kong Federation of Trade Unions said, this incident had highlighted that Mr Holden CHOW was not only incompetent and lazy, but also very stupid. Deputy President, had the Select Committee not been set up, how could we expose the ugliness of the pro-establishment camp and how could we highlight LEUNG Chun-ying’s hypocrisy? He, on the one hand, expressed the willingness to cooperate in the inquiry conducted by the Select Committee, but on the other, he refused to attend the meetings held by it. Now the pro-establishment camp is seeking to strip the Legislative Council of its last remaining monitoring power. What does it have to do with filibusters? Members of the pro-establishment camp might as well absent themselves from the meetings and leave us to hold meetings. Doing so will not affect the making of resolutions in the Legislative Council, as well as livelihood items and the passage of bills. Will Members of the pro-establishment camp please not deceive the public. Also, will Mrs IP please pluck up courage or even urge the two Members from the New People’s Party, including Ms YUNG Hoi-yan, to rein in at the precipice and veto the relevant amendments proposed to RoP.
Deputy President, I would like to say a few words about the Facebook footage taken earlier by Mr CHAN Han-pan of Mr Steven HO, whom was described by Mr CHAN as brilliant for his punch lines. Mr Steven HO later borrowed the slogan used by the pro-democracy camp and explained that the amendments to RoP today are actually logically unrelated to the enactment of legislation on Article 23 tomorrow. While the amendments to RoP have to be subject to separate voting by Members returned by functional constituencies and those directly elected, the enactment of legislation on Article 23 is an important bill which, like the constitutional reform package, that requires consent from two-thirds of all the Members of the Council, that is, 48 Members, before it can be passed.

Deputy President, I believe Mr CHAN Han-pan has no intention to tease Mr Steven HO, and it is very likely that Mr CHAN is not aware that Government bills can be passed with support from a majority rather than two thirds of the Members of the Council. Neither did Mr HO deliberately cheat the public, for he might get it wrong because he might be ignorant. Everyone may make mistakes, and so will I in some cases. Mr Steven HO, am I right? Nevertheless, this incident precisely highlights the fact that Mr Steven HO or individual Members from the pro-establishment camp are unaware that amending RoP will undermine Members' powers, particularly the power of minority Members to check and monitor the Government. Do Members think that they can still retain the vetoing power after amending RoP? Excuse me, Members will lose their vetoing power because such power is attributed to the act of filibustering in this Council rather than the two thirds of Members of this Council. We once staged filibusters to block the passage of some draconian laws that would undermine human rights and freedoms. However, we will lose this power soon. Hence, I hope Mr Steven HO can clarify the facts before elaborating his views.

Deputy President, President Andrew LEUNG has told the media that additional meetings will continue to be held to bring this Council back onto the right track. What is a normal Legislative Council? Had the Legislative Council been back to normal, functional constituencies should not have existed, and the privileged class that merely cares about protecting its vested interest should have been removed, too. All this should not have existed. Had the Legislative Council been back to normal, it should not have been presided by someone who had sworn allegiance to the United Kingdom for years but suddenly gave up his British citizenship and switched his allegiance to the People's
Republic of China. Had the Legislative Council been back to normal, the political party which has won the most ballots in the general election should have become the ruling party. This is only normal …

(A Member spoke in his seat)

(Ms Tanya CHAN stood up)

DEPUTY PRESIDENT (in Cantonese): Mr LAM, please hold on. Ms Tanya CHAN, what is your point of order?

MS TANYA CHAN (in Cantonese): Deputy President, other Members should not speak in their seats while a Member is delivering his or her speech.

DEPUTY PRESIDENT (in Cantonese): Will other Members please keep quiet while a Member is speaking. Mr LAM Cheuk-ting, please continue.

MR LAM CHEUK-TING (in Cantonese): Deputy President, the remark made by President Andrew LEUNG that the Legislative Council must be brought back onto the right track is actually most ironic. In fact, the Legislative Council has never been in a normal state, only that it is even more abnormal now than before. Deputy President, Mr Andrew WONG, President of the former Legislative Council, is my mentor. He clearly pointed out in a dinner attended by new and old Legislative Council Members a couple of days ago that, in his opinion, the lowering of the quorum for the meeting of the Legislative Council was unconstitutional and a violation of the Basic Law. He further indicated that a consensus must be reached among various political parties or groupings before RoP could be amended …

(Mr CHU Hoi-dick stood up)

DEPUTY PRESIDENT (in Cantonese): Mr LAM, please hold on. Mr CHU Hoi-dick, what is your point of order?
MR CHU HOI-DICK (in Cantonese): Deputy President, is a quorum present in the Chamber?

DEPUTY PRESIDENT (in Cantonese): A quorum is now present. Mr LAM Cheuk-ting, please continue.

