**OFFICIAL RECORD OF PROCEEDINGS**

**Wednesday, 3 April 2019**

**The Council met at**

**thirty-one minutes past 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 Puk-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, B.B.S., 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, S.B.S., 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, J.P.

THE HONOURABLE Tanya CHAN

THE HONOURABLE CHEUNG Kwok-kwan, J.P.

THE HONOURABLE HUI Chi-fung

THE HONOURABLE LUK Chung-hung, J.P.

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

THE HONOURABLE Gary FAN Kwok-wai

THE HONOURABLE AU Nok-hin

THE HONOURABLE Vincent CHENG Wing-shun, M.H.

THE HONOURABLE Tony TSE Wai-chuen, B.B.S.

THE HONOURABLE CHAN HOI-YAN

**MEMBER ABSENT:**

THE HONOURABLE LEUNG Che-cheung, S.B.S., M.H., J.P.

**PUBLIC OFFICERS ATTENDING:**

THE HONOURABLE James Henry LAU Jr., J.P.

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

DR THE HONOURABLE LAW Chi-kwong, G.B.S., J.P.

Secretary for Labour and Welfare

The Honourable Joshua LAW Chi-kong, G.B.S., J.P.

SECRETARY FOR THE CIVIL SERVICE

The Honourable John LEE Ka-chiu, S.B.S., P.D.S.M., J.P.

SECRETARY FOR SECURITY

The Honourable Frank CHAN Fan, J.P.

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

**CLERKS IN ATTENDANCE:**

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

MISS ODELIA LEUNG HING-YEE, DEPUTY SECRETARY GENERAL

MS DORA WAI, ASSISTANT SECRETARY GENERAL

MR MATTHEW LOO, ASSISTANT SECRETARY GENERAL

**PRESIDENT** (in Cantonese): Council now holds the regular meeting.

**PAPERS TO BE LAID ON THE TABLE OF THE COUNCIL**

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

|  |  |
| --- | --- |
| Subsidiary Legislation/Instruments | *Legal Notice No.* |
|  |  |
| Insurance (Prescribed Fees) (Amendment) Regulation 2019 | 43 of 2019 |
|  |  |
| Merchant Shipping (Safety) (Ships Operating in Polar Waters) Regulation | 44 of 2019 |
|  |  |
| Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulation 2019 | 45 of 2019 |
|  |  |
| Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulation 2019 | 46 of 2019 |
|  |  |
| Merchant Shipping (Prevention of Pollution by Sewage) (Amendment) Regulation 2019 | 47 of 2019 |
|  |  |
| Merchant Shipping (Prevention of Pollution by Garbage) (Amendment) Regulation 2019 | 48 of 2019 |
|  |  |
| Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2019 | 49 of 2019 |
|  |  |
| Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) Order 2019 | 50 of 2019 |
|  |  |
| Solicitors (Professional Indemnity) (Amendment) Rules 2019 | 51 of 2019 |
|  |  |
| Solicitors (Professional Indemnity) (Amendment) (No. 2) Rules 2019 | 52 of 2019 |

Other Papers

|  |
| --- |
| Quality Education Fund  Financial statements for the year ended 31 August 2018 (including Report of the Director of Audit) |
|  |
| Education Development Fund  Financial statements for the year ended 31 August 2018 (including Report of the Director of Audit) |
|  |
| Report of the Bills Committee on Professional Accountants (Amendment) Bill 2018 |

**ORAL ANSWERS TO QUESTIONS**

**PRESIDENT** (in Cantonese): Questions. First question.

**Remuneration packages for disciplined services staff**

1. **DR ELIZABETH QUAT** (in Cantonese): *President, some disciplined services staff have indicated that they have all along been dedicated to their work, making Hong Kong one of the safest cities in the world. However, the remuneration packages for disciplined services staff have not reasonably reflected their contributions, thereby undermining their morale and leading to talent wastage. In this connection, will the Government inform this Council:*

*(1) given that while the work of the disciplined services is more dangerous than that of civilian staff, the pay difference between successive pay points on the General Disciplined Services (Rank and File) Pay Scale is only about 3%, whether the authorities will consider adjusting upward the pay difference between successive pay points on the pay scale to 6%, so as to make it on a par with that on the pay scale for civilian staff; if so, of the details and the timetable; if not, the reasons for that;*

*(2) given the manpower wastage problem currently faced by and the need to pass on experience in the disciplined services, whether the authorities will consider afresh offering disciplined services staff appointed before June 2000 the choice of extending their retirement age; if so, of the details; if not, the reasons for that; and*

*(3) given the acute shortfall of departmental quarters for disciplined services at present, of the authorities' measures in place to mitigate the situation; whether they will identify land for constructing new quarters; if so, of the details and the timetable; if not, the reasons for that?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, the Hong Kong Special Administrative Region Government fully recognizes the efforts and contributions made by colleagues in the disciplined services all along in maintaining prosperity and stability of our society, and safeguarding the lives and property of our people. In order to attract suitable talents to join the disciplined services and to retain serving staff, the relevant government policy is to provide appropriate remuneration and support to the disciplined services. As it is not possible to find comparable posts and jobs in the private sector for the disciplined services, and individual disciplined services grades are also facing recruitment or retention difficulties, the Chief Executive-in-Council has decided to conduct a grade structure review ("GSR") for the disciplined services and once every 10 years in future, so as to ensure that the grade structure and remuneration of the disciplined services are effective in attracting and retaining talents.

Moreover, having considered the operational need of each disciplined service, a total of over 7 100 posts have been created in the disciplined services over the past five years. We have also upgraded and strengthened the equipment for the disciplined services to enhance their service quality. In addition, we have introduced and enhanced a number of job-related allowances, improved housing benefits, and taken forward the construction projects of disciplined services quarters, etc. for the disciplined services. These are to ensure that their conditions of service and benefits can keep up with the times.

In consultation with other relevant bureaux, my consolidated reply to various parts of the question is as follows:

(1) the pay scales applicable to the disciplined services have evolved over the years, like those applicable to other civil servants. The differences between pay points on each pay scale and between pay points among different pay scales reflect the cumulative results of the reviews conducted over different periods in the past. Their internal relativities cannot be worked out by any simple formula. As such, it is not comprehensive to only compare the differences between pay points on the pay scales of the disciplined services and those of the civilian staff.

That said, the Standing Committee on Disciplined Services Salaries and Conditions of Service ("SCDS") has accepted the Government's invitation to conduct a GSR for the disciplined services grades. At the same time, the Standing Committee on Directorate Salaries and Conditions of Service ("SDCS") has also agreed to advise on the salaries and conditions of service of the heads of the disciplined services. The two advisory bodies will conduct the review independently and have commenced work. If the staff side of the disciplined services has any views or suggestions on the pay of individual grades or the differences between pay points of the relevant pay scales, they may raise them with SCDS and SDCS. In the course of the review, the two advisory bodies will maintain communication with the management and the staff side of the disciplined services. They will thoroughly consider proposals submitted by the management and the staff side and listen to stakeholders' views;

(2) in order to tie in with the goal of expanding the labour force and to respond to the aspirations of civil service colleagues, the Government launched in July 2018 the option of allowing serving civil servants in the civilian and disciplined services grades who joined the Government between 1 June 2000 and 31 May 2015 to choose to extend their retirement age to 65 and 60 respectively.

As for civil servants who joined the Government before 1 June 2000, most of them will reach their currently applicable retirement age in the next decade or so, but it is expected that the overall labour force will only become a relatively critical issue in 2030. Therefore, from the population policy perspective, it is unjustifiable to also allow these officers to choose to retire at a later age. Moreover, quite a number of civil servants who joined the Government before 1 June 2000 will retire soon. If these officers are also allowed to choose to extend their retirement age, departments may not have sufficient time to adjust their manpower planning accordingly, and to address management problems that might arise immediately, such as blockage to promotion and hindrance to healthy turnover, and mismatch of human resources. All these will affect the planning and deployment of manpower resources in departments, and such situations should be avoided.

Although civil servants who joined the Government before 1 June 2000 cannot choose to retire at a later age, departments may, taking into account factors such as their overall manpower situation (e.g. wastage rate), operational needs and succession arrangement, flexibly employ various pliable initiatives for extending the service of civil servants, including the Post-retirement Service Contract Scheme, final extension of service and the adjusted further employment mechanism, to retain civil servants reaching their retirement age and meet the manpower demand and the need to pass on experience; and

(3) the Government has been providing departmental quarters for married disciplined services staff, subject to the availability of resources. The Government understands colleagues' concerns about the shortfall in disciplined services quarters and hence has been actively exploring various options to increase the supply of departmental quarters.

In the 2014 Policy Address, the then Chief Executive stated that the Government would expedite eight departmental quarters projects for the disciplined services. With the concerted efforts of the relevant bureaux and the various disciplined services departments, funding approval for the eight projects has been obtained from the Legislative Council. The projects include the Immigration Department staff quarters at Heng Lam Street, Kowloon and the Customs and Excise Department rank and file quarters at Yau Yue Wan Village Road, Tseung Kwan O, where works have been completed and residents have moved in the commissioned quarters commencing from the end of last year. The Government is stepping up the construction of the remaining six projects, and the estimated date of occupation of the quarters is from around mid-2019 to mid-2022.

In addition to the eight projects mentioned, the disciplined services departments are endeavouring to take forward new quarters projects in order to continue to alleviate the shortfall in quarters. Also, the Government will explore the feasibility of other disciplined services quarters redevelopment or construction projects. Upon finalization of the details and timetable, the Government will consult the District Councils concerned as soon as possible and submit funding applications to the Legislative Council in a timely manner.

**DR ELIZABETH QUAT** (in Cantonese): *President, at present, the same pay scale is adopted for all disciplined services other than the Police, but different starting and maximum pay points on the General Disciplined Services (Rank and File) Pay Scale are applicable to different disciplined services. For instance, the entry requirements of Immigration Assistants of the Immigration Department ("ImmD") and that of Customs Officers of the Customs and Excise Department ("C&ED") are more or less the same, and their academic requirements are equivalent. Yet, the starting pay of Immigration Assistants is on point 3 of the pay scale whilst that of Customs Officers is on point 4. In respect of the maximum pay point, Immigration Assistants are on point 13 whilst Customs Officers are on point 14. On the other hand, the academic requirements of Immigration Assistants and Assistant Officers II of the Correctional Services Department ("CSD") are the same, with their starting pay points both on point 3, but their maximum pay points are different. Therefore, I would like to ask how the authorities determined the different pay points for various disciplined services. Why is it that some are higher and some are lower? Will the authorities align the starting pays of all disciplined services staff?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): My thanks go to Dr QUAT. I also mentioned in the main reply just now that the salary structure and conditions of service of various civil service grades have evolved over the years. Therefore, the pay scales applicable to different disciplined services also reflect the cumulative results of the various reviews conducted over the years. Given that SCDS and SDCS have accepted the invitation of the Government to conduct a GSR for the disciplined services, the staff side can put forward their views on the starting pay points of individual pay scales or other aspects. I believe that the two committees will study carefully and consider earnestly their views before coming up with a conclusion.

**MR CHAN HAK-KAN** (in Cantonese): *President, I have checked the starting pay points and pay scales of all disciplined services. As the Secretary said just now, these pay scales and starting pay points have their own historical reasons, but it is exactly because of the difference in pay that has led to the particularly high wastage rates of certain disciplined services. Some staff may apply for transfer to other disciplined services departments after serving for a long period of time, or they may even transfer to the Hawker Control Team or the Agriculture, Fisheries and Conservation Department. It is actually a waste because the authorities have put in a lot of time and efforts to train them, and their experience is also very valuable. I would like to ask the Secretary: Will the authorities, in the context of the GSR currently underway, raise the starting pay points or pays of certain disciplined services in order to narrow down the differences among them, such that the wastage problem will become less serious?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): I thank Mr CHAN for his supplementary question. There are historical reasons leading to the starting pay points and internal promotion of each grade. The wastage problem faced by each disciplined service or grade might be the result of many different reasons. It is hence difficult to comment solely on the starting pay points here. However, Mr CHAN can rest assured that, in the course of conducting the GSR, these views will certainly be reflected to the two advisory bodies for them to study seriously. What is the purpose of so doing? It is hoped that talents will be retained and attracted to join our disciplined services.

**MR HO KAI-MING** (in Cantonese): *President, Secretary, retaining talents is indeed a very important message. Currently, only those disciplined services staff and civil servants who joined the service after 2000 can choose to extend their retirement age, while civil servants who joined the service before 2000 are not offered such an option.*

*President, will the Secretary also consider offering civil servants who joined the service before 2000 such an option? It is because, in the first place, as such a choice must be approved by the relevant departments, civil servants will not be able to extend their retirement age immediately after making such a choice. Second, civil servants who joined the service after 2000 only account for 23% of the total at present. I believe there is a discrepancy between this figure and the assessment made by the Government. Will the Secretary consider allowing civil servants (including disciplined services staff and other civil servants) who joined the service before 2000 to extend their retirement age to 65?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): I thank Mr HO for his supplementary question. The Government has been keeping in view carefully the ageing population and changes in the labour force.

As a matter of fact, the service of civil servants who joined the Government after 2015 can already be extended to 65 pursuant to the existing policy, whereas civil servants who joined the service between 2000 and 2015 can also make a choice. The supplementary question raised by Mr HO Kai-ming concerns the reasons why civil servants who joined the service before 1 June 2000 are not allowed to make such a choice. As I have pointed out in the main reply, the Government cannot ignore the various problems arising from any changes in our policies. If we also allow civil servants who joined the service before 2000 to make a choice, it will give rise to problems that I have mentioned today, such as mismatch of human resources, blockage to promotion and hindrance to healthy turnover.

In view of this, on the premise of balancing all these aspects, we have decided to allow departments to deal with the issue flexibly, taking into account their operational needs, wastage and turnover situations. By means of such a flexible approach, some civil servants who joined the service before 2000 can remain in service after retirement.

Here I would like to quote some figures for Members' reference. Approximately 9 900 cases adopting the said flexible approach were approved in the past two to three years, reflecting that we have strived to strike a balance among different aspirations.

**DR CHENG CHUNG-TAI** (in Cantonese): *The Court of Final Appeal rejected the "ultimate appeal" filed by Superintendent Franklin CHU in January this year. Yet, the loopholes in the Pensions Ordinance have sparked a strong public outcry. Why is it that a civil servant who commits an offence in the course of his service and is convicted after retirement can still pocket his $5 million pension? This loophole is extremely problematic.*

*I would like to ask the Secretary: Do you have plans to amend the Pensions Ordinance to provide that in case a civil servant commits an offence in the course of public office, the Bureau must recover the relevant pensions and remunerations from that person even if he is convicted after retirement?*

**PRESIDENT** (in Cantonese): Dr CHENG Chung-tai, your supplementary question digresses from the scope of the main question. That said, Secretary, will you 

**DR CHENG CHUNG-TAI** (in Cantonese): *The main question concerns the remuneration packages for disciplined services staff, and my question is definitely related to remuneration packages. How come pensions are not *

**PRESIDENT** (in Cantonese): Dr CHENG, please sit down. Secretary, do you have anything to say in response?

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, my very brief response is that I would not comment on individual cases. Generally speaking, with respect to disciplinary sanctions on civil servants, we will follow up in accordance with the relevant laws and procedures.

(Dr CHENG Chung-tai stood up, intending to ask another question)

**PRESIDENT** (in Cantonese): Dr CHENG Chung-tai, your supplementary question is outside the scope of the main question, please sit down. If you have other questions, please raise them with the Secretary on other occasions.

**MR AU NOK-HIN** (in Cantonese): *The main reply mentions the demand for quarters by the disciplined services, but I see a huge difference in it. Some CSD staff have relayed to me that water leakage occurs in their quarters, but I find that police quarters appear to enjoy preferential treatment. Regarding the Western Police Station Quarters―the illegal occupation of land for 13 years as we call it―the Government has in fact provided quarters somewhere else a long time ago, but the authorities still accede to the Police's request for the construction of quarters, and make an application to the Town Planning Board. However, when the District Council requested to resume some community sites from the Police, they just rejected the request. Is it true that in the face of the Police's request for the construction of quarters, local demands can just be ignored? What are the results of the Government's efforts in implementing the "single site, multiple uses" model?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, disciplined services quarters projects must be taken forward in accordance with the procedures. During the planning stage of each project, the authorities would conduct consultations through different consultation platforms, such as the District Councils. Regarding the redevelopment of the Western Police Station Quarters, the authorities have previously made initial contact with the District Council concerned for a period of time. After listening to the views, I believe that they will approach the District Council concerned for formal consultation in the near future. Therefore, the views of the local community can be reflected in accordance with established procedures, and I believe that the relevant departments and policy bureaux will also listen to the views earnestly.

**PRESIDENT** (in Cantonese): Mr AU Nok-hin, which part of your supplementary question has not been answered?

**MR AU NOK-HIN** (in Cantonese): *Consultation has in fact been conducted already, but the Commissioner of Police indicated that they would not consider making any changes. This is the so-called district consultation.*

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

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): I understand that they have made initial contact and will formally consult the Central and Western District Council as soon as possible.

**MR SHIU KA-CHUN** (in Cantonese): *President, Secretary, some CSD staff have relayed to me that many CSD staff have indicated that as they often have to work at remote locations, such as the outlying islands, it takes them two to three hours for commuting to and from work. This is one of the reasons for them to quit their job. It is revealed in the document that the Government will expedite eight construction projects of departmental quarters for the disciplined services, but only C&ED and ImmD have been mentioned. May I ask whether, among these projects, there is any arrangement involving CSD? If so, where is it located? It should be understood that the traffic problems faced by the staff would not be solved if the location is too far away. If not, what plans does the Government have to address the needs of CSD staff in this respect?*

**SECRETARY FOR THE CIVIL SERVICE** (in Cantonese): President, regarding the quarters for CSD staff, one of the eight projects is the construction of staff quarters for CSD at Tin Wan. This is a redevelopment project that provides a total of 70 quarters units. Therefore, I believe it would be somewhat unfair to the various departments if it is said that the Police should be provided with more quarters. However, as we should all be aware, the 30 000-member-strong Police Force is the largest disciplined services department, as other disciplined services departments have about 10 000 staff, or less. Therefore, there might be a misconception that the Police Force has been allocated with more quarters units than those allocated to other disciplined services.

**PRESIDENT** (in Cantonese): Second question.

**Non-eligible persons defaulting on payment of medical fees**

2. **MR GARY FAN** (in Cantonese): *Non-eligible persons ("NEPs") (including Mainland residents) receiving public healthcare services are required to pay for medical fees which are determined on a cost-recovery basis. It has been reported that a Mainland woman, since being injured in a traffic accident in Hong Kong in November 2015, has been staying in a public hospital without paying any medical fees. Last month, the Hospital Authority ("HA") filed claims in court against that woman for recovery of arrears which amounted to $6,170,000. In this connection, will the Government inform this Council:*

*(1) whether it knows the highest and average figures in each of the past five financial years in respect of the following: the number of days for which NEPs stayed in public hospitals, the amount of medical fees in default by NEPs and the number of days involved, and HA's expenditure on recovery of arrears and the amount of arrears written off;*

*(2) whether it knows if HA has made arrangements for medical social workers to communicate with NEPs defaulting on payment of medical fees or with their families to make as early as possible suitable arrangements for them so as to prevent the worsening of the situation of patients defaulting on payment of medical fees; and*

*(3) regarding those Mainland residents visiting Hong Kong who cannot be discharged from public hospitals due to personal difficulties even though their conditions have become stable, whether the Government will discuss with the Mainland authorities the setting up of a mechanism so that assistance may be provided to them to facilitate their early discharge and return to the Mainland; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, the public health care services provided by the Hospital Authority ("HA") are mainly targeted at Hong Kong residents, so as to ensure that they have priority in receiving such services. Generally speaking, non-eligible persons ("NEPs"), including non-local visitors, are provided with public health care services only in emergency situations. For instance, when NEPs are involved in accidents or fall seriously ill during their visits in Hong Kong, HA will provide them with emergency health care services on humanitarian grounds even though they cannot afford the medical fees arising from the services. NEPs' medical fees are determined on a cost-recovery basis. HA has an established mechanism in place to recover arrears from persons defaulting on payment of medical fees.

My reply to the various parts of the question raised by Mr Gary FAN is as follows:

(1) Statistics on NEPs defaulting on payment of public hospital charges in the past five financial years, including amounts of arrears, numbers of days involved, lengths of stay in hospital and amounts of arrears written off, are set out in the Annex. HA does not maintain statistics on the expenditure on recovery of arrears for individual cases, and does not categorize relevant expenditure into Eligible Persons and NEPs. The average annual expenditure (including legal fees and other expenses) on recovery of arrears incurred by HA is around $4 million.

As NEPs are in general admitted to hospital in emergency situations and if such inpatient cases are serious, requiring longer stay for treatment, individual cases may involve greater amounts of arrears to be written off.

(2) and (3)

HA has implemented a number of measures to minimize default on payment of medical fees. The measures include requiring NEPs to pay a specified amount of deposit upon admission to hospital (except for emergency cases); issuing interim bills to patients once every three days during their hospitalization and reminding patients or their families to settle the bills; issuing final bills to patients upon their discharge; and mailing the bills to their Hong Kong or overseas addresses provided at registration. If the bills remain outstanding after the patients' discharge, patients or their families will be reminded through telephone calls for settlement of bills and monthly statements will be mailed to their Hong Kong or overseas addresses provided at registration. HA will impose administrative charges on patients who have failed to settle the bills within a specified period.

Medical social workers will assist in following up on cases, including communicating with patients and trying to contact their families to give advice and assistance regarding the hospital stay.

If the bills remain outstanding after the above actions have been taken, HA will institute legal actions where appropriate, including issuing demand letters to the patients concerned through lawyers, and filing claims in the Small Claims Tribunal or the court to recover the arrears from the patients concerned.

Regarding NEPs who have not settled their outstanding fees, HA will continue to provide health care services for them only in emergency situations. Once their situations have become non-emergent, HA will cease to provide health care services for them. NEPs may then decide to go to other medical institutions to continue their treatment. HA will make referral arrangements for them where necessary.

As for NEPs who do not need to stay in hospitals after treatment but need assistance with discharge arrangements, HA will contact the relevant government departments in light of the situation of individual cases. If necessary, relevant consulates or Mainland authorities will be contacted to make appropriate discharge and repatriation arrangements for these patients.

HA will continue to explore feasible options to improve the public hospital discharge arrangements for NEPs.

Annex

Amounts of arrears and numbers of days involved, lengths of stay in hospital and amounts of arrears written off involving NEPs in the past five financial years are as follows:

| *Financial Year* | *As at 31 March 2014* | *As at 31 March 2015* | *As at 31 March 2016* | *As at 31 March 2017* | *As at 31 March 2018* |
| --- | --- | --- | --- | --- | --- |
| Highest amount in default(1) ($ million) | 4.5 | 2.2 | 2.9 | 2.6 | 4.7 |
| Average amount in default(1) ($'000) | 9.9 | 7.7 | 8.7 | 10.8 | 14.5 |
| Highest number of days in default(1) | 1 210 | 464 | 618 | 506 | 765 |
| Average number of days in default(1) | 149 | 115 | 100 | 98 | 107 |
| 90th percentile of length of stay of inpatients (number of days)(2) | 7.0 | 7.0 | 7.0 | 7.0 | 7.0 |
| Average length of stay of inpatients(2) (number of days) | 3.9 | 3.7 | 4.1 | 4.1 | 3.9 |
| Highest amount of arrears written off(1) ($ million) | 1.3 | 4.5 | 1.2 | 2.9 | 1.7 |
| Average amount of arrears written off(1) ($'000) | 5.8 | 9.8 | 5.7 | 6.4 | 7.7 |

Notes:

(1) Calculation is made on a case-by-case basis. In an emergency situation, a patient may need the provision of more than one type of services, such as accident and emergency service, inpatient service and hospital transfer service, in different hospitals of HA, and therefore may be involved in more than one case.

(2) Only inpatient NEPs in the general (acute and convalescent) ward are counted. Inpatients refer to those who are admitted to hospital via the Accident & Emergency Department or stay in hospital for more than one day. Day inpatients are not counted in inpatients' average length of stay and the 90th percentile of stay. Regarding inpatients' average length of stay and length of stay, HA uses the 90th percentile to denote the longest length of stay.

**MR GARY FAN** (in Cantonese): *I wish the Secretary a speedy recovery. I would like to point out that the amounts of medical fees in default by NEPs have remained high. The Secretary has clearly stated in the main reply that the highest amount in default and the average amount in default have both reached record high in five years. It proves that the series of measures undertaken by HA as suggested in the main reply are ineffective, failing to reduce the default on payments.*

*Therefore, I wish to ask a supplementary question. As the Secretary said HA will continue to explore feasible options, will the Government draw reference from the practices of other countries, such as raising the deposits payable by NEPs upon admission except for emergency cases, or prohibiting those foreigners who have defaulted on payments of medical fees from re-entering Hong Kong, and even denying the granting of entry or tourist visas to them? These practices are adopted by the governments of other places.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): President, I thank Mr FAN for his supplementary question. As I have stated just now, in addition to a series of existing measures, HA will from time to time review the current practices and the situation of default on payments. Of course, apart from NEPs, Eligible Persons may default on payments as well. Therefore, HA keeps reviewing relevant practices, such as providing more convenient methods for effecting payments. I believe HA will, in the context of its review of medical fees, also consider the proposal on deposit payments as suggested by the Member.

(Mr Gary FAN stood up, intending to ask another question)

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

**MR MA FUNG-KWOK** (in Cantonese): *President, I notice that the Government has provided an annex, which only contains averages but not totals. May I ask the Secretary: What are the total number of persons defaulting on payments and the total amount of arrears? Taking 2018 as an example, does the Secretary have the figures for the aforementioned two items?*

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

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Deputy President, I thank Mr MA for his supplementary question. As regards the numbers of NEP cases in 2015-2016, 2016-2017 and 2017-2018, there were 4 837 such cases in 2017-2018. But the number of cases involving Eligible Persons and other cases was even higher, close to 40 000.

**DR KWOK KA-KI** (in Cantonese): *Deputy President, the funding for health care services is never sufficient. While HA is struggling to make ends meet, NEPs have consumed a lot of our health care resources. In fact, it is nothing new as, for many years, a large number of NEPs have been abusing our public resources.*

*The reply given by the Secretary just now is in effect not an answer at all, because if such measures are feasible and effective, it would have been long implemented and results would have been achieved. I would like to ask the Secretary: In the event of new default cases, will the authorities consider putting such persons on a blacklist so that they will no longer be able to seek services in Hong Kong or even enter Hong Kong? If not, the situation may only aggravate. I am also aware that many people, mainly Mainlanders, will abandon the critically ill in Hong Kong. I very much hope that the Secretary will formulate a clear policy to minimize the depletion of our health care resources which are barely enough.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): I thank Dr ‍KWOK for his supplementary question. Indeed, NEPs include not only Mainlanders and some of them come from foreign countries. Generally speaking, HA will consider the specific conditions and needs of patients. If necessary, it will contact other departments, including the Social Welfare Department ("SWD") or the Immigration Department ("ImmD"), and identify the needs of such visitors, whether they are Mainland residents or otherwise. If they do require hospitalization, on humanitarian grounds, we would provide immediate treatment. However, when their conditions are non-emergent, following the existing HA mechanism, they can be repatriated to their places of origin. There were successful cases in the past. Therefore, such a situation can be handled under the existing mechanism, and there have been successful cases.

Of course, as I have mentioned, we will review the effectiveness of the current practices from time to time. If there are better approaches, HA will definitely continue to study and adopt such approaches.

**DEPUTY PRESIDENT** (in Cantonese): Dr KWOK Ka-ki, which part of your supplementary question has not been answered?

**DR KWOK KA-KI** (in Cantonese): *Deputy President, I have just asked the Secretary a very clear supplementary question, that is, whether such persons will be put on a blacklist so that they will be denied re-entry *

**DEPUTY PRESIDENT** (in Cantonese): Dr KWOK, you have clearly pointed out the part of your supplementary question that has not been answered. Please sit down. Secretary, do you have anything to add?

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): Deputy President, as I have just stated, if such NEPs visiting Hong Kong need medical care in case of emergency, on humanitarian grounds, we will provide treatment for them. But, of course, if they default on payment of fees, we will definitely take actions to recover such fees.

**DR KWOK KA-KI** (in Cantonese): *Deputy* *President, the Secretary has not answered my supplementary question.*

**DEPUTY PRESIDENT** (in Cantonese): Dr KWOK Ka-ki, the Secretary has already answered your supplementary question. Please follow up on the matter on other occasions.

**DR JUNIUS HO** (in Cantonese): *Deputy President, can the Secretary handle such problems in a relatively simple manner? Simple means seeking relief through legal means. Will the Government conduct a study, together with the Department of Justice ("DoJ"), on the approach of requiring non-permanent residents of Hong Kong to, in the course of receiving health care services, give a written undertaking that they will make payments of the arrears or pay the relevant fees on time, or requiring them to sign a contract to that effect? In so doing, we can strike a balance between humanitarian grounds and allowing such persons access to health care services. Such an undertaking or contract may set out the relevant terms and conditions, such as the time when outstanding payments must be settled. In case the NEP fails to honour the undertaking, we may institute cross-border civil proceedings in order to recover the arrears.*

*Under the existing system, such practices are absolutely allowed, only that the Government lacks the policy and determination to strictly enforce such practices in the light of circumstances and needs. Just now a Member has mentioned a serious case, which involves arrears amounting to $6,170,000. I would like to ask the Secretary: Have she and DoJ ever considered instituting civil claims?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): I thank Dr HO for his supplementary question. In fact, at present, NEPs are required by HA to make immediate payment of deposit upon admission to hospitals. For example, in public hospitals, the deposit for the general ward is $51,000, that for the psychiatric ward is $24,000 and that for the obstetrics & gynaecological ("O&G") ward is $90,000. Apart from such fees, interim bills will be issued every three days and patients need to settle the payment of fees before discharge. If the patient still fails to settle the bills after such measures have been taken, HA will take legal actions depending on the circumstances, including filing claims in the Small Claims Tribunal, engaging lawyers to issue letters, or filing claims in the relevant courts for recovery of arrears.

Certainly, in the process, HA will contact SWD, ImmD or the consulates to make discharge arrangements. If there are outstanding payments, in addition to taking legal actions, we will also seek assistance from consulates to recover such arrears.

**DR CHENG CHUNG-TAI** (in Cantonese): *Deputy President, I am also aware that non-local residents or NEPs are required to pay deposits for using public health care services in Hong Kong. But the problem is that, judging by the figures in the past few years, the highest amount in default, e.g. in 2018, reached $4,700,000. In other words, despite a deposit of $90,000 payable for using O&G services, it still falls far short of the amount in default. Therefore, I would like to ask the Secretary: As regards the several cases involving the highest amounts in default, have the authorities genuinely taken actions to file claims in the Small Claims Tribunal for recovery of arrears? Are there specific numbers? For example, among the 4 837 cases in 2017-2018, how many cases has HA taken legal actions against? How many cases against which HA has taken no actions? Can we be informed of the facts?*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): I thank Dr ‍CHENG for his supplementary question. In 2017-2018, for instance, HA filed claims in the Small Claims Tribunal against about 2 500 cases and issued litigation letters for 100 cases.

**MR PAUL TSE** (in Cantonese): *Deputy President, it is a difficult issue, because we have to strike a balance among various aspects. And, regarding write-off of fees, even small law firms, such as mine, sometimes are forced to write off certain debts. It is the reality after all. Also, the situation is further complicated by having to give humanitarian considerations to patients and overseas visitors, as Hong Kong citizens travelling abroad would want to be provided with such emergency services. Moreover, visitors will leave Hong Kong after their visits and it is always impossible to locate them after their departure. Under such circumstances, Secretary, I want to know more about the recovery rate. The numbers as shown in the table in the Annex cannot reflect the percentage of bad debts or written-off amounts against the total amount of expenses, which will shed light on the severity of the situation.*

**SECRETARY FOR FOOD AND HEALTH** (in Cantonese): I thank Mr ‍TSE for his supplementary question. In the past three years, among the relevant cases involving fees payable by NEPs being written off, persons without identification documents (e.g. the homeless or the abandoned) accounted for over 50%; the percentage of overseas visitors was about 18%; Mainland visitors, about 12%; non-refoulement claimants, about 12%. The above is the rough distribution of different types of NEPs in the cases concerned in the past three years.

**DEPUTY PRESIDENT** (in Cantonese): Third question.

**Increasing the number of parking spaces**

3. **MR VINCENT CHENG** (in Cantonese): *Deputy President, in February last year, there were over 770 000 licensed vehicles across the territory and the number of parking spaces stood at 750 000, meaning that less than one parking space was available to each vehicle on average. In recent years, the problem of illegal parking has been worsening due to the shortage of parking spaces. Last year, the Police issued as many as 2.01 million fixed penalty notices against parking contraventions, which was nearly three times that of a decade ago. The Transport Department has recently proposed building, under a pilot scheme, Hong Kong's first underground public smart car park in Sham Shui Po, which is expected to provide 200 parking spaces. In respect of increasing the number of parking spaces, will the Government inform this Council:*

*(1) whether it has drawn up a vehicle-to-parking space target ratio in respect of each class of vehicles; if so, of the respective current shortfalls of parking spaces for the various classes of vehicles calculated on the basis of such ratios; of the respective projected numbers of new parking spaces to be provided by public and private organizations in the coming three years;*

*(2) of the number of car parks (including smart car parks) that the Government will build in the coming three years in government facilities and public open spaces under the principle of "single site, multiple uses", and the number of parking spaces to be provided in such car parks; and*

*(3) whether it will take measures (e.g. providing incentives) to encourage private organizations to build smart car parks which can provide more parking spaces (including cylinder-vertical-lifting, lift-sliding and so-called "Ferris-wheel-style" mechanical parking spaces); if so, of the details (including the estimated number of extra parking spaces to be provided)?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Deputy President, my reply to the various parts of Mr Vincent CHENG's question is as follows:

(1) As at the end of December 2018, there were approximately 784 000 licensed vehicles across the territory, of which nearly 80% were private cars and van-type light goods vehicles. Over the past decade, the number of private cars and van-type light goods vehicles increased by 45% from around 424 000 to about 616 000, whereas the number of parking spaces available for use by private cars and van-type light goods vehicles increased by about 9% from about 618 000 to around 675 000. As for commercial vehicles ("CVs") (e.g. goods vehicles and non-franchised buses), the number of CVs recorded a slight drop of 3% from around 75 400 to around 73 100 over the past decade, whereas the number of parking spaces for CVs fell by 5% from about 49 300 to around 47 000, partly attributable to the resumption of a number of short-term tenancy ("STT") car parks by the Government in recent years for long-term development.

Given the hard fact that land resources are limited in Hong Kong, coupled with the need to cater for competing land use demand to match the community and economic development, objectively speaking, it is virtually impossible for the Government to increase parking spaces continuously to catch up with the growth rate of the vehicle fleet. The Government's transport policy is to encourage the use of public transport as far as possible, and to expand the public transport capacity by enhancing services as and when necessary having regard to the demand of the public and the development need of each district, thereby facilitating wider use of the public transport system with greater convenience. In fact, Hong Kong enjoys a well-developed public transport network, with about 90% of passenger trips made through the public transport system every day, and such a utilization rate is among the highest in the world.

We understand that some members of the public choose to commute by private car for various reasons. The Government's current policy in the provision of parking spaces is to accord priority to considering and meeting the parking demand of CVs, and to provide an appropriate number of private car parking spaces if the overall development permits, but at the same time not to attract passengers to opt for private cars in lieu of public transport, so as to avoid aggravating the road traffic. The Government has not set any specific targets for the provision of parking spaces for private cars and CVs. Nonetheless, the Transport Department ("TD") is conducting a consultancy study on parking for CVs to comprehensively assess the shortfall situation, and to formulate short- to long-term measures to address the anticipated demand.

The Government will continue to closely monitor the parking needs of different districts and take measures to increase parking spaces as appropriate, including designating suitable on-street locations as night-time parking spaces; requiring developers to provide parking spaces at the higher end of the parking standards under the Hong Kong Planning Standards and Guidelines ("HKPSG") for new developments; following the principle of "single site, multiple uses" to provide public car parking spaces in suitable "Government, Institution or Community" ("GIC") facilities and public open space ("POS") projects; and taking forward pilot projects on automated parking systems ("APSs").

Since the provision of new parking spaces through the above measures is subject to the actual progress of individual projects, TD is not in a position to make a precise projection on the number of new parking spaces in each of the coming years.

(2) As indicated in the Chief Executive's 2018 Policy Address, the Government will follow the principle of "single site, multiple uses" to provide public car parking spaces in suitable GIC facilities and POS projects. Subject to technical feasibility, the Government expects that at least 1 500 public car parking spaces will be provided in suitable government facilities and POS projects over the next five years. However, in taking forward the various projects, TD will need to count on the support of relevant stakeholders (especially the local community) in order to ensure the smooth implementation of the projects.

(3) TD commissioned in early 2018 a consultancy study on the pilot use of APSs, with a view to identifying six suitable sites for providing different types of automated car parks and assessing the technical feasibility and financial viability of the relevant projects.

An APS is generally equipped with mechanical devices such as an express elevator and a revolving platform for transportation of vehicles, plus an automated system allowing for automatic location and retrieval of parked vehicles. Compared with conventional car parks, an APS can generally provide 30% to 100% more parking spaces within the same footprint.

To promote automated parking, we will explore the possibility of introducing APSs in GIC facilities and POS as well as requiring private operators of selected STT sites to install, operate and manage APSs.

Currently, TD is planning a total of six pilot projects based on the two above-mentioned modes with a view to gathering experience in building, operating and managing different types of APSs and the associated financial arrangements. Review will be conducted in due course on the further application of APSs in government car parks and privately operated car parks for public use in future. In this connection, TD is actively contemplating APS projects at three selected sites, including an STT site in Tsuen Wan, an open space at the junction of Yen Chow Street and Tung Chau Street in Sham Shui Po and the proposed government building on Chung Kong Road in Sheung Wan. District consultation will be conducted as soon as practicable in respect of the selection of sites and their project scope. As regards the three remaining sites, TD will work actively with relevant departments to explore the preliminary technical feasibility before making public the proposed sites in due course for consultation with relevant District Councils. I believe that Members are aware that TD consulted the Sham Shui Po District Council yesterday.

**MR VINCENT CHENG** (in Cantonese): *Deputy President, the Secretary stated in the main reply that the Government did not set any target or make any projection on the number of parking spaces in future. I am greatly disappointed with this.*

*As we can see, over the past decade, the number of vehicles kept increasing while the number of parking spaces for CVs, on the contrary, kept decreasing. Secretary, in principle, we approve of the adoption of intelligent approaches to help resolve the shortage of parking spaces. However, Deputy President, we are concerned that underground smart car parks or parking systems will take some time from design to implementation. There are overseas examples of the use of new construction methods which can shorten the construction period and save costs. If pilot projects will be conducted in Sham Shui Po, Sheung Wan and Tsuen Wan, when will the detailed design and technical assessment be completed? Can the authorities undertake that all such work will be completed expeditiously, so that members of the public will not have to wait for five or seven years? Secretary, before the new facilities are commissioned, are there any measures which can alleviate the shortage of parking spaces for private cars and CVs?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): What I said just now is that currently, TD does not have any annual statistics because the progress of individual projects varies. Nevertheless, TD anticipates that in 2019, there will be about 512 and 1 692 additional parking spaces which are respectively government and privately operated for public use, including 85 parking spaces for motorcycles, 2 095 for private cars and 24 for CVs. When the data for subsequent years are available, we will certainly make public such data.

In making planning for multistorey car parks as well as smart car parks, why do we promote APSs? It is mainly because the construction period for car parks using APSs is shorter than that for conventional multistorey car parks. We hope that such promotion will gain public and local support, and when the relevant systems come into full operation, the long-awaited parking spaces can be expeditiously provided to members of the public so that they will find available parking spaces without prolonged waiting.

**MR CHAN HAN-PAN** (in Cantonese): *Just now the Secretary stated in the reply that the relevant projects will be implemented in government facilities and POS. However, the construction of several car parks in government facilities and POS is actually no more than a drop in the bucket. This kind of car parks have been in use in foreign countries for years. Basically, it is already a very mature technology. I find the introduction of the technology into Hong Kong ineffective if the initiative is taken forward by the Government only without encouraging community engagement including private participation.*

*Hence, I would like to ask the Secretary: Will the Government, during the implementation of the pilot projects, also relax the restrictions for private organizations to use their land for building these multistorey smart car parks so that there will be an appropriate supply of parking spaces in each district? Because after all, private organizations can work faster than the Government, and the selection of sites is more flexible. Will the Government relax the restriction on the plot ratio or require them to pay land premiums so that this technology can take root in Hong Kong?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Regarding the promotion of smart car parks, we hope Members will understand that this is something new in Hong Kong, though it has indeed been used in many foreign cities for years. We hope that through this pilot scheme, the market will get to know the relevant design and operation, as well as management work and operating costs. Among the current six pilot projects, we do not rule out the possibility that some will adopt the tender approach to facilitate market participation. In this way, we will "walk on two legs". On the one hand, it will be promoted by the Government. On the other hand, if private organizations are interested, implementation can be expedited through the market. In this regard, we will take forward comprehensive measures. Apart from smart car parks, we have increased parking spaces through various means. For example, school buses are allowed to be parked on school campus at night. At present, all public-sector schools and Direct Subsidy Scheme schools can apply for participation in this parking scheme. Arrangements have also been made to designate the slow lanes on road sections with low traffic flow at night as night-time parking spaces. Moreover, we are studying the feasibility of opening the loading and unloading bay areas and private car parks in certain private developments to the public for night-time parking. Besides, under the policy of "single site, multiple uses" mentioned just now, public car parks will definitely be provided along with the overall development of government facilities and POS. All such measures seek to cater for Hong Kong people's demand for parking spaces. Here I wish to reiterate that in respect of parking facilities for CVs and other vehicles that play a part in contributing to our economy, we will make active complementary efforts. Regarding private car parking spaces, as Members may understand, there are 500 000-odd private cars in Hong Kong. We will try our best to meet the demand through a multi-pronged approach, and the policy of "single site, multiple uses" mentioned just now is one of such means.

**DEPUTY PRESIDENT** (in Cantonese): Mr CHAN Han-pan, which part of your supplementary question has not been answered?

**MR CHAN HAN-PAN** (in Cantonese): *The Secretary has not answered my supplementary question. The emphasis of my question was whether restrictions on private land can be relaxed so that this kind of smart car parks can also be introduced on private land, but the Secretary did not reply. Why is it that smart car parks cannot be built on private land?*

**DEPUTY PRESIDENT** (in Cantonese): Mr CHAN, you have clearly pointed out the part of your supplementary question that has not been answered. Please sit down. Secretary, do you have anything to add?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Deputy President, regarding private land, we have got to understand that different sites are confined to different uses. If such a use is allowed, we are certainly pleased to do this. However, if such a use is currently disallowed, they may apply for change in land use. Of course, certain procedures must be carried out. We hold an open attitude towards this.

**MR FRANKIE YICK** (in Cantonese): *Deputy President, the Secretary has clearly pointed out in the first paragraph of part (1) in the main reply that the present number of goods vehicles and non-franchised buses in Hong Kong is about 73 100, whereas that of parking spaces is only about 47 000. The shortfall is 26 100, approximately 36%. The third paragraph reads "TD is conducting a consultancy study on parking for CVs to comprehensively assess the shortfall situation, and to formulate  measures". First of all, the Bureau does not have any timetable. Even if it does, we wonder when the shortfall of 26 100 parking spaces can be resolved. The present situation is that the Police keep issuing penalty tickets to drivers. As we know, in around early-March, minibus drivers in Tsing Yi staged a strike because a large number of penalty tickets were issued to them that night. During the period when meetings of the National People's Congress and the Chinese People's Political Consultative Conference were held, I received phone calls telling me that drivers in Tsuen Wan faced a similar situation, i.e. the Police had issued many penalty tickets to drivers that night. A strike by the minibus drivers was brewing. Subsequently, I asked a Member who was in Hong Kong by then to help mediate between the parties. Only then was the strike averted. In my view, the policy blunder committed by the Transport and Housing Bureau is the reason behind the grievances suffered by the trade and frontline drivers, and the strained relationship between the Police and the people. I would like to ask the Secretary: On the premise that no obstruction is caused to the traffic, will the Secretary coordinate with the Police so that enforcement actions will not be taken against drivers even if some habitual complainants, who dislike the parking of vehicles at the hillside opposite their homes, keep lodging complaints to press the Police to take enforcement actions? It is because the grievances suffered by the public are caused by a faulty policy formulated by the Bureau.*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): Deputy President, I thank Mr YICK for his views and supplementary question. Basically, TD and the Police have all along maintained close liaison. As I also mentioned just now, in December 2017, we commenced a consultancy study on parking for CVs, which has surveyed 700 car parks on their utilization rates and conducted questionnaire surveys with 2 200 CV drivers. The consultancy has also consulted different stakeholders and sectors to gauge their views. In respect of short-term measures, as I mentioned just now, we will designate the slow lanes on some low-traffic-flow roads for night-time parking by CVs. We hope this can relieve the parking demand of CVs. As regards law enforcement, we need to strike a balance. As I said just now, if the traffic in certain road networks is not busy at night and the slow lane can be safely used for parking, the Police will not issue penalty tickets under such circumstances. On other roads, however, if the parking of vehicles will give rise to road safety concerns or impacts, I believe the Hong Kong Police Force ("HKPF") will be obliged to execute its duties. No matter what, we will conduct a review with HKPF and TD on the situations in different districts, such as the Tsing Yi area mentioned by Mr YICK just now, to see which roads can both meet the safety requirements and satisfy the parking demand without posing any danger. If possible, we are happy to consider providing such on-street parking spaces.

Nevertheless, we have got to understand that parking vehicles on footpaths is a different issue because footpaths are mainly for use by pedestrians. Footpaths and roads have their respective designed functions. However, regarding the overall supply of parking spaces in Hong Kong, as the requirements on parking spaces as set out in HKPSG have been revised in the past, we are examining, together with the relevant policy bureaux, whether the proportion of parking spaces in HKPSG can be adjusted correspondingly in future to address the relevant situation.

**MS YUNG HOI-YAN** (in Cantonese): *Deputy President, one of the reasons for traffic congestion in Hong Kong is the lack of parking spaces. Since there are not enough parking spaces, drivers often need to search for parking spaces or make a detour on the road, thus causing traffic jam. The Secretary mentioned smart car parks in his blog last month. I would like to ask the Secretary: Has he considered building large-scale underground car parks in congested locations or urban areas in Hong Kong so that members of the public can park their vehicles and then ride on public transport? Has consideration been given to building large-scale underground car parks?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): I thank Ms YUNG for her supplementary question. TD is conducting a feasibility study on the construction of public car parks in government facilities and POS projects, including above-ground construction of car parks. Speaking of "single site, multiple uses", we will definitely consider underground construction as well. We have conducted relevant examinations in different districts. As regards where such construction can be carried out, it depends on the local road network, parking demand and actual situation.

Prior to the construction of the public car parks concerned, we will provide information to the public through smart parking software. For example, since the end of February 2019, we have released real time parking information on 276 government and private car parks through the mobile application "HKeMobility" of TD so that members of the public will know where vacant parking spaces are available in nearby car parks. In respect of data, the data of about 190 car parks has been uploaded to the "data.gov.hk" website. In this regard, we will continue to, through opening and sharing data, facilitate members of the public in grasping more data on parking spaces when they drive to a certain area, so that they can make suitable choices.

**DEPUTY PRESIDENT** (in Cantonese): Ms YUNG Hoi-yan, please point out which part of your supplementary question has not been answered.

**MS YUNG HOI-YAN** (in Cantonese): *I mainly wish to ask about the locations for providing park-and-ride arrangements. Will the Secretary identify such sites to encourage members of the public to park and ride on public transport?*

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

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): We have relevant data on park-and-ride arrangements, and we have given an account to the Legislative Council before. We will make more efforts in this respect. There are a considerable number of park-and-ride facilities with quite a number of parking spaces in Hong Kong. Perhaps we could provide Ms YUNG with detailed figures after the meeting. ([Appendix I](#app_I))

**DEPUTY PRESIDENT** (in Cantonese): A number of Members are still waiting for their turn to ask questions. Please follow up on the issue on other occasions.

Fourth question.

