

立法會
Legislative Council

LC Paper No. CB(1)1987/02-03
(These minutes have been seen
by the Administration)

Ref: CB1/PL/ES/1

Panel on Economic Services

**Minutes of meeting held on
Monday, 26 May 2003, at 10:45 am
in the Chamber of the Legislative Council Building**

- Members present** : Hon James TIEN Pei-chun, GBS, JP (Chairman)
Dr Hon LUI Ming-wah, JP (Deputy Chairman)
Hon Kenneth TING Woo-shou, JP
Hon Eric LI Ka-cheung, JP
Hon Fred LI Wah-ming, JP
Hon Mrs Selina CHOW LIANG Shuk-yee, GBS, JP
Hon CHEUNG Man-kwong
Hon HUI Cheung-ching, JP
Hon CHAN Kam-lam, JP
Hon SIN Chung-kai
Dr Hon Philip WONG Yu-hong
Hon Jasper TSANG Yok-sing, GBS, JP
Hon Howard YOUNG, JP
Hon Miriam LAU Kin-yee, JP
Hon CHOY So-yuk
Hon Henry WU King-cheong, BBS, JP
Hon LEUNG Fu-wah, MH, JP
- Non-Panel Member attending** : Dr Hon David CHU Yu-lin, JP
- Members absent** : Dr Hon David LI Kwok-po, GBS, JP
Hon LAU Chin-shek, JP
Hon Abraham SHEK Lai-him, JP

**Public officers
attending**

: Agenda item IV

Economic Development and Labour Bureau

Ms Sandra LEE

Permanent Secretary for Economic Development and Labour (Economic Development)

Ms Miranda CHIU

Deputy Secretary for Economic Development and Labour (Economic Development)

Mr Anthony LI

Assistant Secretary for Economic Development and Labour (Economic Development)

Government Laboratory

Mr LEE Foo-wing

Senior Chemist

Customs and Excise Department

Mr CHEUNG Sai-yan

Principal Trade Controls Officer

Agenda Item V

Economic Development and Labour Bureau

Ms Sandra LEE

Permanent Secretary for Economic Development and Labour (Economic Development)

Mrs Winifred CHUNG

Assistant Commissioner for Tourism

**Attendance by
invitation**

: Agenda item V

Hong Kong Tourism Board

Ms Clara CHONG

Executive Director, Hong Kong Tourism Board

Mr Mason HUNG

Senior Manager, Hong Kong Tourism Board

NWS Service Management Limited

Mr Kevin SUN
Senior Project Manager

Mr Jimmy WONG
Design Architect

Dennis LAU and NG Chun Man Architects & Engineers
(HK) Ltd

Mr Jackson PANG
Associate

Clerk in attendance : Mr Andy LAU
Chief Assistant Secretary (1)2

Staff in attendance : Ms Debbie YAU
Senior Assistant Secretary (1)1

Miss Winnie CHENG
Legislative Assistant 5

Action

I Confirmation of minutes and matters arising

LC Paper No. CB(1)1726/02-03 - Minutes of meeting held on 28.4.2003

The minutes of the meeting on 28 April 2003 were confirmed.

II Information papers issued since last meeting

LC Paper No. CB(1)1563/02-03(01) and (02) - A letter from a member of the public to the Gas Authority of the Electrical and Mechanical Services Department on the gas incidents and the Administration's reply

LC Paper No. CB(1)1600/02-03(01) - Tables and graphs showing the import and retail prices of major oil products from April 2001 to March 2003 furnished by the Census and Statistics Department

Action

2. Members noted the information papers issued since last meeting.

III Items for discussion at the next meeting scheduled for 23 June 2003

LC Paper No. CB(1)1725/02-03(01) - List of outstanding items for discussion

LC Paper No. CB(1)1725/02-03(02) - List of follow-up actions

3. Members noted that the Administration had informed the Secretariat shortly before the meeting that they would like to raise the following items for discussion at the next Panel meeting scheduled for 23 June 2003:

- (a) Petrol filling stations sites - new tendering arrangements;
- (b) Consultancy study on helicopter services and heliport development; and
- (c) Proposed amendments to update the International Civil Aviation Organisation Technical Instructions for the Safe Transport of Dangerous Goods.

The Chairman remarked that as the Administration had proposed three items for discussion at short notice, the Panel might not be able to deliberate on other issues which they considered necessary at the next meeting. He requested the Administration to give as much advance notice as possible to members to improve the situation. The Permanent Secretary for Economic Development and Labour (Economic Development) (PSEDL(ED)) noted the Chairman's view and clarified that this was an isolated incident. The Administration would make every endeavor to inform the Panel, as with previous practice, one week prior to the relevant meeting in which members deliberated on the agenda items for the next meeting, of any discussion items proposed by the Administration.