MR LAM CHEUK-TING (in Cantonese): Mr Andrew WONG, President of the former Legislative Council …

(Mr CHU Hoi-dick rose again)

DEPUTY PRESIDENT (in Cantonese): Mr LAM, please hold on. Mr CHU Hoi-dick, what is your point of order?

MR CHU HOI-DICK (in Cantonese): Just now a colleague advised me to do a headcount on my own, but I can hardly do so as I have to remain seated. I hope Members can bear with me.

DEPUTY PRESIDENT (in Cantonese): Mr CHU, this is not a point of order. Please sit down. Mr LAM Cheuk-ting, please continue.

(A Member talked aloud in his seat)

DEPUTY PRESIDENT (in Cantonese): Will Members please keep quiet. Mr LAM Cheuk-ting, please continue.

MR LAM CHEUK-TING (in Cantonese): Deputy President, Mr Andrew WONG, a former lawmaker, said that filibusters could still not be eradicated even if RoP was amended. In the past, the Legislative Council was still subject to a certain degree of checks and balances even though it was not in a normal state. For instance, select committees could be set up through petitions, as I emphasized repeatedly earlier, or motions be moved according to other procedures to block
motions that were seriously against public opinion or infringed the basic rights of the people. Should some Members wish to completely destroy this power of checking and believe they can gain a landslide victory, I feel terribly sorry for them because they are wrong. Although they might win one of the battles, they cannot win the entire war. When this battle is over, the second, third and fourth battles will follow because of the breakdown in the relationship between both parties. As pointed out by Andrew LEUNG, it is absolutely impossible for this Council to revert to normal immediately after RoP is amended. This will never happen. As such, I hope the pro-establishment Members can consider, in the interest of the future of the Legislative Council, whether they should turn a blind eye to the current tense relationship, thereby destroying Members' room for business deliberation and their power to monitor the Government for good, as it is undoubtedly an act of self-castration. The powers of the Legislative Council were already quite weak in the past, but these Members still consider the castration of this Council not enough. They are now determined to completely "castrate" the Legislative Council and have its limbs chopped off. Doing so is absolutely doing a disservice to Hong Kong people as well as our future. I so submit.

**MS TANYA CHAN** (in Cantonese): Deputy President, in the past couple of hours, I saw Members of the pro-establishment camp sit here neat and tight. They would not go out at 45 minutes past each hour. I just told Mr WONG Kwok-kin today that seeing him stand up, I knew it was time for a headcount again. But over the past hour or so, he remained seated here. So I guess that not surprisingly, they have received an order, wishing to vote on the adjournment motion proposed by Mr Alvin YEUNG under Rule 40(1) of the Rules of Procedure ("RoP") today. I would like to tell Members of the pro-establishment camp—and I believe they are also counting—if they do not speak, Mr CHU Hoi-dick will be the last Member to speak, and I will be the second last one.

Deputy President, I certainly support this adjournment motion proposed by Mr Alvin YEUNG. I also wish to take this opportunity to thank the Secretariat because I believe it has made a lot of effort at the amendments proposed by members of different political parties and groupings. If we look at the documents of the House Committee and the other ones in our hands, we will see a rare list for reference. It sets out the amendments ruled admissible, together with some salient points suggested, for Members' information. Nevertheless, I doubt how many Members of the pro-establishment camp or members of the
public can understand all these amendments because they are not ordinary amendments. Rather, they are significant amendments which will thoroughly change the culture and powers of the Legislative Council. Certainly, earlier on, I have seen many Members of the pro-establishment camp wish to stop other Members from filibustering, claiming that the new Members have exercised their rights to the fullest. But I would like to point out that in the past election in 2016 or even earlier, the pro-establishment camp was already very keen on amending RoP. As mentioned by various Members just now, given this golden opportunity, they decided to propose an amendment exercise. After it is completed, the Council will certainly become vastly different.

Deputy President, I feel very sad. I first served as a Member in 2008. I see that many Members present may have joined the Council earlier than 2008. I believe all of us have noticed that the culture of the Council is changing. But there is something really unacceptable, is there not? I hope Members will understand that we are all adults. Sometimes when the game has reached such a state, at least we should let people see that the match is played out in a level playing field, right? But you are the referee, the player, the linesman and everything. And what is more, the goalposts are moved at will. Now the goalposts have even been removed. They can just casually kick the ball and get a score. Finally, the rules of the game will even be amended. If the rules are amended, you may just play in whatever way you like.

Deputy President, why did I say I felt a bit sad? Today I am not going to particularly speak on the relevant legal opinion on changing the quorum of a committee of the whole Council. Instead, I wish to talk about petitions, since the one who spoke before me is Mr LAM Cheuk-ting. As we all know, he has been following up the UGL incident and Mr LEUNG Chun-ying's earlier conduct closely. Yet we all know that what a petition can do is merely the formation of a select committee. It is a second best means or platform for us to follow up an issue.