**Preparation for the development of the fifth generation mobile network and services**

4. **MR CHARLES PETER MOK** (in Cantonese): *Deputy President, the authorities have indicated that it will commence auctions of a total of 380 MHz of the spectrum in the 3.3 GHz, 3.5 GHz and 4.9 GHz bands from July to August this year for the development of the fifth generation ("5G") mobile network and services. Some members of the industry have pointed out that as it takes about two years for telecommunications service operators ("operators") to make preparation after the assignment of the spectrum to them, it may lead to the situation that 5G services can only be launched by the latter half of 2021 at the earliest, and such a pace lags far behind that in South Korea, Japan, etc. In this connection, will the Government inform this Council:*

*(1) given that last year, the authorities briefed the relevant Panel of this Council on the auctioning arrangements seven months prior to the auctioning of the spectrum in the 900 MHz and 1 800 MHz bands and then introduced amendments to the relevant subsidiary legislation, why the authorities have not yet announced the auctioning arrangements for the 5G spectrum, when it will give an account of this matter to this Council, and how it will ensure that the auctions will be held as scheduled; of the respective timetables for the various auction-related work and amending the law;*

*(2) given that operators need to install, for 5G networks, base stations which will be more densely distributed than the existing ones, and the authorities will open up about 1 000 suitable government premises for this purpose, of the progress in opening up the premises; whether they will provide more premises to help operators address the difficulties in identifying sites for base stations; and*

*(3) given that for the avoidance of interference with satellite earth stations, the authorities have imposed restriction zones in Tai Po and Stanley such that the 3.5 GHz band inside the restriction zones may not be used for providing 5G services, which will result in the relevant research and development work in The Chinese University of Hong Kong and the Hong Kong Science Park and the use of 5G communications by more than 700 000 members of the public being affected, of the latest progress of the authorities' efforts in solving this problem; the estimated costs for relocating the satellite earth stations at Tai Po to Stanley; whether they will allow outdoor use of the 3.3 GHz band, and of the additional band(s) of the spectrum that they will make available for operators to provide 5G services in the restriction zones?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): Deputy President, the fifth generation ("5G") mobile network is an important telecommunications infrastructure in Hong Kong and has immense potential for various business services and smart city applications. The Government and the Communications Authority ("CA") are promoting 5G developments in Hong Kong on various fronts, from the supply of spectrum, the support for technical trial to the implementation of various facilitating measures to assist operators in extending the 5G network.

On the assignment of spectrum, the Secretary for Commerce and Economic Development and CA issued three joint statements on 13 December 2018 to promulgate the decisions made on the assignment or auction arrangements for a total of about 4 500 MHz of spectrum in various frequency bands in preparation for 5G development in Hong Kong.

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

(1) 5G development needs to be supported by spectrum in the high, mid and low frequency bands. Regarding the high-bands, the 26 GHz and 28 GHz bands will be the first batch of spectrum available for use for the provision of 5G services. CA has offered assignment of 400 MHz of spectrum in late March to each of the three operator applicants as per their applications, and the spectrum can be used starting from this month.

As for the mid-band spectrum in the 3.5 GHz, 3.3 GHz and 4.9 GHz bands, the Government and CA are currently making the necessary preparations for their auctions, including drafting the relevant subsidiary legislation and drawing up information memoranda for the spectrum auctions. Our aim is to complete the amendments to the relevant subsidiary legislation within the current legislative session and to conduct the spectrum auctions in the latter half of this year.

These three blocks of spectrum in the mid-bands include 200 MHz of spectrum in the 3.5 GHz band, 100 MHz of spectrum in the 3.3 GHz band and 80 MHz of spectrum in the 4.9 GHz band.

The spectrum in the 3.3 GHz and 4.9 GHz bands can be used shortly after completion of the auction, while the spectrum in the 3.5 GHz band can be used from April next year onwards.

(2) To tie in with the 5G development in Hong Kong, the Government has just launched a pilot scheme in March this year to proactively open up suitable government premises for the installation of base stations by mobile service operators. The Office of the Communications Authority ("OFCA"), with the support of a number of departments including the Food and Environmental Hygiene Department, the Leisure and Cultural Services Department, the Government Property Agency, the Architectural Services Department, the Electrical and Mechanical Services Department, the Planning Department and the Lands Department, etc., has identified over 1 000 government premises for operators' selection, and together with streamlined application processes, provides facilitation to operators in establishing public mobile services networks. The Government will consider whether to provide more premises having regard to the response to and progress of the pilot scheme.

(3) The satellite earth stations ("satellite stations") in Tai Po and Stanley are currently using the 3.5 GHz band for the telemetry, tracking and control of satellites in orbit. To ensure that satellite services operated by these satellite stations can coexist with future 5G services, CA, based on technical considerations, has set up restriction zones in Tai Po and Stanley to constrain the deployment of mobile base stations operating in the 3.5 GHz band in the area.

OFCA has set up a working group comprising representatives of mobile network operators, satellite operators, the Hong Kong Applied Science and Technology Research Institute and the Hong Kong Science Park to proactively explore whether there are feasible technical arrangements for deployment of base stations operating in the 3.5 GHz band within the restriction zones. The working group will soon complete its work and will submit a report to CA. After considering the relevant report, CA will formulate technical requirements for setting up mobile base stations in the restriction zones, and will set out relevant details in the Information Memorandum for the spectrum auctions.

Whether or not to relocate existing satellite stations is a commercial decision of the satellite operators, and the Government needs to respect the lawful rights of the enterprises concerned. If the satellite operators intend to relocate their facilities so as to solve the problem of restriction zones in the long run and to promote the comprehensive development of 5G in Hong Kong, we stand ready to provide assistance. The Government currently does not have an estimate of the cost of relocating the satellite stations concerned.

For the mid-band spectrum, in addition to the aforesaid 3.5 GHz band, spectrum in the 3.3 GHz band is available for indoor deployment, and spectrum in the 4.9 GHz band can be used anywhere in Hong Kong to provide 5G services.

For the low-band spectrum, CA plans to vacate up to 160 MHz of spectrum in the 600/700 MHz band for public mobile services (including 5G services) mainly for indoor use from mid-2021 at the earliest after the switching off of analogue television broadcasting on 30 November 2020.

In addition to the aforesaid frequency bands, mobile network operators also have the flexibility to re-farm spectrum in other frequency bands used for the second to the fourth generation mobile services under their existing licences to provide 5G services in different districts of Hong Kong.

In accordance with the global spectrum allocation decision to be made by the World Radiocommunication Conference at the end of this year, CA will strive to supply more suitable spectrum for the development of 5G services in Hong Kong.

**MR CHARLES PETER MOK** (in Cantonese): *Deputy President, what concerns the industry most is not such high-bands as the 26 GHz and 28 GHz bands, but the "prime bands", such as the 3.5 GHz and 3.3 GHz bands referred to by the Secretary as the mid-bands, which are forbidden in the restriction zones. Anyway, what we see is that while the industry originally expected that the auctions would be conducted in July or August and then they might start the preparatory work, the Secretary has now advised that the spectrum auctions will not be conducted until the latter half of the year.*

*According to the Secretary, the spectrum can be used shortly after completion of the auctions. Land can certainly be used immediately after its sale, but housing construction also takes time. Hence, what worries us most is that to date, the authorities have still not briefed the relevant Panel on any proposals. Deputy President, in the last allocation exercise, the relevant Panel received the briefing on the proposal in January, and a total of seven months was available for proceeding with the legislative work. But it is April now, and the Panel has not yet received any notification on the relevant agenda item. I do not know whether the Panel will be briefed on the proposal in May at the earliest. But the authorities have expressed their intention to get it passed by July, and in case it cannot be passed by the summer recess, greater delays will be resulted. Why does the Government take such a miscalculated move this time around? Why is the time frame so tight? Is there really sufficient time to complete the relevant work by July? Deputy President, it has already been delayed now.*

**DEPUTY PRESIDENT** (in Cantonese): Mr MOK, you have already asked your supplementary question.

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): I thank Mr MOK for his supplementary question. First, as at March this year, we have still been collecting views and recommendations on the auction arrangements for 5G from representatives of the industry. We are now studying their views and will strive to include them in the agenda of the Panel's meeting in May for discussion.

It is also pointed out in my main reply that we will strive to conduct the auctions within this year. As to whether the pace will lag behind other economies, as mentioned by me in the main reply, we have actually done a lot of work in advance, including granting a total of 25 permits to interested parties, such as some equipment suppliers or mobile network operators for conducting technical trials on 5G.

Moreover, I have also mentioned earlier that a pilot scheme has been launched this year to proactively open up about 1 000 suitable government premises for the installation of base stations. Most importantly, we have streamlined the application processes. In the past, it might take operators a year or so to go through the vetting and approval procedures of various departments. But under the pilot scheme, various departments have pledged to handle the vetting and approval procedure within about two months.

In addition, unlike other regions, Hong Kong is characterized by having smaller area of land, higher population density and high penetration rate of mobile service users, which will significantly reduce the costs and time of network building. Hence, we believe that some commercial 5G services can be launched on the market around 2020, and some operators have also publicly expressed their confidence in launching some commercial services by that time.

**MR ALVIN YEUNG** (in Cantonese): *To put it simply, Deputy President, the Secretary has confirmed in part (3) of the main reply that in the days ahead, given the presence of the satellite stations, basically some areas in Tai Po and Stanley will not be covered by 5G network. But as indicated by the Secretary in part (3) of the main reply, there is no plan to relocate the satellite stations.*

*In fact, it is the responsibility of the Bureau to address this problem, so that no district in Hong Kong will be suddenly excluded from 5G coverage in future. I would like to ask the Secretary: Does the Bureau have any concrete plan for relocation? After the spectrum is auctioned in future, even a tiny fraction of such proceeds will be more than enough to meet the relocation costs.*

*Deputy President, does the Bureau have any such plan?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): I thank Mr YEUNG for his supplementary question.

First, insofar as the restriction zones are concerned, actually only spectrum in the 3.5 GHz band will be affected. As mentioned by me in the main reply, we will release the spectrum in the 26 GHz, 28 GHz, 3.3 GHz and 4.9 GHz bands to the market. We welcome operators to use these bands to expand their 5G services.

In addition, as stated in the main reply, OFCA has set up a technical working group to study various technical solutions or parameters, and a field test was also conducted last year to take a further step in analysing the collected data in depth. The working group will soon submit a work report to CA, and after studying and considering the working group's report, CA will decide whether there are feasible arrangements for establishing the aforesaid 5G network in the 3.5 GHz band within the restriction zones.

As to matters relating to the existing services of satellite stations, as stated by me in the main reply, they are commercial decisions. There is no legal basis for us to request operators to relocate. Nevertheless, if operators or satellite stations are willing to relocate, we will proactively offer support and assistance.

**MR GARY FAN** (in Cantonese): *As stated in the main question, some members of the industry have pointed out that as it takes about two years for operators to make preparation after the assignment of the spectrum to them, it may lead to the situation that 5G services can only be launched by the latter half of 2021.*

*I would like to ask the Government: Are there any measures in place to plug the potential security loopholes in the 5G equipment and services provided by operators in Hong Kong? It is because I am aware of the Government's intention to choose Huawei as the operator of 5G facilities and services, and serious security loopholes in Huawei's equipment have been identified by the report of the National Cyber Security Centre of the United Kingdom, let alone countries like the United States and Australia, where a total ban has been imposed on Huawei's products.*

*I would like to ask the Government: What measures are in place* *to plug the security loopholes?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): Deputy President, I thank the Member for his supplementary question.

We notice that there has been no evidence or information hitherto suggesting that the telecommunications equipment of individual suppliers (including Huawei) will pose cyber security risks, and in fact, no network operator has reflected any problem relating to cyber security risks to us so far.

Under the market-based and technology-neutral approach, we have all along allowed local mobile network operators to choose any stable and reliable equipment that meets internationally recognized standards out of their practical commercial considerations for establishing their telecommunications networks, including 5G networks. I believe local mobile network operators will properly assess and define their procurement strategies for 5G networks, so as to ensure the security and reliable operation of network equipment.

**MR MARTIN LIAO** (in Cantonese): *Deputy President, 5G is the catalyst for the development of smart cities and the Internet of Things in the Guangdong-Hong Kong-Macao Greater Bay Area, and interoperability will raise the value of 5G spectrum.*

*I would like to ask the Government: Has it made any deployment to facilitate the interface of our 5G network with that in the Greater Bay Area? If so, what are the details?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): Deputy President, I thank the Member for his supplementary question.

Regarding the issue of network interface with the Mainland, as stated by me in the main reply, after switching off analogue television broadcasting, i.e. analogue switch-off (ASO), we will vacate the 600/700 MHz band for use in indoor locations, such as MTR stations where the telecommunications networks are more congested. We will discuss this issue with various Mainland authorities.

**DR ELIZABETH QUAT** (in Cantonese): *Deputy President, according to previous media reports, the Bureau actually indicated in July 2018 that it was discussing with telecommunications services suppliers ways to solve the blind-spot problems in Tai Po and Stanley, and would come to a decision on the feasibility of limited use of 5G within the restriction zones by the first quarter of this year. But judging from the Government's main reply this time around, it seems that such problems remain unresolved. In fact, members of the public are most concerned about when they can use 5G, and whether there will be no coverage in certain districts, giving rise to the blind-spot problems. But it seems that the Government's reply today has failed to give members of the public much confidence.*

*If operators of satellite stations are reluctant to relocate and the trial test on setting up mobile base stations operating in the 3.5 GHz band within the restriction zones is not quite successful, does the Government have a plan B or plan C, so that Tai Po and Stanley will not become the blind spots of 5G? Could the Government further elucidate when 5G services will be made available across the board to members of the public in Hong Kong?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): Deputy President, I thank the Member for her question. As stated in my reply to Mr MOK's supplementary question earlier, we believe that commercial 5G services will be launched on the market around 2020, which tallies with what the operators have been anticipating and pledging. Moreover, as regards spectrum, I have mentioned earlier that in addition to spectrum in the 3.5 GHz band, spectrum in the 3.3 GHz, 4.9 GHz, 26 GHz and 28 GHz bands will also be launched on the market. Network operators are encouraged to put such spectrum to good use in order to expand their coverage.

**MR PAUL TSE** (in Cantonese): *Deputy President, I believe the focus of Mr* ‍*MOK's question is on two areas of delays. The first one is the two-year lead time required for various preparatory work after the successful conduct of auctions. The second area of delay relates to the process of consulting this Council because according to past practice, the authorities would brief this Council on the relevant proposals seven months prior to the tender exercise. In this regard, the Secretary has briefed us on a number of measures, including launching a pilot scheme, shortening the vetting and approval time to two months for enhanced efficiency and preparing for the setting up of base stations under the pilot scheme. I have this question for the Secretary: Compared with the past 3G and 4G eras, as estimated by the authorities, could the two-year lead time required for the preparatory work be shortened? Why is it that the current consultation exercise has fallen far behind the schedule adopted in previous exercises?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Cantonese): I thank the Member for his supplementary question. As stated by me earlier, as at last month, we are still collecting the views and recommendations of representatives of the industry on the auction arrangements for 5G, which will be taken into serious consideration. As to the lead time required after the release of spectrum as I mentioned earlier, i.e. matters relating to the arrangements for network building, based on our experience, many operators would need to apply to various departments for the installation of base stations, thereby creating a bottleneck as it often takes operators a few months or even a year or so to get approval. Hence, the launching of the pilot scheme seeks specifically to shorten the relevant workflow, so as to shorten the vetting and approval process by different departments from a year or so in the past to two months.

In addition, the Government launched a technical trial scheme for 5G last year. As stated by me earlier, the Government has granted a total of 25 permits to interested parties, including some suppliers and network operators, so that they may proceed with some advance prototyping or testing work, which hopefully will help further reduce the time required for the subsequent network building. I have also mentioned earlier that as Hong Kong is characterized by dense population on a fairly small area of land, and the high penetration rate of mobile phone service users, the costs and time of network building by operators will be significantly reduced, and the time of network establishment mentioned by me just now will also be further reduced.

**DEPUTY PRESIDENT** (in Cantonese): Fifth question.

**Making good use of government properties and lands**

5. **MR LAU KWOK-FAN** (in Cantonese): *Deputy President, it has been reported that there are currently quite a number of government properties located in the urban areas which have, for years, been left vacant or put to temporary uses only, which appears to be a waste of precious land resources. For instance, the former Mong Kok Market has all along been used for temporary storage only since it was closed nine years ago. On the other hand, non-government organizations currently may apply for lease of certain vacant government sites under short-term tenancies ("STTs") for community, institutional or other non-profit-making uses. In this connection, will the Government inform this Council:*

*(1) of the address and gross floor area of each government property in the urban area which is currently vacant or used for temporary storage and has a gross floor area of over 1 000 square feet, as well as the duration for which the property has been left in such a state (set out such information in a table); given that the Government has proposed in the Budget of this financial year an allocation of $20 billion for the purchase of 60 properties for the provision of additional welfare facilities, whether the Government had considered using the government properties just mentioned for welfare facilities before it made such a proposal; if so, of the details; if not, the reasons for that;*

*(2) whether, in the long run, the Government has plans to convert the government properties mentioned in (1) to welfare, transitional housing or other public uses, so as to put them to optimal uses; if so, of the details; if not, the reasons for that; and*

*(3) of the respective numbers of applications for lease of vacant government sites under STTs received and approved by the Government so far; the average processing time for each approved application, and whether it has reviewed the effectiveness of the relevant measures; if so, of the details?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, government properties are primarily used as offices for government departments and for the provision of public services. Departments responsible for the management of the properties should ensure that the properties are put to optimal use. When the properties become surplus to their operational needs, the managing departments should release the properties for use by other government departments, lease out the properties through commercialization or open the properties for use by non-governmental organizations ("NGOs") in accordance with the established mechanism.

In consultation with the Development Bureau, Education Bureau, Labour and Welfare Bureau, Government Property Agency ("GPA") and Housing Department ("HD"), the consolidated reply of the Government to the three parts of the question is as follows:

(1) and (2)

Vacant government properties can be broadly classified into school premises and non-school premises.

According to the information from the Education Bureau, as at end February 2019, there were five vacant school premises ("VSP") under the Education Bureau's purview which were government premises located in urban areas. These VSP are earmarked or retained for school or other educational uses. Information on the address, site area and the year of ceasing operation of these VSP is set out in Annex I. Under the prevailing central clearing house mechanism in handling VSP, once the Education Bureau confirms that VSP are no longer required by the Education Bureau for reallocation for school use, the Education Bureau would inform the Planning Department ("PlanD") and other relevant departments (such as the Lands Department ("LandsD") and HD) for PlanD's consideration of suitable alternative long-term uses.

For non-school premises, according to the information provided by the relevant departments to GPA, the vacant government properties surplus to the Government's operational needs, with a total floor area of over 100 square metres ("sq m") and located in urban areas are set out in Annex II. Information on the government properties that provide a total floor area of over 100 sq m, located in urban area and used for storage is at Annex III.

Departments are required to review the government properties under their management from time to time, with a view to ensuring the optimal utilization of the properties. If a government property is no longer required for its original use, the managing department would first review if the property could be deployed to meet other needs of itself. If in the negative, the department may seek GPA's assistance in identifying other user departments. If it is confirmed that the property is surplus to the operational needs of the Government, the managing department may, with the assistance of GPA, lease out the property through commercialization, or open the property for use by NGOs, or dispose of the properties by sale. In the course of switching the use of properties, the managing department should continue to manage and make good use of the properties (such as arranging temporary use (e.g. storage)) as far as possible.

In addition to internal review by departments, GPA also initiates regular reviews of the properties and sites managed by departments. GPA also suggests ways for departments to enhance the utilization of the properties (e.g. converting a resource room into a multi-purpose facility). Where circumstances permit, GPA will also study with the relevant departments, including PlanD, the possibility of releasing the under-utilized sites for other suitable uses through reprovisioning the existing offices or facilities. Relevant departments will keep the use of the properties and sites in the annexes under review, including consideration of various public uses such as welfare and housing.

In future, the Government will adopt a more proactive attitude and coordinated approach through the multistorey development under the "single site, multiple uses" principle to consolidate and provide more "Government, Institution or Community" facilities on under-utilized government sites, in order to maximize the potential of these sites and provide more community facilities.

Regarding the planning of social welfare facilities and services, the Government has all along been adopting a multi-pronged approach for the provision of welfare facilities through different channels. These include identifying suitable government premises such as VSP by the Labour and Welfare Bureau and Social Welfare Department; identifying suitable government sites by the Government to meet the relevant needs or imposing requirements for the construction of welfare facilities in land sale conditions where feasible; and acquiring premises for the provision of welfare facilities as a short-term strategy.

(3) The list of vacant government sites (including VSP) managed by LandsD and available for application by NGOs or social enterprises for use by short-term tenancy ("STT") is published on the Government's GeoInfo Map web page.[[1]](#footnote-2)(1) As far as vacant built premises are concerned, no VSP currently on the list are located in the urban area. In the past four financial years (up to the end of January 2019 for 2018-2019), LandsD received around 90 applications for these sites in total. In the same period, LandsD approved 16 such STTs.[[2]](#footnote-3)(2) The processing time will depend on the nature and complexity of issues involved, while the processing of most applications can be completed within one to two years. LandsD will, where practicable and appropriate, continue to arrange suitable temporary uses for sites pending implementation of long-term development uses to optimize the utilization of land resources, including uploading information of the vacant sites to the Internet for application by interested organizations. At the execution level, LandsD will continue to keep in view the processing of applications, and suitably review and improve as and when necessary.

In order to assist NGOs in using vacant government sites, a $1 billion non-recurrent commitment proposed by the Development Bureau was approved by the Finance Committee of the Legislative Council in January this year for setting up a funding scheme to support NGOs in using vacant government sites and restoring school premises for various short-term uses that are beneficial to the community. The Development Bureau has started inviting funding applications.

Annex I

Vacant school premises owned by the Government

located in urban area(1) and under the Education Bureau's purview

| *Name of former school and address* | *District* | *Site area of school premises (sq m) (about)* | *School year in which the school ceased operation(2)* |
| --- | --- | --- | --- |
| Wan Chai School  (30 Oi Kwan Road, Wan Chai, Hong Kong) | Wan Chai | 2 000 | 2006-2007 |
| Hung Hom Government Primary School  (68 Gillies Avenue, Hung Hom, Kowloon) | Kowloon City | 1 900 | 2009-2010 |
| S.K.H. Ching Shan Primary School  (3 Luk Lau Avenue, Choi Hung Estate, Kowloon) | Wong Tai Sin | 3 700  (Total) | 2016-2017 |
| S.K.H. Yat Sau Primary School  (1 Luk Lau Avenue, Choi Hung Estate, Kowloon) | Wong Tai Sin | 2016-2017 |
| Kowloon Junior School  (4 Rose Street, Yau Yat Chuen, Kowloon) | Sham Shui Po | 3 700 | 2013-2014 |

Source: The Education Bureau

Notes:

(1) Refers to the nine electoral constituencies located in Hong Kong Island and Kowloon according to the District Council Election Constituency Boundaries (that is, Central and Western District, Wan Chai District, Eastern District, Southern District, Yau Tsim Mong District, Sham Shui Po District, Kowloon City District, Wong Tai Sin District and Kwun Tong District).

(2) "School year in which the school ceased operation" refers to the year the school premises were ceased to be used by the original school on site. Some of these school premises have been put to temporary use afterwards.

Annex II

Vacant premises surplus to the operational needs of the Government

located in urban area and with floor area over 100 sq m

| *Item* | *Property Address* | *District* | *Floor Area (sq m) (about)* | *Managing Department* | *Vacancy Period* | *Remarks* |
| --- | --- | --- | --- | --- | --- | --- |
| 1 | Mount Davis Battery | Central and Western | Not applicable(3) | LandsD | Unknown | (1), (4) |
| 2 | Peak Depot, 102 Old Peak Road | 150 | Water Supplies Department ("WSD") | Over 10 years | (1), (4) |
| 3 | 405 & 406 Victoria Road | 166 | GPA | About 7 years | (1) |
| 4 | Albany Garden Staff Quarters, Opposite 56 Garden Road | 264 | Leisure and Cultural Services Department | Over 10 years | (1) |
| 5 | Albany Fresh Water Pumping Station Staff Quarters, 56 Garden Road | 232 | WSD | Over 5 years | (1) |
| 6 | Eastern Portion of Ex-Victoria Road Detention Centre | 194 | GPA | Over 10 years | (1), (4) |
| 7 | Green Island Lighthouse Compound (Portion) and the Surrounding Area | 280 | GPA | Less than 1 year | (1), (5) |
| 8 | Tai Tam Tuk Raw Water Pumping Station No. 2 Staff Quarters | Southern | 120 | WSD | Over 10 years | (1), (5) |
| 9 | Magazine Building, Magazine Island | Not applicable(3) | LandsD | Unknown | (1), (4) |
| 10 | Cape D'Aguilar Battery, D'Aguilar Peninsula | Not applicable(3) | LandsD | Unknown | (1), (4) |
| 11 | Workmen's Quarters at Tai Tam Byewash Reservoir, Tai Tam Reservoir Road | 111 | WSD | Over 10 years | (1), (4) |
| 12 | The Former Tai Tam Tuk Raw Water Pumping Station Senior Staff Quarters, Tai Tam Reservoir Road | 380 | GPA | Less than 1 year | (1), (5) |
| 13 | Drainage Services Department Depot, 10 Caroline Hill Road | Wan Chai | 593 | Drainage Services Department | About 7 years | (2), (6) |
| 14 | Caroline Hill Road Departmental Quarters (Electrical and Mechanical Services Department ("EMSD") Depot) | 222 | EMSD | Over 10 years | (2), (6) |
| 15 | EMSD Caroline Hill Complex High Block | 10 360 | EMSD | About 1 year | (2), (6) |
| 16 | EMSD Caroline Hill Complex Low Block | 2 021 | EMSD | About 5 years | (2), (6) |
| 17 | EMSD Caroline Hill Complex Workshop | 7 162 | EMSD | About 3 years | (2), (6) |
| 18 | Ex-Civil Aid Service Headquarters | 3 632 | Civil Aid Service | About 2 years | (2), (6) |
| 19 | Highways Department Caroline Hill Depot | 1 000 | Highways Department | About 7 years | (2), (6) |
| 20 | Ex-Mong Kok Market | Yau Tsim Mong | 1 180 | Food and Environmen-tal Hygiene Department ("FEHD") | About 7 years | (1), (6) |
| 21 | FEHD Sai Yee Street Depot | 118 | FEHD | Over 10 years | (2), (6) |

Notes:

(1) Property information as at 20 February 2019 for items 1-12 and 20.

(2) Property information provided by relevant bureaux/departments as at 31 March 2018 for items 13-19 and 21.

(3) No relevant information for properties managed by LandsD which are specially designed facilities.

(4) The property is a graded historic building.

(5) The property is a declared monument.

(6) Planned for land sale and/or redevelopment for "Government, Institution or Community" facilities.

Source: GPA

Annex III

Government premises used for storage purpose in urban area(1)

According to the information submitted by bureaux/departments as at 31 March 2018, information on government-owned premises (each with a size of 100 sq m or above) located in the urban area used for storage purpose is given below(2)(3):

|  |  |  |
| --- | --- | --- |
| *District* | *Number of Premises* | *Total Floor Area of Premises Concerned*  *(sq m) (about)* |
| Central and Western | 26 | 5 200 |
| Eastern | 21 | 5 400 |
| Southern | 11 | 2 600 |
| Wan Chai | 8 | 2 300 |
| Kowloon City | 11 | 9 900 |
| Yau Tsim Mong | 21 | 4 600 |
| Sham Shui Po | 25 | 12 700 |
| Wong Tai Sin | 4 | 700 |
| Kwun Tong | 22 | 8 500 |
| Total | 149 | 51 900 |

Notes:

(1) Refers to the nine electoral constituencies located in Hong Kong Island and Kowloon according to the District Council Election Constituency Boundaries (that is, Central and Western District, Wan Chai District, Eastern District, Southern District, Yau Tsim Mong District, Sham Shui Po District, Kowloon City District, Wong Tai Sin District and Kwun Tong District).

(2) The bureaux/departments concerned did not specify the time for which the premises have been used for storage purpose or whether they are for temporary or long-term use.

(3) The above information includes premises for storage purposes (e.g. store rooms located in recreation and sports venues or fire stations). The following large-scale premises dedicated for storage purpose are excluded:

(a) Government Logistics Centre (around 24 700 sq m)

(b) Ex-North Point Fire Brigade Building (around 7 900 sq m)

(c) Wang Cheong Building (around 28 100 sq m), a government-owned industrial building dedicated for storage purpose

Source: Data provided to GPA by bureaux/departments concerned

**MR LAU KWOK-FAN** (in Cantonese): *Deputy President, if we look at Annexes II and III to the Secretary's main reply, we will find that in Annex II, there are about 21 vacant premises each with a floor area of over 100 sq m and many of them have been left vacant for over a decade, whereas the total floor area of government-owned premises located in the urban area used for storage purpose exceeds 51 900 sq m. In fact, such an area is not small. In view of this, I would like to ask the Government: Had it considered using these premises prior to proposing an allocation of $20 billion for the purchase of properties for providing social welfare facilities? In addition, is the existing mechanism effective? Can reviews be conducted proactively? It is unjustified to leave some premises vacant for as long as a decade.*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, in fact, concerning the use of government properties, GPA and other departments have put in place measures to review their use. I also said earlier on that the vacant government properties arousing Members' concern can be classified into school premises, non-school premises and properties used for storage purpose. In particular, we can see that many of the properties used for storage purpose as set out in Annex III are in fact premises required by the local community and may serve some useful purposes in the district. For example, the sites may be required by various government departments, such as the Food and Environmental Hygiene Department, the Leisure and Cultural Services Department. We have also reminded various departments that if possible, they should re-allocate the sites in the urban area used for storage purpose to more distant areas or sites outside the city centre, so that these sites in the urban area may be vacated for other purposes.

Generally speaking, regarding the school premises and non-school premises mentioned by me just now, in fact, we are also particularly concerned about the rather remote locations of some of these properties. For this reason, when carrying out our review, we found that although the information on these sites available for use has been set out on the website since 2017, it is actually not easy to find appropriate users because as I said just now, some of these sites are remotely located and some of them are historical buildings, so there are restrictions on the use or conversion of these properties, whereas some properties may be rather dilapidated. GPA will, from time to time, remind the departments concerned to review the uses of their properties, in the hope of identifying other uses for those sites that are seldom used or those that are not readily available for use. We will continue with our efforts in this regard.

**MR CHAN CHUN-YING** (in Cantonese): *Deputy President, government properties are managed by GPA but the major duty of GPA is to meet the in-house demand of the Government for offices and staff quarters and the department also sets out eight performance pledges on its web page. However, all these pledges are linked to the internal needs of the Government. At present, NGOs have started to lease vacant government properties under STTs, including the school premises and non-school premises mentioned by the Secretary just now.*

*To tie in with this change, will the Government formulate extra-departmental work indicators, so that it can offer the properties to outside parties more actively or enhance its efficiency in vetting applications, with a view to optimizing the use of these vacant properties?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, in fact, regarding the issue of releasing vacant government sites for use by outside parties, the information on vacant sites has been uploaded onto LandsD's web page, so that NGOs or social enterprises may apply to use such sites under STTs for community, institutional or non-profit-making uses.

I also browsed the relevant web page this morning and there are over 800 properties available for lease by community groups or social enterprises. As regards the issue of how work indicators can be formulated more proactively with the departments concerned, so that they can utilize the sites more effectively, we will refer this view to the Development Bureau for consideration.

**MR WILSON OR** (in Cantonese): *Deputy President, the Secretary really feels complacent about the main reply to the Legislative Council prepared by his colleagues or himself. Maybe his colleagues have shown once again that he really has his head in the clouds.*

*At present, the SAR Government is really like the "Big Waster". The paper shows that there are 26 sites each with a floor area of over 100 sq m left vacant for more than a decade under the management of various departments, so this is far from acceptable.*

*Secretary, I think the core of the issue is that various government departments are holding onto the sites like a dog in the manger and even as they do so doggedly, they are unable to coordinate with one another. All of them do not accord top priority to solving this problem and as a result, this problem has remained unsolved for a long time. Even more ridiculously, the Secretary said in the main reply that the Government would adopt a more proactive attitude and coordinated approach to solve this problem.*

*I would like to ask the Secretary: What are the specific performance indicators for the so-called "more proactive attitude and coordinated approach" in order to ensure accountability to the public and better utilize these vacant sites?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, first of all, I would like to clarify that, as I said earlier on, Members are particularly concerned about vacant properties with a floor area of over 100 sq m and many of them have been left vacant for over a decade or even longer. In fact, in Annex II, we have also provided some information and it can be seen therein that the items involving the staff quarters in some sites have been set out on the web page. NGOs, and even other government departments, are welcome to make applications to use such sites. In fact, some sites are located nearby, for example, the site opposite 56 Garden Road and I have also made enquiries about it. It was said that the transport and the access were actually rather inconvenient. Therefore, in respect of most sites, for example, properties left vacant for a long time, such as those at Tai Tam Tuk and the Cape D'Aguilar Battery, NGOs are actually welcome to submit applications to use them.

However, so far, there has been no successful application and the reason is not that we are stingy or have our heads in the clouds and are unwilling to let other people use them, rather, there are genuine difficulties in using these sites. In fact, I have some examples of surplus government accommodation and I can provide the details later. (The addresses, photos, managing departments of and special remarks about the properties concerned are available at <<https://www.gpa.gov.hk/english/let/let.html>>.)[[3]](#footnote-4) We can see that in the past, a number of surplus government accommodation or land was used in more positive ways in the wake of reviews of these sites. For instance, some were developed into residential areas, whereas others were developed into public housing.

As regards the concerns expressed by the Member just now about the method adopted by various departments to review if government properties are put to optimal use, in fact, apart from the reviews conducted by the Financial Services and the Treasury Bureau, the Audit Commission also conducts value-for-money audits from time to time. The Audit Commission will examine whether or not these resources have been utilized effectively. I also said just now that we will also conduct such reviews on a proactive and regular basis. In fact, we can see that when the Government does not need these sites, such sites are made available for use by NGOs and social welfare organizations as far as possible.

As I explained just now, unfortunately, some of the sites or facilities are situated in rather remote locations, so we can only provide the relevant information and encourage the use of such sites or facilities as best as we can. I also pointed out just now in my main reply that at present, there is a special fund and an allocation of $1 billion has been approved by the Finance Committee. This is a non-recurrent commitment for assisting social welfare organizations or NGOs. When they need to use these sites and the conditions of these sites are not satisfactory, e.g. when fundamental and necessary works have to be carried out at some of them, so that these sites or school premises can be used after refurbishment, the funds can be used to carry out slope upgrading works, site formation works, etc 

**DEPUTY PRESIDENT** (in Cantonese): Secretary, please hold on.

**MR WILSON OR** (in Cantonese): Deputy President, the Secretary has talked for four minutes but he has not answered my supplementary question at all.

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

**MR WILSON OR** (in Cantonese): *He did not reply as to how the procedure and guidelines can be simplified.*

**DEPUTY PRESIDENT** (in Cantonese): Mr OR, you have pointed out the part of your supplementary question that has not been answered. Secretary, do you have anything to add? Please keep your reply concise because there are still three Members waiting to ask questions.

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): I believe the Member thinks that I have not answered his question only because he is not satisfied after listening to my reply. In fact, what I was telling him just now was that various departments regularly review the use of their properties, get in touch with NGOs and provide the information to them, so this is not a matter of simplifying any measure. Rather, we seek to make the information readily available, and put in place an easy-to-follow application procedure. For this reason, it is not true that we are complacent. Deputy President, I think we are doing what we should do. If some organizations consider that there is room for improvement in our procedure, they are welcome to get in touch with us and let us know how we can provide information to them.

**IR DR LO WAI-KWOK** (in Cantonese): *Deputy President, at present, if first-hand residential properties are not sold or let within 12 months after occupation permits have been issued for them, a vacant property tax has to be paid. While the Secretary has repeatedly explained that he has endeavoured to tackle the issue of vacant government properties and sites, he appears to be indifferent to years-long idling of such properties and sites. May I ask the Secretary if the Government will also consider levying vacant property tax on government properties that have been left vacant for more than 12 months?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, I can provide some detailed information but the Member is concerned about levying vacant property tax on government properties that have been left vacant for a long time, so allow me to cite an example as an illustration. The former Mong Kok Market has been left vacant for seven years and why is that so? Because in 2011, an application for judicial review was made in relation to the draft Mong Kok Outline Zoning Plan and the judicial review proceedings ended only in 2018. This is one example and there are actually quite a number of such instances. Now, we have included the site in question into the 2019-2020 Land Sale Programme. Therefore, it is not the case that the Government seeks to hoard land sites in a planned manner or prevent other people from using them. On the contrary, whenever possible, we seek to vacate sites for other public uses or open the properties for use by NGOs, or dispose of the properties by sale.

**DEPUTY PRESIDENT** (in Cantonese): Ir Dr LO Wai-kwok, which part of your supplementary question has not been answered?

**IR DR LO WAI-KWOK** (in Cantonese): *The example cited by the Secretary just now is not a good illustration because vacant property tax has to be paid if developers cannot sell or lease out their properties within 12 months, no matter how hard they have tried.*

**DEPUTY PRESIDENT** (in Cantonese): Ir Dr LO, you have expressed your stance but the Legislative Council has not yet scrutinized the relevant legislation. Let us see if the Secretary has anything to add.

**IR DR LO WAI-KWOK** (in Cantonese): *Deputy President, the Secretary did not reply as to whether or not he will consider levying vacant property tax on vacant government property.*

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

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): Deputy President, the vacant property tax is not designed to address this problem, so it is not suitable.

**DEPUTY PRESIDENT** (in Cantonese): Last oral question.

**Redevelopment of old areas**

6. **MR CHAN HAN-PAN** (in Cantonese): *Deputy President, it is learnt that quite a number of old areas in the New Territories (such as Tsuen Wan) are satellite towns developed in the early days. Many buildings in those areas are aged over 50 years, and quite a number of buildings suspected to have been constructed with the use of salt water are seriously dilapidated. As the plot ratios for the sites concerned have been fully utilized, such buildings lack redevelopment potential, and their conditions will only deteriorate further. In this connection, will the Government inform this Council:*

*(1) whether it has plans to relax the plot ratios of the old areas in the New Territories so as to enhance the redevelopment potential of the sites concerned; if so, of the details; if not, the reasons for that;*

*(2) in respect of the old areas in the New Territories which lack redevelopment potential, whether the Government will offer financial incentives to the Urban Renewal Authority or developers, with a view to expediting the pace of redevelopment of such areas; if so, of the details; if not, the reasons for that; and*

(THE PRESIDENT resumed the Chair)

*(3) whether it has any specific plans to redevelop the old areas in Tsuen Wan in order to improve the environment; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, the revised Urban Renewal Strategy ("URS") promulgated by the Development Bureau in 2011 provides a clear policy blueprint for addressing the problem of urban decay. Under URS, the Urban Renewal Authority ("URA") plays an important role in undertaking urban renewal, and will focus its resources on redevelopment and rehabilitation. URS also states that the implementation of URS should be undertaken by URA, as well as all the other stakeholders and participants. The Government will continue to adopt the "People First, District-Based and Public Participatory" approach to tackle urban decay and improve the living environment of residents in old districts through undertaking, encouraging, promoting and facilitating urban renewal in Hong Kong.

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

(1) Tsuen Wan, Tuen Mun and Sha Tin are the first generation new towns developed since 1970s. To provide better living environment, the domestic plot ratio stipulated for these new towns back then were generally lower when compared with that of the urban area. Take Tsuen Wan as an example, in 2003 the Planning Department reviewed whether it would be appropriate to further increase the maximum permissible plot ratio of Tsuen Wan from 5; in view of the traffic and infrastructural capacity and other factors, nonetheless, it was considered appropriate to keep the maximum domestic plot ratio at 5.

In fact, the Government from time to time undertakes review of the policy of domestic plot ratio and the feasible options for increasing the development intensity. We promulgated in 2014 that in several regions of metro area and the older areas of new town, individual proposals on private residential development seeking an increase in the intensity of redevelopment can apply to the Town Planning Board ("TPB") for increasing the maximum domestic plot ratio by up to 20%, where planning terms permit (including adequate traffic and infrastructural capacity to accommodate the increased demand from redevelopment, compatibility of the scale of redevelopment with the district characteristic). In the case of Tsuen Wan, the maximum domestic plot ratio could hence be increased from 5 to 6. In December 2018, the Executive Council further enhanced the above planning policy to allow increase of the maximum domestic plot ratio of public housing sites upon confirmation of technical feasibility and approval from TPB by up to 30%, i.e. from 5 to a maximum of 6.5.

As with the established practice, the Government will continue to review and adjust the development intensity in a timely manner, having regard to the changing circumstances of developments and the need of society, while taking full account of various factors such as the district's traffic and infrastructural capacity, district characteristic and existing development intensity, so as to ensure that any upward adjustment to development intensity would not bring adverse impact to the district.

(2) and (3)

As aforementioned, URA plays an important role in urban redevelopment. In making a decision on the commencement of any redevelopment project, URA will cautiously handle the matter and set priorities in accordance with URS, taking into account a host of different factors such as building conditions, living environment, land resources available in the district for relocating affected residents, planning gains the redevelopment project can bring about to the entire community, as well as the financial and manpower resources of URA.

Having regard to the difficulty in increasing the development density or the lack of residual developable plot ratio in individual districts, we need to undertake urban renewal on a district-based rather than a piecemeal approach. To this end, URA commenced in May 2017 a district planning study on a pilot basis for Yau Ma Tei and Mong Kok, which have a high concentration of old buildings. This is a strategic study and the findings will serve as the basis for URA to identify more effective and efficient ways for urban renewal as well as practical and feasible ideas and modus operandi for adoption in other districts including Tsuen Wan. The study is expected to be completed by end 2019 or early 2020.

Timely maintenance and repairs could effectively slow down urban decay. The Development Bureau has made concerted efforts with the Buildings Department, URA and the Hong Kong Housing Society over the years to roll out various schemes to provide financial and technical assistance to owners, assisting them to carry out repairs works for their buildings. In this regard, URA has assisted about 4 200 buildings (around 400 of which were located in Tsuen Wan) to undertake repair works through different schemes since 2004. The latest building repair assistance scheme is "Operation Building Bright 2.0" ("OBB 2.0"). At a cost of $3 billion, OBB 2.0 provides substantial financial assistance to owner-occupiers residing in aged buildings with rateable values not exceeding a prescribed limit primarily for undertaking inspection and repairs works required under the Mandatory Building Inspection Scheme for their buildings. In the first round applications, URA had received some 600 valid applications wherein about 20 came from Tsuen Wan. URA will contact the building owners who have succeeded in their applications according to the priority and assist them in carrying out the required inspections and repair works.

Separately, the Government also encourages community renewal through changing the planned use of land, for example by rezoning "Industrial" sites to other uses such as "Commercial" or "Comprehensive Development". Besides, the Chief Executive's 2018 Policy Agenda has stated that the Government will pursue more vigorously the "single site, multiple uses" model in multistorey development on Government land in order to consolidate and provide more "Government, Institution or Community" ("GIC") facilities, make optimal use of limited land resources and improve community environment through redevelopment of government facilities. Subsequently, the Government has earmarked $22 billion in the Budget for implementing the first batch of "single site, multiple uses" development projects, including the consolidation of several GIC sites in Tsuen Wan town centre for comprehensive planning purpose. According to initial planning, the Tsuen Wan town centre project includes the Tsuen Wan Town Hall and former Tsuen Wan Magistrates' Courts sites, the Princess Alexandra Community Centre site, the Lady Trench General Out-patient Clinic and Luen Yan Street Cooked Food Hawker Bazaar sites. We are studying how the facilities and sites concerned can be consolidated for providing more community facilities and releasing land to meet other social needs, so as to drive the revitalization of the community, while promoting active participation of private developers in redeveloping the adjacent areas.

**MR CHAN HAN-PAN** (in Cantonese): *President, repair of buildings is only stopgap measures limiting to exterior walls and public areas in general, where beams and columns inside the units will not be dealt with. Hence, repair is not a solution.*

*Since the redevelopment project of the seven streets in 1999, URA has not launched any redevelopment project in Tsuen Wan. I would like to ask the Government: Will it review URA's pace in launching redevelopment projects? What has impeded URA's work? Will the authorities consider the prior construction of quality buildings in the district for rehousing purpose, so as to speed up the redevelopment process? Will the Government consider providing subsidies for certain redevelopment projects in old areas or injecting funds into URA?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I would like to thank Mr ‍CHAN Han-pan for his question. We consider it necessary to speed up urban renewal further. As I mentioned in the main reply earlier, we pin our hopes on URA's studies for the Yau Ma Tei and Mong Kok districts. The study seeks to explore ways to enhance the efficiency and pace of urban renewal. Apart from the proposals mentioned by Mr CHAN just now, the study will also examine the possibilities of other financial arrangements. We expect the completion of the study by the end of this year or early next year and recommendations will be submitted to the Government.

**MS ALICE MAK** (in Cantonese): *President, I declare that I am the non-executive director of URA. President, Members have to understand that in urban renewal, the greatest difficulty is the rehousing of residents originally living in the districts. Moreover, the majority of residents of old areas are grass roots and it is truly difficult for them to move to other districts.*

*Some people comment that the progress of redevelopment projects of URA is slow. In retrospect, certain large scale projects did require a period of 10 to 12 years for completion. Why? Most of the time had been spent on the advance work of rehousing affected residents in the districts. Hence, I would like to ask the Secretary: For the purpose of speeding up urban renewal, are there any ways to provide URA with additional resources in making rehousing arrangement for affected residents, such as providing land for the advance construction of buildings for rehousing or allowing URA to cooperate with the Hong Kong Housing Authority and the Hong Kong Housing Society in making rehousing arrangements?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I very much agree with the observation of Ms Alice MAK as she is a non-executive director of URA and is experienced in these issues. In fact, we have to identify ways to improve the situation and overcome this limitation.

At present, URA has various kinds of cooperation arrangements with the Hong Kong Housing Society. For instance, sites have been reserved in Kai Tak for URA to provide proper rehousing for residents affected by redevelopment projects. However, the present scale is inadequate. I hope that the study conducted by URA can provide input in this respect.

President, I will not go too far today, yet this is one of the reasons we consider it necessary to identify more land in Hong Kong. As stated in the recommendations submitted by the Task Force on Land Supply to the Government, redevelopment is not a factor bringing about significant increase in housing supply, and one of the reasons is that rehousing of residents required the identification of alternative sites. Hence, in the provision of land, we will step up our effort in undertaking appropriate work. Yet, truly, it is difficult to identify suitable rehousing sites in the urban area and its vicinity, and this is the challenge that we have to overcome.

**IR DR LO WAI-KWOK** (in Cantonese): *President, this question is about the development of old areas in the New Territories. In fact, recently, the Public Works Subcommittee has approved the infrastructure funding applications for two important development projects in the New Territories, that is, the infrastructure funding of $33.6 billion for the development in Kwu Tung North and Fanling North and the funding of $2.4 billion for Phase 1 of the infrastructure development in Wang Chau. Though these funding applications are subject to the final approval of the Finance Committee, I would say that there is a glimmer of light.*

*In respect of these major large-scale redevelopment projects in the New Territories, will the Secretary guarantee that comprehensive and prudent examination of the relevant plot ratio will be conducted and that the ratio will be increased as far as practicable, so as to optimize these precious development opportunities to construct more much-needed public and private housing units?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I thank Ir Dr LO Wai-kwok for his question. We have to thank the Public Works Subcommittee for approving the applications of the relevant projects, and we hope that these projects will gain the support of Members at the Finance Committee later.

We will conduct comprehensive examination. The emergence of new development areas will definitely be conducive to the renewal of old areas in the vicinity. Yet, apart from relying on the support in this aspect, it is important to identify effective means to speed up and enhance the effectiveness of redevelopment in old areas.

I will not digress too much. Yet, Members may refer to a development approach adopted by URA in recent years which we strongly support, and that is according priority to planning. On certain occasions in the past, URA would construct a number of single buildings. Though the construction of single buildings is necessary, it may not bring notable improvement to the transport network and living environment of the district concerned. If development is based on the concept of building a small community, it will be more conducive to the development of the district as a whole. This also addresses the need for adopting holistic approach in development as mentioned by Ir Dr LO Wai-kwok just now. The recent project of Sa Po Road is a case in point. The location selected under the project will undergo redevelopment on the one hand and serve as a gateway on the other, connecting Kowloon City and Kai Tak New Development Area in a more desirable and cosy manner. We strongly support this direction of development.

**MR WU CHI-WAI** (in Cantonese): *President, on the question about redevelopment of old areas, more often than not, we will be involved in the discussion of building demolition and reconstruction, yet there are merely two core issues involved. In the demolition of buildings, at issue is the resumption of private property. Certainly, it will also involve the application of the Lands Resumption Ordinance, as well as how the public interest may be manifested when the authorities exercise the public power to intervene in private property in the course of land resumption. Otherwise, such intervention will often be seen as deprivation of private property by the Government by means of public power.*

*In the course of redevelopment of old areas, URA is rightly exercising its public power in fulfilling its statutory obligations and functions to redevelop old areas. Along this line, does URA have a greater obligation to shoulder and a clearer role to play in the entire housing ladder, particularly in the provision of subsidized sale housing at the higher end of the ladder, such as the Starter Homes Scheme? In the absence of a proper and clear definition for URA's roles and functions, there would be public queries regarding URA's exercise of powers under the Lands Resumption Ordinance for the construction of expensive private housing, which is not conducive to facilitating the Government's efforts in redeveloping old areas.*

*Hence, I would like to ask the Government: Has it embraced new concepts regarding the roles and positioning of URA, such as designating URA to take up the Starter Homes Scheme which is regarded as a subsidized sale housing scheme at the higher end of the housing ladder?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): President, I will reply to Mr WU's supplementary question concisely. I think the current role of URA is mainly in the provision of private housing through redevelopment. While the existing role of URA remains unchanged, some adjustments have been made. Take eResidence as an example. URA serves as a source of subsidized housing supply on an experimental basis.

