

立法會
Legislative Council

LC Paper No. CB(3) 539/13-14

**Paper for the House Committee meeting
of 11 April 2014**

**Questions scheduled for the
Legislative Council meeting of 16 April 2014**

Questions by:

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|------|-----------------------|-----------------|
| (1) | Hon Jeffrey LAM | (Written reply) |
| (2) | Hon Emily LAU | (Written reply) |
| (3) | Hon James TO | (Written reply) |
| (4) | Hon WONG Yuk-man | (Written reply) |
| (5) | Hon LEUNG Che-cheung | (Written reply) |
| (6) | Hon LEUNG Yiu-chung | (Written reply) |
| (7) | Hon Alan LEONG | (Written reply) |
| (8) | Hon Albert HO | (Written reply) |
| (9) | Hon James TIEN | (Written reply) |
| (10) | Hon KWOK Wai-keung | (Written reply) |
| (11) | Dr Hon Elizabeth QUAT | (Written reply) |
| (12) | Dr Hon Kenneth CHAN | (Written reply) |
| (13) | Hon LEUNG Yiu-chung | (Written reply) |
| (14) | Hon Frederick FUNG | (Written reply) |
| (15) | Dr Hon KWOK Ka-ki | (Written reply) |
| (16) | Hon Paul TSE | (Written reply) |
| (17) | Hon Charles Peter MOK | (Written reply) |
| (18) | Hon LEUNG Kwok-hung | (Written reply) |
| (19) | Hon WU Chi-wai | (Written reply) |
| (20) | Hon Kenneth LEUNG | (Written reply) |
| (21) | Hon James TO | (Written reply) |
| (22) | Hon Emily LAU | (Written reply) |

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NOTE :

議員將採用這種語言提出質詢

Member will ask the question in this language

Supplementary Labour Scheme

(1) Hon Jeffrey LAM (Written Reply)

Quite a number of employers have relayed to me that industries such as the construction, retail and catering, care services, etc., have all along been plagued with the problem of insufficient labour supply, resulting in an increase in their operating costs. They have also pointed out that the application procedures of the Supplementary Labour Scheme (“the Scheme”) under which employers may apply for labour importation are not only complicated but also very time-consuming. In this connection, will the Government inform this Council:

- (1) of the total number of cases of employers approved for importation of labour since the Scheme was implemented in 1996; the current number of workers employed to work in Hong Kong under the Scheme, and their median monthly wage;
- (2) of the industry from which the highest number of applications under the Scheme was received in the past three years, together with the relevant number of such applications and, among them, the number of approved cases;
- (3) of the time normally taken to complete the vetting-and-approval process of an application; whether the Labour Advisory Board (“LAB”) has capped the number of workers allowed to be imported by an individual enterprise; if it has, of the reasons for that; and
- (4) in addition to the endorsement by LAB in last month of the Government’s proposal to expedite the process of importing workers for public works projects, whether the Government has considered simplifying the vetting-and-approval process of the Scheme and lowering the application conditions; if it has, of the details; if not, the reasons for that?

Management of public records

(2) Hon Emily LAU (Written Reply)

A direct investigation report released by the Office of The Ombudsman (“The Ombudsman”) on the 20th of last month has pointed out that last year, the executive authorities approved the destruction of a total quantity of 1 398 linear metres (standard measurement units of the quantity of archival materials on the basis of shelf space occupied or the length of drawers in vertical files or the thickness of horizontally filed materials). The Education Bureau was the policy bureau/government department (“B/D”) which destroyed the largest quantity of records (766 linear metres), followed by the Labour and Welfare Bureau (133 linear metres). The Ombudsman also urged the executive authorities to introduce legislation to regulate the management of public records. In this connection, will the executive authorities inform this Council:

- (1) of the types of records destroyed by the Education Bureau and the Labour and Welfare Bureau last year, and the reasons for approving the destruction of such records; whether the two policy bureaux have reviewed if there have been records destroyed by mistake; if they have reviewed, of the findings;
- (2) last year, of the respective B/Ds which complied and did not comply with the Government’s current record management requirements on transferal of records to the Government Records Service, and the reasons for non-compliance by the B/Ds concerned; whether the various B/Ds have recorded the types of records destroyed; if they have, of the details; if not, the reasons for that; and
- (3) given that the Law Reform Commission (“LRC”) is studying the issue of introducing an archives law, whether it knows when LRC will conduct public consultation in this regard, and when LRC will complete the study and submit its report?