(THE PRESIDENT resumed the Chair)

Members may have noticed that I did not attend the Legislative Council meeting last week because I represented the Public Accounts Committee ("PAC") of the Legislative Council on a business trip to the United Kingdom to attend a
meeting relating to PAC. Sitting here today, watching Mr Jeremy TAM and Dr KWOK Ka-ki present a petition which may be the final or even the last one requiring only the support of 20 Members before RoP is amended, I felt a bit distressed. As we all know, PAC can actually be described as the only committee of its kind which can investigate matters by virtue of the Legislative Council (Powers and Privileges) Ordinance ("the Ordinance") in the current-term Legislative Council. Today the PAC Chairman is present, too. According to my observation overseas, in the more civilized countries, their PAC Chairmen came from the opposition camp. In Hong Kong, however, we do not cherish such a wild hope. Another special point is that very often, members of PAC can work together on certain issues, irrespective of their political affiliation, in the hope that the Government or the organizations concerned can utilize the people's hard-earned money more properly, while taking the opportunity to find out the truth. In fact, I find such an opportunity of making joint efforts for the same objective very hard to come by.

We no longer have any opportunity of setting up any select committee under the Ordinance in this term. Certainly, some Members have presented petitions to set up different select committees, but we are unable to invoke the power vested by the Ordinance to request any witness to testify. It can actually be said that our hands are tied, but at least we still have a platform. If the threshold for the presentation of a petition is raised to 35 Members, it is in fact rather regrettable. Consequently, we will have one less checkpoint for monitoring the Government and even private organizations which do not belong to the Government but accept public money.

Let us review some select committees set up in the past. From 2008 to 2010, there were the select committees which investigated Mr LEUNG Chin-man and what the media called "the West Kowloon-gate incident". That time happened to be the time when Mr LEUNG Chun-ying ran for the Chief Executive office. He had to come here to give testimony. As a matter of fact, both select committees were chaired by the pro-establishment camp. But most importantly, we could still use the Ordinance to make the Government genuinely respect the Legislative Council. If the Legislative Council degenerates into a tool at the Government's beck and call, merely following its instructions of where to go, it will greatly undermine the Council's own powers. I have seen the Select Committee to Inquire into Matters Relating to the Post-service Work of Mr LEUNG Chin-man and the select committee for the "West Kowloon-gate incident" publish their reports. Of course, if my memory has not failed me, the
"West Kowloon-gate incident" actually had another report which we call the "secondary report". I think we should not lump the two matters together for discussion. If we can have one more avenue allowing even the minority to investigate the truth, we are actually still speaking for the people despite the limitations. What I find most saddening is that today this threshold is to be raised to 35 Members. The present situation and even the future one are rather obvious. Sorry, I may not be as optimistic as the other Honourable colleagues. My view is quite pessimistic because during the 20 years since the reunification, I have only seen increasingly intense manipulation. Hence, without the participation of the pro-establishment camp, the chances of us managing to invoke the Ordinance to set up a select committee will only become increasingly slim. If the threshold of the remaining avenue, the presentation of a petition, is increased to 35 Members, I believe the chances of setting up a select committee by this means are just equal to that of invoking the Ordinance. Such "toothless tigers" will by rendered extinct.

President, I do not wish to dwell on it because it is indeed most saddening for the Council to change the rules in such a way. I wonder if Members have checked that in the past, when certain amendments to RoP became necessary, opinion surveys would be conducted. For example, questionnaires would be issued, public consultation would be carried out, Members' views would be sought, briefings would be held, etc. Public views would be collected through a large number of different procedures before amendments were made. This time, however, the resolution was hastily submitted to the Legislative Council for discussion. Ultimately, it is obvious that to avoid any complication caused by delay, the President does not want it to drag on until next year. So he keeps holding additional meetings until the amendment exercise is completed. If I did not understand it wrong, if the examination cannot be completed on Saturday, the meeting will continue next Monday. If it cannot be completed next Monday, the meeting will go on all the way. In short, the amendments must be passed.

Actually, as mentioned by Dr Fernando just now, such an arrangement have affected a lot of meetings. Take me as an example. I am the Chairman of the Panel on Environmental Affairs. Our regular meeting has of course been rescheduled. As the President may also know, the Secretariat is very thoughtful. They have even rescheduled the meetings on Tuesday. We were supposed to hold a public hearing on Tuesday. Originally, we planned to rearrange the regular meeting and hold it jointly with the public hearing on Tuesday, but now they may have to be rescheduled and held separately because everything has to
give way, including PAC. We were supposed to give an account to the public this afternoon of our conclusions drawn after the relevant public hearings in respect of the Audit Report published by the Audit Commission. But we have to give way, too. Everything has to give way. From now on, even public views have to give way. Controversial issues are not to be mentioned either. In short, we have to give way. That is to say, those Members with the majority support of the public turn out to be the minority after entering the Council. Those Members who are now the majority in the Council, despite having less public support, have become the majority with the loudest voice.