As mentioned in the 2018 Policy Address, the Government has already invited URA to conduct relevant studies on the buildings constructed under the Civil Servants' Co-operative Building Societies ("CBS") Scheme. According to our observation, if these sites can be released, it will not only offer land for housing in the private market but will also provide land for buildings with some subsidies. Hence, URA will continue to play a leading role in this aspect. However, regarding the overall development direction of the public housing and subsidized housing markets, we have to discuss with the Transport and Housing Bureau which is responsible for taking the lead in formulating the housing policy.

**DR PRISCILLA LEUNG** (in Cantonese): *President, I would like to ask the Secretary a question about the redevelopment of CBS buildings. I have communicated with the Secretary. In the case where sites of CBS buildings are released upon redevelopment, will the Secretary first select the old public housing buildings in the vicinity, such as the buildings at Kau Pui Lung Road which are situated near Lok Man Sun Chuen? In the course of redevelopment, will the authorities rehouse residents in old public rental housing to redeveloped CBS buildings in the vicinity, so that more land will be released in those districts for the construction of larger housing estates? Will the authorities accord priority to those districts having such geographically matching buildings?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I thank Dr LEUNG for her supplementary question. Since the relevant study conducted by URA is underway, I do not want to impose too many restrictions. All factors that will bring about social benefits have to be considered.

Regarding Dr LEUNG's proposal, I would like to state a fact, which Dr ‍LEUNG may also know, and that is, the Government has started the relevant work. We have earmarked land in Kai Tak for the Hong Kong Housing Society, and one of the reasons for so doing is to facilitate the redevelopment of Chun Seen Mei Chuen by the Hong Kong Housing Society. However, this issue involves housing policy, and this requires the concerted efforts of our Bureau and the Transport and Housing Bureau.

Regarding the study to be conducted by URA later, I believe another consideration is the post-implementation benefits that will be brought to society as a whole. For example, as the existing number of housing units or plot ratio is too low, if locations with relatively higher plot ratio can be identified, the number of housing units provided may be increased. As I mentioned earlier, we definitely will not rule out the possibility that some of the sites in these projects may be used for subsidized housing. As to whether the buildings will be redeveloped or used for other purposes, I think it is premature to state so at the present stage. We will seriously examine this issue later.

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

**WRITTEN ANSWERS TO QUESTIONS**

**Travel agents switching to use the E-levy System**

7. **MR YIU SI-WING** (in Chinese): *President, under the Travel Agents Ordinance (Cap. 218), a travel agent is liable to pay a levy in respect of every outbound fare received for an outbound travel service (i.e. a service comprising any two or all of the following: carriage from Hong Kong to places outside Hong Kong, accommodation outside Hong Kong and an activity outside Hong Kong). When travel agents make levy payments, they must make use of the traditional franking machines or the E-levy System to put levy stamps on the receipts for issue to customers (and travellers must hold receipts with levy stamps in order for them to be protected by the Travel Industry Compensation Fund). It is learnt that the Travel Industry Council of Hong Kong ("TIC") has recently informed travel agents that as the supplier of the traditional franking machines will cease providing services, all traditional franking machines will be taken out of use with effect from 1 July this year, and all travel agents must then use the E-levy System to put levy stamps on receipts. In this connection, will the Government inform this Council if it knows:*

*(1) among all travel agents, the number and percentage of those which are currently using the E-levy System, and the measures put in place by TIC to ensure that all travel agents will have completed the preparation work for switching to use the E-levy System before the traditional franking machines are put out of use;*

*(2) whether TIC has formulated contingency plans to deal with the situation where the E-levy System cannot, due to malfunctioning, put levy stamps on receipts; and*

*(3) whether TIC will expand the functions of the E-levy System to collect data on travel agents' sales of group tours and independent travel products, and then disseminate to the travel industry the statistics generated from such data for conducting market analyses and developing new products; if TIC will, of the details; if not, the reasons for that?*

**SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT** (in Chinese): President, travel agents providing outbound travel services are required to pay levies in respect of the outbound fares received from travellers. In this regard, the E-levy System ("the System") provides an electronic platform for travel agents to make levy payments in respect of the outbound fares paid by travellers directly through the System and handle related matters, for example, to increase the amounts in their e-levy accounts online. Travellers can also check online whether the travel agents have paid the levies in respect of their transactions in order to ensure that they are eligible for protection under the Travel Industry Compensation Fund. With the development of technology and change of payment behaviour in the market, there is an increasing number of travel agents using the System since its launch on 1 June 2018. Following the cessation of support services for franking machines by the service contractor, the franking machines will also cease operation with effect from 1 July 2019.

In response to the question raised by Mr YIU Si-wing, my reply is as follows:

(1) The Travel Industry Compensation Fund Management Board ("TICFMB") and the Travel Industry Council of Hong Kong ("TIC") have been actively promoting the System as well as providing training and support to the travel agents, including organizing training workshops and setting up a training website for staff of the travel agents to gain hands-on experience on data input and generating e-levy stamps. In addition, both TICFMB and TIC have set up support hotlines to answer enquiries from the travel agents, and prepared bilingual training videos and procedural manuals for their reference. The Government has also allocated a sum of $40 million for TIC to implement the Pilot Information Technology Development Matching Fund Scheme for Travel Agents to enhance the productivity and service quality of travel agents through applying information technology, including the use of the System.

At present, there are about 1 760 licensed travel agents, of which 1 046 travel agents need to make levy payments by nature of their business. About 460 of the latter have set up/used their account with the System for payment of levy. This accounts for about 44% of the total number of levy-paying travel agents and about 87% in terms of market share of the total levy loading.

TICFMB and TIC will continue to implement measures to assist travel agents to use the System as early as possible, including:

(a) continue to conduct training workshops for staff of the travel agents (so far 21 training workshops have been conducted with around 800 participants);

(b) organize dedicated training workshops for travel agent members of the eight Associations under TIC;

(c) create administrator accounts for travel agents after attending the training workshops to facilitate their use of the System; and

(d) provide additional manpower to solve problems relating to the System for travel agents, including providing on-site support services when needed.

(2) The System was designed, developed and tested in accordance with the guidelines and standards stipulated by the Office of the Government Chief Information Officer, and is monitored and maintained by an information technology service contractor. It has been running smoothly since its implementation on 1 June 2018. The System has dual protection against the impact of untoward incidents. There are two servers in the operation system, such that when one of them encounters problems, the other will start operation automatically to ensure the continuous running of the System. In addition, the System adopted a dual site approach, i.e. the operation system and the backup system are located at different places of Hong Kong. In the event that the operation system is affected by accidents such as power outage, fire, etc., the backup system in the other site can be put to operation to maintain the service.

(3) In view of the sensitivity of the information concerned and for ensuring smooth operation, the existing System captures only the essential data in order to facilitate efficient and reliable transactions by the staff of travel agents. The System does not store other data for the purpose of sales or business analysis. We will continue to maintain liaison with the trade and review the System and explore further enhancement of its functions when appropriate.

**Manpower situation of the elderly service sector**

8. **MR KWOK WAI-KEUNG** (in Chinese): *President, regarding the manpower situation of the elderly service sector, will the Government inform this Council:*

*(1) whether it knows the respective numbers of care workers and health workers currently employed by (i) subvented residential care homes for the elderly ("RCHEs") and (ii) private RCHEs in Hong Kong;*

*(2) of the number of workers imported in each of the past two years by the elderly service sector under the Supplementary Labour Scheme, and the current (i) median monthly wage and (ii) average weekly working hours of such kind of workers;*

*(3) whether it knows the numbers of (a) certificate courses on care workers training and (b) certificate courses on health workers training organized respectively by the Employees Retraining Board and the Vocational Training Council in the past two years, and set out the following information on such courses: (i) title, (ii) the type to which the course belonged, (iii) the professional field to which the course belonged (e.g. health care and residential care), (iv) mode of study, (v) duration of training, (vi) originally estimated and actual numbers of enrolled trainees, (vii) number of graduates, and (viii) percentage of trainees employed by the elderly service sector upon graduation; and*

*(4) given that the Social Welfare Department ("SWD") has implemented the Navigation Scheme for Young Persons in Care Services since July 2015 to encourage young persons to join the elderly service sector, of (i) the quota take-up and dropout rates of the Scheme so far, and (ii) among the participants in each intake of the Scheme, the number of those who have completed the two-year part-time course under the Scheme; whether SWD will review and improve the remuneration package of the participants to increase the attractiveness of the Scheme?*

**SECRETARY FOR LABOUR AND WELFARE** (in Chinese): President, my reply to the Member's question is as follows:

(1) The Social Welfare Department ("SWD") has not conducted any systematic statistical analysis on the information requested, and is therefore not able to provide it.

(2) In 2017 and 2018, employers of the elderly care service sector were approved to import 1 510 and 1 409 care workers respectively in respect of their applications under the Supplementary Labour Scheme ("SLS"). According to the requirements under SLS, employers should pay wages to imported workers at a level no less than the relevant median monthly wage as compiled by the Census and Statistics Department for SLS. The median monthly wage currently applicable to the imported care workers is $13,000 (nine hours of work (excluding meal break) per working day). The Labour Department has no information on the average weekly working hours of imported care workers.

(3) Information on vocational education and training courses relating to the elderly service sector (including certificates in care worker, certificates in health worker and relevant courses) organized by the Employees Retraining Board and the Vocational Training Council in the past two years is at Annex.

(4) SWD launched the Navigation Scheme for Young Persons in Care Services ("the Navigation Scheme") in July 2015, providing a total of 1 000 training places in phases starting from 2015-2016 to encourage young people to join the elderly and rehabilitation care services. As at the end of December 2018, a total of 1 018 trainees had been recruited by service operators of the Navigation Scheme in phases. Amongst them, 314 trainees had graduated, 287 were still participating in the scheme, while 417 had left. In 2019-2020, service operators will continue to recruit trainees having regard to their respective programme arrangements. It is expected that an additional 200 training places will be provided.

The Government will continue to provide a total of 1 200 training places under the Navigation Scheme in the five years starting from 2020-2021, and will enhance the existing scheme with a view to attracting more young people to enrol and further encouraging them to join the elderly and rehabilitation care services. Enhanced measures include enlarging the age range of trainees, reducing the weekly working hours of the trainees to enable them to cope with the work of the course more effectively, and increasing the salary of the trainees, etc., so as to attract more young people to join the social welfare care sector.

Annex

Vocational Education and Training Courses Relating to Elderly Service Sector

Organized by Employees Retraining Board and Vocational Training Council

in the Past Two Years (2017-2018 to 2018-2019)(1)

I) Employees Retraining Board

|  | *Course Title* | *Course Type* | *Category (Industry)* | *Course Mode* | *Course Duration (hours)* | *Estimated Number of Enrolled Trainees (Training Places)* | *Actual Number of Enrolled Trainees(2)* | *Number of Graduate Trainees(2)(3)* | *Percentage of Trainees Placed upon Completion of Course(4)* |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1. | Certificate in Health Worker Training | Placement-tied course | Healthcare Services | Full-  time | 312 | 1 790 | 1 340 | 1 160 | 88% |
| 2. | Foundation Certificate in Care Worker Training | Placement-tied course | Healthcare Services | Full-  time | 152 | 1 220 | 770 | 680 | 87% |
| 3. | Foundation Certificate in Escort Service for Out-patient Visit Training | Placement-tied course | Healthcare Services | Full-  time | 116 | 400 | 220 | 200 | 85% |
| 4. | Foundation Certificate in Care Worker for Discharged Patients Training | Placement-tied course | Healthcare Services | Full-  time | 200 | 80 | 40 | 40 | 73% |
| 5. | Foundation Certificate in Elderly Care Worker Training | Placement-tied course | Healthcare Services | Full-  time | 156 | 40 | 20 | 20 | 73% |
| 6. | Foundation Certificate in Integrated First Aid Training (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 37 | 980 | 860 | 800 | Not applicable |
| 7. | Foundation Certificate in Elderly Care (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 66 | 100 | 60 | 50 | Not applicable |
| 8. | Foundation Certificate in Rehabilitation Skills for Aged Care (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 18 | 80 | 30 | 20 | Not applicable |
| 9. | Foundation Certificate in Practical Skills for Care Worker (Lifting and Transfer) (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 36 | 380 | 130 | 130 | Not applicable |
| 10. | Certificate in Practical Skills for Health Worker (Handling Accidents in Aged Home) (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 8 | 60 | 20 | 20 | Not applicable |
| 11. | Foundation Certificate in Elderly Nursing Care (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 72 | 100 | 80 | 70 | Not applicable |
| 12. | Foundation Certificate in Psychological Care and Handling of Mental Problems for Aged Care (Part-time)(5) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 27 | 30 | 0 | 0 | Not applicable |
| 13. | Certificate in Understanding of Common Medical Terms and Medication for Elderly Care (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 22 | 60 | 0 | 0 | Not applicable |
| 14. | Foundation Certificate in Communication Skills for Aged Care (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 15 | 80 | 20 | 20 | Not applicable |
| 15. | Foundation Certificate in Practical Skills for Care Worker (Pressure Sore Care) (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 24 | 360 | 180 | 170 | Not applicable |
| 16. | Certificate in Practical Skills for Health Worker (Wound Care and Feeding) (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 8 | 80 | 30 | 30 | Not applicable |
| 17. | Foundation Certificate in Practical Skills for Care Worker (Vital Signs Measurement) (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 24 | 380 | 210 | 190 | Not applicable |
| 18. | Foundation Certificate in Practical Skills for Care Worker (Feeding Skills) (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 20 | 340 | 170 | 170 | Not applicable |
| 19. | Foundation Certificate in Practical Skills for Care Worker (Incontinence Care) (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 26 | 340 | 190 | 170 | Not applicable |
| 20. | Foundation Certificate in Prevention of Elder Abuse (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 18 | 60 | 20 | 10 | Not applicable |
| 21. | Foundation Certificate in Handling Skills for Abnormal Behavior of Elderly at Home (Part-time)(5) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 12 | 20 | 0 | 0 | Not applicable |
| 22. | Certificate in Diabetes Mellitus Care (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 16 | 50 | 20 | 20 | Not applicable |
| 23. | Certificate in Practical Skills for Health Worker (Basic Nursing Care Needs Assessment) (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 8 | 40 | 0 | 0 | Not applicable |
| 24. | Certificate in Colostomy Care (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 20 | 50 | 0 | 0 | Not applicable |
| 25. | Certificate in Operation Management for Residential Care Home for the Elderly (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 20 | 40 | 0 | 0 | Not applicable |
| 26. | Certificate in Upgraded Caring Skills for Health Workers in Residential Care Homes for Persons with Disabilities I (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 17 | 700 | 580 | 570 | Not applicable |
| 27. | Certificate in Upgraded Caring Skills for Health Workers in Residential Care Homes for Persons with Disabilities II (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 57 | 580 | 480 | 470 | Not applicable |
| 28. | Certificate in Tracheostomy Care (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 20 | 40 | 0 | 0 | Not applicable |
| 29. | Foundation Certificate in Practical Skills for Care Worker (Caring for Persons with Intellectual Disabilities) (Part-time) | "Skills Upgrading Scheme Plus" course | Healthcare Services | Half day or evening | 30 | 70 | 20 | 20 | Not applicable |

Notes:

(1) As at the end of February 2019.

(2) Figures are rounded to the nearest 10.

(3) As figures are counted using "class commencement date", some enrolled trainees have not yet completed the course(s) in 2018-2019.

(4) The Employees Retraining Board ("ERB") provides placement services for trainees who completed placement-tied courses. "Percentage of Trainees Placed upon Completion of Course" refers to the percentage of trainees who engaged in employment during the placement follow-up period over the number of trainees who completed the placement-tied courses. Placed trainees of courses numbered 1 to 5 were engaged in job posts straddling across different industries, including elderly services and health care services, etc. ERB does not maintain relevant data for the placement of trainees engaged solely in elderly services sector. Courses numbered 6 and after are "Skills Upgrading Scheme Plus" courses which are non-placement tied courses. ERB does not maintain data on "Percentage of Trainees Placed upon Completion of Course" for such courses.

(5) The course ceased operation starting from 1 April 2018.

II) Vocational Training Council(6)

|  | *Course Title* | *Course Type* | *Category (Industry)* | *Course Mode* | *Course Duration (hours)* | *Estimated Number of Enrolled Trainees (Training Places)* | *Actual Number of Enrolled Trainees* | *Number of Graduate Trainees* | *Percentage of Trainees Placed upon Completion of Course* |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 1 | Higher Diploma in Rehabilitation Services(7) | Higher Diploma(7) | Elderly Care Service | Full-  time | 2-year training | 135 | 192 | The first batch of students will graduate in 2019 | NA |
| 2 | Higher Diploma in Rehabilitation Services | Higher Diploma | Elderly Care Service | Full-  time | 2-year training | 135 | 192 | The first batch of students will graduate in 2019 | NA |
| 3 | Higher Diploma in Health Studies(8) | Higher Diploma | Elderly Care Service | Full-  time | 2-year training | 120 | 147 | The first batch of students will graduate in 2019 | NA |
|  |  | Higher Diploma(7) | Elderly Care Service | Full-  time | 2-year training | 120 | 154 | The first batch of students will graduate in 2020 | NA |
| 4 | Higher Diploma in Health Studies | Higher Diploma | Elderly Care Service | Full-  time | 2-year training | 240 | 301 | The first batch of students will graduate in 2019 | NA |
| 5 | Higher Diploma in Community Health Care for Senior Citizens | Higher Diploma(7) | Elderly Care Service | Full-  time | 2-year training | 60 | 53 | The first batch of students will graduate in 2019 | NA |
| 6 | Higher Diploma in Community Health Care for Senior Citizens | Higher Diploma | Elderly Care Service | Full-  time | 2-year training | 60 | 53 | The first batch of students will graduate in 2019 | NA |
| 7 | Higher Diploma in Elderly Care Services | Higher Diploma(7) | Elderly Care Service | Full-  time | 2-year training | 180 | 105 | The first batch of students will graduate in 2019 | NA |
| 8 | Diploma of Foundation Studies (Elderly and Rehabilitation Services) | Diploma of Foundation Studies | Elderly Care Service | Part-  time | 2-year training | 100 | 106 | The first batch of students will graduate in 2019 | NA |
| 9 | Higher Diploma in Integrated Social and Health Services | Higher Diploma(7) | Elderly Care Service | Full-  time | 2-year training | 120 | 69 | The first batch of students will graduate in 2020 | NA |

Notes:

(6) Include courses in 2017-2018 and 2018-2019 academic years.

(7) Include the training areas for health workers that are approved and recognized by SWD.

(8) From 2018-2019 academic year, this programme includes the training areas for health workers that are approved and recognized by SWD.

**Illegal parking**

9. **MR MICHAEL TIEN** (in Chinese): *President, roadside lay-bys are supposed to be used for picking up/setting down passengers or loading/unloading goods by vehicles. However, it is learnt that the problem of vehicles parking (including stopping and waiting) illegally at lay-bys is serious. Examples include the lay-by at Mei Wan Street, Tsuen Wan, where illegal parking is particularly serious during weekends and public holidays. Some drivers illegally pick up/set down passengers or load/unload goods on traffic lanes marked with double yellow lines because the lay-bys are occupied, thereby causing traffic congestion. On the other hand, the Energizing Kowloon East Office of the Development Bureau is conducting a Proof of Concept Trial on Illegal Parking Monitoring System, and the Police will launch another trial scheme to explore the use of video analytic techniques in the law enforcement actions against traffic contraventions. In this connection, will the Government inform this Council whether it has studied if the Police may rely solely on video footage as evidence to institute prosecution against the driver or owner of a vehicle illegally parked respectively for the situations where the driver is and is not in the vehicle respectively; if it has studied and the outcome is in the affirmative, of the details; if the study outcome is in the negative, whether the Government will consider amending the legislation to empower the Police to institute prosecution by this means?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, my reply to Mr Michael TIEN's question is as follows:

The Government is very concerned about the illegal vehicle parking and waiting situation. In this regard, the Hong Kong Police Force have been closely monitoring the traffic conditions in various districts and taking stringent enforcement actions against vehicles causing serious obstruction to traffic and posing danger.

Apart from stepping up enforcement efforts, the Government is actively examining the application of new technologies to assist frontline officers in taking enforcement actions against traffic contraventions, thereby enhancing enforcement efficiency and strengthening the deterrent effect. The Energizing Kowloon East Office of the Development Bureau commenced in 2018 two proof-of-concept ("PoC") trials on the use of video analytics technology to detect improper use of roadside loading/unloading bays and illegal parking. The PoC trials include on-site tests of video cameras for monitoring purpose and studies on how to use the video analytics technology for prosecution against illegal parking. The Police provide advice and assistance from the perspective of traffic enforcement. In addition, the Police are planning in collaboration with the Logistics and Supply Chain MultiTech R&D Centre a separate trial by mounting video cameras on selected lampposts that provide good vantage points and making use of the video analytics technology for actual enforcement against certain offences which more commonly cause traffic obstruction, including illegal stopping of vehicle at a bus stop and no-stopping restriction zone, etc. Depending on the progress of the preparatory work, the trial is expected to commence within 2019. Taking into account the results of the aforesaid trials and such relevant factors as technical feasibility and cost-effectiveness, the Government will actively consider the further application of the video analytics technology to facilitate the Police's enforcement against illegal parking and other traffic offences.

According to the law, illegal parking of vehicles is an act of contravention, irrespective of whether the driver is inside the vehicle or not. On the use of video footage as evidence for prosecution, the Police carried out a territory-wide trial in 2018. Under the trial, police officers used portable video cameras to record traffic offences stipulated in the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240), including illegal stopping of vehicle at a bus stop and picking up/setting down passengers or loading/unloading goods in a restricted zone, etc., and then served the fixed penalty notices ("FPNs") to the offenders by post. The Police are currently reviewing the effectiveness of the trial. On the other hand, under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237), the Police should only affix a FPN to the vehicle concerned or give FPN personally to the person in charge of the vehicle. Serving a FPN by post is not allowed. As such, the above mentioned trial did not cover the illegal parking offences under Cap. 237. The Government is considering amendments to the law to increase the means of serving FPNs (including by electronic means) and plans to consult the Legislative Council Panel on Transport later this year.

**Persons in custody applying for early release**

10. **MR SHIU KA-CHUN** (in Chinese): *President, currently, persons in custody ("PICs") may make applications for early release under the "Release under Supervision Scheme" and the "Pre-release Employment Scheme" provided for in the Prisoners (Release under Supervision) Ordinance (Cap. 325). The recommendations made by the Release under Supervision Board ("the Board") after consideration of such applications are submitted to the Secretary for Security for his decision by exercising the powers delegated to him by the Chief Executive under Cap. 325. In this connection, will the Government inform this Council:*

*(1) of the respective numbers of applications for early release made under the two aforesaid schemes by PICs which were rejected in each of the past five years, together with the reasons;*

*(2) as some PICs alleged that staff members of the Correctional Services Department had, on various grounds, withheld their applications for early release which were intended to be submitted to the Chief Executive through the Board, whether the various correctional institutions have currently kept written records of the early-release applications submitted by PICs, so as to safeguard PICs' rights and interests; and*

*(3) as PICs must have secured employment before they may apply for early release under the Pre-release Employment Scheme, of the policies and measures currently put in place to encourage employers to offer jobs for PICs?*

**SECRETARY FOR SECURITY** (in Chinese): President, persons in custody ("PICs") may apply for release from prison under supervision under the Release under Supervision Scheme and the Pre-release Employment Scheme provided for in the Prisoners (Release under Supervision) Ordinance (Cap. 325) ("the Ordinance"). Any PIC who is serving a determinate sentence of imprisonment of three years or more and has served not less than half or 20 months of that sentence (whichever is longer) may apply for early release under the Release under Supervision Scheme. Any PIC who is serving a determinate sentence of imprisonment of two years or more and is within six months prior to the earliest date of discharge may apply for early release under the Pre-release Employment Scheme. Both schemes aim at facilitating PICs' early reintegration into society as law-abiding citizens.

The Release under Supervision Board ("the Board"), established pursuant to the Ordinance, considers applications made by PICs under the two schemes and makes recommendations. Recommendations made by the Board are submitted to the Secretary for Security, who may make decisions by exercising the powers delegated to him by the Chief Executive under the Ordinance.

My reply to the various parts of Mr SHIU's question is as follows:

(1) The numbers of applications considered and rejected under the two schemes between 2014 and 2018 are detailed at Annex.

The Board must consider every application in accordance with the procedures and criteria stipulated by the relevant legal provisions. For instance, the Board shall, pursuant to Schedule 1 of the Prisoners (Release under Supervision) Regulations (Cap. 325A) ("the Regulations"), examine the reports of the Correctional Services Department ("CSD") and the Police Force, the reports prepared for the court of trial to assist the judge in determining sentence, as well as the medical reports on the applicant. Furthermore, before it considers an applicant's case, the Board shall, pursuant to the Regulations, inform the applicant in writing of the right to make written representations to the Board for consideration. The Board shall also consider factors listed in Schedule 1 of the Regulations, such as the applicant's criminal record, his conduct in prison, his ability and readiness to assume obligations and to undertake responsibilities, etc.

The main reasons for rejection of applications include―it is unlikely that the applicant will comply with the conditions of his supervision order; early release and making of a supervision order in respect of the applicant would be inappropriate having regard to the gravity of the offence he committed; and continuing training in a correctional institution would substantially enhance the capacity of the applicant to lead a law-abiding life if he were released at a later time.

(2) The head of a correctional institution will refer PICs' application documents in relation to the Release under Supervision Scheme or the Pre-release Employment Scheme to the Board through CSD's Post-Release Supervision Office. All relevant documents will be recorded in writing. Upon receipt of an application, the Secretariat of the Board will inform the applicant in writing through CSD of his application number and his right to make written representations to the Board.

(3) Post-release employment is conducive to PICs' positive change and reintegration into society. Therefore, CSD proactively encourages employers in the business sector to register as "Caring Employers" and offer jobs to rehabilitated persons. At the request of employers, CSD will endeavour to make arrangements for employers or their representatives to conduct job interviews with PICs in correctional institutions or in the form of video-conference or tele-conference. Job vacancies in various trades are displayed in correctional institutions regularly through different means. As at end of 2018, over 700 organizations have registered as "Caring Employers" and offered 2 319 jobs to rehabilitated persons, whereas 1 450 job applications have been received and referred by CSD, amongst which 635 rehabilitated persons have been promised a job by the employers.

Besides, CSD organizes the "Employment Symposium for Rehabilitated Offenders" in collaboration with a tertiary education institution in Hong Kong biennially, appealing to employers to provide fair employment opportunities for rehabilitated persons and commending "Caring Employers" who have offered job opportunities to rehabilitated persons.

Apart from encouraging employers to employ rehabilitated persons, CSD has also provided market-oriented vocational training and education to PICs. In recent years, CSD has collaborated with various training bodies (such as the Employees Retraining Board, the Construction Industry Council and the Vocational Training Council), having regard to local market situation, to provide over 40 full-time and part-time vocational training courses every year. CSD will also, taking into account the overall employment market situation and labour demand, review the content of the vocational training courses from time to time, as well as make adjustments in the light of the employment rate of individual trade and the response of PICs. Besides, CSD will regularly join hands with the trades to conduct reviews and introduce various new courses, and make use of the employment follow-up service provided by the training bodies to keep abreast of market changes and the post-release employment situation of the trainees, so as to continue to enhance the vocational training programme.

Annex

Numbers of applications considered and rejected

under the Release under Supervision Scheme

and the Pre-release Employment Scheme

(2014-2018)

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | *Release under Supervision Scheme* | | *Pre-release Employment Scheme* | | *Total* | |
| *Year* | *Number of applications considered (cases)* | *Number of applications rejected (cases)* | *Number of applications considered (cases)* | *Number of applications rejected (cases)* | *Number of applications considered (cases)* | *Number of applications rejected (cases)* |
| 2014 | 35 | 26 | 61 | 37 | 96 | 63 |
| 2015 | 26 | 14 | 65 | 34 | 91 | 48 |
| 2016 | 27 | 9 | 46 | 23 | 73 | 32 |
| 2017 | 29 | 13 | 37 | 25 | 66 | 38 |
| 2018 | 26 | 17 | 26 | 14 | 52 | 31 |
| Total | 143 | 79 | 235 | 133 | 378 | 212 |

**An incident occurred in the airport restricted area**

11. **MR CHU HOI-DICK** (in Chinese): *President, it was reported that two Saudi Arabian women who intended to seek asylum from the Australian Government arrived at the Hong Kong International Airport from Colombo on a flight of the SriLankan Airlines ("SLA") in September last year. While they were waiting for a connecting flight of the Cathay Pacific Airways ("CX") to Melbourne in the airport restricted area, two staff members from the Consulate of Saudi Arabia in Hong Kong attempted to deceive them into boarding a flight to Dubai, and the staff members of SLA and CX cancelled their bookings of the flight to Melbourne. The two women were later permitted to enter Hong Kong and have now left Hong Kong. In this connection, will the Government inform this Council:*

*(1) whether it knows the means by which and the capacity in which the staff members of the Consulate of Saudi Arabia in Hong Kong entered the airport restricted area; whether it has assessed if their acts in the airport restricted area constituted any criminal offence; if it has assessed and the outcome is in the affirmative, of the follow-up actions; and*

*(2) whether it has assessed if the cancellation of the two women's flight bookings by the staff members of SLA and CX has undermined the women's consumer rights?*

**SECRETARY FOR SECURITY** (in Chinese): President, as an air transportation hub of Hong Kong and in the region, the Hong Kong International Airport handles a large volume of air traffic and a large number of passengers every day. We must ensure that a high level of aviation security is maintained. Under sections 4 and 5 of the Aviation Security Regulation (Cap. 494A), any person who enters an airport restricted area ("ARA") shall have a valid airport restricted area permit ("ARAP") unless he/she is an air-crew member, or a passenger entering the area for the purpose of embarking on/disembarking an aircraft, or being escorted by a person authorized by the Airport Authority ("AA"). Besides, according to the Aviation Security Regulation, AA is responsible for devising and implementing the ARAP system. The ARAP system is established to regulate persons going into and out of ARA, and to ensure civil aviation is not subject to unlawful interference. ARAPs are issued by AA under the Aviation Security Regulation.

On Mr CHU Hoi-dick's question, having consulted the relevant bureaux, departments and AA, my reply is as follows:

(1) Those who are employed to work within ARA and those whose business requires their access to ARA from time to time (including members of the consular post) may apply for an ARAP from AA. Such applications should be supported by the relevant sponsoring organizations. AA rigorously safeguards the access control of ARA, and ARAP holders are required to observe the relevant laws and rules (including the conditions of issue of ARAP) when using ARAPs. If any ARAP holder is found to conduct any unlawful act within ARA, the case will be referred to the Police for follow-up.

As regards the case mentioned by Mr CHU, while it is not appropriate for us to go into details, the Police already advised that they received reports from a foreign male and two foreign females respectively in early September 2018. After investigation, the case reported by the former was classified as "Missing Person Located", while the case reported by the latter was classified as "Request for Police Investigation" and was followed up by Crime New Territories South Regional Headquarters. The investigation is still ongoing. If it is found that the case may involve criminal elements, the Police will consult the Department of Justice and handle in accordance with the law.

(2) A mechanism among airlines is in place for handling changes or cancellation of flights for transfer passengers. If a transfer passenger has to change or cancel his or her schedule, the airline which commuted the passenger to Hong Kong would directly inform the airline which would serve the transfer passenger on the outbound journey. Passengers may follow up with the relevant airline(s) on their schedule arrangements. Should the parties fail to reach an agreement, the case can be followed up through legal recourse.

**Use of public health care services by persons who were issued the Hong Kong identity cards in certain years**

12. **DR PIERRE CHAN** (in Chinese): *President, it has been reported that Hong Kong identity cards issued respectively from 28 December 2000 to 31 July 2011 and since 1 August 2011 have numbers beginning with "R" and "M", and a majority of those persons holding such identity cards ("R and M persons") are new arrivals to Hong Kong. Regarding the use of public healthcare services by R and M persons, will the Government inform this Council:*

*(1) whether it knows the respective total numbers of new cases of R and M persons being diagnosed, in public hospitals during the period between 2013 and 2018, with the cancers set out in the table below; set out a breakdown in the table below by gender of such persons and the age group to which they belonged;*

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| *Type of cancers* | *Gender* | *Age group (years old)* | | | | | *Total* |
| *0-19* | *20-44* | *45-64* | *65-74* | *75 or above* |
| *Colorectal cancer* | *Female* |  |  |  |  |  |  |
| *Male* |  |  |  |  |  |  |
| *Lung tumour* | *Female* |  |  |  |  |  |  |
| *Male* |  |  |  |  |  |  |
| *Liver tumour* | *Female* |  |  |  |  |  |  |
| *Male* |  |  |  |  |  |  |
| *Leukaemia* | *Female* |  |  |  |  |  |  |
| *Male* |  |  |  |  |  |  |
| *Hodgkin's lymphoma* | *Female* |  |  |  |  |  |  |
| *Male* |  |  |  |  |  |  |
| *Non-Hodgkin's lymphoma* | *Female* |  |  |  |  |  |  |
| *Male* |  |  |  |  |  |  |
| *Total:* | *Female* |  |  |  |  |  |  |
| *Male* |  |  |  |  |  |  |

*(2) whether it knows the respective total numbers of new and old cases of R and M persons receiving diagnoses and treatments in public hospitals in each year between 2013 and 2018, with a tabulated breakdown by gender of such persons, the age group to which they belonged (as set out in the table above) and the following diagnoses and treatments as well as services they received: renal replacement therapy (including peritoneal dialysis and haemodialysis), cataract surgery, treatment for Hepatitis B and specialist outpatient services of psychiatry, chest, paediatrics and cardiology;*

*(3) given that countries such as Singapore, the United Kingdom, Canada and the United States require a person who applies for residence to pass a health check (including a confirmation that the person has not suffered from any infectious diseases such as tuberculosis, serious diseases or chronic diseases), whether the Government will, by making reference to this practice, impose a similar requirement on those persons coming to Hong Kong for settlement, with a view to relieving the burden on the public healthcare system; if so, of the details; if not, the reasons for that; and*

*(4) whether the Government will approach the Central Authorities to gain an understanding of the anticipated number of Mainland residents who will come to Hong Kong for settlement on Permits for Proceeding to Hong Kong and Macao (commonly known as "One-way Permits") in the coming 10 years as well as their age and gender distribution, so as to facilitate the making of accurate projections on the demand for and the capacities of healthcare and other public services in Hong Kong in future, and the corresponding planning work; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, having consulted the Security Bureau, the Department of Health ("DH") and the Hospital Authority ("HA"), my reply to the various parts of the question raised by Dr‍ Pierre CHAN is as follows:

(1) and (2)

Under the existing policy, HA collects from its patients their personal data for health care/general related purposes only. In this respect, the requested statistics on patients with subgroup breakdowns by prefix of their Identity Card numbers are not available.

(3) Local health authorities will enforce appropriate prevention and control measures in response to the latest epidemic situation in the region. Currently, an effective system for prevention and control of infectious diseases is in place in Hong Kong. In order to provide protection to the local community against infectious diseases, DH coordinates and implements a series of public health programmes covering disease surveillance, outbreak management, health promotion, risk communication, emergency preparedness and contingency planning, infection control, vaccinations, as well as training and research. According to the Prevention and Control of Disease Ordinance (Cap. 599), medical practitioners are required to report suspected and confirmed cases of notifiable infectious diseases to DH for investigation and follow-up actions as appropriate. The established system for prevention and control of infectious diseases has been effective. DH will continue to review, from time to time, the mechanism to protect public health. Other measures, such as requiring New Arrivals to undertake physical examinations, are not considered necessary at this stage.

(4) The Hong Kong Special Administrative Region Government exchanges views with the Mainland authorities from time to time on the views of various sectors of society concerning Mainland residents coming to Hong Kong for family reunion.

For a long time, the Census and Statistics Department updates population projections statistics every two to three years taking into account the latest developments of the population, including the new arrivals, so as to provide a common basis for reference by the Government for formulating policies in housing, health care, education, social welfare, etc., as well as in planning public services and facilities.

**Environmental hygiene problems caused by wild birds**

13. **MRS REGINA IP** (in Chinese): *President, I have received complaints from many members of the public that there are from time to time people feeding wild pigeons in public places, resulting in wild pigeons congregating and depositing large quantities of droppings, which has seriously affected environmental hygiene and posed health hazards to members of the public. The spots where wild pigeons congregate include an area underneath the flyover outside Mount Sterling Mall at Mei Foo Sun Chuen and the open space nearby (especially at dusk), and a footpath on Sha Kok Street adjacent to Sha Kok Estate (with more than 200 wild pigeons congregating at the most). Although the Sha Tin District Council has all along been requesting, in the past decade or so, the relevant government departments to take measures to tackle the problem of wild pigeons congregating, the situation has not been improved. In this connection, will the Government inform this Council:*

*(1) of the number of complaints received by the authorities in each of the past three years about bird droppings causing environmental hygiene problems, with a breakdown by District Council district;*

*(2) whether the authorities will step up law enforcement efforts and inspections to curb the acts of feeding wild birds; if so, of the details; and*

*(3) apart from installing Internet Protocol cameras at the spots concerned to curb the acts of feeding wild birds, of the measures adopted by the authorities in the past three years to prevent wild birds congregating and the effectiveness of such measures; whether they will consider installing netting at those spots to prevent entry by wild birds; if so, of the details?*

**SECRETARY FOR FOOD AND HEALTH** (in Chinese): President, people who dirtied public places by feeding birds, e.g. leaving residual feed on the ground, will contravene section 4(1) of the Public Cleansing and Prevention of Nuisances Regulation (Cap. 132BK). The Food and Environmental Hygiene Department ("FEHD") may take enforcement actions against the offenders under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap. 570).

My reply to the Member's questions is as follows:

(1) FEHD received 372, 478 and 474 complaints in 2016-2017, 2017-2018 and 2018-2019 (as at February 2019) respectively against people who dirtied public places by feeding birds. The breakdown by District Council district is as follows:

| *District* | *2016-2017* | *2017-2018* | *2018-2019*  *(as at February 2019)* |
| --- | --- | --- | --- |
| Central and Western | 41 | 45 | 66 |
| Wan Chai | 37 | 61 | 49 |
| Eastern | 51 | 53 | 48 |
| Southern | 28 | 19 | 11 |
| Islands | 2 | 5 | 10 |
| Yau Tsim Mong | 30 | 53 | 54 |
| Sham Shui Po | 51 | 47 | 50 |
| Kowloon City | 12 | 28 | 47 |
| Wong Tai Sin | 9 | 11 | 7 |
| Kwun Tong | 22 | 20 | 15 |
| Kwai Tsing | 6 | 14 | 8 |
| Tsuen Wan | 2 | 5 | 4 |
| Tuen Mun | 5 | 6 | 7 |
| Yuen Long | 21 | 42 | 33 |
| North | 0 | 5 | 2 |
| Tai Po | 12 | 11 | 19 |
| Sha Tin | 20 | 23 | 9 |
| Sai Kung | 23 | 30 | 35 |
| Total | 372 | 478 | 474 |

(2) and (3)

FEHD has set up 19 dedicated enforcement teams, primarily responsible for stepping up enforcement actions against various public cleanliness offences (including dirtying public places by feeding birds), and additional dedicated enforcement teams will be set up in 2019. On top of regular enforcement actions, FEHD arranges blitz prosecution by DETs to curb the illegal acts of dirtying public places by feeding birds.

Apart from providing routine street sweeping and washing services, FEHD would increase the frequency of street washing and disinfect public places where wild birds congregate with diluted bleach solution as appropriate, so as to maintain environmental hygiene.

The proposal of installing fencing is subject to the decision of the venue management concerned. If feeding activities persist, the installation of fixed fencing may not necessarily be an effective solution for mobile feeding behaviors as birds will still congregate in the vicinity of the fenced-off areas. The way to tackle the problem at its root is to promote the public awareness of refraining from feeding birds through enhanced public education.

FEHD has been making appeals through various channels, including erecting warning signs and distributing pamphlets to the public to advise them to refrain from feeding and thus gathering wild birds in order to maintain environmental hygiene.

In addition, the Agriculture, Fisheries and Conservation Department ("AFCD") will continue to remind the public not to feed birds through various channels, including broadcasting new APIs on television and radio and microfilms on media platforms. A dedicated website <http://nofeeding.afcd.gov.hk/> has been launched to enhance publicity. Furthermore, AFCD has produced new banners, posters and pamphlets for displaying at locations where birds gather as well as for posting and distribution by government departments and private housing estates, and will continue to conduct roving exhibitions at different districts.

**Manpower situation of the construction industry**

14. **MR HO KAI-MING** (in Chinese): *President, in 2014, the Construction Industry Council formulated a labour-supply list on 26 trades in the construction industry. In this connection, will the Government inform this Council:*

*(1) whether it knows (i) the mode of employment of workers (i.e. being employed or self-employed), (ii) the method for calculating the wages, and (iii) the number of hours worked per week by each worker on average, in respect of each of the 26 trades at present, and set out such information in Table 1;*

*Table 1*

|  |  |  |  |
| --- | --- | --- | --- |
| *Trade* | *(i)* | *(ii)* | *(iii)* |
| *1. Bar bender & fixer* |  |  |  |
| *2. Carpenter (Formwork)* |  |  |  |
| *...* |  |  |  |
| *25. Trackworker* |  |  |  |
| *26. Shotfirer* |  |  |  |

*(2) whether it knows (i) the number of people employed, (ii) the number of job seekers, (iii) the number of job vacancies, (iv) the job vacancy rate, (v) the number of industrial accidents, and (vi) the respective numbers of workers the importation for whom was applied and approved, in respect of each of the 26 trades in each of the past five years, and set out such figures using tables of the same format as Table 2;*

*Table 2 Year: \_\_\_\_\_\_\_\_*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| *Trade* | *(i)* | *(ii)* | *(iii)* | *(iv)* | *(v)* | *(vi)* |
| *1. Bar bender & fixer* |  |  |  |  |  |  |
| *2. Carpenter (Formwork)* |  |  |  |  |  |  |
| *...* |  |  |  |  |  |  |
| *25. Trackworker* |  |  |  |  |  |  |
| *26. Shotfirer* |  |  |  |  |  |  |

*(3) whether it knows the total number of training courses provided by the Vocational Training Council and the Construction Industry Council (including the training bodies under them) for the 26 trades in the past five years, as well as (i) the name, (ii) the years in which the course was offered, (iii) the number of training places, (iv) the entry requirements, (v) the duration of training, and (vi) the employment rate of graduated trainees, in respect of each of the training courses; set out such information by trade and training body using tables of the same format as Table 3; and*

*Table 3 Year: \_\_\_\_\_\_\_\_*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| *Training body* | *(i)* | *(ii)* | *(iii)* | *(iv)* | *(v)* | *(vi)* |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

*(4) whether the authorities have formulated new measures to attract local workers to join the construction industry to work in the 26 trades, and to reduce the manpower wastage in those trades; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, the reply to Mr ‍HO Kai-ming's four-part question is as follows:

(1) Subcontracting is a common practice in the construction industry, in which skilled workers can either be employees or self-employed persons. The methods of wage calculation are market-driven, mainly in terms of daily wages, monthly wages or piece rates. We do not have information on the modes of employment and methods of wage calculation for individual trades.

Based on the telephone survey on construction workers commissioned by the Construction Industry Council ("CIC") during June to September 2018, the average number of working days per week for the 26 trades is as follows:

| *Trade* | *Average Number of Working Days*  *Per Week* |
| --- | --- |
| 1. Bar Bender and Fixer | 4.3 days |
| 2. Carpenter | 4.1 days |
| 3. Concretor | 3.8 days |
| 4. Rigger/Metal Formwork Erector | 5.2 days |
| 5. General Welder | 5.1 days |
| 6. Leveller | 5.5 days |
| 7. Plasterer | 5.1 days |
| 8. Bricklayer | 4.7 days |
| 9. Metal Scaffolder | 5.4 days |
| 10. Metal Worker | 5.1 days |
| 11. Structural Steel Welder | Not available |
| 12. Painter and Decorator | 5.0 days |
| 13. Curtain Wall Installer | Not available |
| 14. Structural Steel Erector | Not available |
| 15. Escalator Mechanic | 6.0 days |
| 16. Lift Mechanic | 5.9 days |
| 17. Plumber | 5.2 days |
| 18. Fire Service Mechanical Fitter | Not available |
| 19. Fire Service Electrical Fitter | Not available |
| 20. Refrigeration/Air-conditioning/Ventilation Mechanic (Air System) | 5.3 days |
| 21. Refrigeration/Air-conditioning/Ventilation Mechanic (Water System) | 5.3 days |
| 22. Tunnel Worker | Not available |
| 23. Compressed Air Worker | Not available |
| 24. Plant and Equipment Operator (Tunnelling)―Tunnel Boring Machine | Not available |
| 25. Trackworker | Not available |
| 26. Shotfirer | Not available |

Given the physically demanding nature of construction activities, construction workers working more than four days a week are considered to be fully engaged.

(2) The Government does not have the statistical breakdown by numbers of people employed, job seekers, job vacancies, job vacancy rate and industrial accidents for the 26 specified trades. Based on the information from the Census and Statistics Department and the Labour Department, the numbers of people employed, job vacancy rate (manual workers at construction sites) and industrial accidents for the entire construction industry in the past five years are as follows:

|  |  |  |  |
| --- | --- | --- | --- |
|  | *Employed Person in Construction Industry* | *Average Vacancy Rate of Manual Workers at Construction Sites (%)* | *Total Number of Industrial Accidents in Construction Industry* |
| 2014 | 309 700 | 1.6 | 3 467 |
| 2015 | 316 700 | 0.8 | 3 723 |
| 2016 | 328 400 | 1.7 | 3 720 |
| 2017 | 342 000 | 1.9 | 3 902 |
| 2018 | Not available | 1.6 | 2 703  (First three quarters in 2018) |

The numbers of imported worker applied and approved for the 26 trades in the past five years are set out at Annex 1.

(3) Information on training courses offered by CIC and the Vocational Training Council involving the 26 trades with manpower shortage is set out at Annex 2.

(4) With a view to attracting more new entrants to the construction industry, particularly youngsters, and keep in-service workers in the industry, we have implemented various measures in collaboration with CIC and stakeholders in recent years:

(a) Offering well-structured programmes by the Hong Kong Institute of Construction ("HKIC"): HKIC, established by CIC, offers programmes recognized under the Qualification Framework with clear career development paths, which help encourage youngsters to join the industry.

(b) Expanding the construction industry apprenticeship programme: In the 2019-2020 Budget, we have proposed to allocate $200 million to extend CIC's construction industry apprenticeship programme to more manpower shortage trades, increase the training allowance for new trainees pursuing the one-year full-time training programmes to encourage youngsters to join the construction industry, and encourage in-service workers to upgrade their skill level and continue to develop in the industry.

(c) Introducing the construction industry through the STEM Alliance: To generate interest in the construction industry, HKIC has put in place a STEM Alliance scheme to foster understanding and appreciation of the construction industry among students and teachers, thus attracting new entrants to the industry.

(d) Promoting a positive image for the construction industry: We have been working with CIC to promote the industry's image through TV and radio announcements in the public interest, hoardings at construction sites, the Construction Industry Sports and Volunteering Programme and other publicity initiatives in order to attract new entrants.

(e) Encouraging adoption of innovative construction technologies: With effect from January 2018, Government's capital works projects exceeding $30 million are required to use Building Information Modelling technology from design to implementation. With a view to upgrading the industry through innovation and technology, we, together with CIC, launched the $1 billion Construction Innovation and Technology Fund in October 2018 to enhance productivity, build quality, site safety and environmental performance. A technology-based construction industry would be more appealing to youngsters.

(f) Assisting trainees to settle in their working environment: To retain trainees in the industry, CIC helps them settle in their working environment through continuous counselling, regular sharing programmes and follow-up visits to the trainees and their employers.

(g) Setting out clear career paths: CIC offers training courses at different levels that dovetail with each other. After acquiring practical experience, trainees can upgrade themselves to become skilled workers or take higher-level supervisory or managerial courses. Better career prospects help retain workers and empower them to advance in the industry.