Impacts of railway construction works on nearby sites and buildings

(3) Hon James TO (Written Reply)

The initial and tunnel boring works of the project to construct the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“the XRL Project”) commenced in 2009. In connection with the impacts of such works on nearby sites and buildings, will the Government inform this Council if it knows:

- (1) the number of reports or complaints about the occurrence of land subsidence, or problems of settlement, water seepage or other damages of buildings, in the vicinity of the construction sites of the XRL Project received by the authorities since 2009; among the buildings concerned, of the respective numbers of public facilities, private properties and structures of other categories (set out in table form);
- (2) among the reports or complaints in (1), of the number of those cases in which the problems concerned have been proved to be related to the XRL Project, together with a breakdown by category of buildings (set out in table form); and
- (3) for each case in (2), of the party responsible for meeting the costs of repair works for solving the problems (including salaries for works supervisory staff); if such costs were paid out of public coffers, of the reasons for that; if they were paid in advance by the Government pending recovery from the MTR Corporation Limited subsequently, of the amounts so recovered (set out in table form)?

Public participation in the work of the Town Planning Board

(4) Hon WONG Yuk-man (Written Reply)

Earlier on, the Town Planning Board (“TPB”) completed consideration of an application for rezoning the southern portion of the former campus site of the Hong Kong Institute of Vocational Education (Lee Wai Lee) in Kowloon Tong to “Residential (Group B)”. During consideration of the application, TPB received over 20 000 submissions opposing the application. Moreover, TPB is currently processing an application for converting the office floors of Hung Hom Bay Centre to a hotel. It has been reported that the application is also opposed by quite a number of residents in that district. Regarding public participation in the work of TPB, will the Government inform this Council:

- (1) given that at present, members of the public may convey to TPB their views on the plans and amendments thereto as well as applications for planning permissions, only by means of written submissions and attending TPB’s meetings, but they may not participate directly in the vetting and approval of such applications, whether the Government has reviewed the adequacy of public participation in the existing vetting and approval mechanism; if it has not, when it will review the mechanism; and
- (2) given that all the unofficial members of TPB are to be appointed by the Chief Executive under section 2(1) of the Town Planning Ordinance (Cap. 131), of the criteria based on which the Chief Executive determines the candidates for unofficial members; whether it will consider appointing more members of the public to TPB?

Unauthorized columbaria

(5) Hon LEUNG Che-cheung (Written Reply)

It is learnt that in 1993, the Town Planning Board rejected the application by a developer for amending the planned use of a site at Sheung Tsuen in Pat Heung of Yuen Long for the construction of columbarium facilities, but the developer concerned thereafter has not demolished the three unauthorized columbaria built on the site which were near completion. Over the years, the villagers of Sheung Tsuen have been requesting the relevant government departments to take law enforcement actions. However, the Buildings Department replied that those unauthorized building works (“UBWs”) were not of the type accorded high priority for clearance and therefore it would not take any action. Such UBWs have been erected for over 20 years. Recently, some villagers have found that some people are carrying out large-scale construction works on the site concerned with the intention of resuming construction of the columbarium facilities. In its reply to District Council members of the district, the Lands Department said that carrying out earthmoving activities and surveying works on the site concerned did not breach the land lease conditions. In this connection, will the Government inform this Council:

- (1) of the existing policies and relevant measures for handling unauthorized columbaria; whether it has set a response time target from receipt of reports of such cases to conclusion of cases;
- (2) why it has yet to take law enforcement action against the aforesaid UBWs; whether it has assessed if the law enforcement work by the government departments concerned is ineffective;
- (3) of the information on other cases of unauthorized columbarium which are of the same situation as the aforesaid case, and the details of the law enforcement actions taken by the Government in respect of such cases in the past three years; and
- (4) given that the Government has in recent years proactively handled the problems of UBWs on private lands in rural areas, and that if the owners concerned fail to comply with the removal orders by the deadline, the Government would appoint contractors to carry out the necessary works on behalf of the owners and then recover the costs from them, why the aforesaid case has been allowed to be held up for over 20 years without any removal action taken; regarding the differences in the Government’s approaches and time needed for handling the aforesaid case and other cases of UBWs on private lands in rural areas, whether it has assessed if there have been inconsistencies in the law enforcement actions taken, thus giving rise to an unfair situation?

Industrial accidents in the construction industry

(6) Hon LEUNG Yiu-chung (Written Reply)

Some members of the construction industry have pointed out that the occurrence of three fatal industrial accidents at the construction sites under the same principal contractor over the past six months reflects that both the occupational safety measures taken by that contractor at its construction sites and the inspections of construction sites conducted by the Labour Department are inadequate. Regarding industrial accidents in the construction industry, will the Government inform this Council:

- (1) of the numbers of (i) construction site workers, (ii) safety officers at construction sites and (iii) construction sites, in the territory in each of the past five years;
- (2) of the respective numbers of surprise and notified inspections conducted at construction sites, and the respective numbers of suspension notices and improvement notices issued, by the Labour Department in each of the past five years;
- (3) of the respective numbers of injury and fatal cases of the industrial accidents in the construction industry in each of the past five years, broken down by name of the principal contractor concerned; the major causes of such industrial accidents; and
- (4) whether it has formulated new measures to reduce the occurrence of industrial accidents in the construction industry; if it has, of the details; if not, the reasons for that?