4. Instead of submitting a list of items for discussion by the Panel on a monthly basis, Mr Fred LI suggested that the Administration should prepare a work plan for the Panel at the beginning of a legislative session incorporating the proposed timing for discussion of individual items during the session. He was also dissatisfied that the Administration had failed to brief the Panel on the findings and recommendations of the Technical study on increasing interconnection between the two power companies in accordance with its original timetable. The Chairman remarked that instead of awaiting the Administration's confirmation on whether they were ready to brief members on a particular item in the list of outstanding items for discussion, the Panel could decide on the priority of individual items for discussion on its own.

5. The Chairman said that in view of the consequences of the outbreak of Severe Acute Respiratory Syndrome on the economy, particularly the tourism sector, the Panel should invite the Secretary for Economic Development and Labour to brief members on various measures to revive the economy and promote tourism. Members also considered it necessary to review the provision of tourism facilities for local tours, development of eco-tourism, the Airport Authority's multi-million-dollar revitalisation package and other related issues.

Action

6. Regarding the review of the operation of the Loan Guarantee Scheme for Severe Acute Respiratory Syndrome Impacted Industries, the Chairman remarked that whilst the Scheme had been launched to provide immediate cash-flow relief to the restaurants, hotels, retail businesses, travel agents, tourist coach operators, etc which were closely related to tourism, the operation of the Scheme matter might fall outside the purview of the Panel. Mr SIN Chung-kai concurred with the Chairman's view.

(Post meeting note : An oral question on the Loan Guarantee Scheme for Severe Acute Respiratory Syndrome Impacted Industries was raised at the Council meeting held on 28 May 2003. A financial proposal on the modification of two features of the Loan Guarantee Scheme for Severe Acute Respiratory Syndrome Impacted Industries was subsequently put to the Finance Committee for consideration at its meeting held on 30 May 2003).

7. After deliberation, members agreed to hold a special meeting on 12 June 2003 to discuss various measures to revive the economy and promote tourism. Members also agreed to hold a joint meeting with the Panel on Environmental Affairs on 23 June 2003 at 9:45 am to continue discussion with the Administration on the policy issues relating to the development of wide-scale application of renewable energy. The regular Panel meeting in June would be held as scheduled and the items as suggested by the Administration in paragraph 3 would be included for discussion.

(Post-meeting note: The joint meeting with the Panel on Environmental Affairs was postponed to a later meeting due to the unavailability of the Secretary for Environment, Transport and Works.)

IV Toys and children's products : updating of safety standards

LC Paper No. CB(1)1725/02-03(03) - Information paper provided by the Administration

8. At the invitation of the Chairman, the Deputy Secretary for Economic Development and Labour (Economic Development) (DS/EDL(ED)) briefed members on the Government's proposal to update the safety standards in the Toys and Children's Products Safety Ordinance (TCPSO) (Cap. 424). She outlined the existing provisions of TCPSO governing the safety of toys and children's products, the enforcement of TCPSO by the Customs and Excise Department (C&ED) and recent developments of the commonly accepted international standards adopted by TCPSO for compliance by toys supplied in Hong Kong. These standards include International Voluntary Toy Safety Standard (IVTSS) established by the International Committee of Toy industries, European Standard EN71 established by the European Committee for Standardization and ASTM F963 established by the American Society for Testing and Materials. TCPSO provided that any toy manufactured, imported or supplied in Hong Kong was required to comply with one of the three sets of safety standards. Since 1998 when TCPSO was last updated, IVTSS had been superceded by country-specific toys standards while the International Organization for

Action

Standardization (ISO) had established ISO8124 as a safety standard for toys. Besides, a number of amendments had been made by respective standards institutes to the safety standards for toys and children's products. The Administration proposed to adopt the amendments and update the respective safety standards in the TCPSO. As safety standards for toys were set out in the principal Ordinance and amendments could only be made by means of an Amendment Bill, the preparation and enactment of which required time. To ensure the relevant safety standards made by the respective standards institutes could be made to apply to Hong Kong in a timely manner, the Administration also proposed to simplify the legislative process by way of general notices in the gazette.

9. The Chairman and Mr Henry WU were concerned about the response of the industry to the proposed amendments. DS/EDL(ED) said that the trade and the Consumer Council were in support of the proposal. The Consumer Council also urged for the early enactment of the revised safety standards to enhance safety. Regarding the concern expressed by the Hong Kong Toys Council about the definition of "applicable" under the TCPSO as set out in paragraph 5 of the paper, DS/EDL(ED) explained that the concern was more related to the drafting of the existing legislation. To better reflect the intent of the legislation that a toy was required to comply with one of the three sets of safety standards specified under the TCPSO which contained "applicable" requirements, the Hong Kong Toys Council proposed to define clearly the term "applicable". One of the intents of the present proposal was to address the concern raised by the Hong Kong Toys Council.