Annex 1

Number of Imported Workers Applied for and Approved under the Supplementary Labour Scheme from 2014 to 2018\*

| *Trade* | | *2014* | | *2015* | | *2016* | | *2017* | | *2018* | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *Number of imported workers applied for* | *Number of imported workers approved* | *Number of imported workers applied for* | *Number of imported workers approved* | *Number of imported workers applied for* | *Number of imported workers approved* | *Number of imported workers applied for* | *Number of imported workers approved* | *Number of imported workers applied for* | *Number of imported workers approved* |
| 1. | Bar Bender and Fixer | 162 | 0 | 200 | 103 | 20 | 51 | 0 | 0 | 0 | 0 |
| 2. | Carpenter | 175 | 0 | 70 | 56 | 65 | 37 | 0 | 0 | 0 | 0 |
| 3. | Concretor | 47 | 0 | 70 | 11 | 10 | 76 | 0 | 0 | 0 | 0 |
| 4. | Rigger/Metal Formwork Erector | 122 | 1 | 110 | 30 | 15 | 96 | 0 | 0 | 0 | 0 |
| 5. | General Welder | 77 | 5 | 65 | 53 | 63 | 30 | 0 | 0 | 0 | 0 |
| 6. | Leveller | 33 | 0 | 20 | 3 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7. | Plasterer | 51 | 0 | 50 | 25 | 40 | 40 | 0 | 0 | 0 | 0 |
| 8. | Bricklayer | 20 | 0 | 40 | 17 | 50 | 38 | 0 | 0 | 0 | 0 |
| 9. | Metal Scaffolder | 25 | 0 | 60 | 0 | 35 | 63 | 0 | 0 | 0 | 0 |
| 10. | Metal Worker | 80 | 0 | 30 | 0 | 140 | 27 | 0 | 0 | 0 | 0 |
| 11. | Structural Steel Welder | 41 | 0 | 80 | 4 | 0 | 74 | 0 | 0 | 0 | 0 |
| 12. | Painter and Decorator | 41 | 0 | 15 | 0 | 45 | 43 | 0 | 0 | 0 | 0 |
| 13. | Curtain Wall Installer | 60 | 0 | 67 | 95 | 180 | 121 | 0 | 0 | 50 | 20 |
| 14. | Structural Steel Erector | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 15. | Escalator Mechanic | 20 | 0 | 0 | 20 | 60 | 60 | 0 | 0 | 0 | 0 |
| 16. | Lift Mechanic | 20 | 0 | 20 | 17 | 32 | 20 | 0 | 12 | 9 | 0 |
| 17. | Plumber | 0 | 0 | 50 | 0 | 70 | 61 | 1 | 0 | 0 | 0 |
| 18. | Fire Service Mechanical Fitter | 0 | 0 | 10 | 0 | 75 | 30 | 18 | 0 | 0 | 8 |
| 19. | Fire Service Electrical Fitter | 0 | 0 | 10 | 0 | 135 | 39 | 0 | 0 | 0 | 0 |
| 20. | Refrigeration/  Air-conditioning/Ventilation Mechanic (Air System) | 0 | 0 | 0 | 0 | 257 | 177 | 0 | 0 | 0 | 0 |
| 21. | Refrigeration/  Air-conditioning/  Ventilation Mechanic (Water System) | 0 | 0 | 0 | 0 | 175 | 135 | 0 | 0 | 0 | 0 |
| 22. | Tunnel Worker | 94 | 86 | 40 | 0 | 0 | 40 | 0 | 0 | 0 | 0 |
| 23. | Compressed Air Worker | 10 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 24. | Plant and Equipment Operator (Tunnelling)―  Tunnel Boring Machine | 22 | 22 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 25. | Trackworker | 75 | 53 | 0 | 0 | 50 | 50 | 0 | 0 | 0 | 0 |
| 26. | Shotfirer | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Note:

\* The vetting of applications received towards year-end may be completed in the following year, and hence the number of imported workers approved each year does not necessarily fully reflect in the approval results of the applications for importation of workers in the year.

Annex 2

(A) Training Information on Shortage Trades for the Past Five Years Provided by CIC

| *Trade(1)* | | *(i)*  *Training Courses* | *(ii)*  *Years*  *Operated* | *(iii) Training Places* | | | | | *(iv)*  *Entry Qualifications* | *(v)*  *Training Period* | *(vi)*  *Employment Rate of Graduated Trainees* |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *2014* | *2015* | *2016* | *2017* | *2018* |
| 1. | Bar Bender and Fixer | CIC offers various training courses, including:  (i) adult short courses  (ii) Enhanced Construction Manpower | In the past five years, a majority of the training courses were offered.  In recent years, diploma courses were | 1 332 | 1 188 | 1 440 | 1 371 | 1 096 | Save for construction certificate and diploma courses which require completion of Secondary Three and | The course duration of ECMTS, adult short courses or CTS will last for one to six months, and | In the past five years, the average employment rate of graduated trainees 12 months after graduation was |
| 2. | Carpenter | 1 076 | 1 102 | 1 133 | 1 100 | 883 |
| 3. | Concretor | 158 | 184 | 375 | 298 | 224 |
| 4. | Rigger/Metal Formwork Erector | 16 | 13 | 67 | 124 | 95 |
| 5. | General Welder | 217 | 129 | 270 | 275 | 286 |
| 6. | Leveller | 832 | 806 | 969 | 1 051 | 788 |
| 7. | Plasterer | Training  Scheme ("ECMTS")  (iii) Certificate in Construction Programme (former Basic Craft Course)  (iv) Diploma in Construction Programme  (v) Construction Tradesman Collaborative Training Scheme ("CTS") jointly organized by CIC and contractors or relevant trade unions. | introduced for some trades, such as bricklaying, plastering and tiling, and metal work and welding, starting from the 2017-2018 academic year.  Besides, starting from 2015-2016 academic year, classes for some trades, such as welding, metal scaffolding, and plumbing are also conducted in English, so that non-Chinese speakers, especially ethnic minorities, can enrol the training courses and join the construction industry. | 340 | 280 | 399 | 475 | 429 | Secondary Six respectively (under New Senior Secondary Academic Structure), all persons can apply for adult short courses and ECMTS, provided that they are Hong Kong residents aged 18 or above; permitted to work in Hong Kong, and with suitable physical conditions. Certain courses may also require completion of Primary six or Secondary Three. | that for construction certificate and diploma courses will last for one year. | 90% or above.  For CTS, contractors generally adopt a "first-hire- then-train" mode. All trainees are already employed upon commencement of training. |
| 8. | Bricklayer | 313 | 310 | 399 | 455 | 369 |
| 9. | Metal Scaffolder | 308 | 307 | 355 | 188 | 223 |
| 10. | Metal Worker | 222 | 244 | 254 | 220 | 174 |
| 11. | Structural Steel Welder | 20 | 20 | 20 | 20 | 10 |
| 12. | Painter and Decorator | 512 | 572 | 649 | 550 | 525 |
| 13. | Curtain Wall Installer | 105 | 105 | 45 | 75 | 45 |
| 14. | Escalator Mechanic | 4 | - | 4 | - | 8 |
| 15. | Lift Mechanic | 44 | 26 | 76 | 50 | 32 |
| 16. | Plumber | 375 | 377 | 430 | 474 | 590 |
| 17. | Fire Service Mechanical Fitter | 10 | - | 8 | 13 | 34 |
| 18. | Fire Service Electrical Fitter | - | - | 8 | 29 | 30 |
| 19. | Refrigeration/Air-  conditioning/Ventilation Mechanic (Air System) | 88 | 24 | 50 | 18 | 24 |
| 20. | Refrigeration/Air-  conditioning/Ventilation Mechanic (Water System) | 17 | 12 | 20 | 28 | 52 |
| 21. | Tunnel Worker | 4 | 100 | 93 | - | 40 |
| 22. | Shotfirer | 40 | 40 | 40 | 40 | 40 |

Note:

(1) In past five years, no training courses were available for the following four specialist trades: structural steel erector, compressed air worker, plant and equipment operator (tunnelling)―tunnel boring machine, and trackworker. For these specialist trades, contractors will generally take the initiative to recruit and conduct on-the-job training based on the project needs.

(B) Training Information on Shortage Trades for the Past Five Years Provided by Vocational Training Council

| *Trade* | | *(i)*  *Training Courses (exclusive of short courses and in-service training programmes)* | *(ii)*  *Years*  *Operated* | *(iii)*  *Training Places* | | | | | *(iv)*  *Entry Qualifications* | *(v)*  *Training Period* | *(vi)*  *Employment Rate of Graduated Trainees* |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| *2014* | *2015* | *2016* | *2017* | *2018* |
| 1. | Bar Bender and Fixer | Diploma in Construction Management Studies―Rebar Bending and Fixing | Started operation from 2017-2018 academic year | - | - | - | - | 58 | Completion of Secondary Six (under New Senior Secondary Academic Structure) with at least one year relevant working experience; or aged 21 or above with at least three years' relevant working experience, and passing of an entry assessment | 12 months | 100% |
| 2. | Structural Steel Welder | Basic Welding Operative Course | Offered throughout past five years | 300 (No breakdown of yearly figures) | | | | | Aged 15 or above, no academic requirement. | 15 weeks | Not available |
| 3. | Escalator Mechanic | Diploma of Vocational Education (Electrical Engineering―  Lift and Escalator Stream) | 316 | 273 | 289 | 318 | 309 | Completion of Secondary Three | three to four years | In the past five years, the average employment rate of full-time graduated trainees 12 months after graduation was 95% or above. |
| 4. | Lift Mechanic |
| 5. | Fire Service Mechanical Fitter | Diploma of Vocational Education (Building Services Engineering) | 257 | 253 | 272 | 276 | 272 |
| 6. | Fire Services Electrical Fitter |
| 7. | Refrigeration/Air-  conditioning/Ventilation Mechanic (Air System) |
| 8. | Refrigeration/Air-  conditioning/Ventilation Mechanic (Water System) |

**Financial assistance for patients with permanent stomata**

15. **PROF JOSEPH LEE** (in Chinese): *President, it is learnt that when the colon, rectum, ileum or urinary bladder of a patient is functionally damaged due to lesions or accidents, doctors may carry out surgical operations to create an opening on the patient's abdomen for waste discharge, known as "stoma". Stomata are classified into colostomy, ileostomy and urostomy. Owing to incapacity as a result of their physical conditions, most stoma patients cannot afford the expenses incurred for purchasing stoma bags, which are used for collecting waste, and other medical consumables. In 2017, the Community Care Fund rolled out a three-year Pilot Scheme on Providing Special Subsidy for Persons with Permanent Stoma from Low-income Families for Purchasing Medical Consumables ("the Pilot Scheme"), under which eligible persons with permanent stomata are provided with subsidies at the rates of full grant (i.e. $1,000 per month), three-quarters grant or half grant, with a view to relieving their financial burden. In this connection, will the Government inform this Council:*

*(1) of the respective numbers of applications under the Pilot Scheme received and approved by the authorities last year, with a breakdown of the approved applications by type of stoma and rate of subsidy;*

*(2) as it is necessary for patients with permanent stomata to use the relevant medical consumables, whether the authorities will consider providing full-grant subsidies across the board for all eligible patients; and*

*(3) whether the authorities will entrust the responsibility of conducting medical assessments for applications for Disability Allowances lodged by stoma patients to those specialists who are more familiar with the medical conditions and disability conditions of such patients, such as gastroenterologists or urologists; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR LABOUR AND WELFARE** (in Chinese): President, my consolidated reply to the Member's question is as follows:

(1) As at end February 2019, the Social Welfare Department ("SWD") received 621 applications for the "Pilot Scheme on Providing Special Subsidy for Persons with Permanent Stoma from Low-income Families for Purchasing Medical Consumables" ("the Pilot Scheme"), of which 474 applicants were assessed to be eligible for the subsidies and the disbursement amount was about $5.35 million. A breakdown of the beneficiaries by the type of subsidies approved is as follows:

|  |  |
| --- | --- |
| *Grant of Subsidy* | *Number of beneficiaries* |
| Full grant of the subsidy ($1,000 per month) | 439 |
| Three-quarters grant of the subsidy ($750 per month) | 23 |
| Half grant of the subsidy ($500 per month) | 12 |

SWD does not have information on the breakdown of the beneficiaries by stoma types.

(2) The Pilot Scheme will end in August 2020. SWD will review the effectiveness of the Pilot Scheme, with a view to recommending whether the Pilot Scheme should be incorporated into regular assistance programmes and if so, the implementation arrangement in future, including the level of subsidy and eligibility criteria.

(3) The Disability Allowance ("DA") under the Social Security Allowance Scheme is a non-contributory cash allowance with no means-test requirement. SWD provides the allowance to eligible persons with a view to assisting Hong Kong residents with severe disabilities to meet their special needs arising from the disabling condition. The applicants have to be certified as severely disabled and the disabling condition has to persist for at least six months. The medical assessment under DA is conducted by doctors from the Department of Health or the Hospital Authority. The main duties of the relevant doctors are to provide clinical diagnosis for patients and to assess the physical or mental status and functions of the patients so as to provide appropriate treatment and to follow up on their medical conditions. Under the existing arrangements, the medical assessments for DA applications are conducted during normal medical consultation sessions according to the medical assessment criteria for DA, and most medical assessments are carried out by the doctors in charge (including those from the general or specialist stream). SWD will vet the applications according to the medical assessment results and other application criteria.

**Regulation of financial technology applications**

16. **MR DENNIS KWOK** (in Chinese): *President, in November last year, the Securities and Futures Commission ("SFC") announced a new regulatory approach for virtual assets aiming to bring virtual asset portfolio managers and distributors of virtual asset funds within the scope of SFC's regulation, which includes imposing licensing conditions on such managers and exploring regulation of virtual asset trading platform operators. In addition, SFC launched in September 2017 the SFC Regulatory Sandbox to provide a confined regulatory environment for qualified firms to conduct regulated activities utilizing financial technologies ("Fintech"). Regarding the regulation of Fintech applications, will the Government inform this Council:*

*(1) whether it has plans to amend the legislation to bring the trading activities of virtual currencies within the scope of regulation by SFC; if so, of the details; if not, the reasons for that;*

*(2) of the measures in place to prevent lawbreakers from conducting money laundering activities and other illegal activities through the trading of virtual currencies, which are currently not regulated by the law;*

*(3) whether it knows the regulatory actions which SFC has taken against relevant managers and distributors since the new regulatory approach was announced;*

*(4) whether it knows if the SFC Regulatory Sandbox has conducted trials on activities on crowdfunding platforms; if the Sandbox has, of the results and operation; whether it will amend the existing legislation to facilitate the launch in Hong Kong of new types of crowdfunding activities conducted by utilizing Fintech; if so, of the details and timetable; if not, the reasons for that;*

*(5) whether it knows if the SFC Regulatory Sandbox has currently included, in its scope of regulation and study, the securities dealing activities conducted through artificial intelligence; if the Sandbox has, of the results; if not, the reasons for that; and*

*(6) of the following details of the trials which the SFC Regulatory Sandbox has conducted or is conducting (set out by product in the table below):*

*(i) the commencement date of the trial,*

*(ii) the end date of the trial,*

*(iii) the reasons for ending the trial,*

*(iv) whether legislative amendments were/are involved,*

*(v) (if legislative amendments were/are involved) the details of the amendments, and*

*(vi) (if legislative amendments were/are not involved) the reasons for amendments not being involved?*

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| *Product on trial* | *(i)* | *(ii)* | *(iii)* | *(iv)* | *(v)* | *(vi)* |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |
|  |  |  |  |  |  |  |

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

(1) The financial regulators in Hong Kong have been keeping a close watch on the development of virtual assets activities in order to prevent the potential risks involved. If the structure, facts and circumstances of individual virtual asset fall under the definition of "securities" or "future contracts" in the Securities and Futures Ordinance (Cap. 571), they are subject to the regulation of Hong Kong securities laws. For individuals or institutions that are dealing in or advising on such virtual assets, or managing or marketing a fund investing in such virtual assets, they are required to be licensed by or registered with the Securities and Futures Commission ("SFC").

As far as Initial Coin Offerings are concerned, if the digital tokens that are offered or sold are "securities" (including shares, debentures and collective investment schemes) as defined in the Securities and Futures Ordinance, such activities will be regulated under the Ordinance. SFC published a statement in September 2017 to reiterate and clarify the relevant regulatory regime.

As regards virtual assets trading platforms, pursuant to the power under the existing law, SFC announced in November 2018 an exploratory regulatory approach under the sandbox environment to observe the operations of platform operators who are willing to be supervised by SFC on a voluntary basis. Such arrangement enables SFC to explore whether it is suitable to regulate and grant license to virtual assets trading platforms. The new regulatory approach announced in November 2018 also brings firms which manage or intend to manage portfolios investing in virtual assets and distributors of virtual assets under its regulatory net, so as to regulate the funds at the fund management level and/or fund distribution level.

We will continue to maintain contact with overseas regulators through active participation in meetings of relevant international organizations, such as the International Organization of Securities Commissions and the Financial Stability Board, to ensure that we could devise a suitable mechanism in good time to address the potential risks arising from virtual assets activities.

(2) Virtual assets activities are potentially vulnerable to crimes such as money laundering and frauds. Such offences are already regulated by existing legislation regardless of whether they involve virtual assets activities.

In terms of the risks of money laundering and terrorist financing, the Organized and Serious Crimes Ordinance (Cap. 455), the Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) and the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) stipulate that any individuals shall, on any occasion, report any suspicious activities in relation to money laundering or terrorist financing to the Joint Financial Intelligence Unit set up by the Police and the Customs and Excise Department. The Anti-Money Laundering and Counter-Terrorist Financing Ordinance (Cap. 615) imposes that financial institutions and designated non-financial businesses and professions should, when establishing or continuing business relationships with customers, strictly comply with the relevant statutory requirements relating to customer due diligence and record-keeping to prevent money laundering and terrorist financing.

As regards frauds and deceptions under the name of virtual assets investments, they are regulated under the Theft Ordinance (Cap. 210) with a maximum sentence of 14-year imprisonment.

The Government, relevant regulators and the Investor and Financial Education Council have rolled out a series of initiatives to remind investors of the risks associated with virtual assets activities.

(3) SFC has not initiated any regulatory or enforcement actions since its announcement of the new regulatory approach for virtual assets in November 2018. In the event of taking any regulatory or enforcement action, SFC will, following the established practice, suitably disclose its actions through a press release or a statement, subject to its secrecy obligations.

(4) At present, there is no dedicated piece of legislation governing crowdfunding activities in Hong Kong. Depending on the structures and features of relevant crowdfunding activities, some (such as equity crowdfunding and peer-to-peer lending) may be subject to the provisions of the Securities and Futures Ordinance and/or the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32). SFC has been adopting a "technology-neutral" regulatory approach. If crowdfunding platforms which apply innovative technologies and business model that requires testing, they may be placed in the SFC Regulatory Sandbox and subject to SFC's close supervision. SFC has placed two crowdfunding platforms involving the application of innovative technologies in the Regulatory Sandbox at the moment and has been, on a trial basis, monitoring their operation through granting of licences, with the condition that they can provide services to professional investors only.

(5) Many licensed corporations have been making use of algorithms and artificial intelligence in dealing in securities. While dealing in securities is, as always, regulated by SFC under the Securities and Futures Ordinance, SFC is open to testing the application of artificial intelligence and other innovative technologies in such regulated activities under the Regulatory Sandbox. To-date, SFC has not received any application to include this type of operational model into the Regulatory Sandbox for study.

(6) The specific arrangements for including qualified firms involving the application of innovative technologies in the Regulatory Sandbox would depend on the circumstances of an individual case. Depending on the actual circumstances of the trial (e.g. once a qualified firm has demonstrated that its services are reliable and its internal control procedures have adequately addressed any risks identified), it may apply to exit the Regulatory Sandbox and end the study at a suitable time. Unless relevant statutory exemptions apply, SFC cannot disclose specific information about individual licensed corporation, including its testing arrangements and performance in the Regulatory Sandbox due to secrecy obligations. Overall speaking, since the relevant trials and testings are still in progress, we have yet to come to a final conclusion on the outcome, including whether there is a need to make legislative amendments.

**Kwun Tong Typhoon Shelter**

17. **MR PAUL TSE** (in Chinese): *President, some studies have pointed out that reclamation at the Kwun Tong Typhoon Shelter ("KTTS") can produce a sizable piece of land in a short period of time, and is a more cost-effective option than the Lantau Tomorrow Vision. Besides, some members of the public have relayed that there are not many economic activities at KTTS, with only some yachts and oil barges berthing at it for most of the time. It has been reported by the media that some people use pontoons to occupy berthing spaces at KTTS for berthing of yachts and they make profits by extorting "security fees" and "berthing fees" from the relevant parties. In its Direct Investigation Report published last month, the Office of The Ombudsman expressed concern about whether the right of other vessels to the fair use of KTTS had been deprived of. Some members of the public have criticized the Protection of the Harbour Ordinance (Cap. 531) for its overcorrection, which has become an ordinance offering protection to all sorts of illegal activities at typhoon shelters. Besides, there are views that at present, KTTS is unable to provide ancillary transport facilities for the Kai Tak Cruise Terminal ("KTCT") which has remained idle for a long period of time, not to mention creating synergy with it. In this connection, will the Government inform this Council:*

*(1) whether it has studied if the aforesaid occupation of berthing spaces by pontoons and extortion of fees for the berthing of yachts is an organized crime; if it has studied and the outcome is in the affirmative, of the follow-up actions taken by the Government and the number of successful prosecutions against the persons concerned, in the past three years;*

*(2) given that while the Government intends to submit to this Council a funding application of $500 million-odd for undertaking studies relating to the artificial islands in the Central Waters under the Lantau Tomorrow Vision, some members of the public consider such an amount too high, whether the Government will consider sparing, by reducing the relevant expenditure, an amount of money for conducting studies on the feasibility and benefits of reclamation at KTTS, including the value of the newly formed land, the number of units that can be built, the population that can be accommodated, as well as the ancillary transport facilities that can be provided for KTCT and the synergy that can be achieved with it;*

*(3) whether the Government assessed, in the past three years, (i) the economic benefits that could have been generated by arranging vessels to berth at KTTS (including the aforesaid activity of occupying berthing spaces for berthing of yachts) and (ii) the economic contributions brought about by the various commercial activities at KTTS;*

*(4) whether it will expeditiously conduct the studies and assessments mentioned in (2) and (3) respectively, so as to assess whether the KTTS reclamation plan should be taken forward;*

*(5) given that the Development Bureau mentioned earlier, in reply to my suggestions made in respect of the 2019-2020 Budget, that if reclamation was to be conducted at KTTS, site(s) had to be identified in advance for planning of new typhoon shelters or sheltered anchorages, whether the Government has proposals on the sites for the provision of typhoon shelters; if so, of the details; if not, whether it will immediately commence the site identification work;*

*(6) given that a few days ago, the Secretary for Development indicated, in reply to a question on the Environmentally Friendly Linkage System for Kowloon East ("EFLS") raised by a Member of this Council, that the proposed viaduct, which had originally been planned to run from the tip of KTCT and cross KTTS to connect with the MTR Kwun Tong Station via Hoi Yuen Road, was faced with a lot of technical difficulties as it failed to meet a number of fire safety requirements stipulated under the Fire Safety (Buildings) Ordinance (Cap. 572), whether the Government will continue to study EFLS on the one hand, and examine the road transport network that can be provided through reclamation at KTTS on the other, as a contingency plan in the event that EFLS is not pursued; and*

*(7) whether it will immediately amend the Protection of the Harbour Ordinance to facilitate the implementation of EFLS and reclamation of KTTS, so as to provide a large piece of residential land for the Energizing Kowloon East vision, thereby solving the traffic problems in the district and at KTCT?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, the Government has been adopting a multi-pronged approach to increase land supply by means of optimizing the use of existing developed land on one hand, and developing new land resources on the other including taking forward New Development Area projects and proposing the Lantau Tomorrow Vision.

Regarding the topic of reclaiming the Kwun Tong Typhoon Shelter ("KTTS"), the Government proposed in 2001 under the completed Comprehensive Feasibility Study for the Revised Scheme of South East Kowloon Development a total development area of 460 hectares with about 133 hectares from reclamation including the northern part of KTTS. In light of the judgment handed down by the Court of Final Appeal regarding the interpretation of the Protection of the Harbour Ordinance (Cap. 531) in January 2004, the Government launched the Kai Tak Planning Review in mid-2004 with a view to examining the planning and engineering works of the former Kai Tak Airport site and preparing a new development proposal based on the "zero reclamation" principle. Three stages of public engagement were conducted between 2004 and 2006. Subsequently, recommendations of the Kai Tak Planning Review were incorporated into the Kai Tak Outline Zoning Plan ("OZP") in November 2006, which were approved by the Chief Executive in Council in November 2007. The approved Kai Tak OZP No. S/K22/6 currently in force is mainly based on the OZP exhibited in 2006 which does not involve any reclamation proposal and has gone through several rounds of public participation.

In fact, KTTS is the second largest typhoon shelter in Victoria Harbour. If KTTS was reclaimed, the overall supply of sheltered berthing spaces in Hong Kong would decrease. As such, the Government has no plan to study whether reclamation works can be carried out at KTTS.

Our responses to the various parts of the question raised by Mr TSE, having taken into account the inputs of relevant bureaux and departments, are as follows:

(1) and (3)

According to the information provided by the Transport and Housing Bureau, typhoon shelters are established to provide suitable sheltered spaces for local vessels to take refuge during typhoons and inclement weather. The permitted lengths of vessels to use typhoon shelters are 30.4 m, 50 m or 75 m, depending on the respective typhoon shelters. KTTS, as one of the 14 typhoon shelters in Hong Kong, has an area of about 33 hectares. Since KTTS can provide shelter for around 350 vessels during the passage of typhoons and in inclement weather, if reclamation is to be conducted at KTTS, site(s) must be identified in advance for planning of new typhoon shelters or sheltered anchorages, so as to ensure that there will be sufficient safe berthing spaces in Hong Kong waters for local vessels to take refuge during typhoons or inclement weather.

Moreover, in accordance with the current legislation, with a few exceptions (for example, if a vessel carries dangerous goods or has exceeded the aforesaid permitted length of typhoon shelters), all vessels (including Class II vessels to which pontoons belong) may enter and remain in any typhoon shelters at any time. Furthermore, it is not a contravention of the current legislation for a vessel (such as a pontoon) to provide services to another vessel within a typhoon shelter (including the provision of water, electricity, berthing, security and maintenance services). As regards the economic benefits brought about by the commercial activities within typhoon shelters including the aforesaid activities, they are matters between the shipowners and the service providers concerned. The Marine Department ("MD") does not possess the relevant information.

Regarding whether the right to fair use of vessels of typhoon shelters has been affected by the commercial activities therein, according to MD's on-site observation, there are still adequate berthing spaces available for vessels within KTTS. The aforesaid pontoon have neither obstructed the free access of other vessels to the typhoon shelter, nor the passageway, they have therefore not contravened any marine legislation. The Ombudsman has also agreed in its report that this has not affected the vessels' right to fair use of KTTS.

With regard to the management of KTTS, since November 2018, the Hong Kong Police Force ("HKPF") together with MD have stepped up efforts in patrolling KTTS and conducted a total of five joint operations to curb any illegal activities within the typhoon shelter. MD will continue to maintain close liaison with HKPF as well as undertake patrols and operations as appropriate, so as to ensure the safe and orderly berthing of vessels within typhoon shelters.

(2) There is an acute shortage of land supply in Hong Kong. The Government endorses the views of the Task Force on Land Supply that there is no single option to solve the land shortage problem. We will continue to adopt a multi-pronged approach in order to increase land supply. Lantau Tomorrow Vision has proposed various land supply initiatives in the medium-to-long term. One of the key initiatives of Lantau Tomorrow Vision is to commence studies on the phased reclamation for the formation of artificial islands in the Central Waters. There are multiple strategic advantages of this initiative. We estimate that the artificial islands near Kau Yi Chau ("the KYC Artificial Islands"), with a total reclaimed area of about 1 000 hectares, under the first phase development of Lantau Tomorrow Vision are capable of providing 150 000 to 260 000 housing units, 70% of which are public housing. The KYC Artificial Islands will also support the development of the third Core Business District,[[4]](#footnote-5)(1) which fosters economic development and provides some 200 000 diversified employment opportunities. The artificial islands will be supported by a comprehensive network of strategic roads and rails that connects the Hong Kong Island, Lantau and the coastal areas of Tuen Mun, benefiting not only the artificial islands but also the Northwest New Territories as well as the territory as a whole.

The proposed studies related to Artificial Islands in the Central Waters comprise a detailed planning and engineering study for the KYC Artificial Islands to establish the reclamation extent, land uses and technical feasibility, including the formulation of detailed land use proposals, preparation of preliminary design of the associated engineering works, and conducting statutory environmental impact assessment as well as public engagement exercise in relation to the formulation of development proposals; a strategic transport infrastructure study; and collection of information on waters within and in the vicinity of the possible artificial islands near Hei Ling Chau and Cheung Chau South for future reference in long-term planning. Besides, the studies also include associated site investigation including supervision.

We estimate the capital cost of the above mentioned studies to be $550.4 million in money-of-the-day prices, which is considered reasonable. As mentioned above, the Government has currently no plan to study whether reclamation works can be carried out at KTTS.

(4) to (7)

The detailed feasibility study for the Environmentally Friendly Linkage System for Kowloon East is underway, which includes exploring the feasibility of provisioning a link bridge across KTTS. Besides, as mentioned above, if KTTS was reclaimed, the overall supply of sheltered berthing spaces in Hong Kong would decrease. Furthermore, KTTS is part of our busy working harbour and a good place for water recreation. The Government is promoting the development of water sports and recreational activities in accordance with the direction laid down in the approved Kai Tak OZP. The concerned reclamation idea will affect the direction of promoting water body co-use in KTTS. The Government has currently no plan to study whether reclamation works can be carried out at KTTS. There is also no intention to make amendment to the Protection of the Harbour Ordinance (Cap. 531).

**Staffing issues relating to tree management and landscape work**

18. **MR TONY TSE** (in Chinese): *President, at present, the Greening, Landscape and Tree Management Section ("GLTMS") of the Development Bureau is responsible for formulating and coordinating the overall landscape and tree management strategy and initiatives in Hong Kong, while the Tree Management Office ("TMO") under GLTMS is responsible for coordinating the tree management work of various government departments, etc. It has been reported that the two posts of Head of GLTMS and Head of TMO were vacant on a number of occasions in the past few years, and the present incumbents of the posts lack the professional qualifications in tree management or landscape, resulting in the problem of the non-professionals leading the professionals. On the other hand, the Development Bureau indicated last year that it was conducting a review on tree management and the responsibilities of TMO, and it would review at the same time the recruitment and appointment arrangements for the posts concerned. In this connection, will the Government inform this Council:*

*(1) whether the scope of the aforesaid review covers the duties, organization structure and staffing establishment of GLTMS and TMO; of the progress and expected completion date of the review;*

*(2) whether the scope of the review on the recruitment and appointment arrangements for the two aforesaid posts covers the approach for recruitment (e.g. giving priority to internal promotion) and the entry qualification requirements (e.g. the requirement of possessing professional qualifications in tree management and landscape); and*

*(3) whether it will, before the completion of the aforesaid review, expeditiously recruit or deploy personnel with professional qualifications in tree management and landscape to fill the two posts; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR DEVELOPMENT** (in Chinese): President, in 2018, the Head of the Greening, Landscape and Tree Management Section ("H/GLTMS") and the Head of the Tree Management Office ("H/TMO") under the Development Bureau left their respective posts for personal reasons. The Government will fill the two vacancies in due course in accordance with the established procedures. Currently, an officer of the Administrative Officer grade of the same rank is doubling sideways the post of H/GLTMS, while a Chief Geotechnical Engineer with professional qualification in arboriculture holds the post of H/TMO on a supernumerary basis to take charge of the coordination of tree management work. The above arrangements ensure that GLTMS and TMO continue to operate effectively.

Landscape and tree management require a wide range of professional knowledge and experience. GLTMS, therefore, comprises professionals of various disciplines with qualifications and experience in arboriculture, including landscape architects, forestry officers, geotechnical engineers and leisure services managers. Through cross-discipline collaboration, GLTMS strives to raise the standards of landscape and tree management practice in Hong Kong.

My reply to the three-part question raised by Mr Tony TSE is as follows:

(1) The Development Bureau is reviewing the duties, organization structure and staffing establishment of GLTMS and will propose recommendations to enhance its functions and efficiency. The review is expected to be completed within this month.

(2) The above review covers, amongst others, examination and consideration of the qualification requirements as well as the recruitment and appointment arrangements for the posts of H/GLTMS and H/TMO.

(3) Upon completion of the review, the Development Bureau will formulate an implementation plan and proceed with recruitment. As the recruitment exercise will commence in the next few months, the Development Bureau has no plan to deploy other personnel to fill the posts in question at this juncture.

**Making good use and combating abuses of public rental housing resources**

19. **MR ANDREW WAN** (in Chinese): *President, regarding the work of the Housing Department ("HD") to make good use and combat abuses of public rental housing ("PRH") resources, will the Government inform this Council:*

*(1) of HD's staffing establishment for the investigations of suspected abuses of PRH resources and the expenditure involved, in each of the past five years;*

*(2) whether HD will (i) establish a dedicated team and allocate additional manpower and other resources needed to step up its investigations into cases of PRH tenants suspected of concealing their assets outside Hong Kong, and (ii) raise the penalties for the act of concealment, so as to enhance the deterrent effect;*

*(3) as some principal tenants of PRH have applied for deleting their household members with higher income from the tenancy to avoid their household income exceeding the limits, of the number of applications received by HD in each of the past five years for deleting household members from the PRH tenancy;*

*(4) of the number of tenants whose tenancy was terminated by HD in each of the past five years for the reason that their household income or net assets had exceeded the limits;*

*(5) of the number of appeals lodged in the past five years with the Appeal Panel (Housing) by PRH tenants against HD's termination of their tenancy, together with a tabulated breakdown by reason of tenancy termination (e.g. failure to truthfully declare income or assets and household members in the tenancy not living in the units concerned); and*

*(6) of the number of under-occupation households at the end of each of the past five years which were not arranged to move to smaller PRH units due to a shortage of such units?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, I set out below my reply to the question raised by Mr Andrew WAN:

(1) and (2)

The Public Housing Resources Management Sub-section ("PHRM") under the Housing Department is responsible for handling work relating to tenancy abuses of Public Rental Housing ("PRH") under the Hong Kong Housing Authority ("HA"). Such work includes conducting investigation on cases related to the occupancy situation of PRH tenants and suspected false declaration, as well as enhancing public awareness of the importance of optimizing public housing resources through publicity and education. The concerned work is part of the routine duties of PHRM, we are therefore unable to provide the relevant breakdown of the establishment and expenditure.

According to the Housing Ordinance, PRH tenants are obliged to ensure that all declared information is true and correct. If PRH tenants make false declaration knowingly in respect of any information furnished in the declaration form, they shall be guilty of an offence and shall be liable on conviction to a fine and imprisonment. Furthermore, HA may, in accordance with its prevailing policy, invoke the Housing Ordinance to terminate the Tenancy Agreement of PRH tenants, irrespective of whether such tenant is prosecuted or convicted of the offense.

HA will review the workflows and manpower need of the concerned work from time to time, and, if necessary, deploy additional resources and adjust the prevailing mechanism.

(3) There are various reasons for deletion of individual member in PRH households. For the past five years (i.e. from 2014 to 2018), the total number of approved cases for deletion were about 36 200, 33 900, 33 800, 41 100 and 41 500 respectively. HA does not have the breakdown of the number of deletion cases for which the reason was "avoiding household income exceeding the limit".

(4) HA revised the Housing Subsidy Policy and Policy on Safeguarding Rational Allocation of Public Housing Resources (the Well-off Tenants Policies)[[5]](#footnote-6)(1) in 2017. HA issued Notice-to-Quit to 579 households in the declaration cycle in October 2017 and April 2018, reasons of which include they possess private domestic property in Hong Kong; their income or assets exceed the relevant limits; and they choose not to declare. In the past five years (i.e. 2014 to 2018), HA recovered an annual average of about 280 PRH units on grounds of income or net assets value exceeding the relevant prescribed limits.

(5) In the past five years (i.e. from 2014 to 2018), the number of appeal cases received by the Appeal Panel (Housing) with breakdown by category is as follows:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| *Reasons* | *2014* | *2015* | *2016* | *2017* | *2018* |
| Rent arrears | 727 | 701 | 750 | 534 | 482 |
| Non-occupation of the unit/  Unauthorized occupation of the unit | 325 | 423 | 313 | 290 | 166 |
| Others (including divorce, redevelopment, Marking Scheme and storage of illicit drugs, etc.) | 160 | 202 | 116 | 128 | 99 |
| Total | 1 212 | 1 326 | 1 179 | 952 | 747 |

(6) Under-occupied PRH households may not be arranged for transfer due to various reasons, such as factors relating to the tenants' personal or family circumstances (e.g. being allowed for deferred transfer due to having disabled/elderly family members or have family member deceased) and may not be directly related to the shortage of smaller PRH units. HA does not possess statistics requested in the question.

**Regulation of virtual asset investment activities**

20. **MR WU CHI-WAI** (in Chinese): *President, it is learnt that following the rapid development of virtual asset-related investment activities in recent years, incidents of investors incurring losses have occurred frequently. For instances, the Court has recently ordered the winding up of a virtual currency exchange, and the Police have earlier arrested a person for allegedly having enticed investors by fraudulent means into buying mining devices purportedly for mining virtual currency. On the other hand, the Securities and Futures Commission ("SFC") announced in November last year a new regulatory approach for virtual assets, aiming to bring virtual asset portfolio managers and distributors of virtual asset funds into SFC's regulatory net. In this connection, will the Government inform this Council:*

*(1) of the details of the law enforcement actions taken in the past three years by various law enforcement agencies on suspected cases of (a) using virtual currencies for money laundering, (b) enticing investors into buying mining devices by fraudulent means, and (c) soliciting investments in virtual assets by unlawful means, including (i) the amount of money involved, (ii) the respective numbers of persons arrested, prosecuted and convicted, and (iii) the penalties imposed on those convicted;*

*(2) whether the sale of virtual asset-related commodities (such as mining devices) falls within the ambit of the Trade Descriptions Ordinance (Cap. 362); if not, of the reasons for that, and whether the Government will amend the legislation to bring it into the ambit by the Customs and Excise Department;*

*(3) whether individuals or business operators are currently required to pay taxes for transactions (such as trading of properties or funds) conducted using virtual currencies; if so, how the Inland Revenue Department ("IRD") ensures that the secrecy associated with transactions of virtual currencies will not lead to a reduction in tax revenue;*

*(4) of the respective amounts of profits taxes collected in each of the past three years by IRD on the operation of (i) virtual assets trading platforms, (ii) the sale of mining devices, (iii) cloud mining, (iv) smart vending machines equipped with virtual currency-related functions, and (v) other virtual asset-related commercial activities;*

*(5) whether IRD initiated investigations in the past three years into cases of suspected tax evasion regarding the operation of virtual asset-related businesses; if so, of the respective numbers of investigations, prosecutions and convictions, and the penalties imposed on those convicted; of the number of cases in which the offenders paid fines in lieu of being prosecuted, and the average amount of fines paid by them; and*

*(6) whether SFC, the Hong Kong Monetary Authority and the relevant government departments will study the stepping up of the regulation of virtual asset-related investment activities; if so, of the details?*

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): President, in consultation with relevant bureaux, departments and financial regulators, we have prepared a consolidated reply to Mr WU Chi-wai's question as follows:

(1) The Police have spared no effort in combating money laundering activities and have been closely monitoring the crime trend relating to virtual assets. In recent years, crimes relating to virtual assets have been on the rise, mainly involving deception and blackmail. In 2018, there were 324 cases of virtual assets-related crimes reported to the Police, while in 2016 and 2017, there were 67 and 50 cases of Bitcoin-related cases reported respectively (the Police only maintained figures relating to Bitcoin in the concerned period).

As for investment fraud cases, between 2016 and 2018, the number of cases received by the Police each year was 134, 137 and 212 respectively. Fraudsters made use of different kinds of investment products to lure victims with claims of high returns and low risks. The Police targeted these investment fraud cases with multiple intelligence-led enforcement operations. For instance, early this year the Police arrested three persons suspected of deceiving over 20 victims to invest in virtual assets-related computer equipment and services, with the investments amounting to HK$3.7 million.

As for the Securities and Futures Commission ("SFC"), it has issued press statements in respect of regulatory actions taken in respect of activities involving cryptocurrencies. SFC issued a press release in February 2018 noting that it had taken regulatory actions against seven cryptocurrency exchanges and seven issuers of initial coin offerings ("ICOs") to warn them of the implications for conducting activities involving cryptocurrencies which were "securities" as defined in the Securities and Futures Ordinance ("SFO") without a licence. SFC issued another press release in March 2018, noting that it took regulatory actions against an ICO issuer, which resulted in the halting of its ICO to the Hong Kong public over concerns that the company had engaged in potential unauthorized promotional activities and unlicensed regulated activities.

(2) Regarding the sale of mining machines or other products related to virtual assets, a trader who, in the course of business, engages in unfair trade practices prohibited under the Trade Descriptions Ordinance ("TDO"), including "false trade descriptions", "misleading omissions", "aggressive commercial practices", "bait advertising", "bait-and-switch", and "wrongly accepting payment", commits an offence. A maximum fine of $500,000 and imprisonment for five years may be imposed upon conviction.

The Customs and Excise Department strives to combat unfair trade practices that contravene TDO. It closely observes and monitors relevant situations in the market. If contravention of TDO is found, appropriate actions will be taken immediately to protect consumer interests.

(3) to (5)

Under the Inland Revenue Ordinance ("IRO"), except for profits from the sale of capital assets, profits arising in or derived from Hong Kong from a trade, profession or business carried on in Hong Kong are chargeable to profits tax. Whether certain profits or gains in a particular case are chargeable to profits tax has to be considered on the basis of its own individual facts and circumstances. The provisions concerning profits tax in IRO and the relevant case law are equally applicable to transactions involving virtual assets.

The Inland Revenue Department ("IRD") is committed to maintaining the integrity of Hong Kong's taxation system. It collects information from various channels, supplemented by information technology. Cases are selected for audits and in-depth investigations as appropriate based on risk assessment. If necessary, IRD will also seek relevant information from other tax authorities through the exchange of information mechanism under tax treaties so as to enhance its capability of detecting tax avoidance and evasion. IRD does not maintain statistics specifically on tax payable by persons carrying on virtual asset-related activities and relevant investigation cases.

(6) As the development of virtual assets trading is evolving rapidly, the Financial Services and the Treasury Bureau and SFC have been monitoring the international regulatory development closely in order to explore whether it is appropriate to put virtual assets trading platforms under regulation. In November 2018, SFC announced an exploratory regulatory approach under the sandbox environment to explore whether it was suitable to license and regulate virtual assets platforms using its existing power. SFC would decide whether, and if so, how to regulate virtual assets trading platforms after the exploratory stage. SFC is currently in discussion with some virtual assets trading platform operators so as to understand more about their operations, with a view to determining whether virtual assets trading platforms should be regulated under SFO.

The Financial Services and the Treasury Bureau and financial regulators will continue to keep in view the development of virtual assets activities locally and globally. SFC will also continue to review its existing measures and suitably consider whether or not to put in place a more effective regulatory approach. We will maintain contact with overseas regulators through participation in relevant international organizations, including the International Organization of Securities Commissions and the Financial Stability Board, to ensure that we can devise a suitable mechanism in good time to address the potential risks arising from virtual assets activities.

**Handling of claimants**

21. **MR JIMMY NG** (in Chinese): *President, it is learnt that in recent years, a large number of illegal entrants lodged, immediately upon entry into Hong Kong, torture claims or non-refoulement claims (collectively referred to as "claims") under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In this connection, will the Government inform this Council:*

*(1) the past five year, of (i) the number of rejected claimants removed from Hong Kong each year and (ii) the five major countries from where such persons came, together with the number of such persons from each of those countries and its percentage in the total number of claimants (set out in a table);*

*(2) given that a vast majority of claimants are currently released on recognisance in lieu of detention, and the number of person-times of non-ethnic Chinese persons on recognisance (mostly non-refoulement claimants) arrested for committing criminal offences increased by about 40% from 1 113 in 2015 to 1 542 in 2017, whether the Government took any targeted measures last year to combat such offences; if so, of the details; if not, the reasons for that;*

*(3) as the Government has proposed to amend the Immigration Ordinance (Cap. 115) by tightening the statutory timeframe for a claimant's submission of a claim form from 28 days to 14 days and cancelling the period of 21 additional days currently given to all claimants by administrative measures, whether it has studied the processing time that can be shortened for each claim on average after the amendments concerned have come into force; and*

*(4) whether it will consider afresh setting up holding centres or closed camps for the claimants; if so, of the details; if not, the reasons for that?*

**SECRETARY FOR SECURITY** (in Chinese): President, the Government has all along been very concerned for issues arising from non-refoulement claimants. In this regard, we commenced a comprehensive review of the strategy of handling non-refoulement claims in 2016. Various measures implemented so far include preventing claimants from entering Hong Kong as far as possible, expediting the screening of pending claims, shortening the time for screening each claim, increasing the number of members and secretariat staff in the Torture Claims Appeal Board ("TCAB"), expediting the removal of rejected claimants from Hong Kong, as well as stepping up enforcement against crimes such as unlawful employment.

The Government will also amend the Immigration Ordinance, with a view to improving the screening procedures and plugging existing loopholes, so as to avoid a rebound in the number of claims and processing time, and strengthening the powers of the Immigration Department ("ImmD") in respect of enforcement, removal and detention. The Government consulted the Legislative Council Panel on Security on the amendment proposals in July 2018 and January 2019, and aims to introduce the amendment bill to Legislative Council in the first half of 2019.

At present, the number of new claims and illegal immigrants has dropped significantly by 80% as compared with the peak; ImmD has largely completed the screening of the once over 10 000 pending claims; and the number of appeals pending handling by TCAB has started to decrease gradually, with the backlog expected to be cleared in two years at the earliest.

My reply to the various parts of Mr NG's question is as follows:

(1) From 2014 to 2018, a total of 9 137 non-refoulement claimants were removed by ImmD (including those with their torture claims rejected, withdrawn or for which no further action could be taken before the implementation of the Unified Screening Mechanism ("USM") in March 2014). Among them, 4 593 were rejected claimants.

Among those removed after their claims had been rejected, in terms of the total number of claimants removed over the years, top source countries are Vietnam, India, Pakistan, Indonesia, Bangladesh, the Philippines and Nepal. The breakdown by year is as follows:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| *Nationality/Year* | *2014* | *2015* | *2016* | *2017* | *2018* | *Total* |
| Vietnamese | 3 | 21 | 42 | 305 | 780 | 1 151 |
| Indian | 52 | 133 | 181 | 255 | 226 | 847 |
| Pakistani | 56 | 131 | 126 | 261 | 242 | 816 |
| Indonesian | 32 | 65 | 83 | 145 | 225 | 550 |
| Bangladeshi | 17 | 40 | 61 | 123 | 100 | 341 |
| Filipino | 20 | 23 | 33 | 70 | 81 | 227 |
| Nepalese | 14 | 51 | 34 | 63 | 59 | 221 |
| Others | 36 | 61 | 79 | 118 | 146 | 440 |
| TOTAL | 230 | 525 | 639 | 1 340 | 1 859 | 4 593 |

As at the end of 2018, among the some 22 000 claimants whose claims required processing by ImmD under USM, about 40% had been removed.

(2) The Government has been monitoring the situation of crimes committed by non-ethnic Chinese ("NEC") persons (including non-refoulement claimants) and their taking part in triad activities in Hong Kong. In this regard, the Police have been deploying manpower to step up control according to the crime trends in various districts for prevention and detection of crimes.

To address the related issues in a focused manner, formulate strategies and coordinate enforcement operations, the Police have set up the "Crime Wing Working Group on NEC Involvement in Organized Crime and Triad Activities". Its duties cover monitoring the trend of NEC persons taking part in organized crimes and triad activities; developing strategies for the Police Force; coordinating enforcement operations; and strengthening the Police's system and process for enhancing the capability in gathering intelligence.

On combating crimes at the district level, the Organized Crime and Triad Bureau launched new strategies in 2017 to tackle the problem of NEC persons committing crimes, with emphasis placed on four aspects, including training, intelligence gathering and sharing, multi-agency cooperation and enhanced enforcement actions.

Besides, the Police have also maintained liaison with local and overseas law enforcement agencies, consulates in Hong Kong and NEC communities, and will take timely actions against any crimes involving the persons concerned.

In 2018, 1 150 NEC persons on recognizance (mostly non-refoulement claimants) were arrested for crimes, down by 25.4% as compared to 2017. The Police will continue to monitor the relevant crime trends and operational needs, and formulate effective measures and take targeted actions accordingly.

(3) It is imperative and important to address the issues relating to non-refoulement claimants at root in the long run by expediting screening and plugging loopholes prone to procedural abuse through legislative amendments. The Security Bureau earlier consulted the Panel on Security on the amendment proposals, which include tightening the statutory time frame for submission of claim form from 28 days to 14 days, and ceasing the current administrative arrangement to give claimants another 21 days for doing so. If the proposals are implemented, the time required by ImmD for screening each claim will be further shortened from the current average of 10 weeks to about 5 weeks.

Separately, we are considering whether there is room to suitably tighten the statutory time frame for certain appeal procedures, with a view to handling appeals more efficiently while upholding the high standards of fairness.

With the improvement of the overall screening procedures and plugging of the loopholes to avoid deliberate stalling by certain persons after the legislative amendments, it is expected that decisions on the claims will be made more expeditiously. This will be in the interest of all stakeholders (including the claimants) and the community at large.