Handling of public rental housing units of tenants
sentenced to imprisonment

(7) Hon Alan LEONG (Written reply)

I have recently received a letter seeking my assistance from a public rental housing (“PRH”) tenant who is serving a sentence of more than 12 months’ imprisonment, expressing the worry that the Housing Department (“HD”) may recover his PRH unit during his imprisonment. Regarding HD’s handling of the PRH units of tenants sentenced to imprisonment, will the Government inform this Council:

- (1) whether the tenancy eligibility of PRH households will be affected by some of their members being sentenced to imprisonment;
- (2) whether payment of PRH rentals by singleton PRH tenants with financial difficulties may be waived during imprisonment; if so, of the public money involved in each of the past five years;
- (3) of the circumstances under which HD will recover the PRH units from tenants sentenced to imprisonment; of the number of PRH units recovered from such tenants in each of the past five years; and
- (4) of the circumstances under which HD will re-allocate PRH units to the discharged offenders, as well as their waiting time; whether HD will handle applications from the following categories of discharged offenders in a special manner: singleton elderly persons aged 65 or above, people with disabilities and recipients of Comprehensive Social Security Assistance; if it will, of the details; if not, the reasons for that?

Services for persons with mental illness/mood disorder

(8) Hon Albert HO (Written reply)

According to the 2013 Edition of the Census and Statistics Department's Women and Men in Hong Kong – Key Statistics, about 50 000 women suffered from mental illness/mood disorder, which outnumbered the 30 000 male sufferers. There are views that as women play more and more roles, they often have to face stresses arising from work and family at the same time. Besides, the press has reported from time to time in recent years on cases of persons with emotional problems killing themselves. Regarding the services for persons with mental illness/mood disorder (particularly for women), will the Government inform this Council whether:

- (1) it knows the attendances by persons with mental illness/mood disorder (e.g. depression, anxiety) at the psychiatric specialist out-patient clinics under the Hospital Authority in the past three years, together with a breakdown by gender;
- (2) it has adopted any measure to identify at an early stage persons with early symptoms of mental illness/mood disorder; if it has, of the details; if not, the reasons for that;
- (3) government departments or non-governmental organizations provide non-pharmacological treatments for persons with early-stage mental illness/mood disorder; if they do, of the details (including the names of the departments or organizations); if not, the reasons for that; whether the Government subsidizes such treatment services; if it does, of the details; if not, the reasons for that;
- (4) it knows the number of women with mental illness/mood disorder receiving non-pharmacological treatments in the past three years, together with a breakdown by District Council (“DC”) district and type of treatments; and
- (5) it has assessed if the various types of mental health and early intervention services provided for women in the various DC districts are adequate, and if such services are able to meet the needs of women in the respective districts?

Importation of construction workers

(9) Hon James TIEN (Written reply)

It has been reported that on 26th March this year, the Labour Advisory Board (“LAB”) endorsed the proposal of the Government to expedite the labour importation processes for public works projects (including railway projects). Under the proposal, the authorities will set up a dedicated task force to help examine the applications for importing labour of 26 designated trades prior to their submission to LAB for vetting and approval. It is expected that the average processing time will consequently be shortened from the current 7.5 months to six months. Regarding importation of construction workers, will the Government inform this Council:

- (1) of the respective numbers of imported construction workers and registered local construction workers (with a breakdown by age group) in each of the past five years;
- (2) of the respective current shortfalls in manpower in the aforesaid 26 trades and their respective median wages (set out by trade in tables);
- (3) whether it has assessed the extent to which the manpower shortage of the construction industry will be alleviated by expediting the labour importation processes for public works projects by LAB; if it has, of the details; if not, the reasons for that;
- (4) whether it has assessed the impacts of the shortage of construction workers due to the failure to timely import labour on the progress and costs of public works projects (including railway projects), and on aspects such as people’s livelihood, and the economy; if it has, of the details; if not, the reasons for that; and
- (5) whether it has considered making reference to the Special Labour Importation Scheme for the New Airport and Related Projects (“SLIS”) implemented by the authorities between 1990 and 1999 and introducing an SLIS for public housing and infrastructural projects, so as to ensure the completion of various related projects on schedule, with a view to addressing the housing needs of the grassroots as early as possible, and maintaining sustained economic and social development; if it has, of the details; if not, the reasons for that?