I believe the very moment of today's voting will be recorded in history. Sometimes I really feel sad. RoP was intended for people of virtue, but it seems we have forgotten what virtue means. Some people may be suspicious of each other, thinking neither you nor I am virtuous, and since you are not virtuous, why do I need to be so, something like that. Yet I hope we will come to think about it. We should not let bad money drive out the good. I also hope—and I still believe—deep inside, all of us should still have some grace and magnanimity as people of virtue.

I am already the last Member speaking. Honourable Members of the pro-establishment camp, you have come to the divine moment of scoring your goal. I hope we will bear in mind that the Legislative Council is a historical place with dignity. We can demonstrate some quality in our subsequent speeches so that members of the public will see from the historical record that despite such a great divergence of views during our discussion about such a disputed question in this term, we are still up to the mark. We can speak on facts and justifications with mutual respect. I hope we will not choose to degrade ourselves.

I so submit.

MR CHU HOI-DICK (in Cantonese): President, before I come to my speech, I would like to raise a point of order. Will you please stop the timer?

PRESIDENT (in Cantonese): Alright. What is your point of order?
MR CHU HOI-DICK (in Cantonese): The Legislative Council Commission has decided to reduce the number of places for the public to observe the meeting to 10. Since no incident impeding the conduct of proceedings has occurred today, will the Legislative Council Commission reconsider its decision and cancel the restriction for the meetings to be held tomorrow, the day after tomorrow and two days later, so that the public will not lose their opportunity of observing the meetings?

PRESIDENT (in Cantonese): Mr CHU Hoi-dick, this is not a point of order. The arrangement should be decided by the Legislative Council Commission. Please speak now.

MR CHU HOI-DICK (in Cantonese): President, I rise to speak in support of Mr Alvin YEUNG's motion on the adjournment of debate.

As a foreword, I would like to point out that proposals for the adjournment of debate were put forth by a few Honourable colleagues this afternoon. President, I am serious in proposing the adjournment of the debate. I hope colleagues would have noted that in the President's written reply dated 25 November, the President did not make a clear ruling on whether or not the amendment to the quorum of a committee of the whole Council proposed by Mr Martin LIAO contravened the Basic Law, for the President only stated that it would be left to the Court's judgment. The President said that since he considered the arrangement concerned would not necessarily be inconsistent with the Basic Law, he would let Members make the decision. Yet, the President may have overlooked that despite saying he would let Members make the decision, he has combined this controversial proposed amendment put forth by Mr Martin LIAO to amend the quorum of a committee of the whole Council with his other proposed amendments and be put to the vote together. In fact, that controversial proposed amendment has drawn comments from a number of personages including Andrew WONG Wang-fat. For this reason, we consider it really necessary to have a specific discussion and separate voting on this proposal for lowering the quorum of a committee of the whole Council.

Since you, the President, did not allow me to propose the motion for the adjournment of the Council, I hope that by means of the present motion on adjournment of debate proposed under RoP 40(1), colleagues from the
pro-establishment camp will rethink whether there is a risk that this proposal to lower the quorum of a committee of the whole Council will contravene the Basic Law. In the event that this Council faces a legal challenge due to the passage of this amendment, can we bear it together? The President has now struck the ball into our court.

President, I now return to the subject. I note that the logic of colleagues from the pro-establishment camp includes the "three-step process". The first step is to state that the problem of filibusters in the Legislative Council is becoming serious. Hence, they propose the second step, that is, to muster the power in the community to oppose filibusters. The third step is to adopt a specific approach with the maximum effect, that is, to amend RoP. In my view, some of the arguments in each of these three steps are wrong. And with all these incorrect arguments combined, I consider it necessary to support the motion of adjournment of debate proposed by Mr Alvin YEUNG under RoP 40(1), which means the discussion should be stopped and we should not enter the main debate of the next stage.

First of all, many colleagues may be surprised by my view that filibusters have been made impossible since the current Legislative Council started in 2016. President, colleagues may disagree with me. Yet, I have a relatively specific definition for filibusters. When Members, be they from the majority or the minority camp, can speak for unlimited times or when they can cause delay to the implementation of bills or other actions intended by the majority camp according to the procedures to the effect that the bills or actions are delayed indefinitely and cannot be continued, this can be called a filibuster.