(4) Suggestions of setting up reception centres or closed camps involve various issues concerning the law, land, infrastructure, manpower, resources, management and security, etc. The Government has been considering all lawful, practicable and effective measures. Given the complexity of the issues involved, the suggestions must be carefully and thoroughly examined.

Separately, as explained when we earlier consulted the Panel on Security on the legislative proposals, in considering the detention strategies, we are also considering legislative amendments to ensure that ImmD is able to detain claimants lawfully and reasonably at different stages of the screening and removal procedures.

**Subsidized sale flats**

22. **MR CHAN HAK-KAN** (in Chinese): *President, regarding the subsidized sale flats projects developed by the Hong Kong Housing Authority ("HA") and the Hong Kong Housing Society ("HKHS"), will the Government inform this Council:*

*(1) given that the total project costs of the Home Ownership Scheme ("HOS") projects developed by HA comprise development costs, land costs at 35% of the development costs, administration overheads and other sales related expenditure, of the respective specific expenditure items included in the (i) development costs, (ii) land costs and (iii) administration overheads;*

*(2) of the reasons for the Government to pitch the land costs of HOS projects at 35% of their development costs;*

*(3) of the (i) total project costs, (ii) total sales proceeds, (iii) operating surplus, and (iv) land costs in respect of each HOS sale exercise conducted in the past five years;*

*(4) whether it will standardize the calculation of the land costs payable to the Government by HA and HKHS for the subsidized sale flats they develop; if not, of the reasons for that;*

*(5) of the respective numbers of sale exercises for subsidized sale flats projects to be conducted and the respective total numbers of flats involved, as projected by HA and HKHS for the current as well as each of the coming four financial years; and*

*(6) given that the number of White Form ("WF") applicants far exceeded that of Green Form ("GF") applicants in each HOS sale exercise conducted in recent years, whether HA will change the ratio of the quota between GF and WF applicants from the current 50:50 to 40:60; if not, of the reasons for that; if so, the details?*

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, my consolidated response to the question raised by Mr CHAN Hak-kan is as follows:

The development cost of the Home Ownership Scheme ("HOS") of the Hong Kong Housing Authority ("HA") includes construction cost and overhead cost. According to the prevailing arrangement, the Government provides land to HA for the development of subsidized sale flats (including HOS flats) at a nominal premium of $1,000. HA would pay the Government a land cost at 35% of the development cost as contribution to site formation and supporting infrastructure. Administration overheads and other sales-related expenditure include expenses for printing, advertisements, publicity, consultancy, pre-flat intake management, etc. Financial information of HOS flats put up for sale by HA from 2014 to 2018 is set out in Annex.

The Hong Kong Housing Society ("HKHS") is an important partner of the Government's housing policy and plays an active role in providing low to middle-income families with rental units and subsidized sale flats. HKHS has been developing subsidized housing projects on a self-financing basis on sites granted to HKHS by the Government at concessionary land premium.

Under the new HOS pricing mechanism announced on 29 June 2018, HKHS may need to offer a correspondingly higher discount rate for its subsidized sale flats, which may lower HKHS's income and affect its financial sustainability. Having reviewed the land premium arrangements for HKHS's subsidized housing projects, the Government revised the arrangements in January 2019 as follows: from one third of the full market value to a nominal premium at $1,000 for HKHS's rental estates; and from one half of full market value to one third of full market value for domestic portion of subsidized sale flat projects, while maintaining existing arrangement of charging full market value for non-domestic portion of subsidized sale flat projects.

The Government believes that the revised land premium arrangements would help mitigate the financial impact of the new HOS pricing mechanism on HKHS, and strengthen HKHS's long-term financial sustainability. This will enable HKHS to continue to provide rental units and subsidized sale flats at affordable rentals and prices to address housing needs of the public.

HA and HKHS are assuming different and complimentary roles in providing public housing: HA is the major organization responsible for developing public rental and HOS units, whereas HKHS plays the role of "housing laboratory" apart from providing rental units and subsidized sale flats. The two organizations also differ in structure and mode of operation. The Government does not consider it necessary to adopt the same land premium arrangement for subsidized sale flat projects of the two organizations.

According to the latest projections in the Long Term Housing Strategy Annual Progress Report 2018 published in December 2018, the total housing supply target for the ten-year period from 2019-2020 to 2028-2029 is 450 000 units, comprising the public housing supply target of 315 000 units and the private housing supply target of 135 000 units. According to the forecast as at December 2018, the estimated total public housing production of HA and HKHS in the five-year period from 2018-2019 to 2022-2023 is about 100 400 units. As for private housing, based on the Government's preliminary assessment as at end-2018 of private residential developments on known disposed sites, the private sector will, on average, complete about 18 800 private residential units annually in 2019 to 2023.

When considering the HOS developments to be launched in each year, HA would review the progress of the preparation work for each pre-sale project (i.e. preparation of the land lease and the Deed of Mutual Covenant, etc.) and the suitable pre-sale date. The selling prices and sales arrangements of each HOS sale exercise will be reviewed and endorsed by the Subsidised Housing Committee of HA. In 2019, HA will offer for sale 4 871 HOS flats in six developments at Homantin, Cheung Sha Wan, Kwai Chung, Tseung Kwan O, Ma On Shan and Sha Tin.

As regards the Green Form Subsidised Home Ownership Scheme, HA decided in March 2019 to convert two public rental housing ("PRH") projects on Chai Wan Road in Chai Wan and Tsing Hung Road in Tsing Yi into GSH. These projects will provide about 3 700 flats, and are planned for pre-sale in late 2019. In future, HA will roll out GSH projects in accordance with the decision made when regularizing GSH, i.e. to implement GSH at a more modest pace to gather experience, reduce the risk of unsold flats and minimize impact on the waiting time for PRH applicants. HA will continue with this incremental approach and take account of operational experience and sales response in considering suitable of PRH projects for conversion to GSH each year.

HKHS launched the pre-sale exercise of 620 subsidized sale flats in Tuen Mun and Tseung Kwan O respectively in November 2017, all of which were sold in June 2018.

On the other hand, the Government announced on 29 June 2018 the re-allocation of nine sites at Kai Tak and Anderson Road Quarry, originally intended for sale in the coming few years, for the use of public housing. These sites are expected to provide 11 000 public housing units. This will help narrow the public housing shortage in later years. One of the sites in Kai Tak will be allocated to HKHS for the redevelopment of Chun Seen Mei Chuen. HKHS can then make use of the original site of Chun Seen Mei Chuen to redevelop Lok Man Sun Chuen by phases. The remaining new units on this Kai Tak site can also be used to rehouse other eligible households affected by Government development and projects by the Urban Renewal Authority. As for the remaining eight sites, HA and HKHS will each take up one site in Kai Tak and three sites in Anderson Road Quarry for subsidized sale flat development, having regard to the original planning intentions for these sites and other developments in the vicinity.

In line with established practice, prior to the launching of new HOS sale exercise, HA will, having regard to prevailing circumstances, draw up the sales arrangements, including the ratio between Green Form ("GF") and White Form ("WF") applicants. For Sale of HOS Flats 2019, HA has maintained the ratio between GF and WF applicants at 50:50. HA has taken into account that the selling of HOS to GF applicants (mainly PRH tenants) would speed up the turnover of PRH units. Moreover, any remaining quota from the GF queue would be re-allocated to the WF queue. For example, despite the 50:50 ratio between GF and WF applicants adopted in HOS 2016 and HOS 2017 sale exercises, WF buyers actually took up around 70% and 60% respectively of the flats. On the other hand, the White Form Secondary Market Scheme ("WSM") provides WF buyers with an additional avenue for home ownership, and the annual quota for WSM 2019 has also been increased to 3 000. Therefore, for Sale of HOS Flats 2019, HA has maintained the ratio between GF and WF applicants at 50:50.

HA will, in line with established practice, continue to consider all relevant factors when determining the ratio between GF and WF applicants in future.

Annex

Financial Information of HOS Flats Put up for Sale by HA from 2014 to 2018

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | *(a)* | *(b)* | *(c)* | *(d)* |
|  | *Total Costs*  *($ million)(1)* | *Total Sales Proceeds*  *($ million)* | *Operating Surplus*  *($ million)* | *Land Cost*  *($ million)* |
| Sale of HOS Flats 2014 | 4,537 | 5,636 | 1,099 | 1,137 |
| Sale of HOS Flats 2016 | 4,605 | 5,723 | 1,118 | 1,146 |
| Sale of HOS Flats 2017 | 4,198 | 5,564 | 1,366 | 1,048 |
| Sale of HOS Flats 2018 | 7,727 | 11,857 | 4,130 | 1,872 |

Note:

(1) Total costs include development cost, land cost (i.e. item (d) in the above table), as well as administration overheads and other sales-related expenditure.

**GOVERNMENT BILL**

**First Reading and Second Reading of Government Bill**

**First Reading of Government Bill**

**PRESIDENT** (in Cantonese): Government Bill: First Reading.

**Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019**

**CLERK** (in Cantonese): Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019.

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

(Dr KWOK Ka-ki stood up)

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

**DR KWOK KA-KI** (in Cantonese): President, a quorum is not present in the Chamber.

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

(While the summoning bell was ringing, some Members shouted aloud as they walked out of the Chamber)

**PRESIDENT** (in Cantonese): Will Members please keep quiet.

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

**Second Reading of Government Bill**

**PRESIDENT** (in Cantonese): Government Bill: Second Reading. Secretary for Security, please speak.

**Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019**

**SECRETARY FOR SECURITY** (in Cantonese): President, I move the Second Reading of the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 ("the Bill").

The Bill seeks to amend the Fugitive Offenders Ordinance ("FOO") and the Mutual Legal Assistance in Criminal Matters Ordinance ("MLAO") to tackle two practical problems, namely (i) the Taiwan homicide case in early 2018 where Hong Kong residents were involved and (ii) at the same time plugging the loopholes of Hong Kong's overall 

(A number of Members shouted aloud while entering the Chamber)

**PRESIDENT** (in Cantonese): Will Members please keep quiet. If Members do not keep quiet, I will order the Members concerned to withdraw from the Chamber without issuing any further warnings.

**SECRETARY FOR SECURITY** (in Cantonese):  cooperation mechanism in criminal and juridical assistance matters, including the geographical restrictions and impracticable operational requirements currently imposed by the two Ordinances.

At present, the two Ordinances are not applicable to requests for surrender of fugitive offenders ("SFO") and mutual legal assistance in criminal matters ("MLA") between Hong Kong and other parts of the People's Republic of China, leaving us with no legal basis currently to process the requests for MLA and SFO in relation to the Taiwan homicide case.

(Mr HUI Chi-fung stood up)

**PRESIDENT** (in Cantonese): Secretary, please pause for a while. Mr HUI Chi-fung, what is your point of order?

**MR HUI CHI-FUNG** (in Cantonese): According to Rule 64(1) of the Rules of Procedure ("RoP"), the public officer in charge of a Bill may, by an announcement made in Council at the beginning of proceedings of its Second Reading, withdraw or postpone that Bill. Given that a legal challenge against the Bill has been mounted by a member of the public 

**PRESIDENT** (in Cantonese): Mr HUI, this is not a point of order. It is up to the Secretary to decide whether to withdraw the Bill. Please sit down.

**MR HUI CHI-FUNG** (in Cantonese): I request the Government to withdraw the Bill.

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

**SECRETARY FOR SECURITY** (in Cantonese): President, I do so now.

Currently, we have no legal basis to process the requests for MLA and SFO in relation to the Taiwan homicide case.

(Mr HUI Chi-fung stood up)

**PRESIDENT** (in Cantonese): Secretary, please pause for a while. Mr HUI Chi-fung, what is your point of order?

**MR HUI CHI-FUNG** (in Cantonese): According to RoP 64(3), if the Government decides to announce the withdrawal of the Bill, it may deliver the relevant address to the Council now. As I request the withdrawal of the Bill by the Secretary, please let him speak and make the relevant announcement.

**PRESIDENT** (in Cantonese): Mr HUI, this is not a point of order, nor is it your turn to speak now. Please sit down immediately. If you keep raising questions irrelevant to the order of proceedings, I will regard your behaviour as grossly disorderly.

Secretary, please continue.

**SECRETARY FOR SECURITY** (in Cantonese): President, I do so now.

The existing operation of case-based surrender under FOO is impractical ‍

(Dr KWOK Ka-ki stood up)

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

**DR KWOK KA-KI** (in Cantonese): President, I would like to seek an elucidation by the Secretary. He said just now that the existing mechanism is impractical. May I ask him to clarify whether there is currently no mechanism on surrender of criminals?

**PRESIDENT** (in Cantonese): According to RoP 39(b), while Members may seek elucidation of some matter raised by an official in the course of his speech, the official concerned shall decide on his own whether an elucidation is necessary.

Secretary, do you wish to give an elucidation?

**SECRETARY FOR SECURITY** (in Cantonese): President, the Government will answer Mr KWOK's questions in the course of deliberations on the Bill in a relevant Bills Committee.

(Mr Jeremy TAM stood up)

**PRESIDENT** (in Cantonese): Mr Jeremy TAM, what is your point?

**MR JEREMY TAM** (in Cantonese): President, I have this point of order. You stated just now that if Mr HUI Chi-fung should raise another point of order, you would regard it as disorderly behaviour. How do you draw the line? If you consider a question raised by a Member not a point of order, you could request him to sit down, but you cannot 

**PRESIDENT** (in Cantonese): I said just now that in case of abuse of the point of order procedure, I would regard the behaviour of the relevant Member as disorderly.

**MR JEREMY TAM** (in Cantonese): What constitutes "abuse"?

**PRESIDENT** (in Cantonese): Mr HUI Chi-fung posed the same question twice just now, a question that has already been deemed as not a point of order by me.

**MR JEREMY TAM** (in Cantonese): A Member raised a question which was subsequently ruled as not a point of order, and then sat down. How can such behaviour be regarded as disorderly?

**PRESIDENT** (in Cantonese): Mr TAM, please stop speaking immediately. This is now the Secretary's turn to speak. Please raise a point of order with the President only if you truly have one.

Secretary, please continue.

**SECRETARY FOR SECURITY** (in Cantonese): The existing operation of case-based surrender under FOO is impractical. The existing mechanism requires that requests for case-based surrender be given effect through the making of subsidiary legislation with publication in the Gazette. Even if the personal particulars of an offender were redacted, given the uniqueness of some case details, a public scrutiny by the Legislative Council would alarm the offender. Even if the offender was arrested, he might judicially challenge the authority on the ground that his case details had been divulged and publicly discussed, hence his opportunity for a fair hearing has been compromised. Currently, FOO also stipulates that the relevant procedures and orders (inclusive to the arrest procedure) cannot come into effect before the scrutiny period of the Legislative Council expires. So, even if a request for individual surrender is received from another place during the Legislative Council's scrutiny (i.e. ranging from 28 to 49 days, or 4 to 7 weeks), there is nothing that can be done in the interim, including any provisional arrest. The fugitive would probably flee Hong Kong during this period. Moreover, in the event that Hong Kong cannot arrest the suspect because of the disclosure of case details, this would seriously affect the arresting actions of the requesting party, undermine the faith of other places in Hong Kong's commitment in combating serious crimes and cause them to doubt our ability.

The Bill comprises two main parts: (i) amendments relating to FOO and (ii) amendments relating to MLAO 

(Mr Jeremy TAM stood up)

**PRESIDENT** (in Cantonese): Secretary, please pause for a while. Mr Jeremy TAM, what is your point of order?

**MR JEREMY TAM** (in Cantonese): President, while I appreciate the sense of urgency you may feel, there are issues that must be straightened out first. If you disagree with a point of order I raised, I will sit down. No problem with that. But you cannot let the Secretary continue while we are still discussing the problem 

**PRESIDENT** (in Cantonese): Mr TAM, please state your point of order.

**MR JEREMY TAM** (in Cantonese): I have this point of order. How do you define "disorderly behaviour"? It completely runs counter to RoP if the act of raising a point of order by a Member may constitute disorderly behaviour. Which provisions of RoP have set out such a requirement? You are setting a precedent.

**PRESIDENT** (in Cantonese): Mr TAM, this is not a point of order. Please sit down.

(Dr KWOK Ka-ki stood up)

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

**DR KWOK KA-KI** (in Cantonese): President, I would like to ask the Secretary for clarification. May I ask him to clarify whether his remarks just now contravened Article 2 of the Basic Law, which provides that the Hong Kong Special Administration shall exercise "a high degree of autonomy" and enjoy executive, legislative and independent judicial power, as well as that of final adjudication?

**PRESIDENT** (in Cantonese): Secretary, do you wish to make a clarification? If not, please continue to speak.

**SECRETARY FOR SECURITY** (in Cantonese): The Government will answer questions from Members in the course of deliberations on the Bill in a relevant Bills Committee.

**PRESIDENT** (in Cantonese): Secretary, please continue to speak.

**SECRETARY FOR SECURITY** (in Cantonese): On the amendments to FOO, we propose, under the existing FOO 

(Mr HUI Chi-fung stood up)

**PRESIDENT** (in Cantonese): Secretary, please pause for a while. Mr HUI Chi-fung, what is your point?

**MR HUI CHI-FUNG** (in Cantonese): President, I would like you to calm down and keep cool. I am not engaging you in a battle of wills; I really have a point of order to raise. I hope you will listen to what I have got to say first, please.

I mentioned RoP 64(1) just now, because a member of the public has filed a judicial review, challenging the Bill on the ground of human rights violations. In view of this, the Administration should halt the relevant process of legislative amendment or withdraw the Bill. The Administration has the latitude to do so procedure-wise. Hence, will the President please at least ask the Secretary whether he would at this moment halt the relevant process of legislative amendment or withdraw the Bill. Will you please at least give him an opportunity of response.

**PRESIDENT** (in Cantonese): This is not a point of order. Yet, Secretary, if you have anything to add, you may speak now. If not, please continue.

**SECRETARY FOR SECURITY** (in Cantonese): President, I have nothing to add. Please let me pick up from where I left off.

On the amendments to FOO, we propose, under the existing FOO, to distinguish the case-based surrender arrangement clearly from general long-term arrangements. The case-based surrender arrangement will adopt the same standards and apply to all jurisdictions currently not having any long-term surrender agreements with Hong Kong 

(Dr KWOK Ka-ki stood up)

**PRESIDENT** (in Cantonese): Secretary, please pause for a while. Dr KWOK Ka-ki, what is your point of order?

**DR KWOK KA-KI** (in Cantonese): President, I would like the Secretary to clarify whether his remarks just now contravened Article 4 of the Basic Law, that is, "The Hong Kong Special Administrative Region shall safeguard the rights and freedoms of the residents of the Hong Kong Special Administrative Region and of other persons in the Region in accordance with law"?

**PRESIDENT** (in Cantonese): The Secretary has stated clearly that 

**DR KWOK KA-KI** (in Cantonese): No, contrary to my previous question concerning Article 2 of the Basic Law, my question is about Article 4 of the Basic Law now.

**PRESIDENT** (in Cantonese): The Secretary has stated clearly that questions from Members, if any, would be clarified by the Government in a relevant Bills Committee.

**DR KWOK KA-KI** (in Cantonese): Will the Secretary make a clarification in respect of Article 4 of the Basic Law?

**PRESIDENT** (in Cantonese): Secretary, do you have anything to add or any clarifications to make? If not, please continue to speak.

**SECRETARY FOR SECURITY** (in Cantonese): I have nothing to add nor clarifications to make.

In formulating this proposal, references have been drawn from similar case-based surrender arrangements practised in other jurisdictions (such as the United Kingdom and Canada) for years.

Hong Kong has signed SFO agreements with 20 jurisdictions and MLA agreements with 32 jurisdictions so far. Case-based surrender is a supplementary measure before long-term cooperation arrangements come into effect, and case-based surrender will be adopted only when a jurisdiction does not have any long-term agreement with Hong Kong 

(Dr KWOK Ka-ki stood up)

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

**DR KWOK KA-KI** (in Cantonese): President, I would like the Secretary to clarify whether his remarks just now contravened Article 5 of the Basic Law, that is, "The socialist system and policies shall not be practised in the Hong Kong Special Administrative Region, and the previous capitalist system and way of life shall remain unchanged for 50 years"?

**PRESIDENT** (in Cantonese): I think Members are abusing the point of order procedure.

**DR KWOK KA-KI** (in Cantonese): No, President. I am referring to Article 5 of the Basic Law now, which differs from my previous question.

**PRESIDENT** (in Cantonese): The Secretary has made it clear multiple times that the Government would answer questions from Members in a relevant Bills Committee.

**DR KWOK KA-KI** (in Cantonese): Perhaps the Secretary may wish to make clarifications concerning Article 5 of the Basic Law?

**PRESIDENT** (in Cantonese): Secretary, do you wish to do so? If not, please continue to speak.

**SECRETARY FOR SECURITY** (in Cantonese): There are no issues that warrant my clarification. Please allow me to continue, President.

The proposals under the Bill will not affect any long-term SFO agreements in force 

(Some Members talked aloud in their seats)

**PRESIDENT** (in Cantonese): If Members wish to seek elucidations from the Secretary, please make the requests after the Secretary has finished speaking. I will deal with them altogether.

(Mr AU Nok-hin stood up)

**PRESIDENT** (in Cantonese): Mr AU Nok-hin, what is your point?

**MR AU NOK-HIN** (in Cantonese): President, I hope you can make a clarification. We requested clarifications from the Secretary on the premise that if the Bill runs counter to the Basic Law, it should not be presented to the Legislative Council for First Reading. If the Secretary has no intention at all to lay to rest the misgivings of Members, insisting incessantly instead that they would be followed up in a relevant Bills Committee, the First Reading procedure of the Bill would have been completed by then. Is it reasonable for the Government to present to the Legislative Council a Bill that runs counter to not just the Basic Law, but the stance and preference of Taiwan?

**PRESIDENT** (in Cantonese): Mr AU Nok-hin, please sit down. I have pointed out that according to RoP 39(b), while Members may seek elucidation of some matter raised by an official in the course of his speech, the official concerned shall decide on his own whether an elucidation is necessary.

**MR AU NOK-HIN** (in Cantonese): I then request a clarification from the President instead. Are you allowing a Bill that runs counter to the Basic Law be presented to the Legislative Council for First Reading?

**PRESIDENT** (in Cantonese): The President of the Legislative Council is not in a position to clarify whether a certain Bill is consistent with the Basic Law. Secretary, do you wish to make a clarification? If not, please continue to speak.

**SECRETARY FOR SECURITY** (in Cantonese): President, there are no issues that warrant my clarification. I will continue to speak.

The Bill also proposes the items of offences to be covered by case-based surrender. After taking into account all factors of consideration, the Government decided with prudence 

(Some Members talked aloud in their seats)

**PRESIDENT** (in Cantonese): I already said that Members' requests for clarification from the Secretary would be dealt with by me altogether after the Secretary has finished speaking. Secretary, please continue.

(Mr HUI Chi-fung stood up)

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

**MR HUI CHI-FUNG** (in Cantonese): President, I request not the Secretary, but the Legal Adviser of the Legislative Council to make clarifications. In the event of a Bill being subject to judicial review in the course of First and Second Readings, should the Legislative Council continue the scrutiny of such a Bill which runs the risk of violating human rights? Would the Legal Adviser be allowed to give a response as to whether there were such precedents in the past?

**PRESIDENT** (in Cantonese): Presenting Government Bills to the Legislative Council for First Reading and moving them for Second Reading are the responsibilities of Secretaries. As to the question of whether the application for judicial review would be approved, it would be decided by the Court, not to be dealt with by this Council.

**MR HUI CHI-FUNG** (in Cantonese): Can the Legal Adviser be given some time to study and see whether such precedents exist? Should the Legislative Council at this juncture deal with a Bill that violates human rights and is subject to judicial review?

**PRESIDENT** (in Cantonese): Mr HUI, if you consider it necessary, you can apply for an injunction with the Court. Secretary, please continue to speak.

**SECRETARY FOR SECURITY** (in Cantonese): The Bill also proposes the items of offences to be covered by case-based surrender. After taking into account all factors of consideration, the Government decided with prudence that the items of offences to be covered by case-based surrender arrangements will include 37 of the 46 items of offences currently set out in Schedule 1 of FOO. And only those offences punishable with imprisonment for more than three years and triable on indictment in Hong Kong are covered 

(Dr KWOK Ka-ki stood up)

**PRESIDENT** (in Cantonese): Secretary, please pause for a while. Dr KWOK Ka-ki, what is your point of order?

**DR KWOK KA-KI** (in Cantonese): President, I would like the Secretary to clarify whether his remarks just now contravened Article 11 of the Basic Law 

**PRESIDENT** (in Cantonese): Dr KWOK, I already said that Members' requests for clarification from the Secretary would be dealt with by me altogether after the Secretary has finished speaking. Secretary, please continue.

**SECRETARY FOR SECURITY** (in Cantonese): President, the existing 46 items of offences form the basis of negotiations for long-term agreement between Hong Kong and other jurisdictions. As a matter of fact, many of the 20 long-term agreements entered into with Hong Kong so far cover fewer than all the 46 items of offences. For instance, 4 agreements cover some 20 items of offences while 7 of them cover 30 or so items of offences.

Upon reception of a request for individual surrender, the Special Administrative Region Government will undertake thorough and detailed examination and consideration with full discretion of whether to process it or not. The Government had denied such requests and refused to activate the processing procedures in the past, for reasons ranging from failure to meet the principle of double criminality, insufficient evidence, to the lack of a long-term agreement. The Bill proposes that, having decided to process a specific request for case-based surrender, the Chief Executive will issue a certificate to active the procedures. Such activation does not mean that the fugitive will definitely be surrendered as the request must go through all statutory procedures, including the issuance of an authority to proceed by the Chief Executive, the public committal hearing by the Court and the eventual making of the surrender order by the Chief Executive. All requests for case-based surrender 

(Mr AU Nok-hin stood up)

**PRESIDENT** (in Cantonese): Secretary, please pause for a while. Mr AU Nok-hin, what is your point of order?

**MR AU NOK-HIN** (in Cantonese): President, I would like to ask the Secretary to clarify the legal procedures following the issuance of a certificate by the Chief Executive.

**PRESIDENT** (in Cantonese): I pointed out just now that I will deal with the requests for clarification from Members altogether after the Secretary has finished speaking. Secretary, please continue.

**SECRETARY FOR SECURITY** (in Cantonese): President, the executive authorities and the Court will both serve as gatekeepers for all requests for case-based surrender 

(Mr KWONG Chun-yu stood up)

**PRESIDENT** (in Cantonese): Mr KWONG Chun-yu, what is your point of order?

**MR KWONG CHUN-YU** (in Cantonese): President, I have this point of order. According to RoP 39(a), a Member shall not interrupt others "except by rising to a point of order, when the Member speaking shall resume his seat and the Member interrupting shall direct attention to the point which he wishes to bring to notice and submit it to the President or Chairman for decision". In other words, the President should deal with our points of order now. If they are dealt with after the Secretary has spoken, do they still qualify as points of order?

**PRESIDENT** (in Cantonese): When the Secretary delivers his Second Reading speech, the public, as well as Members of the Legislative Council, would wish to hear the Secretary's case in its entirety, for the Bill has been the focus of all our attention. Responding to the multiple requests for clarification made by a number of Members, the Secretary has made clear his wish to not make any clarification at this point on the conviction that clearer explanations can be given in a relevant Bills Committee. It is the choice of the Secretary whether to clarify or not. In my view, if there are issues that Members wish the Secretary to clarify, they should be dealt with altogether after the Secretary has finished speaking instead of interrupting him mid-way. For the public has the right to learn the full content of the Secretary's speech.

(Mr AU Nok-hin stood up)

**PRESIDENT** (in Cantonese): Mr AU Nok-hin, what is your point?

**MR AU NOK-HIN** (in Cantonese): President, I hope you can understand this. It appears to me that, by talking about the legal procedures without going into the relevant details just now, the Secretary was advancing a straw argument. It should be noted that so long as the Mainland claims to possess reasonable evidence, the courts of Hong Kong will have to 

**PRESIDENT** (in Cantonese): Mr AU, this is not a question that warrants any clarification. Please sit down.

(Mr Paul TSE stood up)

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

**MR PAUL TSE** (in Cantonese): President, as set out in RoP 39(b), interruptions to the Member―or the official―speaking is premised on his willingness to give way. For convenience sake, will the Secretary please indicate whether he is prepared to give way in the course of making his speech so that Members can raise points of order? If he is unwilling, I believe the act of raising points of order by Members' already violated RoP.

**PRESIDENT** (in Cantonese): Secretary, are you willing to give way?

**SECRETARY FOR SECURITY** (in Cantonese): No, I am not. I wish to finish my speech. Thank you, President.

**PRESIDENT** (in Cantonese): Secretary, please continue to speak.

**SECRETARY FOR SECURITY** (in Cantonese): President, the existing human rights and procedural safeguards under FOO, such as observance of the principle of double criminality, political offence bar, protection against death penalty, rule against double jeopardy, restriction against re-surrender to a third place, the right of application for habeas corpus and judicial review of the Chief Executive's decision for the individual concerned, will remain unchanged.

Another main section of the Bill proposes to extend the scope of application of MLAO to cover any jurisdiction outside Hong Kong and provide that in the event of a request made by a jurisdiction which has entered into a long-term agreement with Hong Kong, the request shall be processed only in accordance with the long-term agreement.

I hope Members will support the Bill as a way of providing us with the legal basis to effect MLA and SFO in relation to the Taiwan homicide case with Taiwan in a case-based manner, and improving the cooperation system on criminal matters of Hong Kong.

President, I so submit.

(Mr KWONG Chun-yu stood up)

**PRESIDENT** (in Cantonese): Mr AU Nok-hin  Mr KWONG Chun-yu, what is your point of order?

**MR KWONG CHUN-YU** (in Cantonese): President, I am Mr KWONG Chun-yu.

**PRESIDENT** (in Cantonese): Mr KWONG Chun-yu, please state your point of order.

**MR KWONG CHUN-YU** (in Cantonese): President, RoP 39(a) provides that "the Member interrupting shall direct attention to the point which he wishes to bring to notice". After a point of order has been raised, you can decide whether to deal with it or not. But you must let us raise it in the first place. When a Member rises to request to speak on a point of order, you must allow the Member to raise his point. President, it is not in your power to deny Members of their right of interrupting others. We interrupted the Secretary's speech just now to raise points of order. After a point of order has been raised, it is within your power to rule it otherwise and request the relevant Member to sit down. But another Member should be allowed to continue to raise a point of order.

I now raise a point under RoP 39(b). Did the remarks of the Secretary contravene Article 27 of the Basic Law which provides that "Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike"? May I ask the Secretary to clarify it?

**PRESIDENT** (in Cantonese): Secretary, will you make a clarification?

**SECRETARY FOR SECURITY** (in Cantonese): President, as I have explained many times already, the Government will answer questions from Members in the course of deliberations on the Bill in a relevant Bills Committee.

(Mr AU Nok-hin stood up)

**PRESIDENT** (in Cantonese): Mr AU Nok-hin, what is your point?

**MR AU NOK-HIN** (in Cantonese): President, now that the Secretary has finished his speech, it is time for him to make clarifications in response to our misgivings raised just now. He said just now that the Chief Executive will issue a certificate to activate the legal procedures. I would like him to clarify what are the legal procedures exactly. Many people are now concerned that so long as a case is ruled prima facie by the Mainland, the Court of Hong Kong must approve the surrender request. With the final decision vested in the Chief Executive, the Court may end up playing an ineffectual role as a gatekeeper.

**PRESIDENT** (in Cantonese): Secretary, will you make a clarification?

**SECRETARY FOR SECURITY** (in Cantonese): President, the Government, the Security Bureau and my colleagues will answer questions from Members in the course of deliberations on the Bill in a relevant Bills Committee.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 be read the Second time.

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

**GOVERNMENT MOTIONS**

**PRESIDENT** (in Cantonese): Government motions. The Secretary for Labour and Welfare will move three proposed resolutions:

First motion: The proposed resolution under the Employees' Compensation Ordinance.

Second motion: The proposed resolution under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance.

Third motion: The proposed resolution under the Occupational Deafness (Compensation) Ordinance.

I have earlier informed Members through the Legislative Council Secretariat that as the three motions seek to increase the amounts of a total of 18 compensation items under the relevant Ordinances, and to expand the list of medical appliances under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance, this Council will proceed to a joint debate on the three motions.

Upon the conclusion of the joint debate, this Council will put to vote the three motions one by one.

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

I now call upon the Secretary to speak on the three motions and move his first motion.

**Proposed resolution under the Employees' Compensation Ordinance**

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, I move that the first resolution, as printed on the Agenda, be passed to increase the amounts of nine compensation items under the Employees' Compensation Ordinance ("ECO"). I will also shortly move the second and the third resolutions, as printed on the Agenda, be passed 

(Dr KWOK Ka-ki stood up)

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

**DR KWOK KA-KI** (in Cantonese): President, a quorum is not present in the Chamber.

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

(While the summoning bell was ringing, a number of Members returned to the Chamber, but some Members did not return to their seats)

**PRESIDENT** (in Cantonese): Will Members please return to their seats so that the Clerk can do a headcount.

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

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

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): I shall pick up from where I left off just now. I will also shortly move that the second and the third resolutions, as printed on the Agenda, be passed to increase the amounts of five compensation items under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance ("PMCO") and expand the list of medical appliances under this Ordinance, and to increase the amounts of four compensation items under the Occupational Deafness (Compensation) Ordinance ("ODCO") respectively.

*(1) Proposed resolution under section 48A of ECO*

The purpose of this resolution is to increase the amounts of nine compensation items under ECO. ECO provides for the payment of statutory compensation to injured employees and family members of deceased employees for prescribed occupational diseases, injuries or deaths caused by accidents arising out of and in the course of employment. According to the established mechanism, the levels of compensation under ECO, together with those under PMCO and ODCO, are adjusted every two years where appropriate. Adjustments, if required, are generally made with reference to the wage movement or the price movement in the relevant period and having regard to other relevant factors.

According to the information from the Census and Statistics Department, the Nominal Wage Index ("NWI") and the Consumer Price Index (A) ("CPI(A)") recorded a cumulative increase of 7.64% and 4.34% respectively in 2016 and 2017.

We propose to increase the amounts of five compensation items under ECO by 7.64% in line with the aforesaid wage movement. The proposed revisions include increasing the ceiling of the monthly earnings for calculating compensation for death and permanent total incapacity from $28,360 to $30,530. We also propose to increase the minimum amounts of compensation for death from $408,960 to $440,200 and for permanent total incapacity from $464,360 to $499,840. In addition, we propose that the maximum amount of compensation for employees injured at work who require the attention of another person be increased from $556,700 to $599,230. As for the surcharge on late payment of compensation, we propose to increase the minimum amount of surcharge imposed upon expiry of the payment period from $660 to $710 and the minimum amount of a further surcharge imposed three months after the expiry of the payment period from $1,330 to $1,430.

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

At the same time, we also propose to increase the amounts of three compensation items by 4.34% in line with the aforementioned price movement. The proposed changes include increasing the maximum amount of funeral expenses from $83,700 to $87,330, and increasing the maximum payments to be made by an employer towards the cost of supplying and fitting a prosthesis or surgical appliance from $40,010 to $41,750 and towards the cost of the repair and renewal of a prosthesis or surgical appliance from $121,230 to $126,490.

Moreover, we propose to increase the amount of minimum monthly earnings specified in ECO for the purpose of calculating periodical payments during work injury sick leave from $4,090 to $4,500, with reference to the relevant items provided under the Comprehensive Social Security Assistance Scheme as at April 2018.

*(2) Proposed resolution under section 40 of PMCO*

Deputy President, I will now address the proposed increase of the amounts of five compensation items and expansion of the list of medical appliances under PMCO. PMCO provides for the payment of compensation to persons or their family members in respect of incapacity or death as a result of pneumoconiosis or mesothelioma.

According to the established mechanism, we propose to increase the levels of compensation for two items under PMCO by 4.34% in accordance with the cumulative increase of CPI(A) in 2016 and 2017. The proposed revisions include increasing the monthly amount of compensation for pain, suffering and loss of amenities from $5,110 to $5,330 and increasing the maximum amount of funeral expenses from $83,700 to $87,330.

Regarding the amount of compensation for bereavement under PMCO, we propose to adjust the level of compensation with reference to the latest sum of damages for bereavement under the Fatal Accidents Ordinance ("FAO"). The Legislative Council passed on 11 July 2018 the Government's resolution to increase the sum of damages for bereavement under FAO to $220,000 which took effect from 13 July 2018. In view of this, we propose to adjust the level of bereavement compensation under PMCO from $121,230 by 81.47% to $220,000. As the minimum amount of compensation for death under PMCO is pegged to the level of compensation for bereavement, we also proposed that the minimum amount of compensation for death be revised from $121,230 to $220,000.

Furthermore, making reference to the September 2018 

(Mr Dennis KWOK stood up)

**DEPUTY PRESIDENT** (in Cantonese): Secretary, please pause for a while. Mr Dennis KWOK, what is your point of order?

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

**DEPUTY PRESIDENT** (in Cantonese): Mr Dennis KWOK 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 so that a headcount can be done.

(A number of Members returned to their seats)

**DEPUTY PRESIDENT** (in Cantonese): A quorum is now present in the Chamber. The meeting now continues. Secretary, please continue.

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): Making reference to the latest minimum allowable monthly wage and food allowance for a foreign domestic helper working in Hong Kong in September 2018, we propose to adjust upwards the monthly amount of compensation for care and attention from $5,210 to $5,600.

Moreover, under PMCO, an eligible person who suffers from pneumoconiosis or mesothelioma is entitled to the reasonable expenses of the use or supply of medical appliances specified in Part II of the Second Schedule to the Ordinance. In response to views of patients and concern groups on expanding the list of medical appliances under PMCO to cover breathing apparatus and sputum suction device, the Labour Department has, in collaboration with the Pneumoconiosis Compensation Fund Board ("PCFB"), undertaken a study which involved collection of information from patients, relevant associations and trade unions and consultation with the Department of Health and the Hospital Authority for their expert advice. Subsequent to the study, it is proposed to expand the list of medical appliances specified in Part II of the Second Schedule to PMCO by including two more items, namely, (1) non-invasive positive pressure ventilation device and humidifier when used with the device, and their accessories; and (2) sputum suction device and its accessories.

*(3) Proposed resolution under section 39(2) of ODCO*

Deputy President, lastly, I will address the proposed increase of the amounts of four compensation items under ODCO. ODCO provides for the payment of compensation to persons who suffer from noise-induced deafness by reason of employment in the noisy occupations specified under the Ordinance ("OD persons").

According to the established mechanism, we propose to increase the maximum and minimum sums for calculating the amount of compensation for permanent incapacity under ODCO by 7.64% in accordance with the cumulative increase of NWI in 2016 and 2017. Specifically, the proposed revisions include increasing the maximum sum for calculating the amount of compensation for permanent incapacity for employees aged under 40 from $2,722,560 to $2,930,880; for employees aged 40 to under 56 from $2,041,920 to $2,198,160; and for employees aged 56 or above from $1,361,280 to $1,465,440. As for the minimum sum for calculating the amount of compensation for permanent incapacity, we propose to increase the amount from $464,360 to $499,840.

Moreover, under ODCO, any person who has at any time been entitled to compensation for permanent incapacity may apply to the Occupational Deafness Compensation Board ("ODCB") for the direct payment or reimbursement of expenses reasonably incurred in the acquisition, fitting, repair or maintenance of hearing assistive devices ("HADs"). In the current exercise, with a view to enhancing protection for OD persons under the HAD financing scheme, we propose to take into account the experience of ODCB in administering the financing scheme for the adjustment of the relevant financing limits.

To allow OD persons to have a wider choice of HADs to cater for their individual needs, we propose adjusting upwards the financing limit for first-time HAD applications by 15.36% from $16,470 to $19,000. In addition, taking into account the estimated average annual HAD expenses of an OD person as well as the biennial adjustment where appropriate, we propose raising the aggregate financing limit by 38.33% from $57,110 to $79,000, such that those OD persons who have exhausted the aggregate financing limit can have their entitlement to the financial assistance revived, whereas those approaching the limit can continue to be benefited from the financial assistance.

PCFB and ODCB have endorsed the respective parts of the proposal regarding PMCO and ODCO. The Labour Advisory Board has also endorsed the proposal on the three Ordinances, and the Legislative Council Panel on Manpower has supported in principle the proposal and urged for its early implementation. We propose that the revised levels of compensation and the new list of medical appliances should become effective from 26 April 2019.

I hope that Members will support the passage of the three resolutions so as to enhance the protection for injured employees, sufferers of occupational diseases, and family members of employees or persons who die of work injuries or occupational diseases as early as possible.

Thank you, Deputy President.

**The Secretary for Labour and Welfare moved the following motion:**

"RESOLVED that, with effect from 26 April 2019, the Employees' Compensation Ordinance (Cap. 282) be amended as set out in the Schedule.

**Schedule**

**Amendments to Employees' Compensation Ordinance**

**1. Sixth Schedule amended (specified amount of compensation)**

(1) Sixth Schedule, entry relating to section 6(1)(a)―

**Repeal**

"28,360"

**Substitute**

"30,530".

(2) Sixth Schedule, entry relating to section 6(1)(b)―

**Repeal**

"28,360"

**Substitute**

"30,530".

(3) Sixth Schedule, entry relating to section 6(1)(c)―

**Repeal**

"28,360"

**Substitute**

"30,530".

(4) Sixth Schedule, entry relating to section 6(2)―

**Repeal**

"408,960"

**Substitute**

"440,200".

(5) Sixth Schedule, entry relating to section 6(5)―

**Repeal**

"83,700"

**Substitute**

"87,330".

(6) Sixth Schedule, entry relating to section 6C(8)(a)―

**Repeal**

"660"

**Substitute**

"710".

(7) Sixth Schedule, entry relating to section 6C(8)(b)―

**Repeal**

"1,330"

**Substitute**

"1,430".

(8) Sixth Schedule, entry relating to section 6D(3)(a)―

**Repeal**

"660"

**Substitute**

"710".

(9) Sixth Schedule, entry relating to section 6D(3)(b)―

**Repeal**

"1,330"

**Substitute**

"1,430".

(10) Sixth Schedule, entry relating to section 6E(9)(a)―

**Repeal**

"660"

**Substitute**

"710".

(11) Sixth Schedule, entry relating to section 6E(9)(b)―

**Repeal**

"1,330"

**Substitute**

"1,430".

(12) Sixth Schedule, entry relating to section 7(1)(a)―

**Repeal**

"28,360"

**Substitute**

"30,530".

(13) Sixth Schedule, entry relating to section 7(1)(b)―

**Repeal**

"28,360"

**Substitute**

"30,530".

(14) Sixth Schedule, entry relating to section 7(1)(c)―

**Repeal**

"28,360"

**Substitute**

"30,530".

(15) Sixth Schedule, entry relating to section 7(2)―

**Repeal**

"464,360"

**Substitute**

"499,840".

(16) Sixth Schedule, entry relating to section 8(1)(a)―

**Repeal**

"556,700"

**Substitute**

"599,230".

(17) Sixth Schedule, entry relating to section 8(1)(b)―

**Repeal**

"556,700"

**Substitute**

"599,230".

(18) Sixth Schedule, entry relating to section 11(5)―

**Repeal**

"4,090"

**Substitute**

"4,500".

(19) Sixth Schedule, entry relating to section 16A(10)(a)―

**Repeal**

"660"

**Substitute**

"710".

(20) Sixth Schedule, entry relating to section 16A(10)(b)―

**Repeal**

"1,330"

**Substitute**

"1,430".

(21) Sixth Schedule, entry relating to section 36C―

**Repeal**

"40,010"

**Substitute**

"41,750".

(22) Sixth Schedule, entry relating to section 36J―

**Repeal**

"121,230"

**Substitute**

"126,490"."

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

**DR KWOK KA-KI** (in Cantonese): Deputy President, I support these resolutions. Yet, apart from showing my support, I would like to tell Members that the three resolutions are long overdue and belated amendments. If people just listen to the speech made by the Secretary just now, they may think that the Government is so kind as to increase the payments of certain compensation items under the Employees Compensation Ordinance, the Pneumoconiosis and Mesothelioma (Compensation) Ordinance ("PMCO") and the Occupational Deafness (Compensation) Ordinance. It seems that the amendments are initiated by the Government, Deputy President, but it is just the opposite in reality, for we have been waiting for the Government to take such actions for a long time

Now, I would like to focus on the discussion concerning medical appliances. In the second resolution proposed this time around, which is related to PMCO, the coverage of medical appliances, which includes wheelchairs, oxygen concentrators and its accessories and oxygen cylinders, is expanded to include positive ventilation device, sputum suction device and humidifiers. First, Members have to understand how these workers have contracted pneumoconiosis and mesothelioma. For pneumoconiosis, when we walk on the streets, we may see many workers engaging in repair and demolition operations on construction sites and roads. We all know that digging and resurfacing works are incessantly carried out on roads in Hong Kong. Yet, have Members ever considered that the dust produced in the course of such works will be inhaled by workers and accumulated in their lungs. When this process occurs on a daily basis over a long period of time, the dust accumulated in their lungs could no longer be exhaled. As a result, their sponge-like lungs will become as hard as rocks. Members can thus imagine that when their lungs become as hard as rocks, they can no longer breathe. At the incidence of pneumoconiosis, in most cases, they have passed the prime of their labour work, around the age of 40 to 50. In this period, their families still have to rely on their labour for financial support. Yet, they have lost their capacity because of pneumoconiosis.

Worse still, due to the continual drop in blood oxygen level, it will be difficult for them to walk, not to mention going to work. Hence, in the past, the compensation would cover equipment like wheelchairs, oxygen and oxygen cylinders. Yet, the compensation is trivial given the contribution these workers have made to society at the expense of their health. Regrettably, before the amendments to the relevant laws, ventilation device, sputum suction device and humidifiers are not included as compensation items. To many workers, at the initial stage of the disease, they may still breathe and go out with the help of oxygen concentrators and oxygen cylinders. Yet, after a short period, when the functions of their lungs continue to deteriorate, many of them have no alternative but to rely on ventilation devices. Due to the dysfunction of their lungs and bronchitis, they have to use sputum suction devices and humidifiers to facilitate the clearance of mucus secretion from their lungs. In fact, they will suffer considerable pain in each sputum suction procedure. Members may not be able to imagine that. For several times in every hour, they have to withstand the insertion of a plastic tube into their trachea for sputum suction. They cannot perform this procedure by themselves and most of them have to rely on their family members for this long-term care. Hence, the disease will cause sufferings not only to the workers but also their families. More often than not, their wives and children have to provide constant care at their sickbeds.

For many years, the Government has communicated with patient groups concerned and family members of these patients, while they have made continuous efforts to strive for improvement. Yet, the Government includes these items not until today. Regrettably, when these amendments come into effect, hundreds and even thousands of workers would have died from pneumoconiosis. They would never have the chance to claim such compensation. When they are facing extreme difficulties and pain, they have to use what meager savings left of theirs to buy ventilation devices, sputum suction devices and humidifiers essential to sustaining their lives. This is really ridiculous and callous, and it is commensurate with the wealthy society in Hong Kong.

Second, it is about the amendments relating to mesothelioma. Due to the recent incident that occurred in the redevelopment of the Prince Wales Hospital, we suddenly became aware that asbestos is still affecting Hong Kong. It is true. In fact, several decades ago, asbestos was an inexpensive and effective heat insulation material commonly used in Hong Kong. When asbestos was found to be a carcinogen overseas, the construction sector or many employees paid no attention to this in the beginning, and the Government did not enact relevant legislation swiftly. Later, after the prolonged struggle of labour groups, the authorities enacted a law on compensation for mesothelioma and to prohibit the use of asbestos in construction materials in phases. The objective of the enactment on compensation for mesothelioma subsequently is to protect these workers.

Yet, Members may not know that mesothelioma is an extremely malign cancer, and perhaps I can tell Members about this. At the incidence of this disease, the majority of patients of mesothelioma basically have no choice but to wait for their death. Hence, these patients do not have much time in their life to receive this so-called compensation. In fact, when these workers are diagnosed as having mesothelioma by doctors, they will leave this world in an extremely painful state very soon. Many of them will be survived by their young children and wives who can only cope with their difficult days with the meagre subsidies.

On the other hand, in the resolution proposed by the Government under the Employees' Compensation Ordinance, two surcharges have been increased. The surcharge on late payment of compensation is increased from $660 to 710, and the further surcharge upon the expiry of 3 months after the expiry of the payment period is increased from $1,330 to 1,430. In the first case, the surcharge has merely been increased by $50. I can only say the authorities can always think of a meaner proposal other than the already mean ones. Many people do not know that this increase of several dozens of dollars is offered only after the fight by certain groups for years. As for the $50, it is only enough for workers to make up for the increase in prices of meal boxes at fast food restaurants. For a family of four, the $50 can just offset the price increase of meal boxes. In comparison with the contribution they have made for construction of society, these increases are merely patchy fixes, or to put it bluntly, such compensation is negligible.