10. Mr Kenneth TING welcomed the Administration's proposal to revise the safety standards. He also saw the need to improve the drafting of the TCPSO so as to make clear the definition of "applicable" requirements. On the Administration's proposal to streamline the legislative process for updating the safety standards, he said that as the adopted safety standards followed international standards strictly, he supported the Administration's proposed approach.

11. The Chairman enquired whether locally produced toys would be subject to control. DS/EDL(ED) replied that all local sale of toys and children's products, be they locally produced or imported, would be subject to the safety standards set out in the TCPSO. C&ED inspected regularly retailers and importers of toys and children's products. C&ED would also follow up on cases referred by the Consumer Council.

12. Mr Henry WU was concerned about the transitional arrangements to facilitate the industry's compliance with the new standards. DS/EDL(ED) said that the Administration had been working with the industry on the details of the proposal. The industry was geared up and generally welcomed its early implementation.

13. As the international safety standards for toys and children's products would be updated regularly, Mr CHAN Kam-lam enquired about the notification mechanism to ensure local compliance. DS/EDL(ED) replied that the respective standards institutes would update all subscribers of the relevant safety standards, including the Product Standards Information Bureau of the Innovation and Technology

Action

Commission about the amendments made. Once being notified, C&ED would alert the Government Laboratory and brief the industry on related amendments to the safety standards.

14. Members noted that C&ED would issue prohibition notice to prohibit the continued supply of the products in the market if a toy or a children's product was assessed to be of moderate or high risk. In this regard, Mr HUI Cheung-ching enquired about the appeal mechanism available to the trade.

15. DS/EDL(ED) and the Principal Trade Controls Officer of C&ED (PTCO/C&ED) advised that an internal assessment panel comprising representatives from Department of Health, Government Laboratory, Electrical and Mechanical Services Department and C&ED had been formed to determine the risk levels of products. Any person who was aggrieved by the determination of the risk level of a toy or a children's product made under the TCPSO might appeal to the Appeal Board appointed under section 16 of the TCPSO.

16. Dr LUI Ming-wah and Mr HUI Cheung-ching were unconvinced of the need to conduct risk assessment for toys and children's products which had complied with the TCPSO. They considered that the rights of manufacturers, importers and suppliers of toys and children's products should be properly safeguarded so long as their products met with the international safety standards.

17. PTCO/C&ED and DS/EDL(ED) explained that to ensure compliance with the safety standards and labelling requirements under the TCPSO, C&ED would conduct spot checks and purchase samples of toys and children's products suspected to be unsafe to the Government Laboratory for testing. Risk assessment would only be conducted on toys and children's products which failed to comply with the safety requirements under the TCPSO. The purpose of the risk assessment was to help C&ED determine appropriate actions, such as prosecution or warning, according to the level of risk posed by the product.

18. Mrs Selina CHOW was concerned about the prolonged time taken for C&ED to complete its investigations on products which were suspected to be unsafe. This had unduly affected the operation of the trade as suppliers and retailers had to withhold their business plans, pending completion of the investigations. She urged the Administration to speed up the related work.

19. To ensure compliance with the safety standard, PTCO/C&ED advised that the manufacturers, importers or suppliers might arrange for a sample of a toy or a children's product for safety testing by any local laboratory recognized by the Government. The Administration would make every endeavour to speed up the related work.

20. To solicit the view of the industry players other than trade associations, Mrs Selina CHOW urged the Administration to expand the scope of the consultation. In response, DS/EDL(ED) said that the Administration had consulted 29 organizations, including major chambers of commerce, the Federation of Hong Kong Industries, the

Action

Hong Kong Toys Council, the Hong Kong Retail Management Association and organizations relating to consumers' and children's rights.

V Avenue of Stars

LC Paper No. CB(1)1725/02-03(04) - Information paper provided by the Administration

21. PSEDL(ED) briefed members on the development of a new tourism project in Tsim Sha Tsui - the Avenue of Stars. Initiated by the Hong Kong Tourism Board (HKTB), the project set a good example of public-private partnership in the form of commercial donation/sponsorship. The New World Development Company Limited (NWD) agreed to donate the project and be responsible for its design enhancement and construction (at a cost of \$40 million) to the satisfaction of the Government. As part of the package, the Leisure and Cultural Services Department (LCSD) would entrust the management, maintenance and operation of the Avenue of Stars to NWD at a nominal consideration of \$1 for 20 years. During the period, NWD would split any profits equally with the Government and cover the losses, if any. With the aid of Power-Point presentation, Mr Jackson PANG, Associate of Dennis LAU and NG Chun Man Architects & Engineers (HK) Ltd, then briefed members on the design features of the project.