As seen in the case of the Senate of the United States, senators are fundamentally allowed to speak for unlimited times, and the President of the Senate cannot prevent senators from asking questions. A mechanism is in place where a debate may be stopped if three fifths of the Senate consider it too long, yet this is not decided by the President. In my view, it is at the Committee stage that meaningful debates of this Council are carried out, and that filibusters may create tension prompting the Government and the pro-establishment camp to come to the table to negotiate. The Committee stage is the only venue where meaningful debates are conducted in the Council, for Members may present their arguments and refute others' arguments in the course of the continued debate during which Members are allowed to speak for unlimited times. However, former President Jasper TSANG made the decision of cutting short such debate
on the Budget a few years ago, and the Court of Final Appeal subsequently made its ruling on the issue. Since then, filibusters have been rendered utterly impossible in the Legislative Council of Hong Kong. In what way will I define the present situation? In my view, what the minority camp in the Legislative Council can do now is to participate proactively in debates. This is the first point.

We must clearly define what a filibuster is. If we do not make it clear and if a clear definition is not drawn, we will fall into the slippery slope fallacy, which is exactly what the colleagues of the pro-establishment camp are doing in their on-street publicity. If it is considered that there are filibusters in the Legislative Council, many issues will be dragged to death. How can I explain it the other way round? Recently, I noted from the publicity material of the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") in Kowloon West the slogan stressing "every second counts". I am not saying that it is wrong to seize the time. Yet, if this is made the portrayal of the Legislative Council, I think we will fall into the slippery slope fallacy. What is a slippery slope scenario? All parties and groupings in the majority camp now dislike the minority camp for speaking frequently. This is crystal clear. As they think they will win at the vote anyway, they consider our prolonged debate unnecessary. Hence, they have to adopt the "kill without mercy" approach, in Dr Junius HO's words, by all means both inside the Council and out in the streets.

However, if this discontent with the minority camp is further elaborated to arrive at the statement that "every second counts", Members who speak more frequently will be regarded as violating the rule. I think this is not only misleading. After all, we have to ask: How should the Legislative Council be like? Just now, I heard Mr Kenneth LEUNG say that speeches are the foundation of a parliament. If no one speaks, we will be like North Korea or the 19th National Congress of the Communist Party of China held at Beijing, where meetings are held behind closed doors and doors are opened merely for photo-taking and the display of unanimous support through the raise of hands and applaudes. Speaking is our foundation. If it develops into a state not only Members but also the public consider it problematic for a Member of the Legislative Council to speak, the publicity is really very bad. Such publicity will prevent the public from grasping a correct understanding of the political system in Hong Kong and the function of the legislature in exercising checks and balances on the powers of the Government. Hence, regarding this second step of the pro-establishment camp, I disagree with their slogan of "every minute
counts", for I disagree that there are filibusters in the Legislative Council. The political propaganda seems to suggest that it is wrong for Members to make speeches, and this obscurantist approach will lead the public farther away from a civil society guided by careful consideration.

As for the third step, President, I think the pro-establishment camp is obsessed with this prejudice against filibusters, in my opinion. For this reason, they have come up with the "anti-filibuster" publicity, and finally come to the specific step of amending RoP. President, if there are no filibusters but only proactive debates in the Legislative Council, the solution will be extremely simple: increase the number of meetings. Compared with the previous Legislative Council with Jasper TSANG as the President, the number of overnight meetings and the duration of each meeting of the current Legislative Council have been reduced. I think many colleagues would have noted that even if the meetings are supposed to be adjourned at 8:00 pm, the President will order adjournment earlier at 7:30 pm to allow Members to have their dinner, though the meeting today may last till 8:00 pm. I think this practice fails to address the problem squarely. What should the pro-establishment do if they are to address the problem squarely? They should work harder than us. They should not avoid attending longer meetings with us. If we consider a certain incident, item or project important, they should extend the meeting hours or conduct overnight meetings at the Finance Committee, the Public Works Subcommittee, the Establishment Subcommittee and at the Committee stage and Second Reading of the Legislative Council.

Recently, my best friend, YIU Chung-yim, expressed the view that if colleagues from the pro-establishment camp insisted on using "anti-filibuster" as their publicity strategy, we should launch the alternative publicity on "anti-laziness". I do not want to say that colleagues from the pro-establishment are slacking off. Yet, if Members give a second thought to all the amendments proposed by them, including the lowering of the quorum of a committee of the whole Council, the increasing of the threshold for the setting up of a select committee under the Legislative Council (Powers and Privileges) Ordinance and the requirement of President's approval for motions for the adjournment of the Council as well as other issues, Members would have noted all the amendments proposed would result in a reduction of the meeting time of the Legislative Council. If this is not the case, I hope they will consider the solution proposed by me for addressing the issue. I think the previous Legislative Council has addressed this issue with a positive attitude. We would try every trick in the
book to get around the hurdles, yet we were still operating within the scope of RoP. Now, they are working beyond the scope of RoP, for they are resorting to amendment of RoP as the solution. As Mr Paul TSE mentioned in his previous speech, they have to "trim the toes to fit the shoes" lest all die. We have to oppose Mr Paul TSE on this point. We have to tell the public that such a cut will not solve the problem, for this is not a cut of the feet but a stab at the heart.