Some people may say that the Government should keep its expenditure within the limits of its revenues and the Government does not have enough funds. However, the Pneumoconiosis Compensation Fund has now accumulated to over $2.3 billion. The balance of the Fund is so large that the Government had proposed a legislative amendment to the Legislative Council some time ago to raise the levy threshold for value of construction works from $1 million to $3 million. In other words, it is not that the Government does not have the money or the capacity to increase the compensation, only that the Government and government officials in charge of labour policies, including senior government officials of the Labour Department and the relevant Policy Bureau, would rather give priority to pleasing employers, assuring employers that the levy will not have significant influence on them and causing loss of business or profits.

I feel very much ashamed that in a society where people are so rich that they can hardly pull up their own socks, when the coffers have over $100 billion and when the Hong Kong Monetary Authority has close to $400 billion in foreign exchange reserve, those who suffer from deadly diseases due to the working environment are  Many diseases are incurable, be it pneumoconiosis, occupational deafness or mesothelioma, and once a patient is diagnosed of such diseases, he will never recover and the impact of the diseases on the body is irreversible. For other diseases, doctors may prescribe medicines or carry out surgeries to help the patients to regain health. Yet for patients of mesothelioma, occupational deafness and pneumoconiosis, they can never recover from the loss of working capacity and health. Hence, I always consider that the Government has been indebted to the workers for a long time.

Secondly, for the compensation for incapacity, Members should not be too excited about it. In 2017, due to the decrease in median wages of the construction sector, the monthly compensation for incapacity for patients of pneumoconiosis was reduced by $10 to $240. In fact, the $220 increase in the compensation for pain this time around has just made up for the cut in early 2018. Members should not be happy about this too early, for if the median wage of the construction sector decreases this year, that is, 2019, the increased compensation for pain will be lowered by the Government―I do not know if this will happen. We have to understand that such compensation payments can never compensate their loss. But since they have no way to identify accountability for the mistakes in the past, they cannot but beg the Government to increase the compensation payments, so that their plights can be alleviated in some measure.

Members should not mistake that the increase in compensation payments will have significant influence on the Fund or the construction sector. In January 2018, there were only 1 400 pneumoconiosis patients in Hong Kong. Some have died and some have fallen ill, so the number of patients is decreasing every year. I do not understand why the Government would be so heartless like the business sector despite the wealth it hoards. The Government has the capacity and conditions to offer compensation but it does not do so and simply let the patients died. When the number of patients decreases, it introduces the amendments. At the same time, the number of applications approved is dropping every year. In 2013, there were only 10 cases, and in 2015, only three cases remained.

Perhaps workers of this generation who have lost their capacity are not the subjects whom the Government considers most worthy of care. The Government does not have to win their hearts, for there are only 1 000-odd of them. Nonetheless, each of them can tell a story written in blood and tears. If Members have a chance to chat with these patients, they will pour out their sufferings to Members. Many people have just passed their prime at the incidence of the disease, so their families are affected. Since most of the workers are the sole bread winner of their families, they can only rely on the care of their family members after they have lost their capacity and their money. Regarding the increase in compensation now, the level of compensation is not commensurate with their loss definitely. Hence, workers' groups hope that the Government will revise the compensation scale to provide more desirable compensation, where the compensation for care and attention should be calculated according to the degree of damage of lung function. Regrettably, in the present proposal, the authorities have not adopted this arrangement. Hence, there is still a long way to go for them to strive for fair treatment. I hope that upon the passage of the present amendments, the Government will review as soon as possible the current base adopted for compensation calculation to address their difficulties.

With these remarks, I support the passage of the proposed resolution.

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

**DEPUTY PRESIDENT** (in Cantonese): Mr Dennis KWOK 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 Dennis KWOK, please speak.

**MR DENNIS KWOK** (in Cantonese): Deputy President, I approve of the three proposed resolutions now under examination, namely the proposed resolution moved under section 48A of the Employees' Compensation Ordinance (Cap. 282), the proposed resolution moved under section 40 of the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) ("PMCO"), and the proposed resolution moved under section 39(2) of the Occupational Deafness (Compensation) Ordinance (Cap. 469).

(THE PRESIDENT resumed the Chair)

Yet, while giving them my approval, I have also noticed that the Pneumoconiosis Mutual Aid Association ("PMAA") had, in a letter, expressed the following views on the amendment of PMCO.

First of all, PMAA expressed their gratitude and support with regard to the levels of compensation, particularly the relevant amendments to expand the list of medical appliances in respect of pneumoconiosis. PMAA welcomed the relevant amendments to effect the increase of each level of compensation and the expansion of the list of medical appliances to cover breathing apparatus, sputum suction device and humidifier, etc. It also agreed to the adjustment rate of the levels of compensation.

That said, PMAA noted that regarding the levels of compensation in respect of incapacity, the amount of compensation made to patients suffering from pneumoconiosis throughout the year of 2018 was reduced by $10 to $240 monthly due to a downward adjustment in the median wage of the construction industry in 2017. In view of this, they considered that the increase of the compensation for suffering by $220 on this occasion would only make up for the amount of reduction in 2018. They were extremely worried that the levels of compensation in respect of incapacity would be reduced again in 2019. Therefore, we appeal to and hope that the Department will consider freezing the relevant reduction under the mechanism in case the median wage of the construction industry shows a downward adjustment again. The reduction should then be offset when the amount increases in the future, so as to avoid further affecting the quality of life of pneumoconiosis patients. I hope the Secretary will pay attention to and care about this view.

On the other hand, PMAA also mentioned a most unfortunate case relating to compensation for death, bereavement and funeral expenses. At present, about 30% of the death cases of pneumoconiosis patients are not compensated every year. In their letter, PMAA mentioned a tragic case in May 2018 in which a patient who was assessed to suffer from complete loss of lung function chose to end his life. He was survived by his wife who was suffering from severe depression and a child with severe intellectual disability. In view of this patient's situation, we hope that the Department can consider amending the legislation on receiving compensation for death and funeral expenses, emphasizing that the authorities will grant funeral expenses and compensation for death to all pneumoconiosis patients regardless of the cause of death.

The deceased patient whom I mentioned just now had been haunted by pneumoconiosis for a long time, driving him to choose to end his life. Yet, it is so regrettable that the Pneumoconiosis Compensation Fund Board ("PCFB") could not grant compensation for death to his family members since it could not be judged that he had died of pneumoconiosis. A pneumoconiosis patient has to face various hardship and sufferings during his lifetime. His choice to end his life should not imply that his family members are not eligible for compensation for death and funeral expenses. In fact, the amount at stake is not that much, should the Bureau grant compensation and funeral expenses to patients' family members under certain circumstances? The authorities should grant the relevant compensation and funeral expenses having regard to the actual situation and the predicament faced by the patients, regardless of the cause of death. I hope the Secretary can take note of this and make relevant arrangements.

In addition, with respect to the existing constant attendance allowance under PMCO, no more than 10 patients have successfully applied for the relevant compensation in each of the past five years. The number is very small, and quite a number of patients have even died unfortunately after receiving the compensation for just a few months, rendering it impossible for the original intent and effect of the "compensation for constant attention" to realize. Based on the said example, the additional expenditure is only $2.2 million per month at most. On this basis, it is projected that the additional expenses on compensation in the next 10 years will only exert a very minor impact on the financial position of PCFB. Moreover, many people in society have also suggested raising this expense because its impact on the expenditure and financial position of PCFB is minimal.

President, speaking of the Employees Compensation Assistance Fund ("the Fund"), I must mention a little bit of its history. In fact, the Fund was established in 1991. Employees sustaining work injuries who fail to receive compensation or damages after exhausting all methods and viable means of recovery from the employer and insurer concerned are eligible for assistance from the Fund. This is the reason why the Fund is related to the legal profession.

President, in fact, the Secretary should remember that a group of legal professionals and I have submitted to him our views on the Employees Compensation Assistance Ordinance ("ECAO"). Why? Because the Fund was once in financial difficulty in the past, and a reform was carried out at that time to maintain its financial soundness. The reform package included an ex gratia relief payment in lieu of common law damages, and the arrangement that the Fund would not be used to pay any expenses arising from legal costs incurred in claiming common law damages, etc. These were all included. Nevertheless, in fact, the Fund has no longer suffered a loss since 2007. As I mentioned just now, the Fund fell into financial difficulty in the wake of a major incident, such that a reform was carried out in 2002. In fact, the Fund has recorded a surplus of $80 million since 2007 up to now.

Secretary, the Fund established under ECAO is hoarding a surplus of $80 million. We have also said that it is most unfair that the Fund is currently not used to pay the legal fees arising from lawsuits concerning common law compensation. There is a precedent of the High Court *(Kong Hoi Lam (2016) 3 HKC 38)* in which a worker won the case, but since the Fund does not cover lawyer fees currently, the assistance recipient could not recover the legal fees incurred from the compensation even though the assistance recipient had won the case. In this way, the legal fees incurred are often deducted from the compensation, leading to the outcome that although it is confirmed that the worker, having won the lawsuit, should receive financial assistance, in the end he had to withhold a large sum of money from the compensation to settle the legal fees. This is extremely unfair to employees injured at work. What is more, the Judge of the High Court also made it clear in the precedent that this constituted injustice, calling on the Government to carry out a reform immediately and study the ways to deal with this problem.

I remember that some legal professionals and I met with the Secretary last year to discuss issues relating to employees compensation assistance. The Secretary promised to deal with them proactively, but to date, I still have not heard any counterproposal from the Secretary or the Bureau on reforming the Fund. I hope the Secretary will, when giving his response later on, talk about whether he agrees to the current practice that an injured employee has to deduct lawyer fees from the compensation received even though he has won the lawsuit. The employee is actually recovering compensation from others, why should he have these lawyer fees deducted from his compensation in the end? This is extremely unjust, and the Court has already pointed out this problem in a precedent in 2016.

President, the Fund is now hoarding a surplus of over $80 million, reflecting its very sound financial position. There is absolutely no need to pursue the so-called plan to tackle financial problem when ECAO was amended in 2002. Given that the financial problem back then no longer exists now, the authorities should, taking into account the current situation of the Fund, carry out reform in a timely manner, such that the Fund would not exist in name only. Instead, it would really assist those employees who should receive compensation and protect their rights so that they can receive financial assistance to which they are entitled under the law.

Lastly, President, I would like to talk about how the Fund grants financial assistance in the event that a settlement has been reached between the employer and the employee. The employee must obtain a verdict and court order for the Fund to grant the financial assistance, which is equal to forcing the employee to initiate a lawsuit since the employee can receive assistance only by taking his case to court. To both the employer and the employee, this will undoubtedly incur unnecessary costs. In fact, legal professionals would not recommend the parties concerned to go to court on every occasion. In many cases, the parties concerned are advised to reach an agreement by settlement as soon as possible. However, the Fund rigidly requires that a verdict and court order must be presented. This rather rigid requirement has led to a waste of time and efforts in that many cases which do not need to go to court initially are finally brought before the Court. At the same time, the Court also has to waste a lot of time and resources to handle such cases.

As such, I propose to amend the Ordinance to allow the Fund to grant financial assistance in the event that a settlement has been reached between the employer and the employee, that is, there is no need to obtain a verdict and court order. This reform can certainly reduce the time and cost of both parties and also encourage them to resolve disputes by means of settlement when they deal with cases of a similar nature in the future, thereby reducing all social costs *(The buzzer sounded)* 

**PRESIDENT** (in Cantonese): Mr KWOK, please stop speaking.

**MR LEUNG YIU-CHUNG** (in Cantonese): President, at present, there are many shortcomings in the compensation policy for workers affected by work injuries in Hong Kong, in terms of both the scope and amounts of compensation, so its ability in protecting workers' health and enabling them to receive suitable treatment is quite limited. This is indeed disappointing.

The three resolutions proposed by the Government this time cover workers in various situations but they all share one characteristic, that is, the great majority of them have spent the greater part of their lives making contribution to Hong Kong's prosperity. Unfortunately, due to the rather backward measures of protecting their occupational safety and health in the past, they developed occupational diseases in the course of work and are beset by diseases in old age. It is a shame that in their old age, when they badly need support from society, the Government only comes to the Legislative Council for adjustments of the amounts of various compensation items as a token gesture every two years, rather than considering their circumstances and needs holistically, thus making it impossible for this group of workers, who have toiled for the greater part of their lives but are now in old age, as well as their family members, to get any protection in their lives. Have society and the Government failed to show them concern and love?

President, originally, I hoped to propose the establishment of a subcommittee under the House Committee, so as to convey the views of workers and various groups on these three resolutions to the Government. We do not wish to see the Government simply adjust the amounts on each occasion and think that this is the end of the matter; rather, we hope that it can consider bringing more items into the scope of protection, for example, by lowering the threshold for pneumoconiosis patients to receive care and attention compensation, lowering the threshold for family members of pneumoconiosis patients to receive funeral expenses, introducing compensation for care and attention for persons suffering from occupational deafness, etc. Since some concern groups expressed the hope that the process of scrutiny would not drag on for too long and that the adjustments could be passed as soon as possible, a subcommittee could not be set up successfully eventually.

President, in fact, I fully understand the demands and views of various groups and workers. They think that even though the amounts of money are adjusted only slightly, they represent some sort of improvement for them, that is, this is at any rate better than getting nothing, so they hope that the adjustments can be approved as soon as possible. However, President, from my viewpoint, I am very dissatisfied. I am very dissatisfied with the Government's routine of making slight adjustments to the compensation items every two years. Moreover, these slight adjustments to the amounts are usually made only according to objective factors like inflation and the changes in wages, rather than fundamental adjustments made according to the actual needs of the affected workers. As a result, these adjustments cannot address the demands made by workers over the years in any way.

For many years, the Government has turned a deaf ear to the proposals made by workers to bring about significant improvements. Since it thinks that the legislature would surely pass the relevant amendments, it does not want to make too much an effort as it will see us only two years later. For workers, they cannot do anything else, for getting the increases is better than having none. In these circumstances, they always hope that the legislature can pass the resolutions as soon as possible. However, can the Government take a longer view rather than treating the biannual review as a routine? Can it venture further by taking a few steps more?

Meanwhile, we can see that currently, the balances in the funds covered by these three resolutions have seen increases rather than decreases every year. For example, at present, there is more than $2 billion in the Pneumoconiosis Compensation Fund and the funds in the Occupation Deafness Compensation Fund have also increased from $600 million in the year before to $800 million last year, so increases could be seen every year. At the same time, the increases in the numbers of affected workers are not great. In the past five years, new cases of workers suffering from pneumoconiosis increased by only about 50 to 80 cases each year. In view of this, a lot of money has actually been saved up in these funds but why is the Government so miserly and withholds the money? By withholding the money, what does the Government want to do with it? This is something I cannot figure out. I believe the funds should be put to good use, so as to alleviate the suffering of affected workers and their family members, ease their difficulties and relieve the hardship of these workers in old age.

Indeed, we can see that today, adjustments are made to the three Ordinances on compensation to various extents and two items of expenses are added to the Pneumoconiosis and Mesothelioma (Compensation) Ordinance, including the addition of expenses on breathing apparatus and sputum suction device in the scope of medical appliances. Of course, we welcome the addition of these two types of appliances but here, I cannot help but add a few words: In fact, workers have made these demands persistently to the Government over the years, only that the Government has been dragging its feet and paying no heed to them, and becomes willing to make these additions only now. For some workers, in the past, they hoped very much to see greater assistance from the Government, so that they could have a better idea of their condition or their suffering could be eased but unfortunately, now that a successful outcome of their lobbying can be seen, they are no longer alive and have passed away, so is this not most pathetic? In view of this, no matter what, given the copious amounts of money in the funds, the Government should do some self-examination. For example, can more compensation items be introduced, so that workers and their family members can get some relief in the face of difficulties?

In addition, another proposal put forward by the Government is to raise the minimum amounts of compensation for bereavement and compensation for death. It is certainly desirable to raise the amounts of compensation but in fact, about 30% of the patients suffering from pneumoconiosis passed away in Hong Kong each year but they could not receive any compensation. Because the thresholds for receiving these compensations are very high, so often many of these workers could not receive any compensation because they could not meet the requirements. As a result, they can only sigh in longing for this sum of money and the assistance they could get was limited.

Just now, Mr Dennis KWOK cited an example, saying that a worker suffered from pneumoconiosis and had lost 100% of his lung function. Not only was he tormented by the disease, the hardship in his life was also quite great. After enduring for a long time, he finally could not stand it anymore and took his own life. The wife of this worker suffered from serious depression and his son also had serious intellectual disability. However, in the case of this pitiable family, since the patient took his own life, he could not pass the threshold for receiving compensation. Can the Government think about this matter further? He was a worker suffering from pneumoconiosis and his lung function was compromised because of work. Can the Government consider offering funeral expenses and compensation for death to all workers confirmed to be suffering from this disease, rather than requiring proof that they died of this disease before granting the compensation? Otherwise, for many workers, the existence of this funeral compensation is actually not at all useful because often, it cannot be confirmed directly that they died of pneumoconiosis.

In addition, the Government proposed increasing the amount of care and attention compensation. President, first, I am not going to discuss if the amount is enough but I wish to raise one point, that is, the care and attention compensation is practically an empty gesture because its eligibility criteria are stringent. In each of the past five years, only less than 10 patients applied successfully for this compensation, so the rate was appallingly low and many needy workers could only sigh in longing for this sum of money that they cannot get. Why has such a situation arisen? Because if one wants to be eligible for this compensation, not only does one have to suffer from incapacity, he also has to prove that without the attention of another person, he cannot perform the essential actions of life. It is only in this way that the criteria are met.

President, of course, the compensation is introduced for pneumoconiotics but since they have been certified to be suffering from pneumoconiosis and incapacity, they should be entitled to this compensation. However, it still would not do, for they have to confirm that they cannot take care of themselves or perform the essential actions of life. May I ask how the conditions of workers in such circumstances are like? Their conditions are such that they are close to death. In fact, what we could see in the past was that workers who applied successfully for this compensation would pass away a few months later because their conditions were already very serious. Therefore, just imagine: This kind of compensation, given to them only when they are about to pass away―of course, this is at any rate better than nothing―however, in these circumstances, how much warmth can they feel? This gives one the impression that even though the money in the funds are abundant, the Government remains unwilling to increase the expenditure a little to help them and provide support or assistance to them, so is this Government not very unkind?

In fact, some concern groups have calculated that if care and attention compensation is granted to each patient according to their loss of lung function, it is estimated that the monthly total expenditure will only amount to $2.2 million but many workers can already be benefited, so why not consider doing so?

In addition, on workers suffering from occupational deafness, in the past, they also made great contribution to the textile industry and construction industry in Hong Kong. However, similarly, due to the inadequate protection for their hearing back then, their hearing was damaged, so they show signs of deafness. Due to the damage to hearing and gradual ageing, they experience degeneration in hearing and these two factors work together to make their hearing very bad. Given such a bad state, usually, tinnitus will develop. The problem of tinnitus is a great torment to the deaf because it seems there is a noise in their heads bothering them all the time, so it is difficult for them to fall asleep and they experience inconvenience in their daily life.

Apart from this, deaf people definitely also experience some difficulty in their social life. They hope that like workers suffering from pneumoconiosis, they can receive some sort of financial assistance in their living. Unfortunately, despite lobbying for many years and making the request to the Government a number of times, the Government remains unswayed, paying no heed and showing no concern in this regard. The Government said that workers suffering from pneumoconiosis are entirely different from those suffering from deafness, so financial assistance in this regard will not be offered. Why does the Government have to do so? Given the very sound financial position of the funds, why can this not be done? They are having such a hard time and are in such great suffering, so why can some support not be given to them?

President, another issue is that even though the amounts of compensation will be raised, I think they are still on the low side. Simply put, take an employee aged over 56 years as an example, even if he is certified to have permanent incapacity, the upper limit of compensation is only $1,465,000. At present, the average life expectancy of Hong Kong people is 84 years and if he can live to such an age, the amount of compensation per year is only some $50,000, that is, only some $4,000 monthly. To workers aged between 40 to 56 years, if they can get only this sum of money each month, their lives will be very difficult, very hard. With $4,000, how can they take care of their families? How can they make ends meet?

Therefore, in this regard, I hope the Government will not simply make adjustments biannually as though following a routine, rather, can it really examine their actual needs to see how their quality of life can be enhanced and higher amounts of financial assistance be provided, so that they lead a better life?

President, in sum, as in the past, the various amendments to the compensation items are mainly about increasing the amounts. For the sake of workers' interests, I can only accept them; otherwise, they will not see any immediate improvement. However, such a decision is indeed made with great reluctance because these amendments are of little help to improving their lot. Although this time round, I accept the amendments with reluctance, I must stress that the Government cannot regard making amendments on each occasion as a routine, focusing only on the details and overlooking the genuine needs of workers and their contribution to society over the years. Nowadays, many of these workers are already advanced in age and if they cannot get the requital they deserve before they leave this world, this is indeed very pathetic. I hope the SAR Government is not a Government that creates pathetic situations but one that is compassionate to these workers, and that it will consider the proposals put forward by us seriously, so that these workers can find consolation and warmth in their old age.

President, I so submit.

**MR HO KAI-MING** (in Cantonese): President, we approve of the three resolutions. In fact, the amendments this time are not complicated. They seek merely to adjust the amounts of compensation in accordance with inflation and expand the list of medical appliances under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance.

President, we agree that the Government should adjust the amounts of compensation annually. However, the Secretary should also consider the need to make major amendments or re-examine some of the long-standing problems.

Although no subcommittee is formed to study the three resolutions as they are relatively simple, it was noted during the discussions on levy last year that the Pneumoconiosis Compensation Fund Board ("PCFB") has accumulated a substantial amount of approximately $2 billion, in addition to the annual revenue of $800 million. Nevertheless, the law is too stringent in that only specified appliances are eligible for financial assistance, which is really frustrating. We certainly support fully the Government's decision to include the two appliances in the list, upon consulting PCFB, the Labour Advisory Board and relevant organizations. However, given the rapid advances in development of appliances, it is possible to lift this restriction or include any appliances with doctor's recommendation? Is this actually feasible? We hope the Government will consider the issue in this direction.

Insofar as drugs are concerned, mesothelioma patients who are in need of more expensive drugs can receive assistance only under the Samaritan Fund which does impose an assets limit on patients. While mesothelioma patients are not necessarily very poor, their savings would be exhausted quickly if they were to purchase drugs at their own expenses. This being the case, can the levy income of PCFB be used to help this special group of workers? I think the Government should give this consideration.

Moreover, the $300 daily ceiling of reimbursable medical expenses under the Employees' Compensation Ordinance is rather harsh. It will be more helpful to workers in getting the necessary support if the $300 ceiling can be accumulated for one month, so that patients can receive more sophisticated treatments, such as computerized tomography scan or Magnetic Resonance Imaging. Hence, we support these three resolutions, while at the same time hope the Administration will carry out a more comprehensive amendment proactively.

I so submit. Thank you, President.

**MR WU CHI-WAI** (in Cantonese): President, I only wish to draw the Secretary's attention to some operational issues in relation to the Employees' Compensation Ordinance ("ECO"). Obviously the amendment to ECO per se serves only to make adjustments to the amounts of compensation for injuries sustained by employees in the course of employment, and I think a major revamp of these amounts is certainly a good thing. But according to the cases that I usually come across, it is more often the case that apart from negotiating the compensation amounts, actually compensation lawsuits arising from work injuries caused by negligence are also involved. Under the common law mechanism currently in force, in the course of these litigations, the defendant, who is normally the insurer, may cleverly proposed to the Court a certain amount of compensation, and if the employee accepts it, he will receive compensation in the proposed amount. Otherwise, the employee will face another risk because if the Court rules not in the employee's favour, even though the employee may win the lawsuit, he may still suffer a loss from having to pay for the litigation costs.

Therefore, I hope that the Secretary will consider how an effective mechanism can be formulated in ECO, so as to put in place an effective system in the event that a lawsuit has arisen from a work injury incident to determine whether it is caused by negligence and hence compensation should be provided. Under this system, we can assist the wage earners in a way that in the course of their claim for compensation, the legal rights due to the employees will not be affected by unequal access to information between the employees and the insurance companies on the conditions of the employees' health or injuries.

In this connection, regarding this common law litigation process whereby a party to litigation can, for instance, deposit in the Court an amount of compensation that he is prepared to pay in a bid to gain an advantage in the litigation. In particular, to address the problem of unequal access to information faced by wage earners or the injured workers, I think these are factors that warrant consideration by the Labour and Welfare Bureau and especially as the Secretary will launch initiatives in respect of employees' compensation in future to protect the rights and interests of wage earners more effectively, I hope that this aspect can be taken into account, for it is actually a problem that we usually come across and face in handling cases in the districts and that is, while some wage earners might win the lawsuit, they eventually suffered a loss in having to pay for the litigation costs. As a result, while they may have obtained compensation after making much effort, but as they have to pay for the litigation costs, they practically cannot receive compensation due to them to support their living at a standard to which they are entitled.

Therefore, I wish to add this point in the hope that when the Secretary reviews the employees' compensation in ECO, especially in respect of arrangements for litigations arising from accidents involving personal injuries, he will take account of this phenomenon which is very common in society.

Thank you, President. I so submit.

(Mr CHAN Chi-chuen stood up)

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

**MR CHAN CHI-CHUEN** (in Cantonese): President, I request 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): Does any other Member wish to speak?

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, I will call upon the Secretary to reply. Then, the debate will come to a close.

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, I thank the four Members for their views on the resolutions. We have preliminarily examined and discussed relevant views at the Panel on Manpower or on other occasions. I believe the Panel on Manpower will continue to hold discussions on the issues in future. Hence, I am not going to respond to all of them in detail today.

I only wish to give a brief response to the judgement on the relationship between death and pneumoconiosis. Objective information shows that the relevant threshold is actually not high as more than 80% of the cases, in particular cases involving lung cancer, were determined pneumoconiosis-related by the board.

President, I have not studied these Ordinances before assuming the office as Secretary. After my assumption of office, I have heard many Members' views on the issue, in particular regarding the relationship between lung cancer and pneumoconiosis. As such, a case of death initially determined unrelated to pneumoconiosis in 2017 was later found pneumoconiosis-related upon a review in 2018. I do not wish to talk about other cases, in particular suicide cases, at the meeting.

I implore Honourable Members to support the passage of the three resolutions, so as to enhance as early as possible the protection for injured employees, sufferers of occupational diseases, and family members of employees or persons who die of work injuries or occupational diseases. Thank you, President.

**PRESIDENT** (in Cantonese): I now put the question to you and that is: That the first motion moved by the Secretary for Labour and Welfare be passed. Will those in favour please raise their hands?

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Secretary, you may move your second motion.

**Proposed resolution under the Pneumoconiosis and Mesothelioma (Compensation) Ordinance**

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, I move that my second motion, as printed on the Agenda, be passed.

**The Secretary for Labour and Welfare moved the following motion:**

"RESOLVED that, with effect from 26 April 2019, the Pneumoconiosis and Mesothelioma (Compensation) Ordinance (Cap. 360) be amended as set out in the Schedule.

**Schedule**

**Amendments to Pneumoconiosis and Mesothelioma (Compensation) Ordinance**

**1. First Schedule amended (amounts of compensation)**

(1) First Schedule, Part IIA―

**Repeal**

"$5,110"

**Substitute**

"$5,330".

(2) First Schedule, Part IV―

**Repeal**

"$5,210"

**Substitute**

"$5,600".

(3) First Schedule, Part V―

**Repeal**

"$121,230"

**Substitute**

"$220,000".

(4) First Schedule, Part VI―

**Repeal**

"$83,700"

**Substitute**

"$87,330".

**2. Second Schedule amended (medical expenses and expenses for medical appliances)**

Second Schedule, Part II, after item 3―

**Add**

"4. Non-invasive positive pressure ventilation device (and humidifier when used with the device) and their accessories.

5. Sputum suction device and its accessories."."

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

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

(Members raised their hands)

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

(No hands raised)

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

**PRESIDENT** (in Cantonese): Secretary, you may move your third motion.

**Proposed resolution under the Occupational Deafness (Compensation) Ordinance**

**SECRETARY FOR LABOUR AND WELFARE** (in Cantonese): President, I move that my third motion, as printed on the Agenda, be passed.

**The Secretary for Labour and Welfare moved the following motion:**

"RESOLVED that, with effect from 26 April 2019, the Occupational Deafness (Compensation) Ordinance (Cap. 469) be amended as set out in the Schedule.

**Schedule**

**Amendments to Occupational Deafness (Compensation) Ordinance**

**1. Schedule 5 amended (amount of compensation)**

(1) Schedule 5, section 1(a)(ii)―

**Repeal**

"$464,360"

**Substitute**

"$499,840".

(2) Schedule 5, section l(b)―

**Repeal**

"$2,722,560"

**Substitute**

"$2,930,880".

(3) Schedule 5, section l(b)―

**Repeal**

"$2,041,920"

**Substitute**

"$2,198,160".

(4) Schedule 5, section l(b)―

**Repeal**

"$1,361,280"

**Substitute**

"$1,465,440".

**2. Schedule 7 amended (limits of direct payment of expenses and reimbursement of expenses)**

(1) Schedule 7, section 1―

**Repeal**

"$16,470"

**Substitute**

"$19,000".

(2) Schedule 7, section 2―

**Repeal**

"$57,110"

**Substitute**

"$79,000"."

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

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

(Members raised their hands)

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

(No hands raised)

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

**MEMBER'S BILL**

**Second Reading of Member's Bill**

**Resumption of Second Reading Debate on Member's Bill**

**PRESIDENT** (in Cantonese): Member's Bill. This Council resumes the Second Reading debate on the Professional Accountants (Amendment) Bill 2018.

Since Mr Kenneth LEUNG is not present, this Council will not deal with this Bill introduced by him.

**MEMBERS' MOTIONS**

**PRESIDENT** (in Cantonese): Members' Motions.

Debates on motions with no legislative effect.

Motion on "Not forgetting the 4 June incident".

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

I call upon Mr WU Chi-wai to speak and move the motion.

**Motion on "Not forgetting the 4 June incident"**

**MR WU CHI-WAI** (in Cantonese): President, I move my motion. On 3 April 30 years ago, many Chinese people thought at first that it was just an ordinary April, and under the general trend of reform and opening, those who were making money continued to make money and those who had gone into business continued to do business. No one would have thought that a pro-democracy movement influencing the world to this very day would be launched in that very month.

The death of ZHOU Enlai triggered the 1976 April Fifth Movement, a movement initiated by the Chinese people after 1949 in opposition to the political regime. Back at that time, close to a million people in Beijing took the initiative to assemble at the Tiananmen Square from morning till night, carrying out activities such as swearing oaths, observing silence, giving speeches and recitations, and copying poems. In front of the Monument to the Peoples' Heroes, wreaths were offered, pamphlets were posted, and poems were written to mourn and commemorate ZHOU Enlai while denouncing the Gang of Four. While the Politburo then branded the movement as a counter-revolutionary political incident, but after the death of MAO Zedong, coupled with the fall of the Gang of Four, the April Fifth Movement was vindicated in less than two years. DENG Xiaoping came to power again, paving the road for China's economic reform.

The death of HU Yaobang triggered the 4 June movement. It was a pro-democracy movement which has more far-reaching implications and which swept across the whole country and affected the world. But what this pro-democracy movement got in return was it being branded as a riot by the editorial of the *People's Daily* on 26 April. Later on 20 May a curfew order was issued in Beijing, followed by the suppression on 4 June which killed and injured countless students and civilians. Unlike the April Fifth Movement, the 4 June movement has yet to be vindicated after three decades. After his stepping down, DENG Xiaoping was succeeded by leaders of one generation after another but the Communist Party of China ("CPC") still practises one-party dictatorship.

Over the last three decades, China has been rich and overbearing, and there has never been a trend for CPC's autocratic rule and centralization of power to be slightly relaxed. XI Jinping has even overridden the stipulation that the State President can serve for only two consecutive terms, which marks the start of the feudalistic monarchy of the XI family. The road to vindicating the 4 June massacre, to ascertain responsibility for the massacre, and to ending one-party dictatorship has grown longer and longer. Pursuing justice for the victims has even become a distant goal. Their families are spied on even when they paid tribute to and commemorate the victims. Therefore, the candlelight vigil held annually is actually an activity for Hongkongers to make use of what limited freedom left of ours to do justice to the victims and to show support for their families because the people have not forgotten the 4 June massacre. The CPC "butcher" regime will definitely be held responsible one day.

Three decades have passed after the 4 June incident, and there has all along been a struggle of remembering, whitewashing and forgetting. Many people think that history is unforgettable as it already exists. But through propaganda and education conducted in various ways, the Mainland Government has already played down the 4 June massacre as a turmoil between spring and summer. With the blocking of all key words relating to the 4 June massacre on the Internet in the Mainland, an overwhelming majority of the young generation in the Mainland nowadays have not the slightest idea that a magnificent, awe-inspiring social movement with far-reaching implications occurred three decades ago.

Two years ago the Education Bureau launched the second stage of consultation on the revised junior secondary Chinese History curriculum and announced the curriculum framework which nevertheless does not include such incidents as the 1967 riot and the 4 June incident. The Chairman of the Ad Hoc Committee for revising the curriculum, LEUNG Yuen-sang, remarked that the 1967 riot and the 4 June incident were unimportant to the development of China. In the eyes of the power holders, reshaping history has always been an important issue and this is why the 1967 riot is considered unimportant, and we have even seen leftists covering up the faults but extolling the merits of the 1967 riot. The Government wants to whitewash the harms done by the 1967 riot to society and the people at the time and this is why the documentary, "Vanished Archives", cannot be shown in cinemas officially, for the Government does not wish that the people can restore history other than from the official angle. Had the 1967 riot been unimportant, the British Government would not have introduced quite a number of reform measures subsequently in an attempt to resolve the deep-rooted conflicts in society back then. The 4 June incident has even more profound and far-reaching implications than the 1967 riot, and even if we look at it from the perspective of Chinese history, dismissing the 4 June incident as unimportant is obviously indicative of a lack of historical vision.

What happened three decades ago is still like something that took place in front of my eyes just yesterday. My memory of it remains vivid even now. Thirty years down the line, some people are gone; some are still alive; some have made a volte face; some have hold fast to their convictions; some have chosen to face it, and some have chosen to forget or evade it.

I have with me here a collection of newspaper advertisements on the pro-democracy movement of China in 1989. I wish to take this opportunity to read out some very important advertisements published back then. One of them was published by the Xinhua News Agency. In its statement entitled "An appeal made with profound grief", the Xinhua News Agency said to this effect: We are grossly enraged by the bloody crackdown that occurred in the capital and the atrocities of killing patriotic students and masses! We appeal to all employees of Mainland-funded corporations to express the deepest condolences for these patriotic compatriots in various ways on 5 June.

Then it is the statement of the Hong Kong Federation of Trade Unions, which consisted of six points: First, we strongly condemn those in power in Beijing for their bloody suppression of the students and masses on 4 June; second, those in power in Beijing must stop all suppression and arrests immediately; third, we express our deepest mourning for the students and masses killed in the 4 June incident; fourth, we call upon all workers in Hong Kong to tell their relatives and friends in the Mainland the truth behind the 4 June incident in various forms and through various channels; fifth, we call upon all workers in Hong Kong to take part in the mourning to be held on 7 June in forms that suit the actual conditions of their respective trades and industries; and sixth, we call upon people from all walks of life in Hong Kong to remain calm and join hands to work pragmatically for the stability of Hong Kong. We also call upon them to continue to support the patriotic pro-democracy movement in the Mainland with an active, sensible and peaceful attitude.

LEUNG Chun-ying expressed his deepest sorrow for those patriotic compatriots in Beijing who died heroic deaths. He strongly condemned the CPC leadership for bloodily suppressing and massacring the Chinese people, and saluted to all the members of *Wen Wei Po*. Also, there was an advertisement put up by Antony LEUNG, CHUNG Shui-ming, LEUNG Chun-ying, LO Ka-shui, LUK Man-keung, TAM Siu-cheong, Andrew FUNG, FEI Tai-hung, Andrew CHOW and Sun Sun CHAN: We strongly condemn the Beijing authorities for their cold-blooded atrocities in massacring the people and express our deepest condolences for those patriotic compatriots who have sacrificed for the democracy and progress of China. We appeal to all practitioners in the financial sector in Hong Kong to remain calm and sensible and to stand fast in their positions, so as to maintain Hong Kong's prosperity and uphold its status as an international financial centre, with a view to striving for a high degree of autonomy and freedom for Hong Kong after 1997.

What I have just read out are all advertisements put up by pro-China or pro-establishment individuals and organizations that day to condemn the bloody massacre by CPC. Is it that they were misled by what they saw and heard that day or their memory of that day has been erased?

On 21 May 1997 as the 1997 reunification was approaching, Mr SZETO Wah ("Uncle Wah") proposed a motion on 4 June incident for the first time in the Legislative Council before the reunification, and that was the only time when the motion on the 4 June incident was passed in the history of the legislature. Uncle Wah said, "In the contemporary history of China, from the May-fourth Movement down to the December-ninth Movement, and down to the Movement of "Anti-hunger, Anti-Civil War", every student movement heralded a new era and reflected the conscience of society, and drove history forward. Suppressers of student movements were reactionaries and scum of the time, society and history."

Today, let us take a look at Hong Kong after 4 June. Large-scale movements have taken place twice―one was the rally in opposition to legislation on the implementation of Article 23 of the Basic Law in 2003 with 500 000 people participating in it and the other is the Umbrella Movement that occurred five years ago. Both movements were linked to very strong yearnings for democracy, and in both movements there was participation from students and particularly in the latter one, students were even in the forefront of the Umbrella Movement.

Commemoration of the 4 June Incident is the milestone representing the continuity of the entire student movement. The candlelight lit on 4 June every year is an appeal made to all righteous fighters for democracy and freedom that the revolution has yet to succeed, so comrades still have to fight hard. It can be a piece of cake to keep on chanting the slogans of "vindicate the 4 June incident" and "end one-party dictatorship", but our perseverance for three decades or our perseverance in chanting these slogans even though we do not know when they can be realized is precisely the strongest weapon in this fight against the autocratic regime. Because it is only through perseverance that we can ensure that the truth of history will not disappear into oblivion, and it is only through perseverance that we can ensure that the torch can be passed on. The fight against dictatorship often cannot succeed in a short time. We must believe only through perseverance that we can make it through persistent efforts.

Therefore, some people said that the commemoration of the 4 June incident is just a ritual, but it is also an important component of this persistent struggle. Certainly we can commemorate this incident in various ways but they are definitely not in conflict with one another, for we need more friends, not more enemies, on this road of struggle. Therefore, let me make an appeal here. This year marks the 30th anniversary of the 4 June incident. I very much hope that all Hong Kong people can revoke their memory of and recall to their mind the bloody crackdown on the 4 June incident, and commemorate it. At the 4 June candlelight vigil to be held in the Victoria Park, let us shout in the loudest voice we can: "Vindicate the 1989 pro-democracy movement; End one-party dictatorship; Ascertain responsibility for the massacre". I hope that everyone will attend the 4 June candlelight vigil. I so submit.

**Mr WU Chi-wai moved the following motion: (Translation)**

"That this Council urges that: the 4 June incident be not forgotten and the 1989 pro-democracy movement be vindicated."

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That the motion moved by Mr WU Chi-wai be passed.

**MR LAM CHEUK-TING** (in Cantonese): President, I am now 42 years old, and I was in Primary Six 30 years ago. During that summer, Hongkongers watched the television at home every day, paying attention to the development of the pro-democracy movement in Beijing, Shanghai and many large cities in the Mainland. In the end, we heard gunshots, a series of gunshots were heard at Chang'an Avenue near Tiananmen Square―"bang, bang, bang, bang", "bang, bang, bang, bang", "bang, bang, bang, bang, bang". We saw cart-loads of young people bleeding, and many people sent to the hospital, resulting in heavy casualties.

I learnt the most important lesson in my life on that day 30 years ago, through which I realize that the Communist Party of China ("CPC") would resort to the most brutal means to treat its people and our young people in an attempt to maintain its own regime. From that moment, I knew that I should not pin any high hope on this regime.

Many Chinese people, Hong Kong compatriots, overseas compatriots and the global community voiced condemnation in unison after the suppression on 4 June. This is the basic standard of human morality. Yet, over all these years, some people have chosen to forget and to bury their conscience for various reasons. The most infuriating point is that some people keep on discrediting the 1989 pro-democracy movement, alleging that the movement was encouraged and manipulated by foreign governments behind the scene. Some people claim that if the suppression was not carried out on that day, there would not be the economic achievements today. Some people say that the truth cannot be confirmed in the absence of a comprehensive investigation. There is also the claim that we should look ahead and history will pass its fair judgment.

In fact, all of these remarks are no more than burying one's conscience and talking black into white. Would it be the case that the economy of China would certainly collapse if the pro-democracy movement was successful back then? Would there certainly be an economic recession if we had a more democratic and freer society upholding the rule of law? Do we see that the economies of many Western democracies are all in a very poor shape? Some people say that the truth will only be found out through an investigation, so does it mean that they are requesting CPC to thoroughly investigate the 4 June incident? They are not, so what does it mean? It means that they do not wish for an investigation, they do not want to know the truth. By saying that "we should look ahead and history will pass its fair judgment", what is your comment then? Do you have a stance?

When discussing the issue of school-based management last week, I quoted a famous saying by the Italian poet Dante ALIGHIERI. I can repeat it once again today: "The hottest places in Hell are reserved for those who in time of moral crisis preserve their neutrality." If you say you have no opinion, I will then query how do you distinguish right and wrong, and what moral standards do you have?

President, we are Hongkongers and also members of the Chinese race. When our nation is faced with such a tragedy, we absolutely have the moral responsibility to speak for the deceased. We should speak for the deceased when we still have freedom and there is still room for us to do so. Some people have chosen to bury their conscience, this is their choice. I do not intend, nor do I have the ability to wake up their conscience, because it is impossible for me to wake up those pretending to sleep. But anyway, 30 years have passed, like many Hongkongers and many compatriots worldwide, we do not want to remember, but dare not forget. Such a scene has changed our life for us Hongkongers, many Chinese people and the families of many deceased compatriots.

We will insist on pursuing the goals in our slogan: "Rehabilitate the 1989 pro-democracy movement; Demand accountability for the June 4th massacre; Release the dissidents; End one-party dictatorship; Build a democratic China" until our five major appeals are realized. We also hope that our pro-democracy movement and our support for the pro-democracy movement in the Mainland will continue to be passed down until success is finally achieved.

I so submit.

**MR GARY FAN** (in Cantonese): I speak in support of the "Not forgetting the 4 June incident" motion proposed by Mr WU Chi-wai.

Thirty years ago on the night of 4 June, the bloodshed in Beijing shocked the whole world. The gunfire and cannon shots by the People's Liberation Army ("PLA") completely shattered any illusions the Chinese people had about the Communist Party of China ("CPC"). The screams and howls of the victims awakened people's determination to pursue democracy in all parts of the world.

This year marks the 30th anniversary of the 4 June incident. In the past 30 years, activities commemorating the 4 June incident held in various places insisted on denouncing those in power in China for killing the people. Regardless of the changes in Hong Kong, we still insist on the vindication and commemoration of the pro-democracy movement in 1989 in order to awaken our memory of the brutality of CPC, commemorate the contributions of the victims and remind us of the value of democracy.

The 4 June massacre was triggered by the student movement in 1989. Beijing students who strove for democracy and Mainland masses who fought against bureaucracy and corruption assembled at the Tiananmen Square peacefully. CPC eventually sent in PLA troops to bulldoze the unarmed public and students with tanks and suppress them with gunfire, causing the student movement to end in bloodshed.

Hong Kong people have witnessed and participated in the candlelight vigil at Victoria Park on 4 June every year, demonstrating that we have never forgotten the 4 June massacre and that we are not silenced on the 4 June issue just like people on the Mainland. Discussions about the 4 June incident as well as films and books on this subject have been forbidden by the Mainland government since 1989. Such discussions are also prohibited on Mainland online platforms, nor do textbooks provide such information. The public and the media have been completely quiet about the incident, and even if they did mention it, they could only beat about the bush, which is what they call "playing an edge ball" in the Mainland.

LIU Xia, the widow of Nobel Peace Prize Laureate LIU Xiaobo was placed under house arrest for eight years before arriving in Berlin, Germany from Beijing and regained her liberty in July last year. An innocent person was forbidden to leave and speak for eight years. Certainly, LIU Xia may still not be able to speak freely even after the release. In fact, many human rights activists are still being prosecuted by the Mainland government for all sorts of charges, such as inciting subversion of state power, crowd gathering to exert pressure or picking quarrels and provoking troubles. Some of them are being closely monitored and forced to cut off from society without any charges, just like LIU Xia, in the name of protection, which actually makes them lead a prison life.

In Hong Kong, the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 ("the Bill") has just been read the First time. If the Bill is passed, the Mainland will apply the same approach direct to Hong Kong that it has been using for a long time to suppress human rights activists and dissidents and "one country, two systems" will then exist in name only.

According to the World Report 2019 of Human Rights Watch, an international human rights organization, Mainland China's ruthlessness towards human rights defenders last year is evidenced by the arrest of human rights lawyer WANG Quanzhang and the heavy sentence on democracy activist QIN Yongmin. The report also criticized Mainland authorities for restricting speech and religious freedom, arresting journalists and their interviewees, as well as establishing re-education camps in Xinjiang. How can we let the Bill pass and hand Hong Kong people or those on transit in Hong Kong to Mainland China which completely disregards human rights and the rule of law? We cannot accept it.

Recently, the "4 June liquor" case was tried by the court of Chengdu, Sichuan for four days. The case concerned four Sichuaneses who had produced and promoted online a liquor poster reading "Remember 8964" before 4 June 2016 in order to commemorate the 27th anniversary of the incident. They soon disappeared one after another within a month and were later accused of inciting subversion of State power. However, the trial had been delayed repeatedly. The four of them had been detained in the Chengdu detention centre for three years. Among them, FU Hailu was sentenced to three years imprisonment, suspended for five years. I would like to cite the statement of LIU Tianyan, the wife of FU Hailu, before the trial: "Due to a bottle of liquor, our loved ones have disappeared from our lives for three years without even the chance to say goodbye."

As I said in my speech on the "Not forgetting the 4 June incident" motion last year, the 4 June vigil can continue to be held precisely because there is still freedom of speech and freedom of assembly in Hong Kong. However, with the enactment of the National Anthem Bill, the Bill and the legislation for Article 23 of the Basic Law, we cannot be certain whether the 4 June vigil can still be held in Hong Kong next year or a few years later to express Hong Kong people's determination to pursue CPC's responsibility for the massacre.

**MR SHIU KA-CHUN** (in Cantonese): President, I now rise to speak on the motion on "Not forgetting the 4 June incident" moved by Mr WU Chi-wai. First of all, I have to thank various Members for persistently proposing a motion on "Not forgetting the 4 June incident" from 1997 onward. But I, at the same time, must express my regret that the Government has gone so far as to appoint no public officer to attend this motion debate, showing no regard to not only the Legislative Council and the subject on "Not forgetting the 4 June incident", but also history. Milan KUNDERA once said that the struggle of man against power is the struggle of memory against forgetting. The 4 June incident represents a battle of memory against forgetting, which also serves as a demon-revealing mirror.

I wish to make a few points on the 4 June incident: first, the 1989 pro-democracy movement in China has changed our generation. I am referring to not just the pro-democracy camp, but also the pro-establishment camp and the President present here, and the public officers absent on purpose. You and I are the generation influenced and changed by the 4 June incident. Without the 1989 incident, we might not have taken this path in life. Even today, such a mark is still vividly seen on many of us. This is the fate vested in every one of us by history. We can hardly escape from it, and we need not do so. We can hardly deny it, and we need not do so either.

I am 49 this year, and I joined the Umbrella Movement in 2014. By this time next week, I may have been in jail. I would say I have gone through these episodes in life because I am also the generation inspired by the 4 June incident in 1989. Indeed, many people have already let go, and over the years, they have been advising me to do the same and look ahead. I always think it is their own business. I simply cannot get along with those who are so ready to let go and deny history, so we had better go separate ways.

Second, some say that the Chinese Government has changed and progressed a lot. China is already a great world power now, and we should not be held back by the 4 June incident. Has the Chinese Government really progressed a lot? Just look at 2016. In Sichuan, four persons were charged with inciting subversion of the State for making a bottle of liquor. Why were they charged? Because this bottle of liquor was called "銘記八酒六四" (Remember 8964). President, it so happened that after a "flash trial" that lasted merely an hour today, LUO Fuyu was sentenced to three years' imprisonment. His wife, GAO Yan, wrote, "Covering up that piece of history, our country has been torn apart for 30 years; commemorating the patriotism, our family has been torn apart for three years." In fact, these days when even North Korea is concerned about political spin, the Chinese Government can still be as dark as that. Offending the regime because of a bottle of liquor, the quartet has consequently been made disappeared for three years, with no definite date of release. May I ask if it is really far different from the butcher regime in 1989?