Recommendations of the Task Force on
Manpower Development of the Retail Industry

(10) Hon KWOK Wai-keung (Written reply)

Last year, the Financial Secretary (“FS”) announced the setting up of the Task Force on Manpower Development of the Retail Industry (“the Task Force”) to study the outlook of the retail industry and its manpower problem. After concluding its work, the Task Force submitted a report to the Government in December last year. In his 2014-2015 Budget, FS indicated that the Government had accepted the Task Force’s recommendations and would allocate \$130 million for their implementation. In this connection, will the Government inform this Council:

(1) given that the Task Force has recommended multi-pronged strategies (i.e. adopting good people management policies in the workplace; providing recruitment, employment and placement services more targeted at the retail industry; strengthening vocational education and training on retail and promoting retail work experience for students; raising the retail industry’s image; and managing manpower demand through enhancement in productivity) to tackle the manpower tightening problem in the retail industry, of the following details in relation to the specific measures put in place by the authorities for implementing the various strategies (set out in tables of the same format as the table below by strategy):

- (i) name of the measure;
- (ii) the government department(s) responsible for implementing the measure;
- (iii) service quota (if applicable);
- (iv) period of implementation (including the start and the end dates);
- (v) amount of government funding;
- (vi) anticipated results; and
- (vii) evaluation indicators; and

Strategy:

(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)

- (2) whether it will consider reinstating the Task Force in two years' time and review the effectiveness of the measures in (1) in alleviating the brain drain problem in the retail industry; if it will, of the details; if not, the reasons for that?

Parents boosting their children during the pre-primary education stage

(11) Dr Hon Elizabeth QUAT (Written reply)

It has been reported that some education experts in the United Kingdom have pointed out that children aged under six should not pursue any formal learning activities but should develop their social skills and learn to control their emotions through a lot of games, because too much emphasis on knowledge construction may not be conducive to their long-term development and may even hamper their healthy development. It has also been reported that Germany has, by way of legislation, prohibited pre-primary education so as to prevent children's brain from becoming computer hard disks, thus leaving more room for imagination and enabling natural growth for children's brain, as well as nurturing their imagination. Yet, some principals have relayed to me that the enrolment rate of Hong Kong kindergartens is as high as 103% because quite a number of parents, in their bid to boost their young children to "win at the starting line", arrange the children to attend not only various interest classes but also both morning and afternoon sessions at two kindergartens concurrently, hoping that the children will achieve excellent academic results and obtain more certificates and awards in extra-curricular activities, thereby increasing their chances of being admitted by their favourite primary schools in future. As a result, the daily schedules of children during their pre-primary education stage are so closely packed that they hardly have any breathing space. In this connection, will the Government inform this Council:

- (1) whether it will make reference to overseas practices and formulate guidelines to require that primary schools, when admitting Primary One students, must not take into consideration applicants' certificates or awards in extra-curricular learning activities and the number of such certificates or awards should not be taken as a selection criterion, so as to avoid parents boosting their children during the pre-primary education stage, which may adversely affect their study and growth; if it will, of the details and implementation timetable; if it will not, the reasons for that;
- (2) whether it has compiled statistics on the current number of children across the territory who are attending two kindergartens concurrently; if it has, of the number of such children, together with a breakdown in table form by the District Council ("DC") districts in which the children reside; if not, the reasons for that;
- (3) whether it has compiled statistics on the number of children attending pre-nursery classes in Hong Kong in the past five years; if it has, of the number of such children, together with a breakdown in table form by the DC districts in which the children reside; if not, the reasons for that;
- (4) whether it has compiled statistics on the monthly expenditure of Hong Kong families on children's studies (including school tuition fees and expenses on extra-curricular learning and other activities) in the past five

years; if it has, of the average amount of expenditure and its percentage in the average monthly family expenses, together with a breakdown by learning stage (including pre-school, kindergarten and primary stages); if not, the reasons for that; and

- (5) whether it has collaborated with academic institutions in conducting longitudinal study to compare the differences in learning abilities at various developmental stages in future between children who learn through memorizing a lot of information and those who learn purely through play before they are six years old; if it has, of the study results; if not, the reasons for that?

Management Scheme for the Display of
Roadside Non-commercial Publicity Materials

(12) Dr Hon Kenneth CHAN (Written reply)

The Lands Department (“LandsD”) has been implementing the “Management Scheme for the Display of Roadside Non-commercial Publicity Materials” (“the Management Scheme”) since 2003 to manage the display of non-commercial publicity materials on the roadside. Under the Management Scheme, LandsD allocates roadside designated spots to Members of this Council and members of District Councils (“DC members”) for them to display non-commercial publicity materials, including banners. LandsD conducts regular operations jointly with the Food and Environmental Hygiene Department to remove publicity materials the display of which is unauthorized or non-compliant with the implementation guidelines, and decides whether to institute prosecutions against the persons concerned or merely recover the removal expenses from them, having regard to the circumstances of each case and the relevant law. Regarding the law enforcement actions taken in respect of the display of roadside non-commercial publicity materials and the number of the display spots concerned, will the Government inform this Council:

- (1) of the number of cases in which the publicity materials displayed on the roadside by Members of this Council or DC members were removed by the authorities in each of the past three years, with a breakdown by the reason for removal; the number of such cases in which Members of this Council/DC members were fined, as well as the total amount of the fines imposed;
- (2) whether, according to the law enforcement procedures of LandsD, officers of LandsD are required, when they notice that the publicity materials displayed on the roadside by Members of this Council or DC members have violated the requirements of the Management Scheme or that the publicity materials concerned have been damaged, to issue warnings and notices respectively to the Members/members concerned before taking removal actions; if they are, of the details; if not, the justifications for that;
- (3) whether the authorities will consider reviewing the law enforcement procedures in respect of the display of roadside non-commercial publicity materials; if they will, of the details; if not, the reasons for that; and
- (4) whether the authorities will consider amending the existing legislation relating to the regulation of the display of roadside non-commercial publicity materials and making available more roadside spots for Members of this Council or DC members to display publicity materials for more effective dissemination of messages of public concern to

members of the public; if they will, of the details; if not, the reasons for that?