President, during the current session, meetings have seldom been held for several days in a row like this time around. If I have to describe their attitude with an idiom, I would say that they are doing this "once and for all". They think that if they can withstand this round, they will not have to suffer again. First, I think Members should not take this "once-and-for-all" attitude but the attitude of "more work, more pay". We should work harder to earn greater respect from the public for the Legislative Council. This "once-and-for-all" attitude is extremely dangerous. To put it in a relatively negative way, "once and for all" would mean "death". Why would it mean death? Under "one country, two systems", the Legislative Council is an important constituent of the three powers. If the amendment to RoP, as mentioned by Mr James TO earlier, caused the people of Hong Kong to cease to trust that the Legislative Council, despite its composition of different parties and groupings, can exercise effective monitoring on the Government by Members who believe in the "more work, more pay" principle. The public's reluctance to cast votes is the first sign of giving up their trust in the system. I do not know if the pro-establishment camp intends to discourage the public from voting. They may think that with the passage of the amendments to RoP in December, the public will feel frustrated and supporters of the pro-democracy camp will be rendered reluctant to vote in the by-election held in March, and the pro-establishment camp will then win the seats.

When society as a whole feel frustrated and the people of Hong Kong feel disappointed and hopeless with the Legislative Council and "one country, two systems", it will be meaningless even if the pro-establishment camp can win the Legislative Council. Their amendments to RoP will stab "one country, two systems" to death like a knife.

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

(No Member indicated a wish to speak)
PRESIDENT (in Cantonese): Mr Alvin YEUNG, will you speak in reply?

MR ALVIN YEUNG (in Cantonese): Yes, President. Here, I wish to thank every Honourable colleague who has spoken on the motion of adjournment moved by me. President, as Dr Fernando CHEUNG said just now, this motion on adjourning the debate on the amendments to the Rules of Procedure ("RoP") is both urgent and essential. Why? At a time when the President has gone to great lengths, even by such means as unprecedentedly convening additional meetings and requesting some Members to change their flight reservations to defer their trips outside Hong Kong during the holidays, to ensure that the voting on the resolution to amend the RoP can take place before Christmas, why are we going the opposite way by demanding that it be stopped in its track? Of course, this is because there is now a real-life example that could not be more "oven fresh"—other Honourable colleagues have also mentioned it more than once just now—that is, this morning, when we presented a petition to look into Link Real Estate Investment Trust ("Link REIT"), Mrs Regina IP unexpectedly rose together with us to express her wish for a select committee to be set up. This scene precisely illustrates that we really have to pause, think and re-examine whether or not the decision to raise the threshold for the presentation of a petition significantly from 20 people to 35 people is really wise and correct.

President, in my speech moving the motion of adjournment, I already mentioned that filibusters or some delaying tactics permitted under RoP are by no means the monopoly of the pro-democracy camp, in fact, all Members have the right to use them and the same is true of petitions. Of course, Honourable colleagues of the pro-Government camp have enough votes to invoke the provisions of the Legislative Council (Powers and Privileges) Ordinance to look into matters of concern to them. However, Members must not forget a very important political reality: The so-called pro-establishment camp or pro-Government camp, just like the pro-democracy camp, is divided into various political parties, groupings and sectors. If the minority in the pro-establishment camp want to present a petition but the majority are unwilling to collaborate for various reasons, their only feasible course of action is to lobby the pro-democracy camp for support. The move taken by Mrs Regina IP this morning shows precisely that increasing the number of people required for presentation of a petition will definitely undermine the power of the pro-democracy camp and in the future, Members who are the minority in the pro-establishment camp. Here, once again, I specifically call on Mrs Regina IP to support the motion of...
adjournment moved by me later on. If this motion of adjournment is not passed, I still hope that Mrs Regina IP can vote against the amendments to RoP proposed by Mr Martin LIAO because Mrs Regina IP's opposing vote will serve a very, very important purpose in the division. Of course, I hope all the more that Ms YUNG Hoi-yan could seize this opportunity, rather than once again miss the opportunity to respond to the inspirational gesture made by Mrs Regina IP's this morning because I believe the New People's Party is united, so let us give them a chance to show their unity.