Third, the 1989 pro-democracy movement was not just about the day of 4 June, Beijing or the final bloody crackdown. It was a relentless pro-democracy movement sweeping through China, involving all of its cities, big and small, with Hong Kong certainly being one of them. In a broader sense, it was even part of the global pro-democracy movement of resistance to totalitarian autocracy back in those days. All those who witnessed the two-month struggle in 1989 knew that the 1989 pro-democracy movement was also a pro-democracy movement of Hong Kong. Hong Kong people did not just voice their support out there. Hong Kong people also put up a fight. We experienced democratic enlightenment and political awakening, crying out for our own fate. Erasing this piece of history in 1989 will simply render us unable to understand all the subsequent political developments and history of Hong Kong. Denial of our own history will make it even harder for us and our pro-democracy movement to keep going in future.

Fourth, the motion on "Not forgetting the 4 June incident" moved in the Legislative Council and the candlelight vigil at the Victoria Park are not only a form of commemoration, but also confrontation. Commemoration is in itself a political confrontation campaign held by the public in an open manner. The video and textual records left by Members in the Council serve to slow down the fading of history. When the tens of thousands or even more than a hundred thousand people gathering at the Victory Park chanted "ending one-party dictatorship and building a democratic China" together, instead of commemorating the deceased as a matter of ritual, we make our protest clearly known to the world: We do not approve of such a government and system.

We hold fast to those values we consider worthwhile, and also call for changes. We call on China, as well as Hong Kong, to change. Given the universality of values, we also call on all totalitarian states in the world to change. We pursue democracy, freedom, equality, human rights and justice. We are not so naïve as to think that public commemoration alone will bring changes to China, nor are we so naïve as to think that we have done our part as long as we move a motion on the 4 June incident or light a candle at the Victoria Park year after year, doing nothing else. Our care for the 4 June incident, China, Hong Kong and the world should not be mutually exclusive.

I have attended the 4 June vigil at the Victoria Park over the years, together with my students. I will brief them before we go, and have a follow-up discussion with them after the vigil. The candlelight vigil, a form of commemoration and public confrontation, also serves as an important lesson of democracy and civic education. We cannot forget our history if we wish to understand it. My principle is that critical thinking and reflection should be encouraged, but we cannot let go or forget readily as it will be a betrayal to both history and ourselves.

Tenacity to values and righteousness is a virtue, which not only applies to the 4 June incident, but also concerns Hong Kong people. President, it is most suffocating to see the distortion of right and wrong. I can imagine that a bunch of people in this Chamber are eagerly hoping that everything will fade over time. Even if the motion is negatived today, memory is, at the very least, the most powerful weapon against an autocracy at this stage.

"Rehabilitate the 1989 pro-democracy movement, demand accountability of the massacre, end one-party dictatorship and build a democratic China". I so submit.

**DR KWOK KA-KI** (in Cantonese): President, first of all, I would like to thank Mr‍ WU Chi-wai for proposing the motion on "Not forgetting the 4 June incident" on the eve of the 30th anniversary of the 4 June incident.

In October 2014, a remark of YUAN Teng-fei, a young academic in the Mainland, went viral on the Internet. He said, "A nation with no history is a nation without roots". This remark of his has been passing around on the Internet in the Mainland incessantly. He is a graduate of the department of history of a normal university from the generation born in the 70s. His remark was initially targeted at Japanese. For every time when the subject of 4 June incident is mentioned, he will shift the focus. He says that had not the 4 June incident been put down, China would not be so prosperous today.

The Mainland Government is awesome. Whenever something happens in China, it will put up a show and find some anti-Japanese activists with the Government's approval to express opposition to Japan's removal of its invasion of China from its history. These leaders of the Mainland are good at criticizing the Japanese for forgetting history. They criticize the Japanese for the massacre of Chinese in World War II, the killing of 300 000 people in the Nanjing Massacre and the sacrifice of tens of millions of people during Japan's invasion of China. Yet, the "brutal butcher regime" now in power in the Mainland is also resorting to forgetting history to cover up its sins.

The regime of the Communist Party of China is good at using time to whitewash this episode in history for which they feel ashamed. Yet, Hong Kong is the only Chinese community which still stages a large-scale memorial activity on the 4 June massacre. This city definitely will not forget the tragedy that occurred at Tiananmen Square in Beijing 30 years ago. Thirty years ago, students and young people in Beijing came forward in view of the chaos in the country back then. Members should remember that there were official speculation and corruption in China 30 years ago and they were prompted to come forward. They thought that since the reforms and opening up of China in 1978, DENG Xiaoping, the leader of the State in power at the time, would attach importance to public opinions. Regrettably, DENG Xiaoping, like other dictatorial leaders of China, kicked down the ladder after gaining success. When he wanted to come forward, he took advantage of the voice of the democracy wall to come to power. When "Mr DENG" assumed power, he kicked off the ladder again, ordering troops to enter Beijing and start the massacre.

Today, 30 years after the incident, what is the situation in China? The present situation is worse than that in 1989. In 1989, people still had room to moot a protest movement in the civil community. But now in 2019, human rights activists in Mainland China will be subjected to all-out suppression by the authorities at the mere expression of a humble call. They include human rights lawyers WANG Quanzhang and QIN Yongmin, and so on. As for lawyers arrested in the "709 crackdown", their families are shattered. They may not have lost their lives, yet they are under tremendous pressure and enduring unnecessary suffering in prison, and the situation is worse and poorer than that of 30 years ago. Now, China has advanced technology, and it may apply face recognition technology and Internet technology to watch the people of China. Hence, in China, anyone daring to come forward to express any opinion will be put under detention and face charges of "subversion of State power" and "picking quarrels and provoking troubles", and so on, and ending with years of imprisonment in most cases.

Today, Members may still remember the four human rights activists who have designed the liquor label "Ming Ji Ba Jiu Liu Si" ("銘記八酒六四")[[6]](#footnote-7). In fact, they have not done anything special. They just put a label on a liquor bottle stating "Ming Ji Ba Jiu Liu Si", which is dubbed as "playing edge ball" in the Mainland. But still, this is prohibited. Among them is LUO Fuyu who has been sentenced to three years' imprisonment suspended for four years, yet he has in fact been under detention for three years. Initially, they were charged with "crimes of picking quarrels and provoking troubles", but the charges were changed to "crimes of subversion of State power", and eventually they were charged with "crimes of picking quarrels and provoking troubles".

Today, the most outrageous thing has happened, and that is, the First Reading of the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 at the Legislative Council. The rule of law of this country is fickle, where charges may be initiated arbitrarily to conform to the intention of the one in power.

This nation has no future. This country has no future. Regrettably, Hong Kong is bound together with this country in fate. The administration under Carrie LAM is a government betraying the people of Hong Kong and destroying our rule of law. A colleague asked whether we could continue to talk about 4 June. We definitely will continue to talk about this. Despite the draconian law, we will persevere in the discussion on 4 June every year. We will shout for the "rehabilitation of the 4 June incident", "ending of the one-party dictatorship", "demanding accountability for the massacre" and the "return of democracy to China".

I so submit.

**MR LEUNG YIU-CHUNG** (in Cantonese): I absolutely support the motion proposed by Mr WU Chi-wai. This year, 2019, marks the 30th anniversary of the 1989 pro-democracy movement and the 4 June massacre. It is really disappointing and infuriating that the Communist Party of China ("CPC") regime still refuses to hold itself accountable to history after 30 years.

Hong Kong people's freedom of speech and political rights are being narrowed down in recent years. The Confirmation Form in elections and DQ (disqualification) of Members showed that the CPC regime is pushing the "red line" further forward. Meanwhile, in order to please CPC, the SAR Government has sacrificed the interests of Hong Kong people over and over again. A new move of the Carrie LAM Administration recently is the attempt to amend the Fugitive Offenders Ordinance ("FOO") so as to expand the arrangements for the surrender of fugitive offenders to cover Mainland China and places with which no mutal legal assistance agreement has been signed. The proposed amendments caused widespread panic because we know only too well that, once surrendered to China under the CPC regime, it is basically impossible to receive a fair trial, despite the fact that a fair trial is the most important requirement of the United Nations regarding international agreements on the surrender of fugitive offenders.

The judicial system and protection of human rights in the Mainland are obviously unsound, both before and after the reunification. According to last year's Rule of Law Index of the World Justice Project, Hong Kong ranked 16th out of 113 countries and regions, while Mainland China ranked 75th. Many of those who participated in the 1989 pro-democracy movement are still on exile. In addition, more and more human rights activists have been taken away, detained or made missing in recent years, showing that the political reform and human rights situation in China have gone from bad to worse after the 1989 pro-democracy movement under CPC's totalitarian rule. This is precisely the reason why Mainland China was removed from the application of FOO back then, instead of a "loophole" as claimed by the Government now, which is downright a lie.

Therefore, the consequences would be inconceivable if dissidents are handed over to China. Although FOO stipulates that political offenders will not be surrendered, CPC could well extradite them to the Mainland for trial in the name of economic offences if they are regarded as a thorn in the side of CPC. This will make Hong Kong even more insecure and has aroused worries and fears among the business sector.

President, today's motion is "Not forgetting the 4 June incident", then why do I talk about FOO? Because all kinds of human rights violations that happened before and after the reunification, especially in recent years, are actually related to the bloody crackdown on the 1989 pro-democracy movement. CPC's massacre has smothered a public movement for political reform in the contemporary history of China. Since then, CPC has tightened its grip on politics, economy, culture and human rights on a full scale, which has deeply affected Hong Kong before and after and reunification to this very day. Without the vindication of the 4 June incident and ending one-party dictatorship, this situation will remain unchanged. It is for this reason that the five goals of the Hong Kong Alliance in Support of Patriotic Democratic Movements of China include "releasing the dissidents; rehabilitating the 1989 pro-democracy movement; demanding accountability of the 4 June massacre", but most importantly "ending one-party dictatorship; and building a democratic China".

I have noticed that, in recent years, more and more people consider promoting vindication of the 4 June incident is nothing but a pointless formality. At the same time, dissatisfaction and resistance towards CPC have accumulated in society due to speech and political suppressions, which has made some people consider that the 1989 pro-democracy movement is a matter of China that has nothing to do with Hong Kong. I understand that this thinking reflects some people's helplessness and desperation towards the CPC regime, but we cannot deny that the destiny of Hong Kong is closely linked to that of China. Moreover, Hong Kong people were never onlookers but participants in the 1989 pro-democracy movement. One million people took to the streets in support of the movement, and some even went to Beijing for that. Was that not participation?

Hence, I appeal to all Hong Kong people who have supported the vindication of the 1989 pro-democracy movement and still despise the CPC regime to come forward in the 4 June vigil this year as in the past, not only to demonstrate that we still cherish the freedom of speech and assembly that Hong Kong still has, but also to show this "killer regime" once again that Hong Kong people will not back down easily. Meanwhile, I hope Hong Kong people will not be discouraged and feel disinterested by or become accustomed to the political incidents happening in Hong Kong now. Otherwise, the Government, a yes-man to CPC, will only sell the interests of Hong Kong people even more unscrupulously. Please continue to stand up.

**MR TONY TSE** (in Cantonese): President, since I have become a Member of the Legislative Council, I have spoken on the motion on "Not forgetting the 4 June incident" every time it is proposed to express my feelings and opinions, and there is no exception this year.

Without noticing it, it has been nearly 30 years since the outbreak of the 4 June incident. Many people would not forget the incident that happened in Beijing 30 years ago. Like some of the people of Hong Kong, I still have profound emotions about it. Setting aside the difference in opinions towards the relevant incident or who is right and who is wrong, many people and I agree that the 4 June incident is an extremely unfortunate event, and that it is worthy of reflection for drawing a lesson from the experience.

The 4 June incident was triggered by the student movement in 1989. One of the aspirations of the student movement in 1989 was "anti-corruption, anti-depravity, anti-official profiteering". Back then, the reform and opening up policy introduced by the State had been implemented for a decade and the development of the economy started to accelerate, enabling part of the population to become rich first. Yet, the legal system, corruption prevention system and accountability system to hold government officials responsible to the people were not yet sound. Indeed, an effective and consistent system had not yet been established. As a result, society was plagued by problems concerning the distribution of economic benefits, disparity between the rich and the poor and corruption.

The 4 June incident once left China in isolation in the international community and its pace of implementing reform and opening up could not but be slowed down. In China, an economic crisis arose. In Hong Kong, there was a crisis of confidence. Some people chose to emigrate. Fortunately, the State had not chosen to backtrack and closed its doors but persevered in implementing reform and opening up, so that the economy of the Mainland had soon returned to positive growth. At the same time, the confidence of the people of Hong Kong in the development of the country and the reunification with the Motherland was restored. In 1997, Hong Kong transformed smoothly from a colony of the United Kingdom to a Special Administrative Region of China, where the economy, society and people's livelihood in China and Hong Kong progressed together.

The 4 June incident made us understand that to further enhance economic development and improve people's lot, the authorities must lay a good foundation in its rule of law and corruption prevention and enhance the efficiency, transparency and accountability of its administration. In recent years, the Mainland authorities have made vigorous efforts in combating corruption in the Government and the party. Heavy punishment is administered to corruption elements, which includes breaking the established practice that "member of the Standing Committee of the Politburo would not be put under investigation", persevering in "combating corruption with no prohibited zones" and persevering in "fighting tigers", "swatting flies" and "hunting foxes". At the same time, the Mainland has reinforced the establishment of corruption-free government and stepped up the auditing and monitoring work, seeking to ensure that government officials at various levels and regions "dare not, cannot and do not want to engage in corruption".

In March last year, the National Supervision Committee was set up in Beijing. The National People's Congress passed the Amendments to the Constitution of the People's Republic of China and the Supervision Law of the People's Republic of China to establish the legal status of the Supervision Committee as a State organization. This implies that a national supervision system is formed and the institutionalization of anti-corruption work has been taken a step forward.

Last year was also the 40th anniversary of reform and opening up. The country's development in economy, society and people's livelihood is obvious to all, which is the world's second largest economy in terms of GDP, just after the United States. The livelihood of the 1.3 billion people has been greatly improved in general, and the quality of its rule of law, legal system and level of probity has been raised, which is far different from the situation 30 years ago. In recent years, the State advocates the Belt and Road Initiative and development plan for the Guangdong-Hong Kong-Macao Greater Bay Area, which have brought tremendous new development opportunities to Hong Kong SAR and Macao SAR, as well as countries participating in the Belt and Road Initiative, awaiting the people of Hong Kong, young people in particular, to capitalize on them.

President, on the right or wrong of the 4 June incident, different people will have different views, and people may commemorate the incident and make expressions in different ways. I believe history will pass a fair judgment.

President, I so submit.

**MR AU NOK-HIN** (in Cantonese): Mr LEUNG, we all see that in the debate on the motion of "Not forgetting the 4 June incident" every year, the seats of government officials are left vacant. Yet, I do see some government officials listening to the debate in the Ante-Chamber. What makes it inconvenient for them to listen to Members' debate in the Chamber and respond to this motion? I think we need not and should not evade this after all.

The discussion about the motion on "Not Forgetting the 4 June incident" is heavy in most cases, so I would like to talk about some latest topics. Recently, the most popular topic on Facebook is the posts of the former Chief Executive, Mr‍ 689, for he is counting the number of companies placing full-page advertisements in the *Apple Daily*. As a State-level leader, LEUNG Chung-ying's act of counting and naming companies placing advertisements day and night, night and day has provoked many netizens to leave comments and some people have launched a crowd-funding campaign to buy front-page advertising space in the *Apple Daily*. The campaign claims to place an advertisement on "one man, one greet" to LEUNG Chun-ying in the newspaper, so that Mr 689 may see it. One of the pictures receiving the most comments is the one showing Mr LEUNG Chun-ying's comment made in June 1986 in *Wen Wei Po* condemning the Communist Party of China ("CPC") for the bloody massacre of the people of China. People wish to place a full-page advertisement in newspaper showing this declaration made 30 years ago to remind Mr 689 what he said 30 years ago. This case proves that though 30 years have passed and though less and less people are willing to face, mention the 4 June massacre or express their stances in the political arena, the 4 June massacre is still the largest demon-revealing mirror in the political arena in Hong Kong.

In 1989, CPC launched the massacre in Beijing. Various sectors of society in Hong Kong voiced condemnation one after another. LEUNG Chun-ying was not the only one doing so, for many personages in the pro-establishment camp had done so, too. Thirty years have passed, how many members in the pro-establishment camp are unwilling to mention this episode in history now? How many people who condemned CPC back then have chosen to forget the past on the pretext of acknowledging the reality or looking ahead, or even to try to absolve Beijing of the crime of the massacre? This is the reason for our persistent mentioning of the 4 June incident in the past 30 years. This is an essential examination of our conscience, based on the necessary pursuit of good conscience a political figure should persevere. To us, this is also a demon-revealing mirror. Hence, this should not be dulled by time.

Certainly, some people may have reservations about mourning the 4 June incident since it is a patriotic pro-democracy movement. Yet, the 4 June incident should not merely be perceived in the perspective of nationalism. The 4 June incident is the turning point of the local democratic movement and political development in Hong Kong. Due to the 4 June incident, the people's confidence in the handover of sovereignty changed. A lot of people of Hong Kong emigrated overseas, and the number exceeded that when the Sino-British Joint Declaration was signed. The 4 June incident changed the development of the democratic movement in Hong Kong, arousing the concerns of Hong Kong people in the development of representative government in Hong Kong. The 4 June incident even changed the provisions in the Basic Law then at the drafting stage. More still, the United States―Hong Kong Policy Act, frequently discussed by the pro-establishment camp and the business sector recently, came into being against the background of the 4 June massacre.

Hence, in the discussion about not forgetting the 4 June incident today, we definitely have to remember the people killed by the Beijing authorities 30 years ago, yet at the same time, we should not forget all episodes in history arising from the 4 June incident which have far-reaching effects on Hong Kong. In the past, Hong Kong had been roving around the niche between China and Western countries, identifying a path to freedom belonging to Hong Kong along which we do not have to rely solely on the North. After all, the history of the 4 June incident affects not merely China but also Hong Kong. For this reason, Hong Kong has to pass down this episode of history by remembering this every year and reminding the people of not to forget it.

Precisely because of this, among places under the sovereignty of China, Hong Kong is the only place where a large-scale candlelight vigil can be held to mourn the victims killed in the 4 June incident and to condemn the butcher authorities openly. This year marks the 30th anniversary of the 4 June incident, I urge the pubic to attend the candlelight vigil to be held in the evening of 4 June to call for the release of democracy activists, vindication of the pro-democracy movement in 1989, identification of accountability for the massacre, ending of the one-party dictatorship and establishment of a democratic China, and to mourn for all the victims of the pro-democracy movement. In memory of these victims and in remembrance of their spirit of perseverance in the struggle, we should also *(The buzzer sounded)* ‍

**PRESIDENT** (in Cantonese): Mr AU, please stop speaking.

Mr CHAN Chi-chuen, please speak.

(Some Members pointed out in their seats that Mr AU's speaking time was not yet over)

**PRESIDENT** (in Cantonese): Mr AU, sorry about that. Please continue.

**MR AU NOK-HIN** (in Cantonese): President, you do not have to apologize to me. I hope you will understand that the people will not forget that, and I hope Andrew LEUNG will not forget that, either. Not only that the 4 June massacre should not be forgotten, the many political dissidents and protesters suppressed and deprived of their political rights and even imprisoned in Hong Kong since the Umbrella Movement should not be forgotten.

I so submit.

**MR CHAN CHI-CHUEN** (in Cantonese): This year marks the 30th anniversary of the 4 June incident. The incident on 4 June 1989 was a mass movement in which Chinese people openly stood up to fight against corrupt government and exercise the freedom of speech, freedom of assembly and freedom of association prescribed in the Constitution, but it was suppressed in bloodshed by the Communist Party of China ("CPC"). Thirty years down the line, CPC has yet to respond to the aspirations for democratic monitoring and clean government demanded by the students back then. Corruption and depravity have grown even more serious. Members who pay attention to news on the Mainland would certainly see news about corruption involving state organs, high-ranking Mainland cadres and state-owned enterprises almost every day. But the reply given by CPC is only strengthening the centralization of power within CPC, refusing monitoring by the people and the media.

In March last year, the National People's Congress amended the Constitution, incorporating "XI Jinping's Thought on Socialism with Chinese Characteristics for a New Era" into the Constitution and removing the two-term limit for the President. Meanwhile, in his speech on the 40th anniversary of China's reform and opening up, XI Jinping made no more mention of the slogans of "inner-party democracy", "ruling the country in accordance with the Constitution" and "governing the State in accordance with the Constitution" put forward by him in the initial period after his assumption of office as President of the People's Republic of China ("PRC").

Regarding the definition drawn on the 4 June incident, in the officially approved *"Chronicle of Major Events in 40 Years of Reform and Opening Up"* published last year, marking the 40th anniversary of China's reform and opening up, we can see that on the mention of the 4 June incident, it was defined as a disturbance and counter-revolutionary riot again. In comparison, 10 years ago in the *"Chronicle of Major Events in 30 Years of Reform and Opening up"*, on the mention of DENG Xiaoping's speech during his meeting with the martial law troops, it was described as a political turmoil which took place in Beijing between spring and summer in 1989. At that time such wording as "political disturbance" and "counter-revolutionary riot" was dropped.

A straw shows which way the wind blows. Tightening up freedom, democracy and the right of expression, the attitude of Mainland China towards the 4 June incident cannot be clearer. All dictators have a guilty conscience. In July last year, Prof XU Zhangrun of Tsinghua University published an article entitled "Our Present Fears and Expectations", mentioning Chinese people's current fears of the full return of totalitarianism, as well as expectations of the resumption of a tenure system for PRC President and vindication of the 4 June incident in China. In the end, he was suspended from teaching by Tsinghua University, which set up a team to conduct an inquiry. It was utterly making a conviction for expression of opinions.

Furthermore, some academics have pointed out that the removal of HUI Zhangrun from all teaching and research work owing to his article criticizing the dictatorial tendency of CPC General Secretary XI Jinping was not simply suppression of a scholar of the liberal school by the ruling regime of CPC. Rather, it was reining in the academic circle in China in an organized and systematic manner, having an even more far-reaching adverse impact than MAO Zedong's tactics back then. Given such party-state rule disregarding the rule of law by CPC, I believe if those students who sacrificed themselves in the 4 June incident saw the situation in China today and the suppression currently suffered by scholars, they would be unable to rest in peace.

The 4 June incident was not only a significant event in the history of modern China. It also has a most important impact on the political and democratic development in Hong Kong in the last 30 years. Students with an innocent heart went so far as to sacrifice their lives for the sake of democratic development in China. High-ranking officials who decided to murder people at that time still lead a cosy life, while the Tiananmen Mothers now still seek to ascertain their responsibilities. Back then, among numerous Hongkongers, some just cried while watching the news on television, whereas some took practical actions to help democracy activists flee from Mainland China, and quite a number of Hongkongers thus decided to engage in politics.

However, as the murderer regime then never took any responsibility, the young generation in Hong Kong concerned with political affairs are extremely disappointed with and lack confidence in the political regime in China. Coupled with the increasing intervention in Hong Kong's "high degree of autonomy" by CPC in recent years, the sense of pressure arising from political conflicts between China and Hong Kong society persists.

Let me cite a few examples offhand. The National Anthem Law, the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 which we presently face, and even the disqualification of election candidates holding different political views have made many young people feel that the rule of Hong Kong by CPC does not have the slightest respect for Hongkongers' rights of democracy and "high degree of autonomy". There will not be a bright future, so they would rather have the two places separated from each other. Who has actually caused such mentality of alienation and severance? The incumbent leaders and those in power must take the greater share of responsibility. They cannot attribute all the problems to the young generation. Even if the young generation now do not even care about the 4 June incident owing to such an attitude of alienation, I can appreciate it. But we hope they will understand that the attitude held by students pursuing democracy back then was actually very close to theirs in their present pursuit of democracy and a better future.

Some people in Mainland China have longed for those in power to define the 4 June incident afresh. Last month, the Tiananmen Mothers issued an open letter, putting forward again the request for disclosing the truth of the 4 June incident and the number of casualties, compensating the victims, finding out who should be held accountable and bringing those responsible to trial. But having waited for 30 years, they still see no hope of their wish being fulfilled. In recent years, Hongkongers have developed an increasingly strong feeling that democracy, human rights and the rule of law pledged by the Basic Law have been swiftly tightened and have disappeared. When things become worse, the worst is yet to come. Commemoration of the 4 June incident in Hong Kong or a motion debate on vindication of the incident in the Legislative Council is not something that can be taken for granted. I hope that on the night of 4 June in the Victoria Park, we will continue to call aloud for vindication of the 4 June incident, ascertaining the responsibility for the massacre and putting an end to one-party dictatorship, and we shall persevere till the very end.

**MS CLAUDIA MO** (in Cantonese): At the time of the 4 June incident, university students in Beijing had many slogans. There were two slogans that they had chanted the most. One was "oppose official profiteering" and the other was "speak the truth". "Oppose official profiteering" means denunciation of corruption, and the combat against corruption is still an ongoing undertaking nowadays, whereas for "speak the truth", it remains a goal that is impossible to attain. Not only is it difficult for the press in the Mainland to speak the truth, even Hong Kong is just the same. Look at what has happened. Our freedom of the press has been gradually tightened, too.

At the time of the 4 June incident, I worked full-time as a journalist. Back then I was covering news in Beijing. In the dormitory for male students in Peking University, six students shared a bedroom as their bunk beds were three-tiered. They began to have this discussion with me. They asked: If the people of the Soviet Union could do it, why could we Chinese not do it? What exactly were we discussing back then? Perhaps many people have forgotten that when the Tiananmen Square was occupied by a million people, former Soviet Union leader, Mikhail GORBACHEV, was visiting Beijing. DENG Xiaoping was infuriated and this, all journalists knew, for he thought that it was abject disgrace as the Chinese care most about their face. Nowadays, our deepest impression of GORBACHEV comes from two Russian words―glasnost and perestroika.

In my life, other than discussions in class, those several students of Peking University are the only persons who have discussed these two words with me. When one of them said "glasnost" and as he pronounced it with an accent, I did not know what he was talking about then but I got it later. "Glasnost" means opening and "perestroika" means reform. Opening and reform were precisely put forward a decade before 1989 and that is, in 1979 by DENG Xiaoping. He was the first man to propose the opening and reform of China. The university students believed it, and while they believed it, they thought that when the Soviet Union could really achieve it as GORBACHEV had really opened up the country for his people, why could the Chinese not do it?

Members can imagine right away that for the reform or opening demanded by the young people in the Mainland back then, it was just reform within the system. As regards glasnost and perestroika on the lips of GORBACHEV, the objective was also to achieve a bit more opening and carry out some reforms within the communist system of the Soviet Union. As for Hong Kong people nowadays, especially the young people, we have had the Umbrella Movement, and we said, "I want genuine universal suffrage". We do not want to be given candidates A, B, C and D after a process of screening and be told then to elect a "rotten orange" by "one person, one vote". What we want is not such bogus universal suffrage.

Many people said that it is most important that despite the absence of genuine universal suffrage in our system now, when the 4 June incident is not forgotten, we can still look into what lessons we can learn from it. Members should think about this clearly. If we are purely talking about reform and opening within the system, our judicial system is the only institution which enjoys independence as provided for in the Basic Law. Look at how the judicial system has been manipulated by Carrie LAM now. Members were disqualified or DQ, and then political organizations were proscribed, and of course, let us not forget the expulsion of foreign journalists. She did not even bother to make legislation for that purpose because she simply did what she wanted to do. She really racked her brains to think of an ordinance that she could use and charge people for incitement to incite. We know it only too well. Come on, be a bit more honest.

Some people like to say that the Chinese are hopeless, and that the problem lies in their "petty-peasant DNA". But this is open to question, and I cannot entirely agree to it, because "petty-peasant DNA" is congenital, and it is your nature or the nature of the entire ethnic group. But imagine this: If a baby of Chinese descent is placed in an American or Australian society since it was born and when he grows up to 18, he will exactly become an out-and-out Australian or American. What "petty-peasant DNA" is there? This is entirely shaped by the extrinsic environment that we live in after birth. The Chinese like to be controlled, which is probably true, and this is why, at the time of the 4 June incident and after the curtain was lowered tragically and bloodily, nothing special seemed to have been done for the opening and reform of the country. So, as things now stand, we must understand why the young people are indifferent to powers and to sayings such as "end one-party dictatorship". They will only fight for their own perceptions.

To a person who spends all his life living in a birdcage, or one who was born and has been brought up in a birdcage, if you talk to him about flying freely, he will tell you that this is contrary to the norm. This is precisely the essence of the amendments to the ordinance on extradition.

**MR ALVIN YEUNG** (in Cantonese): President, it has been 30 years. If every person, as the government official suggested, has a life expectancy of 120 years, we will all have four 30-year periods in our life. But to ordinary people, it would be a blessing of several lifetimes to have lived to the third 30-year period.

Regrettably, to JIANG Jielian, WANG Nan, XIAO Jie, CHEN Laishun, XIE Jingsuo, XIAO Bo, SUN Hui, LU Chunlin, ZHANG Xianghong, CHENG Renxing, ZHANG Jin, DUAN Changlong, WANG Weiping, WANG Jianping, WANG Peiwen, DONG Xiaojun, YUAN Li, YE Weihang, WU Guofeng, YAN Wen, QIAN Jin, LIU Hong, ZHONG Qing, ZHOU Debao, LU Peng, ZHAUNG Jiesheng, DU Yanying, WANG Zhengsheng, XI Guiru, DAI Wei, WU Xiangdong, LAI Bi, DONG Lin, GUO Anmin, SUN Yanchang, QIAN Hui, ZOU Bing, TIAN Daomin, HE Jie, WEN Jie, BEN Yunhai, LIU Hongtao, ZHOU Xingming, WANG Gan, LI Dezhi, XIONG Zhiming, ZHANG Weihua, GONG Jifang, LIU Chunyong, LIANG Baoxing, SU Jingjian, WANG Hongqi, YANG Zhenjiang, HAN Qiu, TAO Zhigan, XU Jianping, HE Guo, QI Wen, SHI Yan, SUN Tie, REN Wenlian, CAO Zhenping, YANG Ziping, ZHAO Long, ZHONG Junjun, GAO Yuan, NI Shilian, KUANG Min, ZHA Aiguo, SHI Haiwen, YANG Hanlei, SU Xing, ZHAO Dejiang, CUI Linfeng and LI Chun―this group of young people only in their late teenage and early twenties in 1989, they did not even have the first 30-year period, before their precious lives were taken by the people's army of their own country with bullets and tanks.

In the evening on 3 June 1989, retired military medical officer JIANG Yanyong rescued injured students and people at Tiananmen Square. After retirement, medical officer JIANG had repeatedly written to leaders of different generations to petition the Central Authorities to squarely address the 4 June issue. In a recent television interview, he stated, to this effect, that the greatest error committed in the 4 June issue is people's lives are not regarded as a matter.

It has been 30 years since the 4 June incident. Let alone whether the Central Authorities are willing to vindicate it, the room for our discussion on the event has seemingly been throttled. The latest example is the "Remember 8964" liquor incident that took place in Sichuan in 2016. The four persons involved, after being illegally detained for more than two years, have recently been convicted of picking quarrels and provoking troubles one after another. President, what exactly did they do? They commemorated the 4 June incident in a satirical manner. Why is a regime―the solemn regime of a great country that controls everything with just a turn of its hand―so paranoid about an incident that took place one night 30 years ago and afraid of saying a single word about it?

It has been 40 years since the reform and opening up of China. Now there even are plans for the second reform and opening up. In terms of national power and economic strength, China undoubtedly is among the top in the world. However, no matter how strong its national strength is and how big a "China dream" it has, in the face of the wound of the 4 June incident, it will still choose to avoid discussion of it and suppress it high-handedly. Every year nearing 4 June, the parents of those young people whose names I have just read out will even be "forced to travel" and deprived of their rights to commemorate their children. For such a strong man and a giant, why does it not dare face its own wound and try to heal it? President, I believe the words of medical officer JIANG Yanyong that I have just quoted provide the answer―because it does not regard people's lives as a matter.

Perhaps some people would ask these questions: The incident happened 30 years ago, why do you still refuse to let the wound heal? Why do you still propose the motion on "Not forgetting the 4 June incident" in the Legislative Council every year? Why is a candlelight vigil held at the Victoria Park every year? I wish people can make one point clear. The Mainland government bans activities commemorating the 4 June incident. Also, every year, the Special Administrative Region Government does not assign any public officer to attend the debate on the 4 June motion, while almost every Member of the pro-government camp choose not to be present, not to listen and not to speak. I believe it is evident that it is not the pro-democracy camp who refuses to let the wound heal, neither is it those willing to commemorate the incident, but rather the aforementioned people who are unwilling to face the incident squarely.

President, the 4 June motion has failed to be passed in the Council for many years. I do not expect the voting results for the motion today will show any breakthrough or a 180-degree change. I simply hope to take this opportunity to express myself to the powers that be: the more they are wary of "the broken bowl", the more they show themselves having "cleft lips" and the more they appear to be vulnerable, the more evident that they are reluctant to squarely face all the mistakes they have committed. At the 30th anniversary of the 4 June incident, the leadership of China should at least begin the discussion on how to face such a deep-rooted problem that has affected a whole generation of Chinese people. So long as this problem remains unsolved, no genuine reform and opening up can be achieved and China can also never become a powerful country that truly upholds honour and integrity.

Of course, I also wish to take this opportunity to remind the people of Hong Kong that, at this time every year, we need to continue to remind and encourage each other. This year, this motion may not be passed but we will definitely try again next year. Thirty years, 60 years or 120 years may pass away, the people of Hong Kong will certainly keep guard of such memories. President, I believe the 4 June incident will not be easily forgotten because the people of Hong Kong are prepared to continue to shoulder such a responsibility and preserve such memories for the vast masses of Chinese people, until one day the relevant subject matters can be discussed in a dignified, open and honest manner on Chinese soil.

With these remarks, President, I support the motion on "Not forgetting the 4 June incident" on behalf of the Civic Party.

**MR ANDREW WAN** (in Cantonese): President, let me start by telling a simple story. As Members may know, there is this television programme called "Black Mirror" in the United Kingdom. It is about the impact of technology on human society, and I found one of the episodes most impressive, President. It is about some despotic countries using technology to control their people. They divided their people into different classes and assign marks to them. Then they treated the people in different ways with the objective of controlling society. This series was produced many years ago and has been hailed as a "surrealistic TV drama" on the Internet. Why? Because such a situation has unfortunately emerged in reality and what is more, it has happened in great China as referred to by the pro-establishment camp.

This is actually most pathetic. What is going on now? The situation faced by our compatriots living in the Mainland is that they are under surveillance in everything they do, every transaction they make and every activity carried out by them online. The despots have cooperated with some organizations, such as Alibaba, through platforms like Alipay to spy on every single move of the people. Records are also made in the process, giving each person a specific mark for surveillance.

A Chinese journalist named LIU Hu who lodged a report accusing officials of corruption in 2013 was consequently arrested for libel. He was released only after a year. In 2015, he made comments on microblog criticizing the Government and was charged for defamation. He was made to submit a written apology in court but the court rejected it on the ground of insincerity on his part. What happened in the end? The result was that LIU Hu once wanted to buy an air ticket to go abroad but the staff told him that he could not buy an air ticket because he had been placed on a list of people with bad credit. He was even prohibited from buying air tickets. This story tells us how horrible such surveillance can be. In the end, his children cannot go to school, and there is no way for him to buy a property. This is no fabrication; nor is it a story in Black Mirror. What I am talking about now is live stories happening in China.

Why do I have to tell this story? President, these things are still going on vividly in front of our eyes every day in China three decades after the 4 June incident. The compatriots in the Mainland still face the same oppression day in day out. In other words, the seeds sown by the pro-democracy movement three decades ago have yet to burst into flowers and this is most unfortunate. Worse still, as China's powers are growing and through the use of technology, and so on, the latitude for free speech as well as the freedoms and human rights of the people seem to have been further exploited.

Just now some Honourable colleagues mentioned the case of liquor bottle labels bearing words with pronunciation similar to words meaning "Remember 8964". I am not going to make a repetition here. But these vivid examples actually abound. Members may recall that LIU Xiaobo published the "Charter 08" and then he was put behind bars and ultimately passed away miserably. Suffering from cancer, he was released only in the last days of his life. But despite his release, so to speak, he was still under surveillance. What crime did he commit? Why should he be treated this way? All that he had demanded was that the Communist Party of China ("CPC") should rule the country in accordance with the law and the Constitution. He hoped to build an accountable, democratic society. He hoped to build a society in which the people have the power to be masters of their own house as promised by CPC. But he ultimately came to such a tragic end.

President, this year marks the 30th anniversary of the 1989 pro-democracy movement. This bloody massacre remains vivid in the minds of all human beings worldwide, especially to Chinese all over the world. Unfortunately, the future of the political reform of China remains gloomy. Of course, as Hong Kong is a comparatively open society in China, we certainly hope to exert some influence or at least speak up for people being oppressed in prison or in the Mainland. Mr Alvin YEUNG mentioned some names earlier on and actually there are many more others who are still alive or subjected to oppression. Some of these names are familiar to us, and some are names we may not be able to tell: HU Jia, ZENG Jinyan, JIANG Yanyong, HU Shigen. Some have passed away, including LI Wangyang; and some are currently under oppression, such as WANG Bingzhang, WANG Quanzhang, JIANG Tianyong, GAO Zhicheng, LI Heping, HUANG Qi, CHEN Guangcheng, PU Zhiqiang, TAN Zuoren, ZHAO Lianhai etc. We all know these names very well, and we often hear of them in the news. What is their situation now? They are still being oppressed by China.

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

Due to the time constraint, Deputy President, I wish to end by expressing some of my feelings. Earlier on an Honourable colleague said that the Hong Kong Alliance in Support of the Patriotic Democratic Movement in China has, over the years, silently carried out work in support of the pro-democracy movement. Hong Kong is also the only place in China where a large-scale assembly can be held in public to commemorate the 4 June massacre and the victims, paying tribute to the heroic souls of the 4 June incident through hundreds of thousands of candlelights every year. I think Hongkongers has the moral obligation to speak up for these people, whether they have passed away or are currently subjected to despotic oppression in the Mainland or are suffering in prison.

This year is the 30th anniversary of the 4 June incident. I think we must continue to talk about it. We must continue to talk about it every year. We should not stop talking about it just because so many years have passed, just as a colleague suggested earlier. The situation of these compatriots suffering in the Mainland is happening every day. We must not allow the CPC regime to lead China to continual degeneration. Before we can see that the 1989 pro-democracy movement is vindicated, that the responsibility for the massacre is ascertained, that one-party dictatorship ends, and that a democratic China has been built, we must continue to speak up for the people.

Deputy President, I so submit.

**MR IP KIN-YUEN** (in Cantonese): Deputy President, this year is 2019. When we look at the calendar of this year, we will find that this is a year filled with historical references, which happens to be the 100th anniversary of the May Fourth Movement, the 30th anniversary of the 4 June incident and the 70th anniversary of the founding of the People's Republic of China. These incidents are interconnected, with mutual influence on one another, marking this year with strong historical context. Some think that in the history of China, years ending in "9" are destined to witness upheaval. No matter what, this year is closely related to the history of China, particularly its modern history.

Deputy President, today is 3 April, with precisely one month and one day to go until the 100th anniversary of the May Fourth Movement. Back in those days, the Paris Peace Conference and the "twenty-one articles" that forced China to surrender its territory under humiliating terms caused a large number of Chinese youth and university students to rouse. The then surging May Fourth Movement paved the way for vernacular Chinese language, led to massive liberation of women and inspired modern thinking, enabling a modern China to take shape. The ideals of democracy and science motivated young people one generation after another, leading to, among others, the occurrence of the 4 June incident in 1989, the 70th anniversary of the May Forth Movement.

During the 30th anniversary of the 4 June incident, when we look back, we may try to trace the more distant past. Deputy President, the 4 June incident that took place three decades ago stirred up the emotions of people in Hong Kong. Back then, while we were physically in Hong Kong, many of us were concerned about everything going on in Beijing, including the protests against corruption and official profiteering, and the call for democracy. We saw the rallies and processions staged by local students and members of the public in Beijing, with a sense of fraternity in pursuit of the dream that had been left unfulfilled since the May Fourth Movement. And we in Hong Kong also saw that time after time, members of the public participated in the million-people marches or the rally under Typhoon Signal No. 8. Hong Kong people caught up with the full TV news every evening in order to know what was going on in Beijing. Three decades ago, between the midnight of 3 June and the early hours of 4 June, many in Hong Kong had a wakeful night, shedding tears in the dark, as a bloody crackdown had taken place in Beijing.

Undoubtedly, the 4 June incident is the most pervasive and lasting collective memory of Hong Kong people. Three decades ago, Members of the leftists, the centrists or the rightists from the pro-democracy or pro-establishment camp, reached the greatest, albeit short-lived, consensus to condemn the bloody massacre by the Beijing authorities and to pursue the ideal of democracy. The mark etched on the mind of every one of us has driven hundreds of thousands of people to attend the perennial candlelight vigil at the Victoria Park year after year. This candlelight vigil is the only mass assembly in commemoration of the 4 June incident that can be freely held among Chinese communities around the world. Time and again, we have braved the raging storms and torrents of rain to keep numerous candles lit, feeling sad but proud. We expressly declare to the world that we have not forgotten history, nor have we abandoned our conscience and hope.

Reviewing history, the dream of the 4 June incident was actually the dream of the May Fourth Movement, and it remains the dream of today. We dream that democracy and science can take root on the vast expanses of China. To this day, the dream of democracy is still far away from the vast expanses of China. There have even been signs of continuous tightening over the past few years, and all sorts of cases of miscarriage of justice have left us deeply unsettled.

Doubtless, our national strength has been on the rise, but we also hope that people can have democracy and freedom. As members of the public of Hong Kong, we should not forget it. We will continue to remember the 4 June incident and its history, and that it is the history of not only China, but actually Hong Kong as well.

I call on more Hong Kong people, particularly the young, to join the candlelight vigil at the Victoria Park. It demonstrates that we value and insist on pursuit of democracy and freedom. I hope young people in Hong Kong can spend more time on learning about history to get a better picture of the long history of the 4 June incident and the May Fourth Movement. I also call on members of the public in Hong Kong to uphold their position of valuing democracy and freedom. And in my view, facing the various difficulties encountered by Hong Kong in recent years, such as the threat to freedom posed by the Fugitive Offenders Ordinance, we must also keep our guard up with the same spirit, thereby demonstrating that such freedom is what we cherish. Only then can there be hope for Hong Kong.

I also eagerly hope that today we, like three decades ago, irrespective of our affiliation with the leftists, the centrists or the rightists from the pro-democracy or pro-establishment camp, can still insist on pursuit of democracy and freedom in Hong Kong and keep fighting for them.

With these remarks, I support the motion on "Not forgetting the 4 June incident" today.

**MR JEREMY TAM** (in Cantonese): Deputy President, this year marks the 30th anniversary of the 1989 pro-democracy movement and the 4 June crackdown. Over the years, the Chinese people have refused to forget this episode in history. What commands our greatest respect are those who still have the courage to speak from their conscience under Mainland's tyrannical rule, including the four people in the "4 June liquor case" who have been detained for three years and are now waiting for sentence. These four people refused to forget this piece of history, but CPC forced them to do so. What we have to do is safeguard this memory.

The story went like this: In Chengdu, Sichuan, four friends were charged with inciting subversion of state power and placed under criminal detention for more than 1 000 days before trial because of a batch of liquor they had brewed. In May 2016, FU Hailu, ZHANG Junyong, LUO Fuyu and CHEN Bing brewed a liquor and named it "Remember ba jiu liu si" (銘記八酒六四), which reads the same as "Remember 8964" (銘記八九六四). They have also designed this yellow bottle label that I am holding now. On the label are, except the name "Remember ba jiu liu si", tanks and cartoon illustration of "tank man" WANG Weilin stopping the tanks and the army from moving forward on Chang'an Avenue. They promoted and sold this liquor online at RMB89.64 a bottle. They were arrested for this label at which time they had only sold dozens of bottles. By Hong Kong standards, this label can only be considered as satirizing the ills of society. I do not understand why one would be charged with inciting subversion of state power merely because of this label in a democratic society.

The trial of FU Hailu and others was delayed until 1 April. Although the charge against FU Hailu was changed before the trial to picking quarrels and provoking troubles, which is less serious, he was still sentenced to imprisonment for three years, suspended for five years. The other three are still waiting to stand trial. The Communist Party of China ("CPC") used this tactic to suppress such a peaceful and humble act. Is the regime really that easily rocked? If merely a few labels are enough to rock its boat of governance, then this regime is really frail.

If we take a closer look, we can actually see their creativity in the label. However, in terms of composition or craftsmanship, the label was actually quite shoddy. In saying this I do not mean to make fun of them. On the contrary, such shoddy craftsmanship showed that they have chosen the most sincere way to pay tribute to the victims of the 4 June incident within their capabilities, instead of using some fancy designs. We cannot help but have this image in our mind: they were putting pieces together on a desktop computer to make this label in an Internet cafe in Chengdu. In response to this humble act, CPC created terror deliberately.

Actually, what is the most terrible part? It is not three years' imprisonment but the 1 000 day-detention without trial. They did not know for how long they would be detained or whether they would be detained for a lifetime. This is actually an extreme torture under which their hope was sometimes rekindled, sometimes dashed. The pain and despair were fully demonstrated in a recent statement made by LIU Tianyan, the wife of FU Hailu. She said, to this effect, "For more than 1 000 days and nights, a wife could not see her husband, a child could not see his father, a mother could not see her son. We travelled back and forth the some 20 km numerous times. We suffered from the unjustified delay of the trial. Every time, we left with hopes and returned with disappointment, then left with hopes and returned with disappointment once again. From now on, I hope we will leave in the dream and wake up in tears. The Criminal Procedure Law stipulates that the court shall pronounce judgment on a case within two months after accepting it. But because this case involved the sensitive 4 June incident, we had to wait in the dark and drag out an ignoble existence hopelessly." Actually, these four men have merely refused to forget this episode in history which CPC forced them to forget. It is just as simple as that.

It has been 30 years since the 1989 pro-democracy movement and the 4 June crackdown, many witnesses may no longer be alive; many family members of the victims may not live until the vindication of the 4 June incident; and many people who did not witness the incident will not take it seriously. But we believe that both who are alive or have passed away will forever refuse to forget the 4 June incident until the day when justice prevails.

I so submit.

**MR CHARLES PETER MOK** (in Cantonese): Deputy President, just now I borrowed from Mr WU Chi-wai this publication entitled *Newspaper advertisements on the Democratic Movements of China '89*. After leafing through it, I find several advertisements therein worth revisiting here. The first advertisement I would like to read out goes to this effect: "Filled with grief and indignation, we pray for China. We earnestly believe that freedom, equality, justice and peace are the basic human rights that God vests in each and every human being, and because of this, people can live with dignity. We feel deep grief and strong indignation for the brutal, cold-blooded, violent massacre of unarmed students and citizens participating in a peaceful demonstration at Tiananmen Square, Beijing by the Chinese Government on 3 and 4 June 1989. We strongly demand that the Chinese Government and the army should stop immediately all unreasonable, inhumane and illegal acts of arrest, crackdown and slaughter. We call on every Christian to stand up bravely to strive for freedom, equality, justice and peace, and to stand with all Hong Kong people as well as all Chinese people. We make the appeal that no matter how the situation develops, the principle of struggling through non-violent means must still be firmly adhered, as our actions are driven by love, not hate." This was obviously said by a group of Christians. I hope nowadays there would be more Christians who insist on not forgetting the 4 June incident, and do not forget their original intent.

Leafing through this publication further, I can see another joint statement issued by a group of accountants, they said, to this effect: "We are concerned and feel uneasy about the incidents that happened in China recently. We urge the relevant authorities to resolve the current crisis by a peaceful and humane approach." They also mentioned that "We are worried that if the actions now taken are applied to Hong Kong after 1997, the basic rights of the people of Hong Kong will be undermined." This statement was published on 27 May, a time when the massacre had not actually taken place, so I believe that if the massacre is included and applied to Hong Kong, not only would our confidence and basic rights be affected, everyone should know how serious the situation would be. The incumbent Financial Secretary Paul CHAN was one of the signatories of this joint statement. I can also recall that when he spoke on this motion in the Legislative Council in the past, he gave me the impression that his speech was relatively conscientious. I wonder if the Financial Secretary would use his own method to commemorate this incident now. I do not know, but I hope he will.

In addition, I can also see an advertisement published by a group of people who claimed themselves as members of the Guangdong Provincial Political Consultative Conference, which reads to this effect: "We ask members of the Political Consultative Conference at the national, provincial, municipal and county levels to come forward and uphold justice; to confirm that this student movement is a patriotic pro-democracy movement; to support freedom of the press and freedom of speech; to support democracy and freedom; to resolutely oppose suppression by the military forces; and to urgently convene meetings of the Political Consultative Conference at various levels to discuss solutions to the imminent national crisis." I believe they did not hold any meeting in the end, but at least they did say so on 23 May. What is their stance now?