Air pollution problem of Hong Kong

(13) Hon LEUNG Yiu-chung (Written reply)

The Air Quality Health Index (“AQHI”) released by the Environmental Protection Department (“EPD”) reflects the short-term health risks caused by air pollution, e.g. admission of people with respiratory and cardiovascular illnesses to hospital due to exposure to air pollution. In the month of January this year, there were 21 days on which AQHI recorded 8 or above (i.e. the health risk having reached the “Very High” to “Serious” categories), revealing the seriousness of Hong Kong’s air pollution problem currently. Regarding the problem of air pollution, will the Government inform this Council:

- (1) whether it has formulated, with reference to the Guidelines on Site Safety Measures for Working in Hot Weather, guidelines on working outdoors when AQHI reaches 8 or above; if it has, of the details; if not, the reasons for that; and
- (2) given that EPD is conducting, in collaboration with the shipping industry and the relevant mainland authorities, a study to explore the feasibility of requiring ocean-going vessels to switch to cleaner fuels while berthing at the ports in the Greater Pearl River Delta (“PRD”) and setting up an Emission Control Area in PRD waters in the long run, of the progress of the study?

Persons seeking exemptions from Buyer's Stamp Duty
being requested to submit statutory declarations

(14) Hon Frederick FUNG (Written reply)

The Stamp Duty (Amendment) Ordinance 2014 (“the Ordinance”), enacted by this Council at the end of February this year, has introduced a Buyer’s Stamp Duty (“BSD”) under which all companies and non-Hong Kong permanent residents acquiring residential properties are required to pay a tax of an amount equivalent to 15% of the prices of the properties. The commencement date of the Ordinance has been set retrospectively at 27 October 2012. I have received enquiries and complaints from members of the public who had acquired residential properties after the commencement date, saying that the Inland Revenue Department (“IRD”) requested them, as they were recently notified by the lawyers handling the conveyancing transactions concerned, to submit before a specified deadline statutory declarations declaring that they are Hong Kong permanent residents (“HKPRs”), or else they have to pay BSD. Those members of the public have pointed out that as they had already provided identity documents to their lawyers for verification when acquiring the properties in question, it is a superfluous act of the authorities to request them to submit the aforesaid statutory declarations. Also, the lawyers concerned charged them a fee of \$500 or more for handling such declarations. In this connection, will the Government inform this Council:

- (1) of the reasons and justifications for IRD to request HKPRs acquiring residential properties to provide the aforesaid statutory declarations before they may be exempted from BSD; whether it has reviewed if such a practice will cause nuisance and unnecessary expenses to the persons concerned; and
- (2) whether it will consider abolishing the aforesaid practice and entrusting the lawyers responsible for handling the conveyancing transactions concerned to verify the HKPR status of the property buyers; if it will not, of the reasons for that?

Taxi services on Lantau Island

(15) Dr Hon KWOK Ka-ki (Written reply)

Since the authorities invited tenders for 10 Lantau taxi licences in 1997, the number of Lantau taxi licences has remained at 50 over the years. However, Tung Chung New Town of Lantau Island has continued to develop rapidly during the same period, and its current population is approaching 100 000. I have received from time to time complaints from Tung Chung residents that there are not enough taxis on Lantau Island and, as a result, it is often hard for them to find a Lantau taxi to take. Therefore, they hope that the authorities will issue more Lantau taxi licences. In this connection, will the Government inform this Council:

- (1) of the reasons why it has not issued additional Lantau taxi licences since 1997;
- (2) of the number of complaints received from members of the public by the authorities in the past five years about the inadequate taxi services on Lantau Island, and how the authorities responded to such complaints;
- (3) given that the Secretary for Transport and Housing indicated at the Council meeting of 13 November 2013 that the Government would consider several established criteria in deciding whether new taxi licences should be issued, i.e. (i) the public demand for taxi services, (ii) the operation of the taxi industry and (iii) the possible impacts on traffic if there were additional taxis, of the specific indicators for such criteria; and
- (4) given that the population of Lantau Island is anticipated to reach 267 000 upon the implementation of its development plan, whether the Government will issue additional Lantau taxi licences correspondingly; if it will, of the specific timetable and details; if not, the reasons for that?