President, I hope Honourable colleagues can carefully reconsider supporting my motion of adjournment. Another reason is the violation of the constitution, as many Honourable colleagues have raised. The President of the former Legislative Council, Mr Andrew WONG, and the former President of the Legislative Council, Mr Jasper TSANG, also said that the proposal to amend the quorum of a committee of the whole Council, which was accepted by the President this time around, may violate the Basic Law—the two external Senior Counsel and Queen's Counsel hired by the Legislative Council with public funds also expressed the same views—now, the President has combined the debate and voting on this amendment proposal with those on other proposals. In the event that it is really passed and the Court rules in the future that changing the quorum is indeed unconstitutional, will the other amendments to RoP, which are put to the vote together, still have legal effect, or will they be like our disqualified Honourable colleagues, who are subjected to recovery of remuneration on the one hand, but the votes cast by them are still regarded as valid on the other? On account of this point, President, I believe you should set aside the proposed resolution for the time being. In addition to allowing us to think twice, we can also hire external legal advisers to offer a legal opinion specifically on the amendments this time around. In this way, the doubts of Honourable colleagues and even the community can be allayed and any obstruction posed by this kind of constitutional issues to the functioning of the legislature can be pre-empted. Therefore, I hope sincerely that the President could give this serious consideration.

President, the third reason for my moving the motion of adjournment this time around is targeted at the joint debate. Maybe we can do a little bit of calculation. This time, there are 49 proposals on amending RoP. There are 23 Members in the pro-democracy camp. If each of them speaks on each amendment proposal for 15 minutes, 49 items would take a total of 16 905 minutes, or more than 280 hours. Generally speaking, the Legislative Council
meeting is convened from 11:00 am to 8:00 pm on Wednesday and 9:00 am to 8:00 pm on Thursday and this adds up to a total of 20 hours. Deduct from this the time for oral questions and the 15-minute breaks given to Members of the pro-establishment camp every hour—although such an instance has not arisen in the past two hours—that means the meeting time is 15 hours per week and almost as many as 21 weeks are needed to complete the relevant debate. Unfortunately, the President rolled all 49 amendment proposals involving different areas into one and each Member can speak for 15 minutes only. Simply put, President, you owe us at least 300 hours of speaking time. The irrationality of this arrangement is that, as Dr CHENG Chung-tai said just now, this amendment of RoP impacts not only on the current Legislative Council but also each and every Legislative Council in the future. Since the implications are so profound, is not giving each Member 15 minutes of speaking time rather imprudent and sloppy? For this reason, I hope that through this motion of adjournment, the President and other Honourable colleagues of the pro-establishment camp can have time to face the wall and do some self-reflection to ponder whether such an arrangement will give you a good repute or notoriety in history.

President, Confucius once said, "Desire to have things done quickly prevents their being done thoroughly.". I believe every Honourable colleague here has heard this before. The literal meaning is that the more eager one is to achieve one's aim, the less able one is to achieve it. Actually, the circumstances of this comment made by Confucius were like this: His disciple, Zi Xia, was about to take office as an official, so he asked Confucius how a kind and parent-like official should go about governing. Confucius said, "Do not be desirous to have things done quickly; do not look at small advantages. Desire to have things done quickly prevents their being done thoroughly. Looking at small advantages prevents great affairs from being accomplished.". People in politics cannot just care about speed and efficiency; if they look only at petty profit or are concerned only with speed, they often cannot achieve their aims. One cannot make great achievements if one sees only petty profit. President, you are someone cut out for great achievements, so I hope very much that the President and other Honourable colleagues of the pro-establishment camp can consider seriously, during the Christmas holidays, how they should actually go about their business and how to deal with the amendments to RoP this time around. Certainly, I appreciate the underlying reasons for the desire to pass the amendments to RoP before Christmas and all of us also know them full well in our minds. However, I still have to reiterate this: Can caring only about speed really enable the President and each Honourable colleague to achieve their aims,
and can they really settle the matter once and for all and resolve the chaos in the legislature? I believe the Christmas holidays definitely do not and should not represent the "deadline", rather, they represent a most suitable space for the President and Honourable colleagues of the pro-establishment camp to pause and ponder whether or not they must disregard the consequences arising from this proposed resolution on amending RoP and be totally uncompromising?

President, I understand that it is by no means pleasant for Honourable colleagues of the pro-establishment camp to sit here and listen to our speeches for the past couple of hours, nor do I have any intention of using all the 15 minutes. I only wish to invite Members to consider whether or not such a "deadline" really exists and whether or not Members definitely, definitely, definitely have to meet this deadline? I hope Members will think clearly and also consider carefully whether the outcome would really be like what Members wish for.

Lastly, it is not just passing a certain motion that can be considered a Christmas present. Is passing my motion of adjournment this time around not also a Christmas present for all Members?

President, I so submit.

PRESIDENT (in Cantonese): Before I put the question on this adjournment motion, I wish to remind Members that in accordance with RoP 40(2) and (3), if the motion is agreed to, the debate shall stand adjourned; if the motion is negatived, this Council shall continue with the joint debate on the proposed resolutions under Article 75 of the Basic Law and the relevant amending motions.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the debate be now adjourned. 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 Alvin YEUNG rose to claim a division.