22. The Chairman declared his interest as a member of the Board of Director of New World China Land, a subsidiary of NWD. The Chairman withdrew from discussion and invited the Deputy Chairman to take over the chair.

23. Mr Howard YOUNG expressed support for the project and considered that the Avenue of Stars was conducive to the development of both the tourism and entertainment industries. To enhance the attractiveness of the Avenue of Stars, Mr YOUNG proposed to designate an area along the Avenue of Stars for floor plaques with handprints of international movie-related celebrities. This would help attract more overseas visitors to come to Hong Kong to visit the place. He also reminded the Administration to take into consideration the need of the visitors in taking good photos along the Avenue of Stars when finalizing the layout plan.

24. The Executive Director, Hong Kong Tourism Board (ED/HKTB) took note of Mr YOUNG's suggestions. She said that the floor plaques to be placed along the promenade would honour movie industry workers who had contributed to the success of the Hong Kong film industry. The list of people to be included would be drawn up on the basis of the recommendation of the Hong Kong Film Awards Association (HKFAA) through voting by its member organizations. As such, international movie-related celebrities who had contributed to the success of the Hong Kong film industry and recommended by HKFAA could also be invited to leave their handprints in floor plaques along the promenade.

25. Mr Fred LI was concerned about the procedures involved in awarding the contract to NWD as it might have a bearing on the selection exercise for the second phase development of the Tsim Sha Tsui Promenade Beautification Project. He

Action

enquired whether the Government had invited other developers to consider taking forward the project. He also sought information on whether the present approach was modelled on the "Build-Operate-Transfer" approach for public works projects. Mr SIN Chung-kai asked whether the Management, Maintenance and Operation Agreement would include relevant provisions to enable the Administration to terminate the contract with NWD before the expiry date.

26. PSEDL(ED) advised that a management committee comprising representatives from the Administration and NWD would be formed to oversee the operation, maintenance and management of the Avenue of Stars. It would also scrutinize the annual management plans prepared by NWD. She also confirmed that clauses related to early termination and compensation would be provided for in the contract. NWD would be required to pay a guarantee sum of \$7 million and in case of default, the Government could claim compensation from NWD as appropriate during the 20-year contract period. The Administration would also review the level of the guarantee sum every five years.

27. On the selection of project proponent, ED/HKTB explained that the Board had, at the early planning stage, identified three potential sites. It was later concluded that Tsim Sha Tsui Promenade stretching from the southern end of Salisbury Garden to the New World Centre would be a suitable location for the development of the Avenue of Stars due to its convenient location, space availability and proximity to the harbour. The Board subsequently approached several corporations seeking their views to take forward the project by means of commercial donation/sponsorship. Among the proposals received, NWD had come up with the best proposal.

28. Mr CHAN Kam-lam opined that as the project would be carried out by means of commercial donation/sponsorship, the normal tendering procedure for other projects would not be applicable. Mr Howard YOUNG also considered the joint venture a worth pursuing project.

29. To enhance the attraction of the project, Mr CHAN Kam-lam suggested that a small-scale exhibit of photos and works of movie stars should be made available in the Avenue of Stars. He also sought clarification on whether NWD would be given the right too to operate the future dining facilities located to the east of the Avenue of Stars as shown in the Master Layout Plan.

30. On the suggestion to exhibiting movie-related photos and works at the Avenue of Stars, PSEDL(ED) said that as floor area along the Avenue of Stars was limited, the Administration would consider setting up such exhibits in Tsim Sha Tsui East. Regarding the future dining facilities, the Assistant Commissioner for Tourism (AC for Tourism) clarified that the facilities would be a coffee house with open air café facilities. As it was part of the Tsim Sha Tsui Promenade Beautification Project outside the Avenue of Stars, the operation of the coffee house would be awarded by means of open tender.

31. Mr Eric LI echoed the view of Mr Howard YOUNG that there was a need to

Action

provide a backdrop to take photos at the Avenue of Stars. He proposed that the coffee house could be made into a themed cyber café such that visitors to the Avenue of Stars might choose to take photos with those movie stars they liked with the aid of computer technology. Visitors could even download and email the photos taken to their friends on the spot. Mrs Selina CHOW opined that the operating right of the coffee house could be awarded to the party who was able to put up innovative ideas to attract more people to the Avenue of Stars. The Administration took note of members' views.

32. In reply to Mr Eric LI's enquiry about the adequacy of coach parking spaces in the area, AC for Tourism informed members that as advised by the Transport Department, there were insufficient space for designating parking spaces in the area. However, drop off facilities would be provided near the ends of the promenade.

VI Any other business

33. There being no other business, the meeting ended at 12:40 pm.

Council Business Division 1
Legislative Council Secretariat
20 June 2003