Provision of hillside escalator links or lift towers

(16) Hon Paul TSE (Written reply)

Will the Government inform this Council:

- (1) of the construction cost as well as annual repair and maintenance costs of the existing “Central-Mid-Levels Escalator and Walkway System” (“Central-Mid-Levels Escalator”); the considerations of the Government when deciding to construct this escalator link (such as the population projections and planned land use of the district);
- (2) as some members of the local community have suggested that, apart from constructing pedestrian links at Tsz Wan Shan and Chuk Yuen, the Government should construct escalator links similar to the Central-Mid-Levels Escalator at the hillside areas (including Anderson Road, etc.) in Wong Tai Sin and Kwun Tong Districts where housing estates/courts have been or will be built, whether the Government is currently conducting studies on the feasibility of such a suggestion; if it is not, whether it will do so immediately; if it is, whether it has taken into account the considerations in (1) when conducting the studies; if it has, of the findings; if not, the reasons for that;
- (3) regarding the approach of constructing escalator links similar to the Central-Mid-Levels Escalator as mentioned in (2), and the approach of constructing general pedestrian linkages by adding lift towers at suitable places only when it is necessary to retrofit barrier-free access facilities, whether the Government has made a comparison of these two approaches in terms of construction and operating costs, as well as benefits to the community; if it has, of the results of such a comparison; if not, the reasons for that and whether it will immediately do so; and
- (4) of the average daily operating hours of the air-conditioning (“A/C”) systems of the lift towers in the territory which are of the type mentioned in (3) and, among them, the number of lift tower A/C systems which operate around the clock; the average monthly electricity expenditure as well as the average annual repair and maintenance costs for each of this type of lift towers?

Quality of train services and fare concessions

(17) Hon Charles Peter MOK (Written reply)

According to the Service Performance Arrangement (“the Arrangement”) implemented since June last year, the MTR Corporation Limited (“MTRCL”) has to pay a fine for each train service disruption lasting 31 minutes or longer, in an amount specified for that length of disruption, and the fines will be transferred to a fare concession account for provision of fare concessions to passengers. In addition, MTRCL will credit part of its profits to that account. Regarding the quality of train services and fare concessions, will the Government inform this Council if it knows:

- (1) the (i) date, (ii) cause, (iii) course of the incident, (iv) length of service disruption, and (v) amount of fines imposed (set out in table form) for each service disruption resulting in MTRCL being fined, since the implementation of the Arrangement; the percentage of the total fines imposed in the profits of MTRCL recorded in the year concerned;
- (2) the number of service disruptions lasting 31 minutes or longer which were caused by factors beyond MTRCL’s control since the implementation of the Arrangement, and set out in a table the (i) date, (ii) cause, (iii) course of the incident, and (iv) length of service disruption for each service disruption;
- (3) the accumulated amount of money transferred to the fare concession account since its establishment; the percentage of that amount of money in the profits of MTRCL recorded in the same period; the current balance of the account;
- (4) the fare concession schemes to be launched by MTRCL this year, and the (i) details, (ii) expected number of beneficiaries, (iii) total value of concessions, and (iv) percentage of the total value of concessions in the balance of the fare concession account in respect of each scheme; and
- (5) the amount of investment to be made by MTRCL on service quality improvement next year (including train safety, contingency measures to deal with emergencies and relevant training, etc.), and set out the estimated expenditures for the improvement projects and their respective percentages in the annual total expenditure of MTRCL?

Enhancing Self-Reliance Through District Partnership Programme

(18) Hon LEUNG Kwok-hung (Written reply)

The Home Affairs Department (“HAD”) has established the “Enhancing Self-Reliance Through District Partnership Programme” (“the ESR Programme”) since 2006 to provide seed grants for eligible non-profit-making organizations to set up social enterprises, so as to promote sustainable poverty alleviation efforts at the district level. Last month, a host of a local web radio programme uncovered that the community services foundation of the Kowloon Federation of Associations (“the Federation”) had set up under the aforesaid Programme the Better Community of Loving Care Supermarket (“the Supermarket”) in Sham Shui Po, and given out cash coupons of the Supermarket at the offices of designated District Council (“DC”) members and premises of residents’ associations, in order to attract residents to join the Federation. Residents applying for membership of the Federation are required to provide a lot of personal data, and may only order goods from the Supermarket through the relevant DC members’ offices or local organizations. In addition, some members of the public have pointed out that the food served in the “MOS Cafe”, which was set up by the Ma On Shan Promotion of Livelihood and Recreation Association under the aforesaid Programme, is expensive and its quality is far from satisfactory. In this connection, will the Government inform this Council:

- (1) of the total number of applications received under the ESR Programme in the past five years, and the details of such applications, including (i) the date of application, (ii) the name of the applicant organization, (iii) the trade to which the project belongs, and (iv) the cumulative total amount of grants applied for (set out in table form);
- (2) of the total number of applications approved under the ESR Programme in the past five years, and the details of such applications, including (i) the date of approval, (ii) the name of the applicant organization, (iii) the trade to which the project belongs, and (iv) the cumulative total amount of grants approved (set out in table form);
- (3) of the amount of grants provided annually under the ESR Programme for the aforesaid Supermarket project; whether it has investigated if the Federation has used its own funds to purchase cash coupons of the Supermarket given out to residents; if the investigation result is in the negative, of the respective numbers of Supermarket cash coupons that the Federation intends to give or has given out and the amount of money involved, and whether such a practice has violated the terms of the ESR Programme agreement; if the investigation result is in the affirmative, whether the authorities will review why grants have been provided for the Federation under the ESR Programme given that the Federation has the financial means to purchase a large quantity of cash coupons from the Supermarket; whether it will require the Federation to give out the