**PRESIDENT** (in Cantonese): Mr Alvin YEUNG has claimed a division. The division bell will ring for five minutes.

**PRESIDENT** (in Cantonese): Will Members please proceed to vote. Mr Charles Peter MOK, do you wish to cast your vote?

(Mr Charles Peter MOK cast his vote)

(A number of Members shouted slogans aloud in their seats)

**PRESIDENT** (in Cantonese): Will Members please keep quiet. Voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TO, Mr LEUNG Yiu-chung, Prof Joseph LEE, Mr Charles MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen, Mr SHIU Ka-chun and Mr KWONG Chun-yu voted for the motion.

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Jimmy NG, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Kenneth LAU voted against the motion.

**THE PRESIDENT**, Mr Andrew LEUNG, did not cast any vote.
Geographical Constituencies:

Ms Claudia MO, Mr WU Chi-wai, Mr CHAN Chi-chuen, Dr KWOK Ka-ki, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr CHU Hoi-dick, Mr LAM Cheuk-ting, Miss Tanya CHAN, Dr CHENG Chung-tai and Mr Jeremy TAM voted for the motion.

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Miss Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Ms YUNG Hoi-yan and Mr CHEUNG Kwok-kwan voted against the motion.

THE PRESIDENT announced that among the Members returned by functional constituencies, 33 were present, 9 were in favour of the motion and 23 against it; while among the Members returned by geographical constituencies through direct elections, 29 were present, 13 were in favour of the motion and 16 against it. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

(A number of Members continued to shout slogans at their seats)

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): Members, although Mr CHU Hoi-dick called me a "sluggard", it is time Members paused to do some thinking. The meeting is now suspended until 9:00 am tomorrow.

Suspended accordingly at 7:41 pm.
呈

香港特別行政區
立法會主席及全體議員

呈請書
（根據議事規則第 20 條提交）

運輸及房屋局（「運房局」）於 2017 年 11 月 21 日公佈港珠澳大橋項目的主橋工程估計再超支 100 億元人民幣，而香港政府估計今次亦需承約 50 億港元超支。若運同立法會財務委員會近年就港珠澳大橋有關項目通過的追加撥款，香港負擔大橋的整體造價由起初約 1000 億港元大幅度增加至最少 1200 億港元，增幅達 20%，特區政府亦未能為有關項目工程成本設上限。

特區政府一直未能就超支提供確實和具體的解釋，亦從未就如何避免超支提出任何建議，而立法會內亦沒有任何場合能專責和仔細地調查超支事宜。立法會的重要職能是監察公共開支及財務建議，立法會有必要透過深入了解超支成因及提出建議，確保公營機構適當使用公帑，避免基礎建設項目超支重覆出現。

因此我們懇請各位議員支持，在立法會轄下成立一個專責委員會，調查上述事宜。

呈請人

郭家麒 譚文豪 涂謹申 梁耀忠 李國麟
毛孟靜 胡志偉 莫乃光 陳志全 梁繼昌
郭榮鏗 張超雄 黃碧雲 葉建源 尹兆堅
楊岳橋 朱凱廸 林卓廷 鄧家輝 陳沛然
陳淑莊 許智峯 鄭松泰 鄭俊宇

2017年 12 月 13 日
呈

香港特別行政區
立法會主席及全體議員

呈請書
（根據議事規則第 20 條提交）

領展房地產投資信託基金於 2017 年 11 月 28 日公布已簽訂協議出售 17 個商場，當中絕大部份為房委會先前拆售的商場。而根據房屋條例第 4(1)條及終審法院在盧少蘭訴香港房屋委員會一案的判決，房委會有責任「確保提供」委員會認為適合附屬於住宅的設施。特區政府一直沒有機制以定期檢討經拆售的資產對資助房屋居民的影響，亦沒有機制為屋邨補充因拆售而欠缺的設施。因此，特區政府既沒有措施以「確保提供」設施，亦沒有定期審視其「適合」程度，即沒有履行房屋條例賦予其之責任。而公眾亦質疑領展作為房地產投資信託基金，其角色及所受監管是否適合時宜。

特區政府就此從未向立法會提供具體解釋，亦沒有訂立機制及指定負責部門以處理上述問題，而立法會內亦沒有場合能專責和仔細地調查政府的角色、政府當年出售資產的合約及文件和房地產投資信託基金守則監管領展的成效。立法會的重要職能是監察政府，以避免行政當局逃避法律責任，損害公眾利益。因此，立法會有必要透過深入調查問題成因及提出建議，確保政府負上房屋條例第 4(1)條中的責任，為資助房屋居民提供合適的設施。

因此我們懇請各位議員支持，在立法會轄下成立一個專責委員會，調查上述事宜。

呈請人

譚文豪 郭家麒 涂謹申 梁耀忠 李國麟
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陳淑莊 許智峯 鄭松泰 鄭俊宇

2017 年 12 月 13 日