In fact, there were still some advertisements published after the 4 June incident. For instance, a group of management and professional personnel stated, to this effect, that: "In view of this incident, it will be extremely unfavorable to Hong Kong if the confidence of Hong Kong is suppressed continuously in this way." They also pointed out that: "After the suppression by military force directed by the ruling party of China recently, we are worried if 'one country, two systems' can be implemented after 1997. We are deeply worried about this. Now, taking a look at the situation of Hong Kong in recent years, I really feel extremely sad. It is exactly because what we see now is that "one country, two systems" is subject to incessant blows and erosion.

Coming to the 4 June incident, many people show little care to it in recent years. I have been pondering, in what aspects have changes arisen? Is it really like what some Honourable Members―especially the pro-establishment Members―said, though they speak less often today? Yet, I heard Mr Tony TSE say that the economy was getting better and he also mentioned the Greater Bay Area, the Belt and Road Initiative, etc., but I really cannot figure out what the 4 June incident has to do with the Belt and Road. He can support the economic development of China, but what he said seems to suggest that these developments can cover up the 4 June incident, such that we need not discuss it. I think it is incorrect. Is it because we ourselves have changed, or the Mainland has turned better? But I cannot see any improvement in the Mainland. In fact, speaking of politics and surveillance, the situation in China has definitely worsened. Democratic reform? There is none. It has instead become increasingly authoritarian in that all kinds of dissident voices are gaged.

This piece of clothing on me bears the words "People will not forget" on it. I believe many people will share the thoughts of Honourable colleagues from the pro-democracy camp and mine, we dare not, and are unwilling to forget. I believe many Hong Kong people have not actually forgotten it in their heart, but why do they not come out?

In recent years, some Honourable colleagues also said that the number of people attending activities commemorating the 4 June incident seems to have decreased, and it appears that less young people are taking part in them. Yet, we should indeed not forget that Hong Kong holds activities of the largest scale worldwide to commemorate the 4 June incident every year. More important still, Hong Kong is the only place within Chinese territory where mourning can be held lawfully. As far as the word "lawfully" is concerned, I do not know whether the Government will take any measures or means to stop us later or even this year. There are still two months to go, I really have no idea. As such, I dare not say whether mourning is lawful or not, and I dare not say whether it will be lawful in the future as well. Having said that, should we still continue to insist on it now? I must tell all of you, the number of participants really matters as the whole world is watching. This is precisely the responsibility of Hongkongers towards the history of our country and the whole world. The whole world is keeping in view the attitude of Hongkongers towards the CPC regime.

In view of this, with regard to the several slogans chanted by the Hong Kong Alliance in Support of Patriotic Democratic Movements of China, namely "Release the dissidents"; "Rehabilitate the 1989 pro-democracy movement"; "Demand accountability for the June 4th massacre"; "End one-party dictatorship"; "Build a democratic China", all of these appeals have not changed. I hope that everyone will attend the activities commemorating the 30th anniversary of the 4 June incident to be held at the Victoria Park this year. The whole world is watching. This is the most fundamental thing that Hongkongers can really do for our country.

**DR FERNANDO CHEUNG** (in Cantonese): Deputy President, this year marks the 30th anniversary of the 4 June incident. On the New Year's Day, 56 democracy activists who participated in the 4 June incident, including WANG Dan and WU'ER Kaixi, issued a joint statement entitled "Revive Memories Start Anew". Here I wish to read out their statement because I believe such a message will not circulate on the Mainland, but I hope their statement can be presented on the land of China.

The statement reads to this effect:[[7]](#footnote-8) "This year marks the 30th anniversary of the 1989 pro-democracy movement and the bloody suppression of the 4 June incident by the Communist Party of China ("CPC"). Being participants in the movement and witnesses of the massacre, we hereby issue the following public appeal to all those in the world who care about the development of China and long for democratic constitutionalism in China:

"Firstly, in 1989, Chinese students and the masses took to the streets to oppose corruption and call for democracy. Their aspirations were bloodily suppressed by the CPC regime. Numerous people were killed or injured. This is a wound in history, and 30 years down the line, this wound is still bleeding. To move towards civilization, the Chinese nation cannot evade this important historical incident. Under the strict censorship of the CPC regime, memories of the 4 June incident have gradually faded. Hence, on the 30th anniversary of the 4 June incident, we call for a global effort to revive the historical memories as a means of resisting authoritarianism and pursuing democracy.

"Secondly, after the suppression of the 1989 pro-democracy movement, China embarked on the path of the rise of a strong nation, so to speak. On the surface, this path has brought economic growth to China and raised the people's living standard. However, as evidenced by the development in the past three decades, this development model refuses civilization and rejects democracy. It is a wrong path of development. China embarked on this path precisely because CPC brazenly rejected the demands in the 1989 pro-democracy movement for combating corruption and realizing democracy. Today, when the situation in China has reached a critical moment of transformation, commemorating the 1989 pro-democracy movement and raising anew the demand for democratization means facing not only the past but also the future. Hence, we call for consolidation of a universal consensus through commemoration of the 30th anniversary of the 4 June incident, bringing the movement promoting democratic constitutionalism in China to a new climax through various means.

"Thirdly, we have strived unremittingly for decades to achieve the ideal of democracy in China. We believe that many of us who participated to varying degrees in that vigorous pro-democracy movement in Tiananmen Square, in the streets of Beijing and in all other cities in China have retained the seeds of fire bearing the spirit of the 1989 movement in our hearts. We still remember those classmates and friends who fought for our common ideal at the cost of their lives. It is now time for us to reunite, rally our forces and start anew. China today is facing the crisis of regression on various fronts. The best commemoration is to sustain the ideal back in that year. Hence, we call on the generation around the world who participated in the incident in 1989 to rejoin us. We call on the then supporters to rejoin us. We call on the new generation of Chinese youth to stand with us. We call for the formation of a new democratic front at home and abroad, working together earnestly in unity on the basis of agreeing to disagree, and holding solemn activities in commemoration of the 30th anniversary of the 4 June incident all over the world, so that the martyrs in the incident may rest in peace.

"We shall let CPC and the whole world see that as long as China has not been democratized and the verdict on the 4 June incident has not been overturned, we and all fellows sharing the same belief will adhere to the following words: "Never forget and never give up!"

Deputy President, vindication of the 1989 pro-democracy movement, release of human rights activists, ascertaining the responsibility for the massacre and ending one-party dictatorship have been the aspirations of the pro-democracy movements over the years. Here I would like to make a supplement. In 2014, Mr‍ LEE Cheuk-yan, Mr LEUNG Yiu-chung and I went to the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("LOCPG") to meet with ZHANG Xiaoming, the then Director of LOCPG. At that time I was present when he made this remark, to this effect: "That you still survive today is already a great feat." At that time we were asking what actually the bottom line of CPC was, and whether the slogan of "ending one-party dictatorship" chanted by the Hong Kong Alliance in Support of Patriotic Democratic Movements of China ("the Alliance") had crossed the bottom line of CPC. Such was the response made by ZHANG Xiaoming then.

Deputy President, I do not know how much longer people like us, who pin the hope of promoting democratization in China and continue to chant the slogan of "ending one-party dictatorship", can live now or in the future. Perhaps after the passage of the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019, followed by the enactment of legislation for Article 23 of the Basic Law, our room of survival will become increasingly small. I can also tell Members that the remark I heard from ZHANG Xiaoming at that time does not refer to the Alliance. Rather, it refers to us Members. Deputy President, I hope everyone in the city and in the world will become alert. If the 4 June incident cannot be vindicated, no one will run any luck. *(The buzzer sounded)*

**DEPUTY PRESIDENT** (in Cantonese): Dr CHEUNG, your speaking time is up.

**PROF JOSEPH LEE** (in Cantonese): Deputy President, I thank Mr WU Chi-wai for proposing this motion on the 4 June incident again today. If my memory has not failed me, I remember that for some sort of reasons, the motion on the 4 June incident was not debated in the Legislative Council last year.

I have joined the Legislative Council for 10-odd years. Today I have another chance to meet LEE Cheuk-yan, our predecessor. He talked a lot about the 4 June incident and even dressed up as a bottle of wine of 4 June to mourn the incident. It reminds me of the fact that since 1989, there has actually been a tradition for the former Legislative Council or this Council to talk about this incident again near 4 June every year. This is not a discussion or debate. Yet, in Hong Kong, in the era from the former Legislative Council to this Council, when I have joined the Legislative Council, it seems that this incident would be mentioned again every year.

It is true that this incident is something which many people do not want to mention, or some people may say that we are rubbing salt into the wound again. However, being a Member, I consider that the Legislative Council of Hong Kong is still a platform which can offer us the opportunity to formally let the public know that there was this 4 June incident. Just now I browsed the Chinese version of Wikipedia on the Internet. How does it describe the 4 June incident? It has recorded plenty of detailed information, including the background, how the movement escalated gradually, the imposition of the martial law subsequently, the casualties after the scene was cleared, and the censorship executed by the regime of the Communist Party of China as a result. All such information is clearly recorded, but I do not hope that we will be able to read such information only on the Internet in the future, and I do not know whether it will be the case in Hong Kong.

Therefore, I think it is meaningful for Mr WU Chi-wai to propose this motion again today, though it is almost two months before that particular date, as it reminds Hongkongers that in fact Hong Kong still has the fortune of bringing up formally the 4 June incident on this platform. In respect of this historical fact, whether it is regarded as a pro-democracy movement, massacre or subversion of the regime, we should not discuss or argue it here, but the fact is that this incident did happen and result in casualties. Today, let us have a review of why they did so―certainly there are different arguments.

As I mentioned a moment ago, we did not have the chance to revisit this incident in the Legislative Council last year, yet the Public Opinion Programme of the University of Hong Kong conducted a public opinion poll in May last year, and I would like to quote a few questions of the poll. One of the questions is: "Do you think the Beijing students did the right thing in the 4 June incident?" It is quite interesting in this poll that they have made a chart which clearly shows the cumulative data from 1993 to 2018. What is the relevant public opinion? The survey reveals that from 1993 to 2018, about 50% of the respondents believed that the Beijing students did the right thing back then in the 4 June pro-democracy incident. The second question is: "Do you think the Beijing authorities did the right thing in handling the 4 June incident?" From 1993 to 2018, approximately 60% to 70% of the respondents believed that they were wrong. Another question is: "Compared with 1989, do you think the human right condition of China at present has become better or worse?" I find it rather interesting that according to the findings, in 1993, only about 2% of the respondents believed that the condition has become worse, but in 2018, about 30% of the respondents believed that the condition has become worse. In terms of human rights, the condition after the entire pro-democracy movement is exactly in line with the record set out in Wikipedia, the censorship system implemented afterwards started to tighten the room for human rights gradually. This is one of the problems. The last question is: "Do you support the vindication of the 4 June incident?" From 1993 up to the present, about 50% of the respondents support vindication of the 4 June incident.

Precisely for this reason, today we have a platform on which we can clearly show to Hongkongers, how people look at the 4 June incident is personal, but the fact is, it was a big shock to us when the 4 June incident took place in the Mainland 30 years ago. With Hong Kong being a place where we still have the opportunity―I hope we would still have such an opportunity in future―to bring up this incident in the Legislative Council every year, should it not be our obligation to remind everyone that this incident once took place in China and its implications on us? In Hong Kong, we in the pro-democracy camp must continue to promote this. It is hoped that the democratization of Hong Kong or the Mainland will be taken forward gradually.

We are disappointed with many issues, such as the Fugitive Offenders Ordinance or other issues mentioned by some Honourable colleagues earlier. Will Hong Kong follow the practice on the Mainland to restrict our freedom gradually? Will we be inadvertently surrendered to the Mainland by invocation of the Fugitive Offenders Ordinance because we have attended the vigil for the 4 June incident or expressed our views on the motion on the 4 June incident in the Legislative Council? Honourable colleagues would of course think that I am joking, but this is our fear. Does the SAR Government not have the responsibility to make it clear to Hongkongers that actually there is still freedom of speech in Hong Kong, there would not be political censorship in Hong Kong, and our criticism of different political regimes should be treated normally so that the public can express such views formally?

I hope that in the next 10 or 20 years, the Legislative Council will continue to serve as a platform for us to speak on the 4 June incident, so as to let each and every generation of Hongkongers know. Perhaps young people may think this is something that should not be done, that it is not important. Yet, this historical fact always exists in our heart. Different political regimes certainly have different views on whether it should be vindicated, but the Legislative Council is a desirable platform to let people know that this incident once happened. We can express different views so that people of this or later generations can treat this incident clearly and face it with the correct attitude.

Thank you, Deputy President.

**MR HUI CHI-FUNG** (in Cantonese): Deputy President, over these 30 years, many people of Hong Kong have been insisting on not forgetting the 4 June incident and vindicating the 1989 pro-democracy movement. In the 1989 pro-democracy movement, students strove with the State for democracy, establishment of a corruption-free society, opposition to official profiteering and opposition to depravity in return for a massacre and suppression, resulting in the tragic deaths of tens of thousands of unarmed students. If we do not even have the courage to discuss and admit such historical facts, how can we call ourselves people with a conscience? The 1989 pro-democracy movement has etched a profound impact on the people of Hong Kong, arousing them to hold fast the will of freedom. It was a very important awakening. The people of Hong Kong has taken on the weighty responsibility of striving for democracy from the murderous regime so as to carry on in Hong Kong the unaccomplished ambition of the 1989 pro-democracy movement.

The 1989 pro-democracy movement saw the people of Hong Kong transform from embracing the "horse racing and dancing as usual" mindset to mustering up the courage to assume the responsibility for striving for democracy. Such lofty sentiment and ambition have given rise to the democratic movement in Hong Kong. Knowing full well that, under the one-party dictatorship and "one country, two systems", striving for democracy is an arduous task, we persevere nonetheless exactly because the 1989 pro-democracy movement has made us realize that each person has his own role to play. We insist that the 4 June incident be vindicated because we are the only pro-democracy camp in the entire country. If we do not do so, who will?

The challenge before us now is not only passing down the memories of the massacre on 4 June, neither is it simply vindicating the 1989 pro-democracy movement. What we need even more to accomplish is to endeavour to uphold the remaining freedom of Hong Kong and dare to put into practice the democratization of institutions in Hong Kong so that Hong Kong can become the strongest backing for those human rights activists who are still holding their ground against all odds.

Beijing will not stop eroding Hong Kong. When the Chinese regime has no liking for someone, it can readily take away his seat in the Legislative Council, ban him from standing in elections, deport him, eradicate his political party and sentence him to jail for three, five or seven years. And in the near future, it can even extradite him to the Mainland for trial. Moreover, with the forthcoming legislation for Article 23 of the Basic Law, it can even prohibit someone from speaking direct.

Therefore, members of the public, every time we hear the slogan of vindicating the 4 June incident and every time we still have the freedom to shout "end one-party dictatorship", I urge you all to consider it the last time and cherish such freedom well, because the democracy, the rule of law and the freedom of speech in Hong Kong are regressing in a linear fashion. It will not be long before the pro-democracy camp is completely silenced.

Hence, we should cherish our remaining freedom and insist on vindicating the 4 June incident and striving for democracy in Hong Kong. It will be a face-off―a face-off between memory and oblivion, between freedom and fear, as well as between democracy and autocracy. Political scholar Hannah ARENDT said that even in the darkest of times we have the right to expect some illumination. Therefore, at such a difficult moment, the line of defence we can hold is absolutely not merely "one country, two systems", but more so understanding anew the determination held by the people of Hong Kong for taking up the baton of the pro-democracy movement back then―the determination to win the battle against one country as a city.

For this reason, the more Beijing wants the people of Hong Kong to succumb, the stronger Hong Kong people have to become. We need to have the confidence that democracy will return in victory. We insist on not forgetting the 4 June incident, vindicating the 1989 pro-democracy movement, determining our own destiny and defeating the "Extradition to China law". I invite all people of Hong Kong to remember keenly the lesson learnt from history, such national martyrdom and painful history, and turn them into a force that drives us forward. On the 30th anniversary of the 4 June incident, I urge all conscientious people of Hong Kong to take part in the 4 June candlelight vigil organized by the Hong Kong Alliance in Support of Patriotic Democratic Movements in China at the Victoria Park. Let us continue to stay strong and face the future. I so submit.

**MR CHUNG KWOK-PAN** (in Cantonese): Deputy President, the 4 June incident is indeed an unforgettable incident, particularly when this year marks its 30th anniversary. At times of the 5th or 10th anniversary of an incident, it will especially draw the attention of the people. We definitely will not forget the 4 June incident.

A number of Members speaking earlier have mentioned the impact of the 4 June incident on China, and I think the incident has realistic impact on China. Since the occurrence of the 4 June incident, the reform and opening up of China have been sped up. China has become more open and its development has been rapid. If Members compare China's situation 30 years ago with the situation today, they will surely notice the significant changes. We may look at the 10 years between 1989 and 1999. During the period, China had actively engaged in reform and opening up and proactively invited foreign businesses to make investments in China. In 1992, I set up my first factory in China. As for the period between 1999 and 2009, China joined the World Trade Organization, integrating into the world order and becoming the world's factory. When it comes to the period 2009 to 2019, the rapid technological advancements in China have accelerated its reform and opening up, facilitating the successful development of China today.

There are 1.3 billion people in the Motherland. It is definitely not easy to feed a population of 1.3 billion and ensure that they have enough food and clothing. This is the fact. Yet, in reality, it is obvious to all that China is better today in terms of economic development, freedom, living environment and technological advancement compared to the situation 30 years ago. Given the stability in society, I trust the State will continue its reform and opening up. Certainly, there is some room for improvement in various institutions, yet it takes time to achieve this.

Deputy President, the 4 June incident is definitely a tragedy and no one would like to see the recurrence of similar incidents. For us of this generation, the 4 June incident is still fresh in our mind, yet I believe most people, like me, would consider that a fair judgment of the incident will come as time passes. As the 4 June incident is an important historical event, I strongly believe that a fair judgment will eventually be passed. Following our established practice, the Liberal Party will abstain on this motion.

Thank you, Deputy President. I so submit.

**MR KENNETH LEUNG** (in Cantonese): Deputy President, Prof XU Zhangrun, Director of Centre for Studies in Rule of Law and Human Rights of the Tsinghua University, is a distinguished jurist in the Mainland. He was honoured as one of the Top Ten Outstanding Young Jurists by the China Law Society, an official agency, in 2005.

Deputy President, he published an article titled "Our Dread Now, and Our Hopes" ("我們當下的恐懼與期待") in July last year. It is pointed out in the article that the current Chinese Government has undermined the political term limits system, limited tolerance of freedom of living of citizens and limited respect to systems such as private property rights established by DENG Xiaoping. He also advised the authorities to restore the presidential term limits, put a stop to personality cult, vindicate the 4 June incident, disclose properties held by officials, and rethink the practice of offering enormous foreign aid, etc.

Prof XU Zhangrun again published two lengthy articles titled "Bow your head in devotion, heaven and earth have no boundary" ("低頭致意，天地無邊") and "China is not a red empire" ("中國不是一個紅色帝國") in November last year and January this year respectively. Pointing out that China was a super-large-scale totalitarian state, he called on the authorities to implement an institutional reform.

After the publication of a series of articles, the Tsinghua University ordered Prof ‍XU to stop all teaching and research activities last month, plus a substantial pay cut for him. A working group was also set up to put him on investigation.

Deputy President, while the opinions of Prof XU have apparently criticized the governance direction of the Chinese Government, he did not demand the implementation of democracy and a multi-party system―which are recognized as Western systems by the Chinese officials. His views are still based on the existing institution, neither are they some sort of radical theories. He just hoped that the Chinese Government could achieve self-improvement and implement an institutional reform.

Yet, we can see how this political regime treats dissidents and freedom of speech from their attitude towards the intellectuals. Freedom House, an international human rights organization, published its annual report on 4 February this year, and in this report China was again regrettably rated as a country that is "not free" with a score of merely 11 out of the maximum of 100.

The various aforesaid incidents reflect that a government lacking in checks and balances can often stretch its power without bounds to exploit the rights and freedoms of individuals in the name of "maintaining stability", "stability" or "national security".

Many people in Hong Kong may think that if they only talk about economic development but not politics, and refrain from touching sensitive issues and the so-called "red line" drawn by the authorities, the development of the political situation of China will not have much impact on ordinary people.

In fact, this view is wrong. Hong Kong people have purchased "uncompleted flats" in the Mainland, whereas members of the public have no means to seek redress for their investment loss. Businessmen doing business in the Mainland who have encountered commercial disputes cannot find ways to resolve their cases in the absence of an appropriate arbitration and mediation mechanism or a fair and transparent legal and trial system in the Mainland. We can see from these examples that the so-called approach of "making a fortune in silence" is not necessarily correct. A business and investment environment without the rule of law and protection of private property rights will never be stable, nor will it instill confidence in people.

Over the past 30 years, we have been pursuing the vindication of the 4 June incident. The spirit of the 4 June incident lies in the persistent pursuit for the implementation of democracy in China, striving for social justice and respect for civil rights. Deputy President, if China wants to become a genuine world power or super world power, the Central Government should, while pursuing economic development, duly take care of every citizen and, by establishing a democratic system, protect and defend the rights and dignity of every citizen, and safeguard the freedom of speech, the freedom of assembly and the freedom of association, such that people of all ethnicities―there are 50-odd ethnic groups―throughout China would no longer live in fear. In addition, China should also face the truth with courage, and firmly adhere to and express its own beliefs and values, only through this can it truly build self-confidence in the international arena and make its people feel proud. The vindication of the 4 June incident would be a turning point for the rulers of China and the government to stop distorting values and admit to their wrongdoings, as well as bringing the whole country, the entire nation and all of its people back onto the right track.

I hope Members present will support the motion on the vindication of the 4 June incident.

Deputy President, I so submit.

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

**DR JUNIUS HO** (in Cantonese): Deputy President, concerning this question of "Not forgetting the 4 June incident", I certainly will not forget it because it is a matter of significance in the history of modern China.

As I said in my speech on the question of "Not forgetting the 4 June incident" last year, "Let us not forget the original intention of the patriotic students in the 4 June incident! Let us commemorate the heroic souls of those who sacrificed their lives for the country in 1989!" In 1989 when I, in my 20s, read the news, I realized the gravity of the situation. I was once filled with emotions, wondering why such things would happen. But as we age, we should be able to see things from a broader perspective. Back then, we might be hot-blooded or tended to form unilateral views. Nevertheless, as time goes by, we have a better understanding now. I still think that in the 4 June incident, one death was too many. But today, when we have got a better picture―not the full picture―of it, with understanding of and insights into the changing circumstances of the world as a whole, we should know that nothing happens for a simple reason.

Hence, does the wrong simply lie the gunshots or crackdown back then? I think if we merely see it this way, we are being way too naïve and simplistic. We have listened to the debates on the 4 June incident for 30 years, and we are also aware of the criticisms by a number of Honourable colleagues from the pro-democracy camp of China doing incorrectly at that time. But at the same time, it is also said that had China lost its stability back then, we would not have made such outstanding achievements today.

Life is but an endless cycle. Sometimes we may not be able to know full well what is right or wrong. Someday, history will reveal more. At this moment, still I would say, "Let us not forget the original intention of the patriotic students in the 4 June incident", with the belief that most students had a pure heart back then. But we must also appreciate the fact that the people's army who subsequently maintained national security likewise sacrificed their lives, and they were also patriots with heroic souls. So in that case, I find it unacceptable for us to insist that the Communist Party of China is a cold-blooded regime. Although it may not be an impeccable regime, it stands out from the others judging from its achievements today.

We also see that people once admired Americanism and those super cops like Captain America and Superman, who kept the universe in peace and the world safe. How are they doing today? We see that the landscape has changed. Hence, I think if we get entangled with the mistake of the 4 June incident and always focus on it, not letting the wound heal, we will fail to look at the entire history from a macro perspective as we hold on too much to a certain part. Let me reiterate that history will reveal a clearer picture to us. Today, 30 years down the line, when we take a look back at what happened 30 years ago, I can assert that I have seen and understood more than I did at that time. There is barely a clear line between black and white. For this reason, I am nonetheless glad that Chinese people living at this moment can witness that the path we have walked over the past few decades is by no means ordinary. Given our current achievements, we should all the more seize the opportunities, turn all frustration into positive energy, properly build our own realms and make Hong Kong a better place. Moreover, it is far better to enable young people who still have such passion to engage in something more meaningful through the development of the Greater Bay Area and the Belt and Road Initiative than to continue to hold on to the scar of the wound.

(THE PRESIDENT resumed the Chair)

If there is anything to which we cannot find a solution by ourselves, we may deal with it slowly in the future. Today we see that our country has created a national security path filled with Chinese characteristics, with public security as its goal, political security as its fundamental mission and financial security as its foundation. We should try to add to its glory on this path, turning all the grief and indignation into positive energy, which will be a more positive approach. I consider it unrealistic to call for an end to one-party dictatorship at this moment, which may bring an even more tragic consequence to our country than did the 4 June incident. Thank you.

**DR CHENG CHUNG-TAI** (in Cantonese): Honourable Members and Hongkongers, in the past two years, I did not speak on the motion on "Not forgetting the 4 June incident" proposed by the pro-democracy camp. I even withdrew myself from the meeting to refrain from casting any vote. The reason was that I did not find any specific meaning in debating in the Chamber the question of not forgetting the 4 June incident amid the arguments of Greater China advocates or localist groups, so to speak, in the current year or during the four-year term of the current Legislative Council.

Since the Hong Kong Alliance in Support of Patriotic Democratic Movements of China ("the Alliance") coined the slogan of "Love the country, love the people; Hong Kong spirit" in 2013, kicking off the debate on localism versus Greater China, we in the Civic Passion have held that Hongkongers must have our own 4 June rally. Therefore, in 2014, we organized a 4 June rally for Hongkongers in Tsim Sha Tsui. Moreover, in our view, if Hongkongers wish to commemorate the 4 June incident, such commemoration should mushroom across the territory. For this reason, since 2015, we have held commemorative activities in different districts.

To date, we have always held that if we wish Hongkongers not to forget the 4 June incident, we must adopt a Hong Kong-based approach and interpret the significance of the incident to Hongkongers from Hong Kong's viewpoint in the long term. Hence, in the motion debate today, I think the people's representatives in the Council should speak to present their viewpoints, be they pan-democratic, localist or pro-communist. I did not speak in the past two years, but why am I speaking on this today? There is only one reason: the Fugitive Offenders Ordinance is going to be amended soon. Through my speech on this motion on "Not forgetting the 4 June incident", I wish to reiterate the views of my party on the motion, and take this opportunity to consider afresh how to deal with the 4 June tragedy with a Hong Kong-based approach or make a long-term plan for the future of Hong Kong.

For this reason, on the 30th anniversary of the 4 June tragedy, I will make a review from a broader perspective. Mr WU Chi-wai mentioned the expression "‍水滴石穿" (Dripping water can wear through rock) in his speech. This expression is actually open to interpretation because it is the guideline for the Communist Party of China ("CPC") on persisting warfare. For example, in the initial period of the war against Japan, MAO Zedong wrote *On Protracted War*, pointing out that neither the pessimistic theory of national subjugation nor the undue theory of quick victory were tenable. A protracted war should be fought based on the guerrilla warfare tactics in order to gain the final victory. He summed up his view with the following expression: "Dripping water can wear through rock". During the Sino-Japanese war, he drew quite a number of inferences from this single theory. Later, in the civil war between Kuomintang and CPC, the latter took over Mainland China with the same military tactics.

Michael PHILLSBURY, Director of the Center on Chinese Strategy at the Hudson Institute, is dovish towards China. However, in his book *The Hundred-Year Marathon: China's Secret Strategy to Replace America as the Global Superpower* published in 2015, he mentioned that CPC had never changed the guiding strategy adopted by MAO Zedong in Mainland China, i.e. "Dripping water can wear through rock". He pointed out in his book that over the years, CPC had always intended to celebrate in the United States and around the world, including Hong Kong, the centenary of the founding of the People's Republic of China. It had even set itself the long-term goal of becoming the strongest power in the world. Its main tactic was to express goodwill to the Soviet Union and the United States one after another and feign weakness, pleading for assistance by every means. Meanwhile, exploiting the trust of its counterparts, it acquired the core technologies of the latter by regular means or by trick. When the time was ripe, it severed their relationship and then made friends with another superpower, thereby gaining advantages from both parties.

Originally, the Western camp had many doubts about PHILLSBURY's theory. However, let us look at what happened in these two or three years: CPC launched the "Made in China 2025" strategy with the aim of taking the lead in technologies in the international arena; Hong Kong is currently in the plight of being put on the spot in the China-United States trade war; XI Jinping intends to remove the term-limit for General Secretary―in today's news, he was derided by Donald TRUMP as "the king"; there are concentration camps in Xinjiang, and CPC has suggested implementation of such vicious policies as the placement of a comprehensive surveillance system in society in China. Since then, the Western camp led by the United States drastically changed its attitude towards CPC. Measures targeting China were no longer arbitrary decisions made by the incumbent President Donald TRUMP to gain popularity for election. Rather, they were the consensus of both the ruling party and the opposition in the United States on waging Cold War 2.0 against CPC.

Back to Hong Kong. The question of our debate today is "Not forgetting the 4 June incident" on its 30th anniversary. Hong Kong has all along been trapped in a tight corner between China and the United States. With protection vested by the Basic Law, we enjoy freedom of speech and freedom of assembly. Therefore, over the past decades, be it the candlelight vigil organized by the Alliance or the pan-democratic camp in Victoria Park to mourn the 4 June incident, or commemoration of the 4 June incident which we think must take root in the community, the purpose is to make Hongkongers understand that the 4 June incident carries only one meaning, i.e. CPC is a murderer regime. Regrettably, Hong Kong is currently facing an imminent showdown in the trade war between China and the United States, coupled with the upcoming amendment to the Fugitive Offenders Ordinance. To various camps as well as the industrial and commercial sectors, the situation is precarious.

Hence, in the past three decades―from the 4 June tragedy in 1989 to the abolition of the Warsaw Pack and dissolution of the Soviet Union―the Western camp led by the United States has wrongly judged the situation, mistaken that it could change China by peaceful transformation through economic and trade exchanges. Today, Hongkongers finally realize with practical and personal experience that the then totalitarian society and authoritarian State has never changed at all.

Over the past two decades, the pan-democratic camp as well as the masses in Hong Kong have been caught in an impasse. After the failure in fighting for dual universal suffrage in 2007 and 2008, we accepted the bogus constitutional reform proposals. In 2016, we in the Civic Passion-Proletariat Political Institute-City-State Alliance wished to protect the prime rights to which Hong Kong is entitled through establishing the everlasting sustainability of the Basic Law, allowing Hongkongers to formulate afresh a constitutional government under the Basic Law. This proposition did not succeed either. Since then, we are obviously powerless both inside and outside the Council. This is an unshirkable political responsibility of all the people's representatives in the pro-democracy camp. Hence, today's question of mourning the 4 June incident is not about how Hong Kong society or the general public have forgotten the incident or a discussion on Greater China versus localism, so to speak. The question we should discuss is the view held by some people that Hong Kong needs not commemorate the 4 June incident. This is totally wrong, distorting *(The buzzer sounded)*  our past 

**PRESIDENT** (in Cantonese): Dr CHENG, please stop speaking.

**DR CHENG CHUNG-TAI** (in Cantonese): I so submit.

**MR KWONG CHUN-YU** (in Cantonese): President, with respect to the motion on "Not forgetting the 4 June incident", Hongkongers of different ages indeed have not forgotten the 4 June incident. I would like to take this opportunity to share my own story with all of you. I was only six years old in 1989, so I may not have a strong impression of the 4 June incident. That said, why are there quite a lot of young people who have a sentiment for the 4 June incident? It turns out that when a great many of us went to junior secondary school, we might have the chance to develop an interest in the 1989 incident upon enlightenment by our friends or teachers in school. We would then check what indeed happened at that time.

I am one of them. In fact, I was only six years old at that time, and my family members might not have much opinion. Although my father had a lot of opinions about this incident, his indignation back then might have calmed down after a period of time. When we have grown up and check what happened, we found one point. In fact, the fragmentary materials have not only recorded the news clips and history back then, but also the sentiments of Hong Kong people at that time.

Many seniors have shared with us that it was raining heavily and the Tropical Signal No. 8 was hoisted on that day, people gathered on the streets to surround the then Xinhua News Agency. On the other hand, many people also took to the streets. They had a dream, and a demand. They dreamed that there should be democracy in China. They demanded that this incident be vindicated, so that those patriotic students were killed not for no reasons.

I did not understand it when I was small. After growing up, I gradually reviewed the news clips at that time and found that Hong Kong people were very passionate in their heart back then. I believe Hong Kong people still have not given up today, and their hearts have not cooled down. We only hope that people will not forget this incident, and will think of the beliefs and insistence held by each and every Hongkonger who was willing to take to the streets at that time. We can only talk about the further development of democracy in China if one day China allows its people to revisit this incident, or even agrees to its vindication.

Yet, this is not the case now. Just now many Honourable colleagues have already illustrated that quite a lot of people want to talk about this incident in Mainland China, but it is not allowed even if they do so by "playing edge ball"; they will be arrested. Hong Kong can be regarded as the single remaining piece of land with freedom of speech, and we highly cherish it. Therefore, whenever this motion is successfully brought before the Legislative Council for discussion every year, we would persuade different people, including Honourable colleagues from the pro-establishment camp, Honourable colleagues with conscience, those who voted and took part in this incident back then, to vote on this motion.

Interestingly, Dr Junius HO, who spoke a moment ago, voted in favour of this motion in the year before last, saying that he was driven by conscience. Yet, he abstained last year. I make an appeal to Dr Junius HO that he must cast his vote this year, as it is meaningless for him to sneak away from this Chamber or abstain at the vote. Certainly, he gave a rather wonderful speech just now. I would pay attention to what Dr Junius HO says every time he speaks. When discussing the motion on "Not forgetting the 4 June incident", we expect him to say "one day this incident will definitely be vindicated". Yet, he turned silent after saying "one day", and then told us: Captain America has to maintain peace in the universe and the world, what are they doing today? I wish to tell Dr HO, Captain America is being persecuted due to the Superhuman Registration Act now in force. Should there be a Fugitive Offenders Ordinance in Hong Kong, he would be surrendered to the United States for trial after coming to Hong Kong. Can he be more serious when discussing this motion?

President, sometimes we cannot help laughing, but the problem is that, in the face of this motion, if Dr Junius HO who experienced this incident back then has not made any preparation; he could have chosen not to speak. But when he speaks, can he talk on the theme, that is, why should we not forget the 4 June incident? Why should we have to pass this memory down? As I said at the beginning, why do we who belong to a relatively younger generation, or even those who have not experienced this incident, have a passionate sentiment in our heart? Because it is an injustice; those students were unarmed. Dr HO just now said that the crux lies not in whether gunshots were fired, but whether the incident was so pure and simple. President, this incident involves a political regime shooting unarmed students. It is just that simple.

Thirty years have passed without our noticing it. Many friends may feel rather discouraged, thinking that we may not be able to pass this belief down. Dear friends, it is not true. The situation that I shared with you just now is still happening on some young people. When they go to secondary school, there would always be the chance that they can watch news reports of the time by entering the words "4 June incident" on YouTube, thanks to the advancement of science and technology nowadays. When we see it, we will ask what happened back then, and we will ask our family members whether they participated in it. Even if they did not participate in the demonstrations, what were their thoughts back then? Hong Kong was very united at that time. People only had a humble request, hoping that those patriotic students could accomplish their lofty goals.

President, we will certainly vote in favour of this motion discussed today. Yet, we even hope that Honourable colleagues from different spectrums, especially those who might have stronger feelings than me, as they experienced this incident personally at that time and know clearly what happened. If they regard it as a scar which should not be exposed, in fact the wound has never healed, and salt is even rubbed into the wound by people like Dr Junius HO.

President, regardless of whether this motion is passed or not today, we hope to bring up a very crucial point if we are given the opportunity to discuss this motion every year―we are very grateful to the many colleagues proposing this motion over all these years―that is, memories should be passed down from one generation to another and beliefs should last eternally, as we hope that the original aspiration of the students back then can be achieved, with their goals and dreams realized.

I so submit.

**DR HELENA WONG** (in Cantonese): President, this year, 2019, is the centenary of the May Fourth Movement as well as the 30th anniversary of the 1989 Tiananmen pro-democracy movement. At the end of this year, it will also mark the fifth anniversary of the Hong Kong Umbrella Movement which took place in 2014. This makes the motion debate on "Not forgetting the 4 June incident" proposed by Mr WU Chi-wai of the Democratic Party all the more meaningful.

Democracy was the axis penetrating these three dramatic and magnificent democratic movements in China and Hong Kong over the past century. The Chinese people's fight for democracy has spanned 100 years. During the May Fourth Movement, they embraced "Mr Democracy" and "Mr Science". "Mr‍ Science" may have already taken root in China, since China can already venture into space, having achieved a lot of research and development in technologies. But where is "Mr‍ Democracy"? He seems to have disappeared. Now the pet reference on people's lips is President XI Jinping. No one remembers "Mr‍ Democracy" anymore.

In 1989, a group of tertiary students in Beijing, including undergraduates and postgraduates, held high the banner of patriotism. They hoped the State leaders and the Central Authorities of the Communist Party of China ("CPC") would squarely address various conflicts which had emerged in society since the reform and opening up of China. They called for anti-corruption and anti-depravity measures, improvement to the education system, dialogue with government officials and democratic reform of the constitutional system. What they initiated was a peaceful, patriotic, pro-democracy movement. Such tertiary students were pioneers and leaders. Later, we saw workers and even members of different CPC institutions join in. But more of them were ordinary people. Moreover, the people gathered not only in Beijing. In hundreds of cities across the whole country, including Hong Kong, numerous people expressed support for this movement. The university students, intellectuals and workers staging protests were absolutely peaceful, non-violent and most rational. Unfortunately, this movement in 1989 was brutally cracked down by the troops. To date, no one can clearly tell how many people were killed.

At the end of September 2014, a number of Hong Kong students, including secondary school and university students, took the lead in charging into the Civic Square, triggering an occupation movement known as the Umbrella Movement. As indicated by statistics, back then there were more than a million participants in the Umbrella Movement, opposing the decision made by the Standing Committee of the National People's Congress ("NPCSC") on 31 August 2014. That decision had completely shattered the hope of many Hongkongers of implementing genuine universal suffrage to elect the Chief Executive by popular election of "one person, one vote" in Hong Kong.

The decision of NPCSC made it clear that political screening would be conducted with a high threshold, implying that the opposition camp cannot stand in election because they could not possibly pass the threshold of securing the support of more than half of the members of the nomination committee. Overall, it shows that under the manipulation of the autocratic political regime of CPC, it is virtually impossible to strive for genuine universal suffrage in Hong Kong. If Hong Kong is to implement universal suffrage, it must do so under the 31 August framework. That means we can only have bogus universal suffrage. The bogus one can be implemented, whereas the genuine one is an impossibility. Such being the case, the people of Hong Kong clearly know that in the fight for democracy, Hong Kong is still unable to shake off the autocratic political regime of CPC. Hence, the Democratic Party very much hope that we will strive for not only the implementation of genuine universal suffrage in Hong Kong. We also hope that China will launch democratic constitutional reform.

In the past three decades, China has made some achievement in economic reform and raised the living standard of the Chinese people. But where has "Mr‍ Democracy" gone? "Mr Democracy" has been buried. Basically, in the past 30 to 40 years, there has been no progress in political reform throughout China. Nor can we see judicial independence in the rule of law. As such, the Democratic Party will certainly continue to make efforts, and so will Hongkongers in fighting for a democratic system of universal suffrage in Hong Kong. We certainly also encourage everyone in China who does not wish to become a slave to continue to speak out and strive for democratic constitutional reform in China.

Many people in China have courageously fought for democracy at the cost of their lives. In 1989, numerous people sacrificed themselves for this cause. We know that tens of participants in the 1989 pro-democracy movement have issued an open statement, appealing to people all over the world to work together and revive the historical memories as a means of resisting totalitarianism and pursuing democracy. Over the past three decades, the development model in China has rejected civilization and democracy. It is a wrong path of development. We hope XI Jinping can avert this situation and move towards the goal of democracy. It is also imperative to vindicate the 4 June incident at an appropriate time to do justice to families of the deceased and uncover the truth *(The buzzer sounded)* 

**PRESIDENT** (in Cantonese): Dr WONG, please stop speaking.

**MR CHU HOI-DICK** (in Cantonese): President, just now when I heard Mr‍ CHUNG Kwok-pan say that the 4 June incident had made China more open, I already found it preposterous. Mr Andrew WAN's citation of the comments made by Prof XU Zhangrun of by Tsinghua University has precisely slapped Mr‍ CHUNG Kwok-pan on the face. Prof XU said China is a mega totalitarian state. The 4 June incident has made China more open?

But to my surprise, Dr Junius HO said something even more appalling after him. He said the Communist Party of China ("CPC") is not a cold-blooded regime. I consider this comment comparable to YUAN Mu's remark that "Not a single person died in Tiananmen Square". I did not expect that 30 years down the line, we could find a political figure speaking at the same level of absurdity in Hong Kong.

Regarding the motion on "Not forgetting the 4 June incident", the point I wish to make is about the reason why we need to keep recapping the 4 June incident in Hong Kong. I understand that many people holding different political stances would review this incident from their own perspectives with personal feelings. But I think after all, the crux lies in how recapping the 4 June incident is related to the future of Hong Kong, or more broadly, to that of China. In my view, the question consists of three aspects.

Firstly, I often write about the latest political topics on my Facebook, such as the recent issues of the Fugitive Offenders Ordinance and conversion of the Central harbourfront into a military dock for the People's Liberation Army ("PLA"). In the last couple of years, there has been a tendency, that is, after I have written this kind of comments on the Internet, many netizens would respond as follows: "Ay! What can we do? There is no way we can stop it." Such a feeling of helplessness is obvious. What does this have to do with the 4 June incident? In my view, recapping the 4 June incident can exactly make everyone who feels there is no way to stop wrongdoing, or anyone who considers us unable to build up a force to resist the political regime, remember that opportunities may actually come out of the blue in history. Although we have no way to make preparations for it and now we think there is nothing we can do, next month there may be earth-shaking changes. Hence, we have got to know that there are times when history will suddenly change.

As regards the other two meanings in recapping the 4 June incident, I think it enables us to be better prepared. When an opportunity suddenly arises, we will know how to respond. I recall that in a recent documentary called "Umbrella Diaries", it was mentioned that on the night of 27 September 2014, former Member LEUNG Kwok-hung knelt before the masses, imploring them not to leave and asking them to stay outside the Central Government Offices to protect the students. At that time he told them a story, saying that they were in fact similar to the protesters in the 1989 pro-democracy movement. Back then, a group of students, limited in number, gathered in Tiananmen Square. Later, troops entered the city. Then ordinary citizens, workers and the people in Beijing all came out to counter-besiege the armed police and PLA. "Long Hair" said what we should do was to counter-besiege the Hong Kong Police. In my view, if we understand the 4 June incident, we will have an acute sense in our action.

Moreover, I hold that we should also be mentally prepared for any historical opportunity which may come out of the blue. As in the case of Hong Kong in 1989, I think that might be our golden opportunity of taking our political destiny into our own hands. Come to think about it. Such an incident of murders happened just a few years after the Sino-British Joint Declaration had been signed. Why did Hongkongers at that time still accept their return to a murderer political regime by the British Government? Regrettably, at that time Hongkongers were not mentally prepared to say that Hong Kong could not accept such a Sino-British Joint Declaration and such a Basic Law.

The future of Hong Kong should be written by Hongkongers themselves. We missed the opportunity in 1989. When another opportunity comes, we need to ask, are Hongkongers mentally prepared? When such an opportunity comes, what will we say for the future of Hong Kong? I so submit.

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

(No Member indicated a wish to speak)

**PRESIDENT** (in Cantonese): If not, I now call upon Mr WU Chi-wai to reply. Mr WU, you still have 2 minutes and 17 seconds to reply. Then, the debate will come to a close.

**MR WU CHI-WAI** (in Cantonese): President, today 22 Honourable colleagues have spoken on the motion on "Not forgetting the 4 June incident". I am certainly grateful to them. Among them, a small number of Honourable colleagues from the pro-establishment camp have spoken, too. I think this is also a long-standing problem we often encounter in debating the motion on "Not forgetting the 4 June incident", that is, the majority of Members of the pro-establishment camp will not state their views from the angle of historical truth. Neither are they willing to appreciate how communist China, a rising power concentrating on military ventures and having already become a powerful economy, can truly stand up as an upright nation earning the respect of the world.

Regarding the 4 June tragedy and incident of murders, if the Communist Party of China ("CPC") seriously faces and reflects on the mistakes it has made, thereby placing political reform in China onto the right track, it is actually an excellent opportunity. But CPC has never used it. CPC did not use this opportunity. Consequently, the acceptance of its governance can only rely on its economic achievement. When CPC is subjected to restrictions in economic development, it will step up maintaining stability, taking the control over the people and all gestures challenging the regime as something which will impact on the security of such a regime. In that case, being a big power so lacking in self-confidence, how can CPC deal with the existing complicated society? Given such a lack of self-confidence of CPC in its own regime, we can see that in Hong Kong which is under "one country, two systems", CPC has tried every means to guard against Hongkongers, suspecting whether Hongkongers are trustworthy. This is exactly the cause for the upcoming amendment to the Fugitive Offenders Ordinance and introduction of legislation for the national anthem and Article 23 of the Basic Law. All of these illustrate that if CPC does not conduct a review, it will affect the big *(The buzzer sounded)* 

**PRESIDENT** (in Cantonese): Mr WU, please stop speaking.

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

(Members raised their hands)

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

(Members raised their hands)

Ms Alice MAK rose to claim a division.

**PRESIDENT** (in Cantonese): Ms Alice MAK has claimed a division. The division bell will ring for five minutes.

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

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

Functional Constituencies:

Mr James TO, Mr LEUNG Yiu-chung, Prof Joseph LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr IP Kin-yuen, Mr SHIU Ka-chun, Dr Pierre CHAN and Mr KWONG Chun-yu voted for the motion.

Mr Abraham SHEK, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr Steven HO, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr HO Kai-ming, Mr Holden CHOW, Mr CHAN Chun-ying, Mr LUK Chung-hung and Mr LAU Kwok-fan voted against the motion.

Mr Tommy CHEUNG, Mr CHAN Kin-por, Mr Frankie YICK, Mr CHUNG Kwok-pan, Mr SHIU Ka-fai and Mr Tony TSE abstained.

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, Mr HUI Chi-fung, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin voted for the motion.

Mr CHAN Hak-kan, Mr WONG Kwok-kin, Mrs Regina IP, Mr CHAN Han-pan, Ms Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHEUNG Kwok-kwan and Mr‍ Vincent CHENG voted against the motion.

Mr Paul TSE, Dr Junius HO and Ms CHAN Hoi-yan abstained.

THE PRESIDENT announced that among the Members returned by functional constituencies, 32 were present, 9 were in favour of the motion, 16 against it and 6 abstained; while among the Members returned by geographical constituencies through direct elections, 29 were present, 14 were in favour of the motion, 12 against it and 3 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was negatived.

**SUSPENSION OF MEETING**

**PRESIDENT** (in Cantonese): I now suspend the meeting until 9:00 am tomorrow.

*Suspended accordingly at 7:08 pm.*

**Appendix I**

**WRITTEN ANSWER**

**Written answer by the Secretary for Transport and Housing to Ms YUNG Hoi-yan's supplementary question to Question 3**

Regarding "Park and Ride", attached for reference is the Secretary for Transport and Housing's reply to an oral question on the relevant subject raised by Mr‍ CHAN Han-pan at the Legislative Council meeting on 30 January 2019.

G:\ti_hansd\TYPIST\Rachel\TI08_e_頁面_2.tiff

G:\ti_hansd\TYPIST\Rachel\TI08_e_頁面_3.tiff

G:\ti_hansd\TYPIST\Rachel\TI08_e_頁面_4.tiff

G:\ti_hansd\TYPIST\Rachel\TI08_e_頁面_5.tiff

G:\ti_hansd\TYPIST\Rachel\TI08_e_頁面_6.tiff

G:\ti_hansd\TYPIST\Rachel\TI08_e_頁面_7.tiff

1. (1) (1)<https://www.map.gov.hk/gm/map/search/faci/\_\_VGS?lg=en> [↑](#footnote-ref-2)
2. (2) (2)As the processing of applications received during a year may not be completed within the same year, the application cases approved during the year may not correspond with the application cases received during the year. [↑](#footnote-ref-3)
3. The Secretary for Financial Services and the Treasury provided the above information after the meeting. [↑](#footnote-ref-4)
4. (1) (1)The first two Core Business Districts of Hong Kong are Central and Kowloon East. [↑](#footnote-ref-5)
5. ( (1)Starting from the declaration cycle in October 2017, households whose household income exceeds five times the PRH income limits ("PRHILs"), or total household net asset value exceeds 100 times PRHILs, or who have domestic property in Hong Kong, will be required to vacate their PRH units. [↑](#footnote-ref-6)
6. Translator's note: The liquor label make a pun out of the Chinese characters "銘記八酒六四" which carries the meaning of "Remember 8964". [↑](#footnote-ref-7)
7. <<http://u.osu.edu/mclc/2018/12/29/new-years-statement-by-wang-dan/>> [↑](#footnote-ref-8)