Supermarket cash coupons to residents at other premises in the district and through more channels; if it has not carried out such an investigation, whether it has assessed if the authorities have been negligent in monitoring the operation of the project;

- (4) whether it has investigated if the Federation has made use of the Supermarket to promote the Federation and the DC members concerned as well as to collect personal data of residents, in requiring the residents to register their personal data through designated DC members' offices and residents' associations to become members of the Federation before they can order goods from the Supermarket, and whether such a practice has violated the terms of the ESR Programme agreement; if it has not carried out such an investigation, whether it has assessed if the authorities have failed to monitor the Programme properly;
- (5) whether it has assessed if the aforesaid practice of collecting personal data (i) is an excessive collection of personal data and (ii) has violated the requirements under the Personal Data (Privacy) Ordinance (Cap. 486); whether the authorities have consulted the Privacy Commissioner for Personal Data on the aforesaid incident; if they have, of the views of the Commissioner;
- (6) of the annual amounts of grants provided under the ESR Programme for the MOS Cafe project;
- (7) whether it has assessed if MOS Cafe's lunch and dinner prices are reasonable and in line with the consumption patterns of residents of the district, as well as whether its catering services are up to the standards required by the residents; if it has assessed, of the assessment result for the past six months and the criteria for the assessment; if not, the reasons for that;
- (8) whether the funded organizations concerned have to shoulder any responsibility in the event that the projects under the ESR Programme are terminated within the funding period or shortly after the end of such a period; if so, of the responsibilities involved; if not, how the authorities can ensure the proper use of public funds; and
- (9) whether HAD has taken into account the political background of the applicant organizations in approving applications under the ESR Programme; if it has, of the details; whether it has received any complaint from applicant organizations about their applications being rejected due to their political background; if so, of the details?

The new “Universal Accessibility” policy

(19) Hon WU Chi-wai (Written reply)

The Government has been retrofitting barrier-free access facilities to public walkways (e.g. installing ramps at footbridges that only have staircases) (the “original programme”) for years. In August 2012, it introduced a new policy on “universal accessibility” (the “new policy”), under which the authorities would carry out works to install lifts at public walkways (the “expanded programme”), in addition to those works items under the “original programme”. In its paper submitted to the Panel on Transport of this Council in November last year, the Transport and Housing Bureau indicated that the construction works of quite a number of items in the original programme “will commence as soon as possible upon completion of design and after obtaining support from the locals”. In this connection, will the Government inform this Council:

- (1) as I have learned that the commencement date of the works item to retrofit lifts to the footbridge over Ngau Tau Kok Road and Chun Wah Road near Chun Wah Court has been postponed from last year to 2015, of the reasons, other than the delay in the relocation of the Fu Tak Temple, for the commencement of the works of this item be postponed;
- (2) apart from the works item mentioned in (1), of the number of works items under the original programme the commencement of which have to be postponed due to technical or other reasons, and a list of the (i) names, (ii) locations, (iii) reasons for postponement, and (iv) updated commencement dates of such items;
- (3) of the number of works items under the expanded programme the commencement dates of which can be finalized because the design for them has been completed and support from the locals has been obtained, together with a list of the (i) names, (ii) locations, and (iii) expected commencement dates of such items;
- (4) given that early last year, each District Council selected three public walkways for priority implementation under the expanded programme, of the progress of these items; among them, the number of those in respect of which technical feasibility studies, investigation works and consultation with District Councils have been completed; and the commencement dates of such items;
- (5) of the manpower deployed and expenditure incurred by the Highways Department (“HyD”) last year to implement the two aforesaid programmes; whether HyD will allocate more resources in order to ensure that these items can commence and complete on schedule; if it will, of the details;

- (6) regarding the footbridges that do not have lifts and are not included in the two aforesaid programmes, when the authorities will retrofit lifts at them; whether they will consider afresh including certain socially-benefitting items into the programmes concerned; and
- (7) given that last year the Government also received 2 750 proposed works items that fell outside the ambit of the new policy, and referred these proposals to the relevant government departments or organizations for follow-up actions, whether it knows the progress of such works items at present; whether any of them has been put under the ambit of the new policy, and set out the updated situation of all these proposed works items by the 18 District Council districts?

The proposed new open-ended fund company structure

(20) Hon Kenneth LEUNG (Written reply)

The Financial Services and the Treasury Bureau (“FSTB”) issued the Open-Ended Fund Companies Consultation Paper on 20 March 2014, which proposed to introduce a new open-ended fund company (“OFC”) structure to complement the existing unit trust structure. In this connection, will the Government inform this Council:

- (1) whether the proposed OFC structure is comparable with or more competitive than that of the major asset management jurisdictions with similar collective investment scheme structures e.g. Luxembourg and Ireland, given that Hong Kong has lagged behind those countries in introducing the OFC structure;
- (2) why FSTB proposes that OFC be allowed to invest its assets only in securities and futures contracts; whether, as proposed by FSTB, OFC will be allowed to invest in bonds, debts and distressed debts in general;
- (3) of the policy considerations of FSTB for not proposing, apart from the profits tax exemption applicable to public funds and offshore funds, additional tax incentive for application to OFC, in particular, why (i) the central management and control of an OFC has to be located outside Hong Kong in order to be qualified for the profits tax exemption for offshore funds and (ii) no ad valorem stamp duty exemption on transfers of shares in OFCs has been proposed; and
- (4) as there are views that stamp duty on transfers of shares in OFCs can be avoided if such transfers are effected by simultaneous issuance and redemption of shares, whether it has assessed if there will be substantive loss in stamp duty revenue in this regard; if it has, of the assessment results?

Requiring buyers of Tenants Purchase Scheme flats
to make back payments for Buyer's Stamp Duty

(21) Hon James TO (Written reply)

According to the Stamp Duty (Amendment) Ordinance 2014 (“the Ordinance”) enacted by this Council in February this year, all non-permanent residents of Hong Kong acquiring residential properties on or after 27 October 2012 are required to pay the Buyer's Stamp Duty (“BSD”). It has been reported that some tenants of public rental housing (“PRH”) earlier purchased under the Tenants Purchase Scheme (“TPS”) the PRH flats in which they lived but they have fallen into financial difficulties as they have been notified, after the enactment of the Ordinance, that they are required to make back payments for BSD because their flats were acquired in the names of their household members who are not Hong Kong permanent residents (“HKPRs”). In this connection, will the Government inform this Council:

- (1) during the period from 27 October 2012 to the day before the Ordinance was gazetted on 28 February this year, of (i) the number of agreements for sale or conveyances on sale for TPS flats processed by the Housing Department; and (ii) the number of such cases in which back payments for BSD are required because the buyers are not HKPRs, and the average amount of such tax involved in each case;
- (2) whether the staff of the Housing Department, when processing TPS cases in (1), had reminded non-HKPR buyers that they would be subject to back payments for BSD after the enactment of the Ordinance; if they had, of the details, including whether such reminders were given orally or in writing; if not, the reasons for that;
- (3) whether the Housing Department will take measures to alleviate the burdens of those buyers of TPS flats who are subject to back payments for BSD, such as (i) allowing their close relatives who are HKPRs to become the joint owners of their flats, so that they can be granted exemptions from BSD, or (ii) allowing such buyers to make the back payments for BSD by interest-free instalments; and
- (4) given that TPS flats are subject to a 5-year resale restriction period from the first assignment, and the objectives of the authorities introducing BSD were to accord priority to meeting HKPRs' needs for home purchase and cool down the overheated property market, whether the authorities have examined if it is justifiable to include non-HKPR buyers of TPS flats in the ambit of the Ordinance; if they have, of the results; if not; whether they will do so?

Transparency of District Councils

(22) Hon Emily LAU (Written reply)

In January this year, the Basic Law Promotion Steering Committee invited all the District Councils (“DCs”) to organize in their districts Basic Law promotional activities in relation to constitutional developments, and such activities have to be completed by early May this year. In this respect, the Home Affairs Bureau has made an allocation up to \$250,000 to each DC for organizing such activities. It has been reported that some committees/working groups of the DCs have vetted and approved the funding applications for the aforesaid project and other projects merely by conducting closed meetings or by circulation of papers, and that 14 of the 18 DCs have not uploaded all their meeting minutes and papers circulated in 2013 onto their DC web sites, making it difficult for the public to monitor the operations of these DCs. In this connection, will the Executive Authorities inform this Council whether it knows:

- (1) the ways by which each DC vetted and approved the funding applications for the aforesaid Basic Law promotional activities, as well as the organizers/co-organizers, estimated expenditure and other details of such activities (set out according to the table below);

DC	Ways of vetting and approving funding applications (open meetings/ closed meetings/ circulation of papers)	Name(s) of organizer(s)/ co-organizer(s) of the activities	Estimated expenditure of the activities	Other details of the activities

- (2) the reasons why some DCs have not uploaded all the papers for DC meetings onto their web sites, and the measures taken to increase the percentage of documents of DCs uploaded onto the relevant web sites; and
- (3) the committees/working groups of the DCs which vet and approve funding applications at closed meetings, and the reasons why such committees/working groups have not made public their meeting minutes and papers; whether it will urge the DCs concerned to increase the transparency of their work, including requesting them to open up the relevant meetings to enable the public and the media to monitor them?